

ATTACHMENT D

Proposed Amendments to Guidelines for Accredited Law Schools

4/7/2016 DRAFT

Division 1. General Provisions

1.1 Provisional Accreditation, Accreditation, and Degree-Granting Authority.

To obtain provisional accreditation and receive degree-granting authority from the Committee of Bar Examiners (Committee), a ~~registered—unaccredited—fixed-facility~~ California law school must establish its substantial compliance with the *Accredited Law School Rules (Rules)*. To obtain full accreditation and ~~receive—maintain~~ its degree-granting authority from the Committee, a provisionally accredited law school must establish its compliance with the *Rules*.

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Division 2. Honesty and Integrity

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(A) Honesty in Communications Generally.

A law school must be honest and forthright in all communications, including communications with the Committee, the legal profession, the public, prospective students, applicants, and students.

(B) Honesty in Communications with Students.

A law school must be honest and forthright in all communications with students. It must not mislead students as to their reasonable prospects of obtaining the degree in the program in which they are enrolled, their ability to qualify for or be admitted to the bar in any jurisdiction, the cost of the requirements for obtaining the degree in the program in which they are enrolled, or the financial support available through loans or scholarships for their course of study.

(C) Honesty in Communications with Prospective Students and Applicants.

A law school must be honest and forthright in all communications with prospective students and applicants. It must not mislead them as to their reasonable prospects of admission, obtaining the degree in the program in which they seek to enroll, their ability to qualify for or be admitted to the bar in any jurisdiction, the cost of the requirements for obtaining the degree in the program in which they are interested in enrolling or seek to be enrolled, or the financial support available through loans or scholarships for their course of study.

(D) Required Disclosures [\[Changes pending outcome of current legislation\]](#)

An accredited law school must include the following statement, without alteration, in either its course catalog or student handbook (electronic or hardcopy) and on a

discrete page readily accessible to the public found on the law school's website entitled "Accreditation" on which the law school refers to its status as being accredited by the Committee and any other regional or national accrediting entity or agency:

Study at, or graduation from, this law school may not qualify a student to take the bar examination or be admitted to practice law in jurisdictions other than California. A student who intends to seek admission to practice outside of California should contact the admitting authority in that jurisdiction for information regarding its education and admission requirements.

The type size of the foregoing disclosure must be at least as large as the type size used to discuss or explain its status as an accredited school or college of law.

In addition, an accredited law school must publish on its "Accreditation" webpage information relating to the pass rates of its graduates on the ten most recent administrations of the California Bar Examination. This information must be published in one of the following ways:

- i. By means of posting an active link to the California Bar Examination "Statistics" page of the State Bar's website; or, alternatively;
- ii. By means of posting the pass rates of its graduates as those published on the State Bar's website for the ten most recent administrations of the California Bar Examination.

In all hardcopy or electronic materials used to respond to all inquiries about admission to its J.D. degree program, the law school must provide the following statement in all such materials: "For additional information visit [insert law school's website]."

Guideline 2.3 (D) adopted effective January 1, 2013.

(E) Reference to Provisional Accreditation and Accreditation; Reference to Other Accreditations, Approvals and Memberships.

(1) If a law school is granted provisional accreditation, it may make reference to such fact in its communications, provided that in any written or electronic publication in which reference to provisional accreditation is made, the following statement must appear, without alteration, on the same page, and in the same size type:

"The Committee of Bar Examiners of the State Bar of California grants provisional accreditation to a ~~registered unaccredited fixed-facility~~ law school when the law school establishes that it substantially complies with the Accredited Law School Rules (Rules) and appears capable of qualifying for accreditation within five years from the time provisional accreditation is granted. Provisional accreditation will automatically expire if the law school

does not qualify for and receive accreditation within the time period specified by the Committee or secure an extension of time. Provisional accreditation may be withdrawn at any time, if the Committee finds that the law school no longer substantially complies with the Rules.”

Whenever the words "Accredited" or "Provisionally Accredited" appear in law school communications in relation to qualification to take the California Bar Examination or admission to the practice of law in California, they must be accompanied by words clearly indicating that such accreditation is by the Committee of Bar Examiners of The State Bar of California.

(2) A law school that is accredited or approved by another agency or is a member of an association may state that fact in any communication, but must indicate in connection with any such statement that its degree-granting authority in connection with its students qualifying to take the California Bar Examination and obtain admission to the practice of law in California is based on accreditation by the Committee of Bar Examiners of The State Bar of California.

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Division 6. Academic Program

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6.5 Quantitative Academic Requirements.

(A) Hours and Weeks of Study; Time Requirements for Completion of Course of Study.

The minimum requirements for the J.D. degree are satisfactory completion of a course of study requiring 1,200 hours of **attendance of class-session instruction offered in either a physical classroom, through distance-learning technology or a combination of both study,** that equals a minimum of eighty semester units or the equivalent in **actual or virtual classroom instruction** ~~residence~~, or study as permitted by guideline 6.6, extending over a period of not less than ninety weeks of full-time study or 120 weeks of part-time study, or a combination thereof. Final examination time, not exceeding ten percent of the total number of class session hours, may be included as class session hours, and counted toward the 1,200-hour requirement. A law school must require the course of study for the J.D. degree be completed no earlier than thirty-two months and no later than eighty-four months after a student has commenced law study at the law school or a law school from which the law school has accepted transfer credit.

(B) Attendance.

Regular and punctual attendance is required to satisfy the ~~residence~~ **1,200 hours of class-session instruction** credit requirement and the 1,200-hour requirement. A law school must have a written attendance policy, which must require regular and punctual attendance of students. The policy must require attendance at not less than eighty percent of the regularly scheduled class hours in each course in

which a student is enrolled. The policy may also include requirements regarding preparation and participation.

(C) Full-time Students.

A full-time student must complete not less than 1,200 hours of ~~class-session instruction~~ ~~study in residence~~, extending over a period of not less than ninety weeks, and, to receive full ~~residence-academic~~ credit for any academic term, must have been enrolled in a course of ~~study~~instruction requiring not less than ten hours of attendance a week and must have received credit for courses totaling not less than nine hours of attendance a week during that academic term.

(D) Part-time Students.

A part-time student must complete not less than 1,200 hours of ~~study~~ ~~class-session instruction~~ ~~in residence~~ ~~extending~~ over a period of not less than 120 weeks and, to receive full residence credit for any academic term, must have been enrolled in a course of ~~study~~instruction requiring not less than eight hours of attendance a week and must have received credit for courses totaling not less than eight hours of credit a week during that academic term.

~~(E) Combining Study at Accredited and Registered Unaccredited Law Schools.~~

~~Students who obtain a portion of their legal education at a registered unaccredited law school and a portion at an accredited law school present a special case. Unless such students actually graduate from an accredited law school and premise their eligibility to take the California Bar Examination upon that graduation, they must meet the alternative legal educational requirements of § 6060(e)(2)(E) of the Business and Professions Code in order to be eligible to take that examination. § 6060(e)(2)(E) requires four separate years of study in a law school (accredited or unaccredited), in each of which the student was enrolled in a course of study requiring at least 270 hours of classroom attendance. For this purpose, a "year" is any period of twelve consecutive months. Law schools allowing students to carry a lighter than usual course load during any twelve-month period should be aware of these implications should such students ultimately seek eligibility to take the California Bar Examination under the above four-year rule rather than as graduates of an accredited law school.~~

~~(F) Graduates of Accredited Law Schools Who Completed Portion of Legal Studies at Registered Unaccredited Law Schools.~~

~~Students who complete a portion of their legal studies at a registered unaccredited law school and subsequently graduate from an accredited law school must in all events meet the guideline 6.5(A) requirements concerning 1,200 hours of study in residency (through required hours of classroom study in courses taken at both accredited and registered unaccredited law schools, in the aggregate) in order to be eligible to take the California Bar Examination as a graduate of an accredited law school.~~

~~(G)~~(E) Proportionate Credit.

(1) If, in any academic term, a student was not enrolled in, or failed to receive credit for, the minimum number of hours specified in guideline 6.5(C) or (D), the student may receive only proportionate credit for study ~~in-residence~~ for that academic term. The proportion is the ratio of hours enrolled or credit received to the minimum specified.

(2) If a person was a part-time student for any portion of the period of law study and a full-time student for the remaining portion of law study, the number of weeks of full-time study and three-fourths of the number of weeks of part-time study must total not less than ninety.

~~(H)~~(F) Range of Course Load for Full-time and Part-time Students; Exceptions.

In any regular academic term, a full-time student should normally be enrolled in courses requiring ~~classroom-class-session instruction attendance~~ of not more than fifteen hours or less than ten hours per week. A part-time student should normally be enrolled in courses requiring ~~classroom-class-session instruction attendance~~ of not more than ten hours or less than six hours per week. A law school may, for good cause, allow a person to enroll in courses requiring more or less hours than those specified, but in each case must enter in the student's file a memorandum stating the considerations constituting good cause. A full-time student is one who devotes substantially all working hours to the study of law. Full-time students should be encouraged not to work in excess of twenty hours a week.

~~(H)~~(G) Curriculum.

(1) A law school must use either semester or quarter terms of study (regular academic term). Typically, a semester must be fourteen or more weeks in length and a quarter must be ten or more weeks in length ~~for physical classroom instruction and may cover an additional number of weeks for courses taught using distance learning technology~~. The curriculum must be offered and units counted toward the degree and graduation only in semester or quarter units or their equivalent. Typically, one semester unit for a fifteen-week semester is fifteen hours of ~~classroom~~-instruction for one hour per week for fifteen weeks, including final examination time not greater than ten percent of the total time. Typically, one quarter unit for a ten-week quarter is ten hours of ~~classroom~~-instruction for one hour per week for ten weeks, including final examination time not greater than ten percent of the total time. Courses may be offered in one or more semester or quarter units or their equivalent.

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7.11 Distance-Education Credit.

(A) A law school may ~~offer class-session instruction and grant credit for courses in which all or any portion of the instruction is delivered by distance education~~

technology. Courses in which more than half the instruction is provided by distance education are considered distance education courses. ~~up to twelve distance-education semester credit units or the equivalent in quarter credit units toward its J.D. degree and other professional law degree programs.~~

(B) For purposes of this guideline, “distance-education technology” is ~~defined as a course in which more than one-third of the~~ instruction is provided by means of:

- (1) Technological transmission, both synchronous and asynchronous, of materials or interaction, whether by the Internet, open broadcast, closed circuit, cable, microwave, satellite, or otherwise;
- (2) Audio or computer conferencing;
- (3) Audio or video cassettes, discs, or other electronic media; or
- (4) Correspondence.

(C) To be eligible to receive distance-education credits, a student must be currently enrolled and in good academic standing. An auditor or visitor may participate in distance-education courses, subject to the requirements of Guideline 7.12.

(D) A law school’s acceptance of distance-education credit as transfer credit is subject to the requirements of guidelines 5.7 and 5.8.

(E) A law school may award credit for a distance-education course if:

- (1) The academic content, the method of course delivery, and the method of evaluating student performance are evaluated and approved as part of the law school’s regular curriculum approval process;
- (2) A structured format for interaction with the instructor and other students is available during the course; and
- (3) A method for monitoring and recording student participation, effort, and accomplishment is integrated into the course methodology.

(F) A law school’s approval of credit for a distance-education course must include a specific explanation of how the course credit was determined. Credit awarded must meet the requirement of fifteen contact hours of instruction or forty-five hours of student work, including both academic engagement and preparation for each semester credit granted or the equivalent in quarter units.

(G) Distance-education courses must be graded on the same basis as classroom-based courses.

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Division 8. Library Requirements

Division 8. adopted effective January 1, 2011.

8.1 Library Resources.

A law school's library resources must serve the teaching, research, and other educational objectives of the law school. In preparation for admission to practice law, a law student must have the ability to perform legal research competently using both hard copy and electronic research resources. The faculty of a law school needs access to adequate legal research resources to supplement their preparation and research.

8.2 Law Library.

~~A law school must maintain a physical law library containing all required hard copy and optional electronic resources, including internet access. A law school's law library must be adequate for the number of students and faculty of the law school. The adequacy of a law library will be evaluated by consideration of a law school's enrollment, the physical layout of the library, the physical condition of all hard copy publications and whether all are properly current and updated, relevance of all other available legal resources and the hours of operation.~~

8.3 Location of Law School Law Library.

~~The law school's law library must be housed in the same physical location as the law school's classrooms, faculty and administrative offices or in a location that is in reasonably close proximity to the law school's classrooms and offices. A law school is not required to have a law librarian but must assign a competent administrator or staff person to oversee and be responsible for maintaining and updating all mandatory legal authorities and research resources. Other uses of a law school's law library should not substantially interfere with its principal purpose.~~

A compliant law library should:

~~(A) Be open for a reasonable number of daytime and evening hours during the school year to meet the needs of students and faculty; and,~~

~~(B) Be maintained by a competent staff that keeps all library materials properly shelved and accessible and, upon request, to provide reasonably timely assistance, and to maintain all required records.~~

8.4-8.2 Library Content.

(A) A law school's law library must contain the following law library material:

TITLE	FORMAT REQUIREMENT
1. <u>General National Materials</u> Corpus Juris Secundum or American Jurisprudence, 2d	Hard copy or online access.
2. <u>Dictionaries</u> A legal dictionary A general dictionary	Hard copy or online access.
3. <u>Annotated Reports</u> American Law Reports – Federal American Law Reports, 4th and 5th	Hard copy or online access.
4. <u>American Law Institute Publications</u> Model Codes, Reports and Drafts Restatements of the Law, Reports and Drafts	Hard copy or online access.
5. <u>Forms of Pleading and Practice and Legal Forms</u> California Judicial Council forms Current set of California forms Current set of Federal forms	Hard copy or online access.
6. <u>Uniform Laws Annotated</u>	Hard copy or online access.
7. <u>California Materials</u> California Supreme Court case reports (official or unofficial) California Appellate Courts case reports (official or unofficial) West's Digest California Jurisprudence, 3rd	Hard copy or online access is required to the current series of either the Supreme Court or Appellate Courts case reports; hard copy or online access is required to California case reports at both levels. Hard copy or online access.

<p>10. <u>Text and Treatises</u> Encyclopedia, treatises, or current text for all bar-tested courses taught Witkin, Summary of California Law Witkin, California Procedure Witkin, California Criminal Law Witkin, California Evidence</p>	<p>Hard copy or online access.</p>
<p>11. <u>Law Reviews and Journals</u></p>	<p>Hard copy or online access adequate to meet the mission of the law school and the needs of the instructors.</p>
<p>12. <u>Other Resources</u> Current Law Index or Index to Legal Periodicals Local county and city ordinances Local municipal codes Legislative history-United States Code, Congressional and Administrative News (USCCAAN) Local court rules</p>	<p>Hard copy or online access.</p>
<p>13. <u>Cite Checking Resources</u> Shepard's Citation Service or Westlaw Key Cite</p>	<p>Hard copy or online access.</p>

Guideline 8.4, amended effective: January 31, 2013; amended effective: June 20, 2015

(B) Whenever a school elects to maintain a set of books in lieu of online access, ~~is specified~~, the requirement includes the most recent version, although it may not be listed, and reasonable access to:

(1) All supporting materials published as part of the set, and the latest available pocket parts, supplementary and replacement volumes, and any other materials necessary to keep the set in current condition; and

(2) All periodicals, in permanently bound form, except for the current year.

~~(C) For material that may be provided online, the law library must have a reasonable number of computers and printers available for student and faculty use in accessing and printing it.~~

8.5 (8.3) Instruction in Legal Research.

A law school must provide students with instruction in the use of both hard copy publications and electronic-based legal research to learn and perform competent research.

8.6 (8.4) Other Law Libraries.

Upon prior approval of the Committee, a law school that is located in reasonable proximity to a public, private or other law library, which contains all the mandatory requirements of Guideline 8.4, may satisfy the library requirements as set forth in Division 8 by filing a declaration from the dean that confirms the following:

A) the governing authorities of any such other law library have agreed to permit the use of the library by the law school's students and faculty at no additional charge and under the same accessibility and conditions required by Guideline 8.3; and

B) the other library contains and offers equal access to all mandatory library contents as required by Guideline 8.4.

8.7 (8.5) Access to Online Law Library Material.

A law school must provide each law student with access to the online law library material it maintains during the student's attendance. Access must be available at times convenient to students. A law school must use a reliable provider of on-line services and support to ensure that the students' access to the online library material is consistently available.

8.8 (8.6) Library Records.

A law school must maintain a record of expenditures for hard copy and electronic library and research materials and other legal research resources provided to students and faculty, and information on restrictions and limitations on access to library or research materials.

Division 9. Physical Resources

9.1 Physical and Infrastructure Requirements.

A law school must have physical **and technological** resources and an infrastructure adequate for its programs and operations. A **fixed-facility** law school **must be located in California and** should have the exclusive occupancy of office **and law library facilities** at all times and of classrooms, which must also be available for a reasonable time before and after class. A law school may share classroom space with another department or institution if the arrangements do not interfere with the scheduling of classes. All physical facilities must be in reasonable proximity to each other so that students have convenient access to classrooms, the library, and administrative offices. A law school must have classrooms that are sufficient for its program and adequate for their intended use.

A law school offering its curriculum by means of distance learning technology must maintain its administrative office and administer its technology platform in California. A law school must maintain and provide access to all required records, files and materials in its administrative office.

9.2 Administrative and Faculty Offices.

A **fixed-facility** law school must provide adequate office space for all administrative staff and faculty, giving due regard for the need for private offices for senior administrators and full-time faculty. Private offices or a faculty lounge should be provided for part-time faculty. At least one private room, suitable in size for the intended purpose, must be available for counseling students.

9.3 Instructional Equipment; Resources and Procedures to Address Technology-Related Problems.

A law school must have and maintain instructional equipment **and distance learning technology** adequate to support its educational program. A law school must have and allocate adequate resources and create and maintain adequate procedures to promptly and effectively address technology-related problems in the delivery of its educational program.

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