

PUBLIC MINUTES

THE COMMITTEE OF BAR EXAMINERS

OF

THE STATE BAR OF CALIFORNIA

January 20 and 21, 2017

Hyatt Palm Springs
285 North Palm Canyon Drive
Palm Springs, California

A meeting of the Committee of Bar Examiners of The State Bar of California convened in open session at 1:15 p.m., Friday, January 20, 2017, in a meeting room at the Hyatt Palm Springs in Palm Springs, Jeanne C. Vanderhoff, Vice-Chair, presiding. Officers and members present were: Jeanne C. Vanderhoff, Vice-Chair, Traci C. Belmore, James A. Bolton, Ph.D., Robert S. Brody, Michelle Domingo, James H. Efting, Dolores Heisinger, Erika Hiramatsu, Paul A. Kramer, Alexander C. Lawrence, Jr., Martha Pruden-Hamiter, Sandhya Ramadas, Larry Sheingold, David A. Torres, and Lee H. Wallach, Members. Karen M. Goodman, Chair, and Members KV Kumar and Patricia 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, Destie Overpeck, Assistant General Counsel, Elizabeth Parker, Executive Director, Leah Wilson, Chief Operating Officer, several staff members from the State Bar's Office of Research and Institutional Accountability and Board of Trustees members Terrance Flanigan, Joanna Mendoza and Todd Stevens, liaison to the Committee. Also in attendance were Chad Buckendahl, Barry Currier, Roger Bolus, Greg Brandes, Dean Carole Buckner and Dean John Patrick Dolan. The session concluded at approximately at 4:30 p.m. The meeting was reconvened in closed session beginning at 9:35 a.m. on Saturday, January 21, 2017. All Committee members and the Board of Trustees members, excluding Terrance Flanigan and Joanna Mendoza, the State Bar Executive Director, Office of Admissions and General Counsel staff in attendance on Friday were present on Saturday. The meeting went into open session at 10:15 a.m., at which time Greg Brandes entered the meeting. The meeting was adjourned at 10:45 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 December 2 and 3, 2016, be approved.

TRENDS IN ENROLLMENT AND PROGRAMMING IN ABA LAW SCHOOLS

It was unanimously agreed that the Committee's appreciation be extended to Barry Currier, Managing Director, Accreditation and Legal Education, American Bar Association (ABA), for his presentation on the Trends in Enrollment and Programming in ABA Law Schools.

STANDARDIZED TESTING 101 AND POTENTIAL BAR EXAMINATION STUDIES

It was unanimously agreed that the Committee's appreciation be extended to Chad Buckendahl, Ph.D. and Roger Bolus, Ph.D. for their presentations on standardized testing principles and potential bar examination studies.

BAR EXAMINATION STUDIES

It was moved, seconded and duly carried that in addition to the study authorized by the Committee during the last meeting relative to studying the declining bar examination passing rate, proceeding with the following three additional studies be approved in principle, subject to the approval of the Board of Trustees and the identification of sufficient funds to cover the costs associated with conducting the studies:

1. **Passing Standard on the Bar Exam** – This study will investigate whether the required passing score continues to be appropriate for protecting the public by ensuring minimal professional competence.
2. **Law School Performance and How It Relates to Performance on the Bar Exam.** This study will require receiving data from individual law schools, including LSAT scores and final GPAs. Such data will provide necessary information for studying the impact of applicants' ability level, as measured by performance during law school and entry qualifications, on bar examination performance.
3. **Content Validation of the Bar Exam.** This study will include an assessment as to whether the content of the examination aligns with the minimum competence in skills and knowledge required for an entry level practitioner.

NOVEMBER AND DECEMBER 2016 KEY INDICATORS

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

SCHEDULE FOR MARCH 17, 2017 COMMITTEE PLANNING MEETING

It was by common consent agreed that the schedule for the March 17, 2017 Committee Planning Meeting, which will be held at the State Bar of California Offices in San Francisco, California, be received and filed.

SUBCOMMITTEE ON EXAMINATIONS

TENTATIVE DATES FOR CONFERENCE CALL MEETING

It was by common consent agreed that conference call meeting of the Subcommittee on Examinations be scheduled tentatively for noon on February 10, 2017 to consider testing accommodation appeals filed in connection with administration of the February 2017 California Bar Examination.

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

OCTOBER 2016 FIRST-YEAR LAW STUDENTS' EXAMINATION COST ANALYSIS

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

NOVEMBER 2016 FINANCIAL ANALYSIS REPORT

It was moved, seconded and duly carried that the Financial Analysis Report as of November 30, 2016 for the Admissions Fund be received and filed.

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

**SAN JOAQUIN COLLEGE OF LAW – PETITION FOR WAIVER OF
NON-CLASSROOM UNIT LIMITATIONS**

It was moved, seconded and duly carried that the petition submitted by San Joaquin College of Law (SJCOL) for a waiver of the unit restriction found in Guideline 6.6(D) (Externship, Clinical, Law Review and Similar Programs) of the Guidelines for Accredited Law School Rules, which would permit the school to offer credit for a maximum of 14 units of practical legal experience through externships and participation in the law school's law clinic, be received and filed; and that the request be granted.

SOUTHERN CALIFORNIA INSTITUTE OF LAW – PETITION FOR
WAIVER OF GUIDELINES 12.1 AND 12.2

It was moved, seconded and duly carried that the Petition of the Southern California Institute of Law for a waiver of Guidelines 12.1 and 12.2 and, in effect, a waiver of Rule 4.160(M), be denied.

UNIVERSITY OF WEST LOS ANGELES SCHOOL OF LAW –
PERIODIC INSPECTION REPORT

It was moved, seconded and duly carried that the Periodic Inspection Report of the University of West Los Angeles, which visit was conducted October, 2015, by an Inspection Team composed of Committee of Bar Examiners member Martha Pruden-Hamiter, Dean James Schiavenza of the Lincoln Law School of Sacramento and George Leal, Director for Educational Standards, be received and filed; that the response submitted by Dean Jay Fryberg on behalf of the law school be received and filed; that the mandatory and suggested recommended actions made in the Report be adopted; that the law school be required to report on its actions taken to address each such recommendation within 45 days of the date of receipt of this Report by the Committee; that accreditation of the law school be continued; and that the next periodic accreditation inspection of the law school be scheduled for the spring of 2021, unless earlier visitation is found to be necessary by the Committee of Bar Examiners.

AMERICAN HERITAGE UNIVERSITY SCHOOL OF LAW –
MAJOR CHANGE REQUEST RE CHANGE OF OWNERSHIP

It was moved, seconded and duly carried that pursuant to Rules 4.245 of the *Unaccredited Law School Rules*, the request of the American Heritage University of Southern California for the prior approval in the proposed change of its ownership be deferred pending the receipt of additional information from the law school.

CALIFORNIA DESERT TRIAL ACADEMY COLLEGE OF LAW –
MAJOR CHANGE

It was moved, seconded and duly carried pursuant to Rules 4.245 and 4.246 of the *Unaccredited Law School Rules*, that the request of the California Desert Trial Academy College of Law for the prior approval of a major change that will allow it to offer its students a hybrid J.D. degree curriculum taught using both in-class and remote student participation through effective distance-learning technology be received and filed; that the request be approved; and that, within 60 days after the end of its first year the law school prepare and submit to the Committee a report that provides an analysis of the program and which discusses its success, benefits, detriments and any perceived improvements to the program prior to the start of its second year.

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

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 10:45 a.m., Saturday, January 21, 2017.