

# AGENDA ITEM

**A&EII.D. November 2014**

**DATE:** October 20, 2014

**TO:** Members, Admissions and Education Committee

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

**SUBJECT:** Proposed Amendment to Accredited Law School Rules re  
Branch Campuses – Request for Public Comment

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## EXECUTIVE SUMMARY

The Committee of Bar Examiners (Committee) has approved in principle, subject to a public comment period and approval by the Board of Trustees, proposed amendments to the *Accredited Law School Rules* 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. Before final consideration by the Committee and the Board of Trustees, however, the Committee is seeking the Board Committee's approval to release the proposals for a 45-day public comment period. After consideration of any comments received, it is anticipated that a final version of the proposed amendments to the *Accredited Law School Rules* will be forwarded to the Board of Trustees for approval.

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## BACKGROUND

The *Accredited Law School 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:

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- (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 of Bar Examiners (Committee) as required by Rule 4.1264.

Currently, however, neither the *Accredited Law School 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 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. Earlier this year, San Francisco Law School received approval to open a provisionally-approved branch campus in San Diego, which is now open and offers students at that campus a four-year Juris Doctor curriculum. As such, this branch campus constitutes, in essence, an entirely new law school. Two other CALS operate with two separate campuses: The Santa Barbara and Ventura Colleges of Law and the 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, bar examination pass rate statistics, etc.

At its meeting on January 25, 2014, the Committee directed staff to draft additions to the Guidelines “... that make 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 *Accredited Law School 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 RAC’s and CALS’ input, proposed amendments to the *Accredited Law School Rules* and proposed additions to the Guidelines were approved in principle by the Committee during its meeting on June 28, 2014, subject to a public comment period and approval by the Board of Trustees.

## ISSUE

Whether to authorize a 45-day public comment period for proposed amendments to Rules 4.160(H) and 4.165(B) of the *Accredited Law School Rules*.

## CONCLUSION

Proposed amendments to Rules 4.160(H) and 4.165(B) of the *Accredited Law School Rules* should be released for a 45-day public comment period.

## DISCUSSION

To achieve the goals of defining the operational differences between a branch and satellite campus, and to establish an appropriate process by which a CALS must seek the prior approval from the Committee to open and operate either, amendments to the *Accredited Law School Rules* and Guidelines were drafted. In addition, to 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) also were drafted. 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-approved campus for no less than its first two years of its operation. Thereafter, upon an application, it may be granted accredited 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.

As further proposed, 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-approved unless or until the CALS is given approval to open it as a satellite.

The new Guidelines 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 proposed 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 approval for at least the next two years. Thereafter, if a CALS wishes to have the branch campus deemed approved, it will need to submit an application and permit an inspection to confirm its then, independent compliance.

The proposed amendments to the *Accredited Law School Rules* will ultimately require approval by the Board of Trustees (Board). Once approved, the Guidelines, which interpret the *Accredited Law School Rules*, would be considered for final approval by the Committee. Before consideration of a final proposal, however, circulating the proposed amendments to the *Accredited Law School Rules* for public comment would be appropriate, and the Committee seeks the Board Committee's approval to do so. If the Board Committee agrees to do so, the proposed Guidelines would be circulated at the same time.

The proposed amendments to the *Accredited Law School Rules* and the Guidelines are attached to this agenda item.

#### **FISCAL / PERSONNEL IMPACT**

None.

#### **RULE AMENDMENTS**

If ultimately adopted, the *Accredited Law School Rules* would be amended.

#### **BOARD BOOK IMPACT**

None.

#### **RECOMMENDATION**

It is recommended that the Board Committee agree that the proposed amendments to Rules 4.160 (H) and 4.165(B) be circulated for a 45-day public comment.

#### **PROPOSED BOARD COMMITTEE RESOLUTION:**

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

**RESOLVED**, that the Admissions and Education Committee recommends that proposed amendments to Rules 4.160(H) and 4.165(B) of the *Accredited Law School Rules* as attached hereto be released for public comment for a period of 45 days; and it is

**FURTHER RESOLVED**, that this authorization for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposal.