

# **COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM**

**AGENDA ITEM NUMBER: JUNE 2014 – O-100**

**DATE:** June 18, 2014  
**TO:** Committee of Bar Examiners  
**FROM:** Gayle Murphy, Senior Director, Admissions  
**SUBJECT: POSTHUMOUS ADMISSION OF APPLICANT**

---

## **BACKGROUND**

Aimee Feinberg and Gabriel Chin have written to State Bar President Luis Rodriguez on behalf of the Asian Pacific American Law Students Association of the University of California, Davis School of Law requesting the State Bar of California join with them in petitioning the California Supreme Court to permit the posthumous admission of Hong Yen Chang, who was denied admission by the Supreme Court in 1890 based on two laws. The two laws that apparently affected his admission were the California statute excluding non-citizens from the practice of law in California and the federal law that made Chinese immigrants ineligible to naturalize, which resulted in the barring of Asian immigrants from becoming attorneys in California at the time.

## **DISCUSSION**

This matter was referred to the Committee of Bar Examiners (Committee) initially since under California Business and Professions Code Section 6046, the examining committee (the Committee of Bar Examiners) has the power:

- (a) to examine all applicants for admission to practice law.
- (b) to administer the requirements for admission to practice law.
- (c) to certify to the Supreme Court for admission those applicants who fulfill the requirements provided in this chapter.

The letter from Aimee Feinberg and Gabriel Chin is requesting that the State Bar join in supporting a petition to the Supreme Court, which is not within the purview of the Committee. Only the Board of Trustees has the power to act on requests that the State Bar of California take a certain position.

Since this request is unique in its nature and outside the Committee's authority, it is recommended that it be forwarded to the State Bar of California's Board of Trustees for its consideration.

**RECOMMENDATION:**

It is recommended that his request be referred to the State Bar's Board of Trustees for its consideration.

**PROPOSED MOTION:**

Should the Committee agree with this recommendation, the following motion is suggested:

Move that the request submitted by Aimee Feinberg and Gabriel Chin on behalf of the Asian Pacific American Law Students Association of the University of California, Davis School of Law requesting the State Bar of California join with them in petitioning the California Supreme Court to permit the posthumous admission of Hong Yen Chang be received and filed and that this matter be referred to the State Bar's Board of Trustees for its consideration.