



# The State Bar of California

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**OPEN SESSION**  
**AGENDA ITEM O-400**  
**OCTOBER 2020**  
**COMMITTEE OF BAR EXAMINERS**

**DATE:** October 16, 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**

At its August meeting, the Committee of Bar Examiners (Committee) reviewed and provided feedback on a proposal to replace the Accredited Law School Rules, and asked that the proposal be returned after completing the further study requested by the Committee.

The attached updated proposal to replace the Accredited Law School Rules (updated rules proposal) incorporates that feedback, combining elements from the original proposal created by the Committee of State Bar Accredited and Registered Schools (CSBARS), several alternative provisions suggested by staff, and further updates from Committee members Paul Kramer and Dr. Michael Cao. (Attachment A).

The updated rules proposal continues to be structured around four key goals of accreditation: consumer protection and transparency; student success; diversity, equity, and inclusion; and preparation for licensure as an attorney.

This item is noticed for Committee action today that would allow the Committee to recommend this updated rules proposal to the Board of Trustees for public comment and approval.

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## **BACKGROUND**

In January 2019, the Board of Trustees (BOT) created the Committee of State Bar Accredited and Registered Schools (CSBARS), whose charge included providing feedback to the Committee and to the State Bar on matters relating to the promulgation of new or amended Accredited Law School Rules. The CSBARS members are: 1) three deans from accredited law schools; 2) two deans from registered, unaccredited law schools; and 3) two members appointed by the Committee, one of whom is current an active Committee member and one of whom is an expert on legal education and law school accreditation, experienced in working with both the State Bar of California and the Council of the Section on Legal Education and Admissions to the Bar of the American Bar Association.

CSBARS began developing a proposal in April 2019 and met a total of ten times to create a proposal. The process started with a review of the guiding principles and best practices of more than a dozen professional and institutional accreditors, as reviewed at the Committee's last meeting. CSBARS ultimately identified four key purposes for law school accreditation at the State Bar, shared with the Committee for comment in December 2020: 1) Consumer Protection and Transparency; 2) Student Success; 3) Diversity, Equity, and Inclusion; and 4) Preparation for Licensure.

The resulting rules proposal from CSBARS was designed to ensure that the rules were focused on requiring, monitoring and measuring these key purposes, and eliminating portions of the rules that did not support these new purposes. Requirements that did not serve at least one of the purposes were eliminated. For example, accredited 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 specific administrators to have offices. (Guidelines 3.3, 9.1 and 9.2). These requirements were eliminated because they did not further any of the four purposes for law school 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.

CSBARS held a series of drafting meetings from January through August, posting progress and taking public comment in conjunction with each meeting, and accepting public comment after each meeting as well. The Committee also received updates from the public and from CSBARS members at each of its meetings.

CSBARS then created a proposed set of accredited law school rules which was presented to the Committee at its August 2020 meeting. Staff also provided alternative recommendations for several specific provisions within the proposal regarding the Committee's authority to create enforceable guidelines to interpret State Bar rules, additional detail regarding admissions and transfer requirements under State Bar rules, and a noncompliance process that reflected feedback from the Committee. (See Committee Item O-410, August 21, 2020).

The Committee discussed the rules proposal, and delegated authority to members Kramer and Cao for further study to finalize a proposal to be addressed at today's meeting.

Members Kramer and Cao met weekly during September to review and edit the rules proposal. They also reviewed the recordings from the August CSBARS meeting, at which the CSBARS

accredited rules proposal was reviewed along with the staff alternative provisions. Finally, members Kramer and Cao invited CSBARS members Dean Jackie Gardina and Dean Martin Pritikin to a question and answer session on September 30.

Ultimately, the members' edits resulted in the attached updated rules proposal, based on the original CSBARS proposal, and incorporating several staff and member suggestions.

As the Committee reviews this updated rules proposal today, it may be helpful to summarize the process for promulgating rules at the State Bar as well.

The Committee recommends rule changes to the Board, which has the authority to approve rules after a period of public comment.

The Committee may create and adopt guidelines to interpret the rules, after receiving input on those proposed guidelines through public comment and consultation with CSBARS.

## **DISCUSSION**

The updated rules proposal is focused around the four new purposes for accreditation identified by CSBARS, and resolves several differences between the prior CSBARS and staff alternative provisions. Differences between the original CSBARS proposal and the updated rules proposal are summarized in the attached grid, with reasons for each party's choice detailed. (Attachment B).

### **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, contained in Rule 4.160. While the prior rules listed a series of tasks that schools were required to perform, the updated rules proposal contains a list of purposes that the schools must accomplish.

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 outcomes.

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." Schools are required to adopt learning objectives at the program level and encouraged to adopt learning outcomes at the course level, and to evaluate whether these outcomes are achieved. (Proposed Rules 4.160(B)(5)). Schools must also ensure that the students they admit have the proper pre-legal

qualifications, as well as the education they need to obtain licensure, whether earned at the school or through transfer. (Proposed Rule 4.160(B)(6, 12)). The updated rules proposal includes general information regarding staffing and increases the opportunity for clinical education by 25 percent to allow for more flexibility, though the CSBARS proposal would have allowed an unlimited amount of clinical education. (Proposed Rule 4.160(B)(6), 10(e)). The updated rules proposal also adds a number of other important details related to transfer credits. Each addition relates directly to a common compliance problem or common question. The updated rules proposal also 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 law school must also evaluate the plan’s outcomes and take appropriate action based upon the findings. The State Bar’s Office of Access & Inclusion and the Council on Access and Fairness participated actively in the drafting of this section. This section was added as a core rule at the request of the Committee during its August 2020 meeting, to underscore clear commitment to these principles.

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)). Law schools must incorporate courses and clinical experiences designed to foster ethical practice and licensure for those who seek it. Law schools will have flexibility to decide how to achieve this outcome, so long as they maintain a compliant minimum, cumulative five-year bar exam pass rate. (Proposed Rule 4.160(D)(6)).

### **The updated rules proposal includes an option for recognizing jointly accredited law schools**

In addition to accredited status, the proposal includes a new jointly accredited status that an accredited law school can select if the law school has also taken the extra step of earning regional or national institutional accreditation from an accrediting agency approved by the Department of Education. The State Bar will recognize and accept the law school’s regional or national accreditation, so long as the law school maintains compliance with core rules, as documented through the submission of the school’s periodic compliance report. The regional accreditor will handle inspections and petitions for changes, and the law school will keep the State Bar updated as these milestones are completed by forwarding copies of correspondence with the accreditors. It is expected that law schools will most often seek institutional accreditation through either the [Western Association of Schools and Colleges \(WASC\)](#) or the [Distance Education Accrediting Commission \(DEAC\)](#), based on the law schools’ locations in California.

The core rules are enumerated in 4.147(C):

- a. the fees required by Rule 4.110;
- b. location and compliance with applicable law required by Rule 4.160(A)(1) and Rule 4.160(A)(2) and communication disclosures required by Rule 4.160(A)(3, 4, 6);
- c. student success standards required by Rule 4.160(B);
- d. diversity, equity and inclusion policies and practices required by Rule 4.160(C);
- 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.

Jointly accredited law schools must comply with these core rules in addition to all requirements of the regional or national accreditor. If the State Bar has a concern as to a school's compliance with the core rules, the Committee will be able to request more information and, if needed, take corrective action.

### **The processes for becoming accredited and maintaining accreditation have been clarified and updated**

The process for becoming accredited and maintaining accreditation is similar to the process in place today, with one notable and long-requested enhancement. 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(O)). A school establishing substantial compliance can earn provisional accreditation, while a school demonstrating full compliance can earn full accreditation.

### **The process for noncompliance has been modified to reflect Committee feedback and best practices**

The updated rules proposal clarifies and improves several aspects of the noncompliance process. (Rule 4.170 et. seq). 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, and may also request a hearing. After reviewing the school's full response, including a hearing, if requested, the Committee will determine whether the school is in compliance, or probation or termination are appropriate. While probation will generally be the

first sanction, the Committee may immediately terminate accreditation in a situation of serious misconduct. A termination may be appealed to the Supreme Court of California.

When probation is proposed, the updated rules proposal suggests that probation should be limited to two years in most cases, but the Committee may extend the probationary period in extraordinary circumstances.

When termination is the proposed sanction, the updated rules proposal recommends termination probation at the conclusion of a semester when possible, allowing the school to plan for an orderly application to transfer to registered, unaccredited status. While CSBARS would recommend a longer transition period, the updated rules proposal more closely communicates the school's actual compliance status to the public.

The updated rules proposal incorporate the Committee's request to provide a fair, flexible response that balances the needs of schools with the needs of the public, including current and prospective students.

### **Schools must come into compliance with the new rules within two years**

It is proposed that provisionally or fully accredited law schools be allowed up to two years to come into compliance; during the transition, compliance with the rules and guidelines currently in effect would serve as a safe harbor. Law schools would be expected to begin making progress right away, however, and progress could be documented in the periodic compliance. Schools applying for accreditation would need to comply with the new rules. Though not directly included in the rules, this timing is suggested to be proposed to the Board, consistent with past practice of including timing in the item rather than the rule set.

### **The updated rules proposal overlaps significantly with the CSBARS rules proposal, with differences are identified in the attached grid**

The updated rules proposal closely tracks the CSBARS proposal in many respects.

The key differences address State Bar eligibility requirements, specific requests from the Committee, or compliance issues that have been observed by staff or the Committee in recent years. Notably, the updated rules proposal would address these issues through its departures from the CSBARS proposals:

1. Retaining the Committee's authority to create enforceable guidelines that interpret the rules
2. Ensuring that eligibility requirements are addressed during the admissions process
3. Offering flexibility of length and content of coursework, but not including the option of competency examinations to replace coursework
4. Requiring sufficient qualified staff and administrators at each site, evaluated annually
5. Including flexible library requirements
6. Requiring a school to maintain clear, accurate and complete records

7. Moving the branch campus approval procedure to the major change process to allow the Committee to fully evaluate these requests in the context of the school's overall compliance
8. Offering a clear and efficient process for issues related to noncompliance
9. Requiring that law schools losing accreditation must apply for registration as unaccredited law schools in order to ensure that the school's curriculum requirements meet statutory requirements unique to registered, unaccredited schools

Further detail about differences between the two proposal is included as part of Attachment B. CSBARS members Jackie Gardina and Martin Pritikin, active participants in the drafting process, provided the reasons behind the CSBARS suggestions, while staff collaborated with CBE Members Paul Kramer and Dr. Michael Cao to explain the reasoning included in the updated proposal.

### **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 recommend the updated rules proposal for revised Accredited Law School rules to the Board of Trustees for circulation for a public comment period of 60 days and further consideration for approval.

### **PROPOSED MOTION**

Should the Committee agree with the staff recommendation, the following motion should be made:

**MOVE**, that the updated rules proposal to replace the accredited law school rules be recommended to the Board of Trustees for circulation for a 60 day public comment period, and further consideration for approval.

## **ATTACHMENT(S) LIST**

- A.** Updated Proposal to Replace the Accredited Law School Rules
- B.** Comparison Between the Original CSBARS Rules Proposal and Updated Proposal to Replace the Accredited Law School Rules



## UPDATED PROPOSAL TO REPLACE THE ACCREDITED LAW SCHOOL RULES

### TITLE 4.ADMISSIONS AND EDUCATIONAL STANDARDS

#### DIVISION 2. ACCREDITED LAW SCHOOL RULES

##### Chapter 1.General Provisions

##### Rule 4.100 Authority and Citation

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, which may be cited as the Accredited Law School Rules.

*Rule 4.100 adopted effective January 1, 2009*

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##### Rule 4.101 Scope

- A. The Accredited Law School Rules (“these rules”) apply to law schools seeking provisional or full 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 provisionally or fully approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association (“the Council”).
- 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. Full 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 with 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 unaccredited, accredited, or approved law school or an institution of which it is a part.

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

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

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

*Rule 4.103 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 provisionally or fully approved by the Council” is 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.
- 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 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 “Jointly accredited Law School” is a law school fully accredited by the Committee that has also been recognized as jointly accredited within the meaning of Rule 4.147(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 California Business and Professions Code Section 6060(h) and by Admissions Rule 4.31.
- I. The “Guidelines” are the Guidelines for Accredited Law School Rules adopted by the Committee of Bar Examiners.
- J. “Inspection” means an on-site or virtual 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 with the Committee as a correspondence, distance, or fixed facility law school, but is not accredited by the Committee.
  - 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. An Unaccredited Fixed Facility Law school must require classroom attendance of its students for a minimum of 270 hours per year for four years.
- N. “State Bar staff” means assigned staff of the State Bar of California.
- O. Substantial Compliance
1. “Substantial compliance” for an institution exists where it (a) is in full compliance with the core requirements listed in Rule 4.147(C)(1); (b) meets the reasonable objectives of all other rules; and (c) has not engaged in, and is not likely to imminently engage in, serious misconduct that could harm 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 4.147(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 with the Committee, those jointly 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 law school and a student or others, and will not respond directly to the complaining party, but may 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 or full 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.
- B. The Committee shall consider the request at a scheduled Committee meeting as soon as reasonably practicable.
- 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. Law 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 Unaccredited law schools or law schools that were approved by the Council at any point within the prior twelve months 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. A 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 law school that is registered with the Committee as an unaccredited law school, or a law school currently or previously approved by the Council at any point within the most recent twelve months, may apply for provisional accreditation.

- A. completing and submitting the Application for Provisional 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 timely pay all fees incurred whether or not the law 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 that the law school does not appear to have demonstrated at least substantial compliance with these rules, and deny the application;
  2. make a finding that the law school appears to be in at least substantial compliance with these rules, and schedule an inspection within 90 days to verify the law school's level of compliance; or
  3. request further information, allowing a reasonable time for review.

- B. The Committee shall notify the law school within 30 days of making its determination regarding 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 verify 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. Alternates shall be subject to challenge as described above.

*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 inspection report for its review. If the law school takes exception to any of the findings in the inspection report, it must notify the Committee in writing within 30 days of the date the inspection report was mailed, and may take up to 60 days from the date the inspection 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 submitting evidence in support of the exceptions 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

A registered, unaccredited law school, a provisionally accredited law school, or a law school that has been approved by the Council at any point within the prior twelve months may apply for accreditation. No later than 180 days before the expiration of provisional accreditation, a provisionally accredited law school 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 registered with the Committee as an unaccredited law school.

*Rule 4.140 adopted effective January 1, 2009.*

#### Rule 4.141 Application procedure

A provisionally accredited law school, a law school registered with the Committee, or a law school that has been approved by the Council at any point within the most recent 12 months 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 s

- A. After considering an Application for Accreditation, the Committee may:
  - 1. find that the law school does not appear to be in compliance with these rules, and deny the application; or
  - 2. schedule an inspection within 90 days upon determining that the law school appears to be in compliance with these rules; or
  - 3. request further information, allowing a reasonable time for review.
- B. The Committee will notify the law school within 30 days of making its determination regarding 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, 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 appoint an alternative team member for good cause within 30 days of receipt of the challenge. Alternates shall be subject to challenge as described above.

*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 inspection report for its review. If the law school takes exception to any of the findings in the inspection report, it must notify the Committee in writing within 30 days of the date the inspection report was mailed, and may take up to 60 days from the date the inspection 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 evidence in support of the exceptions has passed.

*Rule 4.145 adopted effective January 1, 2009.*

Rule 4.146 Committee action on accreditation inspection report

UPDATED PROPOSAL TO REPLACE THE ACCREDITED LAW SCHOOL RULES



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.*

#### Chapter 4 Law Schools Approved by Additional Accreditors

##### Rule 4.147 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. If the Council withdraws its approval, or the law school voluntarily relinquishes its approval, the law school may apply for provisional accreditation or accreditation as described in 4.121 and 4.141 above.
- B. A law school that has been fully accredited by the Committee and is also fully approved by any accreditor recognized and authorized to accredit schools offering the first professional degree in law by the United States Department of Education may apply to be, and upon approval shall be, jointly accredited by the Committee so long as the law school and the institution of which it is a part remain accredited in good standing with that accreditor, and the school complies with the requirements in section 4.147(C), below. A jointly accredited law school shall provide the State Bar with timely copies of its correspondence with any other accreditor relating to the law school.
- C. Core Accreditation Requirements; Jointly accredited Requirements
  - 1. A law school that is jointly accredited under Rule 4.147(B), and within the meaning of Rule 4.105(F), must comply with the following:
    - a. the fees required by Rule 4.110;
    - b. location and compliance with applicable law required by Rule 4.160(A)(1) and Rule 4.160(A)(2) and communication disclosures required by Rules 4.160(A)(3), (4), and (6);
    - c. student success standards required by Rule 4.160(B);
    - d. diversity, equity and inclusion policies and practices required by Rule 4.160(C);
    - 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 4.147(C)(1) are the “core” requirements of accreditation as that term is used elsewhere in these rules.

Rule 4.148 Application for Jointly accredited Status

- A. An accredited law school may apply for “jointly accredited” status by
  1. completing and submitting the application for jointly 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 jointly accredited status as defined in Rule 4.147(B), and agreeing to fulfill all obligations required of a jointly accredited law school.
- B. Within 90 days of submitting a complete application for Jointly accredited Status, or as soon as practicable thereafter, a law school will be notified whether it meets the definition of jointly accredited as defined in Rule 4.147(B).

Chapter 5. 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 timely informed of the rights, responsibilities, and limitations of attending the law school, the resources and requirements needed to earn a JD degree, and the law school’s student outcomes with respect to retention, licensure, and career outcomes.
  1. Location: A law school must maintain its primary administrative office and all law school campus locations in California and operate in compliance with all applicable federal, state, and local laws and regulations.
  2. Compliance with laws: While the State Bar will not warrant a law school’s compliance with laws, evidence of violation of laws or regulations may result in a determination of noncompliance with these rules.
  3. 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).

4. 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:

*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.*

5. 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.

6. Public Communications: All information that a law school reports, publicizes or distributes shall be accurate and not misleading to a reasonable law school student, applicant or member of 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.

7. 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. requested by the State Bar;
- c. designated "directory information" and students are advised of its designation as such;
- d. requested by another accrediting agency; or

- e. required in case of emergency.
- 8. Academic Standards: A law school must adopt and timely publish written academic standards, including:
  - a. 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 after no more than one year on probation;
  - d. the circumstances under which a student is subject to disqualification for academic deficiency;
  - e. policy on course repetition which includes a prohibition on earning credit more than once for substantially similar coursework;
  - f. prompt return of grades;
  - g. policy on review and appeal of grades; and
  - h. policy for authenticating student work.
- 9. 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 law 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.
- 10. Compensation Based on Number of Applicants, Enrollment and Students Prohibited: A law school may not base the compensation paid to 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 enrolling at the law school.
- 11. Maintaining Accurate and Complete Records: A law school must maintain complete and accurate records of its programs and operations pursuant to a written plan readily accessible to its administration, to students as appropriate, and to the Committee, in a manner properly secured and backed up to prevent or recover from

loss. The school must also maintain sufficient records to demonstrate its compliance from its last two periodic inspections to the present, and maintain student grade records and Committee correspondence permanently.

12. Written Notice of Changes to Policies: A school shall timely provide applicants, students and faculty with written notice of changes to policies that may affect them.

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 law school for its courses and programs. The law school must not award a JD unless the student has completed all student requirements set forth in these rules, all requirements set forth by the law school for graduation, and all 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: A law school must have a dean responsible for the operation of the law school, an administrator with experience in educational administration, and at least one administrator per campus who has graduated from a law school approved by the Council or accredited by the Committee, or is admitted to practice law in any United States jurisdiction. These individuals may be the same person. Administrators may not be suspended disbarred or have resigned from any bar with charges pending. The law school must also have a registrar to address recordkeeping requirements. All must devote adequate time to their duties and must have current written job descriptions.

3. Statement of Program Learning Outcomes: A law school must state the knowledge, skills, and values that each program of the law school 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 and Professions Code section 6060, The State Bar's Admissions Rules, these rules and any applicable 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 law 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 and Professions Code section 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 Business 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. Law schools must inquire about prior law school attendance prior to offering admission, including performance, standing, and reason for departure. If a law 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 law 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 law school and shall only be awarded for classes for which the student earned a grade in good standing at that awarding law school, except that for a student who has passed the First-Year Law Students' Examination, the law 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.

8. 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 law school shall 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.

9. 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. Each student must be evaluated for advancement annually.
10. 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.
11. 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. policy on pass-fail grading and excluding such grading in bar-tested subjects;
12. 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, except that the law school may allow a student to complete the JD program in more than 84 months under extraordinary circumstances at the law school's discretion, if the law school places a letter in the student's file documenting good cause and gives notice to the student that they have a responsibility to keep their knowledge current to pursue licensure, and provides adequate support to the student to do so.
  - b. The 80 semester units or their equivalent may be satisfied through a combination of any of the following means: (i) student attendance in a classroom-based program; (ii) student participation in a synchronous or asynchronous curriculum offered through distance-learning technology; and (iii) student participation in an experiential or clinical program for up to 12.5 percent of the total time required to earn a JD degree.
  - 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 12.5 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 in any one academic year or 12.5 percent of the total hours required for graduation.

e. A law school must have a written policy that requires each student to complete least 1200 hours of verifiable academic engagement in order to complete the JD program. It is presumptively sufficient to have a policy requiring completion of not less than 80 percent of the academic engagement required by each course in which the student is enrolled.

13. 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 80 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 approved by the Council or accredited by the Committee. Students may not be the sole instructors of any activity for academic credit.

14. 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.

15. 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.

16. Academic Freedom: A law school must adopt an academic freedom policy under which the faculty member can articulate an academically-related position or concept that may be controversial without fear of reprisal.

17. 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.

18. Library Resources: A law school must own or license a reasonable hard copy and/or electronic library that includes sufficient materials for students to complete their coursework and learn to conduct legal research. The library should include, at a minimum, California and federal case law and statutes and copies of course materials. The law school shall not rely upon a public library to fulfill this purpose.



19. Statement of Student Services: A law school must publicly state what services, experiences, and activities are available to students at each of its campuses, 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 law school) for participation in services, experiences, and activities other than academic counseling.

C. Diversity, Equity and Inclusion: A law 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, law 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 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 satisfies the educational requirements for 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 completes 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 LLM students who are enrolled in the law school to qualify to take 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 a 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. 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 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 satisfy the legal education requirements to take the California Bar 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 reporting 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 applicants who took the bar examination during the reporting period and 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 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: In order to award any professional law degree in addition to the JD degree, a law school must apply to and obtain the advance acquiescence of the Committee, and must agree to use the disclosures prescribed by the State Bar in its communications and enrollment agreements. 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 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 compliance. 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. Alternates shall be subject to challenge as described above.

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 inspection report for its review. If the law school takes exception to any of the findings in the inspection 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 evidence in support of the exceptions 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 noncompliance.

E. A law school "jointly accredited" status is not subject to periodic inspection unless a complaint has been filed against it that reasonably implicates the law school's compliance; it has lost its accreditation with the other agency; or the Committee has a reasonable belief that the law school may be out of compliance and the Committee requires additional information from the law school to assess its compliance.

*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 and demonstrate 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 4.165 Prior approval required for Major Changes

- A. A provisionally accredited law school or accredited law school contemplating a major change requiring advance approval must notify the Committee and obtain that 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 as part of its consideration. The following major changes require advance approval from the Committee:
1. changing the location of the law school, or the location of a branch campus or satellite campus, to a different location more than five (5) miles from 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 any professional law degree program in addition to the JD degree;
  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 law 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. An accredited law school that makes a change as to any one of the following must notify the Committee within 30 days of making the change:
1. Official physical or mailing address, phone number, or email for the law school;
  2. Contact Information for the Dean, Administrator, or Registrar;
  3. The law school's website domain(s) or home page address (URL); or
  4. The name of the law school.

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

## Chapter 6. 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 a jointly accredited law school, or any branch or satellite campus thereof, is not in compliance with any core requirement in Rule 4.147(C), 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 law school with a written Notice of Noncompliance that states the reasons and factual basis therefor.

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 law school is not in compliance, detailing a plan that reasonably demonstrates the law school's best intent, capacity, method, and timing to return to substantial compliance, or compliance, as applicable, and the law school may also request a hearing pursuant to rule 4.175. If the law school does not provide a response or does not request a hearing, 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 this finding in the public record.
2. If the Committee is unable to determine whether the law school has demonstrated compliance or substantial compliance, as applicable, the Committee may request additional information, including an inspection. If the law school refuses or is reasonably unavailable to participate in any request, the Committee will proceed with the information that is before it.
3. If the Committee determines that the law school is not in compliance or substantial compliance, as applicable, the Committee must provide the law school with a written Notice of Sanctions that states the sanction(s), a summary of the reason(s) and factual basis for the sanction(s), and the effective date.

#### 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 requirement in Rule 4.147(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 to exceed two years.

B. If the Committee finds that a jointly accredited law school, or any branch or satellite campus thereof, has not complied with any core requirements of Rule 4.147(C), the Committee may revoke the law school's jointly accredited status and place the law school on probation for a specified time not to exceed two years.

C. 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.

D. A provisionally accredited or accredited law school placed on probation is subject to

any probation conditions imposed by the Committee, including interim inspections, public notice, and progress reports. The law school continues to have degree-granting authority and its students are deemed enrolled at a provisionally accredited or accredited law school, as applicable.

E. No sooner than the last six months prior to the conclusion of the probationary period, the Committee may extend the probationary period if the Committee makes specific findings that extraordinary circumstances justify the extension. In reviewing an extension request, the Committee shall consider the progress made toward bringing the law school into substantial compliance or compliance and any other relevant information.

F. At least 30 days before probation expires, the Committee will set a date, and notify the law school of such date, and on or after such date, the Committee will determine whether it will:

1. end the provisionally accredited law school's probation or will proceed to terminate the law school's provisional accreditation; or
2. 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 the law school demonstrates 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.

H. Probation is not required in circumstances described in Rule 4.173, subsections (A)(2) and (A)(3), where termination without intervening probation is necessary for public protection.

#### 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 demonstrate substantial compliance or compliance, as applicable, for provisionally accredited or accredited law schools, respectively, with one or more of the rules or to meet the terms of its probation;
2. the law school is out of compliance a core requirement of Rule 4.147(C), and the Committee finds that a period of probation would not be appropriate;
3. the law school has engaged in, or may imminently engage in, serious misconduct that could 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 shall terminate accreditation or provisional accreditation on a specific date, at which time the law school's degree-granting authority shall also terminate. 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 registration with the Committee as an unaccredited law school. Any application for registered unaccredited status filed concurrently with proceedings related to a Notice of Noncompliance shall not be interpreted as an admission of noncompliance or prevent the Committee from making a finding of compliance with these rules.

#### Rule 4.174 Request for Hearing

Within 15 days after the Committee issues a Notice of Noncompliance or gives Notice of a Date of a Committee Consideration pursuant to Rule 4.172(F), a law school may request a hearing pursuant to Rule 4.175.

#### Rule 4.175 Hearing procedures

- A. Within 30 days of the Committee receiving a timely request for hearing, a hearing will be scheduled and before panel of three members 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. Alternates shall be subject to challenge as described above.
- B. The State Bar will record the hearing. A transcript or copy of the recording of the hearing will be made available at the law school's request and 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. Any relevant evidence is admissible if it is the kind of evidence on which responsible persons rely in the conduct of serious affairs. The rules of privilege in the California Evidence Code or required by the United States or California Constitutions will be followed.
- D. All parties may be represented by counsel at their own expense.
- E. 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.
- F. At the conclusion of the hearing, the panel will deliberate and prepare proposed findings to be presented to the Committee.

#### Rule 4.176 Committee Action Following Hearing

Following a hearing, the Committee will consider the hearing record, hearing panel's proposed findings, any additional panel recommendations and any other information presented to the Committee. The Committee may approve, modify or reject the proposed findings or substitute its own findings. 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.

#### Rule 4.177 Notification of Committee Decision



The Committee, in its discretion, may do any or all of the following with respect to its decisions:

- A. publish it via the State Bar website, periodicals of general circulation, or otherwise;
- B. require that the law school include a notice regarding the Committee's decision on the law school's website, consumer disclosures or other communications;
- C. notify the students enrolled in the law school;
- D. notify the Supreme Court of California;
- E. notify the California Attorney General; or
- F. notify any other entity that accredits or regulates the law school.

#### **Rule 4.178 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.

Comparison Between the Original CSBARS Rules Proposal and Updated Rules Proposal to Replace the Accredited Law School Rules

Rule Number	CSBARS	CSBARS Reasoning	Updated Rules Proposal	Updated Proposal Reasoning
4.101  Citation to Rules		CSBARS seeks an option to condense the citation language so as to cite the law school’s accreditor properly when using social media and the full language can be linked to but not directly included.	Adds information about how to cite to the rules, consolidated from previous locations.	While the full text for citation is included in the rule, the Committee should explore guidance or policy for use in social media in a guideline due to accommodate technological change.
4.147 Core Rules (Renumbered from 4.102)	Deemed Accredited status		CBE adds core rules of 4.160(C) (diversity, equity and inclusion policies and practices) and 4.160(B) (student success).	CBE adds the new diversity, equity and inclusion provisions a priority that should be a core rule.  CBE expands the core reference to 4.160(B) to ensure that all law schools admit students who can meet the pre-legal and legal education requirements to establish eligibility to take the bar exam.
4.103 Role of Guidelines	Only rules are enforceable; guidelines offer a way to comply with the rule, but schools can propose others and argue for why their choice meets the core objective of the rule.  CSBARS would propose a process for seeking approval to implement a proposal that it	CSBARS is concerned that there will be Rules and Guidelines with alternative methods of compliance, so schools will need to track the Rules and which Guidelines create enforceable rules and which create only a presumption. The staff proposal lacks a process to get approval for school choices that they feel comply with the rules, but do not comply with the guidelines.	Committee retains the option to determine whether to require a specific interpretation, or a rebuttable presumption on a case by case basis.	State Bar policy authorizes sub-entities to create enforceable guidelines, after taking comment from CSBARS and the public.  Some guidelines will be intentionally prescriptive, while others may set performance standards. The guidelines can call out which provisions are prescriptive and which set performance standards for which alternative methods of compliance may be shown, and methods by which that compliance may be demonstrated.  The rules maintain a waiver provision for a

Rule Number	CSBARS	CSBARS Reasoning	Updated Rules Proposal	Updated Proposal Reasoning
	believes complies with a rule, even if it does not comply with the Committee’s guideline interpreting the rule.			temporary variance from a rule.
4.103(B)  Safe Harbor and Implementation Timeline	Would allow a school who has filed an application under the old rules the day before the new rules go into effect to become accredited under the old rules	Would allow any school with an application filed prior to the effective date of the new rules to accredit under the prior rules, and would provide up to a five-year phase in to demonstrate compliance, allowing all schools to go through one transitional inspection cycle.	Two-year phase in period for the new rules for schools that are currently provisionally or fully accredited.	Though this was removed from the rule set, a two-year phase in period to be recommended in the agenda item rather than the rules, consistent with State Bar practice.  Since schools have been aware that this rules change has been under discussion since 2019, schools that are not accredited as of the adoption of the new rules should attain substantial or full compliance with the new rules to gain provisional or full accreditation.
4.105(M)  Combines Definition of Unaccredited Schools and Types of Unaccredited			4.105(M) combined with subsequent definitions of the types of registered, unaccredited schools.	Combine the definition of registered, unaccredited schools and the definitions of the types of registered, unaccredited schools in 4.105(M).

Rule Number	CSBARS	CSBARS Reasoning	Updated Rules Proposal	Updated Proposal Reasoning
Schools				
4.105(O)3  Substantial Compliance Definition		The Committee's judgment as to a school's compliance <u>should</u> be informed by the judgment of experts, peers, and members of the public.	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 <u>may</u> be informed by the judgment of experts, peers, and members of the public as applicable, as to the level of compliance with each rule.	Changes the word "should" to "may" to allow Committee discretion as to whom to consult when determining compliance.  The State Bar retains the ultimate responsibility to regulate schools in line with State Bar priorities.
4.105(O)1  Standard to bypass typical noncompliance process	"fraudulent or other serious misconduct harming the education, safety, health, or financial condition of students or prospective students."	CSBARS original language at left.	"has not engaged in, and is not likely to imminently engage in, serious misconduct that could harm the education, safety, health, or financial condition of students or prospective students."	Removes fraud as a standard; adds imminent risk of engaging in misconduct to prevent imminent harm.
4.109(D)  General Waiver in Cases of Emergency		Added after CSBARS draft concluded due to evolving pandemic circumstances.	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	New provision allows the Committee to issue general waivers during emergencies; provision on ratification no longer needed due to addition of this section  Previously, schools could request waivers, but authority was vague as to the Committee's

Rule Number	CSBARS	CSBARS Reasoning	Updated Rules Proposal	Updated Proposal Reasoning
			procedures will be effective upon adoption by the Committee for a term certain and limited to the duration of the extraordinary circumstance.	authority to issue sua sponte.
4.121, 4.141  Application Process Clarified for Schools Transitioning from Council approval			Accreditation process clarified to show how a school leaving Council approved status could apply directly for provisional or full accredited status, skipping the registered, unaccredited status that a new law school must first complete.	This makes current informal practice explicit.
4.170 et. seq.	A school leaving accreditation will "become an unaccredited law school."	This wording comports with current practice.	A law school whose accredited status may be terminated or has been terminated "may apply to become an unaccredited law school."	It was learned that application is necessary to ensure that the school's schedule and calendar comply with the provisions of Business and Professions Code section 6060 applicable to unaccredited law schools, so its students will meet the legal education requirements to take the bar exam. Other changes may also be necessary to comply with the registered school rules.
4.143  Scheduling of	Requires inspection within 60 days after an		Schedules an inspection within 60 days	Staff keeps current language to allow enough time to schedule, even as school breaks or holidays approach. This approach balances

Rule Number	CSBARS	CSBARS Reasoning	Updated Rules Proposal	Updated Proposal Reasoning
Inspection for School Seeking Accreditation	application is filed.			giving schools certainty and the State Bar flexibility
4.144  Composition of Inspection Team		Would replace may with should because it considers peer review to be an important part of the inspection process.	The inspection will be conducted by State Bar staff or designees and <u>may</u> include members of the Committee, law school representatives, or other members selected by the Committee.	Historically, the State Bar has had the authority to appoint teams at its discretion and it is recommended to retain this discretion
4.147  Jointly Accredited status and Core Rules	CSBARS definition of core rules would not include the diversity, equity and inclusion section, and would exclude certain provisions of 4.160 (B) Academic Success related to staffing levels, faculty evaluations, and transfer credits.	<p>4.147(C)(1) on the core standards that apply to jointly accredited schools is now so inclusive as to potentially have little value. There are now only seven substantive standards of 4.160 that do NOT apply to jointly accredited schools (and arguably, some of these are more important to have strict compliance than some of the provisions that are currently on the list):</p> <p>--4.160(A)(5, 7-(10)</p> <p>--4.160(D)(1), (5)</p> <p>This would seem to provide little benefit to the State Bar in terms of reducing oversight, and little benefit to the schools</p>	<p>Deletes branch campus rule and moves branch campus requests to the major change section.</p> <p>Replaces rule with the jointly accredited rule that also includes the core rule definition.</p> <p>Adds diversity section</p> <p>Adds 4.160(B) Eligibility and Staffing requirements</p> <p>Clarifies that jointly accredited schools must copy the State Bar on correspondence with other</p>	<p>As for the branch campus requirements moving, the Committee can now ask the questions necessary when considering branch campus petitions.</p> <p>As for core requirements, there are fewer prescriptive requirements in general, so it is not expected that a majority of this shorter list might be included as core requirements.</p> <p>The jointly accredited status remains helpful to the State Bar and to law schools, as the additional oversight from the accreditors allows monitoring through a periodic report by the State Bar.</p>

Rule Number	CSBARS	CSBARS Reasoning	Updated Rules Proposal	Updated Proposal Reasoning
		in terms of streamlined compliance.	accreditors.	<p>If a specific law school does not agree, the law school is not required to seek jointly accredited status.</p> <p>CSBARS identifies the excluded items as more important, but did not propose adding them at an earlier point. They can be added now.</p>
4.160(A)(1)	Office and Campuses in California		Requires all administrative offices and campuses to be in California, though students can be located elsewhere.	This allows for proper service of process if needed and manageable oversight for the State Bar. Some back-office services may be staffed from an out of state location, but must be capable of delivery from a physical location in California.
4.160(A)(8)c	Probation Lasts One Year		Requires schools to dismiss a student who does not advance from probationary status to good standing <i>after one year</i> .	Limits probation to one year, to promptly dismiss students who do not demonstrate capability to advance and become licensed after a reasonable opportunity to improve.
4.160(A)(8)(e)	Course Repetition		A policy on course repetition must not allow credit for the same course twice.	Avoids duplicate credit being awarded.
4.160(A)(11)	Recordkeeping		"A law school must maintain complete and accurate records of its programs and operations that are readily accessible to its	Staff provided a location to address the issue of secure and complete recordkeeping. Staff proposes that a guideline provide detail on key documents such as transcripts and eligibility

Rule Number	CSBARS	CSBARS Reasoning	Updated Rules Proposal	Updated Proposal Reasoning
			administration and the Committee in a manner properly secured and backed up to prevent loss."	documents.
4.160(B)  General Student Success Requirement			The school must ensure that the student completes all program requirements and legal education requirement to take the bar exam in California before awarding a JD.	A law school has an affirmative duty to stay updated on admissions and graduation requirements and make sure its program complies with all rules, court rules and statutes.
4.160(B)(2)  Minimum Staffing Requirement			Staff adds requirement to have dean, administrator and registrar, not suspended, disbarred, or resigned with charges pending.	.
4.160(B)(6)(a)  Admissions Minimum Threshold	School should not <u>regularly</u> admit students who are obviously unqualified		School should not admit students who are obviously unqualified or who do not meet prelegal education requirements	Consumer protection element to avoid admitting students who do not appear to have the qualifications or current focus to attend law school.
4.160(B)(6)(c)  Inquiry into Prior Law Study			School should require a transcript for all prior law study and determine the student's standing	School should confirm the student's prior law study results and standing to assess whether the student has the intent and capacity to pursue a JD . Maintains current practice, but deletes current 2 year waiting period and LSAT requirement.



Rule Number	CSBARS	CSBARS Reasoning	Updated Rules Proposal	Updated Proposal Reasoning
4.160(B)(6)(d)  Special Student			Lists requirement for special students to take FYLSX	This is required by statute and admissions rule.
4.160(B)(7)  Transfers			Adds back transfer requirements that are more flexible than prior rules	Staff provides some guidance and support for schools under statute and admissions rule, while still providing for additional flexibility
4.160(B)(11)  Pass-Fail Grading			Disallows pass-fail grading in bar tested subjects.	Public protection: Gives specific feedback to students on their progress toward licensure, maintaining current practice.
4.160(B)(12)  Length of JD Program	Would give guideline for school program length of 80 units and 24-84 months, but the student could take longer or shorter at school's discretion		Would not allow a program to take less time than 24 months.	80 credits taken in fewer than 24 months would not give sufficient time to allow time for study and reflection.
4.160(B)(12)(b)(3)  Decision Not to Add Competency Examinations in Place of Classes	4.160(B)11(b)(3) a student participation in an experiential or clinical program and (4) “satisfaction or substitution of academic engagement hours via successful	CSBARS sees competency based education at the undergraduate level and would like to introduce it to JD programs. At a minimum, CSBARS would seek to allow competency based learning with prior approval, possibly with a cap on the total number of units earned through	Staff deletes proposed addition of competency exams as option for replacing class time with credit or placement.	This novel topic, not yet incorporated at the JD level and without testing or standards at the JD level, can be revisited in the future as standards evolve at the JD level.

Rule Number	CSBARS	CSBARS Reasoning	Updated Rules Proposal	Updated Proposal Reasoning
	completion of competency based examinations or other assessment demonstrating proficiency in course learning outcomes.	competency based education.		
4.160(B)(12)(c)  Declining Option of Competency Examinations in Place of Courses			Staff deletes a proposal that would allow a semester credit to be defined as something other than 45 hours of study and preparation, such as a competency exam or credit for life learning.	See above.
4.160(B)(12)(d)  Internship  Externship  Clinics	CSBARS would not place a cap on the number of clinical hours a student could take as part of the JD program.	If adopting the staff cap of 12.5, suggest to change the cap per year to 50% to allow someone to take all of their hours in a single school year. For example, if a 4-year part-time JD program required 80 total credits, with 20 credits required per year, If a student took all 10 credits of externship/clinical credit in a single year, this could be up to 50% of an academic year.	Staff would limit the time in externship or clinical experience to 12.5 percent of total credits or up to forty percent of credits in one year.	Distinguishes the JD program from law office study method, but increases the limit on internship courses by 25 percent, and deletes the annual cap, allowing the total cap to control.
4.160(B)(17)			Adds basic library requirement for either online or hard copy library	CBE agreed with flexibility, but indicated that a requirement was needed, and should have

Rule Number	CSBARS	CSBARS Reasoning	Updated Rules Proposal	Updated Proposal Reasoning
Library			owned by the school.	control over the resources through ownership or electronic license.
4.160(D)(3)				
Financial Status Review			Staff adds additional language to preserve option for audit in the case of concern of possible irregularity.	State Bar provided with option to prevent issues related to refunds or other financial issues that may occur.
4.162(A)				
Composition of Inspection Team	CSBARS would indicate that all teams <u>should</u> include a member of the Committee and law school representatives.		Staff changes should to may.	State Bar retains the current flexibility to set appropriate teams.
4.162(B)				
Terms of Conflict of Interest			Staff removes option for school to challenge a dean for being employed by a competing school.	Removes this option, as all deans are engaged in the practice of educating students, and transition to online education renders all schools in competition.
4.165				
			Notice of administrative minor changes to be provided within 30 days.	Staff extends timeline to give notification from 5 days in current rule to 30 days for convenience.
4.170	CSBARS would add an		Staff proposal reduces the number	Reduces duplication of effort and streamlines

Rule Number	CSBARS	CSBARS Reasoning	Updated Rules Proposal	Updated Proposal Reasoning
Noncompliance Process	interim monitoring option prior to probation and allow schools to respond and have an inspection and/or hearing after each step.		of inspections required, and allows response, including hearing options, before the Committee decides determines whether a sanction is appropriate.	process, while giving schools a full opportunity to be heard live or in writing.
4.170 Evidence Standard	Suggests substantial evidence standard for noncompliance.		Deletes evidence standard in favor of Committee discretion; also adds back reasonable person admissibility for evidence. Hearing panel deliberates in private.	Current system is working; evidentiary standard matched to other similar agencies. Hearing panels can deliberate in private to produce proposed findings for discussion at Committee.
4.172(A)  Length of Probation		CSBARS suggests allowing the Committee to reserve discretion to extend probation beyond 2 years if circumstances warrant and the law school consents.	“If the Committee finds that a provisionally accredited law school, or any branch or satellite campus thereof, has not complied with any core requirement in Rule 4.147(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 to exceed two years.”	Probation should be for a limited time, but it will be posed to Committee whether an extension should be allowed in extraordinary circumstances.
4.173(B)  Timing of	CSBARS suggests termination should not	Termination should also be allowed at a later date. There may be circumstances	“The Committee shall terminate accreditation or provisional accreditation on a specific date, at	Probation serves as notice; teach out not reflective of school status and not needed due

Rule Number	CSBARS	CSBARS Reasoning	Updated Rules Proposal	Updated Proposal Reasoning
Termination of Accreditation and Transition Process	be imposed prior to 180 day notice and teach out option, and that a longer time could be made available if appropriate.	where a longer period is warranted. For example, if termination is decided shortly before the end of a given semester, termination at the end of the following semester may be more appropriate.	which time the law school's degree-granting authority shall also terminate. 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 registration with the Committee as an unaccredited law school. Any application for registered unaccredited status filed concurrently with proceedings related to a Notice of Noncompliance shall not be interpreted as an admission of noncompliance or prevent the Committee from making a finding of compliance with these rules."	to option of registered status. Schools can and should plan for and facilitate the transfer of their students to or schools.