



The State Bar of California

Committee of Bar Examiners Teleconference

Open Session Minutes
Friday, January 26, 2024
9:01 a.m. – 3:55 p.m.

Time Meeting Commenced: The Committee of Bar Examiners meeting commenced in open session at 9:04 a.m. The Committee moved to closed session at 1:54 p.m. The Committee returned to open session at 3:18 p.m. The meeting adjourned at 3:27 p.m.

Time Meeting Adjourned: 3:27 p.m.

Chair: Michael Cao, M.D

Committee Coordinator: Devan McFarland

Members Present: Robert S. Brody [joined late], James A. Bolton, Ph.D., Michael Cao, M.D, Alex H. Chan, James Efting, Kareem Gongora [joined late], Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr. [joined late], Esther P. Lin [joined late], Justice Shama H. Mesiwala, Bethany J. Peak [joined late], Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson

Members Absent: None

State Bar Executive Staff Present: Donna Hershkowitz

OPEN SESSION

Call to Order

The Committee of Bar Examiners was called to order by Chair Cao.

I. Chair's Time

A. Roll Call

Roll call was taken and a quorum was established.

Call for Public Comment

Chair Cao called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. The following comments were provided to the Committee:

1. Benjamin Kohn:

Benjamin Kohn advised the Committee of Bar Examiners that since the Board of Trustees' approval of the testing accommodations rules revision, they made several inquiries to the Supreme Court of California to identify the proper way to be heard by the Court on this matter. Benjamin Kohn shared their plans to file a responsive brief on behalf of an individual requesting reforms to the testing accommodations rules revisions and the State Bar should be aware of this plan and prepare accordingly.

2. Reverend Frank [impersonating Leah Wilson]:

Reverend Frank expressed their belief that the State Bar of California is corrupt and shared their plan to enlist Governor Gavin Newsom and Attorney General Rob Bonta to start an investigation into the State Bar.

3. David Lindner:

David Lindner expressed their belief that some members of the Committee of Bar Examiners have excessively exercised their authority and the public and the committee should work in unison as an adjudicative body to maintain the institution's integrity.

B. Approval of December 1, 2023, Committee of Bar Examiners Public Meeting Minutes

MOVED, that the Committee of Bar Examiners approves and adopts the December 1, 2023, Committee of Bar Examiners revised public meeting minutes.

Moved by Justice Sham H. Mesiwala, seconded by Robert S. Brody

Ayes – (13) James A. Bolton, Ph.D, Robert S. Brody, Michael Cao, M.D, Alex H. Chan, James Efting, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Sham H. Mesiwala, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (3) Kareem Gongora, Esther Lin, Bethany Peak

Minutes adopted.

C. Approval of December 14, 2023, Committee of Bar Examiners Public Meeting Minutes

MOVED, that the Committee of Bar Examiners approves and adopts the December 14, 2023, Committee of Bar Examiners revised public meeting minutes.

Moved by Justice Sham H. Mesiwala, seconded by Robert S. Brody

Ayes – (13) James A. Bolton, Ph.D, Robert S. Brody, Michael Cao, M.D, Alex H. Chan, James Efting, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Sham H. Mesiwala, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson

Noes – (0)

Abstain – (0)

Recuse- (0)
Absent – (3) Kareem Gongora, Esther Lin, Bethany Peak

Minutes adopted.

D. Chair's Report

Discussion only.

II. Consent Agenda

A. Report on Administrative Updates Regarding Law Schools

B. Approval of Technical Report on the October 2023 First-Year Law Students' Exam (FYLSX)

C. Approval of Report to the Supreme Court on the July 2023 California Bar Exam (CBX)

Consent calendar moved by Justice Sham H. Mesiwala, seconded by Robert S. Brody

Ayes – (13) James A. Bolton, Ph.D, Robert S. Brody, Michael Cao, M.D, Alex H. Chan, James Efting, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Sham H. Mesiwala, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (3) Kareem Gongora, Esther Lin, Bethany Peak

Motion passes.

III. Operations and Management

A. Action on Revisions to the Practical Training of Law Students Rules: Recommendation to Circulate Revised Rules for Public Comment

MOVED, that the Committee of Bar Examiners recommends to the Board of Trustees to circulate the proposed rule revisions set forth in Attachments B and C for a 60-day public comment period.

FURTHER MOVE, that the Committee of Bar Examiners authorizes staff to make nonsubstantive, grammatical changes to the proposed rule revisions set forth in Attachments B and C, if necessary, before the Board of Trustees reviews the proposed rule revisions.

Moved by Justice Sham H. Mesiwala, seconded by Robert S. Brody

Ayes – (14) James A. Bolton, Ph.D, Robert S. Brody, Michael Cao, M.D, Alex H. Chan, James Efting, Kareem Gongora, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Sham H. Mesiwala, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson

Noes – (0)
Abstain – (0)
Recuse- (0)
Absent – (2) Esther Lin, Bethany Peak

Motion passes.

IV. Educational Standards

A. Action on Profile of California Law Schools

MOVED, that the Committee of Bar Examiners receive and file the Law School Profile Report.

Moved by Justice Sham H. Mesiwala, seconded by Alan Yochelson

Ayes – (14) James A. Bolton, Ph.D, Robert S. Brody, Michael Cao, M.D, Alex H. Chan, James Efting, Kareem Gongora, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Sham H. Mesiwala, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson

*Noes – (0)
Abstain – (0)
Recuse- (0)
Absent – (2) Esther Lin, Bethany Peak*

Motion passes.

B. Action on Major Change – Voluntary Termination of Registration – Irvine College of Law

MOVED, that the Committee of Bar Examiners receive and file Irvine College of Law’s letter of Notice of Voluntary Termination of Registration and terminate the law school’s registration and degree-granting authority effective July 31, 2024.

FURTHER MOVED, that the committee directs the law school to file a Major Change of Administrative Headquarters and identify a custodian of records by its self-identified deadline of February 15, 2024, so that it may be considered at the committee’s March 2024 meeting.

FURTHER MOVED, that the law school provide a list of the current students who remain enrolled at the law school as soon as possible, no later than its self-identified deadline of February 15, 2024.

Moved by Alan Yochelson, seconded by Vincent Reyes

Ayes – (14) James A. Bolton, Ph.D, Robert S. Brody, Michael Cao, M.D, Alex H. Chan, James Efting, Kareem Gongora, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Sham H. Mesiwala, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson

*Noes – (0)
Abstain – (0)
Recuse- (0)*

Absent – (2) Esther Lin, Bethany Peak

Motion passes.

V. Moral Character

A. Action on Revisions to the Moral Character Rules: Recommendation to Circulate Revised Rules for Public Comment

MOVED, that the Committee of Bar Examiners recommends to the Board of Trustees to circulate the proposed rule revisions set forth in Attachment B for a 60-day public comment period.

FURTHER MOVE, that the Committee of Bar Examiners authorizes staff to make nonsubstantive, grammatical changes to the proposed rule revisions set forth in Attachment B, if necessary, before the Board of Trustees reviews the proposed rule revisions.

Moved by James Efting, seconded by Robert S. Brody

Ayes – (13) James A. Bolton, Ph.D, Robert S. Brody, Michael Cao, M.D, Alex H. Chan, James Efting, Kareem Gongora, Larry Kaplan, Alexander C. Lawrence, Jr., Justice Sham H. Mesiwala, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson

Noes – (1) Paul A. Kramer

Abstain – (0)

Recuse- (0)

Absent – (2) Esther Lin, Bethany Peak

Motion passes.

VI. Report from Director

A. Oral Report

Tara Clark, Audrey Ching, Donna Hershkowitz, Cody Hounanian, Amy Nuñez provided an oral report.

CLOSED SESSION

I. Chair's Time

A. Report from Counsel (Jean Krasilnikoff)

Report from Counsel (Jean Krasilnikoff)

Report on Pending Litigation [Closed pursuant to Gov. Code § 11126(e)(1)]

Brewer v. State Bar, et al., E.D. Cal., Case No. 2:23-cv-00860

Diviacchi v. State Bar, Ninth Circuit Ct. of Appeals, Case No. 23-16170

Flinders v. State Bar et al., Sixth Appellate District Ct. of Appeal, Case No.H050562; Ninth Circuit Ct. of Appeals, Case No. 22-17014

Hill v. Peoples College of Law et al., C.D. Cal., Case No. 2:23CV1298
Kohn v. State Bar et al., Ninth Circuit Ct. of Appeals, Case No. 20-17316
Pell v. Amy Nuñez, Ninth Circuit Ct. of Appeals, Case No. 23-55188

*Closed pursuant to Gov. Code §11126(e)(1) and Government Code 11126(c)(1)

B. Approval of December 1, 2023, Committee of Bar Examiners Closed Meeting Minutes

*Closed pursuant to Bus. & Prof. Code §6026.7(c)(3)-(5) and Gov. Code §11126(c)(1)

II. Consent Agenda

A. Report on Security Incidents from the July 2023 California Bar Examination

*Closed pursuant to Bus. & Prof. Code §6026.7(c)(3), and Gov. Code §11126(c)(1)

B. Report on Security Incidents from the October 2023 First-Year Law Students' Examination

*Closed pursuant to Bus. & Prof. Code §6026.7(c)(3), and Gov. Code §11126(c)(1)

C. Report and Discussion of Staff Moral Character Determinations

*Closed pursuant to Bus. & Prof. Code §6026.7(c)(4)

D. Report on State Bar Court Decisions

*Closed pursuant to Bus. & Prof. Code §6026.7(c)(4)

E. Report on Status of Pending Moral Character State Bar Court Cases

*Closed pursuant to Bus. & Prof. Code §6026.7(c)(4)

III. Examinations

A. Action on Pending Testing Accommodation Requests for Review

*Closed pursuant to Bus. & Prof. Code §6026.7(c)(3), and Gov. Code §11126(c)(1)

VI. Moral Character

A. Action on Moral Character Cases Pending Administrative Review

* Closed pursuant to Bus. & Prof. Code §6026.7(c)(4)

ADJOURN