

2.2 Approval of April 18-19, 2025, Open Session Minutes



The State Bar of California

Committee of Bar Examiners Teleconference

Open Session Minutes
Friday, April 18, 2025
9:03 a.m.–11:33 a.m.
5:19 p.m.–5:26 p.m.

Time Meeting Commenced: The Committee of Bar Examiners meeting commenced in open session at 9:03 a.m. The Committee moved to closed session at 11:33 a.m. The Committee returned to open session at 5:19 p.m. The meeting adjourned at 5:26 p.m.

Time Meeting Adjourned: 5:26 p.m.

Chair: Alex Chan

Committee Coordinator: Devan McFarland

Members Present: James A. Bolton, Ph.D., Michael Cao, M.D, Alex H. Chan, Kareem Gongora, Larry Kaplan [joined late], Paul A. Kramer, Alexander C. Lawrence, Jr, Justice Shama H. Mesiwala, Bethany J. Peak, Ashley Silva-Guzman, Judge Renee C. Reyna, Vincent Reyes, Alan Yochelson

Members Absent: Esther Lin

State Bar Executive Staff Present: Donna Hershkowitz, Leah Wilson

OPEN SESSION

ROLL CALL

The Committee of Bar Examiners meeting was called to order by Chair Chan. Roll call was taken and a quorum was established.

PUBLIC COMMENT

Chair Chan 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. Tee:
As a February 2025 bar exam applicant, urged the committee to expand the original 2020 Provisional Licensure Program to help applicants retain employment; stated that a free retake alone is not a sufficient remedy.
2. Ryan Burnham:
As a February 2025 bar exam applicant questioned why the committee is waiting for score release instead of proactively seeking remedies from the Supreme Court.

3. Jeawoo Jung:
As an experienced attorney, reported that lack of cut and paste functionality and inability to show file/library and answer field side-by-side during the Performance Test required memorization instead of legal writing, causing lost time and incomplete responses; advocated for score adjustment of 5-10 points or affected applicants.
4. Andrea Lynch:
Described how technical issues and early submission of multiple-choice questions by the proctor cost valuable exam time and impacted ability to answer questions; called for equitable and individualized remedies and urged consideration of different applicant groups' experiences; advocated for provisional licensure with a pathway to licensure.
5. Tamara Sack:
Requested that fee waivers not be limited to the July 2025 bar exam but be extended through at least February 2026 to accommodate applicants' professional and personal obligations.
6. Nadine Mazard:
As an attorney applicant, advocated for admission on motion or reciprocity for February 2025 bar exam attorney applicants, higher score adjustments, monetary reimbursements, including application and laptop fee, and long-term statutory reform.
7. Xhulio Kreci:
Highlighted how stress is intentionally built into the bar exam and argued that February 2025 bar exam's technical issues disrupted fairness, urging broad scoring relief based on total examinee numbers.
8. Jennifer Andrade:
Addressed technical issues that caused lost time on essays and PT, emphasized lack of transparency on scoring remedies, and requested clarity and fairness in result adjustments.
9. Norman Xavier:
Shared personal experience of lost time due to proctor issues and urged for provisional licensure with a pathway to licensure, and real relief, noting that the exam did not fairly test minimum competency.
10. Yinghua Chen:
As a working parent, described missing the library and file during the PT due to technical failures and proctor confusion, resulting in major time loss and incomplete work.
11. Farrah Ghaffarirafi:
Spoke on behalf of near-pass repeat takers, emphasizing the devastating impact of PT technical issues and requested tailored remedies recognizing their close proximity to passing, including considering previous scores for those who are repeat takers.
12. April Risse:
Addressed the committee on a closed session item regarding a moral character review, detailing extensive rehabilitative efforts and requesting fair consideration based on current character.

13. Tonya:
Highlighted that technical issues experienced during the November 2024 experimental exam also appeared in February 2025 bar exam; noted that psychometrics does not assess the impacts on test takers and urged the committee to weigh that heavily in determining remedies.
14. Jessica Jacobs:
Suggested providing issue checklists for essays to promote fairness and offered to waive confidentiality to allow her closed session matter to be discussed in open session.
15. Zack Defazio-Farrell:
Stated that the February 2025 bar exam was not a test of minimum competence; called for provisional licensure without a retake and encouraged the State Bar to adopt permanent alternatives like portfolio exams.
16. D. Allen:
As an applicant who was approved for accommodations, noted that they did not receive the extended time approved, called for recognition and remedies for applicants whose testing conditions were unfairly compromised; urged transparency.
17. Phone ending 4439:
As an attorney applicant, advocated for admission on motion or reciprocity for out-of-state attorneys who took or withdrew from the February exam, citing high costs and unfair conditions.
18. Amy Kassouni:
Requested clarity on remedies by the May 2, 2025, results release date to allow applicants certainty regarding their ability to practice law.
19. Terry Elliott:
As a February 2025 bar exam applicant, described extensive professional testing history and criticized the February exam as the worst-administered licensure test experienced; asserted the State Bar knew this was going to be a failure and knowingly subjected applicants to this experience; calling for urgent action.
20. Ray Hayden, JD:
Supported immediate admission of long-term PLP participants, a new PLP with a pathway to licensure to February 2025 exam takers, adoption of admission on motion, and commented on issues with the user interface.
21. Latasha Augustus:
Argued that the fee waiver restriction to the next immediate bar exam coerces applicants into retaking before they are ready and urged for more flexible remedies.
22. Benjamin Kohn:
Advocated for a resolution recommending the Supreme Court grant appropriate point adjustments and accommodations remedies, stressing the committee's duty to raise these issues formally.
23. Mitzi Kashoom:
Called for transparency in scoring adjustments and fairness, emphasizing that without external

validation, applicants cannot trust the results or the process; advocated for PLP with pathway to licensure.

24. Julie:

Recommended dropping the lowest essay score; counting the highest score three times if the PT is the lowest, awarding partial credit on MCQs, not imputing scores, and granting passes to those within 50 points of passing.

25. Robert Morelli:

As an attorney applicant, supported reciprocity for attorneys and urged for remedies recognizing the different nature and higher pass rates among attorney examinees.

26. C.J. Huck:

As a retaker with accommodations, suggested considering past scores in remedies and allowing retakes of only those parts that you didn't pass like other professional licensure tests.

27. Steve H:

Asserted should not simply apply the historical 35 percent pass rate to February 2025, noting the low attorney-to-resident ratio in California and calling for higher bar pass rates statewide.

28. Laura Price:

Advocated for individualized scoring sheets reflecting each applicant's experience during the exam, arguing that blanket score notices fail to capture exam inequities.

29. Ian:

Warned that internal consistency alone does not guarantee fairness, and called for external validity analyses to ensure technical disruptions did not bias results.

30. Edina Cole:

Disagreed to characterizations of retakers as "less than," questioned the bar exam's relevance to real-world competence, and asked for more respectful communications.

31. iPhone 75:

As a provisionally licensed lawyer, described losing access to the PT and MBEs during the February 2025 bar exam and urged extending provisional licenses as a fair remedy.

32. Phone ending 3522:

Raised concerns about whether law school GPAs and number of repeat attempts were factored into psychometric adjustments, calling for full transparency and fairness in scoring.

33. Ana Park:

Shared experiences of technical failures including failure of answers to be submitted; questioned legality of use of new content maps; and content changes in Kaplan materials; urged consideration for provisional licensure, portfolio bar exam, reciprocity, and true validation of exam fairness.

34. Nina Garcia:

As a Nevada-licensed attorney, requested flexibility on fee waivers and urged consideration of new attorneys' unique circumstances when designing remedies.

35. Michael Partovi:
Suggested offering a pathway to provisional licensure or portfolio assessments for applicants scoring within 40 points of passing to address widespread disruptions.
36. Joo Lee:
As a remote February 2025 bar exam applicant, emphasized that remote test takers faced the same issues as in-person applicants and urged equal remedies, including additional points and broader pass pools.
37. Shilpa Shaju:
Described being locked out of the exam platform for 40 minutes and called for greater accountability and real remedies for those denied a fair chance.
38. Molly Guran:
Asserted the reliance on a fixed pass rate for a chaotic exam is unconscionable, advocated for provisional licensure with pathway to full licensure, reciprocity, and meaningful remedies for all affected applicants.
39. Clark Covolo:
Supported continuing the remote testing option for future bar exams, while acknowledging technical challenges, and urged against penalizing applicants unfairly for disruptions.

1. Chair's Report

1.1 Discussion of Committee of Bar Examiners Work Plan

Chair Alex Chan and Amy Nuñez provided a presentation and oral report.

2. Open Session Minutes

2.1 Approval of March 14, 2025, Open Session Minutes

RESOLVED, that the Committee of Bar Examiners approves and adopts the March 14, 2025, Committee of Bar Examiners public meeting minutes.

Moved by Cao, seconded by Reyes

Ayes – (13) Bolton, Cao, Chan, Gongora, Kaplan, Kramer, Lawrence, Mesiwala, Peak, Silva-Guzman, Reyna, Reyes, Yochelson

Noes – (0)

Abstain – (0)

Recuse – (0)

Absent – (1) Lin

Minutes adopted.

3. Consent Calendar

3.1 Report on Administrative Updates Regarding Law Schools

RESOLVED, that the Committee of Bar Examiners receive and file the Report of Administrative Updates Regarding Law Schools.

RESOLVED, that the Committee of Bar Examiners approve the consent calendar.

Consent calendar moved by Kramer, seconded by Cao

Ayes – (13) Bolton, Cao, Chan, Gongora, Kaplan, Kramer, Lawrence, Mesiwala, Peak, Silva-Guzman, Reyna, Reyes, Yochelson

Noes – (0)

Abstain – (0)

Recuse – (0)

Absent – (1) Lin

Motion passes.

4. Business

4.1 Discussion and Action, if Appropriate, on Potential Non-Score Adjustment Remedies Related to the February 2025 California Bar Exam

Donna Hershkowitz provided an oral report.

4.2 Discussion of Bar Exam Multiple-Choice Question Development Process

Donna Hershkowitz provided a presentation and oral report.

5. Director's Report

5.1 July 2025 Bar Examination Updates – Locations and Vendors

Amy Nuñez provided a presentation and oral report.

5.2 February 2025 Bar Examination

Amy Nuñez provided a presentation and oral report.

CLOSED SESSION

1. Closed Session Minutes

1.1. Approval of March 14, 2025, Closed Session Minutes

**Closed pursuant Business and Professions Code § 6026.7(c)(3)-(4) and Government Code §§ 11126(c)(1) and 11126(e)(1)]*

2. Closed Session Consent Calendar

2.1 Report of Staff Moral Character Determinations

**Closed pursuant to Business and Professions Code § 6026.7(c)(4)]*

2.2 WITHDRAWN - Report on Status of Pending Moral Character State Bar Court Cases

**Closed pursuant to Business and Professions Code § 6026.7(c)(4)]*

3. Closed Business

3.1 Conference with Legal Counsel– Existing Litigation

Brewer v. State Bar, et. al, E.D. Cal. Case No. 2:23-cv-00860-TLN-JDP; 9th Circuit Case No. 24-2151

**Closed pursuant to Government Code § 11126(e)(1)*

3.2 Conference with Legal Counsel– Existing Litigation

Flinders v. State Bar of California, D. Mass., Case No. 1:24-cv-12919-JEK

**Closed pursuant to Government Code § 11126(e)(1)*

3.3 Conference with Legal Counsel– Existing Litigation

Hill v. Peoples College of Law et al., C.D. Cal., Case No. 2:23CV1298

**Closed pursuant to Government Code § 11126(e)(1)*

3.4 Conference with Legal Counsel– Existing Litigation

Kohn v. State Bar, et al., N.D. Cal., Case No. 4:20-cv-04827-PJH; Ninth Cir. Case No. 20-17316; U.S.S.C. Case No. 24-6921

**Closed pursuant to Government Code § 11126(e)(1)*

3.5 Conference with Legal Counsel– Existing Litigation

Santillan v. The California Bar Examiners, E.D. Cal. Case No. 2:24-cv-0571-DJC-JDP-PL; Ninth Cir. Case No. 24-6342

**Closed pursuant to Government Code § 11126(e)(1)*

3.6 Discussion on the California Bar Examination Multiple-Choice Question Preparation and Development

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

3.7 Discussion and Action on Grading of Examination Materials, Including Scoring Adjustments for November 2024 Bar Exam Study Participants

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

3.8 Discussion and Action on Grading of Examination Materials, Including Recommendations on Scoring Adjustments for February 2025 Bar Exam Test Takers Related to Exam Disruptions

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

3.9 Discussion and Action on Recommendation on Scoring Adjustment for November 2024 Bar Exam Study for Individuals Who Requested But Were Not Granted Testing Accommodations in Advance of the Study

**Closed pursuant to Business and Professions Code § 6026.7(c)(3)-(4); Government Code § 11126(c)(1)*

3.10 Discussion and Action to Set the Raw Passing Score for the February 2025 Bar Exam Based on the Standard Validation Study

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

3.11 Action on Operation & Management Appeals

**Closed pursuant to Business and Professions Code § 6026.7(c)(4) and Government Code § 11126(c)(2)*

3.12 Action on Testing Accommodation Appeals

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

3.13 Action on Moral Character Cases Pending Administrative Review

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

ADJOURNMENT



The State Bar of California

Committee of Bar Examiners Teleconference

Open Session Minutes
Saturday, April 19, 2025
9:02 a.m.–9:04 a.m.
10:12 a.m.–10:13 a.m.

Time Meeting Commenced: The Committee of Bar Examiners meeting commenced in open session at 9:02 a.m. The Committee moved to closed session at 9:04 a.m. The Committee returned to open session at 10:12 a.m. The meeting adjourned at 10:13 a.m.

Time Meeting Adjourned: 10:13 a.m.

Chair: Alex Chan

Committee Coordinator: Devan McFarland

Attorney Members Present: Alex H. Chan, Paul A. Kramer, Ashley Silva-Guzman, Judge Renee C. Reyna, Alan Yochelson

Members Absent: Esther Lin, Justice Shama H. Mesiwala, Peak

State Bar Executive Staff Present: Donna Hershkowitz

OPEN SESSION

ROLL CALL

The Committee of Bar Examiners meeting was called to order by Chair Chan. Roll call was taken and a quorum was established.

CLOSED SESSION

3. Closed Business

3.14 Discussion and Approval of Written Questions for Inclusion on July 2025 California Bar Examination [Special Set for Saturday, April 19]

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

ADJOURNMENT