

AGENDA ITEM

134 NOVEMBER 2017

DATE: October 24, 2017

TO: Members, Board Committee on Programs
Members, Board of Trustees

FROM: Erika Hiramatsu, Chair, Committee of Bar Examiners
Gayle Murphy, Director III, Admissions

SUBJECT: Proposed Amendments to the Law School Regulation Statutes and Rules
Re Mandatory Accreditation of Law Schools – Return from Public Comment

EXECUTIVE SUMMARY

During its April 2017 meeting, the Committee of Bar Examiners (CBE) approved in principle amendments to: 1) the California Rules of Court – Chapter 3. Legal Education, Rule 9.30 Law School Study in Schools Accredited or Registered by the Committee of Bar Examiners; 2) Business & Professions Code, Section 6046.7, Section 6060, and Section 6060.7; 3) *Accredited Law School Rules*; and 4) *Guidelines for Accredited Law School Rules*, subject to a public comment period and final approval by the Board of Trustees and the Supreme Court. Among several other changes, the proposed amendments would mandate that all unaccredited law schools become accredited over a set period of time and permit the accreditation of online law schools. If the proposed amendments to the Business & Professions Code are ultimately approved in concept, they would be included in the State Bar's legislative program.

The CBE requested authorization from the Board of Trustees to circulate the proposed amendments to the California law school statutes and rules regarding the regulation of law schools by the Committee for a 45-day public comment period; the Board authorized a public comment period, which ended on September 15, 2017, and no public comments were received.

During its October 2017 meeting, the CBE approved the various rules in concept, and requests that the Board of Trustees also approve them for submission to the California Supreme Court for its review, approval and adoption of the proposed amendments to the Rules of Court. If approved by the Court, the proposed amendments would then be included in the State Bar's legislative program.

BACKGROUND

Since March 2013, the CBE has spent many hours during the course of several meetings and two public forums, discussing the future of California's registered, unaccredited law schools. Essentially, the Committee intention was to seek all necessary legal authority from the State Bar's Board of Trustees, the California Supreme Court, and the California Legislature to

eventually phase out unaccredited law schools while, at the same time, permitting it to accredit unaccredited law schools that use online, distance-learning technology to offer their programs of legal education.

To achieve these goals, the CBE appointed two separate “Working Groups”: Working Group I and Working Group II, both of which were comprised of Committee members and a Dean from the categories of law schools that would be affected by the proposed regulatory changes, which include California-accredited law schools (CALS) and the unaccredited law schools: fixed-facility, distance-learning, and correspondence. To receive additional stakeholder input, the Committee also conducted two public forums to receive public comment from various interested parties. The first forum was held in August of 2013; the second took place in April of 2016.

In January 2015, following the initial public forum and with the input provided by the members of Working Group I, the CBE adopted, in principle, various amendments as follows:

- Proposed amendments to Sections 6046.7, 6060, and 6060.7 of the *California Business and Professions Code*, to clarify that the Committee’s regulatory authority covers only those law schools that offer a legal education leading to the award of a Juris Doctor (J.D.) degree that will qualify their graduates to take the California Bar Examination; that all other law-related programs (offered either by law schools or a “nonlaw” school), including advanced law degrees, such as the LL.M., and any other degree in law not based upon the J.D. curriculum, would be under the oversight of other state agencies’ degree granting entity.
- Proposed additional statutory amendments that would require registered, unaccredited law schools to meet the standards for accreditation within ten years, which would result in a period of registration with the Committee as an unaccredited law school for no more than ten years after being enacted.
- Proposed amendments to Rule 9.30 of the California Rules of Court that would align that Rule with all statutory requirements relative to qualifying legal education, along with the various, alternative means to acquire the legal education to qualify for the admission to practice law in California, including new restrictions with regard to how long an unaccredited law school may continue to operate as an unaccredited law school.
- Proposed amendments to the *Accredited Law School Rules and Guidelines for Accredited Law School Rules* that would set academic standards to allow for the accreditation of distance-learning and correspondence law schools using online technology to offer their programs of legal education.

During its meeting in March of 2015, the State Bar’s Board of Trustees approved the CBE’s then-proposed amendments referenced above. Thereafter, staff in the Office of Admissions and the Office of General Counsel worked to prepare a written submission to the Supreme Court. During that effort, however, it was decided that additional work by the Committee was needed to provide the Supreme Court with more details regarding the proposed amendments.

Additional questions arose related to such things as the timing of when unaccredited law schools would be required to seek and obtain accreditation or otherwise lose their registration, and in the substantive provisions of the *Guidelines for Accredited Law School Rules* to clarify how and when online legal education leading to the award of a Juris Doctor (J.D.) Degree would

be found to qualify for CBE accreditation under the standards that now apply only to a J.D. curriculum offered in a classroom setting.

Also discussed was shortening the amount of time for a school to achieve provisional accreditation, perhaps as few as three years from when the proposed statutory amendments are adopted by the Legislature, that the time period for all unaccredited law schools granted provisional accreditation to then achieve full accreditation be reduced from five to three years, and that the timeframe for all new law schools seeking provisional accreditation be reduced from ten years to five, leading to the eventual elimination of the *Unaccredited Law School Rules* and the *Guidelines for Unaccredited Law School Rules*.

Subsequently, the CBE also considered whether appropriate sections of the Business & Professions Code should be amended to eliminate the “three-administrations” rule, which currently provides students at unaccredited law schools up to three opportunities to pass the First-Year Law Students’ Examination (FYLSE) before they must be dismissed, to return to the historical requirement that students must pass the FYLSE in order to be advanced to their second year of law study.

There were also several more discussions regarding whether it is possible to establish an equality in the educational substance of an accredited J.D. curriculum taught in either a fixed-facility classroom or through either synchronous or asynchronous online, distance-learning technology, and what additional amendments to the *Accredited Law School Rules* and *Guidelines for Accredited Law School Rules* were found to be necessary to carry out that intention. Also needed for consideration were more transitional rules.

To receive additional substantive input, the Committee directed that a second public forum be held on April 29, 2016. Following that forum, a second Working Group was established, again comprised of law school Deans from each type of law school that would be impacted by the changes, along with members of the Committee, to help draft all of the necessary, proposed changes to all of the legal authorities believed needed to achieve the Committee’s goal of revising its oversight and regulation of law schools. The second Working Group then held several more meetings during which significant progress was achieved in developing all of the substantive changes thought needed to achieve the Committee’s goals.

DISCUSSION

Based upon the collective effort and work product of both Working Group I and Working Group II, and after many discussions by the CBE, the proposed amendments contained in the following attachments were approved in principle by the Committee during its April 2017 meeting:

- Attachment A - Proposed amendments to California Rules of Court – Chapter 3. Legal Education, Rule 9.30. Law School Study in Schools Accredited or Registered by the Committee of Bar Examiners;
- Attachment B - Proposed amendments to California *Business & Professions Code*, Section 6046.7, Section 6060, and Section 6060.7;
- Attachment C - Proposed amendments to the *Accredited Law School Rules*; and
- Attachment D - Proposed amendments to the *Guidelines for Accredited Law School Rules*.

The key amendments found in each attachment include the following:

California Rules of Court, Rule 9.30: If all proposed amendments are adopted, the California Supreme Court would expressly recognize that persons attending only accredited or provisionally-accredited law schools (including either those approved by the American Bar Association or accredited by the CBE) will be eligible to be admitted to the practice of law in California (9.30(a)) (there is no intention to do away with the law office study program or those who qualify for admission through a combination of four years of law study); and that unaccredited law schools are no longer recognized as a means to qualify for admission to the practice of law in California.

Business and Professions Code Section 6046.7: If all proposed amendments are enacted, the CBE's authority to regulate and oversee law schools would be limited to only those accredited by the Committee (its authority would not extend over any law school approved by the American Bar Association, which is consistent with current rules), and it would no longer have any authority to regulate or oversee any unaccredited law school.

Business and Professions Code Section 6060: If all proposed amendments are adopted: 1) only law students who earn J.D. degrees at CALS or ABA-approved law schools would be eligible for admission to practice law in California, except those in the Law Office Study Program or through a combination of four years of law study; 2) law students with law degrees earned outside the United States would have to establish that their degrees are equivalent to a J.D. earned at a CALS or an ABA-approved law school and that they have completed a year of study at any such law school; and 3) law students required to take the FLSX would be required to pass the examination within the first administration of the examination after their first year of study before being advanced into their second year.

Business and Professions Code Section 6060.7: If the proposed amendments are adopted, the CBE would only be responsible for the approval, regulation, and oversight of accredited law schools that are not approved by the ABA.

Accredited Law School Rules: If the proposed amendments are adopted, all references to "unaccredited law schools registered" with the CBE would be removed and the rules would apply only to accredited or provisionally-accredited law schools.

Guidelines for Accredited Law School Rules: If the proposed amendments to the rules and statutes are ultimately adopted, the following changes would take effect: 1) all currently registered, unaccredited law schools would have three years, from the date the amendments are adopted, to apply for provisional accreditation; 2) law schools granted provisional accreditation (under Rule 4.120) would then have two additional years (possibly more if permitted by the Committee) to apply and be granted full accreditation; 3) law schools either not granted provisional accreditation or, if granted provisional accreditation that then do not receive full accreditation would have to teach out all then-enrolled students within five years; 4) an accredited J.D. curriculum, offered either at fixed-facility classrooms or through distance-learning technology, would require the satisfactory completion of 1,200 hours of "verified academic engagement" with a law school's faculty and its curriculum; 5) academic engagement would include student attendance in a classroom, student participation in either a synchronous or asynchronous curriculum offered through distance-learning technology, or some combination of the two; and 6) all required library materials, texts, and legal authorities could be offered by an accredited law school through online access only. In accordance with the *Accredited Law*

School Rules, the proposed amendments to the Guidelines do not require approval by the Supreme Court or the Board of Trustees.

FISCAL/PERSONNEL IMPACT

To be determined. Initially the workload of the Educational Standards department in the State Bar's Office of Admissions would increase as the unaccredited law schools applied for accreditation. Eventually, however, the workload would, most likely, decrease if schools are unable to meet the requirements for accreditation.

RULE AMENDMENTS

California Rules of Court – Chapter 3. Legal Education, Rule 9.30
Business & Professions Code, Section 6046.7; Section 6060 and Section 6060.7
Title 4, Admissions and Educational Standards, Division 2. Accredited Law School Rules

BOARD BOOK IMPACT

None

BOARD GOALS & OBJECTIVES

N/A

BOARD COMMITTEE RECOMMENDATIONS

It is recommended that the Board approve the following resolution:

RESOLVED, that following a period of public comment during which no comments were received, the proposed amendments to the California Rules of Court, Rule 9.30; to the California Business & Professions Code, Sec. 6046.7, Sec. 6060, and Section 6060.7; and to the *Accredited Law School Rules*, in the form attached, be approved in principle;

RESOLVED, that a request be submitted to the California Supreme Court seeking its review and approval in principle of the proposed amendments to Business & Professions Code, Section 6046.7, Section 6060, and Section 6060.7, and that such request be accompanied by the proposed amendments to Title 4, Admissions and Educational Standards, Division 2. Accredited Law School Rules, which would become effective if the proposed amendments are ultimately enacted;

RESOLVED, that a request be submitted to the California Supreme Court seeking its review and adoption of the proposed amendments to Rule 9.30 of the Rules of Court, and that such request be accompanied by the proposed amendments to Title 4, Admissions and Educational Standards, Division 2. Accredited Law School Rules, which would become effective if the proposed amendments to the statutes and Court rule are enacted and adopted;

FURTHER RESOLVED, that if the proposed amendments to the California Business & Professions Code are approved by the Court and the proposed amendments to the Rules of Court are adopted by the Court, the proposed statutory amendments be included in the State Bar's legislative program.

ATTACHMENT(S) LIST

- A: Proposed Amendments to California Rules of Court – Chapter 3. Legal Education, Rule 9.30
- B: Proposed Amendments to Business & Professions Code, Section 6046.7, Section 6060, and Section 6060.7
- C: Proposed Amendments to Title 4, Admissions and Educational Standards, Division 2. Accredited Law School Rules
- D: Proposed Amendments to the *Guidelines for Accredited Law School Rules*

ATTACHMENT A
**Proposed Amendments to
California Rules of Court – Chapter 3. Legal Education**

Rule 9.30. Law school study in schools ~~other than those~~ accredited by the ~~examining committee~~ Committee of Bar Examiners

(a) Receipt of credit

A person who seeks to be certified to the Supreme Court for admission in and licensed to practice law under section 6060(e)~~(2)~~ of the Business and Professions Code may receive credit for:

- (1) Study in a law school in the United States ~~other than one~~ provisionally or fully accredited by the ~~examining committee established by the Board of Governors of The State Bar under Business and Professions code section 6046~~ Committee of Bar Examiners only if the law school satisfies the requirements of (b) ~~or (c)~~ of this rule; or
- (2) Study, in the Law Office/Judges Chambers program only if such study is completed in conformance with the requirements specified under Business and Professions Code sections 6060(e)(2)(B) or 6060(e)(2)(C) and under rules adopted by the Committee of Bar Examiners and approved by the Board of Trustees of The State Bar of California; or
- ~~(2) Instruction in law from a correspondence school only if the correspondence school requires 864 hours of preparation and study per year for four years and satisfies the requirements of (d) of this rule; or~~
- (3) Study in a law school outside the United States ~~other than one accredited by the examining committee established by the Board of Governors of the State Bar under Business and Professions Code section 6046~~ only if the ~~examining committee~~ the Committee of Bar Examiners is satisfied that the academic program of such law school is substantially equivalent to that of a law school qualified under (b) of this rule.

(Subd (a) amended effective _____ ~~January 1, 2007~~; previously amended effective ~~January 1, 2007~~ and April 2, 1984.)

(b) Requirements for

~~A law school in this state that is not accredited by the examining committee must:~~

Law Schools Accredited by the Committee of Bar Examiners:

(1) A law school that is provisionally or fully approved by the American Bar Association (ABA) is deemed accredited by the Committee of Bar Examiners;

(2) A law school that is accredited by the Committee of Bar Examiners but not approved by the American Bar Association must comply with the rules adopted by the Committee of Bar Examiner and approved by the Board of Trustees of The State Bar of California

~~(1)unaccredited law schools in state~~

~~(1) Be authorized to confer professional degrees by the laws of this state;~~

~~(2) Maintain a regular course of instruction in law, with a specified curriculum and regularly scheduled class sessions;~~

~~(3) Require classroom attendance of its students for a minimum of 270 hours a year for at least four years, and further require regular attendance of each student at not less than 80 percent of the regularly scheduled class hours in each course in which such student was enrolled and maintain attendance records adequate to determine each student's compliance with these requirements;~~

~~(4) Maintain, in a fixed location, physical facilities capable of accommodating the classes scheduled for that location;~~

~~(5) Have an adequate faculty of instructors in law. The faculty will prima facie be deemed adequate if at least 80 percent of the instruction in each academic period is by persons who possess one or more of the following qualifications:~~

~~(A) Admission to the general practice of the law in any jurisdiction in the United States;~~

~~(B) Judge of a United States court or a court of record in any jurisdiction in the United States; or~~

~~(C) Graduation from a law school accredited by the examining committee.~~

~~(6) Own and maintain a library consisting of not less than the following sets of books, all of which must be current and complete:~~

~~(A) The published reports of the decisions of California courts, with advance sheets and citator;~~

~~(B) A digest or encyclopedia of California law;~~

~~(C) An annotated set of the California codes; and~~

~~(D) A current, standard text or treatise for each course or subject in the curriculum of the school for which such a text or treatise is available.~~

~~(7) Establish and maintain standards for academic achievement, advancement in good standing and graduation, and provide for periodic testing of all students to determine the quality of their performance in relation to such standards; and~~

~~(8) Register with the examining committee, and maintain such records (available for inspection by the examining committee) and file with the examining committee such reports, notices, and certifications as may be required by the rules of the examining committee.~~

~~(Subd (b) amended effective January 1, 2007; previously amended effective April 2, 1984.)~~

~~(c)~~ Requirements for unaccredited law schools outside the state

~~A law school in the United States that is outside the state of California and is not accredited by the examining committee must:~~

~~(1) Be authorized to confer professional degrees by the law of the state in which it is located;~~

~~(2) Comply with (b)(2), (3), (4), (5), (7), and (8) of this rule; and~~

~~(3) Own and maintain a library that is comparable in content to that specified in (b)(6) of this rule.~~

~~(Subd (c) amended effective January 1, 2007; previously amended effective April 2, 1984.)~~

~~(d)~~ (c) Registration and Reports

~~A correspondence Accredited law school must register with the examining committee and file such reports, notices, and certifications as may be required by the rules of the Committee of Bar Examiners. examining committee concerning any person whose mailing address is in the state of California or whose application to, contract with, or correspondence with or from the law school indicates that the instruction by correspondence is for the purpose or with the intent of qualifying that person for admission to practice law in California.~~

~~(Subd. (d) amended _____; previously amended effective January 1, 2007.)~~

~~(e)~~ (d) Inspections

The Committee of Bar Examiners examining committee may make such inspection of law schools ~~not accredited by the committee or correspondence schools~~ as may

be necessary or proper to give effect to the provisions of Business and Professions Code section 6060, this rule, and the rules of the [Committee of Bar Examiners examining committee](#).

(Subd (e) amended effective _____; [previously amended January 1, 2007.](#))

(f) Application

~~This rule does not apply to any person who, on the effective date of the rule, had commenced the study of law in a manner authorized by Business and Professions Code section 6060(e) and registered as a law student before January 1, 1976 (as provided in Business and Professions Code section 6060(d) and otherwise satisfies the requirements of Business and Professions Code section 6060(e), provided that after January 1, 1976, credit will be given such person for any study in an unaccredited law school or by correspondence only if the school complies with the requirements of (b)(8) or (d) of this rule, whichever is applicable, and permits inspection under (e) of this rule.~~

~~(Subd (f) amended effective January 1, 2007.)~~

ATTACHMENT B

**Proposed Amendments to
California Business and Professions Code
Article 3 Committees of the State Bar and
Article 4 Admission to the Practice of Law**

**Section 6046.7 Adoption of Rules for the Regulation and Oversight of
~~Unaccredited~~ Law Schools ~~Regulated by the Examining Committee~~ – Collection
of Fees to Fund Regulatory Responsibilities**

(a) ~~(1)~~ Notwithstanding any other provision of law, the ~~Committee of Bar Examiners~~
~~examining committee~~ ~~shall~~ ~~will~~ adopt rules ~~that shall be effective on and after January 1,~~
~~2008,~~ for the regulation and oversight of ~~unaccredited~~ law schools that are ~~accredited~~
~~by the examining committee and~~ required to be authorized to operate as a business in
California, ~~including correspondence schools,~~ that are not ~~accredited~~ ~~approved~~ by the
American Bar Association, ~~with the goal of ensuring consumer protection and a legal~~
~~education at an affordable price.~~

~~(2) Notwithstanding any other provision of law, the committee shall adopt rules that~~
~~shall be effective on or after January 1, 2008, for the regulation and oversight of nonlaw~~
~~school legal programs leading to a juris doctor (J.D.) degree, bachelor of laws (LL.B.)~~
~~degree, or other law study degree~~

(b) ~~Commencing January 1, 2008,~~ ~~t~~ The ~~examining~~ committee ~~shall~~ ~~will~~ assess and
collect a fee from ~~unaccredited~~ ~~accredited~~ law schools ~~and legal programs in nonlaw~~
~~schools~~ in an amount sufficient to fund the regulatory and oversight responsibilities
imposed by this section. Nothing in this subdivision precludes the board of
~~governor~~ ~~trustees~~ from using other funds or fees collected by the State Bar or by the
committee to supplement the funding of the regulatory and oversight responsibilities
imposed by this section with other funds, ~~if that supplemental funding is deemed~~
~~necessary and appropriate to mitigate some of the additional costs of regulation and~~
~~oversight to facilitate the provision of a legal education at an affordable cost.~~

* * *

Section 6060 Qualifications, Examination and Fee

* * *

(e) Have done any of the following:

(1) Have conferred upon him or her a juris doctor (J.D.) degree ~~or a bachelor of laws~~
~~(LL.B.) degree~~ by a law school accredited by the ~~examination~~ ~~examining~~ committee or
approved by the American Bar Association.

(2) Studied law diligently and in good faith for at least four years in any of the following
manners:

(A) In ~~any law school regulated by the examining committee.~~ ~~a law school that is~~
~~authorized or approved to confer professional degrees and requires classroom~~
~~attendance of its students for a minimum of 270 hours a year.~~

~~A person who has receive his or her legal education in a foreign country wherein the common law of England does not constitute the basis of jurisprudence shall demonstrate to the satisfaction of the examining committee that his or her education, experience, and qualifications qualify him or her to take the examination.~~

(B)* * *

(C)* * *

(D) ~~By instruction in law from a correspondence law school authorized or approved to confer degrees by the state, which requires 864 hours of preparation and study for four years.~~ Received his or her first degree in law from a law school outside the United States that is equivalent to a J.D. degree awarded by an American Bar Association (ABA) approved or California accredited law school in the United States and completion of a year of law study at an ABA approved law school or a law school accredited by the examining committee, which may require completion of classes in certain subjects as determined by the committee.

(E) By any combination of the methods referred to in this paragraph (2) of this subdivision.

* * *

(h) (1) Have passed a law students' examination administered by the examining committee after completion of his or her first year of law study. Those who pass the examination ~~within its first three administrations upon becoming eligible to take the examination shall receive credit for all law studies completed to the time the examination is passed. Those who do not pass the examination within its first three administrations upon becoming eligible to take the examination, but who subsequently pass the examination,~~ shall receive credit for one year of legal study only.

(2) This requirement does not apply to a student who has satisfactorily completed his or her first year of law study at a law school accredited by the examining committee and who has completed at least two years of college work prior to matriculating in the accredited law school, nor shall this requirement apply to an applicant who has passed the bar examination of a sister state or of a country in which the common law of England constitutes the basis of jurisprudence. The law students' examination shall be administered twice a year at reasonable intervals.

* * *

Section 6060.7 Approval, Regulation and Oversight of Degree-Granting Law Schools by Examining Committee

~~(a) From January 1, 2007, to December 31, 2007, law school and law study degree programs shall be subject to the following:~~

~~(1) The examining committee shall be responsible for the approval, regulation, and oversight of degree-granting law schools that (A) exclusively offer bachelor's, master's, or doctorate degrees in law, such as juris doctor, and (B) do not meet the criteria set forth in Section 94750 of the Education Code. This paragraph does not apply to unaccredited law schools, which remain~~

~~subject to the jurisdiction of the Bureau of Private Postsecondary Education or its successor agency.~~

~~(2) If a law school that does not meet the criteria set forth in Section 94750 of the Education Code offers educational services other than bachelor's, master's, or doctorate degree programs in shall be subject to the approval, regulation, and oversight of the examining committee.~~

~~(b) On and after January 1, 2008, law schools and law study degree programs shall be subject to the following:~~

The examining committee ~~will~~^{shall} be responsible for the approval, regulation, and oversight of degree-granting law schools that ~~award the Juris Doctor (J.D.) professional degree in law in California that are not approved by the American Bar Association. (A) exclusively offer bachelor's, master's or doctorate degrees in law, such as the juris doctor, and (B) do not meet the criteria set forth in section 94750 of the Education Code..~~ For purposes of this subsection, an accredited law school may not award a J.D. degree unless a student has completed the necessary legal education set forth in Section 6060 of this Article that would qualify the student to take the California Bar Examination. A J.D. degree dos not include and will not be denominated as any other degree or program of law study.

~~(1) — If a law school that does not meet the criteria set forth in Section 94750 of the Education Code offers educational services other than bachelor's, master's, or doctorate degree programs in law, only the law school's degree program in law shall be subject to the approval, regulation, and oversight of the examining committee.~~

~~(2) — If a nonlaw school that does not meet the criteria set forth in Section 94750 of the Education Code offers educational programs leading to a juris doctor (J.D.) degree, bachelor of laws (L.L.B.) degree, or other law study degree, those programs shall be subject to the regulation and oversight of the examining committee. The provisions of this paragraph do not apply to paralegal programs.~~

ATTACHMENT C

Proposed Amendments to Division 2. Accredited Law School Rules Chapter 1. General Provisions

4/7/2016 DRAFT

Rule 4.100 Authority

The Committee of Bar Examiners (“the Committee”) is authorized by law to accredit law schools in California (“accredited law schools”) and oversee and regulate those law schools. The Committee is the degree-granting authority for law schools subject to these rules.

Rule 4.100 adopted effective January 1, 2009.

Rule 4.101 What these rules are

- (A) The Accredited Law School Rules (“these rules”) apply to law schools seeking provisional accreditation by the Committee, provisionally accredited law schools, and law schools accredited by the Committee, excluding those law schools fully and provisionally approved by the American Bar Association.
- (B) The rules have been approved by the Committee and adopted by the Board of Governors as part of the Rules of the State Bar of California and may be amended in accordance with those rules.
- (C) These rules do not apply to ~~unaccredited law schools registered by the Committee,~~ paralegal programs, undergraduate legal degree programs, or other legal studies programs that do not lead to a professional degree in law. The appropriate entity must approve such programs, even if they are offered by an accredited; ~~approved, or registered~~ law school or an institution of which it is a part.

Rule 4.101 adopted effective January 1, 2009.

Rule 4.102 Law schools approved by the American Bar Association

A law school provisionally or fully approved by the American Bar Association is deemed accredited by the Committee and exempt from these rules, unless the American Bar Association withdraws its approval.

Rule 4.102 adopted effective January 1, 2009.

Rule 4.103 Interpreting and applying the rules

The Guidelines for Accredited Law School Rules, as adopted by the Committee of Bar Examiners, govern the interpretation and application of these rules. The Committee has the authority to amend the guidelines, subject to a reasonable comment period and after consideration of any comments received.

Rule 4.103 adopted effective January 1, 2009.

Rule 4.104 Citation

These rules may be cited as Accredited Law School Rules.

Rule 4.104 adopted effective January 1, 2009.

Rule 4.105 Definitions

- (A) “Admissions Rules” are the rules contained in *Division 1. Admission to Practice Law in California*.
- (B) An “American Bar Association Approved Law School” is a law school fully or provisionally approved by the American Bar Association and deemed accredited by the Committee.
- (C) A “California accredited law school” is a law school that has been provisionally or fully accredited by the Committee.
- (D) “Provisional accreditation” is the status of a provisionally accredited law school. The Committee grants provisional accreditation for a specific period.
- (E) A “provisionally accredited law school” is a ~~unaccredited fixed-facility~~ law school that is pursuing accreditation and has been recognized by the Committee as being in substantial compliance with applicable law and these rules.
- (F) “The Committee” is the Committee of Bar Examiners of the State Bar of California.
- (G) The “First-Year Law Students’ Examination” is the examination required by statute and by *Division 1. Admission to Practice Law in California Admission to Practice Law in California* rules.
- (H) The “guidelines” are the Guidelines for Accredited Law School Rules adopted by the Committee of Bar Examiners.
- (I) “Inspection” means an on-site visit to a law school by an individual or a team appointed by the Committee in accordance with these rules.

(J) A “major change” is one of the changes specified in rule 4.165, Major changes.

(K) A “professional law degree” is the LL.B. (Bachelor of Laws), ~~M.L.S. (Master of Legal Studies)~~, or the J.D. (Juris Doctor), ~~—~~. An LL.M. (Master of Laws), ~~M.L.S. (Master of Legal Studies)~~ or other post-graduate degree ~~authorized by the Committee~~ do not qualify a recipient to take the California Bar Examination but, with the acquiescence of the Committee, may be offered by an accredited law school. The J.D. degree may be granted only upon completion of a law program that qualifies a student to take the California Bar Examination.

~~(L) A “California registered unaccredited law school” is an unaccredited law school that has been registered by the Committee.~~

~~(M)~~(L) “Senior Director” means “Senior Director, Admissions” or that person’s designee.

~~(1) An “unaccredited correspondence law school” is an unaccredited law school that conducts instruction principally by correspondence. A correspondence law school must require at least 864 hours of preparation and study per year for four years.~~

~~(2) —~~

~~(3) An “unaccredited distance learning law school” is an unaccredited law school that conducts instruction and provides interactive classes principally by technological means. A distance learning law school must require at least 864 hours of preparation and study per year for four years.~~

~~(4) —~~

~~(5) An “unaccredited fixed facility law school” is an unaccredited law school that conducts its instruction principally in physical classroom facilities. An unaccredited fixed facility law school must require classroom attendance of its students for a minimum of 270 hours a year for four years.~~

Rule 4.105 adopted effective January 1, 2009.

Rule 4.106 Lists of law schools

The Committee maintains lists of law schools operating in California: those provisionally and fully accredited by the Committee, ~~those registered as unaccredited by the Committee,~~ and those approved by the American Bar Association. The lists are available on the State Bar Web site and upon request.

Rule 4.106 adopted effective January 1, 2009.

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Chapter 2. Application for Provisional Accreditation

Rule 4.120 Application based on substantial compliance

A ~~registered unaccredited fixed-facility~~ law school that meets the standards set forth in rule 4.160 may apply for provisional accreditation. If the Committee grants provisional accreditation, the provisionally accredited law school is subject to annual inspection and its students are subject to the First-Year Law Students' Examination requirement. The Committee grants provisional accreditation for a specified period, typically for two years, *although the period may be shorter or longer as may be determined by the Committee.*

Rule 4.120 adopted effective January 1, 2009.

Rule 4.121 Application procedure

A ~~registered unaccredited fixed-facility~~ law school may apply for provisional accreditation by

- (A) completing and submitting the Application for Provisional Accreditation with the fee set forth in the Schedule of Charges and Deadlines;
 - (B) submitting a self-study of its educational program and other information as required by the Committee;
 - (C) agreeing to allow the Committee to make any inspection it deems necessary; and
- (B) agreeing to promptly pay all expenses of the inspection.

Rule 4.121 adopted effective January 1, 2009.

**Proposed Amendments to
Guidelines for Accredited Law Schools**

Division 1. General Provisions

1.1 ~~1.1~~ Provisional Accreditation, Accreditation, and Degree-Granting Authority.

(A) General Provision.

To obtain provisional accreditation and receive degree-granting authority from the Committee of Bar Examiners (Committee), a ~~registered-unaccredited-fixed-facility~~ **California** law school must establish its substantial compliance with the *Accredited Law School Rules (Rules)*. To obtain **full** accreditation and ~~receive~~ **maintain its** degree-granting authority from the Committee, a ~~provisionally-accredited~~ law school must establish its compliance with the *Rules*.

(B) Transition of Registered Law Schools.

(1) Application for Provisional Accreditation, and Accreditation

A law school seeking to become provisionally or fully accredited is required to complete a self-study, an application and pay a fee. The Office of Admission will provide forms for each such application on its website.

(2) Time Deadlines to Achieve Provisional Accreditation, Accreditation and Termination of Registration and Degree-Granting Authority of Registered Law Schools.

Within three years after the Rules and all associated legal authorities providing for the provisional accreditation and accreditation of all registered law schools become effective, all such law schools must submit an application and self-study seeking provisional or full accreditation. Any law school that fails to submit a timely application will have three years thereafter to teach out all then enrolled students, and its registration and degree-granting authority will be terminated by the Committee as of a specific date. Any law school that seeks but is not granted provisional accreditation will have three years from the date of its denial of provisional accreditation to teach out all then-enrolled students, and its registration and degree-granting authority will be terminated by the Committee as of a date specific. Any law school granted provisional accreditation that then fails to seek or receive full accreditation by the date set by the Committee will teach out all of its students and its degree-granting authority will be terminated as of a date to be decided by the Committee.

(3) Application Period for Present Registered Law Schools.

A law school registered with the Committee on the effective date that accreditation becomes possible for all categories of registered law schools will have up to three years after the effective date to submit its application for accreditation.

(4) Processing of Applications, Decision on Application.

Upon filing of an application for provisional or accreditation by a registered law school, the Committee may appoint an inspection team to visit the school within sixty (60) days of the filing date and produce a report to be delivered to the Committee staff and the school within sixty (60) days after the fact-finding site visit. The school will have thirty (30) days to respond to the fact finder report. The Committee will consider the school's application for provisional accreditation or accreditation at its next regularly scheduled meeting following expiration of the comment period. At that meeting, the Committee may approve the application, approve the application with conditions, deny the application, or determine that further fact finding is required. If further fact finding is required, the Committee may appoint an inspection team to visit the school within sixty (60) days of the Committee decision and produce a report to be submitted to the Committee staff and the law school within sixty (60) days after the second fact-finding site visit. the school will have thirty (30) days thereafter to respond to the fact finder's report. The Committee will consider the school's application for provisional accreditation or accreditation, with the findings of both fact finders, at its next regularly scheduled meeting following expiration of the comment period. At that meeting, the Committee may approve the application approve the application with conditions, or deny the application.

(C)Site Visit.

Prior to full accreditation, a provisionally-accredited law school seeking accreditation will be visited by an inspection team chosen by the Committee. A site visit conducted prior to the law school's application for provisional-accreditation satisfies this requirement if conducted within three (3) years of the application and the fact-finder's report verifies that relevant conditions are substantially the same since the prior site visit.

(D)Program Transition.

(1)Program Transition Plan.

A law school seeking provisional accreditation or accreditation will include in the application a plan for program transition. The program transition plan will address such issues as a school's calendar, term structure, credit, course scheduling, attendance requirements, curricular requirements, teach-out or programs no longer to be offered, and other matters necessary for students to transition to the accredited program of the law school.

(2)Teach-Out Limitations

A law school granted provisional accreditation or accreditation may allow currently-enrolled students to complete the program they are then enrolled in, or allow students to transition, at an academically-appropriate time, to a new program designed to comply with the Rules and Guidelines for Accredited Law Schools. A school allowing currently-enrolled students to complete the program they are then enrolled in at the time of accreditation must ensure teach of all students enrolled.

(3)New Enrollment in Accredited Program.

A law school granted provisional accreditation or accreditation must, within one year after the effective date of receiving such provisional accreditation or accreditation, enroll all new students into the program granted said accreditation.

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Division 2. Honesty and Integrity

* * *

(A) Honesty in Communications Generally.

A law school must be honest and forthright in all communications, including communications with the Committee, the legal profession, the public, prospective students, applicants, and students.

(B) Honesty in Communications with Students.

A law school must be honest and forthright in all communications with students. It must not mislead students as to their reasonable prospects of obtaining the degree in the program in which they are enrolled, their ability to qualify for or be admitted to the bar in any jurisdiction, the cost of the requirements for obtaining the degree in the program in which they are enrolled, or the financial support available through loans or scholarships for their course of study.

(C) Honesty in Communications with Prospective Students and Applicants.

A law school must be honest and forthright in all communications with prospective students and applicants. It must not mislead them as to their reasonable prospects of admission, obtaining the degree in the program in which they seek to enroll, their ability to qualify for or be admitted to the bar in any jurisdiction, the cost of the requirements for obtaining the degree in the program in which they are interested in enrolling or seek to be enrolled, or the financial support available through loans or scholarships for their course of study.

(D) Required Disclosures

An accredited law school must include the following statement, without alteration, in either its course catalog or student handbook (electronic or hardcopy) and on a discrete page readily accessible to the public found on the law school's website entitled "Accreditation" on which the law school refers to its status as being accredited by the Committee and any other regional or national accrediting entity or agency:

Study at, or graduation from, this law school may not qualify a student to take the bar examination or be admitted to practice law in jurisdictions other than California. A student who intends to seek admission to practice outside of California should contact the admitting authority in that jurisdiction for information regarding its education and admission requirements.

The type size of the foregoing disclosure must be at least as large as the type size used to discuss or explain its status as an accredited school or college of law.

In addition, an accredited law school must publish on its "Accreditation" webpage information relating to the pass rates of its graduates on the ten most recent administrations of the California Bar Examination. This information must be published in one of the following ways:

- i. By means of posting an active link to the California Bar Examination "Statistics" page of the State Bar's website; or, alternatively;
- ii. By means of posting the pass rates of its graduates as those published on the State Bar's website for the ten most recent administrations of the California Bar Examination.

In all hardcopy or electronic materials used to respond to all inquiries about admission to its J.D. degree program, the law school must provide the following statement in all such materials: "For additional information visit [insert law school's website]."

In addition, a law school must provide disclosures in compliance with California law, including Business and Professions Code section 6061.7.

Guideline 2.3 (D) adopted effective January 1, 2013.

(E) Reference to Provisional Accreditation and Accreditation; Reference to Other Accreditations, Approvals and Memberships.

(1) If a law school is granted provisional accreditation, it may make reference to such fact in its communications, provided that in any written or electronic publication in which reference to provisional accreditation is made, the following statement must appear, without alteration, on the same page, and in the same size type:

"The Committee of Bar Examiners of the State Bar of California grants provisional accreditation to a registered unaccredited fixed-facility law school when the law school establishes that it substantially complies with the Accredited Law School Rules (Rules) and appears capable of qualifying for accreditation within five years from the time provisional accreditation is granted. Provisional accreditation will automatically expire if the law school does not qualify for and receive accreditation within the time period specified by the Committee or secure an extension of time. Provisional accreditation may be withdrawn at any time, if the Committee finds that the law school no longer substantially complies with the Rules."

Whenever the words "Accredited" or "Provisionally Accredited" appear in law school communications in relation to qualification to take the California Bar Examination or admission to the practice of law in California, they must be

accompanied by words clearly indicating that such accreditation is by the Committee of Bar Examiners of The State Bar of California.

(2) A law school that is accredited or approved by another agency or is a member of an association may state that fact in any communication, but must indicate in connection with any such statement that its degree-granting authority in connection with its students qualifying to take the California Bar Examination and obtain admission to the practice of law in California is based on accreditation by the Committee of Bar Examiners of The State Bar of California.

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Division 6. Academic Program

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6.5 Quantitative Academic Requirements.

(A) Minimum Requirements for the Juris Doctor Degree; ~~Hours and Weeks of Study;~~ Time Requirements for Completion of Course of Study.

The minimum requirements for the J.D. degree ~~is the~~are satisfactory completion of a course of study requiring 1,200 hours of ~~verified academic engagement with a law school's faculty and curriculum.~~study. The 1,200 hours of academic engagement must be earned through completion of no fewer than eighty semester, units or their equivalent, with each semester unit requiring a minimum of 45 hours of student work, including both academic engagement and preparation, of which a minimum of 15 hours must be academic engagement verified as prescribed by these Guidelines ~~in residence, or study as permitted by guideline 6.6, extending over a period of not less than ninety weeks of full-time study or 120 weeks of part-time study, or a combination thereof. Final examination time, not exceeding ten percent of the total number of class session hours, may be included as class session hours, and counted toward the 1,200-hour requirement.~~ A law school must require the course of study for the J.D. degree be completed no earlier than thirty-~~two~~ months and no later than eighty-four months after a student has commenced law study at the law school or a law school from which the law school has accepted transfer credit.

(B) Academic Engagement.

For purposes of this section, "academic engagement" includes instruction in a compliant Juris Doctor degree curriculum offered through any of the following means: (a) student attendance in a physical classroom; (b) student participation in a synchronous or asynchronous curriculum offered through distance-learning technology; (c) a combination of academic engagement offered through (a) and (b). Academic engagement may include up to 120 hours of student participation in an experiential or clinical program approved under Guideline 6.6. Final examination time, not exceeding ten percent of the total numbers of academic engagement, may be included as academic engagement hours, and counted toward the 1,200 hour requirement.

(C) Attendance.

Regular and punctual attendance in academic engagement is required. ~~to satisfy the residence credit requirement and the 1,200-hour requirement.~~ A law school must have a written ~~attendance~~ policy, ~~that requires the verifiable academic engagement of each of its~~ which must require regular and punctual attendance of students. The policy must require completion of ~~attendance at~~ not less than eighty percent of the ~~academic engagement regularly scheduled class~~ regularly ~~scheduled class~~ hours or not less than eighty percent of the minimum number of hours of other types of academic engagement required in each course in which the student is enrolled. ~~in each course in which a student is enrolled.~~ The policy must also include requirements to verify student participation in an approved experiential or clinical program. ~~The policy may also include requirements regarding preparation and participation.~~

(B) Full-time Students.

~~A full-time student must complete not less than 1,200 hours of study in residence, extending over a period of not less than ninety weeks, and, to receive full residence credit for any academic term, must have been enrolled in a course of study requiring not less than ten hours of attendance a week and must have received credit for courses totaling not less than nine hours of attendance a week during that academic term.~~

(C) Part-time Students.

~~A part-time student must complete not less than 1,200 hours of study in residence extending over a period of not less than 120 weeks and, to receive full residence credit for any academic term, must have been enrolled in a course of study requiring not less than eight hours of attendance a week and must have received credit for courses totaling not less than eight hours of credit a week during that academic term.~~

(D) Combining Study at Accredited and Registered Unaccredited Law Schools.

~~Students who obtain a portion of their legal education at a registered unaccredited law school and a portion at an accredited law school present a special case. Unless such students actually graduate from an accredited law school and promise their eligibility to take the California Bar Examination upon that graduation, they must meet the alternative legal educational requirements of § 6060(e)(2)(E) of the Business and Professions Code in order to be eligible to take that examination. § 6060(e)(2)(E) requires four separate years of study in a law school (accredited or unaccredited), in each of which the student was enrolled in a course of study requiring at least 270 hours of classroom attendance. For this purpose, a "year" is any period of twelve consecutive months. Law schools allowing students to carry a lighter than usual course load during any twelve-month period should be aware of these implications should such students ultimately seek eligibility to take the California Bar Examination under the above four-year rule rather than as graduates of an accredited law school.~~

(E) Graduates of Accredited Law Schools Who Completed Portion of Legal Studies at Registered Unaccredited Law Schools.

~~Students who complete a portion of their legal studies at a registered unaccredited law school and subsequently graduate from an accredited law school must in all events meet the guideline 6.5(A) requirements concerning 1,200 hours of study in residency (through required hours of classroom study in courses taken at both accredited and registered unaccredited law schools, in the aggregate) in order to be eligible to take the California Bar Examination as a graduate of an accredited law school.~~

(F) Proportionate Credit:

~~(1) If, in any academic term, a student was not enrolled in, or failed to receive credit for, the minimum number of hours specified in guideline 6.5(C) or (D), the student may receive only proportionate credit for study in residence for that academic term. The proportion is the ratio of hours enrolled or credit received to the minimum specified.~~

~~(2) If a person was a part-time student for any portion of the period of law study and a full-time student for the remaining portion of law study, the number of weeks of full-time study and three-fourths of the number of weeks of part-time study must total not less than ninety.~~

(G) Range of Course Load for Full-time and Part-time Students; Exceptions:

~~In any regular academic term, a full-time student should normally be enrolled in courses requiring classroom attendance of not more than fifteen hours or less than ten hours per week. A part-time student should normally be enrolled in courses requiring classroom attendance of not more than ten hours or less than six hours per week. A law school may, for good cause, allow a person to enroll in courses requiring more or less hours than those specified, but in each case must enter in the student's file a memorandum stating the considerations constituting good cause. A full-time student is one who devotes substantially all working hours to the study of law. Full-time students should be encouraged not to work in excess of twenty hours a week.~~

(D) Curriculum.

(1) ~~(1)~~ A law school requiring student attendance in a physical classroom must use either semester or quarter terms of study (regular academic term) or their equivalent as defined in Guideline 6.5(A), and may offer a summer session of not less than five weeks, for semester-based law schools and three weeks for quarter-based law schools. A summer session is an academic term but not a regular academic term, except as provided in Guideline 7.3(C). Typically, a semester must be fourteen or more weeks in length and a quarter must be ten or more weeks in length. ~~The curriculum must be offered and units counted toward the degree and graduation only in semester or quarter units or their equivalent.~~ Typically, for credit earned through attendance in a physical classroom, one semester unit for a fifteen-week semester is fifteen hours of classroom instruction for one hour per week for fifteen weeks, including final examination time not greater than ten percent of the total time. Typically, one quarter unit for a ten-week quarter is ten hours of classroom instruction for one hour per week for ten weeks, including final examination time not greater than ten percent of the total time. Courses may be offered in one or more semester or quarter units or their equivalent.

(4)(2) For students earning credit for academic engagement through participation in an approved synchronous or asynchronous curriculum taught through distance-learning technology or by participation in an experiential or clinical program approved under Guideline 6.6, or a combination thereof, semester or their equivalent quarter units of credit may be earned during an entire calendar year as authorized by Guideline 6.5(A).

(3) One hour of classroom instruction is defined as fifty minutes of instruction.

(E) Full-time Students.

A full-time student, ~~must complete not less than 1,200 hours of study in residence, extending over a period of not less than ninety weeks, and,~~ to receive full ~~residence~~ credit for any academic term, must have been enrolled in, ~~and received credit for,~~ a course of study requiring not less than ten hours of ~~verified academic engagement~~ attendance a week ~~and must have received credit for courses totaling not less than nine hours of attendance a week~~ during that academic term.

(F) Part-time Students.

A part-time student, ~~must complete not less than 1,200 hours of study in residence extending over a period of not less than 120 weeks and,~~ to receive full ~~residence~~ credit for any academic term, must have been enrolled in, ~~and received credit for,~~ a course of study requiring not less than ~~eightsix~~ six hours of ~~verified academic engagement~~ attendance a week ~~and must have received credit for courses totaling not less than eight hours of credit a week~~ during that academic term.

(G) Combining Study at Accredited and Registered Unaccredited Law Schools.

Students who obtain a portion of their legal education at a ~~registered~~ unaccredited law school and a portion at an accredited law school present a special case. Unless such students actually graduate from an accredited law school and premise their eligibility to take the California Bar Examination upon that graduation, they must meet the alternative legal educational requirements of § 6060(e)(2)(E) of the Business and Professions Code in order to be eligible to take that examination. § 6060(e)(2)(E) requires four separate years of study in a law school (accredited or unaccredited), in each of which the student was enrolled in a course of study requiring at least 270 hours of classroom attendance. For this purpose, a “year” is any period of twelve consecutive months. Law schools allowing students to carry a lighter than usual course load during any twelve-month period should be aware of these implications should such students ultimately seek eligibility to take the California Bar Examination under the above four-year rule rather than as graduates of an accredited law school.

(H) Graduates of Accredited Law Schools Who Completed Portion of Legal Studies at Registered Unaccredited Law Schools.

Students who complete a portion of their legal studies at a registered unaccredited law school and subsequently graduate from an accredited law

school must in all events meet the guideline 6.5(A) requirements concerning 1,200 hours of study ~~in residency (through required hours of classroom study~~ in courses taken at both accredited and registered unaccredited law schools, in the aggregate) in order to be eligible to take the California Bar Examination as a graduate of an accredited law school.

(I) Proportionate Credit.

(1) If, in any academic term, a student was not enrolled in, or failed to receive credit for, the minimum number of hours specified in guideline 6.5(~~G~~)(E) or (~~D~~)(F), the student may receive only proportionate credit for study in ~~residence~~ for that academic term. The proportion is the ratio of hours enrolled or credit received to the minimum specified.

(2) If a person was a part-time student for any portion of the period of law study and a full-time student for the remaining portion of law study, the number of weeks of full-time study and three-fourths of the number of weeks of part-time study must total not less than ninety.

(J) Range of Course Load for Full-time and Part-time Students; Exceptions.

In any regular academic term, a full-time student should normally be enrolled in courses requiring ~~classroom attendance~~ ~~verified~~ ~~academic engagement~~ of not more than fifteen hours or less than ten hours per week. A part-time student should normally be enrolled in courses requiring ~~classroom attendance~~ of not more than ten hours or less than six hours per week. A law school may, for good cause, allow a person to enroll in courses requiring more or less hours than those specified, but in each case must enter in the student's file a memorandum stating the considerations constituting good cause. A full-time student is one who devotes substantially all working hours to the study of law. Full-time students should be encouraged not to work in excess of twenty hours a week.

(A) Curriculum.

~~(1) A law school must use either semester or quarter terms of study (regular academic term). Typically, a semester must be fourteen or more weeks in length and a quarter must be ten or more weeks in length. The curriculum must be offered and units counted toward the degree and graduation only in semester or quarter units or their equivalent. Typically, one semester unit for a fifteen-week semester is fifteen hours of classroom instruction for one hour per week for fifteen weeks, including final examination time not greater than ten percent of the total time. Typically, one quarter unit for a ten-week quarter is ten hours of classroom instruction for one hour per week for ten weeks, including final examination time not greater than ten percent of the total time. Courses may be offered in one or more semester or quarter units or their equivalent.~~

~~(2) A law school may offer a summer session of not less than five weeks, for semester-based law schools, and three weeks, for quarter-based law schools.~~

~~A summer session is an academic term, but not a regular academic term, except as provided in guideline 7.3(C).~~

~~(3) One hour of classroom instruction is defined as fifty minutes of instruction.~~

(K) Required Course Books.

For each course, other than special seminars, each student enrolled should be required to obtain one or more specified books. A law school must use current, recognized books or other materials in each of its courses.

(L) Course Outlines or Syllabi.

Students must be furnished, prior to the beginning of each course, with a written outline or syllabus of the organization of the course and the order in which material is to be read and prepared. Course outlines and syllabi will be considered in evaluating the instructor's knowledge and organization of the material.

(M) Instructional Formats.

No particular format of instruction is required and instructors may use lectures, the case method, the problem method, directed study or other techniques, alone or in any combination.

~~(M)~~(N) Class Size.

Class size must be reasonable to assure teaching effectiveness. In determining the reasonableness of the size of any class, the following matters are considered:

- (1) For schools offering academic engagement by attendance in a physical classroom ~~t~~he physical facilities and whether the room is appropriate for the number of students;
- (2) The subject matter of the course and the methods of instruction; and
- (3) The number and competence of the individual instructors when a course is offered in multiple sections.

Small classes are desirable as they facilitate greater participation by each student and a closer relationship between students and instructors. If a law school divides any course into sections, it must adopt procedures to ensure the quality of instruction across all sections of the same course and consistency in instruction, examinations, and grading.

* * *

7.11 Distance-Education Credit.

(A) A law school may offer any amount of academic engagement, entitled to earn credit under Guideline 6.5(A), and may do so through the use of any form of distance-learning technology approved by this Guideline. ~~grant up to twelve distance-education semester credit units or the equivalent in quarter credit units toward its J.D. degree and other professional law degree programs.~~

(A) ~~(B)~~ For purposes of this guideline, “distance-education” is approved and defined as any and all instruction that earns credit for academic engagement taught through any of the following technological means: ~~a course in which more than one third of the instruction is provided by means of:~~

Any electronic, technological transmission, whether through the Internet in a synchronous or synchronous mode, or any electronically-stored or recorded media, whether by audio or video presentation.

~~(1) Technological transmission, whether by the Internet, open broadcast, closed circuit, cable, microwave, satellite, or otherwise;~~

~~(2) Audio or computer conferencing;~~

~~(3) Audio or video cassettes, discs, or other electronic media; or~~

~~(4) Correspondence.~~

(B) ~~(C)~~ For purposes of this guideline, students may earn credit toward the 1,200 of verified academic engagement, as defined by Guideline 6.5(A), using distance learning technology through any of the following: (1) participating in a synchronous class session; (2) viewing and listening to recorded classes or lectures; (3) participating in a live or recorded webinar offered by the law school; (4) participating in any synchronous or asynchronous academic assigned in any class monitored by a faculty member; (5) taking an examination, quiz or timed writing assignment; (6) completing an interactive tutorial or computer-assisted instruction; (7) conducting legal research assigned as part of the curriculum in any class; and (8) participating in any portion of an approved clinical or experiential class or activity offered through distance-learning technology. ~~To be eligible to receive distance-education credits, a student must be currently enrolled and in good academic standing. An auditor or visitor may participate in distance-education courses, subject to the requirements of Guideline 7.12.~~

If a law school counts other synchronous or asynchronous activities toward the 1,200-hour academic engagement requirement, such activities should be substantially similar to or exceed the listed examples in terms of the nature and scope of interaction and communication between the students and the curriculum and faculty.

(C) ~~(D)~~ Law schools must verify the minimum required academic engagement for the J.D. degree delivered through distance learning technology. Law schools may comply with this requirement by either: ~~A law school's acceptance of distance education credit as transfer credit is subject to the requirements of guidelines 5.7 and 5.8.~~

- (1) Establishing and documenting a curriculum requiring the minimum number of hours of academic engagement required by Guideline 6.5(a); or
- (2) Documenting completion of the minimum number of hours of actual academic engagement by each student.

The documentation of a compliant curriculum required by subsection (D)(1) must include the intended or expected time for completion of each activity or assignment considered academic engagement, and such time must reasonably approximate the actual time required for completion of the activity or engagement. A school may establish the reliability of the time estimate by logs, time studies, research or by reference to externally documented standards.

The documentation of academic engagement by individual students permitted by subsection (D)(2) must establish the actual time spent by each student on assigned academic engagement activities. Documentation of actual academic engagement may be accomplished by technological or other means, but must include a reliable methodology for recording time actually spent by the student.

~~(E) A law school may award credit for a distance education course if:~~

- ~~(1) The academic content, the method of course delivery, and the method of evaluating student performance are evaluated and approved as part of the law school's regular curriculum approval process;~~
- ~~(2) A structured format for interaction with the instructor and other students is available during the course; and~~
- ~~(3) A method for monitoring and recording student participation, effort, and accomplishment is integrated into the course methodology.~~

~~(F) A law school's approval of credit for a distance education course must include a specific explanation of how the course credit was determined. Credit awarded must meet the requirement of fifteen contact hours of instruction for each semester credit granted or the equivalent in quarter units.~~

~~(G) Distance education courses must be graded on the same basis as classroom-based courses.~~

* * *

Division 8. Library Requirements

Division 8. adopted effective January 1, 2011, *amended effective* _____.

8.1 Library Resources.

A law school's library resources must serve the teaching, research, and other educational objectives of the law school. In preparation for admission to practice law, a law student must have the ability to perform legal research competently using both hard copy and electronic research resources. The faculty of a law school needs access to adequate legal research resources to supplement their preparation and research.

8.2 Law Library:

~~A law school must maintain a physical law library containing all required hard copy and optional electronic resources, including internet access. A law school's law library must be adequate for the number of students and faculty of the law school. The adequacy of a law library will be evaluated by consideration of a law school's enrollment, the physical layout of the library, the physical condition of all hard copy publications and whether all are properly current and updated, relevance of all other available legal resources and the hours of operation.~~

8.3 Location of Law School Law Library:

~~The law school's law library must be housed in the same physical location as the law school's classrooms, faculty and administrative offices or in a location that is in reasonably close proximity to the law school's classrooms and offices. A law school is not required to have a law librarian but must assign a competent administrator or staff person to oversee and be responsible for maintaining and updating all mandatory legal authorities and research resources. Other uses of a law school's law library should not substantially interfere with its principal purpose.~~

~~A compliant law library should:~~

~~(A) Be open for a reasonable number of daytime and evening hours during the school year to meet the needs of students and faculty; and,~~

~~(B) Be maintained by a competent staff that keeps all library materials properly shelved and accessible and, upon request, to provide reasonably timely assistance, and to maintain all required records.~~

8.4 (8.2) Library Content.

(A) A law school's law library must contain the following law library material:

TITLE	FORMAT REQUIREMENT
1. <u>General National Materials</u> Corpus Juris Secundum or American Jurisprudence, 2d	Hard copy or online access.
2. <u>Dictionaries</u> A legal dictionary A general dictionary	Hard copy or online access.
3. <u>Annotated Reports</u> American Law Reports – Federal American Law Reports, 4th and 5th	Hard copy or online access.
4. <u>American Law Institute Publications</u> Model Codes, Reports and Drafts Restatements of the Law, Reports and Drafts	Hard copy or online access.
5. <u>Forms of Pleading and Practice and Legal Forms</u> California Judicial Council forms Current set of California forms Current set of Federal forms	Hard copy or online access.
6. <u>Uniform Laws Annotated</u>	Hard copy or online access.
7. <u>California Materials</u> California Supreme Court case reports (official or unofficial) California Appellate Courts case reports (official or unofficial) West's Digest California Jurisprudence, 3rd	Hard copy or online access. is required to the current series of either the Supreme Court or Appellate Courts case reports; hard copy or online access is required to California case reports at both levels. Hard copy or online access.

10. <u>Text and Treatises</u> Encyclopedia, treatises, or current text for all bar-tested courses taught Witkin, Summary of California Law Witkin, California Procedure Witkin, California Criminal Law Witkin, California Evidence	Hard copy.
11. <u>Law Reviews and Journals</u>	Hard copy or online access. adequate to meet the mission of the law school and the needs of the instructors.
12. <u>Other Resources</u> Current Law Index or Index to Legal Periodicals Local county and city ordinances Local municipal codes Legislative history-United States Code, Congressional and Administrative News (USCCAAN) Local court rules	Hard copy or online access.
13. <u>Cite Checking Resources</u> Shepard's Citation Service or Westlaw Key Cite	Hard copy or online access.

Guideline 8.4, amended effective: January 31, 2013; amended effective: June 20, 2015

(B) Whenever a school elects to maintain set of books in lieu of online access~~is specified~~, the requirement includes the most recent version, although it may not be listed, and reasonable access to:

(1) All supporting materials published as part of the set, and the latest available pocket parts, supplementary and replacement volumes, and any other materials necessary to keep the set in current condition; and

(2) All periodicals, in permanently bound form, except for the current year.

~~(C) For material that may be provided online, the law library must have a reasonable number of computers and printers available for student and faculty use in accessing and printing it.~~

8.5(8.3) Instruction in Legal Research.

A law school must provide students with instruction in the use of both hard copy publications and electronic-based legal research to learn and perform competent research.

8.6(8.4) Other Law Libraries.

Upon prior approval of the Committee, a law school that is located in reasonable proximity to a public, private or other law library, which contains all the mandatory requirements of Guideline 8.4, may satisfy the library requirements as set forth in Division 8 by filing a declaration from the dean that confirms the following:

A) the governing authorities of any such other law library have agreed to permit the use of the library by the law school's students and faculty at no additional charge and under the same accessibility and conditions required by Guideline 8.3; and

B) the other library contains and offers equal access to all mandatory library contents as required by Guideline 8.4.

8.7(8.5) Access to Online Law Library Material.

A law school must provide each law student with access to the online law library material it maintains during the student's attendance. Access must be available at times convenient to students. A law school must use a reliable provider of on-line services and support to ensure that the students' access to the online library material is consistently available.

8.8(8.6) Library Records.

A law school must maintain a record of expenditures for hard copy and electronic library and research materials and other legal research resources provided to students and faculty, and information on restrictions and limitations on access to library or research materials.

Division 9. Physical Resources

9.1 Physical and Infrastructure Requirements.

A law school must have physical **and technological** resources and an infrastructure adequate for its programs and operations. A law school should have the exclusive occupancy of office ~~and law library facilities at all times~~ and of classrooms, which must also be available for a reasonable time before and after class. A law school may share classroom space with another department or institution if the arrangements do not interfere with the scheduling of classes. All physical facilities must be in reasonable proximity to each other so that students have convenient access to classrooms, the library, and administrative offices. A law school must have classrooms that are sufficient for its program and adequate for their intended use.

A law school offering its curriculum by means of distance learning technology must maintain its administrative office and administer its technology platform in California. A law school must maintain and provide access to all required records, files and materials in its administrative office.

9.2 Administrative and Faculty Offices.

A [fixed facility](#) law school must provide adequate office space for all administrative staff and faculty, giving due regard for the need for private offices for senior administrators and full-time faculty. Private offices or a faculty lounge should be provided for part-time faculty. At least one private room, suitable in size for the intended purpose, must be available for counseling students.

9.3 Instructional Equipment; Resources and Procedures to Address Technology-Related Problems.

A law school must have and maintain instructional equipment [and distance learning technology that is](#) adequate to support its educational program. A law school must have and allocate adequate resources and create and maintain adequate procedures to promptly and effectively address technology-related problems in the delivery of its educational program.

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