

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM NUMBER: October 2016 – O-402

DATE: October 5, 2016

TO: Subcommittee on Educational Standards

FROM: George Leal, Director, Educational Standards

SUBJECT: **Proposed Amendment to Unaccredited 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 can be accessed by clicking on the following link:

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 law schools disclose such information in two ways, on their respective websites and within a standardized, hardcopy forms.

Under section 6061.7, law schools covered by the law must post the following information on their websites: admissions data; tuition, fees and financial aid; conditional scholarships; enrollment data; the number of full-time faculty members, the number of 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, the 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. According to the new law: “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 confirm and then monitor whether registered law schools comply with Section 6061.7, the Committee may do so by incorporating the new requirement into the

Guidelines for Unaccredited Law School Rules (Guidelines). Since they already require an important public disclosure, amending the relevant Guideline would be the logical means to do so.

Unaccredited Guideline 2.3 (Honesty in Communications) contains the Committee's current disclosure requirements. Under Guideline 2.3(D) (Required Disclosures), registered law schools must currently provide, "in its bulletin, catalog, website, application for admission, and enrollment agreement for its J.D. program," both students and applicants a lengthy notice that informs each of their need to timely pass the First-Year Law Students' Examination to remain enrolled in and eligible to graduate and the geographic limitations graduates of the law school face as to where they may be found qualified to take a bar examination and be admitted to practice law.

Attachment A is a proposed amendment to Guideline 2.3 that, if adopted, will require registered law schools to comply with all mandatory disclosures required by section 6061.7. Entitled subsection "(E) Business and Professions Code section 60601.7 Disclosures." Attachment B is the proposed standardized form permitted by Section 60601.7(b)(2), which is anticipated would be given to all current and prospective students. Also, as required by section 6061.7, the proposed Guideline 2.3(E) will also require that registered law schools submit their respective forms with their current disclosures with their Annual Compliance Report due each November 15th.

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 all proposed amendments to Guideline 2.3 of the *Guidelines for Unaccredited 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 all the proposed amendments to Guideline 2.3 of the *Guidelines for Unaccredited 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