

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM NUMBER: December 2016 – O-400

DATE: November 29, 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 – Return from 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 new law amended section 6061.7 of the California *Business and Professions Code* to require all law schools operating in California that are not approved by the American Bar Association (ABA) to disclose specific information regarding their programs of legal education. As enacted, section 6061.7 applies to both California-accredited law schools (CALs) and unaccredited law schools registered by the Committee of Bar Examiners (Committee) and it now requires that all such law schools disclose information in two ways, on their websites and by a standardized, hardcopy form.

Under section 6061.7, both the CALs and unaccredited law schools law must now post on their website all of the following information: their 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 examination pass/fail data. In addition to each of these disclosures, each law school's website must also disclose their current enrollment, tuition refund policy, curricular offerings, academic calendar, academic requirements and policy regarding transfer credit earned at another law school. Law schools 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 goes into effect on January 1, 2017.

DISCUSSION

Under the new law, the CALs now have an independent, statutory duty to post and disclose all required information. To be better able to monitor whether each law school

is compliant with section 6061.7, making such compliance a new requirement under the *Guidelines for Accredited Law School Rules* (Guidelines) will allow the Committee to take the appropriate action should a CALS be found not to be making all necessary disclosures or providing student with all required information. Since the Guidelines already require all CALS make several important public disclosures on their websites and written materials, amending the relevant Guideline is both the logical and appropriate means to do so.

Guideline 2.3 (Honesty in Communications) contains the Committee's current disclosure requirements. Under Guideline 2.3(D) (Required Disclosures), CALS must post on their websites and insert in their catalogs or student handbooks (electronic or hardcopy), a written notice regarding the geographic limitation their graduates face if they seek to take the bar examination and be admitted to practice law in a state other than California. In addition, on their websites' "accreditation page," CALS must post statistical information regarding the recent pass rates of their graduates on the California Bar Examination.

At its meeting in October, the Committee approved in principle an amendment to Guideline 2.3 that, if adopted, will now require the CALS to comply with all mandatory disclosures required by section 6061.7. The Committee also ordered that the proposed amendment be circulated for a 30-day period of public comment with a deadline for submission of comment no later than November 28, 2016. Attachment A is a copy of the proposed amendment circulated for public comment. To date, no public has been received.

To assist the CALS in their ability to comply with section 6061.7 a proposed, standardized information report form was prepared. It was reviewed by the Committee's Rules Advisory Committee (RAC) during its October meeting. Following the RAC's consideration, revisions to the form have been submitted by the CALS representative to the RAC for its further consideration and recommendation to the Committee for its adoption of the proposed report's form and content. Attachment B is a copy of the revised, proposed information report.

RECOMMENDATION

It is recommended that the proposed amendments to Guideline 2.3 of the *Guidelines for Accredited Law School Rules*, and the proposed information report form, as attached, be adopted, effective January 1, 2017.

PROPOSED MOTION

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

Move that, following a period of public comment during which no comments were received, the proposed amendments to Guideline 2.3 of the *Guidelines for Accredited Law School Rules* in the form attached hereto be adopted; and that the proposed information report form in the form attached hereto be

adopted; and that both the revised Guideline and form be effective January 1, 2017.