

2.1 Approval of January 31, 2025, Open Session Minutes



The State Bar of California

Committee of Bar Examiners Teleconference

Open Session Minutes
Friday, January 31, 2025
9:04 a.m.–11:30 a.m.
1:02 p.m.– 1:34 p.m.
3:31 p.m.– 3:32 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 11:30 a.m. The Committee returned to open session at 1:02 p.m. The Committee moved to closed session at 1:34 p.m. The meeting adjourned at 3:32 p.m.

Time Meeting Adjourned: 3:32 p.m.

Chair: Alex Chan

Committee Coordinator: Devan McFarland

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

Members Absent: Esther Lin, Bethany J. Peak, Vincent Reyes

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 criticized the bar exam accommodations process, stating the timeline was too short for new requests and that statistics ignored unprocessed cases. Concerns were also raised about contractual limits on accommodations.

2. Ray Hayden
Ray warned of potential bandwidth failures for the upcoming February 2025 California Bar Examination, citing past issues. Confusion over scheduling and inconsistent exam access times were also highlighted.
3. Robert Morelli
Robert Morelli expressed frustration over test center selection for the February 2025 California Bar Examination, reporting missing emails and conflicting responses from Meazure Learning. A request was made for deadline extensions and clearer communication.
4. Jessica
Jessica argued that administrative delays and unclear guidelines in the Law Office Study Program hindered progress. Miscommunications, long response times, and excessive fees were highlighted, though optimism was expressed about recent improvement.

1. Chair's Report

1.1 Action on the Committee of Bar Examiners Work Plan

Presentation by Kris Evans, Stanford University, Mind and Body Lab

RESOLVED, that the Committee of Bar Examiners approve the 2024-2025 Work Plan and revisit the plan throughout the year to assess progress and challenges.

Moved by Mesiwala, seconded by Gongora

Ayes – (8) Bolton, Cao, Chan, Gongora, Kaplan, Lawrence, Mesiwala, Reyna

Noes – (0)

Abstain – (1) Kramer

Recuse- (0)

Absent – (5) Lin, Peak, Silva-Guzman, Reyes, Yochelson

Motion passes.

2. Open Session Minutes

2.1 Approval of December 6, 2024, Open Session Minutes

RESOLVED, that the Committee of Bar Examiners approves and adopts the December 6, 2024, Committee of Bar Examiners revised public meeting minutes.

Moved by Cao, seconded by Lawrence

Ayes – (10) Bolton, Cao, Chan, Gongora, Kaplan, Kramer, Lawrence, Silva-Guzman, Reyna, Yochelson

Noes – (0)

Abstain – (1) Mesiwala

Recuse- (0)
Absent – (3) Lin, Peak, Reyes

Minutes adopted.

2.2 Approval of Amendment to September 30, 2024, Open Session Minutes

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

Moved by Cao, seconded by Kramer

Ayes – (10) Bolton, Cao, Chan, Gongora, Kaplan, Kramer, Lawrence, Mesiwala, Silva-Guzman, Yochelson

Noes – (0)

Abstain – (1) Reyna

Recuse- (0)

Absent – (3) Lin, Peak, Reyes

Minutes adopted.

3. Consent Calendar

This item was pulled from the consent calendar for a separate discussion.

3.1 Report on 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 Approval of Report to the Supreme Court on the July 2024 California Bar Examination

RESOLVED, that the Committee of Bar Examiners approve the Report to the Supreme Court on the July 2024 California Bar Exam for submittal to the California Supreme Court.

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

Consent calendar moved by Gongora, seconded by Cao

Ayes – (10) Bolton, Cao, Chan, Gongora, Kaplan, Kramer, Lawrence, Mesiwala, Silva-Guzman, Reyna

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (4) Lin, Peak, Reyes, Yochelson

Motion passes.

4. Business

4.1 Discussion and Action on Composition and Charter of Steering Committee to Guide Development of the New California Bar Examination

RESOLVED, that the committee approves the following composition for a steering committee on the development of a new bar examination:

- Chair, a current or retired member of the judiciary (1) (appointed by Supreme Court)
- CBE members (2) (appointed by CBE chair)
- BOT member (1) (appointed by BOT chair)
- State Bar's Exam Development and Grading (EDG) team chair (1)
- Exam developer/psychometrician (1) (appointed by Supreme Court)
- Universal Design testing expert (1) (appointed by Supreme Court)
- Emerging technologies/ innovative testing expert (1) (appointed by Supreme Court)
- Professional licensure expert (1) (appointed by Supreme Court)
- Supreme Court liaison (1) – Nonvoting

and it is

FURTHER RESOLVED, that the steering committee on the development of a new bar exam will serve for an 18-month term, commencing upon the Supreme Court's appointment of a chair and its appointees; and it is

FURTHER RESOLVED, that the committee directs staff to submit the approved steering committee composition and term to the Board of Trustees for approval at its February 20-21, 2025, meeting.

Motion moved by Cao, seconded by Gongora

Ayes – (11) Bolton, Cao, Chan, Gongora, Kaplan, Kramer, Lawrence, Mesiwala, Silva-Guzman, Reyna, Yochelson

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (3) Lin, Peak, Reyes

Motion passes.

4.2 Action on Revisions to the Practical Training of Law Students and Law Office Study Rules: Recommendation to Circulate for Public Comment

Item withdrawn.

4.3 Discussion on Proposed Revisions to Unaccredited Law School Rules and Guidelines for Unaccredited Law School Rules

Item withdrawn.

4.4 Presentation on Institutional Accreditation by Representatives of WASC Senior College and University Commission [Special Set for 1:00 pm]

Presentation by Dr. Linda Peterson, Vice President & Staff Liaison, WASC Senior College & University Commission.

4.5 Action on Revisions to the Admissions Rules and Guidelines Pertaining to Examination Conduct Violations: Recommendation to Circulate for Public Comment

Item withdrawn.

4.6 Action on the Committee of Bar Examiners' Refund of Fees Policy

RESOLVED, that the Committee of Bar Examiners approve the amended Refund of Fees Policy as set forth in Attachments A-B, request approval by the Board of Trustees, so that the amended Policy will be effective immediately following approval by the Board.

Motion moved by Kramer, seconded by Cao

Ayes – (11) Bolton, Cao, Chan, Gongora, Kaplan, Kramer, Lawrence, Mesiwala, Silva-Guzman, Reyna, Yochelson

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (3) Lin, Peak, Reyes

Motion passes.

5. Director's Report

5.1 Update on the February 2025 California Bar Examination

Amy Nunez provided a presentation and oral report.

5.2 Update on Content Review Panel

Adrian Galang provided a presentation and oral report.

5.3 Update on the Video Recording Informal Conferences

Tara Clark provided a presentation and oral report.

5.4 Update on Phase One of California Bar Exam Experiment

Adrian Galang provided a presentation and oral report.

5.5 Update on Admissions Data Dashboard

Cody Hounanian provided a presentation and oral report.

CLOSED SESSION

1. Closed Session Minutes

1.1. Approval of December 6, 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 of Staff Moral Character Determinations

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

2.2 Report on State Bar Court Decisions

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

2.3 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 Report from Counsel

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

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

Santillan v. California Bar Examiners, et al., E.D. Cal., E.D. Cal. Case No. 2:24CV571; 9th Circuit Case No. 24-6342

Diviacchi v. Stallings et al., N.D. Cal., Case No. 24-CV-7827

**Closed pursuant to Government Code § 11126(e)(1)]*

3.2 Action on Operation & Management Appeals

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

3.3 Action on Testing Accommodation Appeals

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

3.4 Action on Moral Character Cases Pending Administrative Review

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

3.5 Update and Action on Administration and Security of Test Administration for the February 2025 Bar Examination

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

ADJOURNMENT