

COMMITTEE OF BAR EXAMINERS

OPEN SESSION AGENDA ITEM

AGENDA ITEM: August 2018 – O-407

2017-2018 Goals Educational Standards Subcommittee (August 2018)

1. Consider the feasibility and desirability, including the impact on cost and Committee staffing, of outsourcing the Committee's authority to accredit law schools in California to another professional or academic accreditor, such as the Western Association of Schools and Colleges (WASC).

The Committee received an educational presentation about WASC accreditation at its October 2, 2017 Committee meeting. Further options were presented in February and June as part of the Parker/Walton research report. Discussion will continue at the August 2018 Committee meeting.

2. Consider reactivating the current suspension of Guideline 12.1 (Minimum Cumulative Bar Examination Pass Rate) of the *Guidelines for Accredited Law School Rules*.

Guidelines 12.1 and 12.1 were reactivated at the December 2, 2017 CBE Meeting via the following motion "Move that the temporary suspension of Guidelines 12.1 and 12.2 of the Guidelines for Accredited Law School Rules be lifted." All CALS reported their 2018 MPR's as of July 2018, and they will be discussed at the August 2018 Committee meeting.

3. Following a period of public comment, consider final versions of the proposed amendments to the *Accredited Law School Rules*, the *Guidelines for Accredited Law School Rules* and various state statutes to require the accreditation of unaccredited law schools and allow the accreditation of online law schools and submit to the Board of Trustees and the California Supreme Court for consideration.

To fully implement these amendments, certain court rules and statutes would need to be changed, but no such changes are pending. Alternatives continue to be evaluated, including an option to implement only the portion that can be effectuated without further statutory change.

4. Consider requiring each California Accredited Law School to calculate and submit an MPR Report, under Guideline 12.1, on or before July 1, 2018 for the reporting period of August 1, 2012–July 31, 2017.

All fifteen CALS reported their MPRs in July 2018 using the formula in Guideline 12.1. These MPRs will be discussed at the August 2018 Committee meeting. Note that the definition of a taker of the California Bar Examination (CBX) used in the calculation was updated to include only examinees who attended all sessions of the CBX, via the following motion approved at the March 2018 Committee meeting: “Move that the definition of “taker,” as set forth in the Committee’s Guidelines for Allocation of Applicants, Production of Examination Statistics and Law School Lists, be applied retroactively to each pass/fail list previously sent to the California Accredited Law School (CALS) for the administrations of the California Bar Examination (CBX) reported in 2013 through 2017, so as to allow each CALS, pursuant to Accredited Law School Guideline 12.1, to calculate accurately its MPR statistic for the reporting of August 1, 2012 through July 31, 2017; and that staff is directed to provide each CALS with the information necessary to assist them in preparing their MPR’s in compliance with the Committee’s guidelines.”

5. Consider recommendations from the Committee’s Rules Advisory Committee on Accredited Law School Rules (RAC) to amend the *Accredited Law School Rules*, the *Guidelines for Accredited Law School Rules* as suggested or needed.

The RAC has provided valuable feedback in a number of areas including enhancement of the B&P Code section 6061.7 disclosures, enhancement of the MPR Reporting Form to protect student privacy, and an initiation of a research project by General Counsel into the state of case law related to trade secrets presented in June to various law school groups and made available to the Committee. RAC has also collected questions from schools related to possible options for the accreditation of distance learning law schools. The RAC also continues to develop a proposal to allow visiting students to claim credit for their classes if they later enroll in law school, and such proposal may be presented at a future meeting.

6. Consider petitions and requests for prior approval submitted by both accredited and registered, unaccredited law schools seeking the Committee’s prior approval of major changes, waivers of the appropriate Rules and Guidelines, or the Committee’s policies or procedures.

During the course of the Committee year, the Committee considered 11 requests from law schools seeking major changes or waivers, and several requests are pending at the August 2018 Committee Meeting.

7. Consider and take action regarding applications for provisional accreditation for existing registered law schools, applications for the registration of new law schools, and the provisional approval of branch campuses.

During the course of the Committee year, the Committee considered five requests, including the withdrawal of registration of the Pinnacles School of Law and Central California University School of Law, the approval of John F. Kennedy University College of Law's Branch Campus in San Jose; the redesignation of Monterey College of Law's Santa Cruz Satellite Campus to a Branch Campus, the pending consideration of the request of McMillan Academy of Law to withdraw its registration, and the pending voluntary withdrawal of its application for California Accreditation by Irvine University College of Law. The Committee also approved hybrid J.D. programs for both Santa Barbara and Ventura Colleges of Law and Monterey College of Law.

8. Participate in the inspection of law schools as scheduled and needed. Consider reports of interim and periodic inspections of accredited and registered law schools and inspections performed in response to the issuance of Notices of Noncompliance; generally monitor the compliant operation of both California-accredited and registered law schools and the overall educational requirements for applicants seeking to qualify to take and pass the California Bar Examination.

During the course of the Committee year, the Committee considered five law school inspection reports (Glendale University College of Law; McMillan Academy of Law; Lincoln Law School Sacramento; and Southern California Institute of Law). The Committee will also consider two more at its August meeting (California Desert Trial Academy; and Empire College of Law) and four more are pending (American Heritage University School of Law; Lady Justice Law School; Irvine University College of Law; and San Francisco Law School). The Committee also reviewed the follow-up inspection report related to an additional one-day inspection of McMillan Academy of Law conducted on May 9, 2018 to evaluate any progress related to the Notice of Noncompliance issued to that school at the Committee meeting in December 2017.

9. Review Accredited Law School Guidelines for branch campuses to evaluate whether any revision may be required. Examine the Guidelines relating to requests for branch and satellite campuses to see if any refinements are appropriate and/or necessary.

This goal was added in May 2018, after the newest guidelines for the evaluation of requests to open new branch campuses were applied for the first time. Further study is needed to address concerns raised by the Committee in this area.

10. Evaluate whether the frequency of required faculty evaluations should be adjusted.

In response to a Committee request, staff gathered information from members of the Rules Advisory Commission and other law school Deans regarding the

current frequency of faculty performance evaluations. Most schools collected student evaluations yearly and conducted annual evaluations for new faculty and evaluations every three years or more often for experienced faculty. When presented with this information informally, the Subcommittee considered the matter closed without the need to take formal action.