

# AGENDA ITEM

**701 OCTOBER 2015**

**DATE:** September 25, 2015

**TO:** Members, Board of Trustees

**FROM:** Gayle Murphy, Senior Director, Admissions

**SUBJECT:** Proposed Amendments to *Unaccredited Law School Rules* Requiring Additional Disclosures by Unaccredited Law Schools – Request to Circulate for Public Comment

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## EXECUTIVE SUMMARY

The Committee of Bar Examiners (Committee) recently adopted in principle, subject to a public comment period and final approval by the Board of Trustees, an amendment to the *Unaccredited Law School Rules*, which would require unaccredited law schools to provide the attrition rates of their students in the disclosure statements. The Committee seeks the Board of Trustees' approval to circulate the proposed amendment for a 45-day public comment period. Following the public comment period, the Committee will return to the Board with a final version of the proposed amendment for its consideration and approval.

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## BACKGROUND

In accordance with Business and Professions Code Section 6061, unaccredited law schools must provide disclosure statements as follows:

6061. Any law school that is not accredited by the examining committee of the State Bar shall provide every student with a disclosure statement, subsequent to the payment of any application fee but prior to the payment of any registration fee, containing all of the following information:

- (a) The school is not accredited. However, in addition, if the school has been approved by other agencies, that fact may be so stated.
- (b) Where the school has not been in operation for 10 years, the assets and liabilities of the school. However, if the school has had prior affiliation with another school that has been in operation more than 10 years, has been under the control of another school that has been in operation more than 10 years, or has been a successor to a school in operation more than 10 years, this subdivision is not applicable.

- (c) The number and percentage of students who have taken and who have passed the first-year law student's examination and the final bar examination in the previous five years, or since the establishment of the school, whichever time is less, which shall include only those students who have been certified by the school to take the examinations.
- (d) The number of legal volumes in the library. This subdivision does not apply to correspondence schools.
- (e) The educational background, qualifications, and experience of the faculty, and whether or not the faculty members and administrators (e.g., the dean) are members of the California State Bar.
- (f) The ratio of faculty to students for the previous five years or since the establishment of the school, whichever time is less.
- (g) Whether or not the school has applied for accreditation, and, if so, the date of application and whether or not that application has been withdrawn, is currently pending, or has been finally denied. The school need only disclose information relating to applications made in the previous five years.
- (h) That the education provided by the school may not satisfy the requirements of other states for the practice of law. Applicants should inquire regarding those requirements, if any, to the state in which they may wish to practice.

The disclosure statement required by this section shall be signed by each student, who shall receive as a receipt a copy of his or her signed disclosure statement. If any school does not comply with these requirements, it shall make a full refund of all fees paid by students.

Subject to approval by the board, the examining committee may adopt reasonable rules and regulations as are necessary for the purpose of ensuring compliance with this section.

In addition, the *Unaccredited Law School Rules* states:

Rule 4.241 Disclosure statement

- (A) A registered law school must provide each student, in the format required by the Committee, a disclosure statement that includes all the following information.
  - (1) It is not accredited by the Committee.
  - (2) Whether it has applied for accreditation in the previous five years, and if so, the date of the application and whether the application is pending or has been withdrawn or denied.

- (3) A statement of assets and liabilities. This requirement applies only if it has been in operation for fewer than ten years. The requirement does not apply if the law school is affiliated with or under the control of another school that has been in operation ten years or more.
- (4) In the format required by the Committee, the pass rates of students who have taken the California First-Year Law Students' Examination and the California Bar Examination. This information must be provided for the past five years or since the establishment of the law school, whichever time is shorter.
- (5) The number of legal volumes in the library. This requirement does not apply to correspondence or distance-learning law schools.
- (6) The educational background, qualifications, and experience of the faculty and the names of any faculty or administrators who are members of the State Bar of California or who are admitted in another jurisdiction.
- (7) The ratio of faculty to students for the previous five years or since the establishment of the law school, whichever time is shorter.
- (8) A statement that the education it provides may not satisfy the requirements of other jurisdictions for the practice of law and that applicants should contact the jurisdiction in which they may wish to practice for that jurisdiction's requirements.
- (9) Whether it has been issued a Notice of Noncompliance by the Committee.

## **DISCUSSION**

In the interest of providing further information that may be of interest to potential students considering enrolling in unaccredited law schools, the Committee of Bar Examiners (Committee) believes it would be appropriate to expand the information provided to the students in the required disclosure statements. During its August 2015 meeting, the Committee adopted in principle, subject to a public comment period and final approval by the Board of Trustees, the following amendment to the *Unaccredited Law School Rules*, which would require unaccredited law schools to provide the attrition rates of their students in the disclosure statements:

- (10) In the format required by the Committee, the attrition rates of students who are enrolled in the school and do not matriculate into subsequent years of law study. This information must be provided for the past five years or since the establishment of the law school, whichever time is shorter.

## **FISCAL/PERSONNEL IMPACT**

None

## **RULE AMENDMENTS**

Rule 4.241(A) of the *Unaccredited Law School Rules*.

## **BOARD BOOK IMPACT**

None

## **RECOMMENDATION**

It is recommended that the Board of Trustees authorize staff to publish the proposed amendment of Rule 4.241(A) of the *Unaccredited Law School Rules* to require unaccredited law schools to provide attrition rates in their disclosure statements, for a 45-day public comment period; and that following a period of public comment, any comments received and a final version of the proposed amendment be considered by the Committee. If the Committee adopts the proposed amendment, it would be presented to the Board of Trustees for approval.

## **PROPOSED BOARD RESOLUTION**

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

**RESOLVED**, that the Board authorizes staff to make available for 45 days of public comment the proposed amendment of Rule 4.241(A) of the *Unaccredited Law School Rules*, which would require unaccredited law schools to provide attrition rates in their disclosure statements; 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.