

4.4 Approval of February 20–21, 2025, Board of Trustees Open Session Minutes



The State Bar of California

Regular Meeting of the Board of Trustees Zoom

Open Session Minutes
Thursday, February 20, 2025
9:04 a.m.–4:49 p.m.

Time meeting Commenced: The Board meeting commenced in open session at 9:04 a.m. The Board moved to closed session at 9:44 a.m. The Board returned to open session at 12:40 p.m.

Time meeting Adjourned: 4:49 p.m.

Chair: Brandon Stallings

Board Secretary: Louisa Ayrapetyan

Members Present: Patricia Barahona, Raymond Buenaventura (joined late), José Cisneros, Sarah Good, Debra Gore, Cynthia Grande, Arnold Sowell Jr., Brandon Stallings, Mattheus Stephens (joined late), Mark Toney, Genaro Trejo (joined late)

Members Absent: Mary Huser

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. Claire Solot:
Urged support for remaining provisionally licensed lawyers (PLLs), noting unresolved issues from the Court's October 2024 order and the impact of recent exam changes on PLLs working in legal aid and small firms.
2. Benjamin Kohn:
Urged the Board to initiate litigation against the vendor Measure Learning, citing multiple contract breaches and ongoing issues that are negatively impacting bar applicants. He also questioned the overall feasibility and cost-effectiveness of outsourcing bar exam administration and called for policy reassessment by the Supreme Court and Legislature.
3. Ray Hayden, JD:
Commended State Bar staff but criticized Measure Learning's performance. Proposed

eliminating the written portion of the exam and using a 100% multiple-choice onboarding model similar to FAA testing. He supported direct licensure for PLLs and voiced concern about lack of access to practice materials, specifically for the performance test.

4. Todd Hill:
Addressed systemic racial disparities in attorney discipline and bar passage rates, citing the 2024 discipline disparity study. He called out the profession's failure to enact structural reform and demanded accountability and stronger protections for minority attorneys, particularly solo practitioners.
5. Phil Thapolis:
Condemned alleged selective prosecution by Los Angeles City Attorney Heidi Soto, accusing her of targeting critics—including activists and journalists—linked to the Church of Scientology. He referenced multiple cases he claims were unjustified and called on the Bar to act.
6. Kai On (pre-recorded):
Described an ongoing struggle for justice after his father's death, alleging Sacramento government officials provided falsified information and refused to investigate. He appealed to the State Bar and Governor Newsom for help, stating he has no other avenue to pursue accountability.
7. Tom Belkin:
Echoed prior speakers' concerns about Scientology-related attorney misconduct. He specifically named attorneys he believes are enabling corruption and called for their disbarment. Claimed Scientology operates as a domestic terrorist group and that the Bar has enough evidence to take disciplinary action.
8. Jacqueline Horani:
Bar examinee in Spain who raised concerns about delayed proctoring and time zone impacts due to Measure Learning's capacity issues. She urged the Board to ensure fair test conditions for remote examinees, especially those outside the U.S.
9. Jason (Dean, Lincoln Law School of San Jose):
Advocated for a deeper review of unaccredited and Cal-accredited law schools, arguing that they serve diverse populations and are often unfairly judged by outdated data. Called for longitudinal evaluation and more support for nontraditional law schools.
10. B. Hoffman:
A recent graduate preparing for the February bar exam, described personal and financial hardships caused by inconsistent communication and test site logistics. Called on the Bar to issue remedies, noting that lives and careers are on the line.
11. Edmond Guidry:
An attorney licensed in Louisiana taking the California bar, echoed concerns about poor

communication. Urged the Bar to centralize accurate updates for examinees, calling the current experience unprofessional and disorganized.

12. Isabella:

Criticized the limited number of sample multiple-choice questions released for the new bar format. She reported that edits to questions and exam topics were made without notice and only discovered through Reddit. Argued the rollout has lacked transparency and accountability.

Chair Stallings announced that pursuant to Government Code section 11126(c)(2) the Board of Trustees will move to closed session to discuss the discipline system training; review of discipline system cases involving confidential information.

1. Board of Trustees Sitting as the Regulation and Discipline System

1.1 Discipline System Training

Review of Discipline System Cases Involving Confidential Information

OPEN SESSION

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

2. Chair's Report

2.1 Oral Report

Chair Stallings provided an oral report.

3. Board of Trustees Strategic Planning Session

3.1 Discipline System Training

Discussion of the discipline system training was deferred to a future meeting.

3.2 Board of Trustees Trainings

1. Conflicts of Interest and Form 700 Training

2. Communications Training

Presenter: Brady Dewar, Assistant General Counsel, Office of General Counsel

Presentation and discussion only.

Discussion of the communications training was deferred to a future meeting.

3.3 An Inclusive and Equitable Profession

1. Background: Demographics of the Legal Profession

2. A View at Two Discrete Points in the Continuum of the Legal Profession

- Law School – Discussion of Disparities in Outcomes Across Law School Types
- Disparities in the Discipline System

Presenters: Donna Hershkowitz, Chief of Mission/Legislative Director
Lisa Chavez, Program Director, Mission Advancement & Accountability Division

Natalie Leonard, Principal Program Analyst, Office of Admissions
Josiah Sweeting, Lead Program Analyst, Mission Advancement & Accountability
Division
Khulan Erdenebaatar, Program Director, Mission Advancement & Accountability
Division
Kevin Wei, Program Analyst, Mission Advancement & Accountability Division

Presentation and discussion only.

3.4 Public Private Partnerships/Funding Key Admissions Initiatives

Presenters: Joyce Song, Program Director, Office of Access and Inclusion
Renée LaBran, Board Member, Idealab

Presentation and discussion only.

The meeting was recessed until Friday, February 21, 2025.

Regular Meeting of the Board of Trustees
Hybrid

Open Session Minutes
Friday, February 21, 2025
10:27 a.m.–5:33 p.m.

Time meeting Commenced: The Board meeting commenced in open session at 10:27 a.m. The Board moved into closed session at 11:47 a.m. The Board returned to open session at 4:34 p.m.

Time meeting Adjourned: 5:33 p.m.

Chair: Brandon Stallings

Board Secretary: Louisa Ayrapetyan

Members Present: Patricia Barahona, Raymond Buenaventura, José Cisneros, Sarah Good, Debra Gore, Cynthia Grande, 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. Jeremy B. Kline, CFLS:
Opposed the proposal to sunset the Board of Legal Specialization. Urged the Board to either reject the recommendation or delay action to allow more public input from certified specialists. Stressed the value of specialist involvement and expressed concern that the program is deteriorating without it.
2. Leroy Jenkins:
Expressed concerns about attorney misconduct tied to the Church of Scientology. Named attorneys he believes are involved in unethical or illegal actions, including attempts to vacate public streets and intimidate activists. Urged the Board to take disciplinary action.
3. George Casarez:
Echoed prior concerns about Scientology-linked attorneys. Alleged attempts to unlawfully vacate public streets and suppress public access near Scientology properties. Described instances of violence, corruption, and public safety violations, calling for attorney disbarment.

4. Sophia:
Spoke on behalf of February 2025 remote bar exam takers. Requested removal or extension of the 60-minute login deadline due to delays from ProctorU. Warned that applicants may be unfairly prevented from starting the exam after months of preparation.
5. Will Abrams:
A wildfire survivor who raised concerns about unethical attorneys exploiting wildfire victims. Cited conflicts of interest, misuse of nonprofits, and influence from utility companies like PG&E. Called for increased oversight and enforcement to protect survivors.
6. Jean Strout:
Criticized the remote exam rollout. Reported major platform issues, unclear rules, delayed updates, and contradictory messaging between the State Bar and ProctorU. Requested scoring accommodations, a refund, and free retake for those impacted.
7. Carol Peters:
Submitted written comments in support of maintaining the legal specialization program. Thanked the Board for noting the issue would return in May and urged against sunseting the program.
8. Kris (Chris Coombs):
Listed detailed concerns from February bar applicants: unclear rules at test centers, broken platform features, loss of exam strategy, access inequality due to Kaplan's question bank paywall, and the need for accommodations and reimbursements.
9. Renu Sagreiya:
Criticized the Kaplan study guide for containing legal errors that were silently corrected after being publicly available for months. Called for leniency in scoring and free retakes due to the stress and inaccuracy of provided materials.
10. Anonymous Caller:
A licensed attorney in multiple jurisdictions expressed outrage at the mismanagement of the February 2025 exam. Highlighted technological failures, lack of confidence in question quality, and failure of the Bar to meet basic administrative standards. Demanded accountability and questioned the integrity of the process.

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

CLOSED SESSION

1. Closed Session Minutes

1.1 Approval of November 14–15, 2024, Board of Trustees Closed Session Minutes

2. Closed Business

2.1 Update Relating to the Administration, Preparation of Examination Materials, and Security of Test Administration for the 2025 California Bar Examinations

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

2.2 Conference with Legal Counsel—Initiation of Litigation

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

2.3 Performance Evaluation and Appointment Process for Executive Director

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

2.4 Performance Evaluation of General Counsel

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

3. Board of Trustees Sitting as the Regulation and Discipline Committee

3.1 Performance Evaluation of Chief Trial Counsel

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

OPEN SESSION

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

1. Executive Director's Report

2.1 Progress Update Regarding the State Bar's 2022–2027 Strategic Plan

Executive Director Leah Wilson provided an oral report.

2. Open Session Minutes

2.1 Approval of November 14–15, 2025, Board of Trustees Open Session Minutes

2.2 Approval of December 2, 2024, Board of Trustees Open Session Minutes

2.3 Approval of January 7, 2025, Board of Trustees Open Session Minutes

The open session minutes for items 2.1, 2.2, and 2.3 were carried over to the May 2025 Board meeting for consideration.

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

3.2 Report of Action Taken by Joint Contracts Committee and Executive Committee Approving Specified Contracts Pursuant to Business and Professions Code Section 6008.6

RESOLVED, that the Board of Trustees approves the contract listed herein, retroactive to February 3, 2025, and further ratifies the execution of said contract.

3.3 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 was postponed for consideration until the May 2025 Board meeting.

3.4 Adoption of Employee Pay Schedule

RESOLVED, the Board of Trustees approves the 2025 employee pay schedule, included as Attachment A.

3.5 Adoption of State Bar Court Judge Pay Schedule

RESOLVED, the Board of Trustees approves the 2024–2025 State Bar Court judge pay schedule, included as Attachment A.

3.6 Approval of Proposed Changes to Conflict of Interest Code (COI Code) for Designated Employees and Changes to Disclosure Categories for State Bar Court Judges; Receipt of Report Pursuant to Government Code Section 87306(b) for COI Code for Designated Employees; Approval for Submission to the California Supreme Court of Report Pursuant to Government Code Section 87306(b) for COI Code for the Board of Trustees

RESOLVED, that, upon recommendation of the Board Executive Committee, the Board of Trustees hereby adopts the proposed Conflict of Interest Code for Designated Employees of the State Bar of California as set forth in Attachment A, effective March 2, 2025; and it is

FURTHER RESOLVED, that, upon recommendation of the Board Executive Committee, the Board of Trustees hereby receives this staff report and the two previous staff reports referenced in the Prevision Action section together as the report on changes to the Conflict of Interest Code for Designated Employees of the State Bar of California required by Government Code section 87306(b); and it is

FURTHER RESOLVED, that, upon recommendation of the Board Executive Committee, the Board of Trustees hereby directs staff to transmit the letter set forth in Attachment C to the Clerk of the Supreme Court of California.

3.7 Report on the Commission on Judicial Nominees Evaluation Implementation of State Bar Rule 7.52

Informational item only.

3.8 Approval of Proposed Revised Rule 2.5 and Proposed New Rules 2.4 and 2.6 of the Rules of the State Bar Relating to the Client Trust Account Protection Program: Return from Public Comment and Request for Adoption

RESOLVED, following notice and publication for public comment, that the Board of Trustees approves and adopts rule 2.4 of the Rules of the State Bar, as set forth in Attachment A; and it is

FURTHER RESOLVED, following notice and publication for public comment, that the Board of Trustees approves and adopts amendments to rule 2.5 of the Rules of the State Bar, as set forth in Attachment B; and it is

FURTHER RESOLVED, that the Board of Trustees directs staff to, on or after January 1, 2026, remove the language from paragraph (L) of rule 2.5 that will no longer be in effect at that time, remove the language from paragraph (L) of rule 2.5 stating “On and after January 1, 2026, a” and replace the removed language with “A”, and update the subparagraph numbering accordingly; and it is

FURTHER RESOLVED, following notice and publication for public comment, that the Board of Trustees approves and adopts rule 2.6 of the Rules of the State Bar, as set forth in Attachment D; and it is

FURTHER RESOLVED, that the Board of Trustees approves and adopts a new Division 1.5 (Client Trust Account Protection Program) in Title 2 of the Rules of the State Bar and assigns rules 2.4, 2.5, and 2.6, to this new division.

3.9 Proposed Amendments to Rules of Procedure of the State Bar of California, Rules 5.28 (Computing Time) and 5.127 (Public and Private Reprovals), and Standards for Attorney Sanctions for Professional Misconduct, Standard 1.2 (Definitions): Return from Public Comment and Request for Adoption

RESOLVED, that the Board of Trustees adopts the proposed amendments to Rule 5.28 of the Rules of Procedure of the State Bar of California as set forth in Attachment B, the amendment to this rule to be effective as of April 1, 2025; and it is

FURTHER RESOLVED, that the Board of Trustees adopts the proposed amendments to Rule 5.127 of the Rules of Procedure of the State Bar of California and Standard 1.2 of the Standards for Attorney Sanctions for Professional Misconduct of the Rules of Procedure of the State Bar of California, as set forth in Attachment D, the amendments to be effective as of April 1, 2025; and it is

FURTHER RESOLVED, that except as expressly modified by this resolution, all other sections, subsections, paragraphs, subparagraphs, terms, clauses, and phrases set forth in Standard 1.2 of the Standards for Attorney Sanctions for Professional Misconduct of the Rules of Procedure of the State Bar of California will remain unchanged and will be in full force and effect.

3.11 Action Taken by the Board Executive Committee Regarding the Five-Year Sunset Review Recommendations for Subentities – Informational Only

Informational item only.

3.12 Approval of New Member to the Lawyer Assistance Program Oversight Committee

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee approve the appointment of Dr. Ryan Peterson to serve on the Lawyer Assistance Program Oversight Committee, for a four-year term, commencing at the close of the meeting of the Board of Trustees on February 2025, and expiring at the close of the Board of Trustees meeting on February 2029, or until further order of the Board of Trustees, whichever occurs earlier.

3.13 Approval of 2024 Quarter Three Board and Management Travel Expense Report

RESOLVED, that the Board of Trustees, upon recommendation of the Audit Committee, approves the 2024 Quarter Three Board and Management Travel Expense Report in the form presented this day, for the three months ended September 30, 2024.

3.14 Approval of 2024 Quarter Four Board and Management Travel Expense Report

RESOLVED, that the Board of Trustees, upon recommendation of the Audit Committee, approves the 2024 Quarter Four Board and Management Travel Expense Report in the form presented this day, for the three months ended December 31, 2024.

3.15 Approval of 2024 Quarter Four Investment Report

RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee approve the 2024 Quarter Four Investment Report for the twelve months ended December 31, 2024, in the form presented this day before the Board.

3.16 Annual Review and Approval of Investment Policy

RESOLVED, that the Board of Trustees, upon recommendation of the Finance Committee approve the Investment Policy as presented in this staff report.

Consent calendar moved by Sowell, seconded by Grande

Ayes – (9) Barahona, Cisneros, Good, Gore, Grande, Sowell, Toney, Trejo, Stallings

Nays – (0)

Abstain – (0)

Absent – (3) Buenaventura, Huser, Stephens

Motion carries.

The following item was pulled from the consent calendar for separate discussion.

3.10 Technical Correction to Rules of the State Bar of California Appendix A, Schedule of Charges and Deadlines, Related to Legal Specialization Fees, LLP & Law Corporations Deadlines, Fees for Unaccredited Law Schools, and Other General Edits

Presenter: Aracely Montoya-Chico, Chief Financial Officer

RESOLVED, that due to the anticipated delay in opening applications for the June 2025 First-Year Law Students' Examination and the July 2025 California Bar Examination on their regularly scheduled dates, the Board of Trustees hereby waives the initial late fee for applications to take those exams, as set forth in Attachment B and it is;

FURTHER RESOLVED, that the Board of Trustees, approves and adopts the amendments to the Rules of the State Bar of California, Appendix A: Schedule of Charges and Deadlines, as set forth in Attachment B.

Moved by Sowell, seconded by Gore

Ayes – (9) Barahona, Cisneros, Good, Gore, Grande, Sowell, Toney, Trejo, Stallings

Nays – (0)

Abstain – (0)

Absent – (3) Buenaventura, Huser, Stephens

Motion carries.

4. Board of Trustees Sitting as the Regulation and Discipline Committee

4.1 Proposed Changes to California Rules of Court to Modify Rule Regarding Stipulations for Modification of Probation Terms (Rule 9.10) and to Add New Rule Regarding Professional Responsibility Examination Requirement (Rule 9.24): Request to Circulate for Public Comment

Presenter: Leah Wilson, Executive Director

RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 45 days, the proposed amendment to California Rules of Court, rule 9.10, as set forth in Attachments A and B; and it is

FURTHER RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 45 days, the proposed new California Rules of Court, rule 9.24, as set forth in Attachment C.

Moved by Sowell, seconded by Good

Ayes – (8) Barahona, Cisneros, Good, Gore, Grande, Sowell, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (3) Buenaventura, Huser, Stephens

Motion carries.

4.2 Discussion Regarding Office of Chief Trial Counsel Performance Metrics

This item was deferred for discussion to a future meeting.

4.3 Discussion Regarding Complaint Review Unit Performance Metrics

This item was deferred for discussion to a future meeting.

4.4 Discussion Regarding Rule 2201 Program Performance Metrics

This item was deferred for discussion to a future meeting.

4.5 Report on Random Audit of the Special Deputy Trial Counsel Files Closed Between May 1, 2023, and April 30, 2024, and Special Deputy Trial Counsel Administrator Response

This item was deferred for discussion to a future meeting.

4.6 Discussion Regarding State Bar Court Performance Metrics

This item was deferred for discussion to a future meeting.

4.7 Consolidation of Discipline System Metrics Reports

This item was deferred for discussion to a future meeting.

5. Business

5.1 Approval of 2025 State Bar Final Budget Pursuant to Business and Professions Code Section 6140.1

Presenter: Aracely Montoya-Chico, Chief Financial Officer

RESOLVED, that the Board of Trustees adopt the 2025 State Bar Final Budget; and it is

FURTHER RESOLVED, that the Board of Trustees authorize staff to make technical adjustments and corrections to the 2025 State Bar Final Budget prior to submitting it to the Legislature by February 28, 2025; and it is

FURTHER RESOLVED, that the Board of Trustees approves the one time reimbursement of nonrefundable travel and lodging related expenses or stipend for travel and/or lodging for certain test takers who meet the requirements for such reimbursements or stipends as determined by the executive director in connection with the February 2025 bar examination, and finds that such expenditures are in furtherance of the State Bar's mission to promote access to, and inclusion, in the legal system and thus promote a valid and substantial public purpose within the authorized mission of the State Bar; and it is

FURTHER RESOLVED, that the Board of Trustees approves 3.1M in the budget to support fee waivers for the July 2025 bar exam to eligible February 2025 bar exam takers and authorizes staff to develop the eligibility framework with general parameters being those who withdrew from the February 2025 bar exam or fail the February 2025, after good faith efforts.

Moved by Good, seconded by Toney

Ayes – (8) Barahona, Good, Gore, Grande, Sowell, Toney, Trejo, Stallings

Nays – (0)

Abstain – (0)

Absent – (4) Buenaventura, Cisneros, Huser, Stephens

Motion carries.

5.2 Approval of 2024 Quarter Four Financial Statements

This item was deferred for discussion to a future meeting.

5.3 Request for Approval and Delegation of Authority to Finalize and Submit the Biennial Report to the Legislature on Policies and Activities to Enhance Access, Fairness, and Diversity in the Legal Profession and the Elimination of Bias in the Practice of Law: 2024–2025 Pursuant to Business and Professions Code Section 6001.3

Presenters: Elizabeth Hom, Program Manager, Office of Access & Inclusion

RESOLVED, that the Board of Trustees approves the Biennial Report to the Legislature on Policies and Activities to Enhance Access, Fairness, and Diversity in the Legal Profession and the Elimination of Bias in the Practice of Law: 2024–2025, pursuant to Business and Professions Code Section 6001.3 attached hereto as Attachment A; and it is

FURTHER RESOLVED, that the Board of Trustees delegates authority to staff to finalize and submit the report to the Legislature on or before March 30, 2025, pursuant to the direction of the Board at this meeting.

Moved by Toney, seconded by Sowell

Ayes – (9) Barahona, Cisneros, Good, Gore, Grande, Sowell, Toney, Trejo, Stallings

Nays – (0)

Abstain – (0)

Absent – (3) Buenaventura, Huser, Stephens

Motion carries.

5.4 Discussion Regarding the State Bar’s 2022–2027 Strategic Plan

This item was deferred for discussion to a future meeting.

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