



# The State Bar of California

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## Committee of Bar Examiners Teleconference

Open Session Minutes  
Friday, April 19, 2024  
9:00 a.m. – 12:12 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 11:35 a.m. The Committee returned to open session at 12:11 p.m. The meeting recessed at 12:12 p.m.

**Time Meeting Recessed:**

12:12 p.m.

**Chair:**

Michael Cao, M.D

**Committee Coordinator:**

Devan McFarland

**Members Present:**

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

**Members Absent:**

Esther Lin, Bethany J. Peak

**State Bar Executive Staff Present:**

Bridget Gramme

## 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. Deb Tharp:

Dep Tharp raised concerns about the committee's response to testing challenges during the February 2024 California Bar Examination. Sharing their firsthand encounter at the Cow Palace testing center, Deb Tharp advocated for equitable score adjustments and the recognition of substandard conditions.

2. Benjamin Kohn

Benjamin Kohn raised concerns about the unequal impact of testing conditions at the Cow Palace on applicants with accommodations compared to standard applicants during the February 2024 California Bar Examination. They argued that accommodations should address all aspects of exam conditions, not just performance, and criticized a presentation by Dr. Lovett for suggesting otherwise. Kohn emphasized the importance of considering factors like comfort and accessibility in accommodation requests, rejecting the notion that focusing solely on test performance is sufficient or lawful.

3. Feb Bar Taker

Feb Bar Taker addressed the State Bar's responses to the testing conditions at Cow Palace during the February 2024 California Bar Examination, highlighting three key points. Firstly, they noted that while the admittance bulletin advises test takers to anticipate temperature fluctuations, it fails to adequately warn about freezing temperatures. Secondly, they pointed out the subjective nature of feeling cold and referenced studies indicating its cognitive effects, underscoring the importance of considering such factors in exam conditions. Lastly, they mentioned the State Bar's consultation with their psychometrician regarding potential grading adjustments and stressed the need for comprehensive remedial actions, citing precedents from the Oregon State bar's response to similar situations.

4. Raymond Hayden

Raymond Hayden stressed the need for objectivity throughout the entire California Bar Exam particularly addressing concerns about the subjective nature of the written section. He advocated for remote availability of the exam indefinitely. Drawing from personal experience taking the California bar exam six times, Raymond highlighted subjective elements in the written portion due to the cut score and scaling, proposing a fairer grading system. They emphasized the irrelevance of numerical grades and shared insights from analyzing California's reports, suggesting bias towards failing scores. Raymond also discussed his development of definition sheets to aid examinees and cautioned against relying solely on memorization for success.

5. Phone number with last four digits ending in 9002

An examinee who took the February Bar Exam at the Cow Palace expressed concerns about distractions caused by temperature and inadequate bathroom facilities. Despite planning ahead and dressing warmly, they struggled to keep warm during the exam and faced long lines and limited restroom availability during breaks. They emphasized the need for the administration to ensure basic adequate conditions for such an important exam, respecting examinees' needs and efforts to minimize distractions.

**B. Approval of March 15, 2024, Committee of Bar Examiners Public Meeting Minutes**

**MOVED**, that the Committee of Bar Examiners approves and adopts the March 15, 2024, Committee of Bar Examiners revised public meeting minutes.

*Moved by Robert S. Brody, seconded by Alan Yochelson*

*Ayes – (12) James A. Bolton, Ph.D, Robert S. Brody, Michael Cao, M.D, Kareem Gongora, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Shama H. Mesiwala, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson*

*Noes – (0)*

*Abstain – (1) James Efting*

*Recuse- (0)*

*Absent – (3) Alex H. Chan, Esther Lin, Bethany Peak*

*Minutes adopted.*

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

Discussion only.

### **II. Consent Agenda**

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

*Consent calendar moved by Robert S. Brody, seconded by Alan Yochelson*

*Ayes – (14) James A. Bolton, Ph.D, Robert S. Brody, Alex H. Chan, Michael Cao, M.D, James Efting, Kareem Gongora, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Shama 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.*

### **III. Operations and Management**

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

**MOVED**, that the Committee of Bar Examiners recommend to the Board of Trustees that The State Bar retain a new vendor to develop bar exam questions.

*Moved by Paul A. Kramer, seconded by Larry Kaplan*

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

*Noes – (0)*

*Abstain – (1) Alan Yochelson*  
*Recuse- (0)*  
*Absent – (2) Esther Lin, Bethany Peak*

*Motion passes.*

#### **IV. Educational Standards**

##### **A. Action on Major Change – Change of Ownership – Taft Law School**

**MOVED**, that the Committee of Bar Examiners approve Taft Law School’s Request for Major Change of ownership effective immediately from the Boyd Family Trust to C. Robert Boyd. Taft Law School is directed to provide a schedule as to when the transaction will be complete within 30 days, and to confirm completion of the transaction to the State Bar within 30 days after the change of ownership is complete, or provide a status update by August 1, 2024, whichever comes first. The law school’s inspection schedule will remain unchanged, with the next inspection to take place in 2024.

*Moved by Alan Yochelson, seconded by Robert S. Brody*

*Ayes – (14) James A. Bolton, Ph.D, Robert S. Brody, Alex H. Chan, Michael Cao, M.D, James Efting, Kareem Gongora, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Shama 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. Discussion and Action on Strategy to Improve Outcomes in Unaccredited Law Schools**

**MOVED**, that the Committee of Bar Examiners directs staff to further research and develop proposal(s) regarding the initiatives below with the goal of improving outcomes at unaccredited law schools:

1. Strategic use of standardized exams to inform admissions
2. Researching methods to further track and reduce attrition
3. Collecting demographic data tailored to non-traditional students
4. Phasing in minimum, cumulative pass rates for State Bar exams

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

*Ayes – (14) James A. Bolton, Ph.D, Robert S. Brody, Alex H. Chan, Michael Cao, M.D, James Efting, Kareem Gongora, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr., Justice Shama 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. Report from Director**

### **A. Oral Report**

#### **i. Update on the Bar Exam Experiment**

Amy Nuñez provided a presentation and oral report.

#### **ii. Office of Admissions Metrics (including July 2024 Bar Exam Numbers)**

Cody Hounanian provided a presentation and oral report.

#### **iii. Final approved fee increases for California Accredited Law Schools**

Cody Hounanian provided a presentation and oral report.

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

Audrey Ching provided an oral report.

## **CLOSED SESSION**

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

### **A. Report from Counsel (Kirsten Galler)**

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, Ninth Cir., Case No. 24-2151

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

### **B. Approval of March 15, 2024, Committee of Bar Examiners Closed Meeting Minutes**

\*Closed pursuant to Bus. & Prof. Code §6026.7(c)(3)-(4) and Gov. Code §11126(c)(1)

### **C. Discussion and Approval of Written Questions for Inclusion on July 2024 California Bar Examination [Special Set for Saturday, April 20 in Closed Session]**

\*Closed pursuant to Bus. & Prof. Code §6026.7(c)(3) 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. 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**



# The State Bar of California

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## Committee of Bar Examiners Teleconference

Open Session Minutes  
Saturday, April 20, 2024  
9:00 a.m. – 9:41 a.m.

**Time Meeting Commenced:** The Committee of Bar Examiners meeting returned from recess in open session at 9:38 a.m. The meeting adjourned at 9:41 a.m.

**Time Meeting Adjourned:** 9:41 a.m.

**Vice Chair:** Alex Chan

**Committee Coordinator:** Devan McFarland

**Members Present:** Robert S. Brody, Alex H. Chan, James Efting, Paul A. Kramer, Esther Lin, Ashley Silva-Guzman, Judge Renee C. Reyna, Alan Yochelson

**Members Absent:** Justice Shama H. Mesiwala [recused], Bethany J. Peak

**State Bar Executive Staff Present:** None

## CLOSED SESSION

The Committee of Bar Examiners meeting returned from recess in closed session at 9:00 a.m.

### I. Chair's Time

#### C. Discussion and Approval of Written Questions for Inclusion on July 2024 California Bar Examination [Special Set for Saturday, April 20 in Closed Session]

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

## OPEN SESSION

The Committee of Bar Examiners meeting returned from closed session at 9:38 a.m. The meeting adjourned at 9:41 a.m.

## ADJOURN