

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM NUMBER: January 2016 – O-403

DATE: January 25, 2016

TO: Subcommittee on Educational Standards

FROM: George Leal, Director, Educational Standards

SUBJECT: **San Francisco Law School – Petition for Guideline Waiver of Library Requirements**

BACKGROUND

Attachment A is a Petition for the renewal of a Partial Waiver submitted by San Francisco Law School (SFLS) in its 2015 Annual Compliance Report. As it did in 2014, SFLS is again requesting a waiver from the Committee of Bar Examiners (Committee) of a specific library content requirement found in Guideline 8.4 of the *Guidelines for Accredited Law School Rules* (Guidelines). As before, SFLS seeks to be relieved of its obligation to update a large, multi-volume set of legal authorities known as *West's Uniform Laws Annotated*, a large, multi-volume compendium of state statutes.

Rule 4.109(B) of the *Accredited Law School Rules* states that: “[A] waiver is temporary. A request to renew a waiver must be filed with the Annual Compliance Report.” SFLS is a California-accredited law school (CALs) with campuses located in San Francisco and San Diego. The San Francisco campus was last inspected in 2011, while the San Diego campus was inspected in 2014; each was found to operating compliantly. SFLS is also accredited by the Western Association of Schools and Colleges.

As currently required by Guideline 8.4 (Library Content): “(A) A law school’s library must contain the following law library material: 6. Uniform Laws Annotated.” Under Guideline 8.4, this particular legal authority may be made available to students in either a hard copy or electronic version. As noted in its Petition, SFLS has purchased and maintains a complete, hard copy set of this authority at both its main campus and its branch campus in San Diego. It does not, however, currently offer its students the hardcopy annual updates needed by each individual volume, which renders the entire compendium less useful over time. SFLS has not purchased the annual updates and has confirmed that it cannot offer the entire compendium electronically to its students since it is a proprietary product published by *West's Publishing*. As such, it is not available on the electronic law library used by SFLS and its students, which is Lexis.

DISCUSSION

As SFLS notes, the legal authority in question is a sizable, 65-volume set of books, which requires annual updating through the purchase of softbound “pocket parts” and newly-published volumes. The annual expense to update each set is represented to be approximately \$3,000. Since it claims that this legal authority is very seldom used by its students, SFLS bases its request to be spared the expense to update on the grounds that it would rather spend the money on other library resources it considers more useful and relevant, such as various law practice guides and other practical legal resources.

While the Committee has previously granted this request, the library requirements of Guideline 8.4 have fairly recently gone through a significant revision to give the CALS significantly great freedom to offer many of the required legal authorities electronically. In this situation, SFLS has the option to offer this authority either in hardcopy or electronically, but it has chosen not to offer it electronically since it does not subscribe and offer its students access West Publishing’s WestLaw, where this authority is offered online. Based upon this decision, and its subsequent decision to offer this authority only in hardcopy form, SFLS should be required to keep this mandatory authority updated so that it will remain useful. The alternative would be to offer it electronically, as other CALS do, by providing students access to more than one online, electronic law library.

Based upon this reasoning, this year the Committee may wish to consider denying the petition.

RECOMMENDATION:

It is recommended that the Petition for a Partial Waiver of Guideline 8.4 submitted by San Francisco Law School, which if granted would allow it to no longer annually update or maintain the required *Uniform Laws Annotated*, be denied.

PROPOSED MOTION:

Should the Subcommittee accept this recommendation, the following motion is suggested:

Move, that the Petition for a Partial Waiver of Guideline 8.4 submitted by the San Francisco Law School, which would have permitted the school to no longer update or maintain the *Uniform Laws Annotated*, be denied.