

2.3 Approval of May 5, 2025, Open Session Minutes



The State Bar of California

Committee of Bar Examiners Teleconference

Open Session Minutes
Monday, May 5, 2025
1:04 p.m.–5:38 p.m.
6:17 p.m.– 6:20 p.m.

Time Meeting Commenced: The Committee of Bar Examiners meeting commenced in open session at 1:04 p.m. The Committee moved to closed session at 5:38 p.m. The Committee returned to open session at 6:17 p.m. The meeting adjourned at 6:20 p.m.

Time Meeting Adjourned: 6:20 p.m.

Chair: Alex Chan

Committee Coordinator: Devan McFarland

Members Present: James A. Bolton, Ph.D., Alex H. Chan [arrived late], Larry Kaplan, Paul A. Kramer, Esther Lin, Justice Shama H. Mesiwala, Bethany J. Peak, Juliane Smith, Vincent Reyes Alan Yochelson

Members Absent: Michael Cao, M.D, Kareem Gongora, Alexander C. Lawrence, Jr., Joshua Montgomery, Ashley Silva-Guzman, Judge Renee C. Reyna

State Bar Executive Staff Present: Donna Hershkowitz, Leah Wilson

OPEN SESSION

ROLL CALL

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

PUBLIC COMMENT

Vice-Chair Yochelson 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. Zach Defazio-Farrell:
Noted strong concerns about the February 2025 bar exam administration; adoption of a supervised pathway to licensure without having to sit for another bar exam to demonstrate minimum competence; urged licensure for attorneys admitted in other jurisdictions who took the February exam.

2. Anna Park:
Argued that the adopted score adjustments were insufficient to remedy the February 2025 bar exam issues, including those that happened before or during the exam; advocated for a provisional licensure pathway without requiring a retake, reciprocity for attorneys, lowering the passing threshold further, passing those who made it to second read.
3. Justin Jennings:
Raised concerns about inconsistent granting of extra time during the February 2025 bar exam and emphasized the unfairness of the current score imputation process.
4. Steven Zendejas:
Expressed skepticism that issues faced could be accurately remedied psychometrically; concerned that test takers not informed about the use of AI; supported provisional licensure with a pathway to licensure for affected applicants and reciprocity for out-of-state attorney test takers.
5. Benjamin Kohn:
Stated that the February 2025 bar exam score remedy did not fully address the harm done, advocating for provisional licensure with a pathway to licensure through a portfolio bar exam and a monetary compensation, especially for those who experienced medical injuries, whether or not they passed.
6. Kristopher Coombs:
Argued the lack of transparency in the psychometric analysis of the February 2025 exam and raised concerns about fairness for non-native English speakers resulting from grammatical and spelling errors in multiple-choice questions.
7. Mitzy:
Urged the State Bar to move away from reliance on the bar exam, citing disproportionate impacts on marginalized communities during the February 2025 bar exam cycle, and called for full licensure pathways; felt accountability demands more resignations of State Bar leaders.
8. Mary Basick:
Suggested allowing partial retakes for February 2025 bar exam applicants and recommended using subject-matter experts with expertise in multiple choice bar questions to improve question content and validation processes; asserted that the criteria used for identifying conflicts of interest was too extreme.
9. Katie Moran:
Noted public and test takers lost faith in the State Bar; to regain trust should release the 200 multiple choice questions and release from non-disclosure requirements those who participated in content validation panels; urged reconsideration of adopting NCBE's NextGen exam instead of a California-specific exam.
10. Tonya:
Shared concerns about Measure Learning's repeated technical failures during the February 2025 bar exam and advocated for provisional licensure without requiring a retake.

11. Jessica Jacobs:
Described concerns over the State Bar's review of completion of her Law Office Study sessions, requesting fair treatment and an opportunity to sit for the July 2025 exam.
12. Marlene H.:
Highlighted technical problems faced during the February 2025 bar exam as an attorney applicant, and urged the State Bar to provide provisional licensure with a pathway to full licensure and a registered attorney program for all attorneys.
13. Claire Solot:
Spoke in support of February 2025 bar exam applicants, urging broader remedies beyond scoring adjustments, including offering a three-year provisional licensure pathway, admission on motion, followed by exploring full reciprocity
14. Tee:
As a February 2025 bar exam applicant who recently passed, urged the committee to approve provisional licensure without additional hurdles, highlighting the urgent need to protect applicants' livelihoods affected by exam failures.
15. Katie Yemane:
As a February 2025 bar exam applicant who did not pass, described the personal and professional hardships caused by the administration of the exam and called for provisional licensure with pathway to licensure and reciprocity pathways; expressed concern that those without a JD can sit for the bar exam.
16. Chris Haines:
A February 2025 bar exam applicant advocated for extending provisional licensure and recommended that February applicants be included in shaping future bar exam reforms, and appointed to this committee given their firsthand experience with the issues with the exam administration.
17. Kris Thaler:
Speaking on behalf of several out-of-state attorneys, urged the Committee to allow February 2025 bar exam takers to gain admission without retaking the bar through provisional licensure, reciprocity, or other pathways, in light of the issues with the February 2025 exam administration.
18. Larry Tran:
A February 2025 bar exam applicant expressed support for comments of prior speakers, noted the personal sacrifices made by applicants, and emphasized the widespread harm caused by the exam administration failures.
19. Katheryn Valle:
A February 2025 bar exam applicant who did not pass described preparation efforts and technical issues on the multiple-choice section, urging for provisional licensure with a pathway to allow applicants to demonstrate competence through supervised work.
20. D. Allen:
A February 2025 bar exam applicant shared that despite being granted accommodations,

they were not provided during the exam. Requested licensure without additional prerequisites, citing the failure to uphold rights under the Americans with Disabilities Act.

21. Mark Danko:

Urged transparency around the effectiveness of the bar exam, criticized the quality of exam questions, and expressed support for applicants who would have passed under fair conditions.

22. Gabriela Posada:

A February 2025 bar exam applicant with disabilities, asserted that her accommodations were denied; called for a pathway to licensure without retaking the exam, and argued for restructuring of accommodation processes.

23. Sergio Gomez:

A February 2025 bar exam applicant and foreign attorney, raised concerns about AI-generated questions, technical disruptions, and the fairness of grading under these circumstances.

24. Sydney Moon:

Argued the State Bar knew the exam was not ready to be delivered; urged a licensure pathway without a retake, refunds for examinees, release of demographic data on pass rates, and compliance with disability law.

25. Mike:

Expressed frustration at leadership failures related to the February 2025 bar exam, urged systemic change, accountability beyond a single resignation, and stronger public representation.

26. Edmond Guidry:

An attorney, criticized the February 2025 bar exam's content and administration, called for full refunds and a pathway to licensure without requiring applicants to retake the exam.

27. Victoria Tulsidas, JD:

Described major technical issues during the February 2025 bar exam, criticized the fairness and transparency of grading, and called the exam experience fundamentally unjust.

28. Ben Izeh:

A February 2025 bar exam applicant, urged the Bar to implement a provisional licensure pathway as a solution to both financial and equity concerns, appealing for more compassionate and modern thinking.

29. Jake Wiegand:

A February 2025 bar exam passer, condemned the exam's administration, called for provisional licensing with a pathway for all affected applicants, and recommended automatic passage for those who got to second read on this or any other exam.

30. Celine M:

A recent February 2025 bar exam passer, urged provisional licensure without a retake due to widespread technical and procedural failures during the exam.

31. Farrah Ghaffarafi:
Supported provisional licensure with pathway to full licensure or passing second-read recipients from the July 2024 or February 2025 exam; raised concerns about imputation harming those who struggled through the issues to fill in answers..
32. Ryan Burnham:
A February 2025 bar exam applicant, asked when final decisions on remedies would be announced following ongoing public comment sessions.
33. Sarah L:
A February 2025 bar exam passer, advocated for retroactive passage for candidates who were within 80 points of passing in prior administrations, citing the February 2025 bar exam's failures.
34. Naseem Raoufi:
A February 2025 bar exam applicant, described losing time during the performance test due to proctor issues and called the score adjustment remedy inadequate; advocated for provisional licensure with pathway to full licensure.
35. Kami Dixon:
A February 2025 bar exam applicant, emphasized the harm caused by the exam's failures and called for immediate provisional licensure with pathway and reciprocity for affected candidates.
36. A's iPhone 777:
A February 2025 bar exam applicant, described being misled by a proctor that due to the late hour would be able to take the performance test the next day; advocated that those who achieved a second read on this exam or a prior exam within a certain number of year be passed.
37. Hamida:
A February 2025 bar exam applicant, reported multiple technical disconnections and proctor issues, including frequent switching of proctors during the exam and proctor interruptions; urged a fair remedy for applicants who studied extensively.
38. Julian Pina:
A February 2025 bar exam applicant, described administrative and technical obstacles before and during the exam, including inappropriate administrative withdrawal; advocated for a portfolio bar exam, diploma privilege or partial retake.
39. Esther Levitt:
A February 2025 bar exam applicant, supported provisional licensure without the need to take another bar exam and retroactive passage for retakers within 80 points of passing on a prior exam, citing inequities caused by technical issues.
40. Sam:
A member of the public, asserted that bar exam not a reflection of minimum competence; applicants should receive the essay topics in advance; advocated for provisional licensure for February 2025 bar exam applicants without further retesting.

41. Parul Turnquist:
A February 2025 bar exam attorney applicant, advocated for admission on motion for attorney candidates and passing those who got a second read; raised technological failures affecting performance; asserted imputation not fair remedy.
42. David's iPhone:
Raised concerns about serious mental health risks stemming from the February 2025 bar exam failures, urging enhanced security and mental health support at the July 2025 bar exam; asserted State Bar has not offered meaningful remedies.
43. V. Barnwell:
Highlighted cultural and emotional impacts of the February 2025 bar exam, calling for provisional licensure for all candidates to prevent further harm.
44. Ileana Aranda:
A February 2025 bar exam applicant, criticized the lack of transparency in score reporting and called for an alternative licensure pathway for affected applicants.
45. Nina Garcia:
A Nevada-licensed attorney and February 2025 bar exam applicant, requested reciprocity for out-of-state attorneys regardless of number of years actively licensed or equitable remedies, including refunds.
46. Oluwatomi:
A February 2025 bar exam applicant, expressed distrust in the result release process; disfavored imputation remedy as it benefitted those who didn't put anything down; supported licensure for those within 100 points of passing.
47. Jazmine Wolterding-Williams:
A February 2025 bar exam applicant, urged the adoption of a provisional licensure program without retesting due to inadequacies in the February exam; argued was penalized for putting responses to all multiple choice, essays, and PT.
48. Kathleen Moskowitz:
An out-of-state licensed attorney and registered legal aid attorney, criticized the California Bar's refusal to recognize reciprocity, citing systemic issues and ethical concerns.
49. Pierre H.:
Called for an independent review of the statistical calculations underlying the February 2025 bar exam scoring, citing errors in the methodology.
50. Pilar's iPad:
A February 2025 bar exam applicant, urged fair remedies for those who completed the exam under technical difficulties, emphasizing the unfairness of current scoring adjustments and advocated for individualized remedies.
51. Stephanie Quero:
Advocated for provisional licensure without contingencies tied to passing scores, criticizing the subjectivity of bar exam grading and systemic inequities; those who received second read should pass.

52. Moustafa Mohamed:
A February 2025 bar applicant and foreign attorney, described repeated interruptions by proctors during the exam; asserted multiple choice questions were unlike any they practiced.
53. Kathleen Scalley:
A New York-licensed attorney, urged California to recognize attorney reciprocity, citing the future need for flexibility among practicing attorneys.
54. Angel Ajala:
A February 2025 bar applicant, raised the different approach in this administration which prohibited applicants from taking the essays in the order they wished, negatively impacting performance, and called for attention to second-read inconsistencies.
55. Ceren Aytekin:
A February 2025 bar retaker with accommodations, described repeated technical failures due to provided laptops and emphasized the emotional toll of the exam's administration.
56. Ivana:
A February 2025 bar applicant, urged the State Bar to implement provisional licensing, emphasizing the need for transparency and accountability.
57. Laura Bennett:
A February 2025 bar applicant, noted the damage done to the State Bar's credibility due to the February exam and called for accountability; noted test takers told the Bar this exam would not be successful, and Bar didn't listen.
58. Ray Hayden, J.D.:
Supported extending the Provisionally Licensed Lawyer (PLL) program without requiring a new exam for February 2025 bar exam applicants.
59. Christian Ramos:
A February 2025 bar applicant and provisionally licensed lawyer, advocated for a full licensure pathway without retesting, citing the effectiveness of supervised practice.
60. Alejandra Torres:
A February 2025 foreign attorney examinee, asserted the unfairness of current remedies and urged equal treatment for foreign-trained attorneys; stated those who sat for the exam deserve more remedies than those who withdrew.
61. Edina Cole:
A February 2025 bar applicant, described technical failures at a test site that forced rushed and repeated answering of multiple choice questions, impacting exam performance.
62. Vous Parlez Consulting:
Urged adoption of a portfolio bar exam, provisional licensure, and a permanent licensure pathway, citing lack of transparency and fairness.

63. Kamla Rahman:
A February 2025 bar applicant, raised concerns about grading unfairness due to alleged cheating at testing sites, and called for provisional licensure without retesting.
64. Sparsh:
A February 2025 bar exam foreign attorney applicant, requested provisional licensure without retesting and the ability to work remotely under supervision.
65. Wendi:
An experienced out-of-state attorney and February 2025 bar exam applicant, advocated for reciprocity or alternative licensing pathways due to the issues with this exam administration.
66. TJ Hogan:
A three-time California bar exam applicant, described proctoring and technical failures which resulted in their testing until 9 pm; supported immediate remedies to address the February 2025 bar exam problems.
67. Sandra:
A February 2025 bar applicant, raised concerns about misleading comparisons to prior exams and the failure to address known problems.
68. A.B.:
A February 2025 bar exam applicant, emphasized unfair score imputation practices and requested that the performance test (PT) be scored separately.
69. Brendan Welts:
A February 2025 foreign applicant, urged provisional licensure to avoid visa loss and highlighted how the exam failed to test actual competence.
70. Phone ending in 1611:
A February 2025 successful bar exam applicant, suggested allowing candidates to retake only the performance test (PT) if a full pathway remedy isn't possible.
71. Pilar Hernández:
A February 2025 bar applicant, appealed for compassion and fairness, stating that applicants were failed by the system, not by their own efforts.
72. Kim Protzel:
A February 2025 bar exam who withdrew, advocated for a pathway to licensure without standardized testing or re-evaluation of the portfolio bar exam proposal.
73. Dipika Nair:
A February 2025 first-time bar exam applicant, requested a licensure pathway without retaking the exam to allow her to pursue a public defender job offer.
74. Alicia:
A February 2025 bar exam successful applicant, advocated for a licensure pathway for unsuccessful candidates; argued that the technical problems were foreseeable and that the State Bar was dishonest; the applicants were not "less than."

75. Bri:

A February 2025 bar exam applicant with disabilities, asserted accommodations were denied; applicants with disabilities not tested on a fair and equal basis; called for remedies that comply with civil rights laws.

1. Chair's Report

Chair Alex Chan and Vice-Chair Alan Yochelson did not provide an oral report.

2. Report from the Director

2.1 July 2025 Bar Exam Update

Discussion of the July 2025 Bar Exam was deferred to a future meeting.

3. Business

3.1 Development of Recommendation to the Board of Trustees for Non-Scoring Adjustment Remediation Measures to Address Challenges Related to the February 2025 Bar Exam

RESOLVED, that the Committee of Bar Examiners recommends that the Board of Trustees advance the following remedial programs to the Supreme Court for the February 2025 California Bar Exam applicants who were unsuccessful or withdrew from the exam, with the specified parameters:

Motion moved by Kramer, seconded by Peak

Ayes – (8) Bolton, Kaplan, Kramer, Mesiwala, Peak, Smith, Reyes, Yochelson

Noes – (2) Chan, Lin

Abstain – (0)

Recuse- (0)

Absent – (6) Cao, Gongora, Lawrence, Montgomery, Silva-Guzman, Reyna

Motion passes.

RESOLVED, that the Committee of Bar Examiners recommends that the Board of Trustees advance the following remedial programs to the Supreme Court for the February 2025 California Bar Exam applicants who were unsuccessful or withdrew from the exam, with the specified parameters:

- 1) Expansion and Extension of Rule 9.49: Provisional Licensure Program, to include February 2025 California Bar Exam applicants who were unsuccessful or withdrew
 - a. This program will expire two years after the rules of court are amended and the program launches, or December 31, 2027, whichever is later. The current participants (Rule of Court 9.49, 2020 graduates) who are still in the Provisional Licensure Program will also have their expiration date extended to the new timeframe.

- b. The cost of the program will be covered by the fees charged to the participants.

Motion moved by Peak, seconded by Mesiwala

Ayes – (8) Bolton, Kaplan, Kramer, Mesiwala, Peak, Smith, Reyes, Yochelson

Noes – (2) Chan, Lin

Abstain – (0)

Recuse – (0)

Absent – (6) Cao, Gongora, Lawrence, Montgomery, Silva-Guzman, Reyna

Motion passes.

RESOLVED, that the Committee of Bar Examiners recommends that the Board of Trustees advance the following remedial programs to the Supreme Court for the February 2025 California Bar Exam applicants who were unsuccessful or withdrew from the exam, with the specified parameters:

- 2) In the event the statutory language is amended, to provide flexibility, the committee recommends developing an admission on motion process for attorneys licensed and in good standing in other US jurisdictions that does not require passing the bar exam.
 - a. In the interim, the committee recommends expediting a special admissions process for out-of-state attorneys.

Motion moved by Mesiwala, seconded by Peak

Ayes – (6) Bolton, Kaplan, Mesiwala, Peak, Smith, Reyes

Noes – (4) Chan, Kramer, Lin, Yochelson

Abstain – (0)

Recuse- (0)

Absent – (6) Cao, Gongora, Lawrence, Montgomery, Silva-Guzman, Reyna

Motion passes.

RESOLVED, that the Committee of Bar Examiners recommends that the Board of Trustees advance the following remedial programs to the Supreme Court for the February 2025 California Bar Exam applicants who were unsuccessful or withdrew from the exam, with the specified parameters:

- 3) The Committee of Bar Examiners directs staff to request that the Supreme Court allow the scaled score adjustment for participation in the November study to be applied to the multiple-choice portion of the General Bar Examination on whichever of the 2025 or 2026 administrations of the General Bar Examination they attempt first.

Motion moved by Peak, seconded by Kramer

Ayes – (9) Bolton, Chan, Kaplan, Kramer, Mesiwala, Peak, Smith, Reyes, Yochelson

Noes – (1) Lin

Abstain – (0)

Recuse – (0)

Absent – (6) Cao, Gongora, Lawrence, Montgomery, Silva-Guzman, Reyna

Motion passes.

3.2 Recommendation to the Board of Trustees Related to Extend the Previously Approved Fee Waiver for the July 2025 Bar Exam to Apply to the July 2025, February 2026, or July 2026 Bar Exam

RESOLVED, that the Committee of Bar Examiners recommends that the Board of Trustees extend the existing fee waiver for applicants who were unsuccessful on or withdrew from the February 2025 California Bar Exam to allow them to use the waiver for the July 2025, February 2026 or July 2026 administration; 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.

Motion moved by Bolton, seconded by Kramer

Ayes – (10) Bolton, Chan, Kaplan, Kramer, Lin, Mesiwala, Peak, Smith, Reyes, Yochelson

Noes – (0)

Abstain – (0)

Recuse – (0)

Absent – (6) Cao, Gongora, Lawrence, Montgomery, Silva-Guzman, Reyna

Motion passes.

3.3 Discussion and Action, if Appropriate, on Supreme Court Order Adopting the Recommendation of the Blue Ribbon Commission on the Future of the Bar Exam to Develop a California-Specific Bar Examination

Item was deferred to a future meeting.

3.4 Adoption of Criteria for Selection of Subject Matter Experts for Bar Examination Multiple-Choice Question Content Validation Process

Item was deferred to a future meeting.

CLOSED SESSION

1. Closed Business

1.1 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)***

1.2 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)*

1.3 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)*

1.4 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)*

1.5 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)*

1.6 Action on Operation & Management Appeals

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

ADJOURNMENT