

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM NUMBER: December 2016 – O-401

DATE: November 29, 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 – 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, each of the CALs and all unaccredited law schools 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. Each law school must also make such information "accessible to current and prospective students" in 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

Under the new law, all registered, unaccredited law schools will have an independent, statutory duty to post and disclose all required information. To be better able to monitor

whether each unaccredited law school is compliant with section 6061.7, making such compliance a new requirement under the *Guidelines for Unaccredited Law School Rules* (Guidelines) will allow the Committee to take the appropriate action should any such law school be found not to be making all necessary disclosures or providing its students with all required information. Since the Guidelines already require all such law schools make other, similar public disclosures on their respective websites and by means of a written disclosure statement required by law, amending the relevant Guideline that requires all such disclosures is both logical and appropriate.

Guideline 2.3 (Honesty in Communications) has one of the Committee's key disclosure requirements. Under Guideline 2.3(D) (Required Disclosures), unaccredited law schools must post on their websites and insert in their catalogs or student handbooks (electronic or hardcopy), a written notice to prospective students and applicants that explains both the requirements of the First-Year Law Students' Examination and the geographic limitation graduates of the law school face if they seek to take the bar examination and be admitted to practice law in a state other than California.

At its meeting in October, the Committee approved in principle an amendment to Guideline 2.3 that, if adopted, will now require each registered, unaccredited law school 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 cutoff date of November 28, 2016. Attachment A is the proposed amendment to Guideline 2.3.

Only one public comment was received. That comment, sent in an email submitted by Dean George Gliaudys of the Irvine University College of Law, an unaccredited, fixed-facility law school located in Cerritos, California. Dean Gliaudys comment supported the requirements of the new statute since he believes that applicants and students alike will benefit from receiving the information to be disclosed and that such disclosures will eliminate any potential claim by a student against an admitting law school for misrepresentation in their decision to the school they choose to attend. Dean Gliaudys also recommended that the required information be displayed in a format that does not exceed two pages in a hard copy version to allow it to be disseminated more easily.

To assist the registered, unaccredited law schools in their ability to comply with section 6061.7 a proposed, standardized information report form was prepared. While it is not within the purview of the Committee's Rules Advisory Committee (RAC) to propose amendments relative to the regulation of unaccredited law schools, RAC considered a similar form that would be required for California-accredited law schools would have to provide. As a result of that review, revisions to the form, which would be similar for both categories of law schools, have been submitted by the CALS representative to the RAC for its further consideration and recommendation to the Committee. 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 Unaccredited 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 one comment in support was received, the proposed amendments to Guideline 2.3 of the *Guidelines for Unaccredited Law School Rules* in the form attached hereto be adopted; that the proposed Information Report form in the form attached hereto be adopted; and that both the revised Guideline and Information Report form become effective on January 1, 2017.