

4.6 Approval of April 2, 2025, Board of Trustees Open Session Minutes



The State Bar of California

Special Meeting of the Board of Trustees Zoom

Open Session Minutes
Wednesday, April 2, 2025
12:03 p.m.–5:57 p.m.

Time meeting Commenced: The Board meeting commenced in open session at 12:03 p.m. The Board moved into closed session at 2:45 p.m. The Board reconvened in open session at 4:13 p.m.

Time meeting Adjourned: 5:57 p.m.

Chair: Brandon Stallings

Board Secretary: Louisa Ayrapetyan

Members Present: Patricia Barahona, 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: None

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. Douglas:
A February 2025 bar exam taker, opposed current remedies for the exam issues, arguing that technical problems and flawed questions unfairly harmed candidates and called for score adjustments and licensure without a retake.
3. Andrea Lynch:
A February 2025 bar exam taker, criticized the lack of applicant input on remedies, opposed blanket provisional licensure as inadequate, and urged for tailored solutions like partial

retakes or alternative licensure pathways, arguing it would be unfair and unprecedented to require a full retake due to the bar's own failures.

4. Amy Casuni:

A February 2025 bar exam taker, supported concerns raised by others and urged the prompt release of California's experimental exam results, arguing that the delay creates additional scoring concerns and undermines fairness, especially with promised bonus points still unaccounted for.

5. Ray Hayden:

Called for a training-based alternative to the bar exam, a remote testing option, and a licensure path without retaking the exam, arguing their proposed program better prepares new attorneys.

6. Katie Moran:

A law professor speaking on behalf of seven other bar prep professors, urged the board to stop using Kaplan questions due to legal errors and testing violations, and called for a return to the multistate exam with a full review of all Kaplan items.

7. Pamela Bennett:

A legal specialization board member, raised concerns about a lawsuit over bar exam tech malfunctions and asked how it affects the Bar's use of computer-based testing and its preparation process.

8. Benjamin Kohn:

Urged stronger remedies for the February 2025 bar exam, including non-exam licensure, broader makeup exam access, and better tech vendors to prevent repeat failures.

9. Zack Defazio Farrell:

A February 2025 bar exam taker, criticized the exam's technical issues and urged the board to drop retake requirements. Farrell advocated for adopting the Portfolio Bar exam, a proven alternative, to ensure fairness and uphold professional integrity.

10. Claire Solot:

Urged granting full licensure to 2020 PILs, highlighting their experience and the financial burden of taking the bar exam. She criticized the State Bar's resistance to alternative licensure methods despite public support.

11. April Vincent:

Criticized the use of Kaplan questions for the bar exam, stating they failed to fairly assess applicants' competency and did not align with previous exam standards.

12. Mary Basick:

Highlighted issues with Kaplan's bar exam questions, contrasting them with the NCBE's thorough, expert-reviewed process. Basick expressed concern over Kaplan's questions, noting they focused on obscure legal areas rather than offering a broad range of knowledge.

13. Bryce Woolley:
Criticized the lack of proper vetting for Kaplan's bar exam questions and called for a full review to ensure they meet quality and content standards.
14. Ashley R:
Argued that the February 2025 bar exam was fundamentally flawed and traumatizing, placing undue burden on applicants. They urged the Board to extend the Pathway Provisional License Program as a fair remedy and a step toward restoring trust and integrity.
15. Marcus Friedman:
Urged the State Bar to adopt the Portfolio Bar Exam (PBE) as a cost-saving, fair alternative for those affected by the flawed February 2025 bar exam, backed by proposed emergency legislation.
16. Justice:
Formally accused attorney Stephen Michael Tamer of repeated legal misconduct, including filing frivolous appeals and abusing restraining orders, and demanded his disbarment and designation as a vexatious litigant.
17. Nydia Johnson:
Criticized California's February 2025 bar exam for adding untested, obscure topics not on the traditional MBE outline, arguing this unfairly expanded test content without proper notice.
18. Enri Marini:
Accused Stephen Tamer and Anthony D'Amato of filing frivolous, harassing motions in multiple cases and urged the board to declare them vexatious litigants.
19. Erin Schroeder:
Expressed concern about delays in removing the "administrative inactive" reference from the State Bar's website, as promised by the Board in November 2024, citing conflicting responses from the Division of Regulations.
20. Joseph Figo:
Criticized the State Bar's decision to choose ExamSoft for the July 2025 bar exam, highlighting a \$300,000 savings their company could offer and requesting consideration for future exams, especially if in-person tests are held in 2026.
21. Gerardo Gama:
Advocated for granting permanent licenses to all February 2025 bar exam takers, arguing that it would be the least costly option, prevent mass litigation, and help new attorneys contribute to the economy. Gama also urged the bar to take responsibility for its actions and plan for the upcoming July exam.

22. iPhone Dylan:

Criticized the February 2025 bar exam, citing technical issues and unfair questions. They called for a PPL program allowing licensure through supervised practice, remote options for foreign attorneys and those with disabilities, and condemned the exam as a socioeconomic barrier.

23. Suzanne Freyer:

Criticized the California Bar for introducing new law topics without proper notice and for errors in the February 2025 bar exam, including typos and incorrect law. Freyer stated that psychometricians cannot fix poorly drafted questions.

24. L. Allen:

Raised concerns about the lack of accommodations for examinees requiring extra time under ADA guidelines, which led to rushed essays and unfair testing conditions. Allen called for a fair licensure pathway as the only just remedy for the flawed exam.

25. Ellie Chen:

Faced significant technical issues during the February 2025 bar exam, including missing documents and untrained proctors, causing a 20-minute disadvantage. Chen urged administrators to review individual cases and offer remedies for those affected.

26. Sherry:

Urged the Board to prioritize fairness and consider alternatives to a second bar exam, as examinees have already passed law school. They highlighted how psychometric analysis can't fix the emotional and technical issues faced during the February 2025 bar exam and suggested using past MBE scores instead of the problematic Kaplan questions.

27. David's iPhone:

Thanked those acknowledging the February 2025 bar exam issues, citing a law that requires two years' notice for significant changes. They urged the bar to correct the exam changes to preserve trust and honor legal education without needing court intervention.

28. Ann Camacho:

Criticized the inadequate pretest vetting and psychometric analysis for the February 2025 bar exam. Camacho also noted that Kaplan's limited practice questions were insufficient for preparation, urging them to better align with NCBE standards.

29. Mitzi:

Criticized the board's response to the flawed exam, calling the provisional license proposal inadequate. They highlighted the financial and emotional toll, including \$7,000 spent on prep materials, and urged the board to create a full path to licensure to address the harm caused.

30. Anonymous:

Opposed psychometrician scoring adjustments and provisional licensure, citing fairness concerns. They also requested a timeline for the consideration of other recommendations, like reducing the cut score and implementing reciprocity.

31. Daniel Rescia:

Experienced system crashes during the February 2025 bar exam. Rescia proposed a significant scoring adjustment for those affected by technical issues, rather than a retake or provisional license, while acknowledging the need to maintain the exam's integrity.

32. Du:

A foreign lawyer candidate, requested that candidates who failed the February 2025 bar exam be allowed to choose a future exam with fees and travel expenses waived or reimbursed. They also asked for better communication for foreign lawyers.

33. Jie Ding:

Opposed the provisional license, calling it burdensome, ineffective for broad legal learning, and unstable due to job changes.

34. Celine M:

Described pre-exam confusion, technical issues, and unequal testing conditions. They argued that psychometric adjustments can't fairly account for these issues and urged for provisional licensure without a retake as the only fair remedy.

35. Dan Molina:

Urged the Board to provide an alternative licensure pathway, emphasizing the severe economic, emotional, and life-altering impacts on February 2025 test takers. Molina called for bold leadership and action to prevent further harm and ensure justice.

36. Sonja Chen:

A February 2025 bar examinee, criticized the State Bar for systematically excluding accommodated test takers, citing failures like denied accommodations, untrained proctors, and harmful delays. Chen called this neglect abusive and urged the Bar to uphold its mission of inclusion.

37. Nicholas:

An out-of-state licensed attorney, urged the Board to recommend full licensure—not just provisional—for attorneys affected by the flawed February 2025 bar exam, arguing that retesting is redundant and unfair given their proven qualifications.

38. M. Robinson:

A retaker with accommodations, praised two Board members for empathetic listening, but expressed disappointment at the lack of attention to the needs of accommodated test-takers. Robinson noted that poor planning and extended delays during the exam, especially for someone managing diabetes, significantly hindered their ability to perform.

39. Kevin:

Thanked the Board and urged a focus on fixing the system rather than assigning blame. They highlighted that provisional licensing doesn't help disciplined attorneys seeking reinstatement, as only a passing score allows reentry. They urged fair consideration for those individuals.

40. Madison Rosenthal:

A licensed attorney in multiple states and February 2025 bar exam retaker, criticized the Bar's handling of the exam and urged full licensure for out-of-state attorneys or a pass for retakers who narrowly failed (by under 100 points), citing emotional, financial, and professional harm.

41. Ana Park:

Criticized the February 2025 bar exam for being unfair due to technical issues and unvetted Kaplan questions. Park urged the Board to consider reciprocity for out-of-state attorneys, alternatives like a portfolio bar or supervised practice, and flexible retake options using previous MBE scores.

42. Nadine Mazard:

Urged the California Supreme Court to grant admission on motion or through reciprocity as a one-time exception for attorney applicants. Mazard emphasized the need for fair remedies, including legislative changes and refunds—at minimum, the computer fee—for those affected by the flawed exam process.

43. iPhone:

Opposed diploma privilege and unrestricted provisional licensure, arguing that the bar exam ensures minimum competency and protects the public. They criticized efforts to bypass the exam, claiming it undermines the profession's integrity, and urged the Board to maintain rigorous standards, including requiring a bar pass and strict supervision if provisional licensure is offered.

44. Andrew Schach:

An attorney examinee, raised concerns about technical issues during the exam, including a copy-paste error. Schach argued that out-of-state examinees should be considered for reciprocity, as provisional licensure wouldn't help those already practicing law.

45. Cece Mcconnant:

A foreign attorney, shared that they withdrew from the exam shortly before it began due to ongoing technical issues during practice exams, including lag, disconnections, and poor visibility. Mcconnant asked the board to also consider candidates who withdrew, noting they invested significant time and money in preparation.

46. Alexandra Sennet:

Recovering from a spinal injury, took the February 2025 bar exam in severe pain and faced major issues, including unvalidated exam content. Sennet urged real remedies like score adjustments and accountability, saying many others were similarly harmed.

47. Shirleen Claiche:

A legal professional and licensed private investigator, criticized the handling of the November experimental bar exam, citing tech issues, lack of promised feedback, and poor communication. Despite their qualifications and willingness to help, Claiche felt ignored and called for transparency and accountability.

48. Sureena:

A foreign-trained solicitor, urged for alternative licensure paths due to the February 2025 bar exam's challenges, calling it unfair and outdated—especially for already-qualified attorneys forced to travel for an exam that could be remote.

49. James Camper:

Described major technical issues during the February 2025 bar exam and urged the Board to create a permanent licensure path—like supervised practice—instead of requiring affected candidates to retake the exam.

50. Ceren Aytekin:

A foreign attorney with accommodations, faced major tech issues during the February 2025 bar exam and reported that reused questions from a prior experimental exam created confusion and distress due to their ADHD and impacted performance.

51. C.J. Huck:

A law clerk, questioned the fairness of offering refunds and provisional licenses to those who withdrew from the bar exam while others who took it faced challenges. Huck also expressed concern about losing their job due to uncertainty around the exam results.

52. Michelle Olivarez:

Shared difficulties with registration, travel, and technical issues during the February 2025 bar exam. Despite these obstacles, Olivarez emphasized their good faith effort and urged the board to acknowledge the unique circumstances and provide a fair remedy, noting the situation was different from previous exams and deserved different results.

53. Kevin Lipeles:

A law firm owner, supported provisional licensure but raised concerns about law clerks needing time off to study for the bar exam. Lipeles suggested allowing clerks to demonstrate their competency through supervised practice instead of requiring more time off for another exam, as it could jeopardize their jobs.

54. Tonya:

Took both the February 2025 bar exam and the experimental exam, requested that results be made public before May 2nd. They also advocated for a 50-point reduction in the passing score due to technical issues, delays, and unvetted questions during the exam.

55. Tyler Gesbeck:

A provisionally licensed lawyer since 2021, withdrew from the February 2025 bar exam due to personal and family issues. Gesbeck supports extending the provisional licensing program through December 2025 and suggested a one-day attorney's exam for provisional licensees.

56. Clark Cavolo:

A four-time bar taker, shared a positive experience with the February 2025 remote exam, crediting the home environment for their best performance yet and encouraged continued consideration of remote testing.

1. Chair's Report

1.1 Oral Report

Chair Stallings provided an oral report.

2. Executive Director's Report

2.1 Overview of Roles of the Board of Trustees and the Committee of Bar Examiners in Oversight and Administration of Admissions Functions

Executive Director Wilson provided an oral report.

3. Consent Calendar

3.1 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 Sowell, seconded by Cisneros

Ayes – (12) Barahona, Buenaventura, Cisneros, Good, Gore, Grande, Huser, Sowell, Stephens, Toney, Trejo, Stallings

Nays – (0)

Abstain – (0)

Absent – (0)

Motion carries.

4. Business

4.1 Update on the February 2025 Bar Examination; Discussion and Approval of Recommendations Related to Provisional Licensure

Presenter: Donna S. Hershkowitz, Chief of Admissions/Legislative Director

RESOLVED, that the Board of Trustees postpones consideration of the Committee of Bar Examiners' request to recommend to the Supreme Court expansion of the Provisional Licensure Program as approved at their March 14, 2025, meeting; and it is

FURTHER RESOLVED, that the Board of Trustees requests that the Committee of Bar Examiners consider the full range of remediation options, after the completion of the grading of the February 2025 bar exam. The Board of Trustees requests that the Committee of Bar Examiners provide the specific parameters for any recommended remediation measures ultimately recommended. Lastly, the Board of Trustees requests that the CBE consider special populations in developing remediation

recommendations, including attorney applicants licensed in other states and bring back to the Board for consideration.

Moved by Toney, seconded by Buenaventura

Ayes – (8) Barahona, Buenaventura, Cisneros, Gore, Sowell, Stephens, Toney, Stallings

Nays – (2) Good, Huser

Abstain – (0)

Absent – (2) Grande, Trejo

Motion carries.

4.2 Update on the July 2025 Bar Examination; Discussion and Approval of Contracts for Testing Centers and ExamSoft Worldwide LLC for the Administration of the July 2025 Bar Examination

Presenter: Donna S. Hershkowitz, Chief of Admissions/Legislative Director

RESOLVED, that the Board of Trustees, subject to authorization by Committee of Bar Examiners, for the use of testing facilities in the locations identified in the staff report and the selected exam software provider (ExamSoft), approves contracting with the vendors listed in the revised table 1 for administration of the July 2025 Bar Exam, which adds standard testing space in Anaheim and additional testing space for accommodated applicants in San Diego.

Moved by Sowell, seconded by Gore

Ayes – (10) Barahona, Buenaventura, Cisneros, Good, Gore, Huser, Sowell, Stephens, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (2) Grande, Trejo

Motion carries.

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 Conference with Legal Counsel—Initiation of Litigation

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

1.2 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)***

OPEN SESSION

The Board reconvened in open session and announced that there were no actions to report from the closed session.

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