

## Rule 4.105 Definitions

- (A) "Admissions Rules" are the rules contained in Title 4, Division 1 of the Rules of the State Bar of California (Admissions Rules).
- (B) An "American Bar Association Approved Law School" is a law school fully or provisionally approved by the American Bar Association and deemed accredited by the Committee.
- (C) A "California accredited law school" is a law school that has been accredited by the Committee.
- (D) "Provisional accreditation" is the status of a provisionally accredited law school. The Committee grants provisional accreditation for a specific period.
- (E) A "provisionally accredited law school" is a registered unaccredited fixed-facility law school that is pursuing accreditation and has been recognized by the Committee as being in substantial compliance with applicable law and these rules.
- (F) "The Committee" is the Committee of Bar Examiners of the State Bar of California.
- (G) The "First-Year Law Students' Examination" is the examination required by statute and by Division 1. Admission to Practice Law in California Admission to Practice Law in California rules.
- (H) The "guidelines" are the Guidelines for Accredited Law School Rules adopted by the Committee of Bar Examiners.
- (I) "Inspection" means an on-site visit to a law school by an individual or a team appointed by the Committee in accordance with these rules.
- (J) A "major change" is one of the changes specified in rule 4.165, Major changes.
- (K) A "professional law degree" is the LL.B. (Bachelor of Laws), M.L.S. (Master of Legal Studies), J.D. (Juris Doctor), LL.M. (Master of Laws), or other post-graduate degree authorized by the Committee. The J.D. degree may be granted only upon completion of a law program that qualifies a student to take the California Bar Examination.
- (L) A "California registered unaccredited law school" is an unaccredited law school that has been registered by the Committee.
- (M) "Senior Executive" means "Senior Executive, Admissions" or that person's designee.
- (N) An "unaccredited law school" is a correspondence, distance-learning, or fixed-facility law school operating in California that the Committee registers but does not accredit.
  - (1) An "unaccredited correspondence law school" is an unaccredited law school that conducts instruction principally by correspondence. A

correspondence law school must require at least 864 hours of preparation and study per year for four years.

- (2) An "unaccredited distance-learning law school" is an unaccredited law school that conducts instruction and provides interactive classes principally by technological means. A distance-learning law school must require at least 864 hours of preparation and study per year for four years.
- (3) An "unaccredited fixed-facility law school" is an unaccredited law school that conducts its instruction principally in physical classroom facilities. An unaccredited fixed-facility law school must require classroom attendance of its students for a minimum of 270 hours a year for four years.

*Rule 4.105 adopted effective January 1, 2009.*

#### Rule 4.160 Standards

A provisionally accredited law school must substantially comply with these standards. An accredited law school must comply with them.

(A) Lawful Operation. The law school must operate in compliance with all applicable federal, state, and local laws and regulations.

(B) Integrity. The law school must demonstrate integrity in all of its programs, operations, and other affairs.

(C) Governance. The law school must be governed, organized, and administered so as to provide a sound educational program.

(D) Dean and Faculty. The law school must have at each campus, including an approved branch campus, a competent and qualified dean or associate dean, adequate staff and a competent faculty that devotes adequate time to administration, instruction, and student counseling.

(E) Educational Program. The law school must maintain a sound program of legal education.

(F) Scholastic Standards. The law school must maintain sound scholastic standards and must as soon as possible identify and disqualify those students who lack the capability to satisfactorily complete the law school's J.D. degree program.

(G) Admissions. The law school must maintain a sound admissions policy. The law school must not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the degree program.

(H) Multiple locations. Accreditation is granted to a law school as an institution. If a law school receives approval to open a branch campus or a satellite campus, the branch or satellite campus must be operated in compliance with the Standards and Guidelines, subject to all site specific operational requirements and any waivers approved by the Committee, except that the Committee may determine whether, and to what extent, the Library Standard shall apply. The new campus must be in substantial compliance with the Standards and all operational requirements no less than one month prior to the start of classes, and it must be in full compliance within two years. The Dean of the law school will certify the substantial compliance of each new branch or satellite campus, by a letter to the Committee, no later than 30 days prior to the start of classes. If a law school conducts seminars or classes other than at its principal facility, satellite or branch campuses, the seminars and classes must be conducted in compliance with the Standards, except the Library Standard.

(I) Library. The law school must maintain a library consistent with the minimum requirements set by the Committee.

(J) Physical Resources. The law school must have physical resources and an infrastructure adequate for its programs and operations at each of its approved campuses.

(K) Financial Resources. The law school must have adequate present and anticipated financial resources to support its programs and operations.

(L) Records. The law school must maintain adequate records of its programs and operations.

(M) Minimum, Cumulative Bar Pass Rate. The law school must maintain a minimum, cumulative bar examination pass rate as determined and used by the Committee in the evaluation of the qualitative soundness of a law school's program of legal education. The minimum, cumulative bar examination pass rate for a law school that operates one or more branch campuses is to be calculated and reported as combined rate of all such campuses.

(N) Consistent with sound educational policy and these rules, a law school must operate in accordance with policies and procedures that comply with the Constitutions and all applicable laws of both the United States and the State of California so as to provide both equality of opportunity and to prohibit unlawful discrimination.

(O) Compliance with Committee requirements. The law school must demonstrate its compliance with these rules by submitting required reports and otherwise complying with the rules.

*Rule 4.160 adopted effective January 1, 2009; amended effective January 1, 2013; amended effective May 10, 2013; amended effective March 13, 2015.*

#### Rule 4.162 Periodic inspection

(A) An accredited law school, and each of its approved branch or satellite campuses, is subject to a concurrent inspection, at the school's expense, every fifth year following the grant of accreditation or more frequently if the Committee believes inspection is necessary. The inspection must be conducted by a team composed of the Senior Executive, at least one member of the Committee who has not previously visited the law school, a law school representative selected by the Senior Executive, and any other person selected by the Senior Executive. A law school that believes a team member is biased or has a financial interest in or is employed by a competing institution may challenge the appointment of the team member and request an alternative appointment. An allegation of bias must be documented by written evidence. The challenge must be filed within ten days of the Senior Executive's notice to the law school of the composition of the inspection team. The Senior Executive will consider the challenge and may appoint an alternative team member for good cause within thirty days of receipt of the challenge.

(B) The inspection team must provide the Senior Executive with a report on the visit within ninety sixty days of the last day of the inspection. The Senior Executive must provide the law school with a copy of the report within thirty days of receiving it. If the law school takes exception to the report, it must notify the Committee in writing within thirty days of receipt of the report. The Committee must allow the law school sixty days from the date of receipt to submit material in support of its exceptions.

(C) After considering the inspection report, any exceptions filed by the law school, and any additional information it has requested, the Committee may continue accreditation or issue a Notice of Noncompliance.

*Rule 4.162 adopted effective January 1, 2009.*

#### **Rule 4.165 Major changes**

The following are major changes:

- (A) instituting a new division either part-time or full-time, or changing from a part-time to a full-time program, or from a full-time to a part-time program;
- (B) changing the location of the school, or the location of a branch campus or satellite campus or **seeking Committee approval to opening** a new branch campus or satellite campus;
- (C) instituting any joint degree program, whether within the college or university affiliated with the law school or another institution;
- (D) merging or affiliating with another law school, college, or university, or severance from a law school, college or university, or modifying the law school's relationship with an affiliated college or university;
- (E) offering any new program in law study, whether a degree program, non-professional degree program, or non-degree program;
- (F) sponsoring or offering for law study credit any individual seminar or class, other than from a branch campus, that will meet more than fifty-five miles from the law school's principal facility or outside of California;
- (G) changing the name of the school;
- (H) changing from a nonprofit to a profit-making institution or vice versa; and
- (I) changing the ownership of the school.

*Rule 4.165 adopted effective January 1, 2009; amended effective March 13, 2015.*

#### **Rule 4.170 Notice of Noncompliance**

(A) If it appears to the Committee that a provisionally accredited law school is not in substantial compliance with these rules or that an accredited law school, **or any approved branch or satellite campus** is not in compliance with these rules, the Committee must provide the school with a written Notice of Noncompliance that states the reasons. This rule does not apply to a law school applying for provisional accreditation or to a provisionally accredited law school during the last 180 days of its provisional accreditation.

(B) Within fifteen days of receiving a Notice of Noncompliance, a law school must file a response demonstrating that it is in substantial compliance with these rules, if a provisionally accredited law school, or in compliance with these rules, if an accredited law school. The response must be submitted with the fee set forth in the Schedule of Charges and Deadlines.

(1) If the Committee deems the response satisfactory, it will notify the law school within thirty days of its consideration of the matter.

(2) If the Committee deems the response unsatisfactory, it must schedule an inspection by the Senior Executive within **sixty thirty** days of its consideration of the matter.

*Rule 4.170 adopted effective January 1, 2009.*

#### **Rule 4.171 Inspection pursuant to Notice of Noncompliance**

The Senior Executive must submit to the Committee a report on an inspection made pursuant to a Notice of Noncompliance within **sixty thirty** days of the last day of the inspection. After considering the report, the Committee will provide the provisionally accredited law school or accredited law school with a written notice that:

- (A) the provisionally accredited law school is in substantial compliance with these rules; or
- (B) the accredited law school is in compliance with these rules; or
- (C) the provisionally accredited law school is not in substantial compliance with these rules for specific reasons that warrant probation or termination of provisional accreditation; or
- (D) the accredited law school, **or any approved branch or satellite campus** is not in compliance with the rules for specific reasons that warrant probation or termination of accreditation.

*Rule 4.171 adopted effective January 1, 2009.*

#### **Rule 4.172 Probation**

- (A) If the Committee decides that a provisionally accredited law school has not substantially complied with these rules, but has made progress toward substantial compliance, the Committee may place the law school on probation for a specified time.
- (B) If the Committee decides that an accredited law school **or any approved branch or satellite campus** has not complied with these rules, but has made progress toward compliance, the Committee may place the law school on probation for a specified time.
- (C) A provisionally accredited or accredited law school placed on probation
  - (1) is subject to any probation conditions imposed by the Committee, including interim inspections and progress reports; and
  - (2) continues to have degree-granting authority and its students are deemed enrolled at a provisionally accredited or accredited law school.
- (D) At least thirty days before probation expires, the Committee will notify the law school of its determination that
  - (1) it will end the provisionally accredited law school's probation or will proceed to terminate the law school's provisional accreditation; or
  - (2) it will end the accredited law school's probation or will proceed to terminate the law school's accreditation.

*Rule 4.172 adopted effective January 1, 2009.*

## Guidelines for Accredited Law School Rules

### 1.7 Primary Administrative Office, Classroom, and Law Library Facilities Location and Hours; Availability of Records.

A law school must ~~maintain have~~ its primary administrative offices, classrooms, any approved branch or satellite campus, and all associated law library facilities in California. A law school must have and maintain access to all required records in its primary administrative office and all such records must be made readily accessible to the administrators, faculty and students at each approved branch or satellite campus. A law school must be able to produce copies of all such records at its primary administrative office on demand, either by printing copies of electronic records or producing photocopies of paper records. A law school must maintain reasonable office hours at its primary administrative offices and at each approved branch or satellite campus, so that all administrative staff and academic services offered at each campus are made readily is available to students and the Committee on an equal basis.

### 2.2 Honesty Regarding Finances.

#### (A) Honesty and Integrity

A law school must conduct its financial affairs honestly and in a forthright manner. Financial considerations, including its ability to staff and operate each of its approved campuses adequately, must not adversely affect a law school's educational program, admission or academic decisions, or academic or scholastic standards.

#### (B) Honesty In Financial Dealings With Prospective Students, Applicants, and Students; Refund Policy.

A law school must deal with prospective students, applicants, and students in an honest and forthright manner in all financial dealings. A law school must adopt a written refund policy that is fair and reasonable. A law school must provide refunds in accordance with its written refund policy, accompanied by a clear explanation of the method of calculation, within thirty days after a student withdraws from a class or a program, or within thirty days of the law school's discontinuing a course or educational program in which a student is enrolled.

#### (C) Financial Safeguards.

A law school must establish reasonable safeguards against financial fraud and other financial improprieties.

### 2.10 Statement of Provided Student Services, Experiences, and Activities; Adequate Support and Resources for Provided Services, Experiences, and Activities.

(A) A law school must publicly state what services, experiences, and activities are available to students at each approved campus, and must provide adequate support and resources for all such provided services, experiences, and activities. In the event any are not made available at any approved campus, the law school must publically state which services, experiences and activities are not offered at which campus. "Publicly state" means a statement of available services, experiences, and activities in the law school's printed and electronic catalogs and on its website for its J.D. degree program. The type size of the statement must be at least as large as the type size used in the main text of the material in which it is included.

(B) A law school, through its faculty or otherwise, must provide academic counseling to students. A law school is encouraged to provide externship, clinical, law review, and similar experiences to enrich the legal education of its students. A law school with a full-time division is expected to offer more services, experiences, and activities than a law school with only part-time students. Student services, experiences, and activities must be made reasonably available to all students though a law school may impose reasonable qualifications (such as minimum grade average or year in school) for participation in services, experiences, and activities, other than academic counseling.

#### 4.1 Law School Dean; Full-Time Administrator; ~~Associate and Assistant Deans; and Registrar Duties.~~

(A) A law school must have a competent dean who devotes adequate time to managing and administering the affairs of the law school, including each approved campus. The dean, and faculty, as determined by the law school, must be responsible for the formulation and administration of the educational programs of the law school, including admissions, curriculum, methods of instruction, and standards for retention, advancement, and graduation of students. The governing board of the law school, or the institution of which it is a part, must determine the authority of the dean in the selection, retention, promotion, and tenure or security of position of the faculty. The dean may, but need not, devote full-time professional service to the law school or at any approved campus.

(B) The law school, and each approved branch campus, 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 and must have demonstrated competence and experience in the fields of legal education and administration. The full-time administrator of each approved branch campus may be denominated an Associate Dean. An approved satellite campus must have at least one part-time administrator with demonstrated competence and experience in the fields of legal education and administration, and may be denominated an Assistant Dean.

A "full-time" administrator of any approved campus must ~~may~~ be the dean or an Associate Dean of the law school and must meet, ~~if he or she meets~~ the qualifications set forth in this subsection, ~~or may be any other qualified person whose principal activity is the administration of the law school~~. The duties of a fulltime administrator may include ~~including~~ teaching and legal scholarship, but they may not have with ~~no~~ more than limited professional activities outside the affairs and administration of the law school or branch campus. Outside activities should be limited so that they do not interfere with the regular presence of the administrator at the law school, or each approved branch campus for which they are responsible to administer, and as to their availability for consultation and interchange with students and colleagues, and participation in responsibilities as an administrator or as a member of the faculty. A full-time administrator may teach at the campus he or she acts as administrator. The full-time administrator may teach at the law school, if otherwise qualified, but is not required to be an instructor. A lawyer who is under suspension from the practice of law, who is disbarred, or who has resigned with charges pending in any jurisdiction may not serve as the dean or as the full-time an administrator at any branch of thea law school.

(C) The person who is responsible for recording grades and issuing transcripts must be identified to the Committee as the school's registrar. A law school may operate with one full-time registrar; however, students, faculty and the administrator at each approved campus must have sufficiently regular and timely access to all services provided by the law school's full-time registrar.

#### 4.3 Faculty and Student-Faculty Ratio.

There is no required number of faculty or student/faculty ratios. A law school and each approved campus must have sufficient faculty to maintain a sound program of legal education, ensure timely response to, and evaluation of, each student, and the prompt evaluation of assignments.

#### 6.2 Criteria for Determining Compliance with Guideline 6.1.

In evaluating the qualitative and quantitative soundness of a law school's program of legal education, the Committee, without regard to the order enumerated, will consider:

- (A) The content and scope of the curriculum;
- (B) The competence of the instructors with respect to their knowledge of the subject matter and their ability as teachers;
- (C) The materials used in each course, including required and recommended texts, course outlines, and syllabi;
- (D) The effectiveness of the methods of instruction used;
- (E) Admission requirements, including minimum levels of prior education, preparation, or training;
- (F) The number of students in classes;
- (G) The number of units assigned to each course;
- (H) The quality of examinations, assignments, and other student work as an indication of course coverage and as a measure of student knowledge and analytical ability;
- (I) The soundness of the grading and grading system;
- (J) The availability of adequate legal research resources, administrative, academic, operational and counseling services at each campus of the law school; and,
- (K) The cumulative success of the law school's graduates on the California Bar Examination over such period of years as the Committee determines is appropriate.

#### 15.2 Application for Provisional Approval of a Branch or Satellite Campus.

As a major change pursuant to Rule 4.165(B), a law school must obtain the prior approval of the Committee to open a branch or satellite campus. To apply for and receive Committee approval, a law school must do all of the following:

- (A) 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 and all other California-accredited law schools of its intent to open and operate a new branch or satellite campus. The notice must identify the type, location, name and proposed opening date of the new campus(s), and it must include copies of all academic and operational documentation to be used by the staff, faculty and students at the new campus. The law school must also provide the Committee with an comprehensive explanation as to the basis and the reasoning to seek its approval of a new branch and satellite campus. Any such narrative must include: a) any market research or strategic planning conducted by or on behalf of the law school of the educational need, potential enrollment and long-term viability of the new campus in the geographic location being considered; b) the projected revenues, expenditures and anticipated profit or loss for the law school if the campus is approved; c) the proposed management and physical resources to be allocated to the new campus; d) the anticipated financial and operational impact on each existing campus due to the opening of the proposed branch or satellite campus; and e) copies of all academic and operational documentation (hard copy or electronic) to be used by the faculty, students and staff at the new campus. The notice to the Committee must also include a certification by the Dean of the law school that, upon its opening, each new, the proposed campus will be in substantial compliance with all relevant academic and operational requirements as set forth in the *Accredited Law School Rules* and the *Guidelines for Accredited Law School Rules*.
- (B) No less than 120 days before the proposed first day of classes of the branch or satellite campus, the Committee must approve or deny the law school's proposal. Upon a finding, to be based upon all of the materials and information initially or subsequently provided by the law school, as required by subsection A and certified by the Dean that the proposed branch or satellite campus will be in substantial compliance as of the date of it begins to enroll students, its opening, the Committee will provide its approval pursuant to the provisions of Guideline 15.3.
- (C) To confirm its substantial compliance, within 90 days of the first day of classes of the branch or satellite campus, the law school must submit a report, certified by the Dean, that confirms the substantial compliance of each approved the branch or satellite campus.

### 15.3 Provisional Approval of a Branch Campus.

- (A) To receive Committee approval, a branch campus must have an administrator who is qualified under Guideline 4.1(B) and be in substantial compliance with the *Accredited Law School Rules* and the *Guidelines for Accredited Law School Rules* no later than 30 days prior to the first day of classes.
- (B) Pursuant Rules 4.105(D) and 4.160(H), an approved branch campus is considered to be provisionally approved until such time that the law school is able to demonstrate that the campus is in compliance with all accreditation standards and operational requirements found in the *Accredited Law School Rules* and the *Guidelines for Accredited Law School Rules*.
- (C) Within two years of operating as a provisionally-approved branch campus, the law school must seek the approval of Committee to confirm that the new branch campus is in compliance with all required accreditation standards found in the Accredited Law School Rules and the Guidelines for Accredited Law School Rules. In response to any such request, the Committed must conduct an inspection to determine whether the branch campus is to be deemed approved, continue operate as to be provisionally approved or denied continued provisional approval.

*Guideline 15.1, 15.2, 15.3 & 15.4 adopted, effective: March 13, 2015.*