

## **PUBLIC MINUTES**

### THE COMMITTEE OF BAR EXAMINERS

OF

### THE STATE BAR OF CALIFORNIA

June 23 and 24, 2017

State Bar of California Offices

845 S. Figueroa Street

Los Angeles, California

A meeting of the Committee of Bar Examiners of The State Bar of California convened in open session at 1:00 p.m., Friday, June 23, 2017, in a meeting room at the State Bar offices in Los Angeles, Karen M. Goodman, Chair, presiding. Officers and members present were:, Karen M. Goodman, Chair, Jeanne C. Vanderhoff, Vice-Chair, Traci C. Belmore, James A. Bolton, Ph.D., Robert S. Brody, James H. Efting, Dolores Heisinger, Erika Hiramatsu, Larry Kaplan, Paul A. Kramer, Sandhya Ramadas, Larry Sheingold, David A. Torres, Patricia M. Villalobos, and Lee H. Wallach, Members. Member Alexander C. Lawrence, Jr. entered the meeting at 1:45 p.m. Member Michelle Domingo was absent. State Bar staff members in attendance were Gayle E. Murphy, Senior Director, Admissions, Amy C. Nuñez, Assistant Director, Admissions, George C. Leal, Director for Educational Standards, Lisa Jeong Cummins, Director for Examinations, Greg S. Shin, Director for Operations and Management, Mark Torres-Gil, Director for Moral Character Determinations, Kim Wong, Administrative Specialist, Destie Overpeck, Assistant General Counsel, Leah Wilson, Chief Operating Officer, Donald Steedman, Supervising Attorney with the Chief Trial Counsel's office, and Andrew Conover, Principal Analyst. Also in attendance were Justice Eileen Moore, Kathleen West, Ph.D., KV Kumar, former member of the Committee, Dean Mitchel Winick, Greg Brandes, Dean Bernadette Agaton, Jessica Parker, Sherry Diamond, Dean Jackie Gardina, Dean James Schiavenza, Dean Martin Pritikin, and Dean Ira Spiro. The open session portion of the meeting concluded at approximately 2:30 p.m., at which time the Committee went into closed session. At approximately 3:00 p.m., the closed session concluded and the Committee's subcommittees met. The meeting was reconvened in open session beginning at 9:50 a.m. on Saturday, June 24, 2017. All Committee members and staff, except member Lawrence and staff members Conover and Steedman, and including Todd Stevens, Board of Trustees Member and Liaison to the Committee, were in attendance on Friday were present on Saturday. Greg Brandes also was in attendance. The meeting went into closed session at 10:30 a.m., at which time Greg Brandes left the meeting. The meeting was adjourned at 10:50 a.m.

### **COMMITTEE MEETING PUBLIC MINUTES**

It was moved, seconded and duly carried that the minutes taken during the public session of the meeting on April 28 and 29, 2017, be approved.

POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURIES  
AND ADMISSIONS TO THE PRACTICE OF LAW IN CALIFORNIA

It was unanimously agreed that the Committee's appreciation be extended to Eileen C. Moore, Associate Justice, California Court of Appeal, Kathleen West, Ph.D., and Former Committee member KV Kumar, for their presentations on the Post-Traumatic Stress Disorder and Traumatic Brain Injuries, and Admission to the practice of law in California.

RECOGNITION OF OUTGOING COMMITTEE MEMBER

It was moved, seconded and unanimously carried that the Committee's gratitude be extended to outgoing Committee member Martha Pruden-Hamiter for her service on the Committee and that the following citation be prepared and presented to her:

This Citation is presented to Martha Pruden-Hamiter 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 13 years of distinguished service to the legal profession in California.

STATUS REPORT ON ONGOING BAR EXAMINATION STUDIES

It was by common consent agreed that staff's status report on the ongoing bar examination studies be received and filed.

NEW OFFICE OF ADMISSIONS MANAGEMENT STAFF

It was by common consent agreed that the report from the Senior Director, Admissions, of the hiring of Amy Nuñez as the new Assistant Director, Admissions and Mark Torres-Gil as the new Director for Moral Character Determinations be received and filed.

2017 GOVERNANCE IN THE PUBLIC INTEREST TASK FORCE  
RECOMMENDATIONS CONCERNING THE COMMITTEE OF BAR EXAMINERS

It was by common consent agreed that the report regarding the Board of Trustees' Governance in the Public Interest Task Force recommendations that the Admissions and Education Committee take the following action: 1) Better define the Committee's relationship with the Board; 2) Develop a plan for meaningful engagement between the Committee and the Board; 3) Study the feasibility and desirability of outsourcing the law school accreditation function; and 4) Study the feasibility and desirability of having State Bar staff perform certain functions currently performed by CBE, be received and filed.

**PRESENTATION ON MORAL CHARACTER INVESTIGATION  
PROCESS AND FINGERPRINT RECORDS**

It was by unanimous consent agreed that the Committee's appreciation be extended to Amy Nuñez, Assistant Director, Admissions on her presentation on the Office of Admissions moral character investigation process and fingerprint records.

**APRIL AND MAY 2017 KEY INDICATORS**

It was by common consent agreed that the April and June 2017 Key Indicators for the Office of Admissions/Committee of Bar Examiners be received and filed.

**SCHEDULES FOR JULY 31, 2017 AND AUGUST 31, 2017 COMMITTEE MEETINGS**

It was by common consent agreed that the schedules for the July 31, 2017 and August 31, 2017 Meetings, which will be held at the State Bar of California Offices in Los Angeles and San Francisco, California, be received and filed.

**SUBCOMMITTEE ON EXAMINATIONS**

**REPORT TO THE SUPREME COURT ON THE FEBRUARY 2017  
CALIFORNIA BAR EXAMINATION**

It was moved, seconded and duly carried that the draft report to the Supreme Court on the February 2017 California Bar Examination be finalized and submitted to the Court.

**ANALYSIS OF THE FEBRUARY 2017 GENERAL BAR EXAMINATION PREPARED  
BY ROGER BOLUS, PH.D.,**

It was moved, seconded and duly carried that the Analysis of the February 2017 General Bar Examination prepared by Dr. Bolus be approved for inclusion in the Report to the Supreme Court on this particular examination and otherwise authorized for publication.

**PHASED GRADING ON THE CALIFORNIA BAR EXAMINATION**

It was by common consent agreed that the report on phased grading on the California Bar Examination prepared by the Senior Director, Admissions, be received and filed.

**2016 – 2017 SUBCOMMITTEE GOALS**

It was by common consent agreed that the 2016 – 2017 goals for the Subcommittee on Examinations be received and filed.

**SUBCOMMITTEE ON OPERATIONS AND MANAGEMENT**

**APRIL 30, 2017 FINANCIAL ANALYSIS REPORT**

It was moved, seconded and duly carried that the Financial Analysis Report as of April 30, 2017 for the Admissions Fund be received and filed.

**PROPOSED ADJUSTMENTS TO LAW SCHOOL FEES**

It was by common consent agreed that staff be directed to send the proposed amendments to the Schedule of Law School Fees out for public comment, which will include two alternatives for the charging of five-year inspections (flat rate or “True Up Option”); that any comments received be reviewed by the Committee before taking action with regard to a final recommendation by staff, in preparation for submission of a recommendation for consideration by the Board of Trustees.

**2016 – 2017 SUBCOMMITTEE GOALS**

It was by common consent agreed that the 2016 – 2017 goals for the Subcommittee on Operations and Management be received and filed.

**SUBCOMMITTEE ON EDUCATIONAL STANDARDS**

**CONCORD LAW SCHOOL – MAJOR CHANGE REQUEST  
RE CHANGE OF OWNERSHIP**

It was moved, seconded and duly carried that the request submitted pursuant to Rules 4.245 and Rule 4.246 subsections (G), (H) and (I) of the *Unaccredited Law School Rules* by Concord Law School (CLS) seeking approval of a major change that would allow the school to proceed with a planned change of ownership be received and filed; that the request be granted, which will permit CLS, as a part of Kaplan University, to undergo a future change of ownership through its acquisition by Purdue University, to change from a for-profit into a not-for-profit entity and, subsequently, to change its name.

**PROPOSED AMENDMENTS TO GUIDELINE 6.9, GUIDELINE FOR  
ACCREDITED LAW SCHOOL RULES – RETURN FROM PUBLIC COMMENT**

It was moved, seconded and duly carried that the proposed amendments to Guideline 6.9 of the *Guidelines for Accredited Law School Rules* in the form attached to these minutes as “[Item 1](#),” which will require law schools accredited by the Committee to provide the opportunity for students in their J.D. programs to complete a minimum of fifteen (15) units of practice based skills and competency training, be adopted, effective January 1, 2018.

PROPOSED AMENDMENTS TO ACCREDITED LAW SCHOOL RULES AND  
UNACCREDITED LAW SCHOOL RULES RE MANDATORY COMPETENCY  
TRAINING CURRICULUM – REQUEST TO CIRCULATE FOR PUBLIC COMMENT

It was moved, seconded and duly carried that the proposed new “Rule 4.160(F) (Competency Training)” of the *Accredited Law School Rules* and the proposed new “Rule 4.240(F) (Competency Training)” of the *Unaccredited Law School Rules* in the form attached hereto, be adopted in principle; that a request be forwarded to the Board of Trustees’ Committee on Admissions and Education seeking approval to circulate the proposed new rules for a 45-day public comment period; that following the public comment period, the proposed new rules and any comments received be considered by the Committee in preparation for adoption of a final version of the rules and submission of the new rules to the Board of Trustees for approval.

NOTICE OF CHANGES IN LAW SCHOOL ADMINISTRATORS

It was by common consent agreed that the notices from: 1) Lincoln Law School Sacramento of the appointment of Brittney D. Adkins as Registrar, effective May 31, 2017; 2) Concord Law School at Kaplan University School of Law of the appointment of Nidhi Vogt as Associate Dean, effective July 3, 2017; 3) Lady Justice Law School of the appointment of Richard Fanning as Dean, effective June 7, 2017; and 4) Peoples College of Law of the appointment of Ira Spiro as Dean, effective May 22, 2017, be received and filed.

SAN JOAQUIN COLLEGE OF LAW – INSPECTION REPORT

It was moved, seconded and duly carried that that the Periodic Inspection Report of the inspection of San Joaquin College of Law (SJCOL) conducted in November 2016 by an Inspection Team (Team) comprised of Committee of Bar Examiners member David Torres, Dean Michael Mullins of the Empire College School of Law and George Leal, Director for Educational Standards, as corrected, be received and filed; that the response submitted by Dean Janice L. Person, dated June 20, 2017 and submitted on behalf of the law school be received and filed; that the mandatory compliance recommendations made in the Report be adopted; that the law school be required to submit with its 2017 Annual Compliance Report a narrative discussion to confirm all efforts and actions to address and correct each compliance recommendations made in the Report; that accreditation of SJCOL be continued; and that the law school’s next periodic inspection be scheduled for the fall of 2021, unless an earlier visit is found needed by the Committee.

2016 – 2017 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2016 – 2017 goals for the Subcommittee on Educational Standards be received and filed.

## SUBCOMMITTEE ON MORAL CHARACTER

### MEETING WITH ASSOCIATION OF DISCIPLINE DEFENSE COUNCIL RE PROCESSING OF MORAL CHARACTER DETERMINATION APPLICATIONS

It was by common consent agreed that the Committee's appreciation be extended to the members of the Discipline Defense Council for their comments, which were conveyed during a meeting with them that had been specially set, concerning the processing of moral character determination applications.

### PROPOSED AMENDMENTS TO ADMISSIONS RULES RE QUALIFICATION OF OUT-OF-STATE ATTORNEY APPLICANTS TO FILE MORAL CHARACTER DETERMINATION APPLICATIONS – REQUEST TO CIRCULATE FOR PUBLIC COMMENT

It was moved, seconded and duly carried that the proposed amendment to Rule 4.41 of the *Admissions Rules* in the form below be approved in principle; that a request be submitted to the Board of Trustees to circulate the proposed amendment for a 45-day public comment period; that following the period of public comment, the proposed amendment and any comments received be further reviewed by the Committee for adoption of a final version; and, that pending conclusion of the process for amendment of the rule, Rule 4.41 of the *Admissions Rule* be interpreted to permit out-of-state attorneys who have been suspended in other jurisdictions for administrative reasons to file moral character determination applications.

#### Rule 4.41 Application for Determination of Moral Character

An applicant must submit an Application for Determination of Moral Character with required fingerprints and the fee set forth in the Schedule of Charges and Deadlines. An attorney who is suspended for disciplinary reasons or disbarred, has resigned with disciplinary charges pending or is otherwise not in good standing for disciplinary reasons in any jurisdiction may not submit an application.

### INTERPRETATION OF COURT RULE RE "GOOD STANDING" OF APPLICANTS APPLYING FOR LIMITED PRACTICE ADMISSION PROGRAMS

It was moved, seconded and duly carried that in connection with the determination of eligibility of candidates applying for limited practice admission programs, which include the Multijurisdictional and Foreign Legal Consultant programs, staff be delegated the authority to determine an attorney's "good standing" status in another jurisdiction if a Certificate of Good Standing is unavailable or incomplete.

### 2016 – 2017 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2016 – 2017 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 10:50 a.m., Saturday, June 24, 2017.