

CALS Deans Discussion Draft 9/1/2018

Law School Engagement

The State Bar staff is currently recommending that the Board of Trustees not take action at the September 13-14 Board of Trustees meeting on the staff's proposals regarding revisions to accreditation and law school engagement. These proposals address the possible outsourcing of accreditation and eliminating the RAC and the Law School Council.

The Board is considering the current proposals to improve governance, reduce the State Bar's cost and other resources allocated to the accreditation and regulation of law schools, and for bringing about a simplification and realignment of the stakeholder engagement structures of the State Bar.

The following recommendations provide an example of how the State Bar can address these concerns while retaining both public protection and the important benefits that non-ABA law schools provide towards improving diversity of the legal profession and access to affordable, quality legal education. This memo does not recap all of the detailed legal, procedural, and policy issues that have been the subject of numerous committee meetings at the RAC, Law School Council, Committee of Bar Examiners, and Board of Trustees. The public record of these meetings is more than adequate to establish the critical need for these institutions and for all stakeholders to seek a compromise. This memo is not presented as an official position of the CALS, but as a discussion draft for consideration by all stakeholders in the CALS accreditation process.

Recommendation 1: *Maintain the current selection, responsibilities, and procedures of the Rules Advisory Committee, but only convene the RAC if amendments or additions are proposed to the Accredited and Registered Rules and Guidelines, or law-school-related statutes, rules of court, etc.. Note: The RAC would serve the CBE in its advisory function even if the amendments or additions are first developed through an ad hoc working group, task force, or other committee.*

Benefits: The RAC is currently a standing advisory committee that automatically convenes at the same time that the CBE meets (approximately seven times per year). Under this proposal, the RAC would only convene when written notice of a proposed amendment or addition to the Accredited and Registered Rules and Guidelines, or law-school-related statutes, rules of court, or other regulation is presented to the CBE with at least 30 days notice prior to a regularly scheduled CBE meeting. The public, the law schools, the CBE, staff, the Board of Trustees, the legislature, or the Court may submit these amendments or additions. Upon notice of the proposed changes, the RAC would convene a public meeting under Bagley Keene prior to the next regularly scheduled CBE meeting and provide a subsequent advisory recommendation on the proposed amendments or additions no later than the following regularly scheduled CBE meeting (currently 60 days later). This timely and public process provides opportunities for rule-

making transparency, public comment, stakeholder input, expert commentary, and a formal record while reducing the administrative burden created by regular standing meetings.

Recommendation 2: *Maintain the statutory Law School Council, but adopt the recent changes approved by the Council that increase law school engagement by: 1) changing the nomination process to include pre-confirmation of the willingness and availability of nominated delegates to serve; 2) simplifying the definition of school categories; 3) expanding the category of eligible elected delegates to include Vice Deans, Associate Deans, or former deans; and 4) establishing minimum attendance requirements and replacement processes for filling vacant positions due to absence or resignation. Limit Council meetings to two per year that are aligned with regularly scheduled CBE meetings and included as part of the CBE's annual calendaring process for each Committee year.*

Benefits: An engaged Law School Council provides a unique and important resource for the State Bar to receive and solicit advice and recommendations from elected delegates representing all 56 law schools operating in California. It also provides a venue for public comment, stakeholder input, expert commentary, and a formal record for important issues related to legal education, professional responsibility, and the licensing and regulation of lawyers. The recommended changes would substantially increase law school engagement without increasing any additional administrative burden on the CBE.