

Proposal of CALS re: Interpretive Language for Guideline 12.1
Submitted to CBE on January 13, 2014

The California Accredited Law Schools (CALS) propose that current Guideline 12.1 (set forth in Section I below) be supplemented with interpretive language provided in Section II, to clarify the method by which CALS will be required to calculate and report on the Cumulative Minimum Bar Pass Rate (CMBPR).

CALS proposes an “academic year” approach, under which the CMBPR is calculated based on Bar results during a 10-exam administration period, starting with a July Bar exam and ending with a February Bar exam. This “CMBPR reporting period” is consistent with the guideline and the approach most CALS schools use in analyzing their own Bar results. (Because most CALS students graduate in the Spring, their first opportunity to take an exam is in July. Thus, it makes sense to begin the reporting period with the July Bar exam.)

CALS also proposes that law schools be required to submit their CMBPRs to in the Annual Compliance Reports they file yearly with CBE by November 15, to avoid adding the regulatory burden of a separate report. However, CALS suggests that schools be required to make a one-time “Special Filing” of their 2014 CMBPRs, to allow the CBE to assess the impact of Guideline 12.1. (This July 1 filing deadline gives CALS several weeks, after the CBE issues its February 2014 Bar “Pass/Fail” lists in late May 2014, to reconcile any omissions from the lists, complete CMBPR calculations, and deliver results to the CBE.)

Under this submission cycle, all CMBPRs will be *consistently calculated* based on the same “CMBPR reporting period” and thus can be more accurately compared. Given the “10-exam” time frame used in Guideline 12.1, and the short time until February 2014 results are available, this approach is a more sound approach than requiring CALS to file an earlier report based on something other than this same time frame or fewer exams. CALS proposes that the language in Section II be adopted to interpret Guideline 12.1.

I. Existing CBE Guideline 12.1 Language

12.1 Criteria for Determining Compliance with Accredited Law School Rule 4.160(M).

In evaluating the compliance of a law school with the accreditation standard set forth in Accredited Law School Rule 4.160(M), a law school must maintain a cumulative Bar examination pass rate (CMBPR) of at least 40 percent. The rate will be calculated annually as a percentage of all the school's students who (a) have graduated from the school within the past five years and (b) have taken and passed one of the ten administrations of the California Bar Examination given following their graduation, divided by the total number of the school's graduates over the same five years who take any of those same ten administrations of the California Bar Examination. Graduates who choose not to take any Bar examination will not be included.

II. Interpretive Language

A. CMBPR Reporting Deadlines

Each law school will report its Annual CMBPR in its Annual Compliance Report, beginning with 2014, but will also report its 2014 CMBPR to the CBE in a Special Filing due July 1, 2014.

B. CBE Pass/Fail List

After each administration of the Bar exam and at least four weeks before a law school is required to report its CMBPR for a particular year, the CBE will provide each law school Dean with a California General Bar Examination Pass/Fail list, electronically delivered, certifying 1) the full names of applicants allocated to the law school who took that exam administration, 2) the number of times each such applicant has taken the Bar exam, and 3) whether each such applicant passed or failed that exam administration.

C. CMBR Reporting Period

A law school will calculate its CMBPR for any given year based upon Bar exam results achieved during a “CMBPR reporting period”, defined as the 10-exam administration period that includes the February administration of the Bar exam for that year and the 9 preceding administrations. For example, a law school’s 2014 CMBPR would be based upon the CMBPR reporting period that begins with the July 2009 Bar exam and ends with the February 2014 Bar exam, as follows:

10 th administration:	February 2014
9 th administration:	July 2013
8 th administration:	February 2013
7 th administration	July 2012
6 th administration	February 2012
5 th administration	July 2011
4 th administration	February 2011
3 rd administration	July 2010
2 nd administration	February 2010
1 st administration	July 2009

D. Eligibility to Take Bar Exam

A law school will calculate its CMBPR based upon the Bar exam results of all its graduates who first became eligible to take the exam as to any administration during the CMBPR reporting period. For this purpose, a student becomes eligible to take the first Bar exam administered after the date of graduation on the student’s transcript, if that date falls within the certification period for that exam. For example, a student whose graduation date falls *after* the certification deadline for a February administration, but *before* the certification deadline for the next July administration, is first eligible for the July administration.

E. Method of Reporting CMBPR

A law school will provide the following information to the CBE in reporting its CMBPR:

1. The number of graduates of that law school who first became eligible to take the Bar exam, as to any exam administered during the CMBPR reporting period, as defined in paragraph D above;
2. Of the graduates counted in subparagraph “1” above, the number who have taken at least one Bar exam administered during the reporting period;
3. Of the graduates counted in subparagraph “2” above, the number who have passed a Bar exam administered during the reporting period;
4. The law school’s CMBPR, which shall be calculated by dividing the number of the school’s graduates reported in subparagraph “3” by the number reported in subparagraph “2.”
5. The number of students counted in response to subparagraphs “1”, “2”, or “3” above, who first became eligible to sit for a Bar exam given *before* the CMBPR reporting period (and thus have been eligible to sit for more than 10 administrations of the Bar exam.) (The answer should be “0”, as such students must be excluded from the calculation of the CMBPR.)