

# MEMBER/PUBLIC COMMENT

The State Bar of California

180 Howard Street, San Francisco, CA 94105-1639

<http://www.calbar.ca.gov>

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**PLEASE NOTE:** Publication for public comment is not, and shall not be construed as, a recommendation or approval by the Board of Trustees of the materials published.

**SUBJECT:**

Proposed amendment of Rule 4.160(M) of the *Accredited Law School Rules*.

**BACKGROUND:**

The current language in Rule 4.160(M) of the *Accredited Law School Rules* states:

(M) Equal Opportunity and Non-Discrimination. Consistent with sound educational policy and these rules, the law school should demonstrate a commitment to providing equal opportunity to study law and in the hiring, retention and promotion of faculty without regard to sex, race, color, ancestry, religious creed, national origin, disability, medical condition, age, marital status, political affiliation, sexual orientation, or veteran status.

The rule and associated guidelines, which are contained in the *Guidelines for Accredited Law School Rules*, places an affirmative duty on the California Accredited Law Schools not to discriminate and to promote equal opportunity in the study of law and to hire, retain and promote faculty without regard to various statuses. The proposed amendment of the rule came after a discussion within the Committee of Bar Examiners (Committee), input from the Committee's legal counsel and, finally, a discussion among and between members of the Committee's Advisory Committee on California Accredited Law School Rules to revise the rule in light of the current state of both federal and California state laws as they relate to unlawful discriminatory conduct.

The proposed amendment to the rule properly comports with all applicable law by simply expressing a requirement that California Accredited Law Schools operate lawfully in regard to offering equal opportunity and in a nondiscriminatory manner. The amended rule protects the constitutional right of the California Accredited Law Schools to operate within their own discretion, while emphasizing the need to operate lawfully in this area of law to remain accredited and in good standing with the Committee.

**PROPOSAL:**

Attachment A is the proposed amendment to Rule 4.160(M), *Accredited Law School Rules*, which was approved in principle by the Committee during its October 19 and 20, 2012 meeting, subject to a public comment period, consideration of any comments received and final recommendation to the Board of Trustees. The proposed

amendment makes the schools comply with all applicable and controlling state and federal anti-discrimination laws.

**ANY KNOWN FISCAL/PERSONNEL IMPACT:**

None.

**ATTACHMENTS:**

*Attachment A contains the proposed amendment to Rule 4.160(M) of the Accredited Law School Rules.*

**SOURCE:** Committee of Bar Examiners

**DEADLINE FOR COMMENTS:**

January 2, 2013

**DIRECT COMMENTS TO:**

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