

# AGENDA ITEM

132 March 2015

**DATE:** February 20, 2015

**TO:** Members, Admissions and Education Committee  
Members, Board of Trustees

**FROM:** Patricia P. White, Chair, Committee of Bar Examiners  
Gayle E. Murphy, Senior Director, Admissions

**SUBJECT:** Proposed Amendments to Accredited Law School Rules re  
Branch Campuses – Return from Public Comment

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## EXECUTIVE SUMMARY

Following a period of public comment and consideration of the one comment received, the Committee of Bar Examiners (Committee) has adopted proposed amendments to the *Accredited Law School Rules*, subject to the approval of the Board of Trustees (Board), and the *Guidelines for Accredited Law School Rules* that define and make clear the operational differences between a branch and satellite campus of a California-accredited law school (CALs) and that also institutes an appropriate process by which approval of the establishment of either may be considered and conferred by the Committee. If a CALs wishes to establish a three or four-year branch campus, the new campus must meet the criteria for accreditation independently, although certain requirements may be shared, such as the dean, and that a satellite campus may be established for a limited purpose, such as providing a portion of the education at another location.

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## BACKGROUND

The *Accredited Law School Rules* (Rules) currently provide only the following in regard to establishing a campus at a location other than California-accredited law school's (CALs) existing campus:

Rule 4.165 Major Changes

The following are major changes:

\* \* \*

- (B) changing the location of the school or the location of a branch, or opening a new branch;

Pursuant to this requirement, if a CALS seeks to offer some or all of its curriculum at a location other than its existing campus, it must first seek prior approval of the Committee as required by Rule 4.1264.

Currently, however, neither the Rules nor the *Guidelines for Accredited Law School Rules* (Guidelines) appear to provide sufficient guidance as to what constitutes a “branch” campus, or what might constitute a campus that is intended to offer students less than a four-year curriculum leading to the award of a Juris Doctor degree, which is commonly referred to as a “satellite” campus.

The Committee has in past granted approval for three CALS to open and operate branch campuses. They include: Monterey College of Law; Southern California Institute of Law and, most recently, San Francisco Law School. When it received its accreditation in July 1996, Southern California Institute of Law was authorized to operate its primary campus in Ventura and a branch campus in Santa Barbara. In 2009, Monterey College of Law received approval to open and operate a branch campus in Santa Cruz that offers only the first-year of its Juris Doctor degree curriculum. Last year, San Francisco Law School received approval to open a provisionally-accredited branch campus in San Diego, which will offer a four-year Juris Doctor curriculum and will be, in essence, an entirely new law school. Two other CALS operate with two separate campuses: Santa Barbara and Ventura Colleges of Law and University of West Los Angeles, which while operating under single governance structures, are more-or-less treated as separate CALS, i.e., separate Annual Compliance Reports, statistics, etc.

At its meeting on January 25, 2014, the Committee directed staff to draft additions to the Guidelines:

...that makes clear that if a California-accredited wants to establish a three or four-year branch campus, the new campus must meet the criteria for accreditation independently, although certain requirements may be shared, such as the dean and that a satellite branch campus may be established for a limited purpose, such as providing a portion of the education at another location.

Under this direction, additions to the Rules and Guidelines were drafted and submitted to the Committee’s Advisory Committee on California Accredited Law School Rules (RAC) for consideration during its meeting on March 14, 2014. In response, the Deans from several CALS suggested several revisions and modifications.

After review of the CALS’ input and staff’s recommendations, the proposed amendments to the Rules and Guidelines were approved in principle, subject to a public comment period. After receiving the approval of the Board Committee on Admissions and Education to circulate the proposed amendments for public comment, they were forwarded to all California law school deans and posted on the State Bar’s website. Only one public comment was received.

## **CONCLUSION**

Proposed amendments to Rule 4.160(H) and 4.165(B) regarding branch law school campuses should be approved by the Board.

## **DISCUSSION**

Rule 4.160(H) and 4.165(B) of the Rules should be amended to provide the Committee express authority to grant approval to a CALS that seeks to open any new location, whether a branch or satellite campus.

To achieve that goal and meet the Committee's intent that any approved branch campus offering a three-year, full-time or four-year, part-time Juris Doctor degree operate as an independently-accredited campus, a new set of Guidelines (Division 15) were drafted to interpret the amended rules. As defined, a branch campus is any new location where a CALS offers students more than fifty percent of its J.D. curriculum, or the curriculum of any other law degree it is authorized to award. Any such campus must operate with a qualified, full-time administrator and will operate as a provisionally-accredited campus for no less than its first two years of its operation. Thereafter, upon an application, it may be granted accreditation when, after an inspection, it is confirmed that the campus is independently compliant with each of the Rules and Guidelines. It is anticipated the examination statistics would be reported for each campus independently of any other.

In the new Guidelines, a satellite campus is any new location where a CALS intends to offer no more than fifty percent of its J.D. curriculum or the curriculum of any other law degree it is authorized to offer. As a satellite campus, it will not be considered provisionally-accredited unless or until the CALS, which was given approval to open it as a satellite, chooses to expand its curriculum to then be considered a branch campus.

If the proposed amendments to the Rules are adopted by the Board, the new Guidelines interpreting the branch campus rule also provide a workable schedule for a CALS to apply for and obtain the Committee's approval before the new campus (branch or satellite) is to open. To avoid unnecessary delay and to permit the Committee to be able to give final approval to a CALS for a proposed new campus before it actually opens, the new Guidelines will allow the Dean of the applicant CALS to certify that the new branch or satellite campus will be in substantial compliance with the Rules and Guidelines on the day it opens. The branch campus will then be permitted to operate with provisional accreditation for at least the next two years. Thereafter, if a CALS wishes to have the branch campus deemed accredited, it will need to submit an application and permit an inspection to confirm its then, independent compliance.

In accordance with provisions contained in the Rules, proposed amendments to the Rules are subject to the Board's approval, while the Guidelines may be amended by the Committee on its own.

## **Public Comment**

The proposed amendments were forwarded to all California law school deans and posted on the State Bar's website for public comment and only the following comment was received.

### Gregory Brandes, Professor and Executive Director, Concord Law School

Among other supportive comments, Professor Brandes says "The proposed regulations provide adequate short term and longer term assurances of compliance, too, through the required Dean's letter ahead of opening, the 90-day report after opening, the two (2) year review, and the provisional approval status. These regulations should be approved, both to meet the growing need for legal services and to reduce the cost of legal education." And goes on to say: "the public is protected from any realistic risk of a campus being opened and operated for any extended period without at least substantial compliance, and the Committee is empowered to act effectively in respect to both gaining information needed to evaluate the prospective location and reviewing the initial grant of provisional approval." In a separate document, he submitted several technical proposed changes, which were suggested to clarify and standardize the language. Several of his suggested adjustments have been incorporated into the final version of the proposed amendments, which is attached as Attachment A,; none of them affect the substance or original intent of the proposed amendments. A copy of his letter is available upon request.

## **FISCAL / PERSONNEL IMPACT**

None.

## **RULE AMENDMENTS**

If approved by the Board, the *Accredited Law School Rules* will need to be updated accordingly.

## **BOARD BOOK IMPACT**

None.

## **RECOMMENDATION**

The Committee recommends that the proposed amendments to Rules 4.160(H) and 4.165(B) of the *Accredited Law School Rules* be approved.

## **PROPOSED BOARD COMMITTEE RESOLUTION:**

Should the Admissions and Education Committee agree with the above recommendation, the following resolution would be appropriate:

**RESOLVED**, that following a period of public comment and consideration of the public comment received, and upon recommendation of the Committee of Bar Examiners, the Board Committee on Admissions and Education hereby recommends the Board approve the proposed amendments to Rules 4.160(H) and 4.165(B) of the *Accredited Law School Rules* as attached hereto, effective immediately.

**PROPOSED BOARD RESOLUTION:**

Should the Board agree with the above recommendation, the following resolution would be appropriate:

**RESOLVED**, that following a period of public comment and consideration of the public comment received, and upon recommendation of the Board Committee on Admissions and Education, the Board approves the proposed amendments to Rules 4.160(H) and 4.165(B) of the *Accredited Law School Rules* as attached hereto, effective immediately.