

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM NUMBER: June 2015 - O-402

DATE: June 11, 2015

TO: Subcommittee on Educational Standards

FROM: George Leal, Director, Educational Standards

SUBJECT: **Proposed Amendments to Guideline 8.4 (Library Content) of the *Guidelines for Accredited Law School Rules* – Return from Public Comment**

BACKGROUND

The mission of California-accredited law schools (CALs) is to offer a sound program of legal education leading to the award of a Juris Doctor degree at a reasonably affordable expense. To achieve this goal, CALs hope to maintain low overhead expenses so that their tuition is considerably lower compared to that charged by ABA-approved law schools. As reported in their 2014 Annual Compliance Reports, the average, overall expense to earn a Juris Doctor degree at a CALs was \$58,828.00, approximately one-third of the tuition expense charged by an ABA-approved law school.

Maintaining a compliant, hard-copy law library is among the largest overhead expense CALs are required to make. Over the past several years, the cost to keep a compliant law library updated has risen sharply while, at the same time, access to and the use of online law libraries is now very common in both today's legal profession and legal academia. Given that reality, the *Guidelines for Accredited Law School Rules* requires that CALs provide their students with access to and instruction in online legal research using one of the online legal research services, Lexis/Nexis or Westlaw.

As currently required by Guideline 8.4, a CALs law library must maintain and regularly update three separate, hard-copy collections of the reported decisions of the California Supreme Court, the California Court of Appeal and those of the United States Supreme Court. It must also maintain almost a complete set of California's statutes. Additionally, hard copies of legal encyclopedias and legal treatises for all courses offered in a J.D. degree curriculum must be maintained and updated, all at a considerable expense.

DISCUSSION

The Committee of Bar Examiners Advisory Committee on California Accredited Law School Rules (RAC), submitted a proposal that, if adopted, would reduce CALs library expenditures by reducing both the number and scope of the hard copy legal authorities currently required by the *Guidelines for Accredited Law School Rules*, specifically Guideline 8.4. (Attachment A)

As proposed, CALS would no longer be required to maintain and update separate, hard copy sets of both the California Supreme Court Reports and the California Appellate Court Reports (or West's California Reporter). If adopted, Guideline 8.4 will require only a hard-copy set of either the California Supreme Court Reports or the California Appellate Reports (or West's California Reporter), with the other set to be offered online. As for the official reports of the U.S. Supreme Court, the set may be maintained in in hard copy or offered online.

The proposed amendments will also reduce the number of annotated California statutes that must be maintained in hard copy. Currently, Guideline 8.4 requires that all California statutes that relate to all classes in a J.D. curriculum be maintained in hard-copy volumes. The amendments will reduce the number to an enumerated list that relates to classes covering subjects tested by the California Bar Examination (CBX). Finally, the number and scope of all required hard copy legal treatises and texts would also be reduced to include only those subjects that relate to subjects tested on the CBX.

At its meeting on April 25, 2015, the Committee of Bar Examiners (Committee) approved in principle the proposed amendments to Guideline 8.4 and took action to circulate them for a 45-day public comment period. That period will end June 18, 2015. To date no comments have been received. Should any comments be received by the end of the public comment period, all will be summarized and reported to the Committee so that it may then consider them before taking further action on the proposed amendments.

RECOMMENDATION

In the absence of any public comments being submitted regarding the proposed amendments to Guideline 8.4 (Library Contents) of the *Guidelines for Accredited Law School Rules*, as attached hereto, it is recommended that the Committee adopt the amendments to go into effect immediately.

PROPOSED MOTION

Should the Subcommittee agree with the above recommendation, the following motion is suggested:

Move that, following a 45-day public comment period during which no comments were received, the proposed amendments to Guideline 8.4 (Library Contents) of the *Guidelines for Accredited Law School Rules*, in the form attached hereto, be adopted, effective the date of this action.