

## **PUBLIC MINUTES**

### THE COMMITTEE OF BAR EXAMINERS

OF

### THE STATE BAR OF CALIFORNIA

April 29 and 30, 2016

State Bar of California Offices  
180 Howard Street  
San Francisco, California

A meeting of the Committee of Bar Examiners of The State Bar of California convened in open session at 3:20 p.m., Friday, April 29, 2016, in a meeting room at the State Bar offices in San Francisco, Lee H. Wallach, Chair, presiding. Officers and members present were: Lee H. Wallach, Chair, Alan S. Yochelson, Vice-Chair; James H. Aguirre, Traci C. Belmore, Karen M. Goodman, Erika Hiramatsu, KV Kumar, Alexander C. Lawrence, Jr., Joel S. Miliband, Sandhya Ramadas, Larry Sheingold, Jeanne C. Vanderhoff and Patricia M. Villalobos, Members. James A. Bolton, Ph.D., Michelle Domingo, Dolores Heisinger, Martha Pruden-Hamiter and David A. Torres were absent. State Bar staff members in attendance were Gayle E. Murphy, Senior Director, Admissions, George C. Leal, Director for Educational Standards, Lisa Jeong Cummins, Director for Examinations, Greg S. Shin, Director for Operations and Management, Kelly M. O'Haire, Director for Moral Character Determinations, Sarah Reed, Director for Administration, Kim Wong, Administrative Specialist, Rachel S. Grunberg, Senior Assistant General Counsel, Destie Overpeck, Assistant General Counsel, Leah Wilson, Chief Operating Officer and Donald Steedman, Senior Attorney with the Chief Trial Counsel's office. Also in attendance were Dean Greg Brandes, Dean Carole Buckner, Dean Robert Barth, Dean Michael Clancey, Jessica Park and former member Dr. Sandra Salazar. The session concluded at approximately at 3:40 p.m., at which time a meeting of one of the Committee's subcommittees began. The meeting was reconvened into closed session beginning at 9:10 a.m. on Saturday, April 30, 2016. All Committee members and staff in attendance on Friday were present on Saturday, including Michelle Domingo and excluding Leah Wilson, Donald Steedman, and Karen Goodman. Also in attendance were members of the Examination Development and Grading Team: Sarah Cohen, Thomas Haran, David Kelley, Dennis Peter Maio, Laura Meyers, Amanda Roze, and Paul Webb. Member Alexander Lawrence left the meeting at 10:30 a.m. The meeting went into open session at 10:40 a.m., at which time the EDG Team members left the meeting and Dean Greg Brandes entered the meeting. The meeting went into closed again at 11:15 a.m., at which time member KV Kumar and Dean Brandes left the meeting. Member Joel Miliband left the meeting at 11:45 a.m. and the meeting was adjourned at 12:00 p.m.

COMMITTEE MEETING PUBLIC MINUTES

It was moved, seconded and duly carried that the minutes taken during the public session of the meeting on March 18, 2016 be approved.

PUBLIC FORUM RE LAW SCHOOL OVERSIGHT BY THE COMMITTEE  
OF BAR EXAMINERS AND PROPOSED AMENDMENTS TO  
STATUTES AND RULES

It was by common consent agreed that the oral report on the Public Forum, which was held in the morning of April 29, 2016, be received and filed.

PRESENTATION FROM THE OFFICE OF CHIEF TRIAL COUNSEL  
ON ETHICS AND CLIENT TRUST ACCOUNTING SCHOOLS

It was by common consent agreed that the Committee's appreciation be extended to Donald Steedman, Senior Attorney with the Office of Chief Trial Counsel, for his presentation on Ethics and Client Trust Accounting schools.

RECOGNITION OF OUTGOING COMMITTEE MEMBER AND  
COUNSEL TO THE COMMITTEE

It was moved, seconded and unanimously carried that the Committee's gratitude be extended to outgoing Committee member Sandra L. Salazar, M.D. for her almost five years of service and that the following citation be prepared and presented to her:

This Citation is presented to Sandra L. Salazar, M.D. by the Committee of Bar Examiners of The State Bar of California in recognition of her retirement from the Committee of Bar Examiners and her distinguished service to the legal profession in California.

It was moved, seconded and unanimously carried that the Committee's gratitude be extended to outgoing Counsel to the Committee, Rachel S. Grunberg, for her many years of service to the Committee and her excellent advice over the years, and that the following citation be prepared and presented to her:

This Citation is presented to Rachel S. Grunberg by the Committee of Bar Examiners of The State Bar of California in recognition of her outstanding service on behalf of the Committee of Bar Examiners as its Counsel for the last ten years.

MARCH 2016 KEY INDICATORS

It was by common consent agreed that the March 2016 Key Indicators for the Office of Admissions/Committee of Bar Examiners be received and filed.

SCHEDULE FOR JUNE 24 AND 25, 2016 COMMITTEE MEETING

It was by common consent agreed that the schedule for the June 24 and 25, 2016 Committee Meeting, which will be held at the State Bar of California Offices in Los Angeles, California, be received and filed.

LEGISLATION POTENTIALLY AFFECTING ADMISSIONS OPERATIONS –  
SENATE BILL NO. 1257 (BLOCK) RE REQUIRED PRO BONO PRE-ADMISSION

It was moved, seconded and duly carried that the report on the status of Senate Bill No. 1257 (Block), which would require applicants to complete 50 hours of pro bono before admission to the practice of law in California, be received and filed and that no further action be taken by the Committee at this time.

POLICY REGARDING RELEASE OF RESULTS

It was by common consent agreed that the Committee's policy regarding announcement of examination results, be received and filed.

RELEASE OF FEBRUARY 2016 CALIFORNIA BAR EXAMINATION RESULTS

It was moved, seconded and duly carried that the Committee continue to explore means by which it will be able to release pass/fail information from the February 2016 California Bar Examination on students allocated to certain law schools to the law schools that certified those allocated students as having completed the necessary requirements for admission to practice law in California; that revision of the General Statistics and individual law schools reports for the February 2016 California Bar Examination be authorized so that pass/fail statistics will be reported by law school only for those schools with 11 or more takers; and that the State Bar leadership be encouraged to seek additional amendments to the law that would permit the release of such information, as well as the pass list, for each administration of the examination, as a matter of course in the future.

**SUBCOMMITTEE ON EXAMINATIONS**

TENTATIVE DATES FOR CONFERENCE CALL MEETINGS

It was by common consent agreed that conference call meetings of the Subcommittee on Examinations be scheduled tentatively for noon on May 24, 2016 and June 14, 2016 to consider testing accommodation appeals filed in connection with administration of the June 2016 First-Year Law Students' Examination and July 2016 California Bar Examination.

2015 – 2016 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2015 – 2016 goals for the Subcommittee on Examinations be received and filed.

**SUBCOMMITTEE ON OPERATIONS AND MANAGEMENT****FUTURE ADMISSIONS BUDGETS AND FEES**

It was by common consent agreed that the report from Gayle Murphy, Senior Director, Admissions on future Admissions budgets and fees be received and filed, and that a Budget Working Group composed of Lee Wallach, Karen Goodman, Joel Miliband, Sandhya Ramadas and Larry Sheingold continue to review fiscal issues related to the Admissions Fund, future budgeting plans and the need for additional fee adjustments in the future.

**PROPOSED AMENDMENTS TO ADMISSIONS RULES RE  
COMMITTEE OF BAR EXAMINERS' OPEN/CLOSED MEETINGS**

It was moved, seconded and duly carried that the proposed amendments to the *Admissions Rules* in the form of a new Rule 4.11, which establishes rules for the Committee's meetings, in the form attached as "[Item 1](#)" to these minutes, be adopted subject to the approval of the Board of Trustees, effective the date of the action of the Board, if approves the new rule.

**FEBRUARY 2016 FINANCIAL ANALYSIS REPORT**

It was moved, seconded and duly carried that the Financial Analysis Report as of February 29, 2016 for the Admissions Fund, be received and filed.

**2015 – 2016 SUBCOMMITTEE GOALS**

It was by common consent agreed that the 2015 – 2016 goals for the Subcommittee on Operations and Management be received and filed.

**SUBCOMMITTEE ON EDUCATIONAL STANDARDS****CONCORD LAW SCHOOL – PERIODIC INSPECTION REPORT**

It was moved, seconded and duly carried that the Periodic Inspection Report of the Concord Law School (CLS), of the inspection conducted on November 3-4, 2014 by George Leal, Director of Educational Standards, be received and filed; that the response of April 13, 2016 submitted on behalf of the law school by interim Dean David be received and filed; that the recommended, mandatory recommendations regarding CLS's noncompliance made in the Inspection Report be adopted; that notice be taken that the law school has taken action to resolve recommendations nos. 3 and 5; and subject to receipt from CLS within sixty days confirmation that the remaining recommended, mandatory actions have been addressed, that the law school's next periodic inspection take place in the spring of 2020 unless an earlier inspection is found necessary by the Committee.

PROPOSED ADDITIONAL DISCLOSURES BY CALIFORNIA  
ACCREDITED LAW SCHOOLS AND SB 1281 REVISED

It was moved, seconded and duly carried that Senate Bill 1281 (Block) in its current form, which requires schools regulated by the Committee to provide disclosures on their websites, be supported and that the Board of Trustees be asked to support the legislation on behalf of The State Bar of California.

PROPOSED AMENDMENTS TO GUIDELINES AND RULES FOR ACCREDITED  
LAW SCHOOL RULES RE BRANCH CAMPUSES/SATELLITE CAMPUSES –  
REQUEST TO CIRCULATE FOR PUBLIC COMMENT

It was moved, seconded and duly carried that the proposed amendments to the *Accredited Law School Rules and Guidelines for Accredited Law School Rules* in the form attached as "[Item 2](#)" to these minutes, be approved in principle; that a request be submitted to the Board Committee on Admissions and Education to circulate the proposed amendments to the Rules for a 45-day public comment period; that if the Board Committee agrees, both the proposed amendments to the Rules and Guidelines be circulated for a 45-day public comment period.

NOTICES OF CHANGES IN LAW SCHOOL ADMINISTRATORS

It was by common consent agreed that the notices from Concord Law School of Kaplan University of the appointments of Martin Pritikin as Dean, effective July 5, 2016 and Michael Lorenz as Registrar, effective April 8, 2016, be received and filed.

LAW SCHOOL OVERSIGHT BY THE COMMITTEE  
AND PROPOSED AMENDMENTS TO STATUTES AND RULES

It was by common consent agreed that a Working Group composed of two members of the Committee, two California Accredited Law School Deans and two California Unaccredited Law School Deans be created to review the proposed amendments to the statutes and rules relative to the Committee's law school regulation responsibilities and the public comments received; that it prepare additional modifications it may deem necessary to carry out the stated goals of the Committee; and that the proposed amendments as submitted by the Working Group be considered by the Committee at a future meeting.

2015 – 2016 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2015 – 2016 goals for the Subcommittee on Educational Standards be received and filed.

**SUBCOMMITTEE ON MORAL CHARACTER****PROPOSED AMENDMENTS TO ADMISSIONS RULES RE PROCESSING  
OF MORAL CHARACTER DETERMINATION APPLICATIONS**

It was moved, seconded and duly carried that the following proposed amendments to Title 4, Division 1, Chapter 4, Rules 4.44 and 4.45 of the *Rules of the State Bar (Admissions Rules)* regarding the processing of moral character determinations be approved in principle; and that a request be submitted to the Board Committee on Admissions and Education to circulate the proposed amendments to the Rules for a 45-day public comment period:

**Rule 4.44 Withdrawal of Application for Determination of Moral Character**

- (A) An applicant may withdraw an Application for Determination of Moral Character any time before being notified that the Committee is unable to make a determination without further inquiry and analysis. ~~Following such a notice, withdrawal requires the Committee's consent.~~
- (B) An applicant may withdraw an application filed with the State Bar Court for a hearing on an adverse determination of moral character by filing a request for withdrawal with the Office of Chief Trial Counsel and forwarding a copy to the Committee at its San Francisco office.

**Rule 4.45 Notice regarding status of Application for Determination of Moral Character**

- (A) Within 180 days of receiving a completed Application for Determination of Moral Character, the Committee notifies an applicant that its determination of moral character is positive or that it requires further consideration ~~or information from the applicant, a government agency, or another source.~~ A positive determination is valid for thirty-six months.
- (B) While an Application for Determination of Moral Character remains pending, a status report is issued to the applicant at least every ~~sixty~~ 120 days.
- (C) Within ~~sixty~~ 120 days of receiving additional information it has requested, the Committee notifies the applicant that
  - (1) the applicant is determined to be of good moral character;
  - (2) the applicant has not met the burden of establishing good moral character;
  - (3) the applicant requires further consideration;

- (4) the applicant is invited to an informal conference with the Committee; or
- (5) the applicant is advised to enter into an Agreement of Abeyance with the Committee.

2015 – 2016 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2015 – 2016 goals for the Subcommittee on Moral Character be received and filed.

ADJOURNMENT

Having concluded all the business scheduled for consideration during the open and closed sessions of the meeting, the meeting was adjourned at 12:00 p.m., Saturday, April 30, 2016.