

PUBLIC MINUTES

THE COMMITTEE OF BAR EXAMINERS

OF

THE STATE BAR OF CALIFORNIA

October 14 and 15, 2016

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 closed session at 12:30 p.m., Friday, October 14, 2016, 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, Michelle Domingo, James H. Efting, Erika Hiramatsu, KV Kumar, Alexander C. Lawrence, Jr., Martha Pruden-Hamiter, Sandhya Ramadas, Douglas S. Saeltzer, Larry Sheingold, David A. Torres, and Lee H. Wallach, Members. Members Dolores Heisinger and Patricia M. Villalobos 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, Kim Wong, Administrative Specialist, and Destie Overpeck, Assistant General Counsel. Also in attendance was Dean Greg Brandes. The session concluded at approximately at 1:25 p.m., at which time the meetings of the Committee's subcommittees began. Following a meeting of one of its subcommittees, the meeting was reconvened into opened session beginning at 9:45 a.m. on Saturday, October 15, 2016. All Committee members, including Dolores Heisinger and excluding Alexander C. Lawrence, Jr., and staff in attendance on Friday were present on Saturday. The meeting went into closed session at 10:25 a.m. at which time Dean Greg Brandes left the meeting. The meeting was adjourned at 11:30 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 August 26, 2016 be approved.

2016-2017 SUBCOMMITTEE AND OTHER ASSIGNMENTS

It was by common consent agreed that the 2016 – 2017 Committee of Bar Examiners Subcommittee and other assignments, as attached to these minutes as "[Item 1](#)", be received and filed.

AUGUST AND SEPTEMBER 2016 KEY INDICATORS

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

SCHEDULE FOR DECEMBER 2 AND 3, 2016 COMMITTEE MEETING

It was by common consent agreed that the schedule for the December 2 and 3, 2016 Committee Meeting, which will be held at the State Bar of California Offices in San Francisco, California, be received and filed.

PROPOSED SUPREME COURT RULE 9.8

It was moved, seconded and duly carried that the proposed Supreme Court Rule 9.8, which would permit the sharing of pass/fail information with law schools and the publication of a pass list in addition to other provisions, currently circulating for comment be supported; and that the communication of the Committee's support to the Court be made in accordance with the State Bar's rules and policies for doing so.

SUBCOMMITTEE ON OPERATIONS AND MANAGEMENT

AUGUST 2016 FINANCIAL ANALYSIS REPORT

It was moved, seconded and duly carried that the Financial Analysis Report as of August 31, 2016 for the Admissions Fund be received and filed.

JUNE 2016 FIRST-YEAR LAW STUDENTS' EXAMINATION COST ANALYSIS

It was moved, seconded and duly carried that the report on costs for administering the June 2016 First-Year Law Students' Examination be received and filed.

SUBCOMMITTEE ON EDUCATIONAL STANDARDS

PROPOSED AMENDMENTS TO ACCREDITED GUIDELINES RE
APPROVAL OF NEW BRANCH CAMPUSES/SATELLITE CAMPUSES –
RETURN FROM PUBLIC COMMENT

It was moved, seconded and duly carried that following a period of public comment, the proposed amendments to the *Accredited Law School Rules* (Rules) and *Guidelines for Accredited Law School Rules* (Guidelines), as attached to these minutes as "[Item 2](#)" be adopted; that the proposed amendments to the Rules be forwarded to the Board of Trustees (Board) with a request that it approve the amendments to the Rules; and if approved by the Board, both the proposed amendments to the Rules and Guidelines become effective the date of Board approval.

PROPOSED AMENDMENT TO ACCREDITED LAW SCHOOL GUIDELINE 2.3
RE DISCLOSURE FORMS – REQUEST TO CIRCULATE FOR PUBLIC COMMENT

It was moved, seconded and duly carried that the proposed amendment to Guideline 2.3 of the *Guidelines for Accredited Law School Rules*, as attached to these minutes as “[Item 3](#)” be approved in principle; that the proposed amendments be circulated for a 30-day period of public comment; and, following review of any comments received, this matter be considered for further action during the December Committee’s meeting.

PROPOSED AMENDMENT TO UNACCREDITED LAW SCHOOL GUIDELINE 2.3
RE DISCLOSURE FORMS – REQUEST TO CIRCULATE FOR PUBLIC COMMENT

It was moved, seconded and duly carried that the proposed amendments to Guideline 2.3 of the *Guidelines for Unaccredited Law School Rules*, as attached to these minutes as “[Item 4](#)” be approved in principle; that the proposed amendments be circulated for a 30-day period of public comment; and, following review of any comments received, this matter be considered for further action during the December Committee’s meeting.

PROPOSED AMENDMENTS TO LAW SCHOOL RULES RE
CONFORMING TO CALIFORNIA PUBLIC RECORDS ACT

It was moved, seconded and duly carried that the proposed amendments to the *Accredited Law School Rules*, which conform the public information provisions to current law relative to the California Public Records Act, in the form noted below, be adopted and forwarded to the Board of Trustees for approval.

Accredited Law School Rules

“Rule 4.108 Public information

— ~~The following Release of information about contained in the files of applicants for provisional accreditation, provisionally accredited law schools, and accredited law schools is subject to the requirements and limitations imposed by state law. public, subject to any exception of confidentiality the Committee deems appropriate, and available upon written request for the processing fee set forth in the Schedule of Charges and Deadlines:~~

- ~~(1) public portions of applications for provisional accreditation or accreditation;~~
- ~~(2) executive summaries of periodic inspection reports;~~
- ~~(3) public portions of annual reports; and~~
- ~~(4) any other document related to accreditation that the Committee deems suitable for publication.~~

— ~~The following information is confidential, whether or not contained in a public record:~~

- ~~(1) personal information about identifiable students;~~

- ~~—(2) personal information about identifiable instructors;~~
- ~~—(3) law school financial records; and~~
- ~~—(4) any other information designated confidential by the Committee.”~~

Unaccredited Law School Rules

“Rule 4.207 Public information

~~—The following Release of information about contained in the files of applicants for registration and registered law schools is subject to the requirements and limitations imposed by state law. public, subject to any exception of confidentiality the Committee deems appropriate, and available upon written request for the processing fee set forth in the Unaccredited Law School Fees (Schedule of Charges and Deadlines):~~

- ~~—(1) applications for registration;~~
- ~~—(2) public portions of annual reports; and~~
- ~~—(3) notices of major changes.~~

~~—The following information is confidential, whether or not contained in a public record:~~

- ~~—(1) personal information about identifiable students;~~
- ~~—(2) personal information about identifiable instructors;~~
- ~~—(3) law school financial records; and~~
- ~~—(4) any other information designated confidential by the Committee.”~~

UNIVERSITY OF SILICON VALLEY SCHOOL OF LAW –
NOTICE OF NON-COMPLIANCE OR TERMINATION

It was moved, seconded and duly carried that due to the failure of the University of Silicon Valley School of Law (USVSOL) to provide adequate confirmation that it is in compliance with the *Unaccredited Law School Rules* (Rules) and *Guidelines for Unaccredited Law School Rules* through a periodic inspection conducted pursuant to Rule 4.244 of the Rules, a Notice of Noncompliance be issued to USVSOL as attached to these minutes as “[Item 5](#)”; and that the process for withdrawal of the school’s registration, pursuant to Rule 4.260 of the Rules, be initiated.

CONCORD LAW SCHOOL OF KAPLAN UNIVERSITY – REQUEST FOR APPROVAL
OF MAJOR CHANGES RE RE-LOCATION OF LAW SCHOOL AND NAME CHANGE

It was moved, seconded and duly carried that the request for approval of two major change requests, submitted by Concord Law School of Kaplan University pursuant to Rules 4.245, 4.246(B) and 4.246(G) the Unaccredited Law School Rules, which will allow it to change its name to Concord Law School at Kaplan University and relocate its administrative offices to 10100 Santa Monica Blvd., Suite 365, Los Angeles, California,

be received and filed and that both requests be granted.

PACIFIC WEST COLLEGE OF LAW – RESPONSE TO
NOTICE OF NONCOMPLIANCE

It was moved, seconded and duly carried that the response submitted by Pacific West College of Law to the Notice of Noncompliance dated August 26, 2016 be received and filed and that the response be deemed satisfactory, subject to confirmation of the school's compliance by an interim inspection of the law school by April 14, 2017.

CALIFORNIA SOUTHERN UNIVERSITY SCHOOL OF LAW –
PERIODIC INSPECTION REPORT

It was moved, seconded and duly carried that the Periodic Inspection Report of the California Southern University School of Law (CSUSOL) of the inspection completed on December 1, 2015 by George C. Leal, Director for Educational Standards, be received and filed; that the response of Dean Ellen Sampong submitted on behalf of the law school be received and filed; that the recommended, suggested actions contained in the report be adopted; and that the law school's next periodic inspection take place in the fall of 2020, unless an earlier inspection is found necessary by the Committee.

CALIFORNIA SOUTHERN UNIVERSITY SCHOOL OF LAW – REQUEST
FOR APPROVAL OF A MAJOR CHANGE RE RE-LOCATION OF LAW SCHOOL

It was moved, seconded and duly carried that the request for approval of a major change submitted by the California Southern University School of Law, pursuant to Rule 4.246(B) of the Unaccredited Law School Rules, which would permit it to relocate its administrative offices to 3330 Harbor Boulevard, Costa Mesa, California, be received and filed and that the request be granted.

NOTICE OF CHANGES IN LAW SCHOOL ADMINISTRATORS

It was by common consent agreed that the notices from: 1) Trinity Law School of the appointment of Eric Halvorson as Dean, effective September 15, 2016; and 2) California Southern University School of Law of the appointment of Bernadette Agaton as Interim Dean, effective October 19, 2016, be received and filed.

SUBCOMMITTEE ON MORAL CHARACTER

PROPOSED AMENDMENTS TO ADMISSIONS RULES RE PROCESSING OF
MORAL CHARACTER DETERMINATIONS – RETURN FROM PUBLIC COMMENT

It was moved seconded and duly carried that following a period of public comment, the proposed amendments to the *Admissions Rules* in the form noted below, be adopted; that the proposed amendments be forwarded to the Board of Trustees (Board) with a request that it approve the amendments; and if approved by the Board, the proposed amendments become effective the date of Board approval.

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.

**PROPOSED AMENDMENTS TO MORAL CHARACTER DETERMINATION
APPLICATION DECLARATION**

It was moved, seconded and duly carried that the proposed amendments to Moral Character Determination application authorization and release as attached to these minutes as "[Item 6](#)", be approved.

ADJOURNMENT

Having concluded all the business scheduled for consideration during the open and closed sessions of the meeting, the meeting was adjourned at 11:30 a.m., Saturday, October 15, 2016.