

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM NUMBER: October 2016 – O-401

DATE: October 5, 2016

TO: Subcommittee on Educational Standards

FROM: George Leal, Director, Educational Standards

SUBJECT: **Proposed Amendment to Accredited Law School Guideline 2.3
re Disclosure Forms – Request to Circulate for Public
Comment**

BACKGROUND

On July 22, 2016, Governor Brown signed into law, Senate Bill no. 1281; a copy of which may be accessed at:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1281

The bill amended section 6061.7 of the California *Business and Professions Code* to require law schools operating in California that are not approved by the American Bar Association (ABA), to disclose certain information regarding their programs of legal education. As enacted, the law covers both California-accredited law schools (CALs) and unaccredited law schools registered by the Committee of Bar Examiners (Committee). The new law requires that all such law schools disclose information in two ways, on their respective websites and within a standardized, hardcopy form.

Under section 6061.7, all law schools covered by the law must post on their website the following information: admissions data; tuition, fees and financial aid; conditional scholarships; enrollment data; the number of full-time faculty members, librarians and administrators; the average class size of required courses and clinical offerings; employment outcomes for graduates; and bar passage data. In addition to these disclosures, law schools must, also disclose on their websites, their current enrollment, tuition refund policy, curricular offerings, academic calendar, academic requirements and policy regarding transfer credit earned at another law school. They must also make most of this information “accessible to current and prospective students” in what the law refers to as a “standardized information report” for which “The State Bar may create a standardized information report template.”

As enacted, this new law will go into effect on January 1, 2017.

DISCUSSION

To be able to monitor whether all the CALS are in compliance with section 6061.7, it is recommended that the new requirement be included in the *Guidelines for Accredited Law School Rules* (Guidelines). Since the Guidelines currently require a number of important public disclosures on CALSs' websites and written materials, amending the relevant Guideline would be the logical means to do so.

Guideline 2.3 (Honesty in Communications) contains the Committee's current disclosure requirements. Under Guideline 2.3(D) (Required Disclosures), a CALS must provide on its website and in its catalog or student handbook (electronic or hardcopy), written notice of the geographic limitation its graduates face in where they may qualify to take a bar examination and then be admitted to practice law and, on the "accreditation page" of its website, a CALS must provide statistical information regarding the recent pass rates of its graduates on the California Bar Examination.

Attachment A is a proposed amendment to Guideline 2.3 that, if adopted, will require the CALS to comply with all mandatory disclosures required by section 6061.7. Attachment B is a proposed, standardized information report form, which, it is anticipated, will be given to all current and prospective students. The proposed Guideline 2.3(E) will also require that a CALS submit their respective information report form with their Annual Compliance Report due each November 15th, which is also required by the new law.

In an effort to provide better public protection in legal education, Senate Bill 1281 mandates a significantly greater transparency from each law school operating under the regulatory authority of the Committee. To ensure that this critical public policy is carried out, amending the Committee's relevant Guideline that governs how each such school communicates with its students, applicants and the public appears essential.

RECOMMENDATION

It is recommended that the proposed amendments to Guideline 2.3 of the *Guidelines for Accredited Law School Rules*, as attached, be approved in principle; that the proposed amendments be circulated for a 30-day period of public comment; and, following review of any comments received, this matter be considered for further action during the Committee's next meeting.

PROPOSED MOTION

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

Move that the proposed amendments to Guideline 2.3 of the *Guidelines for Accredited Law School Rules*, as attached, be approved in principle; that the proposed amendments be circulated for a 30-day period of public comment; and, following review of any comments received, this matter be considered for further action during the Committee's next meeting.