

2.1 Approval of October 11, 2024, Open Session Minutes



The State Bar of California

Committee of Bar Examiners Hybrid

Open Session Minutes
Friday, October 11, 2024
9:01 a.m. – 2:00 p.m.
2:42 p.m. – 3:44 p.m.

Time Meeting Commenced: The Committee of Bar Examiners meeting commenced in open session at 9:01 a.m. The Committee moved to closed session at 2:00 p.m. The Committee returned to open session at 2:42 p.m. The meeting adjourned at 3:44 p.m.

Time Meeting Adjourned: 3:44 p.m.

Chair: Alex Chan

Committee Coordinator: Devan McFarland

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

Members Absent: Ashley Silva-Guzman

State Bar Executive Staff Present: Bridget Gramme

OPEN SESSION

ROLL CALL

The Committee of Bar Examiners meeting was called to order by Chair Chan. Roll call was taken and a quorum was established.

PUBLIC COMMENT

Chair Chan 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 disappointment that the Portfolio Bar Exam was not approved by the Supreme Court of California. Additionally, they advocated for a two-week timeline for testing accommodations for the California Bar Examination.

2. Amy
This speaker mentioned several active, unlawful California attorneys, Kendrick Moxon, and Heidi Soto, and called on the Committee to investigate their law licenses and hold them accountable for their actions.
3. Audit LA
The speaker criticized Los Angeles City attorney, Heidi Soto, and their office for lacking proper training, leading to the need for taxpayer-funded outside counsel to address compliance issues.
4. Bob Ferris
Bob Ferris expressed their opposition to the Church of Scientology and demanded that the State Bar take immediate steps to investigate and act against lawyers who are failing their duty.
5. Defender of Ants
The speaker expressed concerns regarding a case involving California-licensed attorney Kendrick Moxon and highlighted the need to maintain ethical standards within the legal profession.
6. Defender of Ants
The speaker expressed concerns regarding a case involving California-licensed attorney Kendrick Moxon and highlighted the need to maintain ethical standards within the legal profession.
7. Mona M
This speaker mentioned several active, unlawful California attorneys, Kendrick Moxon and Robert E. Mangle and called on the Committee to investigate their law licenses and hold them accountable for their actions.
8. Yvonne Best
Yvonne Best emphasized the need for lawyers to address the challenges posed by high-control groups like Scientology.
9. Mini Minion 7514
This speaker recounted childhood abuse and mistreatment by the Church of Scientology in Clearwater, Florida, urging society to protect children from such harm.
10. Taylor Israel
Taylor Israel raised concerns about the expansion of topics on the bar exam, including employment law, family law, and estate planning, which could increase the exam's complexity and burden on students. Israel also highlighted how changes to testing federal and California law could disadvantage out-of-state applicants.

1. Chair's Report

1.1 Oral Report

Discussion only.

1.2 Committee of Bar Examiners Workplan

Discussion and presentation only.

2. Open Session Minutes

2.1 Approval of August 16, 2024, Open Session Minutes

RESOLVED, that the Committee of Bar Examiners approves and adopts the August 16, 2024, Committee of Bar Examiners revised public meeting minutes.

Moved by Gongora, seconded by Mesiwala

Ayes – (13) Bolton, Brody, Cao, Chan, Gongora, Kaplan, Kramer, Lawrence, Lin, Mesiwala, Peak, Reyna, Yochelson

Noes – (0)

Abstain – (1) Reyes

Recuse- (0)

Absent – (1) Silva-Guzman

Minutes adopted.

2.2 Approval of September 30, 2024, Open Session Minutes

RESOLVED, that the Committee of Bar Examiners approves and adopts the September 30, 2024, Committee of Bar Examiners public meeting minutes.

Moved by Kramer, seconded by Reyes

Ayes – (11) Bolton, Brody, Chan, Kaplan, Kramer, Lawrence, Lin, Mesiwala, Peak, Reyes, Yochelson

Noes – (0)

Abstain – (1) Cao

Recuse- (0)

Absent – (3) Gongora, Silva-Guzman, Reyna

Minutes adopted.

3. Consent Calendar

3.1 Report of Administrative Updates Regarding Law Schools

RESOLVED, that the Committee of Bar Examiners receive and file the Report of Administrative Updates Regarding Law Schools.

3.2 Technical Report on the June 2024 First-Year Law Students' Examination

RESOLVED, that the Committee of Bar Examiners receive and file the technical report on the June 2024 First-Year Law Students' Exam, prepared by Russell Keglovits, M.Ed., ACS Ventures, LLC.

RESOLVED, that the Committee of Bar Examiners approve the consent calendar.

Consent calendar moved by Brody, seconded by Yochelson

Ayes – (14) Bolton, Brody, Cao, Chan, Gongora, Kaplan, Kramer, Lawrence, Lin, Mesiwala, Peak, Reyna, Reyes, Yochelson

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (1) Silva-Guzman

Motion passes.

4. Business

4.1 Discussion on California Rule of Court rule 9.6 and Committee of Bar Examiners' Roles and Responsibilities

Audrey Ching provided a presentation and oral report.

4.2 Update on 2025 Bar Exam Planning and Action on Remote Administration of Bar Examinations for Examinees Electing to Test Out-of-State

RESOLVED, that the Committee of Bar Examiners authorizes applicants to take the California Bar Examination and Phase One of the California Bar Exam Experiment outside of California using the Measure Learning platform either remotely or in person at a designated test center so long as all testing is administered synchronously with those testing in California.

Motion moved by Kramer, seconded by Reyes

Ayes – (8) Chan, Kaplan, Kramer, Lawrence, Peak, Reyna, Reyes, Yochelson

Noes – (3) Bolton, Brody, Mesiwala,

Abstain – (0)

Recuse- (0)

Absent – (4) Cao, Gongora, Lin, Silva-Guzman

Motion passes.

4.3 Action on Revisions to the Multijurisdictional Practice and Foreign Legal Consultant Rules: Recommendation to Circulate Revised Rules for Public Comment

RESOLVED, that the Committee of Bar Examiners recommends to the Board of Trustees

to circulate the proposed rule revisions set forth in Attachments A–P for a 60-day public comment period.

FURTHER RESOLVED, that the Committee of Bar Examiners authorizes staff to make nonsubstantive, grammatical changes to the proposed rule revisions set forth in Attachments A–P, if necessary, before the Board of Trustees reviews the proposed rule revisions.

Motion moved by Peak, seconded by Kramer

Ayes – (11) Bolton, Brody, Chan, Kaplan, Kramer, Lawrence, Mesiwala, Peak, Reyna, Reyes, Yochelson

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (4) Cao, Gongora, Lin, Silva-Guzman

Motion passes.

4.4 Action on Inspection Report - Southern California Institute of Law

RESOLVED, that the Committee of Bar Examiners receives and adopts the inspection report of Southern California Institute of Law including all of its recommendations and receives and files the law school’s response; and it is

FURTHER RESOLVED, that the law school submit as part of its 2024 Annual Report, documentary evidence of the completion of all recommendations set forth in the report or, if not fully complete, to explain why they were not completed, and provide the timeline and plan for completion of each; and it is

FURTHER RESOLVED, that the law school’s registration as an unaccredited, distance law school be renewed, and its next inspection set for summer 2026.

Motion moved by Brody, seconded by Kramer

Ayes – (12) Bolton, Brody, Cao, Chan, Kaplan, Kramer, Lawrence, Mesiwala, Peak, Reyna, Reyes, Yochelson

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (3) Gongora, Lin, Silva-Guzman

Motions passes.

4.5 Discussion on Findings from First-Year Law Students Exam and California Bar Exam Surveys

Cody Hounanian and Amy Nuñez provided a presentation and oral report.

4.6 Discussion on Data Related to Handwriting Option for Applicants without Testing Accommodations

Cody Hounanian and Vincent Lieu provided a presentation and oral report.

4.7 Discussion on Board of Trustees Directive to Explore Requiring Law School Courses on Artificial Intelligence and Potential State Bar Rules on the Bar Exam and Artificial Intelligence

Cody Hounanian and Natalie Leonard provided a presentation and oral report.

4.8 Moral Character Rehabilitation Presentation

David Lane provided a presentation and oral report.

5. Director's Report

5.1 Oral Report

i. Update on Jointly Accredited Status Application

Cody Hounanian provided a presentation and oral report.

ii. Update on 2024 Law School Annual Reports

Cody Hounanian provided a presentation and oral report.

iii. Admissions Numbers

Cody Hounanian provided a presentation and oral report.

CLOSED SESSION

1. Closed Session Minutes

1.1. Approval of August 16, 2024, Closed Session Minutes

**Closed pursuant Business and Professions Code § 6026.7(c)(3)-(4) and Government Code §§ 11126(c)(1) and 11126(e)(1)]*

2. Closed Session Consent Calendar

2.1 Report on Security Incidents from the July 2024 California Bar Examination

**Closed pursuant to Business and Professions Code § 6026.7(c)(3) and Government Code § 11126(c)(1)]*

2.2 Report and Discussion of Staff Moral Character Determinations

**Closed pursuant to Business and Professions Code § 6026.7(c)(4)]*

2.3 Report on State Bar Court Decisions

**Closed pursuant to Business and Professions Code § 6026.7(c)(4)]*

Item withdrawn.

2.4 Report on Status of Pending Moral Character State Bar Court Cases

**Closed pursuant to Business and Professions Code § 6026.7(c)(4)]*

3. Closed Business

3.1 Conference with Legal Counsel – Existing Litigation

Brewer v. State Bar, et. al, E.D. Cal. Case No. 2:23-cv-00860-TLN-JDP; 9th Circuit Case No. 24-2151

**Closed pursuant to Government Code § 11126(e)(1)-(2)(A)*

3.2 Conference with Legal Counsel – Existing Litigation

Hill v. Peoples College of Law et al., C.D. Cal., Case No. 2:23CV1298

**Closed pursuant to Government Code § 11126(e)(1)-(2)(A)*

3.3 Conference with Legal Counsel – Existing Litigation

Santillan v. California Bar Examiners, et al., E.D. Cal., Case No. 2:24CV571

**Closed pursuant to Government Code § 11126(e)(1)-(2)(A)*

3.4 Conference with Legal Counsel – Anticipated Litigation

**Closed due to significant exposure to litigation pursuant to Government Code § 11126(e)(2)(B)(i)*

3.5 Action on Operations & Management Appeals

**Closed pursuant to Business and Professions Code § 6026.7(c)(3) and Government Code § 11126(c)(1)]*

3.6 Action on Pending Testing Accommodation Appeals

**Closed pursuant to Business and Professions Code § 6026.7(c)(3)(4) and Government Code § 11126(c)(1)]*

3.7 Action on Partial Invalidation of an Individual Applicant's July 2024 California Bar Exam

**Closed pursuant to Business and Professions Code § 6026.7(c)(3) and Government Code § 11126(c)(1)]*

3.8 Presentation on California Bar Examination Performance Test Question Development

**Closed pursuant to Business and Professions Code § 6026.7(c)(3) and Government Code § 11126(c)(1)]*

Item withdrawn.

3.9 Action on Moral Character Cases Pending Administrative Review

**Closed pursuant to Business and Professions Code § 6026.7(c)(4)]*

ADJOURN