

**COMMITTEE OF BAR EXAMINERS
ADVISORY COMMITTEE ON
CALIFORNIA ACCREDITED LAW SCHOOL RULES
MINUTES – DRAFT**

Thursday, March 22, 2018
3:00 PM – 5:00 PM

The State Bar of California
845 S. Figueroa Street
Los Angeles, CA 90017

Questions regarding these minutes should be directed to the Program Specialist, David Knight, at (415) 538-2310 or the Interim Manager for Educational Standards, Natalie Leonard, at (415) 538-2118.

Meeting convened with all Members present: Erika Hiramatsu, Chair of the Committee of Bar Examiners, Karen M. Goodman, Esther P. Lin, Dean Dean Barbieri, Dean Jackie Gardina, Dean Greg Brandes (Chair).

Staff Present: Amy Nuñez Interim Director of Admissions, George Leal, Program Manager for Educational Standards, Lisa Cummins, Program Manager for Examinations, Donna Hershkowitz, Chair of Programs, Destie Overpeck, OGC Attorney, Nicole Pereira, OGC Attorney, Natalie Leonard, Program Manager for Legal Specializations, Vanessa Holton, Chief General Council for OGC, and David Knight, Program Specialist for Educational Standards.

Also Present: Dean Laura Palazzolo, Lincoln Law School of San Jose, Dean Andrea Lua, Pacific Coast University College of Law, Dean Patrick Piggott, Humphreys College Drivon School of Law, Dean Mitchel Winick, Monterey College of Law, Dean James Schiavenza, Lincoln Law School of Sacramento, Elizabeth Xyr, Monterey College of Law, Interim Dean Basil Dezes, San Francisco Law School and Michael Fox, San Francisco Law School.

- (A) Call for Public Comment [The Chair reserves the right to limit the duration of the public comment period] (Greg Brandes)

The meeting began at 3:30 PM.

- (B) Draft Minutes of the Meeting of February 1, 2018 (Attachment A) (Greg Brandes and George Leal)

Motion was made by duly seconded, and approved unanimously to approve the draft minutes of the February 1, 2018 meeting without modifications.

- (C) Chair's Report

The Chair deferred to the Agenda and did not give an additional report.

- (D) Staff Report

Examination Statistics and Reports, Specifically Definition of “Taker” and “Completer” in Relation to Required Reporting. (Attachment B)

Implementation of Committee of Bar Examiners Guideline for Minimum Bar Pass Rate Calculation

Status of the Proposed Rule, Statute and Guideline Revisions Related to Unaccredited Law Schools and Distance Learning.

Status of State Bar Studies.

Amy Nuñez, Interim Director of Admissions, advised that at the upcoming meeting of the Committee of Bar Examiners, they would be continuing to discuss adjustments to the definitions of Bar Examination “Taker” and “Completer” in Relation to Required Reporting to by Law Schools including the MPR. Any changes will be communicated to the affected law schools.

On another note, the State Bar is continuing to work on a plan relating to distance learning programs and/or correspondence law programs. This project was previously linked with another project that will be considered separately. That separated project involves a potential mandatory timeline for an unaccredited school to achieve accreditation; in order to go forward, that such a proposal would need action from the California State Legislature, but no such action is currently pending.

Finally, State Bar Staff Principal Analyst Ron Pi indicated that the State Bar is in the initial stages of a Job Analysis study designed to validate the current minimum competencies needed by new lawyers. This is part of a series of ongoing studies to ensure the continued quality of the Bar Examination. A vendor to conduct the study will be selected at a future date. There are tentative plans to have a kick-off meeting in June/July to start the development of the questions for the study.

(E) Proposed New Guideline 5.10 Regarding Credit for Courses Completed as a Visiting Student (Attachment C)

This motion was amended as follows and will be set for further discussion at the May meeting of the RAC, and the amendments were accepted unanimously.

The Committee of Bar Examiners Advisory Committee on California Accredited Law School Rules (RAC) recommends that the Committee of Bar Examiners (CBE) adopt the following additional Guideline 5.10, to be added to the Guidelines for Accredited Law School Rules applicable to California Accredited Law Schools:

5.10 Credit Allowed for Courses as a Visiting Student

Credit may be allowed toward the J.D. degree for up to twelve semester units of course work taken as a visiting student pursuant to Guideline 7.12. To receive credit, the visiting student must have taken the course or courses within eighteen (18) months of admission, must meet the pre-legal education requirements in Guideline 5.1, must have participated and been graded in the course as equivalent to a J.D. student, and must have received a grade at the good standing level, or higher, at the awarding law school.

(F) Definition of “Substantial Compliance” for Schools Applying for Provisional Accreditation (Attachment D)

Pursuant to its 2018 goals, the RAC held a preliminary discussion about the meaning of the term “substantial compliance,” as used in the Rules and Guidelines applicable to California Accredited Law Schools. It was noted that the term, though used in several sections of the Accredited Law School Rules and the Guidelines for Accredited Law School Rules pertaining to initial accreditation, provisional accreditation, termination of accreditation, and probation, is without a definition in either the Rules or Guidelines. In particular, members of several law schools were interested in knowing whether or how the substantial compliance standard would apply to the minimum pass rate requirement. Discussion will continue on this issue, but no specific proposal was created.

(G) 2018 RAC Goals Check-in (Attachment E)

The goals were reviewed. No new goals were added.

(H) Recognition of Outgoing Program Manager for Educational Standards, George Leal
RAC Chair Greg Brandes, on behalf of the RAC, thanked George Leal for his service during his tenure as a Program Manager and Director of Educational Standards.

The next RAC meeting will be on May 3, 2018 starting at 3:00 PM in the State Bar San Francisco Office.

The meeting adjourned approximately 4:50 PM.

