

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM: June 2015 – O-400

DATE: June 5, 2015

TO: Subcommittee on Educational Standards

FROM: Gayle Murphy, Senior Director, Admissions
George Leal, Director, Educational Standards

SUBJECT: **Proposed Amendments to *Accredited Law School Rules* re
Additional Campuses and Law School Fees – Request for
Public Comment**

BACKGROUND

Branch/Satellite Campus Requirements

In March 2015, the State Bar of California Board of Trustees approved the adoption of proposed amendments to Rule 4.160(H) and 4.165(B) of the *Accredited Law School Rules* (Rules) by the Committee of Bar Examiners (Committee), which clarify the requirements for branch and satellite campuses of California-accredited law schools (CALs). Amendments to the *Guidelines for Accredited Law School Rules* (Guidelines) were also approved by the Committee to further define that a branch campus in any new location where a CALs offers students more than fifty percent of its J.D. curriculum, or the curriculum of any other law degree it is authorized to award. A branch campus must have its own qualified administrator, although the same Dean may be the same, and must operate as an independently-accredited campus.

Under the amended Rules and Guidelines, a satellite campus is defined as any new location where a CALs intends to offer no more than 50% of its J.D. curriculum or the curriculum of any other law degree it is authorized to offer.

The new Guidelines permit the Committee to confer final approval to a CALs for a proposed new campus before it actually opens through certification by the Dean of the applicant CALs that the new branch or satellite campus will be in substantial compliance with the Rules and Guidelines on the day it opens. If the Committee ultimately agrees with the establishment of the new campus by a CALs, the branch or satellite campus would be considered provisionally approved, and any students enrolled would be exempt from the First-Year Law Students' Examination, if they successfully complete their first year of law study and are advanced into their second year of law study.

Branch/Satellite Campus Annual Fee

On a different note, currently there is no additional annual fee charged to CALS that have branch or satellite campuses, although time is spent reviewing information about those campuses in a law school's annual compliance report.

DISCUSSION

When considering the branch campus amendments, there was discussion by the Committee's California Accredited Law School Rules Advisory Committee (RAC) and during the Committee's meeting as to whether new branch campuses should be considered as an extension of the accredited law school or as a provisionally accredited law school, which is the process by which unaccredited law schools travel the road to accreditation. Ultimately, the recommended language going forward designated new branch campuses as provisionally approved (as an extension of the accredited law school), and different than an unaccredited law school that is seeking provisional accreditation. It should also be noted that the branch campuses' bar examination pass/fail statistics are to be factored in to the overall minimum cumulative bar examination passing rates for the schools, although the pass/fail general statistics published after each bar examination continue to provide separate statistics by campus.

Under the Rules, the requirements for provisional accreditation include:

Chapter 2. Application for Provisional Accreditation

Rule 4.120 Application based on substantial compliance

A registered unaccredited fixed-facility law school that meets the standards set forth in rule 4.160 may apply for provisional accreditation. If the Committee grants provisional accreditation, the provisionally accredited law school is subject to annual inspection and its students are subject to the First-Year Law Students' Examination requirement. The Committee grants provisional accreditation for a specified period, typically for two years.

The new Rules make it clear that the institution is considered accredited and thus any branch or satellite campus, if approved by the Committee, would also be considered accredited. The new Rule says:

(H) Multiple Locations. Accreditation is granted to a law school as an institution. If a law school receives approval to open a branch campus or a satellite campus, the branch or satellite campus must be operated in compliance with the Standards, except that the Committee may determine whether, and to what extent, the Library Standard shall apply. The new campus must be in substantial compliance with the Standards one month prior to the start of classes, and must be in full compliance within two years. The Dean of the law school will certify substantial compliance by letter no later than 30 days prior to the start of classes.

The new Guidelines say:

15.3 Provisional Approval of a Branch Campus.

- (A) To receive Committee approval, a branch campus must have an administrator and be in substantial compliance with the *Accredited Law School Rules* and the *Guidelines for Accredited Law School Rules* no later than 30 days prior to the first day of classes.
- (B) Pursuant Rules 4.105(D) and 4.160(H), an approved branch campus is considered to be provisionally approved until such time that the law school is able to demonstrate that the campus is in compliance with all accreditation standards and operational requirements found in the *Accredited Law School Rules* and the *Guidelines for Accredited Law School Rules*.
- (C) Within two years of operating as a provisionally-approved branch campus, the Committee must conduct an inspection to determine whether the branch campus is to be deemed approved, continue to be provisionally approved or denied continued provisional approval.

Since the amendments to the Rules and Guidelines have been implemented, concerns have been raised with regard to whether the First-Year Law Students' Examination (FYLSX) requirement should be waived for students attending provisionally-approved branch and satellite campuses and there was a consensus that this issue should be brought back to the Committee for further discussion. If the Committee believes passage of the FYLSX should be a requirement for provisionally approved CALS, the following insertion to 15.3 might be considered:

- (C) Students [or, Students previously disqualified from a law school who are starting their law studies over who are] enrolled in a provisionally approved campus are subject to the First-Year Law Students' Examination requirement until such time as the law school is found to be in compliance with all accreditation standards and operational requirements found in the *Accredited Law School Rules* and the *Guidelines for Accredited Law School Rules*.

Since RAC is meeting the day before the Committee's June meeting, this matter will also be placed on its agenda for discussion in preparation for the discussion by the Subcommittee on Educational Standards the following day.

Also with regard to these recent changes to the Rules, since the law school regulation program is not self-sustaining, the matter of the lack of an annual compliance fee for those schools with branch (and satellite) campuses has also surfaced. Currently, there are 4 schools with approved branch campuses: San Francisco Law School (provisionally-approved branch campus in San Diego); Monterey College of Law (provisionally approved branch campus in San Luis Obispo); Santa Barbara and Ventura Colleges of Law; and University of West Los Angeles, San Fernando Valley and West Los Angeles. Two schools have satellite campuses: Southern California Institute of Law and Monterey College of Law. Under the old rules, the separate

campuses of Santa Barbara and Ventura College of Law and University of West Los Angeles were required to file separate annual compliance reports and fees. Under the new rules, they should be treated as one institution for these purposes and be required to pay the same fees as any other CALS with branch campuses. SCIL and Monterey do not pay any separate fees for their satellite campuses; information and data regarding the satellite campuses is contained in the annual compliance report filed on behalf of the “mother” schools.

The Committee may wish to consider whether annual fees for schools with branch and satellite campuses should be set. Averaging the amount of time spent reading the associated materials by the educational standards department and using the fixed fee amount, the following proposed amendments to Rule 4.161 Annual Compliance Report of the Rules and Charges and Deadlines are suggested:

(A) A law school subject to these rules must submit an Annual Compliance Report using the form prescribed by the Committee. The deadline and fee for submission of the report are set forth in the Schedule of Charges and Deadlines.

(B) A law school with an approved branch or satellite campus must submit an annual fee for each additional campus as set forth in the Schedule of Charges and Deadlines.

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Schedule of Charges and Deadlines

4.242(A)	Annual Compliance Report	\$1,650.00	November 15
4.242(B)	Annual Branch Campus Fee	\$1,000.00	November 15
	Annual Satellite Campus Fee	\$ 800.00	November 15

RECOMMENDATION

It is recommended that the Subcommittee discuss these matters and come to consensus with regard to how it would like to proceed with any further amendments to the Rules and Guidelines concerning the Branch/Satellite campus requirements. With regard to the fee proposal, it is recommended that the Subcommittee move forward with a recommendation that the Rules and the Schedule of Charges and Deadlines be amended by the Board of Trustees.

PROPOSED MOTION

If the Subcommittee agrees with the proposed amendments to the Rules and the Law School Fees Schedule of Charges and Deadlines, the following motion is suggested:

Move that the amendment to Rule 4.161 of the *Accredited Law School Rules* (Rules) and to the Law School Fees Charges and Deadlines in the form attached hereto, be approved in principle; that the proposed

amendment to the Rules be forwarded to the Board of Trustees with a request that it be circulated for a 45-day public comment period; and that following a period of public comment and review of any comments received, a final version of the proposed amendment be considered by the Committee for adoption, subject to the approval of the Board of Trustees.

Motion relating to any proposed amendments to the Rules is pending.