

# COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

**AGENDA ITEM NUMBER: O-405**

**DATE:** March 13, 2013

**TO:** Subcommittee on Educational Standards

**FROM:** Gayle Murphy, Senior Director, Admissions

**SUBJECT: Consensus on Issues and Report on Process for Consideration of Proposed Changes to the Statute, Rules and Guidelines re Unaccredited Law Schools**

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## BACKGROUND

During its planning meeting in February, the Committee of Bar Examiners (Committee) had a robust discussion of issues related to unaccredited law schools and the various laws and rules that govern the Committee's oversight of these schools.

## DISCUSSION

So that the Committee may proceed in an orderly fashion, it would be appropriate to come to a consensus with regard to the direction it would like to take in amending the laws and rules related to oversight of the unaccredited law schools. The next step would be, before drafting a new set of rules, to reach out to the affected communities for their input. Toward that goal here is the direction that I believe the Committee reached consensus on:

- Propose amendments to Section 6060.7 of the California Business and Professions Code that will clarify that the Committee's oversight responsibilities are only for law-related programs resulting in a JD degree that would qualify students to eventually take the California Bar Examination; all other law-related programs, including advanced degrees, would be under the oversight of the state's degree granting entity. Further propose amendments that will require a law school to file for accreditation by the Committee within ten years of first becoming registered and limiting the duration of an unaccredited law school's status to ten years.
- Propose amendments to Rule 9.30 of the California Rules of Court that will align the rule with the statutory requirements for admission and the various vehicles of legal education that will qualify an applicant for admission to practice law in California, including new restrictions with regard to how long an unaccredited law school may be in operation.

- Propose amendments to the *Unaccredited Law School Rules and Guidelines for Unaccredited Law School Rules* that conform them to the new statutory and court rule proposals, in addition to other changes that may be necessary to ensure that they are not in conflict with the *Admissions Rules* and to enhance the requirements for requirements for registration, such as requiring a minimum of enrollment of students, providing additional, mandatory disclosures of consumer information including, but not limited to, the public disclosure of each Notice of Noncompliance the Committee has issued the law school over the past five years, the basis for each such Notice and its resolution, etc., to ensure public protection and that a sound legal education is being provided by such schools.
- Propose amendments to the *Accredited Law School Rules and Guidelines for Accredited Law School Rules* that will permit the accreditation of distance-learning law schools.

## **RECOMMENDATION**

If the Subcommittee agrees that these are the primary points of change that should be initiated, it is recommended that a notice be posted on the State Bar's website and sent to all California law schools announcing that these changes are those being contemplated by the Committee and that input by interested parties are welcome at this initial stage of the drafting of proposed amendments. Preliminary drafts of proposed amendments to the statute and rules would be circulated with the notice, which would be posted/sent in mid-April. A public forum would be held in connection with the Committee's May 2013 meeting to receive oral input and written input would be welcome through the date of the May meeting. Thereafter, staff would finalize draft proposed amendments for consideration by the Committee during its June 28 and 29, 2013 meeting.

## **PROPOSED MOTION**

No motion is required at this time.