

PUBLIC MINUTES

THE COMMITTEE OF BAR EXAMINERS

OF

THE STATE BAR OF CALIFORNIA

January 30 and 31, 2015

Embassy Suites Hotel Napa Valley
1075 California Boulevard
Napa, 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 30, 2015, in a meeting room at the Embassy Suites Hotel Napa Valley in Napa, California, Patricia P. White, Chair, presiding. Officers and members present were: Patricia P. White, Chair; Lee H. Wallach, Vice-Chair; James H. Aguirre, Traci C. Belmore, James A. Bolton, Ph.D., Michelle Domingo, Karen M. Goodman, Erika Hiramatsu, KV Kumar, Alexander Lawrence, Joel S. Miliband, Martha Pruden-Hamiter, Sandra L. Salazar, M.D., Larry Sheingold, Jeanne C. Vanderhoff, Patricia M. Villalobos, and Alan S. Yochelson, Members. Member Sandhya Ramadas was absent. State Bar staff members in attendance were Gayle E. Murphy, Senior Director, Admissions, Gina Crawford, Director for Administration, Debra Murphy Lawson, Director for Moral Character Determinations, George C. Leal, Director for Educational Standards, Lisa Jeong Cummins, Director for Examinations, Greg S. Shin, Director for Operations and Management, Kim Wong, Administrative Specialist, Rachel S. Grunberg, Senior Assistant General Counsel, and Natalie Leonard, Director for Legal Specialization. Also in attendance were Mark Torres-Gil, Senior Assistant General Counsel, and Professor Greg Brandes. The meeting went into closed session at 11:30 a.m., at which time Professor Brandes left the meeting, and then back into open session at 12:00 noon, at which time Board of Trustees and liaison to the Committee David Torres and former Committee Chair and member Patrick R. Dixon entered the meeting, along with Professor Brandes and Dean Thomas Guernsey, and Mr. Torres-Gil left the meeting. At approximately 2:00 p.m., the meeting went into closed session, at which time Professor Brandes and Dean Guernsey left the meeting. The session concluded at 3:10 p.m., at which time meetings of the Committee's subcommittees were held. The meeting was reconvened into closed session at 9:15 a.m. on Saturday, January 31, 2015. All Committee members and staff in attendance on Friday were present on Saturday. The meeting went into open session at 9:55 a.m., at which time Board Liaison David Torres joined the meeting, along with Professor Brandes and Dean Mitchel Winick, and Sandra Salazar and Greg Shin left the meeting. The meeting was adjourned at 10:20 a.m.

ACKNOWLEDGEMENT OF SPEAKER'S COMMENTS

It was by common consent agreed that the Committee's appreciation be extended to Thomas Guernsey, Dean, Thomas Jefferson School of Law, for his comments regarding the current state of legal education and possible changes to the scope of the California Bar Examination that should be considered by the Committee, which were presented during the Committee's planning session on the "The Future of Licensing Lawyers and the Format/Content of the Bar Examination in California."

SCOPE OF THE CALIFORNIA BAR EXAMINATION

It was by common consent agreed that the Committee once again study whether the Scope of Subjects tested on the California Bar Examination should be modified by the reduction of subjects; and that the topic be placed on the Subcommittee on Examination's agenda for consideration during future meetings.

COMMITTEE MEETING PUBLIC MINUTES

It was moved, seconded and duly carried that the minutes taken during the public session of the meeting on December 12 and 13, 2014, be approved.

EXAMINATION CONFISCATION POLICY

It was moved, seconded and duly carried, member James Aguirre abstaining, that, effective with administration of the February 2015 California Bar Examination, certain unauthorized items brought into test centers in violation of examination rules and policies that are confiscated may be returned to the applicants in accordance with procedures developed by staff, which may include a fee to cover the cost of returning the items; that the only exception to this policy be in those situations where suspected cheating is involved; and, if an applicant is suspected of cheating, the return of any unauthorized item(s) will be considered by the Committee on a case-by-case basis.

RECOGNITION OF CONTRIBUTIONS OF RETIRED PSYCHOMETRIC CONSULTANT STEPHEN P. KLEIN

It was moved, seconded and duly carried that the service of the Committee's former psychometric consultant, Stephen P. Klein, be recognized and that a certificate be prepared and presented to him acknowledging his over 35 years of outstanding service on behalf of the Committee and his many positive contributions associated with the format, development and grading of the California Bar Examination and the First-Year Law Students' Examination.

DECEMBER 2014 KEY INDICATORS

It was by common consent agreed that the December 2014 Key Indicators for the Office of Admissions/Committee of Bar Examiners be received and filed.

SCHEDULE FOR MARCH 20, 2015 COMMITTEE MEETING

It was by common consent agreed that the schedule for the March 20, 2015 Committee Meeting, which will be held at The Marriott San Mateo in San Mateo, California, be received and filed.

SUBCOMMITTEE ON EXAMINATIONS

TENTATIVE DATE FOR CONFERENCE CALL MEETING

It was by common consent agreed that a conference call meeting of the Subcommittee on Examinations be scheduled tentatively for noon on February 13, 2015 to consider testing accommodation appeals filed in connection with administration of the February 2015 California Bar Examination.

REPORT TO THE SUPREME COURT ON THE JULY 2014
CALIFORNIA BAR EXAMINATION

It was moved, seconded and duly carried that the draft Supreme Court Report on the July 2014 California Bar Examination be finalized and submitted to the Court.

ANALYSIS OF THE JULY 2014 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 2014 General Bar Examination prepared by Dr. Roger Bolus be approved for inclusion in the Report to the Supreme Court on this examination and otherwise authorized for publication.

2014 – 2015 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2014 – 2015 goals for the Subcommittee on Examinations be received and filed.

SUBCOMMITTEE ON OPERATIONS AND MANAGEMENT

NOVEMBER 30, 2014 FINANCIAL ANALYSIS REPORT

It was by common consent agreed that the Financial Analysis Report as of November 30, 2014 for the Admissions Fund, be received and filed.

2014 – 2015 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2014 – 2015 goals for the Subcommittee on Operations and Management be received and filed.

SUBCOMMITTEE ON EDUCATIONAL STANDARDS

**SUMMARIES OF DATA REPORTED IN THE 2014 ANNUAL COMPLIANCE
REPORTS SUBMITTED BY CALIFORNIA ACCREDITED LAW SCHOOLS**

It was by common consent agreed that the summaries of data reported in the 2014 annual compliance reports submitted by California Accredited law schools be received and filed.

**PROPOSED AMENDMENTS TO GUIDELINES RE
CALCULATION OF MINIMUM, CUMULATIVE BAR EXAMINATION PASS RATE –
RETURN FROM PUBLIC COMMENT**

It was moved, seconded and duly carried that the proposed amendments to Guidelines 12.1 and 12.2 of the *Guidelines for Accredited Law School Rules*, as attached to these minutes as "[Item 1](#)", regarding the formula for calculating the minimum, cumulative bar examination pass rate for California-accredited law schools be adopted, effective as of the date of this Committee's action.

**PROPOSED AMENDMENTS TO ACCREDITED LAW SCHOOL RULES,
RE OPENING AND OPERATING BRANCH OR SATELLITE CAMPUSES –
RETURN FROM PUBLIC COMMENT**

It was moved, seconded and duly carried that the proposed amendments to Rules 4.160 (H) and 4.165 (B) of the *Accredited Law School Rules* as attached to these minutes as "Item 2" be adopted, subject to approval by the Board of Trustees; that the proposed Guidelines 15.1 through 15.4 of Division 15 (Opening and Operating Branch or Satellite Campuses) to the *Guidelines for Accredited Law School Rules*, attached to these minutes as part of "[Item 2](#)" be adopted, subject to the Board of Trustees' approval of the proposed amendments to Rules 4.160 (H) and 4.165 (B); and that the proposed amendments be forwarded to the Board of Trustees for consideration during its March 2015 meeting.

**PROPOSED AMENDMENTS TO RULES AND STATUTES RE
REGISTERED LAW SCHOOLS AND MANDATORY ACCREDITATION PATH –
RETURN FROM PUBLIC COMMENT**

It was moved, seconded and duly carried that the proposed amendments to the: 1) California Rules of Court – Chapter 3. Legal Education, Rule 9.30. Law School Study in Schools Accredited or Registered by the Committee of Bar Examiners, 2) Business and Professions Code Sections 6046.7 and 6060.7, 3) Article 4. Admission to the Practice of Law, Section 6060, Qualifications, Examination and Fees, 4) Title 4. Admissions and Educational Standards, Division 2. Accredited Law School Rules and 5) Title 4. Admissions and Educational Standards, Division 3. Registered Law School Rules in the form attached to these minutes as "[Item 3](#)" be approved in principle and that they be forwarded to the Board of Trustees for consideration and approval.

EMPIRE COLLEGE OF LAW – NOTICE OF RESIGNATION OF DEAN
AND CHANGE IN THE LAW SCHOOL ADMINISTRATOR

It was by common consent agreed that the notice from Empire College of Law of the resignation of William A. Robertson as Dean and the appointment of Daniel Lanahan III as Administrator, be received and filed.

SAN FRANCISCO LAW SCHOOL – INSPECTION REPORT OF
SAN DIEGO BRANCH CAMPUS

It was moved, seconded and duly carried that the Inspection Report of San Diego Law School (SDLS), a provisionally-accredited branch of San Francisco Law School, which visit was conducted on September 11, 2014 by George Leal, Director for Educational Standards, be received and filed; and that accreditation of SDLS, as a branch campus of San Francisco Law School, be granted.

SANTA BARBARA AND VENTURA COLLEGES OF LAW –
MAJOR CHANGE REQUEST RE PROPOSED BRANCH CAMPUS

It was moved, seconded and duly carried, member Karen Goodman voting no, that the request of the Santa Barbara and Ventura Colleges of Law (SBVCOL) for approval of a major change that would allow it establish a branch campus in San Luis Obispo, be received and filed; that the major change request be approved with the understanding that the branch campus will be treated as a provisionally accredited law school; that no less than 150 days prior to the anticipated date that the San Luis Obispo campus is expected to start offering classes (August 17, 2015), SBVCOL submit a comprehensive report of the branch campus' compliance with the accreditation standards and requirements found in *Accredited Law School Rules* and the *Guidelines for Accredited Law School Rules*; that no less than 120 days before the expected opening of the branch campus, the campus be inspected to ensure compliance with the *Accredited Law School Rules* and the *Guidelines for Accredited Law School Rules*; that no less than 60 days before the expected commencement of classes at the San Luis Obispo campus, the report of the inspection be considered by the Committee so that final action may be taken; and that any announcements and advertisements regarding the establishment of the San Luis Obispo campus contain the following disclaimer: "Commencement of classes and enrollment of students at this provisionally-approved branch campus of Santa Barbara and Ventura Colleges of Law is subject to final approval by the Committee of Bar Examiners of the State Bar of California, which is tentatively scheduled for consideration by the Committee in June 2015.

MONTEREY COLLEGE OF LAW –
MAJOR CHANGE REQUEST RE PROPOSED BRANCH CAMPUS

It was moved, seconded and duly carried that the request of the Monterey College of Law (MCL) for approval of a major change that would allow it establish a branch campus in San Luis Obispo, be received and filed; that the major change request be

approved with the understanding that the branch campus will be treated as a provisionally accredited law school; that no less than 150 days prior to the anticipated date that the San Luis Obispo campus is expected to start offering classes (August 17, 2015), MCL submit a comprehensive report of the branch campus' compliance with the accreditation standards and requirements found in Accredited Law School Rules and the Guidelines for Accredited Law School Rules; that no less than 120 days before the expected opening of the branch campus, the campus be inspected to ensure compliance with the Accredited Law School Rules and the Guidelines for Accredited Law School Rules; that no less than 60 days before the expected commencement of classes at the San Luis Obispo campus, the report of the inspection be considered by the Committee so that final action may be taken; and that any announcements and advertisements regarding the establishment of the San Luis Obispo campus contain the following disclaimer: "Commencement of classes and enrollment of students at this provisionally-approved branch campus of Monterey College of Law is subject to final approval by the Committee of Bar Examiners of the State Bar of California, which is tentatively scheduled for consideration by the Committee in June 2015."

**INTERNATIONAL PACIFIC SCHOOL OF LAW –
MAJOR CHANGE REQUEST**

It was moved, seconded and duly carried that the request for approval of a major change regarding the relocation of the administrative offices of the International Pacific School of Law be received and filed; that the request be treated as a request for the prior approval of a major change pursuant to Rule 4.245 of the Unaccredited Law School Rules, even though it was received after the move had already been accomplished; that the request be granted retroactively to January 1, 2015; and that the law school be advised that prior approval of any future action that consists of a major change, as defined in Rule 4.246, must be timely submitted in accordance with Rule 4.245.

**IRVINE UNIVERSITY COLLEGE OF LAW –
MAJOR CHANGE REQUEST**

It was moved, seconded and duly carried that the request for approval of a major change regarding the planned relocation of Irvine University College of Law be received and filed and that the request be granted.

2014 – 2015 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2014 – 2015 goals for the Subcommittee on Educational Standards be received and filed.

SUBCOMMITTEE ON MORAL CHARACTER

2014 – 2015 SUBCOMMITTEE GOALS

It was by common consent agreed that the 2014 – 2015 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 10:20 a.m., Saturday, January 31, 2015.