

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM: January 2016 – O-304

DATE: January 22, 2016

TO: Committee of Bar Examiners

FROM: Gayle Murphy, Senior Director, Admissions

SUBJECT: **Proposed Amendments to *Admissions Rules* re Committee of Bar Examiners' Open/Closed Meetings**

BACKGROUND

Effective January 1, 2016, the State Bar of California is subject to the California Public Records Act and beginning April 1, 2016, the State Bar will be subject to the Bagley-Keene Open Meeting Act. Pertinent parts relative to the Committee of Bar Examiners (Committee) follow:

Effective January 1, 2016§ 6026.11. Conformance with California Public Records Act.

The State Bar is subject to the California Public Records Act ... and all public records and writings of the State Bar are subject to the California Public Records Act.

§ 6060.25. Confidentiality of information provided by applicant to the State Bar for admission and license to practice law

Notwithstanding any other law, any identifying information submitted by an applicant to the State Bar for admission and a license to practice law and all State Bar admission records, including, but not limited to, bar examination scores, law school grade point average (GPA), undergraduate GPA, Law School Admission Test scores, race or ethnicity, and any information contained within the State Bar Admissions database or any file or other data created by the State Bar with information submitted by the applicant that may identify an individual applicant, shall be confidential and shall not be disclosed pursuant to any state law, including, but not limited to, the California Public Records Act (Chapter 3.5 (commencing with [Section 6250](#)) of Division 7 of Title 1 of the Government Code).

Effective April 1, 2016

§ 6026.7. Open meeting requirements; conformance with Bagley-Keene Open Meeting Act

(a) The State Bar is subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) and all meetings of the State Bar are subject to the Bagley-Keene Open Meeting Act.

(b) Notwithstanding any other law, the Bagley-Keene Open Meeting Act shall not apply to the Judicial Nominees Evaluation Commission or the Committee of Bar Examiners.

(c) This provision shall become operative on April 1, 2016.

The new laws supersede the Board of Trustees' Open/Closed Meeting Rules and it has adopted implementing rules to conform its and most other State Bar Committees and Boards meetings to the new law. Because the Committee is exempted from the Bagley-Keene Open Meeting Act, and in recognition of the new provisions in the law concerning the confidentiality of certain information maintained by the Committee, it would be appropriate for the Committee to adopt, subject to approval of the Board of Trustees, open/closed meeting rules concerning its own meetings.

DISCUSSION

Title 6, Division 2, Chapter 2 of the Rules of the State Bar of California contained the requirements concerning meetings of State Bar Committees. The Committee conducted its meetings in accordance with those rules and it would be appropriate to incorporate the relevant portions of those rules into the *Admissions Rules*.

Attached are the proposed amendments for the Committee's consideration in the form of a new Rule 4.11 of the *Admissions Rules*, which uses much, but not all, of the language from the Chapter 2 discussed above and includes some new provisions. If the Committee agrees with the new proposed rule, it would be appropriate to ask the Board Committee on Admissions and Education for authorization to circulate the proposed amendments for an abbreviated public comment period prior to final consideration by the Committee and recommendation to the Board of Trustees.

RECOMMENDATION:

It is recommended that the Committee adopt the proposed amendments in principle and seek the Board Committee on Admissions and Education's authorization to circulate them for a 30-day public comment period.

PROPOSED MOTION:

If the Committee agrees with this recommendation, the following motion is suggested:

Move 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 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.