



# The State Bar of California

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## Committee of Bar Examiners Teleconference

Open Session Minutes  
Friday, March 15, 2024  
9:00 a.m. – 2:58 p.m.

**Time Meeting Commenced:**

The Committee of Bar Examiners meeting commenced in open session at 9:00 a.m. The Committee moved to closed session at 2:07 p.m. The Committee returned to open session at 2:56 p.m. The meeting adjourned at 2:58 p.m.

**Time Meeting Adjourned:**

2:58 p.m.

**Chair:**

Michael Cao, M.D

**Committee Coordinator:**

Devan McFarland

**Members Present:**

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

**Members Absent:**

James Efting, Esther Lin

**State Bar Executive Staff Present:**

Bridget Gramme, Leah Wilson

## 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 expressed their concerns about Dr. Benjamin Lovett's presentation and findings on testing accommodations. Benjamin Kohn suggested that the State Bar invite Dr. Peter Maduro, a psychologist, and inactive licensed attorney, to present their findings to the Committee of Bar Examiners. Secondly, Benjamin Kohn complimented the cost reduction initiative proposals, specifically the proposal to change vendors for the MBE and allow in-person or remote testing based on an applicant's preferences and testing accommodations.

2. Todd Hill

Todd Hill commented on the issue of oversight and legal education, specifically regarding the distinction or lack thereof between JD programs and executive JD programs. Todd Hill urged the Committee of Bar Examiners to consider reforms that include a comprehensive review and classification of all legal education programs. Todd Hill advocated for a more transparent, accountable, and inclusive regulatory framework that not only upholds the highest standards of legal education but also reflects fairness and access for all aspiring legal professionals.

3. Katie Moran

Katie Moran expressed their concern regarding the recent proposal to change vendors for the MBE and allow for the State Bar of California's Office of Admissions to compose their own multiple-choice questions for the 2025 California Bar Examinations. Katie Moran expressed their belief that the proposal raised three critical issues: insufficient notice to current students preparing for the existing format, the effectiveness and fairness of bar written questions, and the rush into changes without consideration or consensus on how it can be tested fairly without undermining the purpose of the examination which is to assess the competence and protect the public.

4. Raymond Hayden

Raymond Hayden expressed their ideas for restructuring the California Bar Examination, including removing the written portion, which would ensure a more competent case of newly licensed attorneys, guarantee better protection for the general public, and guarantee a more diverse California Bar membership.

**B. Approval of January 26, 2024, Committee of Bar Examiners Public Meeting Minutes**

**MOVED**, that the Committee of Bar Examiners approves and adopts the January 26, 2024, Committee of Bar Examiners revised public meeting minutes.

*Moved by Robert S. Brody, seconded by Justice Shama H. Mesiwala*

*Ayes – (13) Robert S. Brody, Michael Cao, M.D, Alex H. Chan, Kareem Gongora, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Shama H. Mesiwala, Bethany Peak, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson*

*Noes – (0)*

*Abstain – (0)*

*Recuse- (0)*

*Absent – (3) James A. Bolton, Ph.D, James Efting, Esther Lin*

*Minutes adopted.*

## **D. Chair's Report**

Discussion only.

## **II. Consent Agenda**

### **A. Report on Administrative Updates Regarding Law Schools**

*Consent calendar moved by Paul A. Kramer, seconded by Kareem Gongora*

*Ayes – (13) Robert S. Brody, Michael Cao, M.D, Alex H. Chan, Kareem Gongora, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Shama H. Mesiwala, Bethany Peak, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson*

*Noes – (0)*

*Abstain – (0)*

*Recuse- (0)*

*Absent – (3) James A. Bolton, Ph.D, James Efting, Esther Lin*

*Motion passes.*

## **III. Operations and Management**

### **A. Update on Cost Reduction Initiatives Related to the Bar Exam, Beginning with the February 2025 Administration**

Audrey Ching, Cody Hounanian, Amy Nuñez provided a presentation and oral report.

## **IV. Educational Standards**

### **A. Training from Subject Matter Expert on Substantive Issues Concerning Evaluating Testing Accommodation Requests**

Benjamin Lovett, Ph.D. provided a presentation and oral report.

### **B. Review and Approval of Standard Setting for the First-Year Law Students' Examination**

**MOVED**, that the Committee of Bar Examiners adopt the third method which advocates for leveraging the revised First-Year Law Students' Examination content map to effectuate changes and subsequently validating or refining them after the June 2024 exam administration. Following the initial administration of the new examination, these content-based recommendations would be evaluated by the committee as the policy body to determine the reasonableness of the recommendation. That raw score recommendation could then be transformed to an interpretative scaled score and would serve as the baseline for equating future exams.

*Moved by Paul A. Kramer, seconded by Robert S. Brody*

*Ayes – (13) Robert S. Brody, Michael Cao, M.D, Alex H. Chan, Kareem Gongora, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Shama H. Mesiwala, Bethany Peak, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson*

*Noes – (0)*

*Abstain – (0)*

*Recuse- (0)*

*Absent – (3) James A. Bolton, Ph.D, James Efting, Esther Lin*

*Motion passes.*

## **V. Educational Standards**

### **A. Discussion on Recommendation to Amend California Business and Professions Code Sections 6060.7 and 6046.7 Related to Non-JD Degree Programs**

Cody Hounanian provided a presentation and oral report.

## **VI. Report from Director**

### **A. Oral Report**

#### **i. Recap on the February 2024 California Bar Examination**

Amy Nuñez provided an oral report.

#### **ii. July 2024 California Bar Examination**

Amy Nuñez provided an oral report.

#### **iii. Update on Rule Revisions**

Tara Clark provided an oral report.

#### **iv. Update on Initiatives to Improve Outcomes for Unaccredited Law Schools**

Cody Hounanian provided an oral report.

#### **v. Update on fees related to California Accredited Law Schools**

Cody Hounanian provided an oral report.

#### **vi. Recent Developments**

Audrey Ching provided an oral report.

## **CLOSED SESSION**

## **I. Chair's Time**

**A. 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 January 26, 2024, 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 and Discussion of Staff Moral Character Determinations**

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

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

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

**III. Operations and Management**

**A. Action on the March 2024 Operation & Management Appeals**

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

**IV. 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)

**V. Moral Character**

**A. Action on Moral Character Cases Pending Administrative Review**

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

**ADJOURN**