COMMITTEE OF BAR EXAMINERS
OPEN SESSION AGENDA ITEM

AGENDA ITEM: December 2015 – O-402

DATE: **November 24, 2015**

TO: Subcommittee on Educational Standards

FROM: George Leal, Director, Educational Standards

SUBJECT: **Proposed Amendments to Guidelines 15.2–15.3 of the Guidelines *for Accredited Law School Rules* (Opening and Operating Branch or Satellite Campuses)**

BACKGROUND

During its meeting this past January, the Committee of Bar Examiners (Committee) adopted a new Division to the *Guidelines for Accredited Law School Rules* (Guidelines). Division 15 and four new Guidelines (15.1-15.4) were adopted to both define and create a timetable for a California-accredited law school (CALS) to request and receive the prior approval of the Committee to open a new branch or satellite campus. The amendments to Rule 4.160(H) (Accreditation Standards) and Rule 4.165(B) (Major Changes) of the *Accredited Law School Rules* (Rules) were approved by the State Bar's Board of Trustees in March and the associated new Guidelines were also approved by the Committee. The new Guidelines and the amendments to the Rules are now in effect.

Under the current 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."

The current Guideline 15.2(A) details the procedures and timing for the Committee to approve the request of a CALS to open a new branch or satellite campus. Under this Guideline, there is now a streamlined approval process since a CALS may now open such 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 the new campus is expected to open and it must provide the Committee with all of the 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 which confirm that when the new campus opens it will be in "substantial compliance with all

relevant academic and operational requirements set forth" as found 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 went into effect, the Committee received and reviewed a request to approve the opening of additional branch campuses. During the review of the request, it was determined that the newly-adopted Guidelines needed further consideration, as in addition to other considerations, it was not clear that the operational needs of students enrolled in a multi-campus CALS would be met. Moreover, there is an equally important issue as to whether a CALS operating multiple branch campuses is realistically capable of operating each campus compliantly with each the Committee's current accreditation standards and all the operational requirements set out in the Guidelines.

Several proposed amendments to Guidelines 15.2 and 15.3 have been drafted (Attachment A) to address these concerns.

Among the chief concerns is whether and to what extent each branch campus should be permitted to use the governance, academic and operational resources of its "main" campus to administer and support its student enrollment compliantly. As is potentially now permitted, a CALS with two, three or more four-year branch campuses plus a main campus may collectively share the time, attention and presence of a single dean, registrar and administrator. Whether there should be minimum branch campus requirements is a legitimate issue given such long-standing operational requirements as, for example, Guideline 4.1(A), which mandates that CALS "must have a competent dean who devotes adequate time to the managing and administering the affairs of the law school", and Guideline 4.1(B), which requires that CALS "must have at least one full-time administrator who is a graduate of an American Bar Association approved, Committee accredited, or Committee registered law school or be admitted to the practice of law in any jurisdiction of the United States . . . ."

As an accreditor, whether each CALS branch campus must be required to provide its students the same level of operational services as that offered at each "main" CALS campus is clearly an important issue that warrants the Committee's further consideration and action. To ensure that each CALS and any and all branch campuses it seeks to open operate compliantly, the proposed amendments to Guidelines 15.2 and 15.3 are offered to achieve and maintain that goal.

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 additional input from the Committee's Advisory Committee on California Accredited Law School Rules (RAC) that may be forthcoming from its meeting the day before the Committee's December meeting; 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 January 2016.

PROPOSED MOTION

If the Subcommittee agrees with this recommendation and following any recommendations that may be received from RAC, 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,; that the proposed amendments be circulated for a 45-day public comment period; and, that 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 January 2016.