



The State Bar *of California*

OPEN SESSION AGENDA ITEM APRIL 2020 COMMITTEE OF BAR EXAMINERS ITEM O-408

DATE: April 24, 2020

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst

SUBJECT: Report on Status of Proposal for Revised Accredited Law School Rules

BACKGROUND

The purpose of this item is to provide the Committee of Bar Examiners with an update on the progress of the proposal for revised Rules for Accredited Law Schools since the last presentation to the Committee in December 2019. The proposed revised rules package is now scheduled to be presented to the Committee in August 2020.

The State Bar of California has been a programmatic accreditor of California accredited law schools since its founding in 1927, focusing on the JD degree. While the Rules for Accredited Law Schools have been amended from time to time, they are currently undergoing a significant revision. The Rules for Unaccredited Law Schools are not the subject of the current rules revision project.

DISCUSSION

THE BOARD OF TRUSTEES HAS DIRECTED THE COMMITTEE OF BAR EXAMINERS TO REVISE THE RULES FOR ACCREDITED LAW SCHOOLS

In late January 2019, the Board of Trustees directed that the process of law school regulation be revised in a number of ways designed to re-examine the purpose for accreditation and revise the rules accordingly. The first initiative stemming from this directive implemented a pathway to accreditation for online JD programs. The second initiative involves a major revision to the Rules for Accredited Law Schools that will incorporate best practices in accreditation and create a deemed accredited status for schools that are accredited by regional institutional accreditors.

Accredited Law Schools Can Now Apply To Deliver Online JD Programs

In May 2019, the Board of Trustees ratified the Committee's proposed amendments to the Rules for Accredited Law Schools to provide a path to accreditation for qualifying law schools that offer JD programs online.

The Committee released updated applications for accreditation in July 2019. To date, four of seventeen accredited law schools have requested and received the Committee's approval to offer hybrid or fully online JD programs. Six of eighteen registered schools are also in the process of seeking accreditation. The Committee has approved the initial applications for two registered, accredited schools that are seeking provisional accreditation and those two schools are currently undergoing inspections. The Committee will consider two more applications today. In addition, two more schools are in the process of completing their applications for presentation at a future meeting.

Redefining the Purpose of Accreditation, Modernizing the Rules, and Incorporating Best Practices

The proposed revised Rules for Accredited Law School will focus on achieving the State Bar's new purpose for accreditation, address issues identified by the Committee of Bar Examiners based upon the Committee's experience applying the rules, update the rules to reflect changes in educational technology and pedagogy, and incorporate current best practices in accreditation.

The proposal will also include a new deemed accredited status, allowing schools that have taken the extra step of earning a regional or national institutional accreditation to satisfy some of their State Bar accreditation responsibilities by through the school's compliance process with the regional accreditor. This will streamline State Bar processes and recognize these efforts that the law school is taking to demonstrate its commitment to providing high-quality education.

Broad feedback has been sought during the drafting process

The Board of Trustees created the Committee on State Bar Accredited and Registered Schools (CSBARS), in part, to participate in this rules revision process. CSBARS includes representatives from the Committee of Bar Examiners, law schools, and an expert in accreditation. In addition to relying on the expertise of its members, CSBARS consulted with other accredited and registered law schools, and received feedback from the Western Association of Schools and Colleges (WASC) Senior College and University Commission, which is the regional institutional accreditor whose region includes California, as well as the State Bar's Office of Access & Inclusion and its Council on Access & Fairness.

CSBARS has reviewed the State Bar's regulatory mission and history, as well as Committee requests made in recent years. It also studied the practices of a wide range of institutional and

programmatic accreditors. CSBARS used this information to identify the proposed new purposes for State Bar accreditation.

In December 2019, Committee members Jim Fox and Alex Lawrence presented an update to the Committee focusing on the work completed by CSBARS as of that date, and seeking feedback on the proposed purposes for accreditation identified by CSBARS: Consumer Protection and Transparency; Student Success; Diversity, Equity and Inclusion; and Preparation for Licensure and Professionalism. The Committee supported these new purposes.

The Revised Rules for Accredited Law Schools are now being organized around those identified purposes and reviewed to ensure that the new rules carry out those purposes.

The deemed accredited status portion of the proposal will allow schools approved by institutional accreditors to meet some of their law school accreditation requirements through the regulatory responsibilities that they fulfill to their institutional accreditor, such as periodic inspection and routine administrative changes. This will reduce duplication for the schools and for the State Bar while maintaining quality. Each law school will still need to provide annual reports and comply with core requirements such as the Minimum, Cumulative Bar Passage Rate. The Committee will still be able to take the appropriate action if there is a concern as to a school's compliance.

The revised rules proposal is scheduled to be presented to the Committee in August 2020.

While the revised accredited law school rules proposal was scheduled to be presented to the Committee in June, due to the unexpected issues related to COVID-19 and the cancellation of the CSBARS meeting in March 2020, the proposal will now be presented to the Committee in August 2020. The Committee will then have the option to refer its recommendation to the Board of Trustees for presentation and circulation for public comment.

When new Rules are adopted, there will be a sufficient transition period to allow the schools to transition smoothly over a period of time.