

# COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

**AGENDA ITEM:** February 2018 – 0-404

**DATE:** January 22, 2018

**TO:** Subcommittee on Educational Standards

**FROM:** George C. Leal, Program Manager for Educational Standards

**SUBJECT:** John F. Kennedy University College of Law – Major Change Request re Opening of Branch Campus in San Jose

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## BACKGROUND

Attachment A is a Major Change Request submitted by John F. Kennedy University College of Law (JFKCOL) seeking the approval of the Committee of Bar Examiners (Committee) to open a branch campus in San Jose this August. As required by Rule 4.164, and as defined by Rule 4.165(B) of the *Accredited Law School Rules* (Rules), a California-accredited law school (CALS) must request and obtain Committee approval before it makes a major change which includes “opening a new branch” campus.

As discussed in its submission and confirmed in the correspondence of JFKCOL Dean Barbieri, the law school seeks approval to open a San Jose branch campus under the procedures and timing set out under Rule 4.160(H) and Guidelines 15.1 – 15.4 (Division 15. Opening and Operating a Branch or Satellite Campus) of the *Guidelines for Accredited Law Schools Rules* (Guidelines). In adopting each of these Guidelines, the Committee has streamlined its approval process such that, upon an appropriate written submission of information as certified by its Dean, a CALS may now open new branch in a significantly shorter period of time and without a pre-opening inspection.

Based upon these Guidelines, Committee approval is appropriate as follows:

As provided by Guideline 15.2(A): “No less than 180 days before the proposed first day of classes of a branch or satellite campus, the law school must provide the Committee with notice of its intention to open a new branch or satellite campus.” In doing so, the notice must identify the type, location, name and proposed opening date of the new campus. It must also provide the Committee a “comprehensive explanation” for its decision to open the new campus, that includes: “a) a narrative discussing any research or planning regarding the new campus; b) projected financial impact of the new campus on the law school; and c) proposed resources to be allocated to the new campus.” Finally, the notice must be certified by the Dean that, “upon its opening,” the

new campus will be in substantial compliance with all relevant academic and operational requirements” as set out in the Rules and Guidelines.

Guideline 15.2(B) requires that “[n]o less than 120 days before the proposed first day of classes at the branch or satellite campus, the Committee must approve or deny the law school’s proposal” if it finds that, as certified by the Dean, the new branch will be in substantial compliance as of the date of its opening. Finally, as provided by Guideline 15.2(C), “within 90 days of the first day of classes of the branch or satellite campus,” the law school must submit a report, again “certified by the Dean,” that confirms that the new campus is, in fact, then in “substantial compliance.”

Under Guideline 15.3, an approved branch campus is considered “provisionally approved” until it is shown to be in full compliance with “all accreditation standards and operational requirements” of the Rules and Guidelines. Moreover, each new branch campus is required to operate with a qualified administrator who, under Guideline 4.1(B), must be a graduate of either an ABA-approved or Committee-accredited law school. Under this Guideline, if a branch opens with 30 or fewer students and offers only first or second-year classes, it may operate with only a part-time administrator.

Lastly, under Guideline 15.3(C), “[w]ithin two years of operating a provisionally-approved branch campus, the law school must seek confirmation from the Committee that the campus is in compliance with all accreditation standards” found in the Rules and Guidelines. To make this determination, the Committee will conduct an inspection to determine whether is to be “deemed approved, continue to be provisionally approved or denied continued provisional approval.”

## **PROPOSED, NEW BRANCH CAMPUS**

JFKCOL is among the colleges of John F. Kennedy University (University), which was founded in 1964 and maintains its primary campus in Pleasant Hill. It is affiliated with National University headquartered in San Diego and each is accredited by the WASC Senior College and University Commission. With regard to JFKCOL, it was granted Committee accreditation in January 1981 and was last inspected in 2017 and found to be operating compliantly. Its next inspection is scheduled for the spring of 2022.

JFKCOL offers the J.D. degree through a three-year, full-time and four-year, part-time program. It also offers a joint J.D./M.B.A. with the University’s College of Business and Professional Studies. The law school’s faculty includes four full-time “core” professors and 40 adjunct professors, each of whom holds a law degree earned at an ABA or California-accredited law school. Over the past seven years, the law school has been ably led by Dean Barbieri, a licensed California attorney and who previously worked for the Committee as its Director of Examinations for over nine years.

As described in its proposal, JFKCOL seeks to expand the geographic reach of its Juris Doctor Degree program by operating a branch campus of the law school within an

existing branch of the University located in San Jose. If approved, it will operate as the John F. Kennedy University College of Law, San Jose Branch campus.

As proposed, the law school's branch campus will open on August 13, 2018, in time for the fall semester. As described by Dean Barbieri, the physical space to be used by the law school, located at 3031 Tisch Way, will be more than adequate since it is already configured as a teaching environment and will include five classrooms, a library and student resource center, computer lab, faculty offices and a student lounge.

When it opens, the San Jose campus will offer students a part-time program of evening classes. Initially, the classes will mirror the first-year curriculum offered in JFKCOL's first-year J.D. curriculum and will be taught by members of its full-time faculty. As Dean Barbieri notes, as the enrollment grows into the second, third and fourth year of study, classes will be added in San Jose and will likely be taught by members of the law school's adjunct faculty teaching in Pleasant Hill. Eventually, the faculty teaching in San Jose will be comprised entirely of experienced legal educators and practicing attorneys.

The San Jose branch will be administered by Mr. Matthew Taxman who will serve in either a part-time or full-time capacity depending on the size of the enrollment when it opens. Mr. Taxman earned his J.D. degree at JFKCOL in 2014 and is currently a full-time employee of the law school working as its assistant director for admissions. Students in San Jose will have access to all of the same student services provided to those enrolled in Pleasant Hill. Since the law school will operate in an existing campus of the University, law students will also have full access to its Registrar, financial aid advisors, IT support along with academic support tailored to the law school.

Dean Barbieri has certified that, upon receiving the Committee's approval to open, the law school will also establish and maintain a compliant law library in San Jose. As with their counterparts in Pleasant Hill, law students in San Jose will have access to both Lexis/Nexis and Westlaw, as required by the Guidelines.

Finally, JFKCOL's submission provides a narrative of the various market factors and its "research and planning" used to support its decision to open a branch in San Jose. As discussed, given the University's presence in the South Bay, along with the advantages of its WASC accreditation, the law school expects enrollment in San Jose to grow steadily and, thus, to have a positive financial impact on JFKCOL and the University.

## **DISCUSSION**

Based upon the contents of its entire certified submission, it appears that JFKCOL has provided the Committee with all necessary information needed to receive approval to open a provisionally-approved branch campus in San Jose. As discussed, with the Committee's approval, Dean Barbieri and his staff will continue to take all necessary actions and efforts to see that within 90 days of the first day of scheduled classes, the San Jose branch campus will open and begin instructing students in substantial

compliance with all relevant Rules and Guidelines related to the operation of a branch campus.

## **RECOMMENDATION**

It is recommended that the request of the JFKCOL, for approval of a major change, which will allow it to establish and open a branch campus of the law school in San Jose, be received and filed; that the major change request be approved such that the San Jose branch campus of JFKCOL be permitted to open and operate as a provisionally-approved branch campus under the accreditation standards and operational requirements found in *Accredited Law School Rules* and the *Guidelines for Accredited Law School Rules*; that, as required by Guideline 15.2(C), no less than 90 days before the expected first day of classes at the branch campus a report be submitted, certified by Dean Barbieri, that confirms the substantial compliance of the branch campus with each of the relevant *Accredited Law School Rules* and the *Guidelines for Accredited Law School Rules*; and, that following receipt of said certification, the provisionally-approved branch campus may open, enroll students and then begin offering classes.

## **PROPOSED MOTION**

Should the Subcommittee agree with the recommendation, the following motion is suggested:

Move, that the request of the JFKCOL, for approval of a major change, which will allow it to establish and open a branch campus of the law school in San Jose, be received and filed; that the major change request be approved such that the San Jose branch campus of JFKCOL be permitted to open and operate as a provisionally-approved branch campus under the accreditation standards and operational requirements found in *Accredited Law School Rules* and the *Guidelines for Accredited Law School Rules*; that, as required by Guideline 15.2(C), no less than 90 days before the expected first day of classes at the branch campus a report be submitted, certified by Dean Barbieri, that confirms the substantial compliance of the branch campus with each of the relevant *Accredited Law School Rules* and the *Guidelines for Accredited Law School Rules*; and, that following receipt of said certification, the provisionally-approved branch campus may open, enroll students and then begin offering classes.