

# COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

**AGENDA ITEM:** March 2016 – O-102

**DATE:** March 14, 2016

**TO:** Committee of Bar Examiners

**FROM:** Gayle Murphy, Senior Director, Admissions

**SUBJECT:** **Senate Bill No. 1281 re Additional Disclosures for Unaccredited Law Schools**

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## BACKGROUND

On February 19, 2016, Senator Block introduced a bill that if ultimately approved and signed by the Governor would add Section 6061.7 to the California Business and Professions Code. According to the Legislative Counsel's Digest:

Existing law requires any law school that is not accredited by the examining committee of the State Bar to provide every student with a disclosure statement, subsequent to the payment of any application fee but prior to the payment of any registration fee, that contains, among other things, a statement that the law school is not accredited and the number and percentage of students who have taken and who have passed the first-year law student's examination and the final bar examination in the previous five years, or since the establishment of the school, whichever time is less, as specified.

This bill would additionally require a law school that is not accredited by the examining committee of the State Bar to post specified disclosures required by the American Bar Association's Standards and Rules for Procedure for Approval of Law Schools on the law school's Internet Web site. The bill would additionally require a law school that is not accredited by the examining committee of the State Bar that has a bar passage rate below \_\_\_\_ over the previous three years to display its passage rate on its Internet Web site adjacent to, and in the same type size and font as, the law school's name.

A copy of the bill in its entirety can be found at:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB1281](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1281)

Since the Committee of Bar Examiners (Committee) regulates the schools that would be impacted by this new legislation, it would be appropriate for the Committee to take a

position and communicate that position to the State Bar's Board of Trustees for its consideration.

## DISCUSSION

Public and consumer protection are among the primary goals of the Committee when it carries out its regulatory responsibilities as they relate to the law schools. In the past, the Committee has been supportive of efforts to ensure that potential students are provided with as much information as possible so they may make informed decisions about the law schools they choose to attend.

The American Bar Association (ABA) provides disclosures in the form of "Standard 509" Information Reports, which can be accessed through the ABA's website at: <http://www.abarequireddisclosures.org/>. The following disclaimer appears on the ABA's website where access to the reports is available: "The data reported here are submitted by law schools to the ABA. The ABA assumes no responsibility for inaccuracies or for changes in such information that may occur after publication." Categories for reporting include: tuition and fees, living expenses, conditional scholarships, GPA and LSAT scores, grants and scholarships, JD enrollment and ethnicity, curriculum, faculty and administrators, JD attrition, transfers, and bar passage rates.

The ABA accredits law schools under Title 34, Chapter VI, Section 602 of the Code of Federal Regulations. According to the information it publishes, the Council and the Accreditation Committee of the ABA Section of Legal Education and Admissions to the Bar are recognized by the United States Department of Education (DOE) as the accrediting agency for programs that lead to the J.D. degree. In carrying out their accrediting responsibilities, the Council and the Section are separate and independent from the ABA, as required by DOE regulations.

Rather than tying the disclosures required by unaccredited law schools, however, to a private non-profit, non-governmental agency, the Committee might consider recommending certain amendments to the bill that would clearly set out the additional disclosures that should be required for unaccredited law schools registered by the Committee, and for which more details could be provided in the *Unaccredited Law School Rules* and the *Guidelines for Unaccredited Law Schools Rules*. It should also be noted that not all ABA disclosure requirements may be relevant for unaccredited law schools. For instance, while it may be of assistance for potential students to know what the living expenses are at ABA law schools, it really is not something applicable to attending a registered unaccredited law school. None of the schools have campus living and most of the students attending such schools are of a different demographic from students attending ABA law schools, i.e., they are not living at home, they have "day jobs", etc.

The disclosures that are required, however, should be easily accessible on every law school's website, which the ABA law schools are required to do. It is noted, however, that such disclosures for the ABA law schools websites I looked at are usually a click or two away from the front page. In addition to requiring the school to publish the information on their websites, which could be in the form of a link to their disclosure

statements, the information also could be made accessible through links to the law school's on the State Bar's website, which are already in operation. Under the current rules and guidelines, the only disclosure required on an unaccredited law school's website has to do with the limitations of acquiring study at an unaccredited law school and being able to take other state's bar examinations. In accordance with the current laws, unaccredited law schools must have their students sign the disclosure statements before paying any registration fees.

No other category of law school in California is required to display its bar examination passage rate in the same font and adjacent to the law school's name. It might be appropriate to recommend, alternatively, that this information be displayed on the first page of the school's website under a heading of "Bar Examination Passing Rates."

## **RECOMMENDATION**

It is recommended that the Committee ask the Board of Trustees to support this legislation with certain amendments, as discussed above and subject to conferring with the State Bar's legislative consultant.

## **PROPOSED MOTION**

If the Committee agrees with the recommendation, the following motion should be made:

Move, that the Committee recommends that the Board of Trustees support Senate Bill No. 1281, which was introduced by Senator Block on February 19, 2016, with amendments.