

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM: August 2015 – O-403

DATE: August 24, 2015

TO: Subcommittee on Educational Standards

FROM: George Leal, Director, Educational Standards

SUBJECT: **Proposed Amendments to Guidelines 15.1–15.4 of the Guidelines for Accredited Law School Rules (Opening and Operating Branch or Satellite Campuses)**

BACKGROUND

At its meeting this past January, the Committee of Bar Examiners (Committee) adopted, in principal, Division 15 of the *Guidelines for Accredited Law School Rules* (Guidelines). This Division and its four new Guidelines (15.1-15.4) were created to define and provide a workable timetable for California-accredited law schools (CALs) to seek and receive the approval of the Committee to open either a new branch or satellite campus. The four new Guidelines, along with amendments to Rule 4.160(H) (Accreditation Standards) and Rule 4.165(B) (Major Changes) of the *Accredited Law School Rules* (Rules) were later approved by the State Bar's Board of Trustees on March 13, 2015 and they are now in effect.

Adoption of Division 15 was in response to a realization that the prior Rules and Guidelines, and the resulting *ad hoc* process used by staff and the Committee to approve two new CALs branch campuses, needed clarification and more specification.

Prior to adoption of the new Guidelines, there was minimal guidance with regard to the criteria that should be met to establish a branch campuses. The new Guidelines are much more detailed regarding the "Opening and Operating [of] a Branch or Satellite Campus." Under Guideline 15.1 a "branch campus of a law school is a location different from that originally approved where students may complete more than one half of the total number of units required to earn a Juris doctor degree or may graduate with that degree to any law degree that the law school is authorized by the Committee to offer." Guideline 15.2(A) establishes the process and timing for the Committee to approve the request of a CALs seeking to open a new branch or satellite campus.

The Guidelines now permit a CALs to open a branch campus without a pre-opening inspection. To receive Committee approval, "no less than 180 days before the proposed first day of classes of a branch or satellite campus, the law school must notify the Committee." The notice must inform the Committee whether a new branch or satellite campus is sought, when it expects the new camps to open and contain all

academic and operational documentation to be used by the faculty, students and staff at the new campus. Finally, the notice must have a certification signed by the CALS Dean to confirm that when the new campus opens it will be in “substantial compliance with all relevant academic and operational requirements set forth” in the Rules and Guidelines.

Guideline 15.2(B) requires that “[n]o less than 120 days before the proposed first day of classes at the branch or satellite campus, the Committee must approve or deny the law school’s proposal.” If the materials submitted by the law school confirm that the campus will be in “substantial compliance” with the *Accredited Law School Rules* (Rules) and all relevant Guidelines “as of the date of its opening,” the Committee will provide its approval” Thereafter, within 90 days of its actual opening, the law school must submit a report that confirms that the new campus is, in fact, in substantial compliance.

As provided by Guideline 15.3, an approved branch campus is to be considered “provisionally approved” until the law school is able to demonstrate that the campus is in compliance with “all accreditation standards and operational requirements” found in both the Rules and Guidelines. And, finally, as provided by Guideline 15.4, “[w]ithin 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 provisional approval.”

DISCUSSION

Since the new Rules and Guidelines have been in effect, a concern as to whether the new Guidelines and their operational and governance requirements to open and operate a new branch campus realistically meet the needs of students enrolled in a multi-campus CALS and, moreover, whether an accredited law school with multiple branch campuses will be realistically able to maintain the Committee’s accreditation standards. Based upon those concerns, several proposed amendments to Guidelines 15.2 and 15.3 have been drafted (Attachment A).

Among the concerns raised is the extent to which each, four-year branch campus may be permitted to use the academic and operational resources of its “main” CALS campus. Whether, as is potentially now permitted, a CALS with two, three or more four-year branch campuses, plus its main campus, may collectively share the time, attention and presence of one Dean is a legitimate issue given the long-standing requirement of Guideline 4.1(A) which mandates that each CALS “must have a competent dean who devotes adequate time to the managing and administering the affairs of the law school.”

Similarly, as may now be permitted, whether any four-year branch campus should operate with only a single “administrator,” who may be present on campus in only a part-time capacity, is also questionable when a CALS seeks to operate multiple branch campuses. As currently provided by Guideline 4.1(B), CALS must “have at least one full-time administrator” who is qualified with the proper law degree or license to practice law. Where a proposed branch campus is to be governed by a part-time Dean (which is compliant with Guideline 4.1(A)) and a full-time administrator at each branch now appears both appropriate and necessary when a CALS is permitted to operate multiple branch campuses. Moreover, requiring at least one, full-time administrator at each new

branch campus would be both consistent and fair to all future requests since this key requirement was made a part of the Committee's recent approval of the two, four-year branch campuses that are now open and enrolling students.

The need to offer the same services currently found at each CALS, such as those provided by an on-site registrar, library staff and academic support personnel, is also an issue that warrants additional consideration so that all students attending each CALS, regardless of which campus they attend, receive and benefit from the same quality of the legal education as that required by the Committee's accreditation standards.

RECOMMENDATION

It is recommended that the proposed amendments to Guidelines 15.2 and 15.3 of Division 15 (Opening and Operating Branch or Satellite Campuses) to the *Guidelines for Accredited Law School Rules* be adopted in principle, subject to input from the Committee's Advisory Committee on California Accredited Law School Rules (RAC); that the proposed amendments be circulated for a 45-day period for public comment; and, following receipt of any public comments, the amendments and public comments be referred to the RAC for its further input and recommendation prior to further consideration and final approval and adoption by the Committee at its meeting in October.

PROPOSED MOTION

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

Move that the proposed amendments to Guidelines 15.2 and 15.3 of Division 15 (Opening and Operating Branch or Satellite Campuses) to the *Guidelines for Accredited Law School Rules* be adopted in principle, subject to the input of the Committee's Advisory Committee on California Accredited Law School Rules (RAC); that the proposed amendments be circulated for a 45-day period for public comment; and, following receipt of any public comments, the amendments and public comments be referred to the RAC for its further input and recommendation prior to further consideration and final approval and adoption by the Committee at its meeting in October.