

4.7 Approval of May 9, 2025, Board of Trustees Open Session Minutes



The State Bar of California

Special Meeting of the Board of Trustees Zoom

Open Session Minutes
Friday, May 9, 2025
9:02 a.m.–2:46 p.m.

Time meeting Commenced: The Board meeting commenced in open session at 9:02 a.m. The Board moved into closed session at 1:53 p.m. The Board reconvened in open session at 2:43 p.m.

Time meeting Adjourned: 2:46 p.m.

Chair: Brandon Stallings

Board Secretary: Louisa Ayrapetyan

Members Present: Raymond Buenaventura (joined late), Patricia Barahona, José Cisneros, Sarah Good, Debra Gore, Cynthia Grande (joined late), Ryan Harrison, Mary Huser, Arnold Sowell Jr., Brandon Stallings, Mark Toney

Members Absent: Mattheus Stephens, Genaro Trejo

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. Victoria Tulcides:
Described devastating technical issues during the February 2025 bar exam, including a laptop crash mid-essay and ongoing software problems. She demanded an investigation and stated that her failure reflected system collapse, not incompetence.
2. Justin Jennings:
Criticized the PT as a memorization test due to system glitches and lack of copy-paste. Said he would've scored higher if he left the section blank, and called for a remedy addressing the inequity of penalizing effort.
3. Alia Bedi:
A Law Office Study Program candidate who completed the PT under severe duress due

to copy-paste issues and proctor intervention. Expressed frustration that completing the test penalized her, while others who left it blank benefited.

4. Ceren Ayetkin:
Reported multiple severe disruptions during both days of the exam, including a broken exam tab and unextractable annotations. Requested that her July 2024 PT score be considered and urged a one-time passage remedy for those within 80 points.
5. Unidentified Speaker (San Diego probate issue):
Raised concerns about mishandling of personal legal complaints, including a \$2.3 million probate case and alleged misconduct involving multiple California legal entities and officials.
6. Katie Imani:
Said her ADA accommodations were denied on test day, causing her to fail by 8 points. Asked the Board to pass second-readers or add 40 points to impacted scores, and emphasized the urgency of additional remedies.
7. Kai On:
Shared concerns about ignored misconduct complaints in a case involving his father's death. Urged the State Bar to investigate his campaign regarding fake defendant information and potential political interference.
8. Angel Ajala:
Said she had never failed the PT before but was disrupted by a proctor, lost 30+ minutes, and got no time adjustment. Criticized the remedy system for rewarding blank answers and cited a likely violation of California law.
9. Darlene Boggs:
Detailed extensive technical failures at her test center, including a frozen screen, lack of internet, and late starts. Condemned the State Bar's lack of transparency and unfair distribution of relief.
10. Katheryn Valle:
Described multiple issues with the PT, including not being able to access the file library or use copy-paste, and criticized the flawed multiple-choice section. Called for passing second readers and issuing provisional licenses.
11. Deeva Ladva:
Requested averaging of essay scores to replace flawed PT scores and imputation of lowest MCQ scores. Highlighted the unfairness of scoring inconsistencies and the impact of AI-generated questions.
12. Lubna:
An in-person test taker who reported a 20-minute delay and unusable laptop features. Scored well on essays but received a 45 on the PT. Asked for a remedy or provisional

license due to unfair treatment.

13. Unidentified Phone Caller (9912):

Said he took 3 months off unpaid to prepare and likely failed due to stress caused by server crashes. Urged the Board to pass second-readers or offer provisional licensure due to the financial and emotional toll.

14. Oluwatomi Ajimatanrareje:

Criticized the technical issues that made the PT a test of memory rather than analysis. Said the remedy system unfairly punished those who submitted under pressure instead of leaving answers blank.

15. Shyam Patel:

A licensed California attorney who slammed the Board's handling of the exam, especially the use of AI questions, poor remedies, and lack of transparency. Called the grading system inequitable and requested all applicants be passed.

16. Parul Turnquist:

An attorney with ADA accommodations who said she experienced severe violations and scored a 40 on the PT. Urged the Board to either impute a 65 or allow admission on motion for experienced out-of-state attorneys.

17. Pilar Hernández:

Reported losing over an hour of testing time and completing three essays in under 40 minutes. Emphasized that not all applicants faced the same disruptions and asked for fair, individualized remedies.

18. Shannon L:

Passed the exam but advocated for provisional licensure for second-readers and out-of-state attorneys. Highlighted issues with PT copy-paste, staggered starts, and unequal break times.

19. Yinan Huang:

A retaker of the February 2025 bar exam, reported that the copy and paste function on the State Bar-issued laptop failed, forcing them to write out rule sections manually. Requested score imputation or automatic passage for second-read applicants.

20. Jazmine Wolterding-Williams:

A first-time test taker who missed passing by 6 points. Urged the Board to apply the same PT score imputation to candidates who made good-faith efforts as was applied to those who left it blank.

21. Ruuder Liang:

Described severe technical issues, including repeated laptop freezing and loss of time per essay. Despite strong essay scores, received no remedy and called for fair

treatment.

22. Vanessa Holton:

Former General Counsel of the State Bar (2015–2022), advocated for amicus participation in lawsuits challenging Trump’s executive orders impacting legal representation and DEI policies.

23. Bernice Vanderpoel:

Reported serious ADA accommodation violations, including 12-hour testing days without breaks or food. Warned of potential class action and called for immediate remedies.

24. Zaid:

Scored well on essays and MBE but was derailed by technical issues during the PT. Criticized the State Bar’s favoring of blank submissions in their remedy process.

25. Ray Hayden:

Called the exam a flawed metric and advocated for diploma privilege and equal admission alternatives. Criticized grading subjectivity and systemic inequity.

26. Meghan:

Missed passing by less than one point after experiencing tech disruptions, including exam lag and freezing. Urged passage of second-readers or reevaluation of PT scores.

27. Arayik Melkumyan:

A foreign-trained former judge who encountered multiple system failures. Submitted a full PT but received a zero while blank answers were rewarded. Called for equity.

28. Serra Tirpanci:

A non-native English speaker, described how flawed MBE questions with typos and confusing language disproportionately impacted ESL applicants. Asked for a fair remedy.

29. C.J. Abraham:

Raised concerns about changes to the bar format disadvantaging non-native English speakers. Cited errors and inconsistent phrasing as barriers and potential ADA violations.

30. Daniel Grigoryan:

A seasoned international lawyer, surprised by a low score despite full completion. Questioned psychometric fairness and requested provisional licensure due to hardship.

31. Benjamin Kohn:

Raised allegations of mismatched exam files and breaches of confidentiality. Praised lawsuits against Measure and called for individual remedies, not blanket fixes.

32. Mary Basick:

Requested review of PT zeros and urged release of grading rubrics. Noted major score

differences between first and second reads and supported partial retake options.

33. Brenda Mendes:

Failed by 7 points due to new MBEs. Estimated nearly \$47,000 in losses. Urged passing second-readers or allowing MBE-only retakes.

34. Andrew Lerner:

Blamed lack of PT copy/paste for turning the test into a memorization challenge. Urged Board to recognize the inequity of penalizing effort.

35. Katharina Allen Flagg:

Started the exam late due to tech issues. Scored inconsistently across PTs. Requested tailored remedies for those with multiple disruptions.

36. Amirah Muhammad:

Denied granted accommodations and received no remedy despite submitting all essays. Called for equity for disabled test takers.

37. Sal Saperstein:

Called the exam a "historic failure" and criticized blanket adjustments that punished effort. Slammed the Board for inaction and demanded accountability.

38. Julie M:

Described a chaotic testing environment and tech breakdowns. Argued for passing second-readers who demonstrated minimum competency despite conditions.

39. Veronica:

A mother of five who lost access to the PT mid-exam due to a frozen laptop and missing features. Scored 1380.2 despite obstacles and demanded a formal investigation.

40. Jeremy Jennings:

A paralegal who said the PT structure penalized real-world legal skills and effort. Said he would've scored higher by submitting nothing.

41. Anika Bedi:

Completed the PT late after tech delays and was penalized. Urged the Board to address the emotional toll and inequity of the remedy process.

42. Seren:

Urged the Board to count her July PT score due to lost time and file errors in February. Emphasized restoring trust and fairness.

43. Karina:

Denied ADA accommodations and failed by 8 points. Asked for second-read passage or a fair alternative, highlighting impact on working mothers.

44. Kyon:
Asserted political interference in State Bar complaint processes related to a family legal matter. Called on the Board to uphold integrity.
45. Angela:
Interrupted mid-PT and lost time. Submitted a rushed answer but was excluded from remedies. Demanded a blanket PT score imputation.
46. Daria:
Faced repeated internet and software issues. MCQs were unlike prep materials. Asked for passage of second-readers and meaningful relief.
47. Kathy:
Faced tech issues on the PT and couldn't copy-paste. Wrote on a whiteboard to keep up. Criticized MCQs and requested license pathways.
48. Diana Ladva:
Proposed averaging PT scores or assigning a flat 65. Criticized AI-generated MCQs and lack of transparency. Asked for reform across both sections.
49. Lina Bakir:
Missed passing due to technical issues. Highlighted unfairness in denying imputation while others were rewarded. Urged rapid remedy.
50. John Reyes:
Left job to prep, performed well until system crash caused panic and score decline. Asked for fairness for test takers under extreme stress.
51. Tommy:
Argued the PT became a memorization test due to lack of functionality. Asked for imputation for those who made real efforts under pressure.
52. Angel Ajala:
Expressed frustration over lack of meaningful remedy. Shared past success with PTs and said her February score reflected systemic failure, not lack of competence.

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 – *Withdrawn*

This item was withdrawn from the agenda prior to the May 9, 2025, Board meeting.

3. Business

3.1 Admissions Update and Discussion and Possible Adoption of Recommendation to Extend Fee Waivers for Test Takers Impacted by February 2025 Exam through 2026

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

RESOLVED, that the Board of Trustees approves extending the fee waivers to sit for the July 2025 bar exam approved at the February Board meeting, such that the Board approves \$4.9 million in the budget to support fee waivers for whichever of the following administrations of the bar exam that those who withdrew from the February 2025 bar exam or were unsuccessful on that exam sit for first: July 2025, February 2026, or July 2026; and it is

FURTHER RESOLVED, that applicants who have already applied for the July 2025 bar exam with the fee waiver be allowed to withdraw from the exam before the final filing deadline of June 2, 2025, and apply the fee waiver to one of the 2026 administrations of the bar exam.

FURTHER RESOLVED, that the Board of Trustees Supports the Committee of Bar Examiners recommendation to extend the application of the November scoring adjustment to the July 2025, February 2026, or July 2026 bar exam administration, which the test taker sits for first.

Moved by Toney, seconded by Sowell

Ayes – (10) Barahona, Cisneros, Good, Gore, Grande, Harrison, Huser, Sowell, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (3) Buenaventura, Stephens, Trejo

Motion carries.

3.2 Discussion and Possible Adoption of Non-Scoring Remediation Measures for the February 2025 Bar Examination

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

RESOLVED, that the Board of Trustees approves advancing to the California Supreme Court the following remedial programs for applicants who were unsuccessful on or withdrew from the February 2025 California Bar Exam, with the parameters described below:

1. Expansion and Extension of Rule 9.49: Provisional Licensure Program
 - a. The program shall be amended to include February 2025 California Bar Exam applicants who either did not pass the exam or who withdrew prior to testing.
 - b. The program shall expire two years after implementation or December 31, 2027, whichever is later. This expiration date shall apply to those currently in the program and to the new cohort.
 - c. The State Bar may set an appropriate application fees to be paid by the program participants to cover the costs of implementing and administering the program.
2. Admission Pathways for U.S.-Licensed Attorneys

- a. If Bus. & Prof. Code section 6062 is amended to allow a path to licensure for US barred attorneys without sitting for the California Bar Exam, the State Bar shall develop an Admission on Motion process for attorneys licensed and in good standing in other U.S. jurisdictions.
- b. In the interim, the State Bar shall develop and implement an expedited special admissions process for attorneys licensed and in good standing in other U.S. jurisdictions who took or withdrew from the February 2025 California Bar Exam.

Moved by Toney, seconded by Sowell

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

Nays – (3) Good, Harrison, Huser

Abstain – (0)

Absent – (2) Stephens, Trejo

Motion carries.

Second motion regarding agenda item 3.2

RESOLVED, that the Board recommends the Committee of Bar Examiners reconvene, after having listened to the public comment received at the May 9, 2025, Board meeting, and consider whether there should be further adjustments recommended with regard to the February 2025 test takers related to:

- Instead of averaging the first and second read scores, to adopt the higher of the two for each question;
- An appeal process for those who came near the pass line; and
- Permitting a retake of the Performance Test only on the July 2025 bar exam, and applying that score to the February 2025 results, substituting for the Performance Test score; and it is

FURTHER RESOLVED, that the Committee of Bar Examiners explore comments made that some test takers may have received answers that belong to other test takers, denial of accommodations, and other issues and determine if other remedies are appropriate.

Moved by Good, seconded by Harrison

Ayes – (11) Barahona, Buenaventura, Cisneros, Good, Gore, Grande, Harrison, Huser, Sowell, Toney, Stallings

Nays – (0)

Abstain – (0)

Absent – (2) Stephens, Trejo

Motion carries.

Chair Stallings announced that closed session agenda item 1.3 was originally posted as a discussion regarding initiation of litigation under Government Code section 11126(e)(2)(C). Since then, a lawsuit has been filed against Meazure Learning. The item now qualifies as pending litigation under section 11126(e)(2)(A), and we will proceed under section 11126(e)(1) to confer with legal counsel. The case is State Bar of California v. ProctorU, Inc. d/b/a Meazure Learning, Los Angeles Superior Court, Case No. 25STCV13089.

Additionally, the Board will move to closed session pursuant to Government code section 11126(e)(2)(C) to discussion and possible take action regarding amicus participation in Perkins Coie LLP v. U.S. Dept. of Justice, et al. (D.D.C., Case No. 25-cv-716), Jenner & Block LLP v. U.S. Dept. of Justice, et al. (D.D.C., Case No. 25-cv-916), Wilmer Cutler Pickering Hale and Dorr LLP v. Executive Office of the President, et al. (D.D.C., Case No. 25-cv-917), Susman Godfrey LLP v. Executive Office of the President, et al. (D.D.C., Case No. 25-cv-1107) and Government Code section 11126(a)(1) to discuss the appointment process for the executive director.

CLOSED SESSION

1. Closed Business

1.1 Discussion and Possible Action Regarding Amicus Participation in Perkins Coie LLP v. U.S. Dept. of Justice, et al. (D.D.C., Case No. 25-cv-716), Jenner & Block LLP v. U.S. Dept. of Justice, et al. (D.D.C., Case No. 25-cv-916), Wilmer Cutler Pickering Hale and Dorr LLP v. Executive Office of the President, et al. (D.D.C., Case No. 25-cv-917), Susman Godfrey LLP v. Executive Office of the President, et al. (D.D.C., Case No. 25-cv-1107)

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

1.2 Appointment Process for Executive Director

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

1.3 Conference with Legal Counsel—Initiation of Litigation

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

OPEN SESSION

The Board reconvened in open session and announced the following reportable actions:

RESOLVED, that the Board of Trustees establishes a search committee for the purpose of recruiting candidates for the Executive Director position, and such committee shall be comprised of the Board Chair, the Vice-Chair, Sarah Good, Cynthia Grande, Arnold Sowell, Jr., and Mark Toney with the Board Chair serving as the chair of the search committee; and it is

FURTHER RESOLVED, that the Board of Trustees delegates authority to the Board Chair to negotiate and execute terms of employment for the Deputy Executive Director to assume the role of Interim Executive Director effective July 8, 2025, through the appointment date of the new Executive Director.

RESOLVED, that the Board of Trustees authorizes the Office of General Counsel, in consultation with the Board of Trustees' litigation liaisons, to join any future amicus brief filed in support of the plaintiffs in the Perkins Coie LLP v. U.S. Dept. of Justice, et al., Jenner & Block LLP v. U.S. Dept. of Justice, et al., Wilmer Cutler Pickering Hale and Dorr LLP v. Executive Office of the President, et al., Susman Godfrey LLP v. Executive Office of the President, et al., that focuses on regulation of the legal profession and the availability of legal services to all.

RESOLVED, that the Board of Trustees directs staff to disseminate the statement set forth in Attachment B. The executive director and the vice-chair are each authorized, individually or in consultation with each other, to make additional statements and to respond to media inquiries in a manner consistent with the statement set forth in Attachment B.

ADJOURN