

November 30, 2017 Rules Advisory Committee

The Rules Advisory Committee (RAC) approved the following goals for 2018:

2018 Rule Advisory Committee (RAC) Goals, in conjunction with the Educational Standards Subcommittee of the Committee of Bar Examiners (CBE):

1. Adopt a rule or guideline defining “minimum competence” for the first-year practice of law, considering presently-available information about the work that first-year lawyers do, understanding that this definition will be subject to review and/or revision once the planned job analysis is completed by the State Bar.
2. Work with the CBE to develop a rule or guideline to provide protection for trade secrets, as permitted by Bagley-Keene, the Uniform Trade Secrets Act, the California Public Records Act, and other applicable law and regulation, to permit law schools to maintain confidentiality of material they submit to the State Bar, if they have otherwise maintained it confidential (e.g., financial records), and in connection therewith, develop a definition of “trade secrets” appropriate to the functioning of law school regulation under the Accredited Law School Rules and the Guidelines for Accredited Law School Rules.
3. Recommend to the CBE bar exam statistics and data reporting mechanisms, within the confines of privacy laws, for publication and protection of data regarding the bar exam, and in connection therewith study the basis for limitations on reporting data for schools with small sample sizes (i.e., few bar exam takers) designed to protect individual applicants and test takers from being individually identifiable.
4. Adopt a rule or guideline defining “substantial compliance” for purposes of schools applying for provisional accreditation, whether transitioning from registered unaccredited status or starting anew, and in connection therewith examine and determine the applicability of any such definition to other compliance situations, such as notice of noncompliance and probation, MPR, and other rules and guidelines.
5. With the State Bar, continue to move forward the package of statute, rule, guideline, and other changes required to effectuate the decisions of the CBE and Board of Trustees to permit accreditation of compliant distance learning law schools and thereafter require that all law schools operating in California be accredited by the Committee, or be actively seeking accreditation, as developed by Rules Working Group I and II, approved twice by the Committee of Bar Examiners and Board of Trustees, and pending delivery to the California Supreme Court in early 2018.