



The State Bar *of California*

OPEN SESSION AGENDA ITEM AUGUST 2019 COMMITTEE OF BAR EXAMINERS ITEM O-403

DATE: August 13, 2019

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst, Office of Admissions

SUBJECT: Report on Minimum, Cumulative Bar Passage Rates for California Accredited Law Schools

EXECUTIVE SUMMARY

California Accredited Law Schools (CALS) must maintain a five-year Minimum Cumulative Bar Passage Rate (MPR) of 40 percent or greater under Rule 4.160 (N) and Guideline 12.1 of the Rules and Guidelines for Accredited Law Schools. CALS report this figure each year by July 1.

All fifteen CALS have reported their 2019 MPRs. (See Attachment A) Thirteen schools reported compliant MPRs of 40 percent or more.

Two schools reported MPRs below 40 percent: Pacific Coast University School of Law and Southern California Institute of Law. It is recommended that these schools proceed to the next step in the noncompliance process so that the Committee of Bar Examiners can determine at a meeting in the near future whether probation or termination of registration is warranted.

BACKGROUND

The MPR is calculated according to the formula described in Accredited Law School Guideline 12.1. The MPR includes the California Bar Examination (CBX) results for a law school's students who graduated during a specific five-year Reporting Period and were qualified takers of any CBX administration during the Reporting Period or during the first February administration of the CBX after the Reporting Period if they graduated within ten administrations of that CBX. The 2019 MPR includes the CBX results for students who graduated between August 1, 2013 and July 31, 2018 and were qualified takers of any CBX administered during that Reporting Period or, if applicable, the February 2019 CBX.

The MPR requirement was first implemented for CALS in 2015. Then, for the next two years, the Committee suspended reporting temporarily while seeking a statutory amendment to again

allow the State Bar to release bar examination pass/fail lists to law schools. In December 2017, the Committee reinstated the MPR reporting requirement and directed all CALS to submit MPRs in July 2018, and each July thereafter.

Each California Accredited Law School must maintain a five-year cumulative MPR pass rate of at least 40 percent.

All fifteen CALS schools reported 2019 MPRs. The State Bar verified the 2019 MPRs reported for fourteen of the fifteen schools. The State Bar has requested and is awaiting information from the Southern California Institute of Law that would allow verification of its reported 2019 MPR.

DISCUSSION

2019 MPR Reporting General Statistics

Attachment A contains the list of 2019 MPRs reported by each school, as well as the 2018 MPRs for comparison purposes. If a school has more than one campus, the school reports one combined MPR for students from all campuses.

Thirteen of the fifteen CALS successfully maintained the required five-year cumulative MPR of 40 percent or greater. The State Bar will post these figures on its website and the law schools are required to post their MPRs on their websites as part of disclosures required pursuant to California Business and Professions Code section 6061.7(a).

The remaining two schools, Pacific Coast University School of Law (PCUSOL) and the Southern California Institute of Law (SCIL), have reported 2019 MPRs below the 40 percent minimum. PCUSOL reported a 2019 MPR of 26.6 percent, an increase of 0.8 percent (or .2 percentage points) from 2018. SCIL reported an unverified MPR of 25.3 percent, a decrease of 4 percent (or 1.1 percentage points) from 2018.

Rules 4.170 and 4.171 prescribe the steps that must be followed if schools are found to be out of compliance with one or more of the Accredited Law School Rules and/or Guidelines for Accredited Law School Rules. For both of these schools, this noncompliance process is underway and recommended to continue as described below.

First, “[i]f it appears to the Committee that a provisionally accredited law school is not in substantial compliance with these rules or that an accredited law school, or any approved branch or satellite campus is not in compliance with these rules, the Committee must provide the school with a written Notice of Noncompliance that states the reasons.” (Rule 4.170 (A))

Here, because these two schools’ noncompliance was identified in 2018, the required Notice of Noncompliance has already been issued to each school. The values presented now demonstrate continued Noncompliance. There is no need to issue a new Notice of Noncompliance triggering additional steps that would delay the opportunity for the Committee to take action.

Next, [w]ithin fifteen days of receiving a Notice of Noncompliance, a law school must file a response demonstrating that it is in . . . compliance with these rules, if an accredited law school.” (Rule 4.170 (B))

Each school met its requirement to respond to its Notice of Noncompliance in Fall 2018, and the Committee reviewed the responses in December 2018.

After reviewing a response, “[i]f the Committee deems the response unsatisfactory, it must schedule an inspection by the Senior Executive within sixty days of its consideration of the matter.” (4.171) A response is unsatisfactory if it does not establish that the school is in compliance with the Rule or Guideline at issue.

When the Committee reviewed the schools’ responses, it acknowledged that each school had a plan in place that the law school hoped would raise the MPR in the future, but neither school could establish that they were in compliance at that time. Therefore, the Committee deemed the responses unsatisfactory. As a result, the Committee directed that a telephone inspection of each school be scheduled within sixty days. A telephonic format was selected because no physical facilities were at issue as part of the schools’ noncompliance.

State Bar staff set about creating procedures for the telephonic inspection and also reviewed the comprehensive plans provided by each school. This took a number of weeks to complete, during which another bar examination was administered. Therefore, it seemed reasonable to review the results from that Bar Examination, incorporated into the 2019 MPR, before proceeding. The schools received a one-time courtesy of presenting their MPR’s again in July 2019 before submitting to an inspection, and the Committee received data by which they could evaluate the effectiveness of each school’s plan.

Staff believes it is now appropriate to move forward with the inspections for each of the schools.

After reviewing the resulting inspection reports, the Committee will determine whether the schools are in compliance, or “[are] not in compliance with the rules for specific reasons that warrant probation or termination of accreditation.” (4.171 (D))

While the decision as to whether to place the schools on probation or terminate accreditation is not before the Committee today, because the schools must first be invited to participate in an inspection, it may still be helpful to describe those conditions here. Probation could be appropriate for a school “that has made progress toward compliance.” (Rule 4.172) If the school does not continue to make progress during its probation, then its accreditation may be terminated. If termination of accreditation is appropriate, either directly or after a period of unsuccessful probation, a school may seek registration as an unaccredited law school if it can establish compliance with those Rules and Guidelines. Unaccredited law schools are not subject to the MPR requirement.

RECOMMENDATION

Staff recommends that the MPR values be published on the State Bar's website immediately following the Committee meeting. The State Bar's website would be further updated once SCIL submits the necessary documentation to allow the State Bar to verify the results reported by SCIL.

Regarding the two schools that did not comply with the MPR requirement, staff recommends that the Committee proceed under the Notice of Noncompliance issued in 2018 and renew its direction that staff conduct an inspection of each school as prescribed by Rule 4.170. This course of action will allow the swiftest possible resolution. Because of the nature of the subject matter, staff recommends that the inspection be conducted telephonically. Following each inspection, a report will be returned, and the Committee will be able to decide whether each school is in compliance or whether probation or termination of accreditation would be appropriate for that school. It is anticipated that a report can be brought to the Committee as early as its December meeting.

PROPOSED MOTION

Should the Committee of Bar Examiners agree with this recommendation, the following motion is suggested:

Move that the Report on Submission of California Accredited Law Schools 2019 Annual Minimum Cumulative Bar Examination Pass Rates be received and filed; that the 2019 Minimum Cumulative Bar Examination pass rates by school be authorized for publication and updated, if necessary, when the 2019 MPR for the Southern California Institute of Law is verified; and that staff be directed to schedule telephonic inspections of Pacific Coast University and Southern California Institute of Law within sixty days to allow the schools to provide any information or clarification it wishes to add regarding its compliance with the MPR requirement.

ATTACHMENTS

- A. 2019 Cumulative Minimum Bar Examination Pass Rates (MPR) for California Accredited Law Schools



The State Bar of California

OFFICE OF ADMISSIONS

2019 Cumulative Minimum Bar Examination Pass Rates (MPR) for California Accredited Law Schools

Five Year Reporting Period: August 1, 2013 – July 31, 2018

In accordance with Chapter 4, Rule 4.160 (N) of the Accredited Law School Rules, California Accredited Law Schools (CALS) must "... maintain a minimum, cumulative bar examination pass rate as determined and used by the Committee in the evaluation of the qualitative soundness of a law school's program of legal education." As specified in Guidelines 12.1 of the [Guidelines for Accredited Law School Rules](#), the "minimum, cumulative bar examination pass rate" (MPR) required for CALS is 40 percent for students who graduated during a given five-year reporting period. Each CALS school is required to calculate its MPR annually and to report it to the State Bar by July 1 of each year.

The numerator of the MPR is the total number students who graduated during the five-year reporting period and passed the California Bar Examination during the reporting period, or during the first February administration after the reporting period if they graduated within 10 administrations of that examination. The denominator is the total number of students who graduated during the reporting period and took the California Bar Examination at least once.

| California Accredited Law School | 2018 MPR | 2019 MPR |
|---|----------|----------|
| Cal Northern School of Law | 72.9% | 73.9% |
| Empire College School of Law | 55.4% | 46.9% |
| Glendale University College of Law | 66.7% | 62.2% |
| Humphreys College Laurence Drivon School of Law | 45.6% | 41.9% |
| John F. Kennedy University College of Law | 48.8% | 44.4% |
| Lincoln Law School of Sacramento | 66.7% | 60.8% |
| Lincoln Law School of San Jose | 56.1% | 44.1% |
| Monterey College of Law | 47.9% | 54.3% |
| Pacific Coast University School of Law | 26.4% | 26.6% |
| San Francisco Law School | 47.0% | 41.7% |
| San Joaquin College of Law | 77.4% | 72.4% |
| Santa Barbara and Ventura Colleges of Law | 58.9% | 57.7% |
| Southern California Institute of Law* | 26.4% | 25.3% |
| Trinity Law School | 44.6% | 44.7% |
| University of West Los Angeles | 54.1% | 50.0% |

*This school's 2019 MPR is presently unverified.