

4.5 Approval of March 5, 2025, Board of Trustees Open Session Minutes



The State Bar of California

Special Meeting of the Board of Trustees Zoom

Open Session Minutes
Wednesday, March 5, 2025
2:03 p.m.–6:13 p.m.

Time meeting Commenced: The Board meeting commenced in open session at 2:03 p.m. The Board moved into closed session at 4:17 p.m. The Board reconvened in open session at 5:30 p.m.

Time meeting Adjourned: 6:13 p.m.

Chair: Brandon Stallings

Board Secretary: Louisa Ayrapetyan

Members Present: Raymond Buenaventura, José Cisneros, Sarah Good, Debra Gore, Cynthia Grande, Mary Huser, Arnold Sowell Jr., Brandon Stallings, Mattheus Stephens, Mark Toney, Genaro Trejo

Members Absent: Patricia Barahona

Staff Present: Ellin Davtyan, Erika Doherty, Leah Wilson

OPEN SESSION

ROLL CALL

The Board of Trustees meeting was called to order by Chair Stallings. Roll call was taken and a quorum was established.

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 Board:

1. Kai Ong:
Requested a new complaint process within the State Bar of California to investigate misconduct in the Attorney General's office, citing unresolved complaints regarding false defendant information in a case involving their father's death.
2. Raquel Fuentes:
Spoke on behalf of February 2025 bar exam takers, highlighting the lack of transparency in the exam's implementation, making it difficult for students to fairly prepare.
3. Ross Pisciatello:
A bar exam taker with accommodations, described inconsistencies in the testing environment, including varied accommodations within the same room, unprepared proctors, and technological issues.

4. Andrea Lynch:
Criticized the flawed February 2025 bar exam, citing software failures, lack of proper testing conditions, and an unresponsive bar administration, which affected her ability to complete the exam.
5. Nadine Mazard:
A February 2025 attorney applicant, reported that remote test takers experienced severe technical issues, including failures in receiving essay confirmations, leading to uncertainty about their submissions.
6. Ed Aruffo:
A bar prep company owner, called for lowering the bar exam's difficulty due to systemic issues, citing student hardships and the need to address California's unmet legal needs.
7. Andrew Noseworthy:
Demanded the resignation of Leah Wilson, accusing the State Bar of incompetence and ignoring applicants' concerns regarding exam failures.
8. X:
Reported major technical failures in the bar exam, including connectivity issues, illegible text, and proctor mismanagement, calling for score adjustments or a lower passing score.
9. Zack Defazio Farrell:
Urged the State Bar to grant provisional licensure to all impacted applicants, arguing that the flawed software rendered grading unreliable and unfair.
10. Martin Pritikin:
Stated that far more than the reported 85 test takers suffered severe issues and urged a licensing remedy rather than relying on unreliable psychometric adjustments.
11. Jie D:
Reported in-person exam issues, including formatting problems with the Performance Test, which rendered the section nearly impossible to complete.
12. Adam Lovell:
Advocated for California to adopt bar reciprocity for out-of-state attorneys, reducing the burden on the exam system and improving legal access.
13. Jaclyn Clements:
Criticized the bar exam's lack of preparedness, inconsistencies in provided information, and avoidable technical failures that added unnecessary stress.
14. Jofre Recososa:
A remote test taker from the Philippines, supported the remote exam format but suggested adjustments to scoring by counting only top essay scores.

15. Janine:
An educator, condemned the disorganized exam administration, reporting lax security and proctoring issues that compromised fairness.
16. Tatevik Asilbekyan:
An examinee, called for provisional licensure as a remedy, citing financial hardship and the bar's negligence.
17. Ami Lovel:
Proposed replacing the attorney exam with bar reciprocity, suggesting supervised practice as an alternative to retesting.
18. Brianna Gabrielle Martin:
Expressed disappointment in the State Bar's prioritization of financial interests over exam integrity, calling for score adjustments that account for mental exhaustion.
19. Samantha Prince:
Recounted a disastrous experience with the exam's proctoring system, stating that unqualified proctors and abusive treatment by the Bar exacerbated issues.
20. Michael Partovi:
Criticized the Bar's inconsistent communication regarding make-up sessions for test takers impacted by technical difficulties.
21. AuditLA:
Raised concerns about the Los Angeles City Attorney's Office violating the Brown Act and treating certain groups unfairly.
22. Phil Movaghar:
Quoted Dean Chemerinsky in condemning the bar exam's failures, arguing that offering a retake to only 85 individuals is grossly unfair.
23. Kayla Pace:
Reported confusion over exam start times, a distressing personal experience during the exam, and inconsistent question formats compared to traditional study materials.
24. Mary Basick:
Raised concerns about unfairly modified multiple-choice questions, citing errors in Kaplan's content mapping that disadvantaged test takers.
25. Brenda Gonzalez:
Called for transparency in determining eligibility for retaking the exam and criticized the administration's failure to prevent systemic breakdowns.
26. Sherry Steele:
Urged for provisional licensure or diploma privilege, arguing that score recalibration cannot fairly account for the wide-ranging testing issues.

27. Farrah Ghaffarirafi:
A repeat test taker, proposed a "super scoring" method where high-scoring sections from previous exams could be carried over, reducing unnecessary retakes.
28. Manya Faridani:
Reported that her exam crashed after 10 minutes, preventing her from submitting an essay, but was denied a retake due to an automatic submission error.
29. Madina Jenks:
A past test taker, opposed forcing examinees to retake the bar due to prohibitive costs, arguing that alternative remedies should be provided.
30. Hanry:
Experienced a system crash that prevented access to the performance test. Opposed imputation of scores based on essay performance, arguing that the PT assesses different skills and should be fairly administered or generously adjusted.
31. Chris Haines:
Urged the State Bar to consider individual circumstances rather than applying blanket remedies, suggesting a range of solutions to accommodate different impacts on test takers.
32. Enri Marini:
Accused Los Angeles City Attorney Heidi Soto of malicious prosecution against critics, citing multiple alleged victims, including a whistleblower and an attorney charged without cause.
33. Wendi Boyden:
A licensed attorney in two other jurisdictions, criticized changes to time management rules, lagging issues, and distracting pop-up messages that impaired exam performance.
34. David's iPhone:
One of the 85 allowed a retake, argued that offering retakes to only some examinees creates an unfair advantage, calling for either universal provisional licensure or voiding the test results.
35. Andrew Kim:
Reported mass technical failures at the SF Convention Center, with repeated disconnections and widespread panic among test takers, calling for an unprecedented level of score adjustment.
36. Andrew Figueroa:
Criticized the retake criteria, arguing it unfairly disadvantages those who submitted more essays, and emphasized the need for drastic solutions given inconsistent proctoring responses.

37. Diane Y. Suh:
A remote test taker, revealed that a proctor mistakenly disclosed part of an essay question, called for reconsideration of retake eligibility for those affected by such errors.
38. Cam:
Declared that the bar's failures were irreparable, calling for provisional licensure without a retake, holding the State Bar responsible for the exam's disastrous administration.
39. Ali Roseboro:
Criticized the experimental exam process, arguing that awarding 40 extra points to some test takers before the exam started created an unfair advantage.
40. Zoë Muntaner:
A citizen journalist, accused the Santa Monica City Attorney's Office of politically motivated legal actions, stating she is filing complaints and will report on the issue.
41. Marvay:
A foreign attorney taking the bar for the seventh time, condemned the experimental exam, arguing that some applicants received unfair advantages by previewing actual test questions.
42. Victoria Tulsidas:
A mother of five, called for immediate provisional licensure, emphasizing the financial and personal sacrifices applicants have made.
43. iPhone Dylan:
Demanded automatic passage or provisional licensure due to severe proctoring failures and technical issues, arguing that examinees were tested unfairly on multiple-choice questions.
44. Mitzi Kushun:
Noted that she was mistakenly awarded an extra 30 minutes on the exam, arguing that such discrepancies make fair scoring impossible and supporting provisional licensure.
45. Parisa Shafajoo:
Expressed frustration with the State Bar's vague and repetitive communication, demanding clear remedial options, and equitable distribution of the extra 40 points given to some test takers.
46. Katie Scalley:
A former prosecutor, argued that examinees who showed up prepared should automatically receive their licenses due to the exam's failure to provide a fair testing environment.
47. H:
Stated that applicants who lost time due to technical issues were unjustly denied retakes, calling for provisional licensure as the only fair remedy.

48. Sandra Chavez:
Accused the State Bar of ignoring early warnings about exam issues, stating the current remedies are inadequate and demanding unconditional provisional licensure.
49. Christiana Katsapi:
A foreign attorney, exposed unfair testing conditions, including test-takers discussing essays during breaks and accessing phones, which compromised the exam's integrity.
50. Karla Ek-Elhadidy:
A handwritten test taker, reported that the removal of time-tracking tools for those using hard copies was an unjustified disadvantage.
51. Erika F:
Criticized the removal of spell check for accommodated test takers, highlighting its impact on those with dyslexia and calling for provisional licensure for those who pass character and fitness requirements.
52. Jake Wiegand:
Pointed out that the State Bar anticipated failures by pre-scheduling a retake, accused the exam of material changes, and suggested remedies including super scoring and lowering the passing score.
53. Darshni Gala:
A foreign attorney from India, expressed frustration over systemic errors that disadvantaged test takers, arguing that the failures do not reflect their legal abilities.
54. Katheryn Valle:
A fourth-time bar taker, called for provisional licensure to prevent repeated financial and personal burdens on examinees.
55. Ana ParkvonSimun:
Reported a crash that may have deleted her first essay, noted inconsistent communication from the State Bar, and criticized last-minute, unannounced exam changes.
56. Shelby Luchesi:
Accused the State Bar of avoiding legislative intervention despite knowing the exam was unready, questioning the use of outdated psychometric scoring.
57. Laura Bennett:
Criticized Kaplan's multiple-choice questions as unfamiliar and poorly written, arguing for increased transparency and better study materials.
58. Sonja C:
One of the 85 retakers, demanded clarity on what the retake would cover and expressed frustration over the emotional toll of preparing for an unpredictable retest.

59. Edmond Guidry:
Opposed provisional licensure for licensed attorneys taking the February exam, advocating for full licensure based on their demonstrated competence and ethical standing in other states.
60. Kamla Rahman:
Reported major test security violations, including examinees reviewing notes during breaks and discussing essay topics, undermining exam integrity.
61. Jun Yuan:
Spoke on behalf of applicants who relied on the availability of remote testing, urging the State Bar to retain the remote option or provide accommodations for those unable to travel.
62. Kami Dixon:
Questioned the fairness of grading a compromised exam and argued for a remedy based on degrees from accredited law schools rather than faulty test scores.
63. Joanna Delasse:
Called for immediate cancelation of contracts with Meazure Learning and Kaplan, increased exam transparency, and termination of those responsible for administrative failures.
64. Shara Darden:
A retaker selected for the March 18-19 exam, expressed concerns over unclear guidance on computer and network requirements for the retake.
65. Ramon Baldonado:
Accused the State Bar of knowingly administering a flawed exam, calling it a "money-making business" rather than a competency test.
66. Nicholas:
A Wisconsin attorney licensed via diploma privilege, criticized the bar exam as an arbitrary barrier to licensure and called for alternative pathways like supervised practice.
67. Julie Malik:
Raised concerns over Kaplan's multiple-choice questions, which were confusing, misleading, and inconsistent with established prep materials.
68. Ashley R:
Proposed a credit or waiver for recent bar takers, allowing them to retake the exam on their own terms without immediate pressure.
69. Benjamin Kohn:
Highlighted physical and mental health risks associated with in-person testing and advocated for restoring remote testing as an option.

70. Tilman Heyer:
Criticized the State Bar's lack of public transparency and called for resignations and accountability in response to the exam's failures.
71. Ray Hayden, JD:
Supported the remote format despite technical issues and urged its continuation, sharing his own experience successfully completing the exam remotely.
72. Claire:
Proposed giving all 5,602 test takers the option to sit for the July exam for free or enter an alternative pathway to licensure.
73. Maureen Strobe:
Demanded refunds for all examinees, lower passing scores, and the resignation of State Bar administrators responsible for the exam failure.
74. James Cardoza:
Suggested granting provisional licenses until 30 days after the next general election and called for the repeal of unauthorized practice of law statutes.
75. Xiomara L. Galeano:
A California attorney, condemned last-minute exam changes, technical issues, and conflicting instructions that undermined exam integrity.
76. Becky Hoffman:
Criticized the State Bar for creating an environment of fear where applicants worry that speaking out might impact their moral character determinations.
77. Katie Moran:
A USF law professor, urged a return to validated NCBE multiple-choice questions and called for an audit of Kaplan's flawed exam questions.
78. Edward Brickell:
Called for the public release of the 200 Kaplan multiple-choice questions to expose their poor quality and lack of proper vetting.
79. Lori Brown:
An Ohio attorney, rejected provisional licensing as an acceptable remedy, demanding full licensure due to the unprecedented exam conditions.
80. Carie Martin:
A remote test taker, criticized the lack of oversight and engagement from the State Bar, calling it a failure of professionalism.
81. Lin:
Advocated for continuing the remote testing option for July 2025, emphasizing the financial and logistical burdens placed on examinees who planned for remote access.

82. C.J. Huck:
A law clerk with testing accommodations, experienced last-minute appointment cancellations and significant travel expenses due to poor exam planning.
83. Nyasha Soda:
Reported an issue where their keyboard language randomly switched to Russian, disrupting their ability to type effectively.
84. Charlene Claych:
Urged the release of scores from the November experimental exam and suggested an alternative licensing pathway requiring supervised legal work.
85. Yuki Shimiya:
Took the exam from Japan, faced technical issues, but expressed gratitude for efforts to improve the process.
86. Lily Kaplan:
Reported ADA violations, as accommodations granted for the exam were not provided, and the State Bar dismissed concerns about these failures.
87. Yash G. Mehta:
An accommodated test taker, lost valuable time due to a failure to provide a distraction-free environment.
88. SY:
A foreign attorney taking the exam from New York, opposed conditional licensing requirements that would impose additional burdens on working professionals.
89. Sophia and Samshad:
Expressed uncertainty about registering for the July 2025 exam due to ongoing unresolved issues with exam administration.
90. Deeva Ladva:
A retaker, urged the bar to grade exams in the most favorable light for applicants, considering the variety of technical issues faced.
91. Mark Danko:
Criticized the last-minute removal of spell check and the poor quality of Kaplan's multiple-choice questions.

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 Board of Trustees approves execution of the contracts listed herein.

Consent Calendar moved by Buenaventura, seconded by Cisneros

Ayes – (9) Buenaventura, Cisneros, Good, Gore, Huser, Sowell, Stephens, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (3) Barahona, Grande, Trejo

Motion carries.

3. Business

3.1 Update and Action on February 2025 Bar Exam; Other Updates from the Office of Admissions

Presenters: Donna S. Hershkowitz, Chief of Admissions/Legislative Director
Audrey Ching, Program Director, Office of Admissions

Presentation and discussion only.

3.2 Discussion and, if Appropriate, 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 and, if Appropriate, Approval of Alternative Vendor for Live, Remote Proctoring and Test Center Services for Administration in 2025 (Bar Exam, First-Year Law Students' Exam, and Legal Specialization Exam Administrations)

Presenters: Donna S. Hershkowitz, Chief of Admissions/Legislative Director
Audrey Ching, Program Director, Office of Admissions

Presentation and discussion only.

3.3 Approval of Composition of Steering Committee to Guide Development of the New California Bar Examination – Withdrawn

This item was withdrawn from the agenda prior to the March 5, 2025, Board meeting.

3.4 Approval and Ratification of Amendments to the Board Policy Manual; Approval of Amendments to Appendix A, Appendix B, and Title 3, Division 5, Chapter 2 of the Rules of the State Bar to Update References and Conform to Prior Board Actions; Request to Circulate for Public Comment the Repeal of the Rules of the State Bar Title 6 (Division 4, Article V [Meetings of the State Bar], Division 1, Chapter 4 [Responsibilities of Officers], Division 4, Rule 6.91 [Offices of the State Bar of California], and Division 4, Article IX [Referendum to All Licensees]) and Amendment to Rule of Procedure of the State Bar 5.441

This item has been postponed for discussion until the Board meeting on May 22–23, 2025.

Chair Stallings announced that pursuant to Government Code section 11126(e)(2)(C), Business and Professions Code section 6026.7(c)(3), and Government Code section and 11126(c)(1) the Board of Trustees will move to closed session to consider the items listed on the closed session agenda.

CLOSED SESSION

1. Closed Business

1.1 Administration, Preparation of Examination Materials, and Security of Test Administration for the 2025 California Bar Examinations

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

1.2 Conference with Legal Counsel—Initiation of Litigation

**Closed Pursuant to Government Code § 11126(e)(2)(C)*

1.3 Appointment Process for Executive Director

**Closed Pursuant to Government Code § 11126(a)(1)*

OPEN SESSION

The Board reconvened in open session and announced that the Board directed the general counsel to retain an independent investigator to conduct a privileged investigation into the issues relating to the February 2025 Bar Examination.

ADJOURN