

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM: O-401

DATE: January 17, 2014

TO: Subcommittee on Educational Standards

FROM: George Leal, Director, Educational Standards

SUBJECT: **Proposed Revision of Rule 4.165(B) of the *Accredited Law School Rules* to Provide a Comprehensive Definition of a “Branch” Campus**

BACKGROUND

Rule 4.165 of the *Accredited Law School Rules* (Rules) currently provides:

Rule 4.165 Major Changes

The following are major changes:

- (B) changing the location of the school or the location of a branch, or opening a new branch;

Since opening a branch campus is considered a “major change,” whenever a California-accredited law school (CALs) seeks to offer some or its entire curriculum at a location other than its existing campus, it must first seek prior approval of the Committee of Bar Examiners (Committee) as required by Rule 4.1264.

Three CALs currently have authority to operate a branch campus: Monterey College of Law, San Francisco Law School and Southern California Institute of Law. When accredited by the Committee in July 1996, Southern California Institute of Law was permitted to maintain its primary campus in Ventura and a branch campus in Santa Barbara. In 2009, Monterey College of Law received approval to open and operate a branch campus in Santa Cruz that offers only the first-year of its Juris Doctor degree curriculum. In 2013, San Francisco Law School received approval to open a provisionally-accredited branch campus in San Diego which, when opened, will offer a four-year Juris Doctor curriculum and will be, in essence, an entirely new law school. Two other CALs operate with two separate campuses: Santa Barbara and Ventura Colleges of Law and University of West Los Angeles. However, while each operates under a single governance structure, each campus is treated as separate CALs.

DISCUSSION

Currently, Rule 4.165(B) neither defines nor expressly describes what constitutes a “branch” of an established CALS, nor does it provide guidance as to what, if any, conditions or requirements a CALS must be prepared to meet for its request to be approved. In the past, requests seeking approval of a major change to permit the establishment of a branch campus have been considered on a case-by-case basis.

A clear and workable definition of what constitutes a branch campus is needed to ensure that all such requests are treated fairly and that the same standard of approval is applied. Also, issues regarding the scope of the curriculum to be offered and the location and size of the facility proposed should be considered. Under its *Standards and Rules of Procedure for Approval of Law Schools*, the ABA makes a clear distinction between a request to open a campus where an established law school seeks to offer only a portion of its J.D. curriculum (usually its first-year classes), what the ABA refers to as a “satellite” campus, and a request where a law school seeks to open a separate, new law school, what the ABA refers to as a “branch campus.” In cases where an ABA-approved law school seeks prior approval to open a branch campus, it is required to establish that it is both academically and operationally worthy of the ABA’s separate provisional approval. These same standards may be appropriate for a future request received from any CALS seeking to open a new and separate campus.

RECOMMENDATION

It is recommended that the Committee direct staff to prepare proposed additions to the Guidelines that make clear that if a CALS wants to establish a three or four-year branch campus the new branch must meet the criteria for accreditation independently, although certain accreditation requirements may be shared, such as the dean, and that a satellite branch campus may be established for a limited purpose, such as to offer only a portion of the law school’s curriculum at a proposed different location. The proposed additions to the Guidelines concerning branch campuses should then be discussed with the Committee’s Advisory Committee on California Accredited Law School Rules in preparation for review of this matter by the Committee at a future meeting. Any proposed additions approved in principle by the Committee would be circulated for public comment before final adoption.

PROPOSED MOTION

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

Move that staff be directed to prepare proposed additions to the *Guidelines for the Accredited Law School Rules* that make clear that if a California-Accredited Law School wants to establish a three or four-year branch campus the new campus must meet the criteria for accreditation independently, although certain requirements may be shared, such as the dean and that a satellite branch campus may be established for a limited purpose, such as providing a portion of the

education at another location; that the proposed new language be discussed with the Committee's Advisory Committee on California Accredited Law School Rules; and that the proposed new guidelines and comments from the Advisory Committee be placed on the Committee's June meeting agenda for consideration.