

2.1 Approval of August 16, 2024, Open Session Minutes



The State Bar of California

Committee of Bar Examiners Teleconference

Open Session Minutes
Friday, August 16, 2024
9:01 a.m. – 10:50 a.m.
12:50 p.m. – 2:09 p.m.

Time Meeting Commenced: The Committee of Bar Examiners meeting commenced in open session at 9:01 a.m. The Committee moved to closed session at 11:05 a.m. The Committee returned to open session at 12:50 p.m. The meeting adjourned at 2:08 p.m.

Time Meeting Adjourned: 2:09 p.m.

Chair: Michael Cao, M.D

Committee Coordinator: Devan McFarland

Members Present: James A. Bolton, Ph.D., Robert S. Brody [joined late], Michael Cao, M.D, Alex H. Chan, James Efting, Larry Kaplan, Paul A. Kramer, Alexander C. Lawrence, Jr, Esther Lin, Justice Shama H. Mesiwala, Bethany J. Peak [joined late], Judge Renee C. Reyna, Alan Yochelson

Members Absent: Kareem Gongora, Ashley Silva-Guzman, Vincent Reyes

State Bar Executive Staff Present: Bridget Gramme, Leah Wilson

OPEN SESSION

Call for Public Comment

Chair Cao 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. Todd Hill
Todd Hill addressed the committee, sharing experiences at the People's College of Law (PCL), where they were denied a Juris Doctor degree. They called for an investigation into PCL's practices and urged accountability from the State Bar to prevent future injustices, emphasizing the need for justice for all affected students.
2. Benjamin Kohn
Benjamin Kohn criticized delays in the rules revision process and noted that proposed rules have been applied in two exam cycles without formal adoption by the California Supreme Court. Kohn urged the committee to move forward with timeline reforms, address omissions in the existing proposal, and respond to issues of disparate treatment

in the February 2024 bar exam report. They advocated for initiating notice and comment based on data from the two exam cycles, regardless of the court's decision.

3. Kristen Merriman

Kristen Merriman spoke about Lincoln Law School's application for inspection, sharing a journey from working as a respiratory therapist to pursuing law school. They praised Lincoln Law for its strong reputation in San Jose and highlighted positive experiences with its dedicated faculty. Merriman urged the committee to support the school's reaccreditation inspection, emphasizing its commitment to student success.

4. Gil Rivas

Gil Rivas commented on Lincoln Law School's accreditation application, sharing their background as a public school graduate and U.S. Navy veteran. They praised the faculty for their strong support and highlighted the school's commitment to helping individuals earn a law degree while contributing to the community. Rivas urged the committee to consider Lincoln Law's achievements and alumni in their accreditation decision.

5. George Leal

George Leal, a former Dean of Irvine College of Law, urged the committee to set the First-Year Law Students' Examination passing score at 69 instead of 70. They emphasized that this change is vital for promoting diversity in the legal profession, as many marginalized students have been unfairly dismissed due to high standards.

1. Chair's Report

5.1 Oral Report

Discussion only.

5.2 Committee of Bar Examiners Workplan

Discussion and presentation only.

2. Open Session Minutes

2.1 Approval of June 21, 2024, Open Session Minutes

MOVED, that the Committee of Bar Examiners approves and adopts the June 21, 2024, Committee of Bar Examiners revised public meeting minutes.

Moved by Dr. Bolton, seconded by Chan

Ayes – (10) Bolton, Cao, Chan, Efting, Kaplan, Kramer, Lin, Peak, Reyna, Yochelson

Noes – (0)

Abstain – (3) Lawrence, Mesiwala, Silva-Guzman

Recuse- (0)

Absent – (3) Brody, Gongora, Reyes

Minutes adopted.

3. Consent Calendar

3.1 Report of Administrative Updates Regarding Law Schools

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

3.2 Approval of Draft Report to the Supreme Court on the February 2024 California Bar Examination

RESOLVED, that the Committee of Bar Examiners approve the Report to the Supreme Court on the February 2024 California Bar Examination for submittal to the California Supreme Court.

3.3 Action on Initial Application for Provisional or Full Accreditation – Lincoln Law School of San Jose

RESOLVED, that the application for provisional or full accreditation set forth in Attachment A of Lincoln Law School of San Jose be received and filed, that the Committee of Bar Examiners make a finding that the application appears to have presented a plan that is in at least substantial compliance with these rules, and schedule an inspection within 90 days to verify the law school's level of compliance. After reviewing the report, the committee will either grant full accreditation if full compliance is demonstrated, grant provisional accreditation if substantial compliance is demonstrated or deny accreditation if neither is demonstrated, pursuant to Accredited Rules 4.126 and 4.146.

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

Moved by Kramer, seconded by Mesiwala

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

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (3) Brody, Gongora, Reyes

Motions passes.

4. Business

4.1 Review and Approval of Standard Setting for the First-Year Law Students' Examination

RESOLVED, that the Committee of Bar Examiners adopts a raw score of 69 out of 100 on the First-Year Law Students' Exam (FYLSE) as the minimum score to pass the exam, applied to all FYLSE exams beginning with the June 2024 administration, and it is

FURTHER RESOLVED, that the Committee will revisit the success or the outcome of this motion within the next four years by 2028.

Moved by Efting, seconded by Kramer

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

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (3) Brody, Gongora, Reyes

Motions passes.

4.2 Action on Inspection Report - Southern California Institute of Law

Item withdrawn.

4.3 Action on 2024 Minimum, Cumulative Five-Year Bar Exam Pass Rate Compliance Reporting for Accredited Law Schools

RESOLVED, that the Committee of Bar Examiners receive and file the 2024 MPR Compliance Report as set forth in Attachment A, and it is

FURTHER RESOLVED, that, for 2024, all fourteen California accredited law schools be deemed in compliance with the Minimum, Cumulative Five-Year Bar Exam Pass Rate requirement of 40 percent or more, as calculated using Accredited Rule 4.160(D)(6).

Moved by Efting, seconded by Mesiwala

Ayes – (12) Bolton, Cao, Chan, Efting, Kaplan, Kramer, Lawrence, Lin, Mesiwala,
Silva-Guzman, Reyna, Yochelson

Noes – (0)

Abstain – (0)

Recuse- (0)

Absent – (4) Brody, Gongora, Peak, Reyes

Motions passes.

5. Director's Report

5.1 Oral Report

i. June 2024 First-Year Law Student's Examination

Becky Romero provided a presentation and oral report.

ii. July 2024 California Bar Examination

Becky Romero provided a presentation and oral report.

iii. Admissions Program Numbers

Maria Rapiere provided a presentation and oral report.

iv. Updated TA Application

Christina Doell provided a presentation and oral report.

v. Update on the California Bar Examination Experiment

Audrey Ching provided a presentation and oral report.

vi. Update on Vendor for February 2024 Exam

Audrey Ching provided a presentation and oral report.

vii. Recent Developments

Audrey Ching provided an oral report.

CLOSED SESSION

1. Closed Session Minutes

1.1. Approval of June 21, 2024, 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 and Discussion of Staff Moral Character Determinations

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

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

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

2.2 Report on State Bar Court Decisions

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

Item withdrawn.

3. Closed Business

3.1 Report from Counsel

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

Pell v. Nunez, C.D. Cal Court Case No. 2:22- cv-03732-AS; 9th Circuit Case No. 23-55188)

Tuma v. State Bar of California, San Francisco Superior Court, Case No. CPF- 20-517092; 1st District Court of Appeals, Case No. A161037)

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

3.2 Action on Operations & Management Appeals

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

3.3 Review and Approval of California Bar Examination Content Maps

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

3.4 Discussion and Approval of Grading Incentive Plan for Bar Exam Pilot and Experiment

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

3.5 Action on Pending Testing Accommodation Appeals

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

3.6 Action on Moral Character Cases Pending Administrative Review

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

ADJOURN