



The State Bar of California

180 Howard Street, San Francisco, CA 94105

www.calbar.ca.gov

OPEN SESSION MINUTES

THE COMMITTEE OF STATE BAR ACCREDITED AND REGISTERED SCHOOLS (CSBARS) OF THE STATE BAR OF CALIFORNIA TELECONFERENCE

June 18, 2020

A meeting of the State Bar of California's Committee of State Bar Accredited and Registered Schools (CSBARS) convened in open session at 10:30 a.m. on Thursday, June 18, 2020 via Zoom teleconference, Chair Jackie Gardina presiding.

The open session portion of the meeting concluded at approximately 3:30 p.m., at which time the meeting adjourned, there being no closed session.

A. WELCOME AND ROLL CALL

Chair Jackie Gardina called the meeting to order.

Members Present: Greg Brandes, Jay Frykberg, Kareem Gongora, Greg Murphy, Martin Pritikin, and Brian Purtill.

Staff Present: Amy Nuñez, Audrey Ching, Natalie Leonard, Amber Aldredge, and Ken Holloway.

B. CALL FOR PUBLIC COMMENT

Chair Gardina called for public comment in connection with each item as it was discussed. Members of the public were also invited to send written comments as soon as possible during or after the meeting to admissions@calbar.ca.gov or natalie.leonard@calbar.ca.gov.

C. APPROVAL OF MINUTES

The minutes from the CSBARS meeting of April 23, 2020 were approved after the following amendments: the homework assignment related to deemed status was labeled as 4.102(C) the assignment related to Diversity was labeled as 4.160(C). The minutes were then approved unanimously.

D. STAFF REPORT

Schools and all members of the public are reminded to sign up for notification of posting of Committee and Commission agendas and items for any State Bar subentity at <http://board.calbar.ca.gov/Committees.aspx>.

Staff described current plans for both the June First-Year Law Students' Examination to be offered online and the upcoming Bar examination. Schools are advised to check the State Bar website's Admissions page for the most current updates.

Staff shared the proposed memorandum implementing the California Supreme Court's directive to allow students to have up to four administrations to take and pass the exam and claim credit for law study to date if the June 2020 First Year Law Students' Examination is the first, second or third administration after they became eligible to take the examination. An informal poll of support showed that all CSBARS members supported this directive.

F. FURTHER EDITS TO PROPOSED REVISED ACCREDITED LAW SCHOOL RULES

At its June meeting, CSBARS reviewed its entire accredited rules revision proposal, making several edits before moving to a vote for adoption as follows:

In addition, CSBARS implemented the following changes versus the draft posted prior to the meeting:

List of Edits from CSBARS

All changes were recommended via consensus unless noted.

- Public comment: Page 10, 4.147 Line 8 Other Locations "the school must submit a detailed report to the Committee," 00:40.
- 4.102 (A) Because the entity that has the final authority on accreditation is the "Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association," this provision was edited to read: These rules do not apply to law schools fully or provisionally approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, per member Murphy.
- 4.102 (B) A law school provisionally or fully approved by the Council is deemed accredited by the Committee and exempt from these rules, unless the Council withdraws its approval, per member Murphy.
- 4.102(C): CSBARS agrees to delete the words annual reporting from 4.102 (C) and 4.161 via consensus and replace with periodic reporting.
- 4.105(B) "A Law School Approved by the Council" is a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, and under Rule 4.102(A), per Member Murphy.
- 4.160(A)(2) Add underlined text: Disclosure: A law school shall publish, on its Consumer Information (Accreditation) webpage, a disclosure statement, revised annually and submitted with the Annual Report, that complies with Business & Professions Code section 6061.7 in a format prescribed by the State Bar. The Committee may also

require disclosure of additional information, including statistics on retention and diversity when not in conflict with (a)(6) below.

- 4.160(A)(7)(e): Delete portion in strikethrough font: Policy on pass-fail grading ~~and prohibition of pass-fail grading in bar-tested subjects.~~
- 4.160(A) combine (a) written grading and examination standards with (J) advance written statement of the grading system.
- 4.160(A)(8)(a) Add the underlined change: The law school's policy must include, but is not limited to, cancellation of a student's examination or assignment score, denial of course credit, suspension, and dismissal.
- 4.160 (B)(5)(a) "A sound policy is one which ensures the law school does not regularly admit students who are obviously unqualified or who do not appear to have a reasonable prospect of completing the degree program or meeting the program objectives, based on the information on reasonably available to the school at the time.
- 4.160(B)(5)(b) informal consensus. Adjust "45 days after enrollment" to "45 days after the beginning of the term."
- 4.160(B)(9)(e)(2) adjusted to correct the underlined portion: "for a given student, (a) completion of the verifiable academic engagement, (b) its equivalent through a competency-based examination or other assessment demonstrating proficiency in course learning outcomes, or (c) a combination of (a) and (b)."
- 4.160(B)(9)(e)(3) merged into the main body of 4.160(9)
- 4.160(B)(13) Academic freedom policy rule is changed to note that the professor can talk about academically-related positions under this policy.
- 4.160(C) (a) Diversity, Equity and Inclusion: A school must have mission-appropriate diversity, equity and inclusion policies, in accordance with California and federal law, to support student success; create an inclusive environment for, and encourage the participation of, historically underrepresented communities within the student body; and promote cultural competency and respectful discourse across a wide range of issues. To ensure an environment of continuous evaluation and improvement, schools must track the implementation of their policies and change them as appropriate when suggested by their results. ~~as a result of the outcomes and change policies where dictated by these outcomes as appropriate.~~
- 4.160(D)(4)e deleted as duplicative of above: The opportunity for students in the JD degree program to complete the equivalent of a minimum of fifteen (15) semester units of practice-based skills and competency training.
- 4.160(D)(d)(9) Delete as duplicative: ~~Application for Provisional or Full Approval of a Branch or Satellite Campus: As a major change pursuant to Rule 4.165(B), a law school must obtain the prior approval of the Committee to open a branch or satellite campus.~~
- 4.161 Annual/Periodic Compliance Report: A school subject to these rules must submit a Periodic Compliance Report as required using the form prescribed by the Committee.
- 4.162(A) Gongora abstains, all others support: An accredited law school, including each approved branch or satellite campus, is subject to a concurrent inspection every five to seven years following the grant of accreditation, at the discretion of the Committee, or more frequently if the Committee finds this is reasonably necessary to ensure continued to compliance. The inspection will be conducted by a team selected by the State Bar to include State Bar staff or designee. It ~~may~~ should also include a member of the Committee, and a law school representative or other individuals who can assist in

assessing the school's compliance. A law school that believes a team member is biased may challenge the appointment of the team member and request an alternative appointment. An allegation of bias must be documented by written evidence. The challenge must be filed within ten days of the Committee's notice to the law school of the composition of the inspection team. The Committee will consider the challenge and may appoint an alternative team member for good cause within thirty days of receipt of the challenge.

- 4.162(B): Murphy abstains; all other support: The inspection team must provide the Committee with a report on the visit including both recommendations and commendations within ninety days of the last day of the inspection.
- Edit 4.165 Major change to the JD curriculum, including change of more than one-third to the number of credits, overall requirements or teaching modality;
- 4.171 (C)(1) Delete a deemed accredited law school, or any approved branch or satellite campus thereof, appears to be at risk of falling out of compliance with the core requirements of Rule 4.102(C)

The Chair appointed the editing team of Jay Frykberg and Martin Pritikin was appointed to review the final proposal for any clerical edits before forwarding to the Committee of Bar Examiners.

CSBARS then moved to propose and recommend the resulting document to the Committee of Bar Examiners for consideration, with Murphy abstaining and all others approving.

The next meeting is set for August 20, 2020, 10:30 a.m. – 3:00 p.m. via Zoom.

G. ADJOURNMENT

The meeting was adjourned at 3:00 p.m. The next meeting will take place via Zoom on Thursday, August 20, 2020, 10:30 a.m.-3:00 p.m.

End Open Session
No Closed Session

MEETING ADJOURNED