

1.1 Approval of February 3, 2025, Joint Meeting of the Contracts Committee and Board
Executive Committee Open Session Minutes



The State Bar of California

Joint Board Executive Committee and Contracts Committee Zoom

Open Session Minutes
Monday, February 3, 2025
3:33 p.m.–5:36 p.m.

Time Meeting Commenced: The Board Executive Committee¹ and Contracts Committee meeting commenced in open session at 3:33 p.m. The joint committees moved into closed session at 3:53 p.m. The joint committee returned to open session at 5:04 p.m.

Time Meeting Adjourned: 5:36 p.m.

Chair: Brandon Stallings

Committee Coordinator: Louisa Ayrapetyan

Members Present: José Cisneros, Arnold Sowell Jr., Brandon Stallings, Mark Toney, Genaro Trejo (joined late)

Members Absent: Sarah Good

Staff Present: Ellin Davtyan, Leah Wilson

OPEN SESSION

ROLL CALL

The Board Executive Committee was called to order by Chair Stallings. Roll call was taken and a quorum was established.

CALL FOR PUBLIC COMMENT

Chair Stallings 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:
This speaker raised concerns about Measure Learning's handling of the bar exam, including applicants being administratively withdrawn without refunds due to IT issues and scheduling conflicts. They emphasized the lack of sufficient test centers, particularly for those with accommodations, and urged the State Bar to intervene to prevent further disruptions.
2. Erika Mariel Farmer:
This speaker echoed concerns about Measure Learning, stating that applicants are struggling with limited test site availability and inadequate customer support. They highlighted how the issues disproportionately affect marginalized groups, such as disabled and low-income

¹ The Board Executive Committee approved these minutes at its meeting on February 21, 2025.

applicants, and noted failures in accessibility features, particularly for blind or low-vision test takers.

3. Applicant 1064:

This speaker questioned the credibility of Proctor U, citing poor reviews, compliance issues, and a lack of transparency in the selection process. They argued that remote testing lacks security and reliability and called for a return to in-person bar exams in a convention center setting.

4. Ray Hayden, JD:

This speaker supported previous criticisms of Measure Learning and raised concerns about the bandwidth capacity for live proctoring. They also advocated for eliminating the written section of the bar exam, arguing that it does not reflect real-world legal practice and creates unnecessary barriers for test-takers.

5. Claire Solot:

This speaker criticized the lack of State Bar oversight in administering the bar exam, arguing that it is unacceptable for Measure Learning to be solely responsible. They urged the Board to ensure that State Bar staff are present at major test centers to monitor and document the exam process.

1. Chair's Report

1.1 Oral Report

Chair Stallings provided an oral report.

2. Consent Calendar

2.1 Approval of Specified Contracts Pursuant to Business and Professions Code Section 6008.6

RESOLVED, that the Joint Contracts Committee and Board Executive Committee recommends that the Board of Trustees approve the execution of the contract listed herein.

Moved by Toney, seconded by Sowell

Ayes – (5) Cisneros, Sowell, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (2) Good, Trejo

Motion carries.

3. BUSINESS

3.1 Discussion and Approval of Supplemental Contract Amount for ProctorU, Inc. dba Meazure Learning for Live, Remote Proctoring and Test Center Services (Bar Exam, First-Year Law Students' Exam, and Legal Specialization Exam Administrations) in 2025 and Discussion of Alternatives for Administration of These Exams

Presenter: Leah T. Wilson, Executive Director

Discussion and presentation only.

3.2 Discussion, Approval and Ratification of Refund of Fees Policy for Examinations

Presenter: Audrey Ching, Program Director, Office of Admissions

RESOLVED, that the Contracts Committee and Executive Committee ratify the Refund of Fees Policy as approved by the Committee of Bar Examiners at its August 18, 2023, meeting (Item III.B); and it is

FURTHER RESOLVED, that the Contracts Committee and Executive Committee approve the amended Refund of Fees Policy as approved by the Committee of Bar Examiners at its January 31, 2025, meeting (Item 4.6); and it is

FURTHER RESOLVED, that the Contracts Committee and Board Executive Committee gives staff the flexibility to authorize the refund of fees for the February 2025 Bar Exam consistent with the general discussion of the committees at their February 3, 2025; and it is

FURTHER RESOLVED, that the amended Refund of Fees Policy will be effective immediately.

Moved by Sowell, seconded by Toney

Ayes – (4) Cisneros, Sowell, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (2) Good, Trejo

Motion carries.

ADJOURN