

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM: January 2016 – O-104

DATE: January 22, 2016

TO: Committee of Bar Examiners

FROM: Gayle Murphy, Senior Director, Admissions

SUBJECT: **Proposed Addition to Committee’s Goals – Request to Support Legislative Amendments**

BACKGROUND

Dean Mitch Winick, Monterey College of Law, sent an email with the following contents:

“As I brought to your attention several months ago, AB 2099 that went into effect this January 1, 2016 prohibits Veterans from being able to use their GI Benefits at any CALS that is not accredited, or in candidate status, by an accreditor recognized by the U.S. Dept. of Education, or by the California Bureau of Private Postsecondary Education.

This is one of the unintended consequences of the State Bar of California not being recognized by the U.S. Dept. of Education as a specialty accreditor. The result is a terrible blow to many of the CALS and specifically to California Veterans who have earned their GI Benefits and wish to pursue a legal education at a CALS.

I am attaching a draft of proposed changes to AB 2099 that would recognize existing state law that specifically re-assigned accreditation and regulation of California Accredited Law Schools from the Bureau of Private Postsecondary Education to the State Bar of California.

This amendment would achieve the purpose of AB 2099 to protect Veterans by only providing access to accredited and regulated institutions of higher education in California. Obviously this purpose should include CALS.

I believe that it is important to have this issue placed on the CBE agenda to determine if a recommendation should be made to the State Bar Board of Trustees to support this amendment to AB 2099 to recognize and support the State Bar’s accreditation and regulatory authority for the CALS.”

DISCUSSION

Dean Winick's proposed amendments follow:

Assembly Bill No. 2099

CHAPTER 676

SECTION 1. Chapter 12.5 (commencing with Section 67100) is added to Part 40 of Division 5 of Title 3 of the Education Code, to read:

CHAPTER 12.5. Title 38 Awards

67102. As used in this chapter, the following terms have the following meanings:

(4) The institution shall be one of the following to be eligible for Title 38 awards:

* * *

(C) (i) For purposes of the 2015–16 award year, a private postsecondary educational institution, as defined in Section 94858.

(ii) For purposes of the 2016–17 award year, and every award year thereafter, a private postsecondary educational institution: (a) as defined in Section 94858, that has an approval to operate from the Bureau for Private Postsecondary Education and is subject to the regulatory oversight and enforcement of student protections provided by the bureau; or (b) a law school as defined in 94874(g) that has been accredited by the State Bar of California and is subject to the regulatory oversight and enforcement of student protections; and (c) has its approval to operate certified by CSAAVE.

(D) (i) An institution described in subdivision (i) of Section 94874 that satisfies all of the requirements provided in Section 94947, or is exempt under 94874 (g).

(ii) This subparagraph shall become operative only if Senate Bill 1247 of the 2013–14 Regular Session is enacted and adds Section 94947 to this code.

He further provides the following for the purpose of understanding the context of the above sections:

Section 94858.

"Private postsecondary educational institution" means a private entity with a physical presence in this state that offers postsecondary education to the public for an institutional charge.

Section 94874 (g) A law school that is accredited by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association or a law school or law study program that is subject to the approval, regulation, and oversight of the Committee of Bar Examiners, pursuant to Sections 6046.7 and 6060.7 of the Business and Professions Code.

Over the last several months, in response to various legislators' questions, the State Bar's lobbyist, Jennifer Wada, has had several conversations regarding the impact of the new law and its impact on veterans who wish to undertake their law study at unaccredited and accredited law schools. It is our understanding that there may be legislators interested in introducing amendments to ensure that veterans attending California accredited and unaccredited law schools are able to access Title 38 Funds that would enable them to pay for their law school educations at such schools.

Historically, the Committee has not been involved in how students obtain funding to attend law school. The only exception would be if there was evidence that a school is misusing the funds or in some other way the matter would be connected with a school's noncompliance with the unaccredited or accredited rules and guidelines.

RECOMMENDATION:

It is recommended that the Committee acknowledge the receipt of Dean Winick's request, but no further action be taken at this time.

PROPOSED MOTION:

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

Move that the request from Mitchel Winick, Dean, Monterey College of Law that the Committee make a recommendation to the State Bar Board of Trustees to support an amendment to AB 2099 to recognize and support the State Bar's accreditation and regulatory authority for the California Accredited Law Schools be received and filed.