

PUBLIC MINUTES

THE COMMITTEE OF BAR EXAMINERS

OF

THE STATE BAR OF CALIFORNIA

January 29 and 30, 2016

Hyatt Regency Monterey Hotel
1 Old Golf Course Road
Monterey, California

A meeting of the Committee of Bar Examiners of The State Bar of California convened in open session at 11:10 a.m., Friday, January 29, 2016, in a meeting room at the Hyatt Regency Hotel in Monterey, 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, James A. Bolton, Ph.D., Michelle Domingo, Erika Hiramatsu, KV Kumar, Joel S. Miliband, Martha Pruden-Hamiter, Sandhya Ramadas, Larry Sheingold, David A. Torres, Jeanne C. Vanderhoff and Patricia M. Villalobos, Members. Member Karen M. Goodman entered the meeting at 11:40 a.m. and members Alexander C. Lawrence, Jr. and Sandra Salazar 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, Natalie Leonard, Director for Legal Specialization, Kim Wong, Administrative Specialist, Rachel S. Grunberg, Senior Assistant General Counsel, and Board of Trustees members Joanna Mendoza, liaisons to the Committee. Also in attendance were Richard Carlton, Director, Lawyer Assistance Program, Roger Bolus, Ph.D., Dean Greg Brandes, Assistant Dean Jendayi Saada and Dean Mitchel Winick. The session concluded at approximately at 2:25 p.m., at which time the meetings of the Committee's subcommittees began. Following meetings of two of its subcommittees, the meeting was reconvened into open session beginning at 10:50 a.m. on Saturday, January 30, 2016. All Committee members, the Board member and staff in attendance on Friday were present on Saturday, including Board member Todd Stevens and excluding member Erika Hiramatsu. The meeting went into closed session at 11:10 a.m., at which time members Ramadas and Villalobos, Dean Greg Brandes and Assistant Dean Jendayi Saada left the meeting. The meeting was adjourned at 11:40 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 4 and 5, 2015 be approved.

PRESENTATION ON LAWYER ASSISTANCE PROGRAM

It was by common consent agreed that the Committee's appreciation be extended to Richard Carlton, Director for Lawyer Assistance Program (LAP), for his presentation on LAP and moral character determination applicants referred to LAP as a condition of abeyance.

PRESENTATION FROM PSYCHOMETRICIAN

It was by common consent agreed that the Committee's appreciation be extended to Roger Bolus, Ph.D. for his presentation on additional decisions that needed to be made relative to the modified examination and the time it takes to grade the examination.

MODIFIED EXAMINATION ADDITIONAL DETAILS

It was moved, seconded and duly carried that effective with administration of the modified California Bar Examination in July 2017, the examination begin at 9:00 a.m. on Tuesday, with a three-hour session during which three, one-hour essay questions be administered and an afternoon session beginning at 2:00 p.m. for a three and one-half hour session during which two, one-hour essay questions and one 90-minute Performance Test (PT) be administered; that the Multistate Bar Examination portion be administered on Wednesday; and that a PT score be given twice the amount of weight as an essay question score.

THE FUTURE OF CALIFORNIA ACCREDITATION AND REGISTRATION
BY THE COMMITTEE OF BAR EXAMINERS AND REGULATIONS, RULES AND
GUIDELINES REQUIRING ADDITIONAL AMENDMENTS

It was moved, seconded and duly carried that a public forum be held on April 29, 2016 in the San Francisco State Bar offices to discuss proposed amendments to the rules and statutes that govern the regulation of law schools by the Committee and staff prepare additional proposed amendments to the statutes and rules that conform with the consensus reached at this meeting, which will be attached to the Notice of the Public Forum.

RECOGNITION OF RETIRING OFFICE OF ADMISSIONS
STAFF MEMBERS

It was moved, seconded and unanimously carried that retiring Office of Admissions staff members Anita Glenn, Moral Character Analyst, after almost 31 years of service, and Vanessa Collier Poe, Deputy Director for Operations and Management, after almost 38 years of service in the State Bar of California's Office of Admissions, be recognized and that certificates of appreciation be prepared and presented to them acknowledging their many years of outstanding service on behalf of the Committee.

RECOGNITION OF RESIGNED COMMITTEE MEMBER

It was moved, seconded and unanimously carried that staff be authorized to prepare a certificate on behalf of the Committee for presentation to resigned Committee member Zeny Agullana thanking her for her service on the Committee this past year.

POSTHUMOUS RECOGNITION OF DECEASED APPLICANT'S
BAR ACCOMPLISHMENTS

It was moved, seconded and duly carried that the request from Philip A. Shapiro, attorney, who had written on behalf of a deceased applicant's family, be received and filed; that the request for posthumous recognition of the applicant's passage of the California Bar Examination be granted; and that a certificate attesting to the applicant's accomplishments relative to meeting the requirements for admission to practice law in California, which were confirmed by inclusion of his name on a motion to the Supreme Court of California, be prepared and forwarded to Mr. Shapiro.

REQUEST TO SUPPORT LEGISLATIVE AMENDMENTS

It was moved, seconded and duly carried that the request from Mitchel Winick, Dean, Monterey College of Law, that the Committee make a recommendation to the State Bar Board of Trustees to support an amendment to AB 2099 to recognize and support the State Bar's accreditation and regulatory authority for the California Accredited Law Schools be received and filed.

NOVEMBER AND DECEMBER 2015 KEY INDICATORS

It was by common consent agreed that the November and December 2015 Key Indicators for the Office of Admissions/Committee of Bar Examiners be received and filed.

SCHEDULE FOR MARCH 18, 2016 COMMITTEE MEETING

It was by common consent agreed that the schedule for the March 18, 2016 Committee Meeting, which will be held at the Marriott Hotel in San Mateo, California, be received and filed.

SUBCOMMITTEE ON EXAMINATIONS

REPORT TO THE SUPREME COURT ON THE
JULY 2015 CALIFORNIA BAR EXAMINATION

It was moved, seconded and duly carried that the draft Supreme Court Report on the July 2015 California Bar Examination be finalized and submitted to the Court.

ANALYSIS OF THE JULY 2015 GENERAL BAR EXAMINATION
PREPARED BY DR. ROGER BOLUS FOR INCLUSION WITH
REPORT TO THE SUPREME COURT ON THE EXAMINATION

It was moved, seconded and duly carried that the Analysis of the July 2015 General Bar Examination prepared by Roger Bolus, Ph. D. be approved for inclusion in the Report to the Supreme Court on this particular examination and otherwise authorized for publication.

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

NOVEMBER 2015 FINANCIAL ANALYSIS REPORT

It was moved, seconded and duly carried that the Financial Analysis Report as of November 30, 2015 for the Admissions Fund, be received and filed.

OCTOBER 2015 FIRST-YEAR LAW STUDENTS'
EXAMINATION COST ANALYSIS

It was moved, seconded and duly carried that the report on costs for administering the October 2015 First-Year Law Students' Examination be received and filed.

REVISIONS TO INDIRECT COST ALLOCATION POLICIES

It was moved, seconded and duly carried that the report on the revisions to the State Bar's Indirect Cost Allocation Policies be received and filed and that the Chief Operating Officer be invited to attend a future meeting of the Committee to discuss the new policies in more detail with the Committee.

2016 OFFICE OF ADMISSIONS BUDGET

It was moved, seconded and duly carried that the report on the proposed 2016 budget for the Admissions Fund be received and filed and that staff be directed to prepare a detailed report on the reported decreased enrollments in law schools to determine what, if any, those decreases may impact future budget planning for the Admissions Fund.

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 hereto as "[Item 1](#)" to these minutes, be approved in principle; and that the proposed amendments be forwarded to the Board of

Trustees' Committee on Admissions and Education with a request that they be circulated for a 30-day public comment period.

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

SUMMARIES OF THE 2015 ANNUAL COMPLIANCE REPORTS SUBMITTED BY CALIFORNIA-ACCREDITED LAW SCHOOLS

It was by common consent agreed that the summaries of the 2015 Annual Compliance Reports filed by each California-accredited law school be received and filed.

NOTICE OF CHANGES IN LAW SCHOOL ADMINISTRATORS

It was by common consent agreed that the notices from San Francisco Law School of the appointment of Gregory J. Brandes as Dean and from Santa Barbara and Ventura Colleges of Law of the resignation of Heather Georgakis as Dean, effective at the end of current academic year, be received and filed.

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

It was by common consent agreed 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.

TRINITY LAW SCHOOL – PERIODIC INSPECTION REPORT

It was moved, seconded and duly carried that the Periodic Inspection Report of Trinity Law School, which visit was conducted January 26-28, 2015, by an Inspection Team composed of Committee of Bar Examiners member Joel S. Miliband, Dean Mitchel Winick of the Monterey College of Law and George Leal, Director for Educational Standards, be received and filed; that the response submitted by Dean Myron Steeves on behalf of the law school be received and filed; that the suggested actions made in the report be adopted; 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 2020, unless earlier visitation is found to be necessary by the Committee.

AMERICAN INSTITUTE OF LAW – REGISTRATION INSPECTION REPORT

It was moved, seconded and duly carried that the Report of Inspection in connection with the Application for Registration submitted by American Institute of Law as a California unaccredited, correspondence law school be received and filed; that, pursuant to Rule 4.223(C), the law school be registered for two years, subject to a further visitation of the law school to be scheduled within six months prior to the expiration of that time to confirm its continued compliance with the *Unaccredited Law School Rules and Guidelines for Unaccredited Law School Rules*.

CALIFORNIA SCHOOL OF LAW – PERIODIC INSPECTION REPORT

It was moved, seconded and duly carried that the Periodic Inspection Report of the California School of Law (CSOL), of the inspection conducted on September 24-25, 2015 by Sally Perring, Educational Standards Consultant, and George Leal, Director for Educational Standards, be received and filed; that the response of January 18, 2016 submitted on behalf of the law school by Dean William Hunt be received and filed; that the recommended mandatory actions regarding CSOL's noncompliance made in the Inspection Report be adopted; that notice be taken that the school has addressed and corrected the issues of noncompliance; 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.

AMERICAN HERITAGE UNIVERSITY SCHOOL OF LAW – REPORT OF INSPECTION

It was moved, seconded and duly carried that the Inspection Report of American Heritage University School of Law (AHUSOL) dated December 9, 2015, which inspection was conducted pursuant to Rule 4.262 of the *Unaccredited Law School Rules*, prepared by an Inspection Team composed of Greg Shin, Director for Operations and Management and Patricia Villalobos, Member, Committee of Bar Examiners, be received and filed; that AHUSOL be placed on probation for a period of 12 months from the date of this action of the Committee with the following conditions:

- 1) Payment within 90 days of any outstanding obligations it may have relating to any contractual agreements it may have made with professors and administrators;
- 2) Provision of audited financial statement within 90 days;
- 3) Ensuring that all future contracts are in compliance with the *Unaccredited Law School Rules*;
- 4) Conducting a survey of its currently enrolled students, asking for their comments with respect to the new teaching technology, new faculty, etc., and reporting the results of the survey within 90 days;

- 5) Submission of a progress report 60 days prior to the expiration of the probation period;
- 6) An interim inspection of the school to be conducted after the progress report has been completed and thirty days before the probation period is scheduled to expire; and
- 7) That currently enrolled and potential students be advised of this action by the Committee in the form and manner determined by staff.

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 INFORMAL CONFERENCE PROCEDURES

It was moved, seconded and duly carried that the proposed amendments to the Committee's Informal Conference Procedures in the form attached hereto as "[Item 2](#)" to these minutes be adopted, effective January 30, 2016.

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 11:40 a.m., Saturday, January 30, 2016.