



# The State Bar *of California*

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## **OPEN SESSION AGENDA ITEM O-410 AUGUST 2020 COMMITTEE OF BAR EXAMINERS**

**DATE:** August 21, 2020

**TO:** Members, Committee of Bar Examiners

**FROM:** Natalie Leonard, Principal Program Analyst

**SUBJECT:** Action on Proposal for New Rules to Replace the Rules for Accredited Law Schools

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### **EXECUTIVE SUMMARY**

This item proposes options to the Committee of Bar Examiners (Committee) to replace the Rules for Accredited Law Schools with an updated rule set that supports a new philosophy of accreditation, grounded and focused on ensuring four key goals: consumer protection and transparency; student success; diversity, equity, and inclusion; and preparation for licensure and professionalism as an attorney.

At the further request of the Board of Trustees (Board), it also includes a provision to add a deemed accredited status for law schools accredited by regional or national accreditors who agree to meet certain core requirements of the State Bar rules.

The Committee of State Bar Accredited and Registered Schools (CSBARS) has created a proposal (Attachment B). An alternative staff proposal is also presented. (Attachment A) The staff proposal is based on the structure and substance of the same four key purposes for accreditation identified above, but addresses several key areas in which an alternative was suggested, including: ensuring enforceability of interpretive guidelines; adding detail to ensure student eligibility to qualify to take the bar examination; and creating a flexible, fair and efficient framework for addressing noncompliance, in line with recent Committee requests. (Attachment A)

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### **BACKGROUND**

In January 2019, the Board created the Committee of State Bar Accredited and Registered Schools (CSBARS) and included as part of its charge: providing feedback to CBE and State Bar on matters relating to the promulgation of new or amended Accredited Law School Rules and The Guidelines for Accredited Law School Rules. The membership of CSBARS includes representatives from the Committee of Bar Examiners, both registered and accredited law schools, and an expert in accreditation who has participated on teams involved in admissions and law school regulation at both the State Bar of California and the American Bar Association.

At that same meeting, the Board directed the State Bar, CBE, and CSBARS to review registration and accreditation standards and modify them as needed to comport with best practices in accreditation. The Board also directed that the State Bar recognize regional and national accreditation from entities authorized to accredit the first degree in law, and to identify additional State Bar requirements that must be satisfied in order for regionally and nationally accredited institutions to operate in California.

As the CBE reviews the proposals today, it may be helpful to review the steps related to promulgating rules.

The CBE may recommend rules to the Board for consideration and adoption after the rules are posted for public comment, generally for sixty to ninety days.

The CBE may, on its own motion, create and adopt guidelines to further interpret those rules, after receiving input from the CSBARS and public comment.

Attachment B is the resulting rules proposal created by the CSBARS in response to the Board's directives. In addition, staff has also provided an alternative proposal based upon the same framework, but with several modifications that will be further discussed below. The CBE is asked to review the proposals to determine its recommendation to the Board.

Both the CSBARS proposal and the staff proposal include only a rule set at this time. The goal was to consolidate all key requirements in a single document that can be located easily by schools, prospective and current students, and the public.

As the current rules evolved over the years, key requirements unrelated to current rules were introduced into the guidelines, as well as State Bar policies and practices. It is hoped that creating a single, more comprehensive rule set, in which all requirements are specified, will enhance public protection by making it easier for schools to understand their obligations as accredited law schools. Guidelines may be added as needed to interpret the rules as needed.

The CSBARS proposal would have identified the guidelines as advisory, allowing the schools the opportunity to show that they met the objective of its attendant rule through another option not noted in the guideline, but still in compliance with the rule. The staff proposal, however, recommends the current State Bar practice of creating enforceable guidelines, building latitude to pursue and alternate course only when expressly stated by the Committee. (Proposed Rule 4.103)

## **DISCUSSION**

Staff and CSBARS collaborated to create these two proposals and agree in most areas. The areas of agreement and difference will be described as the proposals are detailed below.

As the rules were drafted, CSBARS also considered public comment from law schools, as well as notes, directives and comments from the most recent three years of CBE meetings. Key committee requests included increased authority to seek information before a school could open a branch campus, a definition of substantial compliance with the rules that prioritized the most essential rules, and a noncompliance process that was fair, flexible and efficient.

### **CSBARS USED A COMPREHENSIVE APPROACH TO DEVELOP ITS ACCREDITED RULES PROPOSAL OVER A PERIOD OF FOURTEEN MONTHS.**

Starting in April 2019, CSBARS met ten times over the course of fourteen months to develop the attached comprehensive proposal to replace the Rules, Guidelines, policies and practices that govern State Bar Accreditation today. Each meeting was open to the public and included time for public comment from registered schools, accredited schools, and members of the public.

At its first two meetings, CSBARS reviewed the Board's directive, as well as the State Bar's history as a regulator of law schools relative to its missions of public protection and promoting access to justice.

CSBARS next learned how institutional accreditors are already working with both standalone law schools and law schools that are part of a larger university, and interviewed the President and Vice President of the Western Association of Schools and Colleges (WASC) Senior College and University Commission at a CSBARS meeting. CSBARS learned that at that time nine of fifteen accredited law schools held or sought to hold a national or regional accreditation, though the schools were not required to do so. Today, twelve of sixteen accredited schools are seeking or hold a regional or national accreditation.

In fall 2019, CSBARS studied guiding principles and practices adopted not only by regional and national accreditors, but also by professional programmatic accreditors in a wide range of professions. These professions included law, the health professions, architecture, and engineering. CSBARS identified a long list of attributes that the State Bar could consider when deciding what to measure through accreditation. The list was narrowed by determining which key purposes could best translate into rule statement identifying the measureable actions that a school should take to carry out the State Bar's purpose for accreditation. At the time, CSBARS looked to see if the mission could be supported by materials and methods that could be measured and monitored for continuous improvement. For example, while affordability was identified as a desirable quality for an accredited law school, it was not proposed as a purpose for accreditation because the cost cannot be regulated through State Bar rules.

Ultimately, CSBARS selected four key purposes for accreditation: consumer protection and transparency; student success; diversity, equity, and inclusion; and preparation for licensure

and professionalism as an attorney. These purposes were shared with the CBE in December 2019 for comment before the drafting process began.

Throughout the winter and spring, these purposes were translated into action statements that described what the State Bar was seeking to measure. By clearly articulating the purposes of the State Bar's accreditation role, CSBARS was able to focus and streamline the accreditation requirements. Requirements that did not serve one of the goals were eliminated. For example, current rules and guidelines include detailed requirements about how a law school should construct an optional board of visitors, prohibit sharing of classrooms with other departments, and require that certain staff be entitled to offices. (Guidelines 3.3, 9.1 and 9.2) Guidelines like these were eliminated when it was determined that they did not further any of the four goals underpinning the purpose of accreditation. Eliminating requirements that do not support the purpose for accreditation reduces cost and directs both school and State Bar efforts to what matters most.

### **THE RULES PROPOSAL IS ORGANIZED AROUND THE FOUR PURPOSES FOR ACCREDITATION**

The requirements that schools must meet all flow from the four purposes for accreditation, which are contained in Rule 4.160. Under the current rules, 4.160 contains a list of tasks that a school must complete, while under the new proposals, this same rule contains a list of four goals that schools must achieve.

Consumer Protection and Transparency requires that a "law school shall ensure that prospective and current students are informed of the rights, responsibilities, and limitations of attending the school, the resources and requirements needed to earn a JD degree, and the school's student outcomes with respect to retention, licensure, and career outcomes." (Proposed Rule 4.160(A)). This includes setting forth a clear understanding of the school's offerings, expectations and resources, as well as a commitment to student privacy. More general aspirational statements in the current rules regarding honesty and integrity are replaced with concrete actions that foster those qualities. The staff proposal closely tracks the CSBARS proposal in this area.

Student Success provides that "[c]onsistent with its mission and these rules, a law school must provide JD curriculum and teaching designed to promote student success, measured by the learning outcomes designated by the school for its courses and programs." This incorporates a best practice seen at every other accreditor, which is a commitment to continuous improvement through measurement and evaluation as to each process. Schools are encouraged to adopt learning outcomes and see if they are met. (Proposed Rules 4.160(B)(5)) Schools must also ensure that the students they admit have the proper qualifications, as well as the education they need to obtain licensure. (Proposed Rule 4.160(B)(6)) The staff proposal adds more detail to ensure that the school has a qualified dean, as well as appropriate oversight for internship programs. (Proposed Rule 4.160(B)(6), 10(e)) Faculty are suggested to be evaluated annually, based upon a suggestion from the Committee. (Proposed Rule 4.160(B)(12)) The staff proposal adds a number of other important details related to eligibility, transfer credits and full or part time status designed to safeguard eligibility and provide students with an option to qualify to take the bar exam under the four year rule if they do not

earn a JD. Nearly each addition relates directly to a common compliance problem that occurred or was imminent in the last several years. For example, it deletes the option to replace one or more courses with competency examinations that would allow students to place out of taking a course.

Diversity, Equity and inclusion requires that “[a] school must have mission-appropriate diversity, equity and inclusion policies, in accordance with California and federal law, to support student success; create an inclusive environment for, and encourage the participation of, historically underrepresented communities within the student body; and promote cultural competency and respectful discourse across a wide range of issues.” (Rule 4.160(C)) The school must evaluate the plan’s outcomes and take action on the findings. An explicit commitment to these concepts is another example of a best practice adopted. The State Bar’s Office of Access & Inclusion and the Council on Access and Fairness helped to draft this section. CSBARS and staff proposals agree for this section.

Preparation for Licensure and Professionalism requires that a “law school shall prepare Juris Doctor students to become licensed attorneys and to practice law in an ethical and professional manner.” (Proposed Rule 4.160(D)) This requires law schools to incorporate bar topic courses, and clinical experiences designed to foster ethical practices, but allows the school to choose how it does so. Thus, the school will not be evaluated as to having a particular course, but rather that it chooses courses that have the outcome of a compliant minimum, cumulative pass rate. (Proposed Rule 4.160(D)(6). Both CSBARS and Staff proposals agree.

#### **THE PROPOSALS INCLUDE AN OPTION FOR RECOGNIZING REGIONAL ACCREDITORS THAT ALSO MEET SPECIFIED STATE BAR REQUIREMENTS**

In addition to accredited status, both proposals include a new deemed accredited status that accredited law schools can choose when they have taken the extra step of earning a regional or national institutional accreditation. In such cases, the State Bar will recognize and accept their regional or national accreditation so long as they maintain compliance with core rules and document this through the submission of a periodic compliance report. The regional accreditor will otherwise handle inspections and change requests, with copies being sent to the State Bar. This will streamline State Bar processes and recognize and encourage the infrastructure investments a school makes when seeking institutional accreditation.

There are ten core requirements enumerated in 4.102(C):

- a. the fees required by Rule 4.110;
- b. compliance with applicable law required by Rule 4.160(A)(1);
- c. disclosures required by Rule 4.160(A)(2) and Rule 4.160(A)(3);
- d. student success standards required by Rule 4.160(B);
- e. practice-based skills and competencies curriculum required by Rule 4.160(D)(2);
- f. financial responsibility required by Rule 4.160(D)(3);
- g. curriculum required by Rule 4.160(D)(4);
- h. Minimum Cumulative Pass Rate (MPR) required by Rule 4.160(D)(6);

- i. periodic reporting required by Rule 4.161
- j. the orders, directions, and notices required by the State Bar pursuant to these rules

Deemed accredited schools must maintain compliance with these elements in addition to all requirements of the regional or national accreditor, such as inspections and routine administrative changes, with the State Bar receiving a copy of the report. The Committee will still be able to take the appropriate action if there is a concern as to a school's compliance with the core rules. Both the CSBARS and staff proposals agree in this area.

### **THE PROCESSING FOR BECOMING ACCREDITED AND MAINTAINING ACCREDITATION ARE SIMILAR IN THE CSBARS AND STAFF PROPOSALS AND DEFINE SUBSTANTIAL COMPLIANCE FOR THE FIRST TIME**

The process for becoming accredited and maintaining accreditation is similar to the process in place today, with one notable and long-requested improvement. The process now includes a specific definition of substantial compliance as to a single rule or as to all rules in general. Substantial compliance requires full compliance with the core rules described above, as well as the reasonable objectives of the remaining rules. (Proposed Rule 4.105(P)) A school establishing substantial compliance can earn provisional accreditation. Full compliance requires compliance with all rules.

This enhanced clarity will assist schools that are in the process of seeking accreditation. It also informs accredited schools of the key rules in which full compliance must be maintained at all times in order to maintain accreditation.

Both the CSBARS and staff proposals agree on these points.

### **THE PROCESS FOR ADDRESSING NONCOMPLIANCE DIFFERS GREATLY BETWEEN THE TWO PROPOSALS**

The staff proposal would streamline the noncompliance process versus current practices while still offering the school an opportunity to respond at relevant points in the process. (Staff proposal 4.170 et. seq.) Under the staff proposal, when the Committee receives evidence that suggests that a school has not maintained compliance, generally through an inspection or a compliance report, the Committee will issue a Notice of Noncompliance. A law school may respond with any evidence to establish compliance or document its best available timeline and plan to return to compliance. Upon reviewing the plan, if the Committee still finds noncompliance, it may impose sanctions or, in rare instances of serious misconduct, immediate termination. If termination is recommended, the school would have the right to a hearing and an appeal to the California Supreme Court. A school losing its accreditation could apply for registration as an unaccredited law school.

The CSBARS proposal would add additional steps to the process. The Committee's first step would be the issuance of a Notice of Intent to Make Finding of Noncompliance, prior to meeting again to issue a formal notice. The CSBARS proposal also add an additional optional

sanction option of interim monitoring that may be imposed for a period of time prior to considering probation or termination. Under the CSBARS proposal, after each step, the school would be entitled to file a response and request a hearing. Probation would be required prior to termination except in cases of fraud or serious misconduct. If the Committee were to terminate a school's accreditation, it would be recommended that the school would receive at least 180 days' notice plus the opportunity to submit a teach-out plan. The school could still apply for registration as an unaccredited law school after losing accreditation.

The staff proposal departed from the CSBARS proposal based on feedback from the Committee regarding the need to provide a fair, flexible response that balances the needs of schools with the needs of the public, including current and prospective students.

### **Schools would have a period of transition to adjust to the new rules.**

If new rules are adopted, both proposals recommend that schools would have up to five years to come into full compliance. This is because some of the new requirements, such as a diversity plan, or the development of learning outcomes for each course, may take time and refinement. Schools would be expected to begin making progress right away, however, and progress could be documented in periodic reporting, such as the Annual Compliance Report.

### **The staff rules proposal has significant overlap with the CSBARS rules proposal.**

Both the CSBARS rules proposal and staff proposal are very similar in structure and content. Many portions are nearly or fully identical. The proposals agree on the four purposes for accreditation enumerated in 4.160(D).

The key differences, discussed above, were inserted only when necessary to address State Bar eligibility requirements, a specific request from the Committee, or compliance issues that have been observed by staff or the Committee in recent years. These staff proposal would address these issues through its alternate option:

1. Ensuring the Committee can create enforceable guidelines
2. Ensuring that all eligibility requirements are addressed during the admissions process
3. Offering flexibility of length and content of coursework, but continuing to prohibit competency examinations in place of courses
4. Requiring sufficient qualified staff and administrators at each site, evaluated annually
5. Moving the branch campus approval procedure to the major change process to allow the Committee to fully evaluate a proposal
6. Offering a clear and efficient process for issues related to noncompliance
7. Requiring a school losing accreditation to apply for registration in order to ensure that the strict registered curriculum requirements are met

It is believed that these additions will more closely reflect the Committee's goals for implementing the purposes for accreditation.

## **FISCAL/PERSONNEL IMPACT**

None

## **AMENDMENTS TO RULES OF THE STATE BAR**

Title 4, Division 2, Chapter 1

## **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

## **STRATEGIC PLAN GOALS & OBJECTIVES**

None - core business operations

## **RECOMMENDATIONS**

It is recommended that the Committee of Bar Examiners recommend the staff proposal for revised Accredited Law School rules and forward to the Board of Trustees for consideration.

## **PROPOSED MOTION**

Should the Committee of Bar Examiners agree with staff recommendations, the following motion should be made:

**MOVE**, that the staff proposal for revised accredited law school rules be recommended to the Board of Trustees to circulate for a 90 day public comment period, and further consideration for adoption.

## **ATTACHMENT(S) LIST**

- A.** Staff Proposal to Replace Accredited Law School Rules
- B.** CSBARS Proposal to Replace Accredited Law School Rules



## **TITLE 4. ADMISSIONS AND EDUCATIONAL STANDARDS**

### **CSBARS Draft Proposed Revised Rule Set for Accredited Law Schools, June 15, 2020**

#### **DIVISION 2. ACCREDITED LAW SCHOOL RULES**

##### Chapter 1. General Provisions

##### Rule 4.100 Authority

The Committee of Bar Examiners of the State Bar of California (“the Committee”) is authorized by law to accredit law schools in California (“accredited law schools”) and oversee and regulate those law schools. The Committee is the degree-granting authority for law schools subject to these rules. Whenever the words "Accredited" or "Provisionally Accredited" appear in law school communications in relation to qualification to take the California Bar Examination or admission to the practice of law in California, they must be accompanied by words clearly indicating that such accreditation is by the Committee of Bar Examiners of The State Bar of California.

*Rule 4.100 adopted effective January 1, 2009*

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##### Rule 4.101 What these rules are

- A. The Accredited Law School Rules (“these rules”) apply to law schools seeking provisional accreditation by the Committee, law schools provisionally accredited by the Committee, and law schools accredited by the Committee. These rules do not apply to law schools fully or provisionally approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.
- B. Provisional accreditation by the Committee of Bar Examiners of the State Bar of California is granted when a school demonstrates substantial compliance with these rules. Accreditation by the Committee is granted when a school demonstrates compliance with these rules.
- C. These rules do not apply to unaccredited law schools registered by the Committee, paralegal programs, undergraduate legal degree programs, or other legal studies programs that do not lead to a professional degree in law. The appropriate entity or entities must approve such programs, even when they are offered by an accredited, approved, or registered law school or an institution of which it is a part.

*Rule 4.101 adopted effective January 1, 2009; amended effective January 1, 2012.*

##### Rule 4.102 Law schools approved by other accreditors

- A. A law school provisionally or fully approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association is deemed accredited by the Committee and exempt from these rules, unless the Council withdraws its approval.

- b. A law school that has been accredited by the Committee and is also fully approved by any accreditor recognized by the United States Department of Education and authorized to accredit schools offering the first professional degree in law may apply to be, and upon approval shall be, deemed accredited by the Committee so long as the school and the institution of which it is a part remain accredited in good standing, and the school complies with the requirements in section 4.102(C) of these rules.
- c. Core Accreditation Requirements; Deemed Accredited Requirements
  - 1. A law school that is deemed accredited under Rule 4.102(B), and within the meaning of Rule 4.105(F), must comply with the following:
    - a. the fees required by Rule 4.110;
    - b. compliance with applicable law required by Rule 4.160(A)(1);
    - c. disclosures required by Rule 4.160(A)(2) and Rule 4.160(A)(3);
    - d. student success standards required by Rule 4.160(B);
    - e. practice-based skills and competencies curriculum required by Rule 4.160(D)(2);
    - f. financial responsibility required by Rule 4.160(D)(3);
    - g. curriculum required by Rule 4.160(D)(4);
    - h. Minimum Cumulative Pass Rate (MPR) required by Rule 4.160(D)(6);
    - i. periodic reporting required by Rule 4.161
    - j. the orders, directions, and notices required by the State Bar pursuant to these rules.
  - 2. The accreditation standards listed in Rule 4.102(C)(1) are the “core” requirements of accreditation as that term is used elsewhere in these rules.

*Rule 4.102 adopted effective January 1, 2009.*

#### 4.103 Interpreting and applying the rules; transition from pre-existing rules

- A. The Guidelines for Accredited Law School Rules (“Guidelines”), govern the interpretation and application of these rules. The Committee has the authority to amend the Guidelines, subject to a reasonable public comment period, and after consideration of any comments received. Except in extraordinary circumstances when time does not permit, the Committee shall seek the input of the Committee of State Bar Accredited and Registered Schools (CSBARS) before circulating amendments for public comment.
- B. These rules shall go into effect on January 1 of the year following their adoption. The Accredited Law School Rules and the Guidelines for Accredited Law School Rules already in effect prior to the date these rules go into effect (respectively, “Pre-existing Rules” and “Pre-existing Guidelines”) shall sunset as of the date these rules go into effect. However, the Pre-existing Guidelines shall be effective as a “safe harbor” by which any school that is provisionally accredited or accredited by the Committee, as of the date of adoption of these rules may demonstrate substantial or full compliance with these rules through December 31, 2025.
  - 1. A law school relying on the Pre-existing Guidelines as a “safe harbor” to demonstrate substantial or full compliance with these rules must substantially or

fully comply, as applicable, with the Pre-existing Guidelines to invoke the “safe harbor” provision.

2. A law school in compliance with these rules is not also required to comply with the Pre-existing Rules or Pre-existing Guidelines.

*Rule 4.103 adopted effective January 1, 2009.*

#### Rule 4.104 Citation

These rules may be cited as Accredited Law School Rules.

*Rule 4.104 adopted effective January 1, 2009.*

#### Rule 4.105 Definitions

- A. “Admissions Rules” are the rules contained in Title 4, Division 1 of the Rules of the State Bar of California.
- B. A “Law School approved by the Council” is a law school fully or provisionally approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association and deemed accredited by the Committee.
- C. A “California Accredited Law School” is a law school that has been provisionally or fully accredited by the Committee.
- D. “Provisional Accreditation” is the status of a provisionally accredited law school. The Committee grants provisional accreditation for a specific period.
- E. A “Provisionally Accredited Law School” is a registered, unaccredited law school that is pursuing accreditation and has been recognized by the Committee as being in substantial compliance with applicable law and these rules.
- F. A “Deemed Accredited Law School” is a law school fully accredited by the Committee and that has also been recognized as “deemed accredited” within the meaning of Rule 4.102(B).
- G. “The Committee” is the Committee of Bar Examiners of the State Bar of California.
- H. The “First-Year Law Students’ Examination” is the examination required by statute and by The Admissions Rules.
- I. The “Guidelines” are the Guidelines for Accredited Law School Rules adopted by the Committee of Bar Examiners.
- J. “Inspection” means an on-site visit to a law school by an individual or a team appointed by the Committee in accordance with these rules.
- K. A “Major Change” is one of the changes specified in Rule 4.165, Major Changes.
- L. A “Professional Law Degree” is the Bachelor of Laws (LLB), Executive JD Non-Bar-Qualifying degree (EJD), Juris Doctor (JD), Masters of Law (LLM), Master of Legal Studies (MLS), or other post-graduate degree authorized by the Committee. The JD degree may be granted only upon completion of a law program that qualifies a student to take the California Bar Examination.

M. A “California Registered, Unaccredited Law School” is an unaccredited law school that has been registered by the Committee.

N. “State Bar staff” means assigned staff of the State Bar of California.

O. An “Unaccredited Law School” is a correspondence, distance learning, or fixed facility law school operating in California that is registered as a California unaccredited law school by the Committee but is not accredited by the State Bar.

1. An “Unaccredited Correspondence Law School” is an unaccredited law school that conducts instruction principally by correspondence. An Unaccredited Correspondence Law School must require at least 864 hours of preparation and study per year for four years.

2. An “Unaccredited Distance Law School” is an unaccredited law school that conducts instruction and provides interactive classes principally by technological means. An Unaccredited Distance Law School must require at least 864 hours of preparation and study per year for four years.

3. An “Unaccredited Fixed Facility Law School” is an unaccredited law school that conducts its instruction principally in classroom facilities, whether in-person or via synchronous classroom. An Unaccredited Fixed Facility Law school must require classroom attendance of its students for a minimum of 270 hours a year for four years.

P. Substantial Compliance

1. “Substantial compliance” for an institution exists where it (a) is in full compliance with the core requirements of Rule 4.102(C)(1); (b) meets the reasonable objectives of all other rules; and (c) has not engaged in, and is not at risk of engaging in, serious misconduct harming the education, safety, health, or financial condition of students or prospective students.

2. “Substantial compliance” for an individual rule exists where the institution meets the reasonable objectives of that rule. This definition applies to all rules except the core requirements of Rule 4.102(C)(1), for which a law school must show full and actual compliance.

3. Substantial compliance is a qualitative judgment made by the Committee, giving principal attention to the rule and its reasonable objectives. The Committee’s judgment may not be arbitrarily exercised, and may be informed by the judgment of experts, peers, and members of the public as applicable, as to the level of compliance with each rule.

*Rule 4.105 adopted effective January 1, 2009; amended effective May 17, 2019.*

Rule 4.106 Lists of law schools

The Committee maintains lists of law schools operating in California: those provisionally and fully accredited by the Committee, those registered as unaccredited by the Committee, those approved by other recognized accreditors and deemed accredited by these rules, and those approved by the Council.

*Rule 4.106 adopted effective January 1, 2009; amended effective May 17, 2019.*

#### Rule 4.107 Student complaints

The State Bar does not intervene in disputes between a school and a student or others, and will not respond directly to the complaining party, but will consider this information when assessing the law school's compliance with these rules.

*Rule 4.107 adopted effective January 1, 2009.*

#### Rule 4.108 Public information

Release of information contained in the files of applicants for provisional accreditation, provisionally accredited law schools, and accredited law schools is subject to the requirements and limitations imposed by state law.

*Rule 4.108 adopted effective January 1, 2009; amended effective November 18, 2016.*

#### Rule 4.109 Waiver of requirements

- A. A law school may request that the Committee temporarily waive any rule. The request must clearly show that the law school otherwise complies with these rules.
- B. The Committee shall consider the request at a scheduled Committee meeting as soon as reasonably practicable. In a situation of extreme emergency or declared disaster, a school may seek a waiver ratifying emergency action.
- C. The committee will allow a law school a reasonable time to comply with the rule for which it has granted a waiver, but a waiver is temporary. A request to renew a waiver must be filed with the Periodic Compliance Report or as specified by the Committee.
- D. The committee is authorized to adopt emergency policies and procedures in response to extraordinary circumstances in which compliance with the rules would create or constitute extreme hardship for multiple law schools. These policies and procedures will be effective upon adoption by the committee for a term certain and limited to the duration of the extraordinary circumstance.

*Rule 4.109 adopted effective January 1, 2009.*

#### Rule 4.110 Fees

- A. The regulatory and oversight services provided by the Committee are funded by reasonable fees that are set forth in the Schedule of Charges and Deadlines.
- B. Fees for the services of State Bar staff or their designees are listed in the Schedule of Charges and Deadlines. The State Bar shall have final discretion as to the hours required to complete regulatory actions. Schools seeking provisional or full accreditation agree to timely pay all fees incurred under the Schedule of Charges and Deadlines. Failure to do so will be a basis for a finding of noncompliance.
- C. Travel expenses are reimbursed at actual cost, in accordance with State Bar travel reimbursement policies.

*Rule 4.110 adopted effective January 1, 2009.*

Rule 4.111 Extensions of time

For good cause, the Committee may extend a time limit prescribed by these rules.

*Rule 4.111 adopted effective January 1, 2009.*

Chapter 2. Application for Provisional Accreditation

Registered unaccredited law schools may apply for provisional accreditation. The Committee will grant provisional accreditation if it finds that the law school has demonstrated that it is in substantial compliance with these rules. The provisionally accredited law school may be subject to annual inspection and its students shall be subject to the First-Year Law Students' Examination requirement. Provisional accreditation shall be granted for a specified period to be determined by the Committee.

*Rule 4.120 adopted effective January 1, 2009; amended effective May 17, 2019.*

Rule 4.121 Application procedure

A registered, unaccredited law school may apply for provisional accreditation by

- A. completing and submitting the Application for Provisional Accreditation and self-study with the fee set forth in the Schedule of Charges and Deadlines;
- B. submitting a self-study of its educational program and other information as required by the Committee;
- C. agreeing to allow the Committee to make any inspection it deems necessary; and
- D. agreeing to timely pay all fees incurred whether or not the school receives provisional accreditation.

*Rule 4.121 adopted effective January 1, 2009; amended effective May 17, 2019.*

Rule 4.122 Status Report on Application for Provisional Accreditation

Within 60 days of submitting an Application for Provisional Accreditation, a law school will be notified of the status of the application and the estimated date of Committee consideration.

Rule 4.122 adopted effective January 1, 2009.

Rule 4.123 Committee Action on Application for Provisional Accreditation

- A. After considering an Application for Provisional Accreditation, the Committee may
  1. make a finding, and notify the law school of that finding within 30 days of considering the application, that the school does not appear to have demonstrated at least substantial compliance with these rules, and deny the application;

2. make a finding that the school appears to be in at least substantial compliance with these rules and schedule an inspection within 90 days to verify the school's level of compliance;
3. request further information, allowing a reasonable time for review; or
4. deny the application.

*Rule 4.123 adopted effective January 1, 2009.*

**Rule 4.124 Inspection for provisional accreditation**

- A. An inspection visit is required of every applicant for provisional accreditation. The purpose of the inspection is to verify the information submitted by the law school and determine the extent of the law school's compliance with these rules.
- B. The Committee will notify the law school of the dates of the inspection. The inspection will be conducted by State Bar staff or designees and may include members of the Committee, law school representatives, or other members selected by the Committee.
- C. Within ten calendar days of notification of the proposed team by the State Bar, a law school may challenge the appointment of a team member for bias or conflict of interest, other than employment by a competing institution, documented with evidence and submitted in writing, and request an alternative appointment. The State Bar will consider the challenge and may appoint an alternative team member for good cause within 30 days of receipt of the challenge.

*Rule 4.124 adopted effective January 1, 2009.*

**Rule 4.125 Inspection report for provisional accreditation**

Within 90 days after the conclusion of the inspection, or as soon thereafter as practicable, the law school will receive a copy of the report for its review. If the law school takes exception to any of the findings in the report, it must notify the Committee in writing within 30 days of the date the report was mailed, and may take up to 60 days from the date the report was mailed to submit evidence in support of the exceptions. The Committee will consider the inspection report at a regularly scheduled Committee meeting after the time for submitting exceptions has passed; or, if exceptions have been submitted, at a regularly scheduled Committee meeting after the time for submission of materials has passed.

*Rule 4.125 adopted effective January 1, 2009.*

**Rule 4.126 Committee action on provisional accreditation inspection report**

After considering the inspection report, any exceptions filed by the law school, and any additional information it has requested, the Committee may deny provisional accreditation or grant it for a specified period of time up to two years. A law school granted provisional accreditation may be subject to an annual inspection and other conditions the Committee deems appropriate.

*Rule 4.126 adopted effective January 1, 2009.*

### Chapter 3. Application for Accreditation

#### Rule 4.140 Application for accreditation by provisionally accredited law school

No later than 180 days before the expiration of provisional accreditation, a provisionally accredited law school that is in compliance with these rules must apply for accreditation. A provisionally accredited law school that does not apply for accreditation by this time will cease to be provisionally accredited and may apply to become an unaccredited law school.

*Rule 4.140 adopted effective January 1, 2009.*

#### Rule 4.141 Application procedure

A provisionally accredited law school whose primary administrative offices are located in California may apply for accreditation by

- A. completing and submitting the Application for Accreditation with the fee set forth in the Schedule of Charges and Deadlines;
- B. submitting a self-study of its educational program and other information as required by the Committee;
- C. agreeing to allow the Committee to make any inspection it deems necessary; and
- D. agreeing to promptly pay all expenses of the inspection.

*Rule 4.141 adopted effective January 1, 2009.*

#### Rule 4.142 Status report on Application for Accreditation

Within 60 days of submitting an Application for Accreditation, a law school will be notified of the status of the application and the estimated date of Committee consideration.

*Rule 4.142 adopted effective January 1, 2009.*

#### Rule 4.143 Committee Action on Application for Accreditation

After considering an Application for Accreditation, the Committee may:

- A. notify the law school within 30 days of considering the application that the law school does not appear to be in compliance with these rules and, for reasons stated in the notice, advise it to withdraw its application; or
- B. schedule an inspection within 60 days upon determining that the law school appears to be in compliance with these rules; or
- C. request further information, allowing a reasonable time for review; or
- D. deny the application.



*Rule 4.143 adopted effective January 1, 2009.*

Rule 4.144 Inspection for accreditation

- A. inspection is required of every applicant for accreditation. The purpose of the inspection is to verify the information submitted by the law school and determine the extent of the school's compliance with these rules.
- B. The Committee will notify the law school of the dates of the inspection. The inspection will be conducted by State Bar staff or designees and may include members of the Committee, law school representatives, or other members selected by the Committee.
- C. Within ten calendar days of notification of the proposed team by the State Bar, a law school may challenge the appointment of a team member for bias or conflict of interest, documented with evidence and submitted in writing, other than employment by a competing institution, and request an alternative appointment. The State Bar will consider the challenge and may appoint an alternative team member for good cause within 30 days of receipt of the challenge.

*Rule 4.144 adopted effective January 1, 2009.*

Rule 4.145 Accreditation inspection report

Within 90 days after the conclusion of the inspection, or as soon thereafter as practicable, the law school will receive a copy of the report for its review. If the law school takes exception to any of the findings in the report, it must notify the Committee in writing within 30 days of the date the report was mailed, and may take up to 60 days from the date the report was mailed to submit evidence in support of the exceptions. The Committee will consider the inspection report at a regularly scheduled Committee meeting after the time for submitting exceptions has passed; or, if exceptions have been submitted, at a regularly scheduled Committee meeting after the time for submission of materials has passed.

*Rule 4.145 adopted effective January 1, 2009.*

Rule 4.146 Committee action on accreditation inspection report

After considering the inspection report on the law school, any exceptions filed by the law school, and any additional information it has requested, the Committee may deny accreditation, grant it, or extend provisional accreditation.

*Rule 4.146 adopted effective January 1, 2009.*

Rule 4.148 Application for Deemed Accredited Status

- A. An accredited law school may apply for “deemed accredited” status by
  - 1. completing and submitting the Application for Deemed Accredited Status with the fee set forth in the Schedule of Charges and Deadlines; and
  - 2. demonstrating that the law school meets the definition of deemed accredited status as defined in Rule 4.102(C), and agreeing to fulfill all obligations required of a Deemed Accredited Law School.
- B. Within 90 days of submitting a complete application for Deemed Accredited Status, or as soon as practicable thereafter, a law school will be notified whether it meets the definition of deemed accredited as defined in Rule 4.102(B).

#### Chapter 4. Responsibilities of Provisionally Accredited and Accredited Law Schools

##### Rule 4.160 Programmatic Responsibilities of Provisionally Accredited and Accredited Law Schools

The purposes for accreditation are fourfold: Consumer Protection and Transparency; Student Success; Diversity, Equity and Inclusion in legal education; and Preparation for Licensure. A law school shall maintain sufficient records between periodic inspections to demonstrate continuing compliance to the Committee.

- A. Consumer Protection and Transparency: A law school shall ensure that prospective and current students are informed of the rights, responsibilities, and limitations of attending the school, the resources and requirements needed to earn a JD degree, and the school’s student outcomes with respect to retention, licensure, and career outcomes.
  - 1. Compliance with laws: Law schools must maintain a primary administrative office and all its campuses in California and operate in compliance with all applicable federal, state, and local laws and regulations. While the State Bar will not warrant a school’s compliance with laws, evidence of violation of laws or regulations may result in a determination of noncompliance with these rules.
  - 2. Disclosure: A law school shall publish, on its Consumer Information (Accreditation) webpage, a disclosure statement, revised annually and submitted with the Periodic Compliance Report, that complies with California Business and Professions Code section 6061.7(a) in a format prescribed by the State Bar. The Committee may also require disclosure of additional information, including statistics on retention and diversity when to do so is not in conflict with 4.160(A)(6).
  - 3. Statement of Limitation on Bar Examination Eligibility: A law school shall publish, on its home page, the following Statement of Consumer Information, as well as on the Consumer Information Page, Application and Enrollment Agreement:
    - a. Study at, or graduation from, this law school may not qualify a student to take the bar examination or be licensed to practice law in jurisdictions other than California. A student who intends to seek licensure to practice law outside of California at any time during their career should contact the

admitting authority for information regarding its education and licensure requirements prior to enrolling at this law school.

4. Refund Policy: A law school must adopt a written refund policy that is fair and reasonable. A law school must provide refunds in accordance with its written refund policy, accompanied by a clear explanation of the method of calculation, within 45 days after a student withdraws from a class or a program, or within 45 days of the law school's discontinuing a course or educational program in which a student is enrolled.

5. Public Communications: All information that a law school reports, publicizes or distributes shall be accurate and not misleading to a reasonable law school student or applicant or the public. A law school shall use due diligence in obtaining and verifying such information.

a. A law school must not mislead prospective students as to their reasonable prospects of admission, obtaining a degree in the program in which they seek to enroll, their ability to qualify for or be licensed by the bar in any jurisdiction, the cost of the requirements for obtaining a degree, or the financial support available through loans or scholarships for their course of study.

b. Whenever the words "Accredited" or "Provisionally Accredited" appear in law school communications in relation to qualification to take the California Bar Examination or admission to the practice of law in California, they must be accompanied by words clearly indicating that such accreditation is by the Committee of Bar Examiners of The State Bar of California.

6. Student Privacy: A law school must protect student privacy and the confidentiality of student communications and records in accordance with the law. Notwithstanding any other provision of law, a law school must not disclose, without a student's consent, grades, grade average, class schedule, address, telephone number, or other personally identified information, unless:

a. Required by law, including administrative subpoena or court order;

b. The information is requested by the State Bar;

c. The information is designated "directory information" and students are advised of its designation as such;

d. The information is requested by another accrediting agency; or

e. In case of emergency.

7. Academic Standards: A law school must adopt and publish written academic standards, including:

a. Advance written standards for examinations and grading;

b. The courses, units, grades, and grade point average required for good standing, retention, advancement, and graduation;

c. The terms of the student probation policy, including requiring students advanced on probation to be academically disqualified if they do not meet the law school's requirements for advancement in good standing and retention at the end of that year;

- d. The circumstances under which a student is subject to disqualification for academic deficiency;
  - e. Policy on pass-fail grading and excluding such grading in bar-tested subjects;
  - f. Policy on course repetition which includes a prohibition on earning credit more than once for substantially similar coursework;
  - g. Prompt return of grades;
  - h. Policy on review and appeal of grades;
  - i. Policy for authenticating student work; and
  - j. Adequate prior written notice of changes to all affected students.
- 8. Student Discipline: A law school must have a written policy for the imposition of student discipline and that policy must be fair.
  - a. The law school's policy must include, but is not limited to, cancellation of a student's score on an examination or assignment, denial of course credit, suspension, and dismissal.
  - b. The law school's policy must include reasonable notice to the student of the discipline or action to be taken and provide an opportunity for the student to be heard, at the student's election, either in person, or in writing before a panel or members of the faculty and/or administration. An in-person hearing may be held electronically at the school's discretion.
  - c. The requirements of these rules for a law school's student discipline policy do not apply to academic probation or disqualification; other failures to meet academic standards; or failure to pay tuition, fees, or charges billed to the student.
- 9. Compensation Based on Number of Applicants, Enrollment and Students Prohibited: A law school may not base the compensation paid any employee of the law school (other than compensation paid to a student or associate for reading and correcting assignments, tutoring, or similar activity), including those engaged in work related to advertising, marketing, and admissions, on the number of persons enrolled in any class or on the number of persons applying for admission to or registering to enroll in the law school.
- 10. A law school must maintain complete and accurate records of its programs and operations that are readily accessible to its administration and the Committee in a manner properly secured and backed up to prevent loss.
- B. Student Success: Consistent with its mission and these rules, a law school must provide JD curriculum and teaching designed to promote student success, measured by the learning outcomes designated by the school for its courses and programs. The school must not award a JD unless the student has completed all requirements set forth in these rules, all requirements set forth by the school for graduation, and satisfaction of the legal education requirements to take the California bar exam.
  - 1. Organization: A law school must be governed, organized, and administered so as to maintain a sound program of legal education that prepares students for the legal profession and provides a reasonable opportunity to pass the California bar exam.

2. Administration: The school must have a dean who devotes sufficient time to the operation of the school, pursuant to a written job description. Each campus must have at least one administrator who has graduated from a law school accredited by the Council or the Committee of Bar Examiners, or is admitted to practice law in any United States jurisdiction, has demonstrated competence in the fields of legal education and administration and devotes adequate time to their duties according to a written job description. A full-time administrator is required for any campus with thirty or more students. The school must have a registrar to address recordkeeping requirements including recording grades and issuing transcripts. The registrar must work full time if the school has thirty or more students.
3. Statement of Program Learning Outcomes: A law school must state the knowledge, skills, and values that each program of the law schools seeks to provide to, or develop in, graduates of that program.
4. Course Learning Outcomes: A law school should state the knowledge, skills, and values that each course in each program of the law school's curriculum seeks to provide to, or develop in, graduates of that program.
5. Outcomes Assessment: A law school must engage in ongoing and systematic program outcomes assessment, and should engage in ongoing and systematic course outcomes assessment. A law school may use any assessment method consistent with law and these rules to achieve and evaluate its mission-appropriate program outcomes.
6. Admissions:
  - a. A law school must maintain a sound admissions policy in compliance with Business & Professions Code 6060, The State Bar's Admissions Rules, these rules and guidelines and State Bar policies.. A sound policy is one which ensures that the law school does not admit students who are obviously unqualified, do not meet pre-legal education requirements, or who do not appear to have a reasonable prospect of completing the degree program or meeting the program objectives, based on the information reasonably available to the school at the time of admission.
  - b. Within 45 days after the start of the term, schools must receive either: 1) official transcripts from the school or Law School Data Assembly Service that demonstrate compliance with Business & Professions Code 6060(c)(1), Admissions Rule 4.25, State Bar policies, and the law school's admissions policies, or 2) an official certification that the person has passed the equivalency examination required by section 6060(c)(2) of the California and Professions Code and Admissions Rule 4.25 (B), State Bar policies, and the law school's admissions policies. If the required documentation is not obtained within 45 days after the start of the term, the law school may extend attendance for no more than an additional 45 days under exceptional circumstances. Such exceptional circumstances must be documented in the student file.
  - c. Schools must inquire about prior law school attendance prior to offering admission, and receive an official transcript confirming the student's

performance and standing at that law school, to be placed in the student's file. If a school admits a student who was previously disqualified from the same or another law school for academic reasons, the law school must document the reasons for admitting or readmitting the student, as applicable.

d. If the school admits a special student as defined under California Business and Professions Code 6060(C)(2) and admissions rule 4.25(B), that student must take and pass the First-Year Law Students' Examination within three administrations of first becoming eligible to take it, or the student must be dismissed. The student must pass the examination before any credit can be awarded.

7. A law school may, accept transfer credits for study at other law schools, but is not required to do so. Credit may only be transferred for whole courses, in an amount not to exceed the credit granted by the awarding school and should only be awarded for classes for which the student earned a grade in good standing at that school, except that for a student who has passed the First-Year Law Students' Examination, the school may acknowledge the credit previously granted for Torts, Criminal Law, and Contracts, even if the grade was less than would be required for good standing. No credit may be granted for work completed at a registered, unaccredited law school unless that student has passed the First-Year Law Students' Examination, and no credit shall be awarded beyond the first year of study for that student and prior to passing the examination unless they passed the exam within three administrations of becoming eligible to take it. A school should not accept transfer credits earned more than 36 months prior to enrollment without documenting good cause in the student's file and confirming disclosure to the student that they will have a responsibility to keep their knowledge current to pursue licensure.
8. Retention and Disqualification: A law school must, as soon as possible, identify and disqualify those students who lack the capability to satisfactorily complete the law school's JD degree program.
9. Assessment of Student Learning: A law school must determine a method to evaluate student learning based on evidence. A law school must establish that the method evaluates the student's skills and knowledge of fundamental principles encompassed within the subject matter of the course. Each student must be evaluated for advancement annually.
9. Grading: Grading standards should seek to promote accuracy and consistency in the evaluation of student performance, as well as to reasonably assess the student's progress toward potential licensure.
10. Quantitative Academic Requirements:
  - a. A JD program must include the completion of a minimum of 80 semester units or their equivalent. A JD degree should generally be completed in no less than 24 or no more than 84 months, except that the school may, at its discretion, allow a student to complete the JD program in more than 84 months at the school's discretion, but the school must

place a letter in the student's file documenting good cause and notice to the student of the non-standard term of study.

b. The 80 semester units or their equivalent may be satisfied through a combination of any of the following means: (a) student attendance in a physical classroom-based program; (b) student participation in a synchronous or asynchronous curriculum offered through distance-learning technology; and (c) student participation up to 120 hours in an experiential or clinical program.

c. A "semester unit" includes at least 15 hours of verifiable academic engagement and a total of 45 hours of engagement.

d. Students may earn credit for verifiable academic engagement via:

1. physical classroom time;
2. using distance learning technology in any manner, including but not limited to any of the following: (a) participating in a synchronous class session; (b) viewing and listening to recorded classes or lectures; (c) participating in a live or recorded webinar offered by the law school; (d) participating in any synchronous or asynchronous academic assignment in any class monitored by a faculty member; (e) taking an examination, quiz or timed writing assignment; (f) completing an interactive tutorial or computer-assisted instruction; (g) conducting legal research assigned as part of the curriculum in any class; and (h) participating in any portion of an approved clinical or experiential class or activity offered through distance learning technology totaling no more than ten percent of the hours required for graduation; and/or
3. student participation in an experiential or clinical program where the student's participation is pre-approved, a faculty member reviews the student participation to ensure educational objectives are achieved, the amount of credit is commensurate with the time spent, and the total credit does not exceed 40 percent of the hourly requirement for any year or any one year or 10 percent of the total hours required for graduation.

e. A law school must have a written policy that requires the verifiable academic engagement of each of its students. Law schools may comply with this requirement by either establishing and documenting either:

- i. a curriculum that includes the verifiable academic engagement required; or

f. for a given student, (a) completion of the verifiable academic engagement, (b) its equivalent through a competency-based examination or other assessment demonstrating proficiency in course learning outcomes, or (c) a combination of (a) and (b). It is presumptively sufficient to have policy requiring completion of not less than 80 percent of the academic engagement required by the academic program in which the student is enrolled. Full-time students must be enrolled in, and earn credit

for, a course of study requiring at least ten hours of verified academic engagement per week during the academic term, while part-time students must be enrolled in, and receive credit for, a course of study requiring at least six hours of verified academic engagement each week during the academic term. The school must place a memorandum in the student's file documenting any semester in which a full time student took more or fewer than 10-15 credits, or a part time student was enrolled in more or fewer than 6-10 credits.

11. Faculty: A law school and each campus it operates must have sufficient faculty to maintain a sound program of legal education, and ensure timely response to, and evaluation of, each student and the prompt evaluation of assignments. At least eighty percent of the faculty must be licensed to practice law in a United States jurisdiction, be a judge of a United States Court or court of record in any jurisdiction of the United States, or be a graduate of a law school accredited by the Council or the Committee. Students may not be the sole instructors of any activity for academic credit.
  12. Faculty Development: Instructors must continually strive to improve their teaching skills and expertise in the subjects they teach. Instructors are expected to keep informed of changes in the law and include in their courses a discussion of recent significant statutory changes and case law developments.
  12. Evaluation of Faculty: A law school must adopt a written process for the evaluation of instructor competence including regular assessment, annual evaluation by the institution, and written record of performance.
  13. Academic Freedom: A law school must adopt an academic freedom policy. Under the policy, a faculty member can articulate an academically-related position or concept that may be controversial without fear of reprisal.
  14. Academic Support: A law school, through its faculty or otherwise, must provide academic counseling to students. A law school must provide services, experiences, and activities targeted to the size and the need of its enrolled student body.
  15. Statement of Student Services: A law school must publicly state what services, experiences, and activities are available to students, and must provide adequate support and resources for all such provided services, experiences, and activities. Student services, experiences, and activities must be made reasonably available to all students, although a law school may impose reasonable qualifications (such as minimum grade average or year in school) for participation in services, experiences, and activities other than academic counseling.
- C. Diversity, Equity and Inclusion: A school must have mission-appropriate diversity, equity and inclusion policies, in accordance with California and federal law, to support student success; create an inclusive environment for, and encourage the participation of, historically underrepresented communities within the student body; and promote cultural competency and respectful discourse across a wide range of issues. To ensure an environment of continuous evaluation and improvement, schools must track the implementation of their policies and change them as appropriate when suggested by their results.



1. Anti-Discrimination Policy: Consistent with California and federal law, a law school shall have and publish anti-discrimination policies for faculty, staff, and students, including policies regarding sexual harassment and sexual assault.
  2. Creating an Inclusive and Diverse Law School Environment and Experience: A law school must demonstrate a commitment to create an environment in which students, faculty, and staff can respectfully discuss and respond to issues upon which a diversity of views can be expected through mission-appropriate policies, procedures, curricula, research, and/or outreach activities.
  3. Access/Diversity Programs and Partnerships: A law school must put in place effective policies and practices, and engage in ongoing, systematic, and focused recruitment and retention activities, in an effort to achieve mission-appropriate access, diversity, equity, inclusion, and cultural competency outcomes for its students, faculty, senior administrative staff, and members of its academic community, and to work to eliminate bias, both implicit and explicit. The law school will assess its progress using well-articulated metrics including examining disaggregated retention and graduation outcomes and adjust programs and policies as appropriate to improve diversity and inclusion outcomes.
- D. Preparation for Licensure and Professionalism: A law school shall prepare Juris Doctor (JD) students to become licensed attorneys and to practice law in an ethical and professional manner. The JD degree must be granted only upon completion of a law program that qualifies a student to take the California Bar Examination.
1. Access to Faculty: A law school must provide a policy for students to access the faculty, whether through scheduled office hours, regular or electronic mail, chat rooms, telephone contact or other means.
  2. Practice-Based Skills and Competencies
    - a. The law school must require that each student enrolled in its JD Degree program satisfactorily complete a minimum of six semester units (or their equivalent) of course work designed to teach practice-based skills and competency training. Such competency training must teach and develop those skills needed by a newly licensed attorney to practice law in an ethical and competent manner.
    - b. A law school must provide the opportunity for students in the JD degree program to complete a minimum of 15 semester units (or their equivalent) of practice-based skills and competency training. A law school is encouraged to provide externship clinical, law review, and similar experiences to enrich the legal education of its students.
    - c. A law school must provide the opportunity for LL.M. students who are enrolled in the law school to qualify to sit for the California Bar Examination to complete a minimum of five semester units (or their equivalent) of practice-based skills and competency training.
  3. Expenditure of Assets and Funds to Provide Sound Program of Education: A law school must use its assets and funds, including tuition, fees, and other charges collected from or on behalf of students, to provide a program of legal education reasonably calculated to lead to licensure in the law. A law school must establish

reasonable safeguards against financial fraud and other financial improprieties. A law school must have sufficient funds to support its program and all services it claims to provide, as well as to pay timely refunds when properly requested. The Committee reserves the right to require a law school to submit an audited financial statement prepared by an independent certified public accountant

4. Curriculum: There is no prescribed program of legal education. An effective program of legal education for the JD (JD) degree will include, but not be limited to all of the following:

- a. a balanced and comprehensive course of study with subjects and materials presented in an organized and logical manner and sequence that satisfies the legal education requirements to take the California Bar Exam although the law school is not a guarantor of the student's eligibility to sit for the exam;
- b. learning experiences that support the acculturation of program graduates to the mores and values of the legal profession, including service, preparation, responsiveness, confidentiality, excellence, civility, professionalism, and ethics;
- c. knowledge of process and skills for legal research and writing, which shall include access to legal research resources adequate to accomplish this requirement; and
- d. the subjects tested by the California Bar Examination, including a course in Professional Responsibility that all students must complete and pass.

5. Academic Program Plan: A law school must adopt and maintain a written plan for its academic program.

6. Minimum Cumulative Pass Rate: The law school must maintain a minimum, cumulative bar examination pass rate (MPR) of 40 percent in each five-year period.

- a. The "reporting period" covers the five most-recent 12-month periods (August 1 through July 31) prior to the calendar year in which the MPR is reported to the Committee.
- b. A law school's MPR is to be calculated as a fraction that is the sum of all qualified takers for the reporting period who passed any administration of the California Bar Exam during the reporting period or the first February administration after the reporting period that was no more than 10 administrations after the taker's graduation (the numerator) divided by the sum of all qualified takers for the reporting period who, whether they passed or failed, took any administration of the California Bar Exam taker's graduation (the denominator), with the resulting numeral being expressed as a percentage. The minimum, cumulative bar examination pass rate for a law school with one or more branch campuses is to be calculated and reported as the combined rate of all such campuses.

7. Academic Credit for Bar Examination Review: A law school may offer and grant academic credit for a bar examination review or preparation course. A law school may also require successful completion of a bar examination review or preparation course as a condition of graduation.

8. Acquiescence Required to Award Professional Law Degrees in

Addition to the JD Degree: A law school must apply to and obtain the acquiescence of the Committee, and must agree to use the disclosures prescribed by the State bar, to award any professional law degree in addition to the JD degree. As provided in rule 4.105(L) of these rules, a “professional law degree” is the Bachelor of Laws (LLB), Executive JD Non-Bar-Qualifying degree (EJD), Juris Doctor (JD), Masters of Law (LLM), Master of Legal Studies (MLS), or other post-graduate degree, and must agree to use the form and disclosures prescribed by the State Bar.

Rule 4.161 Periodic Compliance Report

- A. A law school subject to these rules must submit a Periodic Compliance Report as required using the form prescribed by the Committee. The deadline and fee for submission of the report are set forth in the Schedule of Charges and Deadlines.
- B. A law school with an approved branch or satellite campus must submit a fee for each additional campus as set forth in the Schedule of Charges and Deadlines.

*Rule 4.161 adopted effective January 1, 2009; amended effective March 11, 2016.*

Rule 4.162 Periodic Inspection

- A. An accredited law school, including each approved branch or satellite campus, is subject to a concurrent inspection every five to seven years following the grant of accreditation, at the discretion of the Committee, or more frequently if the Committee finds this is reasonably necessary to ensure continued to compliance. The State Bar will select an inspection team which will include State Bar staff or designee(s). The inspection will be conducted by State Bar staff or designees and may include members of the Committee, law school representatives, and other members.
- B. Within ten calendar days of notification of the proposed team by the State Bar, a law school may challenge the appointment of a team member for bias, documented with evidence and submitted in writing, other than employment by a competing institution, and request an alternative appointment. The Committee will consider the challenge and may appoint an alternative team member for good cause within 30 days of receipt of the challenge.
- C. Within 90 days after the conclusion of the inspection, or as soon thereafter as practicable, the law school will receive a copy of the report for its review. If the law school takes exception to any of the findings in the report, it must notify the Committee in writing within 30 days of the date the report was mailed, and may take up to 60 days from the date the report was mailed to submit evidence in support of the exceptions. The Committee will consider the inspection report at a regularly scheduled Committee meeting after the time for submitting exceptions has passed; or, if exceptions have been submitted, at a regularly scheduled Committee meeting after the time for submission of materials has passed.

D. After considering the inspection report, any exceptions filed by the law school, and any additional information it has requested, the Committee may continue accreditation and/or address issues of Noncompliance.

E. A law school in the “deemed accredited” status is not subject to periodic inspection unless a student complaint has been filed against it that reasonably implicates the school’s compliance; it has lost its accreditation with the other agency; or the Committee has an reasonable belief that the school may be out of compliance using the process in these rules.

*Rule 4.162 adopted effective January 1, 2009; amended effective November 18, 2016.*

#### Rule 4.163 Self-Study

Prior to a periodic inspection, or more frequently if the Committee requests it, an accredited law school must reevaluate its educational program and submit a written self-study to the Committee. The purpose of the self-study is for the law school to assess whether it has complied with these rules and has achieved its mission and objectives. The law school must use the format prescribed by the Committee and submit the self-study and fee in compliance with the Schedule of Charges and Deadlines.

*Rule 4.163 adopted effective January 1, 2009.*

#### Rule 4.164 Prior approval of major changes

An accredited law school contemplating a major change that requires approval must notify the Committee and obtain its approval at least 180 days before making the change. The notice must explain in detail any effect the change might have on the law school’s compliance with these rules and be submitted with the fee specified in the Schedule of Charges and Deadlines. The Committee may require submission of additional information or an inspection. An accredited school contemplating a major change that requires notice must notify the Committee within 30 days of making the change.

*Rule 4.164 adopted effective January 1, 2009.*

#### Rule 4.165 Major changes

- A. The following are major changes requiring advance approval from the Committee:
1. changing the location of the school, or the location of a branch campus or satellite campus, to a different location more than five (5) miles of the existing location;
  2. instituting any joint degree program, whether within the college or university affiliated with the law school or with another institution;
  3. Instituting a new division, full or part time;

4. offering a new non-JD program in law study, whether a degree program, non-professional degree program, or non-degree program, all of which require acquiescence from the Committee;
5. sponsoring or offering for law study credit any individual seminar or class, other than from a branch campus, that will meet more than fifty-five miles from the law school's principal facility or outside of California;
6. affiliating with another law school, college, or university, or modifying the law school's relationship with an affiliated college or university;
7. changing from a nonprofit to a profit-making institution or vice versa;
8. change in ownership or control of the school, including affiliation, merger or severance with another law school, college, university, or organization;
9. any major change to the JD curriculum, including change in the number of credits, overall requirements, or teaching modality change that affects more than one-third of the program; or
10. opening a new branch or satellite campus.

B. The following are major changes requiring notice to the Committee within thirty days:

1. Official Contact Information for the School
2. Contact Information for the Dean and Registrar
3. The school's website(s)
3. Changing the name of the school

*Rule 4.165 adopted effective January 1, 2009; amended effective March 13, 2015; amended effective November 18, 2016.*

#### Chapter 5. Termination of Provisional Accreditation or Accreditation

##### Rule 4.170 Proceeding to Determine Compliance

- A. If the Committee makes a finding that a provisionally accredited law school, or any branch or satellite campus thereof, is not in substantial compliance with any of these rules, or that an accredited law school, or any branch or satellite campus thereof, is not in compliance with any of these rules, the Committee shall provide the school with a written Notice of Noncompliance that states the reasons and factual basis upon which the notice is based. This rule does not apply to a provisionally accredited law school during the last 180 days of its provisional accreditation.
- B. Within fifteen days of receiving a Notice of Noncompliance, a law school must file a response demonstrating that it is in substantial compliance with these rules, if a provisionally accredited law school, or in compliance with these rules, if an accredited law school; or, if the school is not in compliance, detailing a reasonable plan that reasonably demonstrates intent, capacity, method, and best effort as to timing to return to compliance. If the law school does not provide a response, the Committee will proceed with the information that is before it.

1. If the Committee determines that the law school is in compliance or substantial compliance, as applicable, the Committee will make a finding regarding the law school's compliance or substantial compliance, as applicable, in the public record.
  2. If the Committee is unable to determine whether the law school has established compliance or substantial compliance, as applicable, the Committee may request additional information or research, including an inspection. If the law school refuses to participate in any request, the Committee will proceed with the information that is before it.
- C. If the Committee determines that the school is not in compliance or substantial compliance, as applicable, the Committee shall the Committee must provide the school with a written Notice of Sanctions that states the sanction(s), the reason(s) and factual basis for the sanction(s), and the effective date. If termination of accreditation is an intended sanction, the Notice of Sanctions shall inform the school that it may request a hearing pursuant prior to a final decision on termination by the Committee.

#### Rule 4.172 Probation

- A. If the Committee finds that a provisionally accredited law school, or any branch or satellite campus thereof, has not complied with any core requirements of Rule 4.102(C), or has not substantially complied with any other Rule, but has demonstrated the intent and capacity to comply with the Rule, the Committee may place the law school on probation for a specified time not exceeding two years.
- B. If the Committee finds that an accredited law school, or any branch or satellite campus thereof, has not complied with these rules, the Committee may place the law school on probation for a specified time not to exceed two years.
- C. If the Committee finds that a deemed accredited law school, or any branch or satellite campus thereof, has not complied with the requirements of Rule 4.102(C), the Committee may revoke the school's deemed accredited status and place the law school on probation for a specified time not to exceed two years.
- D. A provisionally accredited or accredited law school placed on probation:
1. is subject to any probation conditions imposed by the Committee, including interim inspections, public notice, and progress reports; and
  2. continues to have degree-granting authority and its students are deemed enrolled at a provisionally accredited or accredited law school, as applicable.
- E. At least 30 days before probation expires, the Committee will notify the law school of its determination that:
1. it will end the provisionally accredited law school's probation or will proceed to terminate the law school's provisional accreditation; or
  2. it will end the accredited law school's probation or will proceed to terminate the law school's accreditation.
- F. The Committee may remove a law school from probation prior to the conclusion of the probationary period if the law school demonstrates that it has already come into substantial compliance or compliance, as applicable. Probation is not available to a

provisionally accredited law school during the last 180 days of its provisional accreditation.

Rule 4.173 Termination of accreditation or provisional accreditation

A. The Committee may terminate provisional accreditation or accreditation if it finds one or more of the following:

1. the law school has failed, during a period of probation, to attain substantial compliance or compliance, as applicable for provisionally accredited or accredited law schools, respectively, with one or more of rules or otherwise meet the terms of its probation;
2. the law school is out of compliance a core requirements of Rule 4.102(C), and has demonstrated little or no intent or capacity to come into compliance with the requirements of that rule;
3. the school has engaged in or is engaging in serious misconduct to harm the safety, health, education or financial condition of students or prospective students; or
4. the law school is provisionally accredited, and a probationary period would serve no purpose given the nature of the non-compliance or the proximity to the termination of the provisional accreditation period.

B. The Committee terminates accreditation or provisional accreditation on a specific date, at which time it also terminates a law school's degree-granting authority. This date should generally coincide with the end of the current semester, though the Committee may terminate accreditation immediately in its discretion.

If the law school's accreditation is terminated, it may apply for registered unaccredited status. Any application for registered unaccredited status filed concurrently with proceedings related to a Notice of Noncompliance shall not prevent the school from obtaining a determination of compliance with these rules, if warranted.

Rule 4.174 Request for Hearing

If the Committee issues a Notice of Sanctions in which the termination of accreditation or provisional accreditation is an intended sanction, a law school may request a hearing by submitting such a request within fifteen days of receiving the Notice of Sanctions.

Rule 4.175 Hearing procedures

- A. Within 30 days of the Committee receiving a timely request for hearing, a hearing will be scheduled and a panel of three members will be selected by the State Bar. Within ten days after the State Bar identifies the panel, the law school may file a written challenge to the appointment of any member for bias or actual conflict. The State Bar must consider the request and, if good cause is shown, grant the request and appoint an alternative member.
- B. The State Bar will make a copy of the transcript or recording of the hearing available at the law school's expense.
- C. One of the three members of the panel will be selected to preside over the hearing. The hearing need not be conducted according to common law or statutory rules of evidence,

except that the rules of privilege in the California Evidence Code or required by the United States or California Constitutions will be followed. Any relevant evidence is admissible. In the event of a dispute as to admissibility, evidence will not be excluded, but will be heard subject to an instruction to the panel to disregard the evidence in making the decision. The law school has the burden of establishing its compliance, if an accredited law school, and substantial compliance, if a provisionally accredited law school, with these rules.

D. All parties may be represented by counsel at their own expense.

E. The panel will review the Committee's intended action on termination to confirm that it not arbitrary or capricious. The panel's input will be forward to the Committee for final decision.

#### Rule 4.176 Committee Action Following Hearing

A. Following a hearing, the Committee will determine whether the law school is in compliance or substantial compliance, as applicable, with these rules. Its decision will be based on all evidence before it. If a law school did not timely request a hearing upon receiving a Notice of Sanctions, the Committee will make a decision based on the information before it.

B. The Committee may take any action affecting the law school's provisional accreditation or accreditation that it considers appropriate, including termination of provisional accreditation or accreditation.

C. All decisions of the Committee are matters of public record. In addition, the Committee, in its discretion, may do any or all of the following with respect to its decision:

1. publish it via the State Bar website, periodicals of general circulation, or otherwise;
2. require that the law school post a notice regarding the Committee's decision on the law school's home page, consumer disclosures page and/or admissions page of its website;
3. notify the students enrolled in the school;
4. notify the Supreme Court of California;
5. notify the California Attorney General; or
6. notify any other entity that accredits or regulates the law school.

#### Rule 4.177 Review by Supreme Court

A law school may seek review of termination of its accreditation before the Supreme Court of California pursuant to its rules.



## **TITLE 4. ADMISSIONS AND EDUCATIONAL STANDARDS**

### **CSBARS Draft Proposed Revised Rule Set for Accredited Law Schools**

#### **DIVISION 2. ACCREDITED LAW SCHOOL RULES**

##### Chapter 1. General Provisions

##### Rule 4.100 Authority

The Committee of Bar Examiners of the State Bar of California (“the Committee”) is authorized by law to accredit law schools in California (“accredited law schools”) and oversee and regulate those law schools. The Committee is the degree-granting authority for law schools subject to these rules.

*Rule 4.100 adopted effective January 1, 2009*

##### Rule 4.101 What these rules are

- A. The Accredited Law School Rules (“these rules”) apply to law schools seeking provisional accreditation by the Committee, law schools provisionally accredited by the Committee, and law schools accredited by the Committee. These rules do not apply to law schools fully or provisionally approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.
- B. Provisional accreditation by the Committee of Bar Examiners of the State Bar of California is granted when a school demonstrates substantial compliance with these rules. Accreditation by the Committee of Bar Examiners of the State Bar of California is granted when a school demonstrates compliance with these rules.
- C. These rules do not apply to unaccredited law schools registered by the Committee, paralegal programs, undergraduate legal degree programs, or other legal studies programs that do not lead to a professional degree in law. The appropriate entity or entities must approve such programs, even when they are offered by an accredited, approved, or registered law school or an institution of which it is a part.

*Rule 4.101 adopted effective January 1, 2009; amended effective January 1, 2012.*

**Rule 4.102 Law schools approved by other accreditors**

- A. A law school provisionally or fully approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association is deemed accredited by the Committee and exempt from these rules, unless the Council withdraws its approval.
- B. A law school that has been accredited by the Committee and is also fully approved by any accreditor recognized by the United States Department of Education and authorized to accredit schools offering the first professional degree in law may apply to be, and upon approval shall be, deemed accredited by the Committee so long as the school and the institution of which it is a part remains accredited in good standing, and the school complies with the requirements in section 4.102(C) of these rules.
- C. Core Accreditation Requirements; Deemed Accredited Requirements
  - 1. A law school that is deemed accredited under Rule 4.102(B), and within the meaning of Rule 4.105(F), must comply with the following:
    - a. the fees required by Rule 4.110;
    - b. compliance with applicable law required by Rule 4.160(A)(1);
    - c. disclosures required by Rule 4.160(A)(2) and Rule 4.160(A)(3);
    - d. admissions standards required by Rule 4.160(B)(5);
    - e. practice-based skills and competencies curriculum required by Rule 4.160(D)(2);
    - f. financial responsibility required by Rule 4.160(D)(3);
    - g. curriculum required by Rule 4.160(D)(4);
    - h. Minimum Cumulative Pass Rate (MPR) required by Rule 4.160(D)(6);
    - i. periodic reporting required by Rule 4.161; and
    - j. the orders, directions, and notices required by the State Bar pursuant to these rules.
  - 2. The accreditation standards listed in Rule 4.102(C)(1) are the “core” requirements of accreditation as that term is used elsewhere in these rules.

*Rule 4.102 adopted effective January 1, 2009.*

**4.103 Interpreting and applying the rules; transition from pre-existing rules**

- A. The Interpretive Guidelines for Accredited Law School Rules (“Interpretive Guidelines”), as adopted by the Committee of Bar Examiners to be effective on or after the date these rules go into effect, provide interpretations of these rules.

1. A law school that satisfies the Interpretive Guidelines interpreting a Rule will be presumed to be in compliance with the Rule. A law school that does not satisfy the Interpretive Guidelines interpreting a Rule is presumed not to be in compliance with the Rule and bears the burden of demonstrating compliance with it.
  2. The Committee has the authority to amend the Interpretive Guidelines, subject to a reasonable public comment period, and after consideration of any comments received. Except in extraordinary circumstances when time does not permit, the Committee shall seek the input of the Committee of State Bar Accredited and Registered Schools (CSBARS) before circulating amendments for public comment.
- B. These rules shall go into effect on January 1 of the year following their adoption. The Accredited Law School Rules and the Guidelines for Accredited Law School Rules already in effect prior to the date these rules go into effect (respectively, “Pre-existing Rules” and “Pre-existing Guidelines”) shall sunset as of the date these rules go into effect. However, the Pre-existing Guidelines shall be effective as a “safe harbor” by which any school that has already submitted its application for provisional accreditation, or is provisionally accredited or accredited by the Committee, as of the date of adoption of these rules may demonstrate substantial or full compliance with these rules through December 31, 2025.
1. A law school relying on the Pre-existing Guidelines as a “safe harbor” to demonstrate substantial or full compliance with these rules must substantially or fully comply, as applicable, with the Pre-existing Guidelines to invoke the “safe harbor” provision.
  2. A law school in compliance with these rules is not also required to comply with the Pre-existing Rules or Pre-existing Guidelines.

*Rule 4.103 adopted effective January 1, 2009.*

#### Rule 4.104 Citation

These rules may be cited as Accredited Law School Rules.

*Rule 4.104 adopted effective January 1, 2009.*

#### Rule 4.105 Definitions

- A. “Admissions Rules” are the rules contained in Title 4, Division 1 of the Rules of the State Bar of California.
- B. A “Law School approved by the Council” is a law school fully or provisionally approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association and deemed accredited by the Committee.
- C. A “California Accredited Law School” is a law school that has been provisionally or fully accredited by the Committee.
- D. “Provisional Accreditation” is the status of a provisionally accredited law school. The Committee grants provisional accreditation for a specific period.
- E. A “Provisionally Accredited Law School” is a registered, unaccredited law school that is pursuing accreditation and has been recognized by the Committee as being in substantial compliance with applicable law and these rules.
- F. A “Deemed Accredited Law School” is a law school fully accredited by the Committee and that has also been recognized as “deemed accredited” within the meaning of Rule 4.102(B).
- G. “The Committee” is the Committee of Bar Examiners of the State Bar of California.
- H. The “First-Year Law Students’ Examination” is the examination required by statute and by the Admissions Rules.
- I. The “Guidelines” are the Guidelines for Accredited Law School Rules adopted by the Committee of Bar Examiners.
- J. “Inspection” means an on-site visit to a law school by an individual or a team appointed by the Committee in accordance with these rules.
- K. A “Major Change” is one of the changes specified in Rule 4.165, Major Changes.
- L. A “Professional Law Degree” is the Bachelor of Laws (LLB), Executive JD Non-Bar-Qualifying degree (EJD), Juris Doctor (JD), Masters of Law (LLM), Master of Legal Studies (MLS), or other post-graduate degree authorized by the Committee. The JD degree may be granted only upon completion of a law program that qualifies a student to take the California Bar Examination.
- M. A “California Registered, Unaccredited Law School” is an unaccredited law school that has been registered by the Committee.
- N. “State Bar staff” means assigned staff of the State Bar of California.
- O. An “Unaccredited Law School” is a correspondence, distance learning, or fixed facility law school operating in California that is registered as a California unaccredited law school by the Committee but is not accredited by the State Bar.
  - 1. An “Unaccredited Correspondence Law School” is an unaccredited law school that conducts instruction principally by correspondence. An Unaccredited Correspondence Law School must require at least 864 hours of preparation and study per year for four years.

2. An “Unaccredited Distance Law School” is an unaccredited law school that conducts instruction and provides interactive classes principally by technological means. An Unaccredited Distance-Learning Law School must require at least 864 hours of preparation and study per year for four years.
3. An “Unaccredited Fixed Facility Law School” is an unaccredited law school that conducts its instruction principally in classroom facilities, whether in-person or via synchronous classroom. An Unaccredited Fixed Facility Law School must require classroom attendance of its students for a minimum of 270 hours a year for four years.

P. Substantial Compliance

1. “Substantial compliance” for an institution exists where it (a) is in full compliance with the core requirements of Rule 4.102(C)(1); (b) meets the reasonable objectives of all other rules; and (c) has not engaged in fraudulent or other serious misconduct harming the education, safety, health, or financial condition of students or prospective students.
2. “Substantial compliance” for an individual rule exists where the institution meets the reasonable objectives of that rule. This definition applies to all rules except the core requirements of Rule 4.102(C)(1), for which the law school must show full and actual compliance.
3. Substantial compliance is a qualitative judgment made by the Committee, giving principal attention to the rule and its reasonable objectives. The Committee’s judgment may not be arbitrarily exercised, but should be informed by the judgment of experts, peers, and members of the public, as applicable, as to the level of compliance with each rule.

*Rule 4.105 adopted effective January 1, 2009; amended effective May 17, 2019.*

Rule 4.106 Lists of law schools

The Committee maintains lists of law schools operating in California: those provisionally and fully accredited by the Committee, those registered as unaccredited by the Committee, those approved by other recognized accreditors and deemed accredited by these rules, and those approved by the Council.

*Rule 4.106 adopted effective January 1, 2009; amended effective May 17, 2019.*

Rule 4.107 Student complaints

The State Bar does not intervene in disputes between a school and a student or others, and will not respond directly to the complaining party, but will consider this information when assessing the law school's compliance with these rules.

*Rule 4.107 adopted effective January 1, 2009.*

#### Rule 4.108 Public information

Release of information contained in the files of applicants for provisional accreditation, provisionally accredited law schools, and accredited law schools is subject to the requirements and limitations imposed by state law.

*Rule 4.108 adopted effective January 1, 2009; amended effective November 18, 2016.*

#### Rule 4.109 Waiver of requirements

- A. A law school may request that the Committee temporarily waive any rule. The request must clearly show that the law school otherwise complies with these rules.
- B. The Committee shall consider the request at a scheduled Committee meeting as soon as reasonably practicable. In a situation of extreme emergency or declared disaster, a school may seek a waiver ratifying emergency action.
- C. The committee will allow a law school a reasonable time to comply with the rule for which it has granted a waiver, but a waiver is temporary. A request to renew a waiver must be filed with the Periodic Compliance Report or as specified by the Committee.

*Rule 4.109 adopted effective January 1, 2009.*

#### Rule 4.110 Fees

- A. The regulatory and oversight services provided by the Committee are funded by reasonable fees that are set forth in the Schedule of Charges and Deadlines.
- B. Fees for the services of State Bar staff or their designees are listed in the Schedule of Charges and Deadlines. The State Bar shall have final discretion as to the hours required to complete regulatory actions. Schools seeking provisional or full accreditation agree to timely pay all fees incurred under the Schedule of Charges and Deadlines. Failure to do so will be a basis for a finding of noncompliance.
- C. Travel expenses are reimbursed at actual cost, in accordance with State Bar travel reimbursement policies.

*Rule 4.110 adopted effective January 1, 2009.*

#### Rule 4.111 Extensions of time

For good cause, the Committee may extend a time limit prescribed by these rules.

*Rule 4.111 adopted effective January 1, 2009.*

### Chapter 2. Application for Provisional Accreditation

#### Rule 4.120 Application based on substantial compliance

A registered unaccredited law school may apply for provisional accreditation. The Committee will grant provisional accreditation if it finds that the law school has demonstrated that it is in substantial compliance with these rules. The provisionally accredited law school may be subject to annual inspection and its students shall be subject to the First-Year Law Students' Examination requirement. Provisional accreditation shall be granted for a specified period to be determined by the Committee.

*Rule 4.120 adopted effective January 1, 2009; amended effective May 17, 2019.*

#### Rule 4.121 Application procedure

A registered, unaccredited law school may apply for provisional accreditation by

- A. completing and submitting the Application for Provisional Accreditation and self-study with the fee set forth in the Schedule of Charges and Deadlines;
- B. submitting a self-study of its educational program and other information as required by the Committee;
- C. agreeing to allow the Committee to make any inspection it deems necessary; and
- D. agreeing to timely pay all fees incurred whether or not the school receives provisional accreditation.

*Rule 4.121 adopted effective January 1, 2009; amended effective May 17, 2019.*

#### Rule 4.122 Status Report on Application for Provisional Accreditation

Within 60 days of submitting an Application for Provisional Accreditation, a law school will be notified of the status of the application and the estimated date of Committee consideration.

Rule 4.122 adopted effective January 1, 2009.

#### Rule 4.123 Committee Action on Application for Provisional Accreditation

- A. After considering an Application for Provisional Accreditation, the Committee may
  - 1. make a finding, and notify the law school of that finding within 30 days of considering the application, that the school does not appear to have demonstrated at least substantial compliance with these rules, and deny the application;
  - 2. make a finding that the school appears to be in at least substantial compliance with these rules and schedule an inspection within 90 days to verify the school's level of compliance;
  - 3. request further information, allowing a reasonable time for review; or
  - 4. deny the application.

*Rule 4.123 adopted effective January 1, 2009.*

#### Rule 4.124 Inspection for provisional accreditation

- A. An inspection visit is required of every applicant for provisional accreditation. The purpose of the inspection is to verify the information submitted by the law school and determine the extent of the law school's compliance with these rules.
- B. The Committee will notify the law school of the dates of the inspection. The inspection will be conducted by State Bar staff or designees and may include members of the Committee, law school representatives, or other members selected by the Committee.
- C. Within ten calendar days of notification of the proposed team by the State Bar, a law school may challenge the appointment of a team member for bias or conflict of interest, other than employment by a competing institution, documented with evidence and submitted in writing, and request an alternative appointment. The State Bar will consider the challenge and may appoint an alternative team member for good cause within 30 days of receipt of the challenge.

*Rule 4.124 adopted effective January 1, 2009.*

#### Rule 4.125 Inspection report for provisional accreditation

Within 90 days after the conclusion of the inspection, or as soon thereafter as practicable, the law school will receive a copy of the report for its review. If the law school takes exception to any of the findings in the report, it must notify the Committee in writing within 30 days of the date the report was mailed, and may take up to 60 days from the date the report was mailed to submit evidence in support of the exceptions. The Committee will consider the inspection



report at the next regularly scheduled Committee meeting after the time for submitting exceptions has passed; or, if exceptions have been submitted, at the next regularly scheduled Committee meeting after the time for submission of materials has passed.

*Rule 4.125 adopted effective January 1, 2009.*

#### Rule 4.126 Committee action on provisional accreditation inspection report

After considering the inspection report, any exceptions filed by the law school, and any additional information it has requested, the Committee may deny provisional accreditation or grant it for a specified period of time up to two years. A law school granted provisional accreditation may be subject to an annual inspection and other conditions the Committee deems appropriate.

*Rule 4.126 adopted effective January 1, 2009.*

### Chapter 3. Application for Accreditation or Deemed Accredited Status

#### Rule 4.140 Application for accreditation by provisionally accredited law school

No later than 180 days before the expiration of provisional accreditation, a provisionally accredited law school that is in compliance with these rules must apply for accreditation. A provisionally accredited law school that does not apply for accreditation by this time becomes an unaccredited law school.

*Rule 4.140 adopted effective January 1, 2009.*

#### Rule 4.141 Application procedure

A provisionally accredited law school may apply for accreditation by

- A. completing and submitting the Application for Accreditation with the fee set forth in the Schedule of Charges and Deadlines;
- B. submitting a self-study of its educational program and other information as required by the Committee;
- C. agreeing to allow the Committee to make any inspection it deems necessary; and
- D. agreeing to promptly pay all expenses of the inspection.

*Rule 4.141 adopted effective January 1, 2009.*

#### Rule 4.142 Status report on Application for Accreditation

Within 60 days of submitting an Application for Accreditation, a law school will be notified of the status of the application and the estimated date of Committee consideration.

*Rule 4.142 adopted effective January 1, 2009.*

#### Rule 4.143 Committee Action on Application for Accreditation

After considering an Application for Accreditation, the Committee may:

- A. notify the law school within 30 days of considering the application that the law school does not appear to be in compliance with these rules and, for reasons stated in the notice, advise it to withdraw its application; or
- B. require an inspection within 60 days upon determining that the law school appears to be in compliance with these rules; or
- C. request further information, allowing a reasonable time for review; or
- D. deny the application.

*Rule 4.143 adopted effective January 1, 2009.*

#### Rule 4.144 Inspection for accreditation

- A. An inspection is required of every applicant for accreditation. The purpose of the inspection is to verify the information submitted by the law school and determine the extent of the school's compliance with these rules.
- B. The Committee will notify the law school of the dates of the inspection. The inspection will be conducted by State Bar staff or designees and may include members of the Committee, law school representatives, or other members selected by the Committee.
- C. Within ten calendar days of notification of the proposed team by the State Bar, a law school may challenge the appointment of a team member for bias or conflict of interest, other than employment by a competing institution, documented with evidence and submitted in writing, and request an alternative appointment. The State Bar will consider the challenge and may appoint an alternative team member for good cause within 30 days of receipt of the challenge.

*Rule 4.144 adopted effective January 1, 2009.*

#### Rule 4.145 Accreditation inspection report

Within 90 days after the conclusion of the inspection, or as soon thereafter as practicable, the law school will receive a copy of the report for its review. If the law school takes exception to any of the findings in the report, it must notify the Committee in writing within 30 days of the date the report was mailed, and may take up to 60 days from the date the report was mailed to submit evidence in support of the exceptions. The Committee will consider the inspection report at a regularly scheduled Committee meeting after the time for submitting exceptions has passed; or, if exceptions have been submitted, at a regularly scheduled Committee meeting after the time for submission of materials has passed.

*Rule 4.145 adopted effective January 1, 2009.*

#### Rule 4.146 Committee action on accreditation inspection report

After considering the inspection report on the law school, any exceptions filed by the law school, and any additional information it has requested, the Committee may deny accreditation, grant it, or extend provisional accreditation.

*Rule 4.146 adopted effective January 1, 2009.*

#### Rule 4.147 Multiple Locations

A law school must receive advance approval from the Committee prior to opening a branch or satellite campus. Prior to opening the branch, the school must submit a detailed report to the Committee demonstrating how the branch will open in compliance, whether or how compliance will be affected at any other campus or overall, and whether the school has sufficient resources to execute its plan. Though accreditation is granted to the school as an institution, each individual branch or satellite campus must be operated in compliance with these rules, subject to all site-specific operational requirements and any waivers approved by the Committee. The branch campus must be in substantial compliance with these rules and all operational requirements no less than one month prior to the start of classes, save those elements that can only be implemented upon opening, and must otherwise open in compliance.

#### Rule 4.148 Application for deemed accredited status

- A. An accredited law school may apply for “deemed accredited” status by

1. completing and submitting the Application for Deemed Accredited Status with the fee set forth in the Schedule of Charges and Deadlines; and
  2. demonstrating that the law school meets the definition of deemed accredited status as defined in Rule 4.102(C), and agreeing to fulfill all obligations required of a Deemed Accredited Law School.
- B. Within 90 days of submitting a complete application for Deemed Accredited Status, or as soon as practicable thereafter, a law school will be notified whether it meets the definition of deemed accredited as defined in Rule 4.102(B).

#### Chapter 4. Responsibilities of Provisionally Accredited and Accredited Law Schools

##### Rule 4.160 Programmatic Responsibilities of Provisionally Accredited and Accredited Law Schools

The purposes for accreditation are fourfold: Consumer Protection and Transparency; Student Success; Diversity, Equity and Inclusion in legal education; and Preparation for Licensure. A law school shall maintain sufficient records between periodic inspections to demonstrate continuing compliance to the Committee.

- A. Consumer Protection and Transparency: A law school shall ensure that prospective and current students are informed of the rights, responsibilities, and limitations of attending the school, the resources and requirements needed to earn a JD degree, and the school's student outcomes with respect to retention, licensure, and career outcomes.
1. Compliance with laws: Law schools must operate in compliance with all applicable federal, state, and local laws and regulations. While the State Bar will not warrant a school's compliance with laws, evidence of violation of laws or regulations may result in a determination of noncompliance with these rules.
  2. Disclosure: A law school shall publish, on its Consumer Information (Accreditation) webpage, a disclosure statement, revised annually and submitted with the Periodic Report, that complies with Business & Professions Code section 6061.7 in a format prescribed by the State Bar. The Committee may also require disclosure of additional information, including statistics on retention and diversity when to do so is not in conflict with 4.160(A)(6).
  3. Statement of Limitation on Bar Examination Eligibility: A law school shall publish, on its home page, the following Statement of Consumer Information, as well as on the Consumer Information Page, Application and Enrollment Agreement:
    - a. Study at, or graduation from, this law school may not qualify a student to take the bar examination or be licensed to practice law in jurisdictions

other than California. A student who intends to seek licensure to practice law outside of California at any time during their career should contact the admitting authority for information regarding its education and licensure requirements prior to enrolling at this law school.

4. Refund Policy: A law school must adopt a written refund policy that is fair and reasonable. A law school must provide refunds in accordance with its written refund policy, accompanied by a clear explanation of the method of calculation, within 45 days after a student withdraws from a class or a program, or within 45 days of the law school's discontinuing a course or educational program in which a student is enrolled.
5. Public Communications: All information that a law school reports, publicizes or distributes shall be accurate and not misleading to a reasonable law school student or applicant or the public. A law school shall use due diligence in obtaining and verifying such information.
  - a. A law school must not mislead prospective students as to their reasonable prospects of admission, obtaining a degree in the program in which they seek to enroll, their ability to qualify for or be licensed by the bar in any jurisdiction, the cost of the requirements for obtaining a degree, or the financial support available through loans or scholarships for their course of study.
6. Student Privacy: A law school must protect student privacy and the confidentiality of student communications and records in accordance with the law. Notwithstanding any other provision of law, a law school must not disclose, without a student's consent, grades, grade average, class schedule, address, telephone number, or other personally identified information, unless:
  - a. Required by law, including administrative subpoena or court order;
  - b. The information is requested by the State Bar;
  - c. The information is designated "directory information" and students are advised of its designation as such;
  - d. The information is requested by another accrediting agency; or
  - e. In case of emergency.
7. Academic Standards: A law school must adopt and publish written academic standards, including:
  - a. Advance written standards for examinations and grading;
  - b. The courses, units, grades, and grade point average required for good standing, retention, advancement, and graduation;
  - c. The terms of the student probation policy;

- d. The circumstances under which a student is subject to disqualification for academic deficiency;
  - e. Policy on pass-fail grading;
  - f. Policy on course repetition;
  - g. Prompt return of grades;
  - h. Policy on review and appeal of grades;
  - i. Policy for authenticating student work; and
  - j. Adequate prior written notice of changes to all affected students.
- 8. Student Discipline: A law school must have a written policy for the imposition of student discipline and that policy must be fair.
  - a. The law school's policy must include, but is not limited to, cancellation of a student's score on an examination or assignment, denial of course credit, suspension, and dismissal.
  - b. The law school's policy must include reasonable notice to the student of the discipline or action to be taken and provide an opportunity for the student to be heard, at the student's election, either in person, or in writing before a panel or members of the faculty and/or administration. An in-person hearing may be held electronically at the school's discretion.
  - c. The requirements of these rules for a law school's student discipline policy do not apply to academic probation or disqualification; other failures to meet academic standards; or failure to pay tuition, fees, or charges billed to the student.
- 9. Compensation Based on Number of Applicants, Enrollment and Students Prohibited: A law school may not base the compensation paid any employee of the law school (other than compensation paid to a student or associate for reading and correcting assignments, tutoring, or similar activity), including those engaged in work related to advertising, marketing, and admissions, on the number of persons enrolled in any class or on the number of persons applying for admission to or registering to enroll in the law school.
- B. Student Success: Consistent with its mission and these rules, a law school must provide JD curriculum and teaching designed to promote student success, measured by the learning outcomes designated by the school for its courses and programs.
  - 1. Organization: A law school must be governed, organized, and administered so as to maintain a sound program of legal education that prepares students for the legal profession and provides a reasonable opportunity to pass the California bar exam.

2. Statement of Program Learning Outcomes: A law school must state the knowledge, skills, and values that each program of the law schools seeks to provide to, or develop in, graduates of that program.
3. Course Learning Outcomes: A law school should state the knowledge, skills, and values that each course in each program of the law school's curriculum seeks to provide to, or develop in, graduates of that program.
4. Outcomes Assessment: A law school must engage in ongoing and systematic program outcomes assessment, and should engage in ongoing and systematic course outcomes assessment. A law school may use any assessment method consistent with law and these rules to achieve and evaluate its mission-appropriate program outcomes.
5. Admissions:
  - a. A law school must maintain a sound admissions policy in compliance with Business & Professions Code 6060. A sound policy is one which ensures that the law school does not regularly admit students who are obviously unqualified or who do not appear to have a reasonable prospect of completing the degree program or meeting the program objectives, based on the information reasonably available to the school at the time of admission.
  - b. Within 45 days after the start of the term, schools must receive either:
    - 1) official transcripts from the school or Law School Data Assembly Service that demonstrate compliance with Business & Professions Code 6060(C)(1), Admissions Rule 4.25, State Bar policies, and the law school's admissions policies, or 2) an official certification that the person has passed the equivalency examination that demonstrates compliance with section 6060(c)(2) of the California and Professions Code and Admissions Rule 4.25 (B), State Bar policies, and the law school's admissions policies. If the required documentation is not obtained within 45 days after the start of the term, the law school may extend attendance for no more than an additional 45 day under exceptional circumstances. Such exceptional circumstances must be documented in the student file.
  - c. Schools must also inquire about prior law school attendance. If a school admits a student who was previously disqualified from the same or another law school for academic reasons, the law schools must document the reasons for admitting or readmitting the student, as applicable.

6. Retention and Disqualification: A law school must, as soon as possible, identify and disqualify those students who lack the capability to satisfactorily complete the law school's JD degree program.
7. Assessment of Student Learning: A law school must determine a method to evaluate student learning based on evidence. A law school must establish that the method evaluates the student's skills and knowledge of fundamental principles encompassed within the subject matter of the course.
8. Grading: Grading standards should seek to promote accuracy and consistency in the evaluation of student performance, as well as to reasonably assess the student's progress toward potential licensure.
9. Quantitative Academic Requirements:
  - a. A JD program must include the completion of a minimum of 80 semester units or their equivalent. A JD degree should be completed in no less than 24 or no more than 84 months. If a student seeks to complete the JD program in less than 24 or more than 84 months, the school must place a letter in the student's file documenting good cause.
  - b. The 80 semester units or their equivalent may be satisfied through a combination of any of the following means: (a) student attendance in a physical classroom-based program; (b) student participation in a synchronous or asynchronous curriculum offered through distance-learning technology; (c) student participation in an experiential or clinical program; and/or (d) competency-based examinations or other assessments that demonstrate proficiency in course learning outcomes.
  - c. A "semester unit" includes at least 15 hours of verifiable academic engagement, unless otherwise provided in these rules.
  - d. Students may earn credit for verifiable academic engagement via:
    1. physical classroom time;
    2. using distance learning technology in any manner, including but not limited to any of the following: (a) participating in a synchronous class session; (b) viewing and listening to recorded classes or lectures; (c) participating in a live or recorded webinar offered by the law school; (d) participating in any synchronous or asynchronous academic assignment in any class monitored by a faculty member; (e) taking an examination, quiz or timed writing assignment; (f) completing an interactive tutorial or computer-assisted instruction; (g) conducting legal research assigned as part of the curriculum in any class; and (h) participating in any



- portion of an approved clinical or experiential class or activity offered through distance learning technology;
  - 3. student participation in an experiential or clinical program; and/or
  - 4. satisfaction or substitution of academic engagement hours via successful completion of competency-based examinations or other assessments demonstrating student proficiency in course learning outcomes.
- e. A law school must have a written policy that requires the verifiable academic engagement of each of its students. Law schools may comply with this requirement by either establishing and documenting either:
- 1. a curriculum that includes the verifiable academic engagement required; or
  - 2. for a given student, (a) completion of the verifiable academic engagement, (b) completion of its equivalent through a competency-based examination or other assessment demonstrating proficiency in course learning outcomes, or (c) a combination of (a) and (b). It is presumptively sufficient to have a policy requiring successful completion of not less than 80 percent of the academic engagement required by the academic program in which the student is enrolled (not including competency-based examination or assessment).
10. Faculty: A law school and each campus it operates must have sufficient faculty to maintain a sound program of legal education, and ensure timely response to, and evaluation of, each student and the prompt evaluation of assignments.
11. Faculty Development: Instructors must continually strive to improve their teaching skills and expertise in the subjects they teach. Instructors are expected to keep informed of changes in the law and include in their courses a discussion of recent significant statutory changes and case law developments.
12. Evaluation of Faculty: A law school must adopt a written process for the evaluation of instructor competence including regular assessment, periodic evaluation by the institution, and written record of performance.
13. Academic Freedom: A law school must adopt an academic freedom policy. Under the policy, a faculty member can articulate an academically-related position or concept that may be controversial without fear of reprisal.
14. Academic Support: A law school, through its faculty or otherwise, must provide academic counseling to students. A law school must provide services,

experiences, and activities targeted to the size and the need of its enrolled student body.

15. Statement of Student Services: A law school must publicly state what services, experiences, and activities are available to students, and must provide adequate support and resources for all such provided services, experiences, and activities. Student services, experiences, and activities must be made reasonably available to all students, although a law school may impose reasonable qualifications (such as minimum grade average or year in school) for participation in services, experiences, and activities other than academic counseling.
- C. Diversity, Equity and Inclusion: A school must have mission-appropriate diversity, equity and inclusion policies, in accordance with California and federal law, to support student success; create an inclusive environment for, and encourage the participation of, historically underrepresented communities within the student body; and promote cultural competency and respectful discourse across a wide range of issues. To ensure an environment of continuous evaluation and improvement, schools must track the implementation of their policies and change them as appropriate when suggested by their results.
1. Anti-Discrimination Policy: Consistent with California and federal law, a law school shall have and publish anti-discrimination policies for faculty, staff, and students, including policies regarding sexual harassment and sexual assault.
  2. Creating an Inclusive and Diverse Law School Environment and Experience: A law school must demonstrate a commitment to create an environment in which students, faculty, and staff can respectfully discuss and respond to issues upon which a diversity of views can be expected through mission-appropriate policies, procedures, curricula, research, and/or outreach activities.
  3. Access/Diversity Programs and Partnerships: A law school must put in place effective policies and practices, and engage in ongoing, systematic, and focused recruitment and retention activities, in an effort to achieve mission-appropriate access, diversity, equity, inclusion, and cultural competency outcomes for its students, faculty, senior administrative staff, and members of its academic community, and to work to eliminate bias, both implicit and explicit. The law school will assess its progress using well-articulated metrics including examining disaggregated retention and graduation outcomes and adjust programs and policies as appropriate to improve diversity and inclusion outcomes.
- D. Preparation for Licensure and Professionalism: A law school shall prepare Juris Doctor (JD) students to become licensed attorneys and to practice law in an ethical and professional manner. The JD degree must be granted only upon completion of a law program that qualifies a student to take the California Bar Examination.

1. Access to Faculty: A law school must provide a policy for students to access the faculty, whether through scheduled office hours, regular or electronic mail, chat rooms, telephone contact or other means.
2. Practice-Based Skills and Competencies
  - a. The law school must require that each student enrolled in its JD Degree program satisfactorily complete a minimum of six semester units (or their equivalent) of course work designed to teach practice-based skills and competency training. Such competency training must teach and develop those skills needed by a newly licensed attorney to practice law in an ethical and competent manner.
  - b. A law school must provide the opportunity for students in the JD degree program to complete a minimum of 15 semester units (or their equivalent) of practice-based skills and competency training. A law school is encouraged to provide externship clinical, law review, and similar experiences to enrich the legal education of its students.
  - c. A law school must provide the opportunity for LL.M. students who are enrolled in the law school to qualify to sit for the California Bar Examination to complete a minimum of five semester units (or their equivalent) of practice-based skills and competency training.
3. Expenditure of Assets and Funds To Provide Sound Program of Education: A law school must use its assets and funds, including tuition, fees, and other charges collected from or on behalf of students, to provide a program of legal education reasonably calculated to lead to licensure in the law. A law school must establish reasonable safeguards against financial fraud and other financial improprieties.
4. Curriculum: There is no prescribed program of legal education. An effective program of legal education for the JD (JD) degree will include, but not be limited to, all of the following:
  - a. a balanced and comprehensive course of study with subjects and materials presented in an organized and logical manner and sequence that satisfies the legal education requirements to take the California Bar Exam, although the law school is not a guarantor of the student's eligibility to sit for the exam;
  - b. learning experiences that support the acculturation of program graduates to the mores and values of the legal profession, including service, preparation, responsiveness, confidentiality, excellence, civility, professionalism, and ethics;

- c. knowledge of process and skills for legal research and writing, which shall include access to legal research resources adequate to accomplish this requirement; and
  - d. the subjects tested by the California Bar Examination, including a course in Professional Responsibility that all students must complete and pass.
- 5. Academic Program Plan: A law school must adopt and maintain a written plan for its academic program.
- 6. Minimum Cumulative Pass Rate: The law school must maintain a minimum, cumulative bar examination pass rate (MPR) of 40 percent in each five-year period.
  - a. The “reporting period” covers the five most-recent 12-month periods (August 1 through July 31) prior to the calendar year in which the MPR is reported to the Committee.
  - b. A law school’s MPR is to be calculated as a fraction that is the sum of all qualified takers for the reporting period who passed any administration of the California Bar Exam during the reporting period or the first February administration after the reporting period that was no more than 10 administrations after the taker’s graduation (the numerator), divided by the sum of all qualified takers for the reporting period who, whether they passed or failed, took any administration of the California Bar Exam taker’s graduation (the denominator), with the resulting numeral being expressed as a percentage. The minimum, cumulative bar examination pass rate for a law school with one or more branch campuses is to be calculated and reported as the combined rate of all such campuses.
- 7. Academic Credit for Bar Examination Review: A law school may offer and grant academic credit for a bar examination review or preparation course. A law school may also require successful completion of a bar examination review or preparation course as a condition of graduation.
- 8. Acquiescence Required to Award Professional Law Degrees in Addition to the JD Degree: A law school must apply to and obtain the acquiescence of the Committee, and must agree to use the disclosures prescribed by the State Bar, to award any professional law degree in addition to the JD degree. As provided in rule 4.105(L) of these rules, a “professional law degree” is the Bachelor of Laws (LLB), Executive JD Non-Bar-Qualifying degree (EJD), Juris Doctor (JD), Masters of Law (LLM), Master of Legal Studies (MLS), or other post-graduate degree.

- A. A law school subject to these rules must submit a Periodic Compliance Report as required using the form prescribed by the Committee. The deadline and fee for submission of the report are set forth in the Schedule of Charges and Deadlines.
- B. A law school with an approved branch or satellite campus must submit a fee for each additional campus as set forth in the Schedule of Charges and Deadlines.

*Rule 4.161 adopted effective January 1, 2009; amended effective March 11, 2016.*

#### Rule 4.162 Periodic Inspection

- A. An accredited law school, including each approved branch or satellite campus, is subject to a concurrent inspection every five to seven years following the grant of accreditation, at the discretion of the Committee, or more frequently if the Committee finds this is reasonably necessary to ensure continued to compliance. The State Bar will appoint an inspection team which include State Bar staff or designees. It should also include a member of the Committee and/or a law school representative if available. A law school that believes a team member is biased may challenge the appointment of the team member and request an alternative appointment. An allegation of bias must be documented by written evidence. The challenge must be filed within ten days of the Committee's notice to the law school of the composition of the inspection team. The Committee will consider the challenge and may appoint an alternative team member for good cause within 30 days of receipt of the challenge.
- B. The inspection team must provide the Committee with a report on the visit containing recommendations and commendations within ninety days of the last day of the inspection. The Committee, through staff, must provide the law school with a copy of the report within 30 days of receiving it. If the law school takes exception to the report, it must notify the Committee in writing within 30 days of receipt of the report. The Committee must allow the law school 60 days from the date of receipt to submit material in support of its exceptions.
- C. After considering the inspection report, any exceptions filed by the law school, and any additional information it has requested, the Committee may continue accreditation or issue a Notice of Intent to Make Finding of Noncompliance or Notice of Intent to Impose Sanctions, pursuant to Rule 4.170.
- D. A law school in the "deemed accredited" status is not subject to periodic inspection unless a student complaint has been filed against it that reasonably implicates the school's compliance; it has lost its accreditation with the other agency; or the

Committee has a reasonable belief that the school may be out of compliance with these rules.

*Rule 4.162 adopted effective January 1, 2009; amended effective November 18, 2016.*

#### Rule 4.163 Self-Study

Prior to a periodic inspection, or more frequently if the Committee requests it, an accredited law school must reevaluate its educational program and submit a written self-study to the Committee. The purpose of the self-study is to determine whether the law school has complied with these rules and has achieved its mission and objectives. The law school must use the format prescribed by the Committee and submit the self-study and fee in compliance with the Schedule of Charges and Deadlines.

*Rule 4.163 adopted effective January 1, 2009.*

#### Rule 4.164 Prior approval of major changes

An accredited law school contemplating a major change that requires approval must notify the Committee and obtain its approval at least 180 days before making the change. The notice must explain in detail any effect the change might have on the law school's compliance with these rules and be submitted with the fees specified in the Schedule of Charges and Deadlines. The Committee may then require submission of additional information or an inspection. An accredited school contemplating a major change that requires notice must notify the Committee within 30 days of making the change.

*Rule 4.164 adopted effective January 1, 2009.*

#### Rule 4.165 Major changes

- A. The following are major changes requiring advance approval from the Committee:
  - 1. changing the location of the school, or the location of a branch campus or satellite campus, to a different location more than five (5) miles of the existing location;
  - 2. instituting any joint degree program, whether within the college or university affiliated with the law school or with another institution;
  - 3. Instituting a new division, full or part time;

4. offering a new non-JD program in law study, whether a degree program, non-professional degree program, or non-degree program, all of which require acquiescence from the Committee;
  5. sponsoring or offering for law study credit any individual seminar or class, other than from a branch campus, that will meet more than fifty-five miles from the law school's principal facility or outside of California;
  6. affiliating with another law school, college, or university, or modifying the law school's relationship with an affiliated college or university;
  7. changing from a nonprofit to a profit-making institution or vice versa;
  8. change in ownership or control of the school, including affiliation, merger or severance with another law school, college, university, or organization;
  9. any major change to the JD curriculum, including change in the number of credits, overall requirements, or teaching modality change that affects more than one-third of the program; or
  10. opening a new branch campus or satellite campus.
- B. The following are major changes requiring notice to the Committee
1. Official Contact Information for the School
  2. Contact Information of the Dean and Registrar
  3. Changing the name of the school

*Rule 4.165 adopted effective January 1, 2009; amended effective March 13, 2015; amended effective November 18, 2016.*

## Chapter 5. Termination of Provisional Accreditation or Accreditation

### Rule 4.170 Notice of Intent to Make Finding of Noncompliance; Notice of Intent to Impose Sanctions

- A. If it appears to the Committee that a provisionally accredited law school, or any branch or satellite campus thereof, is not in substantial compliance with these rules, or that an accredited law school, or any branch or satellite campus thereof, is not in compliance with these rules, the Committee shall provide the school with a written Notice of Intent to Make Finding of Noncompliance that states the reasons and factual basis therefor. This rule does not apply to a provisionally accredited law school during the last 180 days of its provisional accreditation.
- B. Within fifteen days of receiving a Notice of Intent to Make Finding of Noncompliance, a law school must file a response demonstrating that it is in substantial compliance with these rules, if a provisionally accredited law school, or in compliance with these rules, if

an accredited law school. With its response, the law school may request an inspection to verify its compliance or substantial compliance, as applicable.

1. If the Committee determines, based on the law school's response, that the law school is in compliance or substantial compliance, as applicable, the Committee will, within the later of 30 days of receiving a response from the law school or 45 days of providing the Notice of Intent to Make Finding of Noncompliance, notify the law school of its consideration of the matter and, at the next regular or special meeting of the Committee, make a finding regarding the law school's compliance or substantial compliance, as applicable, in the public record.
  2. If the Committee is unable to determine, based on the law school's response, that the law school is in compliance or substantial compliance, as applicable, the Committee must determine whether the action, if any, of inspection, interim monitoring, probation, or termination of accreditation or provisional accreditation is appropriate. The Committee may request additional information or research, including an inspection. If the law school refuses to participate in any request, the Committee will proceed with the information that is before it.
- C. If the Committee determines, based on substantial evidence, following the Notice of Intent to Make Finding of Noncompliance process required by Rule 4.170 (A) and (B), to impose probation or termination of accreditation or termination of provisional accreditation upon a law school, the Committee must provide the school with a written Notice of Intent to Impose Sanctions that states the intended sanction(s), the reason(s) and factual basis for imposing it, and the intended effective date. If the Committee finds, based on substantial evidence, that a school has engaged in fraud or other serious misconduct that has harmed the safety, health, or financial condition of students or prospective students, or if serious and substantial harm of another type has occurred as a result of recurring noncompliance, the Committee may issue a Notice of Intent to Make Finding of Noncompliance and Notice of Intent to Issue Sanctions concurrently.
- D. Within fifteen days of receiving a Notice of Intent to Impose Sanctions, and regardless whether the Committee requests or has requested additional information or research, including an inspection, pursuant to a Notice of Intent to Make Finding of Noncompliance or otherwise, a law school must respond to the Notice of Intent to Impose Sanctions. With its response, the law school may request an inspection, and/or hearing pursuant to Rule 4.173, on the Notice of Intent to Impose Sanctions. If the law school does not timely request a hearing pursuant to Rule 4.173, the school waives the right to request a hearing in connection with the Notice of Intent to Impose Sanctions. If the law school does not provide a response and does not request a hearing, the Committee will proceed with the information that is before it.



#### Rule 4.171 Interim Monitoring

- A. As detailed further in section (C) below, where reasonable cause exists, a law school may be placed on interim monitoring for a specified period not to exceed one year. During interim monitoring, the school may be required to provide periodic reports or submit to inspections.
- B. Interim monitoring is not a sanction requiring Committee action, and is not required to be imposed for every issue of minor, technical, or brief noncompliance. Neither a written Notice of Intent to Make Finding of Noncompliance nor a Notice of Intent to Impose Sanctions need be issued before a law school is placed on interim monitoring, and a law school need not be placed on interim monitoring before probation or termination of accreditation is imposed. A law school is not required to disclose its participation in interim monitoring.
- C. Interim monitoring should occur where:
  - 1. an accredited law school, or any branch or satellite campus thereof, appears to be at risk of falling out of compliance with these rules;
  - 2. a provisionally accredited law school, or any branch or satellite campus thereof, appears to be at risk of falling out of full compliance with the core requirements of Rule 4.102(C), or out of substantial compliance with any other rule;
  - 3. an accredited law school, or any branch or satellite campus thereof, which is in compliance with the core requirements of Rule 4.102(C), is found to be in substantial but not full compliance with one or more other of these rules, and the school has the demonstrated capacity and intent to achieve compliance within a timeframe specified by the Committee not to exceed one year;
  - 4. a provisionally accredited law school, or any branch or satellite campus thereof, which is in compliance with the core requirements of Rule 4.102(C), is found to be out of substantial compliance with one or more other of these rules, and the school has the demonstrated capacity and intent to achieve substantial compliance within a timeframe specified by the Committee not to exceed one year; or
  - 5. the circumstances are such that it appears to the Committee that an accredited or provisionally accredited law school is out of full or substantial compliance, as applicable, with any rule, but probation or termination of accreditation or provisional accreditation would not be appropriate.

#### Rule 4.172 Probation

- A. If the Committee finds, based on substantial evidence, that a provisionally accredited law school, or any branch or satellite campus thereof, has not complied with the core

requirements of Rule 4.102(C), or has not substantially complied with any other Rule, and either (1) interim monitoring would not be appropriate under the circumstances, or (2) the law school has failed to come into substantial compliance with any rule during a period of interim monitoring, then the Committee may place the law school on probation for a specified time not exceeding two years.

- B. If the Committee finds, based on substantial evidence that an accredited law school, or any branch or satellite campus thereof, has not complied with these rules, and either (1) interim monitoring would not be appropriate or (2) the law school has failed to come into compliance during a period of interim monitoring, the Committee may place the law school on probation for a specified time not to exceed two years.
- C. If the Committee finds, based on substantial evidence, that a deemed accredited law school, or any branch or satellite campus thereof, has not complied with the requirements of Rule 4.102(C), the Committee may place the law school on probation for a specified time not to exceed two years.
- D. If the Committee finds, based on substantial evidence, that a provisionally accredited, accredited, or deemed accredited law school, or any branch or satellite campus thereof, has engaged in fraudulent or other serious misconduct harming the safety, health, or financial condition of students or prospective students, but that termination of accreditation or provisional accredited is not warranted because the law school has made material progress toward remedying the misconduct and has demonstrated the capacity and intent to prevent such misconduct from continuing or recurring in the future, the Committee may place the law school on probation for a specified time not to exceed two years.
- E. A provisionally accredited or accredited law school placed on probation:
  - 1. is subject to any probation conditions imposed by the Committee, including interim inspections and progress reports; and
  - 2. continues to have degree-granting authority and its students are deemed enrolled at a provisionally accredited or accredited law school, as applicable.
- F. At least 30 days before probation expires, the Committee will notify the law school of its determination that:
  - 1. it will end the provisionally accredited law school's probation or will proceed to terminate the law school's provisional accreditation; or
  - 2. it will end the accredited law school's probation or will proceed to terminate the law school's accreditation.
- G. The Committee may remove a law school from probation prior to the conclusion of the probationary period if it appears that the law school has already come into substantial compliance or compliance, as applicable. If it appears the law school will need additional time to address noncompliance issues, and with the consent of the law school, the

Committee may extend the period of probation, not to exceed an additional two years beyond the initial probationary period, if the law school has made progress or taken appropriate steps during the original probationary period toward substantial compliance or compliance, as applicable.

- H. Probation is not available to a provisionally accredited law school during the last 180 days of its provisional accreditation.

#### Rule 4.173 Request for Hearing

To request a hearing before the Committee, a law school must submit a request within fifteen days of receiving a notice that the Committee is considering probation, termination of provisional accreditation or accreditation, or any other sanction.

#### Rule 4.174 Hearing procedures

- A. Within 30 days of the Committee receiving a timely request for hearing, a hearing will be scheduled and a panel of three Committee members will be selected by the State Bar. Within ten days after the State Bar identifies the panel, the law school may file a written challenge to the appointment of any member for bias or actual conflict. The State Bar must consider the request and, if good cause is shown, grant the request and appoint an alternative member. A law school may waive the requirement that the hearing be held within 30 days of the State Bar's receipt of a request for hearing.
- B. The State Bar will make a copy of the transcript or recording of the hearing available at the law school's expense. In addition to or in lieu of the above, the law school may record or transcribe the hearing at its own expense.
- C. One of the three members of the panel will be selected to preside over the hearing. The hearing need not be conducted according to common law or statutory rules of evidence, except that the rules of privilege in the California Evidence Code or required by the United States or California Constitutions will be followed. Any relevant evidence is admissible. In the event of a dispute as to admissibility, evidence will not be excluded, but will be heard subject to an instruction to the panel to disregard the evidence in making the decision. The law school has the burden of establishing its compliance, if an accredited law school, and substantial compliance, if a provisionally accredited law school, with these rules.
- D. All parties may be represented by counsel at their own expense.
- E. The law school will be notified in writing within 30 days after the hearing of the recommendation of the panel, which will be forwarded to the Committee for decision.

#### Rule 4.175 Committee Action Following Hearing

- A. Following a hearing, the Committee will determine whether the law school is in compliance or substantial compliance, as applicable, with these rules. Its decision will be based on the entire record, including materials presented at the hearing and the recommendation of the panel before which the hearing was conducted. If a law school did not timely request a hearing upon receiving a Notice to Impose Sanctions, the Committee will make a decision based on the information before it.
- B. The Committee may take any action affecting the law school's provisional accreditation or accreditation that it considers appropriate, including termination of provisional accreditation or accreditation.
- C. All decisions of the Committee are matters of public record. In addition, the Committee, in its discretion, may do any or all of the following with respect to its decision:
  - 1. publish it via the State Bar website, periodicals of general circulation, or otherwise;
  - 2. require that the law school post a notice regarding the Committee's decision on the law school's home page, consumer disclosures page and/or admissions page of its website;
  - 3. notify the students enrolled in the school;
  - 4. notify the Supreme Court of California;
  - 5. notify the California Attorney General; or
  - 6. notify any other entity that accredits or regulates the law school.

**Rule 4.176 Termination of accreditation or provisional accreditation**

- A. The Committee may terminate provisional accreditation or accreditation if it finds, based on substantial evidence, one or more of the following:
  - 1. the law school has failed, during a period of probation, to attain substantial compliance or compliance, as applicable for provisionally accredited or accredited law schools, respectively, with these rules and has demonstrated little or no intent or capacity to do so;
  - 2. the law school is out of compliance with the core requirements of Rule 4.102(C), and has demonstrated little or no intent or capacity to come into compliance with the requirements of that Rule;
  - 3. the school has engaged in fraudulent or other serious misconduct that has harmed the safety, health, or financial condition of students or prospective students; or
  - 4. the law school is provisionally accredited, and a probationary period would serve no purpose given the nature of the non-compliance or the proximity to the termination of the provisional accreditation period.

- B. The Committee terminates accreditation or provisional accreditation on a specific date, at which time it also terminates a law school's degree-granting authority. Ordinarily, this date shall not be sooner than 180 days after the Committee published notice of its intent to terminate accreditation under Rule 4.175. Until that date, the school continues to have degree-granting authority and its students are deemed enrolled at a provisionally accredited or accredited law school, as applicable.
- C. Within 60 days after receiving notice of termination, the law school must submit either a teach out plan if it intends to close, or a transition plan if it intends to seek to convert to unaccredited registered status. The Committee will provide its approval or requested adjustments to either plan within 60 days after receipt, and if no changes are requested in that time frame, the plan is deemed accepted.
- D. Notwithstanding the timing provisions of Rule 4.176(B) and (C), if the Committee finds, based on substantial evidence, that the law school has engaged in fraudulent or other serious misconduct harming the safety, health, or financial condition of students or prospective students, or that other exigent circumstances warrant immediate sanction, the Committee may select a date to terminate accreditation or provisional accreditation that is less than 180 days after the Committee published notice of its intent to terminate accreditation under Rule 4.175, and may also instruct the law school not to submit a teach-out or transition plan.

#### Rule 4.177 Review by Supreme Court

A law school may seek review of termination of its accreditation before the Supreme Court of California pursuant to its rules.