



# The State Bar of California

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**OPEN SESSION**  
**AGENDA ITEM O-400**  
**AUGUST 2020**  
**COMMITTEE OF BAR EXAMINERS**

**DATE:** August 21, 2020

**TO:** Members, Committee of Bar Examiners

**FROM:** Natalie Leonard, Principal Program Analyst, Educational Standards

**SUBJECT:** Action on Minimum, Cumulative Bar Passage Rate Reporting for Accredited Law Schools; Issuance of Notices of Noncompliance to John F. Kennedy University School of Law, Lincoln Law School of San Jose and San Francisco Law School

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## EXECUTIVE SUMMARY

California Accredited Law Schools (CALs) must maintain a Minimum, Cumulative Five-Year Bar Passage Rate (MPR) of 40 percent or more under Accredited Law School, calculated using the formula set forth in Accredited Law School Guideline 12.1. (Rule 4.160(N))

Twelve of sixteen California accredited law schools have reported a compliant MPR of 40 percent or more, and it is recommended that these reports be accepted as evidence of full compliance. (Attachment A)

Three currently accredited law schools have reported an MPR below 40 percent, with John F. Kennedy University School of Law reporting 39.7 percent, Lincoln Law School of San Jose reporting 30.9 percent, and San Francisco Law School reporting 36.0 percent. It is recommended that the Committee of Bar Examiners (CBE) issue a Notice of Noncompliance to each of these three schools. A fourth school is no longer accredited.

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## **BACKGROUND**

Each California Accredited Law School must maintain a five-year cumulative MPR bar pass rate of at least 40 percent. By way of comparison, the American Bar Association requires ABA-approved schools to maintain a pass rate of 75 percent for each individual graduating class within two years after graduation.

The 2020 MPR evaluates the bar passage performance of students who graduated during the five year period between August 1, 2014 and July 31, 2019 and took the bar examination at least once during that same period. Their results on the February 2020 bar exam are also included, so long as they graduated in March 2015 or later.

As a reminder, the reason the MPR calculation includes the results of some of the students on the most recent February exam is that this ensures that even the most recent graduates have at least two opportunities to pass the bar examination, giving the schools an opportunity to increase the MPR. However, not all of the results from that exam are included because if the results of the earliest graduates were included, they would have eleven opportunities to take and pass the bar examination, which is too long for a cumulative five-year calculation. (See Guideline 12.1 for full calculation)

Schools send in their compliance reports by July 1, and the numbers are verified by the State Bar before presenting them to the CBE. Ultimately, the MPR figures are published in student disclosures and on the State Bar's website.

## **DISCUSSION**

### **2020 MPR REPORTING GENERAL STATISTICS**

Attachment A contains the list of 2020 MPRs reported by each accredited school, as well as each school's 2018 and 2019 MPR values for comparison purposes.

Twelve of sixteen accredited law schools reported compliant MPR values.

The remaining four schools reported the following MPR values below forty percent:

John F. Kennedy School of Law reported an MPR of 39.7 percent, versus 44.9 percent in 2019.

Lincoln Law School of San Jose reported an MPR of 30.9 percent, versus 44.1 percent in 2019.

Pacific Coast University reported an MPR of 28.0 percent, up from 26.6 percent in 2019.

San Francisco Law School reported an MPR value of 36.0 percent, down from 41.7 percent in 2019.

When a law school is found to be out of compliance with one or more of the Accredited Law School Rules and/or Guidelines for Accredited Law School Rules, the CBE follows a specific process. (Rules 4.170, 4.171)

First, “[i]f it appears to the Committee 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, there is no need to issue a notice to Pacific Coast University because the Committee has already terminated that school’s accreditation effective August 20, 2020.

The remaining three schools, however, should each be issued a Notice of Noncompliance.

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)) The response is presented to the CBE at its next available meeting.

After the CBE reviews the response, “[i]f the Committee deems the response unsatisfactory, it must schedule an inspection . . . 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.

The Committee will review the results of the inspection in conjunction with all other available evidence to 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, it may still be helpful to describe the conditions under which each option might be selected. Probation may be appropriate for a school “that has made progress toward compliance,” to allow a focused period of time to fully return to compliance; otherwise, termination of accreditation is appropriate. (Rule 4.172)

If a law school’s accreditation is terminated, 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 the Rules for Unaccredited Law Schools and Guidelines for Unaccredited Law Schools. Unaccredited law schools are not subject to the MPR requirement.

## **FISCAL/PERSONNEL IMPACT**

None

## **AMENDMENTS TO RULES OF THE STATE BAR**

None

## **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

### **STRATEGIC PLAN GOALS & OBJECTIVES**

Goal: None - core business operations

### **RECOMMENDATION**

Staff recommends that the 2020 MPR values listed in Attachment A be accepted and published on the State Bar's website, that schools be directed to add these updated figures to their disclosure documents, and that the twelve schools reporting MPR values above forty percent have those values accepted as in compliance.

Staff further recommends that the Committee issue Notices of Noncompliance to John F. Kennedy University School of Law, Lincoln Law School of San Jose, and San Francisco Law School based on the finding that each school reported a 2020 MPR value below 40 percent.

### **PROPOSED MOTION**

**MOVE**, that the 2020 Minimum, Cumulative Five-Year Bar Passage reports provided by each California Accredited Law School be received and filed, and that these values be posted on the State Bar's website and incorporated in each law school's disclosure documents.

**FURTHER RESOLVED**, that the Committee make a finding the following schools reported MPR values below the required minimum of forty percent and should each be issued a Notice of Noncompliance: John F. Kennedy University School of Law reporting 39.7 percent, Lincoln Law School of San Jose reporting 30.9 percent and San Francisco Law School reporting 36.0 percent.

**FURTHER RESOLVED**, that the MPR values of all other currently accredited law schools reported in 2020 and listed on Attachment A be accepted as in compliance.

### **ATTACHMENT(S) LIST**

- A. 2020 Minimum, Cumulative Bar Examination Pass Rates (MPR) for California Accredited Law Schools



## 2020 Cumulative Minimum Bar Examination Pass Rates (MPR) for California Accredited Law Schools

Five Year Reporting Period: August 1, 2014 – July 31, 2019

California Accredited Law Schools (CALs) must “ maintain a minimum, [five-year] cumulative bar examination pass rate” of 40 percent or more, as calculated under Rule 4.160(N) and Guideline 12.1 of the [Guidelines for Accredited Law School Rules](#).

Schools report their MPR on July 1 and the State Bar posts these figures in August.

The numerator of the MPR is the total number of 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	2020 MPR
Cal Northern School of Law	72.9%	73.9%	71.1%
Empire College School of Law	55.4%	46.9%	46.1%
Glendale University College of Law	66.7%	62.2%	64.3%
Humphreys College Laurence Drivon School of Law	45.6%	41.9%	46.0%
*John F. Kennedy University School of Law	48.8%	44.4%	39.7%
Lincoln Law School of Sacramento	66.7%	60.8%	60.1%
*Lincoln Law School of San Jose	56.1%	44.1%	30.9%
Monterey College of Law	47.9%	54.3%	53.7%
^Pacific Coast University School of Law	26.4%	26.6%	28.0%
*San Francisco Law School	46.2%	41.7%	36.0%
San Joaquin College of Law	77.4%	72.4%	68.8%
Santa Barbara and Ventura Colleges of Law	58.9%	57.7%	58.0%
^Southern California Institute of Law	26.4%	21.1%	NA
Thomas Jefferson School of Law	70.5%	67.4%	62%
Trinity Law School	44.6%	44.7%	44.1%
University of La Verne College of Law	N/A	69%	66.0%
University of West Los Angeles	54.1%	50.0%	41.8%

\*These schools have been issued Notices of Noncompliance and may be further sanctioned.

^These schools are no longer accredited law schools.

\*\* Schools that are approved by the American Bar Association’s Section of Legal Education and Admissions to the Bar must maintain a 75 percent two-year cumulative pass rate. [Standard 316](#).