

# COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

**AGENDA ITEM:** O-403

**DATE:** January 17, 2014

**TO:** Subcommittee on Educational Standards

**FROM:** George Leal, Director, Educational Standards

**SUBJECT:** **Whether Certification/Graduation Should be Conditioned Upon the Completion of Certain Non-classroom Related Activities and the Role of Commercial Bar Review Courses in Awarding Credit for Bar Review Courses**

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## BACKGROUND

On January 1, 2009, Guideline 1.8 of the *Guidelines for Accredited Law School Rules* (Guidelines) went into effect which allows all California-Accredited Law Schools (CALs) to grant academic credit for bar examination review and preparation courses. As provided by this Guideline:

A law school may offer and grant academic credit for a bar examination review or preparation course. A law school may also require successful completion of a bar examination review or preparation course as a condition of graduation. Total credits for bar review courses must be kept to a minimum.

Since its adoption, many of the CALs responded favorably to Guideline 1.8 and most now offer such courses. They have done so, however, in a variety of ways.

Some of the CALs have developed and offer their own bar review and bar preparation courses which are taught by their own faculty. In doing so, and as provided by Guideline 1.8, students earn credit; some of the CALs also make completion of such courses a graduation requirement. Also, as allowed, schools charge tuition for their course as they would for any other J.D. degree course a student is required to take.

Other CALs have decided not to develop their own bar review curriculum and written materials and, instead, have chosen to retain a commercial firm (often the Kaplan Company or BarBri) to teach a bar review or preparation course on campus using the commercial entity's own faculty and course materials. At least one CALs has made attendance and completion of a commercial bar preparation class a graduation requirement and, thus, its fourth-year students are required to pay a fee (reportedly discounted) in addition to balance of the tuition to earn their J.D. degrees.

Some of the CALS have chosen a hybrid approach such that they have developed, teach and grant credit for their own bar preparation and review courses, but they have also developed a contractual relationship with a commercial bar review company that permits students to sign up for and attend classes (offered on campus) that are taught by the commercial provider during one or more years of the J.D. degree curriculum. Such classes are not mandatory and no credit is offered, but, by allowing students to do so, they gain not only early access to the commercial company's bar review materials (both hardcopy and electronic), students also benefit from a discount on the cost of the post-graduation bar review course that many law students take after graduation.

## **DISCUSSION**

Given the wide variation in how many CALS have responded to the provisions of Guideline 1.8, including those that have decided to rely exclusively upon outside, commercial providers to offer bar preparation and review course, it appears sufficient time has passed for the Committee to consider whether allowing each CALS to offer bar review and preparation courses for credit as they choose continues to be appropriate, or whether better guidance and a possible amendment to Guideline 1.8 is needed.

As a next step, it appears appropriate to direct staff to prepare a comprehensive survey to collect information as to how all such courses are being developed, offered and paid for. After such a survey is complete, it would then be appropriate to refer this matter to the Committee's Advisory Committee on California Accredited Law School Rules (Advisory Committee) for further discussion and recommendation to the Committee.

## **RECOMMENDATION**

It is recommended that staff be directed to prepare a survey of the CALS to collect information with regard to how the CALS offer and provide students with bar preparation and review courses for credit and as a possible graduation requirement pursuant to Guideline 1.8, and after the survey has been completed, refer the matter to the Advisory Committee for discussion and recommendation to the Committee.

## **PROPOSED MOTION**

Should the Subcommittee on agree with the above recommendation, the following motion would be appropriate:

Move that staff be directed to conduct a survey of all California Accredited Law Schools (CALS) to determine how each offers and provides students with bar preparation and review courses for credit and as a possible graduation requirement pursuant to Guideline 1.8; that, after the survey has been completed, the matter be referred to the Advisory Committee on California Accredited Law School Rules for discussion and recommendation to the Committee; and, this matter be placed on the agenda for further consideration by the Committee during its June 2014 meeting.