



OPEN SESSION
AGENDA ITEM O-402
MARCH 2021
COMMITTEE OF BAR EXAMINERS

DATE: March 26, 2021

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst

SUBJECT: Action on Proposed Accredited Law School Rules: Return from Public Comment and Recommendation to the Board of Trustees

EXECUTIVE SUMMARY

The Board of Trustees posted the Committee of Bar Examiners' (Committee) proposed revised accredited law school rules for a period of public comment through February 15, 2021. The Committee is asked to review the comments received and determine whether any changes are needed to the proposal in response, or if the proposal as circulated should be recommended to the Board of Trustees for approval. (Attachment A)

BACKGROUND

In October 2020, the Committee forwarded its proposal for revised accredited law school rules to the Board of Trustees for consideration. (Attachment B) The proposal was informed by a series of public meetings held by both the Committee on State Bar Accredited and Registered Schools (CSBARS) and the Committee of Bar Examiners throughout 2019 and 2020. Other consideration resulted from research and vast public comment collected in writing and orally in conjunction with each meeting. (Committee of Bar Examiners' Meeting, Oct. 16, 2021, Item O-400)

The resulting proposal was responsive to the Board of Trustees' charges to the Committee to create a framework to recognize law schools accredited by regional accreditors approved to accredit the first degree in law, and to incorporate best practices in accreditation.

The proposed rule set identifies four key purposes for law school regulation: Consumer Protection and Transparency; Student Success; Diversity, Equity, and Inclusion; and Preparation for Licensure and Professionalism.

In November 2020, the Board of Trustees directed that this proposed revised set of rules for accredited law schools be posted for public comment. They were posted for public comment for a period of 60 days, through February 15, 2021.

In order to assist the Board of Trustees in its consideration of this proposal, the Committee is asked to review the public comment received, and included here in Attachment A, to determine if substantive adjustments should be made to the proposal, which would then be sent out for a further period of public comment, or if the proposal as circulated, or with only technical amendments, should be returned to the Board of Trustees and recommended for adoption.

DISCUSSION

During the public comment period, five public comments were received. Four, from law schools and students, agreed with the proposal if modified, while a fifth, from a State Bar licensee, disagreed with the proposal and many admissions policies in general. (Attachment A) They are summarized below.

Comments A and D are from unaccredited law schools.

Comment A seeks clarification on several points already under active discussion for inclusion in future guidelines and proposes some guideline language. The law school recommends that a jointly accredited law school should only be required to submit copies of documents exchanged with its other accreditors to the State Bar when those documents relate to the law school, rather than other parts of the university. Second, the law school seeks confirmation that it can choose appropriate metrics for its Diversity, Equity and Inclusion plans except as specified; clarifying guidelines in this area were a topic for feedback this week at CSBARS meeting, with members of the Council on Access and Fairness, as well as the dean of this law school, participating.

Finally the law school makes an observation that, schools at risk of termination of accreditation should keep academic calendars consistent with the more restrictive schedule requirements of the unaccredited law school rules, in order to ensure full transfer of credits for students in the event of termination of accreditation, should those students continue their study at an unaccredited law school. While not included in the current rule set, the Committee could require this as a part of a probationary order or a grant of provisional status, as needed.

The law school also suggested several other clarifying guidelines on topics including advertising and social media. These suggestions have been logged to inform the guideline drafting process.

Comment D refers to a number of rules that restate authority from elsewhere in other admissions rules, guidelines, or statutes, and thus cannot be changed within this proposal

alone. Topics cited include the definitions of unaccredited correspondence and distance law schools and requirements related to the First-Year Law Students' Examination.

Comment B is from a State Bar licensee who disagrees with the inclusion of a minimum bar exam pass rate, as well as number of other matters outside of this rules proposal. Additionally, the comment includes a discussion regarding competency exams, which are taken in place of a course to demonstrate mastery of a subject, but the comment conflates competency exams and experiential education.

Comments C and E are from students. An anonymous student seeks guidance as to a standard for prompt return of graded materials, which could be the subject of a guideline or inspection; the State Bar has not observed issues in this area during inspections or received other complaints from students. Another student seeks to adjust the proposed guideline related to student complaints, but she may not be aware that many of the mechanisms she requests are already in place as part of the current rules and administrative process. The time period of the events described coincides while the law school was under the jurisdiction of another accreditor.

Reviewing the comments in total, staff does not recommend substantive changes to the proposed revised accredited law school rules. The comments largely refer to authority or topics outside these rules, or topics that are appropriate for guidelines and actively being discussed as such.

If the Committee wishes to make changes to the proposal, then these changes will be incorporated into the revised rule set, and the new proposal will be submitted to the Board of Trustees for consideration and an additional period of additional public comment.

If no further changes are recommended at this time, than the Committee may recommend the proposal to the Board of Trustees for approval.

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

Goal: None - core business operations

RECOMMENDATIONS

It is recommended that the Committee of Bar Examiners receive and file the public comment received related to the revised accredited law school rules and recommend to the Board of Trustees that the proposal be approved.

PROPOSED MOTION

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

MOVE, that the Committee of Bar Examiners receive and file the public comment received through February 15, 2021 related to the proposed revised accredited law school rules and recommend to the Board of Trustees that the proposed revised accredited law school rules be approved as posted.

ATTACHMENT(S) LIST

- A.** Public Comment Received in Response to the Board of Trustees' Posting of Proposed Revised Rules for Accredited Law Schools through February 15, 2021
- B.** Proposed Revised Accredited Law School Rules as posted for public comment

Public Comment Received in Response to the Board of Trustees'
Proposed Revised Rules for Accredited Law Schools

COMMENT A

AGREE with the proposed Rule

Submission of Public Comment for Proposed Revised Rules for Accredited Law Schools

Jessica Park

Dean of the School of Law

Abraham Lincoln University

February 15, 2021

Abraham Lincoln University (ALU) strongly supports the movement of accreditation standards for CBE-accredited law schools to a set of rules. The published set of proposed revised rules are clear in stating what is expected. Where the original language from the guidelines was repurposed, the was drawn from appropriate locations in the status quo guidelines.

ALU strongly supports resulting improvements to language which were outputs of an ongoing dialogue between stakeholders including those representing legal educators among the CBE-accredited law schools, the Committee of State Bar Accredited and Registered Schools (CSBARS). Some of the current rules and guidelines are rigid or granular in ways that create undue burden, and having rules that state the expected standard yet offer appropriate flexibility to an institution to meet the standard, providing more room for innovation as well as flexibility that is in line with other benchmarks for higher education regulation (changing language about max. program length, for example, and how exceptions are to be documented and handled process-wise seems like an improvement that can benefit both law schools and students who face unusual circumstances).

There were two comments that ALU wanted to highlight in this public comment section vs. rule-specific comments submitted in an attachment.

Comment 1:

With regards to Rule 4.417 or other rules that pertain to jointly accredited law schools, it would be optimal for the list to be more clear how those joint accreditation requirements pertain to law schools when those law schools are separate entity-wise from the rest of the university versus when the JD program and professional law degree programs, if any (described in Rule 4.105L) are housed within a university, with the university and the department holding the JD program and the professional law degree programs are being separate entities. As it is, the language could burden on State Bar and an institution with regards to this sentence in 4.417(B): "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."

COMMENT A CONT.

Some of the correspondence with accreditors will refer to institution-wide actions, and in such cases, it makes sense to provide the State Bar a timely copy since an institution-wide action includes the JD program and professional law programs; however, other correspondence from accreditors may just contain updates about non-law programs, but the language of Rule 4.417(B) wouldn't clearly delineate that as a matter of scope. An easy way to address application is to align the scope of what correspondence from accreditors must be forwarded to the State Bar, as stated in 4.417(B), to the scope of programs an institution has to Annual Compliance Reports (ACRs), which should include the JD program and professional law programs, if any.

Comment 2: 4.160 (C) Diversity, Equity and Inclusion

This set of rules describes the ways that the institution should be implementing mission-appropriate policies, while permitting the institutions to be tracking progress in a regular manner, which should ultimately leave a track record of metrics that reflect improvement. The only confusion I wished to express about this rule set is whether the language "well-articulated metrics" permit several ways to fulfill substantial compliance, or whether it should be interpreted to mean that all institutions must report on the same minimum set of metrics across specific demographic categories that all institutions will need to track; whether one way or another, institutions should get support in advance understand how to interpret and apply correctly.

With this public comment, a further attachment with a copy of the public comment along with rule-specific comments will be sent through the Online Public Comment form for Proposed Revised Rules for Accredited Law Schools.

Submission of Public Comment for Proposed Revised Rules for Accredited Law Schools)

Jessica Park
Dean of the School of Law
Abraham Lincoln University
February 15, 2021

Copy of Public Comment Section submitted in text box:

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Rule-Specific Comments:

Some of these specific comments below stem from discussion by CSBARS in 2021 as to potential draft guideline language. Some specificity can be best left to guidelines rather than rules, especially where over-granularity in detail would render language subject to need for many updates due to changing technological systems or overly burden what can be consistently checked.

Note: I used “item” or “items” as a reference, but if the appropriate word is “provision” or “section,” the word “item” or “items” can be replaced accordingly.

Rule: 4.160(A).6 Public Communications

At CSBARS, deans suggested possible guideline language to potentially flesh out how to guide further on social media. Given how technology can change, having too granularity in detail about systems may be unwise, compared to determining what language communicates what is unlikely to easily change with new technologies, and solidly identifies what is consistently checkable.

Rule: 4.160(B) Student Success item 7 “for which the student earned a grade in good standing”

Issue(s): “Good standing” is a term used often to describe student status, but what appears to be referenced in the paragraph is a specific course being reviewed for transfer, so it’s likely to just be checking whether that grade is at a level to keep or put a student in good academic standing or not. Item 7 may benefit from a clarifying guideline, although it’s possible to not issue guidelines, see if there is any actual confusion caused, and to guide appropriately for those likely-to-be-few cases.

Proposed Guideline (if the best means to address): !

“In good standing” in this item refers to course grades being at a level that is sufficient to keep a ! student in good standing at their institution. !

Rule: 4.160(B) Student Success, item 8 “three administrations” !

Language related to the three administration scenarios that exclude June 2020 FYLSX as an administration to count has been updated universally. Rule 4.103 appears to cover where

interpretations and applications can keep being updated for unusual scenarios that have urgent implications.

Rule: 4.173(B) Termination of accreditation or provisional accreditation

For those institutions who want to maintain a bar-eligible program experience continually for law students, guidance as to how to manage that smoothly between CBE accreditation and registered law school status would be greatly appreciated, although this topic would likely be best left to case-by-case staff guidance for an institution, as institutions' program structures and modalities of learning can vary widely.

It seems clear that until accreditation is terminated, the course credits that a law student is taking would be valid if compliant with accredited law school rules. However, upon termination of accreditation, unless a JD program has already had an approval for a registered law school application prior to the termination of accreditation, it seems that program progress or course progress for students would have to halt until the law school receives approval for a registered law school application. For JD programs that are fully online, which ALU has, a major question would be - how soon would the requirement for continuous study rule, which mandate increments of passing coursework to be in 24-26 week or 48-52 week increments, fall on cohorts of law students in a program where accreditation was terminated? Out of abundance of caution, it seems to make sense for fully online JD programs, even as they are accredited, to keep academic calendars that can shift or be compliant in parallel with the registered law school's continuous study rule compliance requirements, assuming that approval for registration can be obtained prior to or at the same time as termination of accreditation possibly. This may be a matter that has to be logistically determined depending on each JD program's structure, and therefore, more case-dependent.

Thank you for this opportunity to submit a public comment.

COMMENT B

DISAGREE with the proposed Rule

My name is Julian Sarkar, and I represent attorney applicants against the State Bar of California ("State Bar") and National Conference of Bar Examiners ("NCBE") regarding the California Bar Exam. My comments herein are made in my individual capacity. Further, I disagree only with the proposed amendments to the rule which would substantially result in financial windfalls for the NCBE and the State Bar and provide no tangible benefit to attorney applicants / law school students. This is especially true when the NCBE has a voting seat on the CSBARS through its lifelong MBE/UBE evangelist, Greg Murphy, and the NCBE's financial benefits from voting on CSBARS violate Government Code section 1090. These comments do not pertain to those proposed amendments which are not substantially related to the California Bar Exam and the NCBE's products.

Proposed State Bar Rules rule 4.160(B)(12)(b) would permit law schools to teach the actual practice of law through experiential and clinical programs. Nevertheless, the Committee of Bar Examiners insists on rejecting "[t]he adoption of competency based education [, which] is not recommended." So by its own admission, the Committee of Bar Examiners ("Committee") cannot objectively measure minimum competence, its alleged purpose. It has had nearly a century of partnership with the NCBE to come up with that catch phrase and justify it. If the Committee is unable to measure competence, it should not deprive law school students of the opportunity to learn the real practice of law in experiential or clinical programs. Also, the Committee is directed to review its own joint study with the NCBE and Drs. Stephen Klein & Roger Bolus about clinical legal skills and their far superior measure of legal ability when compared to the MBE.

Unsurprisingly, it appears that the rule regarding the minimum cumulative pass rate required by Rule 4.160(D)(6) is not included in the proposed amendments. Since the Committee admits that the bar exam is not a measure of competence, it is also admitting that it is requiring attorney applicants to expend great deals of time and money towards not becoming competent in the practice of law. The bar exam pass rate has fluctuated for a number of reasons. Upon being investigated by the Supreme Court in 2017 about the bar exam pass rate, someone inserted into prior Committee minutes a new policy that certain applicants would not be counted in the published pass fail statistics. It would be as if they never took the exam, but the State Bar could keep their money. Although this made the pass rate appear artificially higher, it tends to show that the Committee can manually adjust the bar exam "pass rate" even if involves a criminal violation of the Bagley-Keene Open Meeting Act. Shortly after our Supreme Court lowered the pass rate in 2020, the Office of Admissions went to work tampering with applicants' scores and reducing them from past examinations. (See Pen. Code § 502.) When one applicant confronted the Office of Admissions staff about her lowered score, the Office of

COMMENT B CONT.

Admissions said, "After a complete review of your examination materials... it is concluded that the Total Scaled Score reported to you in 'the original results' is correct." So in other words, the exam pass rate is not a valid measure of anything useful, just like bar exam is not a valid measure of anything useful. The Office of Admissions and Committee of Bar Examiners will change the pass rates as they wish, notwithstanding the criminal laws prohibiting their conduct.

There is very little these law schools can do about this conduct by the Office of Admissions and Committee of Bar Examiners. The schools need not be punished for it. This Committee should evaluate the diploma privilege program which produces the attorneys at its lifelong partner, the NCBE, and work towards instituting a similar program at California law schools.

Thank you for your diligent attention to these matters.

COMMENT C

AGREE ONLY if Modified

Proposed Rule 4.160 states, "A law school must adopt and timely publish written academic standards, including...prompt return of grades". However, there isn't any explanation as to what would be considered "prompt". Is 9 weeks after exams prompt? Is returning grades AFTER the add/drop deadline for the following semester prompt? It is a common complaint from students that law schools take a significant amount of time to return grades and thus there should be some type of criteria to determine if the schools meet this requirement.

COMMENT D

AGREE ONLY if Modified

Dear CBE members:

We are grateful for the opportunity to comment on the proposed Rules for Accredited Law Schools and for the avenue that is now provided to schools such as OBCL to seek accreditation.

There are a few comments and suggestions we would like to make regarding the proposed Rules.

1. Rule 4.105 (M): Currently there is no definition within the proposed rules of "correspondence" or "technological means" to distinguish a "correspondence law school" from "distance law school." If those terms are defined in other rules, there should be a reference to those definitions. Is "technological means" the same thing as "distance learning technology" as defined in Rule 4.160(B)(12)(d)(2)?

2. Rule 4.160(B)(6)(d): This section regarding special students seems inconsistent with the categories of accredited, provisionally accredited, and unaccredited law schools. Any student who is enrolled in an accredited school is not required to take the FYLSX. Yet, this section would require a special student enrolled in an accredited school to take that exam and would require that he/she pass that exam within three attempts after first becoming eligible to take it. This is obviously prejudicial to special students at an accredited school.

I suggest that this subsection be deleted. Students at provisionally accredited schools would need to take the FYLSX (Proposed Rule 4.120), but students at an accredited school should not have to take that exam just because they are special students. Even those students who do take the exam because they are enrolled in a provisionally accredited school should not be limited to only three test administrations.

The limitation to three test administrations should also be eliminated under proposed Rule 4.160(B)(8) regarding transfer credit.

Thank you for considering these comments and suggestions.

Sincerely,

Robert J. Barth

Associate Dean

Oak Brook College of Law

COMMENT E

AGREE if modified as noted

SHONTEL D. JOHNSON

13175 Fountain Park Dr, Apt. A414 | Playa Vista, CA 90094

shontel.johnson@icloud.com

Cell: (310) 227-6173

February 15, 2021

Attn: Jackie Gardina, Chair

Committee of State Bar Accredited and Registered Schools

The State Bar of California

180 Howard Street

San Francisco, CA 94105

admissions@calbar.ca.gov

Re: Proposed Revised Rules for Accredited Law Schools

Dear Ms. Gardina and Members of the Committee:

As a May 2020 graduate from the University of La Verne College of Law, I respectfully submit this comment for your consideration to the proposed rules governing the accreditation of California law schools not otherwise approved by the American Bar Association.

Summary

The Committee oversight is essential to ensuring that every law student is given their best opportunity to excel and to mirror the moral and ethical leadership of the professors that educate them and the Deans who chart their path forward. The highest principle of leadership is integrity. When the ethics of our leaders are compromised or reasoned away, it is the moment when leadership moves into the slippery slope of failure.

The information outlined below are highlights of my experiences for two-plus years at the University of La Verne College of Law. All documents and supporting evidence that will explain these matters in greater detail have been provided to State Bar Admissions and Moral Character Determinations.

The Study of Law

The law is a learned profession traditionally acquired by specialized study in law school where students learn the work that demands the standards of honesty and integrity. These standards are higher than that imposed upon society as a whole. Dishonest attorneys are a menace to the profession and to the public. Because there is no reason to believe that dishonest students will become honest attorneys, demanding the highest ethical standards must begin in law school. The State Bar of California is dedicated to that end—to set the rules that govern law schools and expect law schools to maintain compliance with them. Any deviations or violations from the rules will highlight the problem areas and vulnerabilities that need to be addressed. Unless, there are shadow policies within a law school that are actively engaged in conduct that evidences fraud, deceit, dishonesty, and the intent to obtain unfair advantages over other students that interferes with the rights and safety of other students. This is the Student Code of Unprofessional Conduct and Administrative Shadow Policies for community life at the University of La Verne College of Law (“ULV”).

The idea of professional-level education began to erode at ULV under the tutelage of Dean Marshall. Post graduate became the new undergraduate, leaving a number of students unprepared for college-level graduate work. Many of these students are moved on despite the fact they are not ready. According to California State University, the largest four-year public university system in the country, nearly 40 percent of first-time students are not ready for college-level coursework. (Executive Order No. 1110, 2017). I never thought that I would experience this dysfunction in law school. ULV admitted and readmitted students—passing them along the pipeline to obtain a license from the very agency whose mission is established on the core foundation of “protecting the public.” Students no longer had to earn grades or even attend classes for grades to receive a law degree because they were essentially being given away. This should terrify everyone, and most importantly the State Bar.

Reputation and Behavior Matters

This was not the reputation of ULV when I began law school in fall 2016. ULV was under the leadership of Dean Gilbert Holmes and not the current Dean Kevin Marshall. Under Dean Holmes ULV achieved ABA accreditation and national recognition. ULV was once respected and Dean Holmes was a respectable figure. He was committed to the success of the law school and the students. Dean Holmes fostered a student-centered environment where all opinions were welcomed, encouraged and respected. He ran a disciplined organization that faculty, staff, and students followed. As a result of that, students were shocked when Dean Holmes abruptly announced his retirement in August 2017, and Associate Dean Marshall was declared his Interim appointment on October 10. This appointment marked the onset of decay in leadership and student accountability as Dean Marshall displayed a less than admirable reputation.

Fraud, deceit, dishonesty, and intent to obtain an unfair advantage over students

A. Student teaching assistants received advanced access to the security maintained for all examinations and anonymous student ID numbers

On October 11, 2017, the day after Dean Marshall’s appointment, Jacklyn Williams the student teaching assistant for Professor Ashley Lipson’s evening civil procedure class breached the anonymous grading policy. Ms. Williams in her capacity as the teaching assistant graded student exams as well as sending an email to students asking for their anonymous student ID numbers before, she would issue our grades. I reported this in a FERPA complaint to Dean Marshall; he didn’t stop Ms. Williams as she continued to grade exams for other classes. Dean Marshall told Professor Lipson and Ms. Williams about my complaint due to an attack on me that occurred in front of the entire class. When other students complained they were attacked as well. When students received their grades, it appeared that Ms. Williams issued lower grades to students that complained, and higher grades to her friends.

B. Altered Attendance – students are marked present when they were not

During spring 2018, Placido Gomez was appointed Associate Dean for Academic Affairs. He began altering attendance for two of my classmates Emerson Bryant-Tabone and Jorge Luzuriaga. They were absent from all classes for at least three weeks over the course of a year due to their work and off-site training in another state. They were marked present when they were not. Another student asked how they were able to miss so much class, Mr. Bryant-Tabone announced to the entire class that Dean Gomez and registrar Colleen Murray “take[s] care of all that.” This appeared to be a

standing arrangement throughout the school for particular students. When other students were absent, they received attendance warning letters. The attendance policy states, “There are no excused absences!” Incurring more than 20% of regularly-scheduled class would result in automatic withdrawal and a grade of F/0.0. This did not happen with Mr. Tabone and Mr. Luzuriaga. In addition, Mr. Tabone and Mr. Luzuriaga touted superior grades in civil procedure class as outlined in section “A” above.

C. Altered Student Grades

In summer 2018, I worked as a part-time student assistant with Assistant Dean Jendayi Saada in the Center for Academic & Bar Readiness (CABR) during bar preparation. My reasons for working with CABR were based largely in part on my desire to keep my focus on my law studies while caring for my mother who was diagnosed with cancer in January 2018. Deans Gomez, Marshall, and Saada were aware of this and Dean Saada further encouraged it at the time.

During that summer, I learned that Dean Gomez repeatedly altered grades for student LaTosha Payne to keep her from failing since she had just been readmitted after failing her first year. I learned this because Dean Gomez specifically came to the office where I worked and held a student meeting with Ms. Payne in my presence. Ms. Payne complained about her low grades and requested to have them changed. Dean Gomez told Ms. Payne to file her petition like always and he would take care of it like always. Ms. Payne filed her grade petitions with Dean Saada, her administrative point of contact, because she had to sign off on them first.

D. Harassment and Stalking

Also, in summer 2018, Dean Gomez discovered I previously worked with ULV’s General Counsel. He called me to his office and told me to report offensive information about Dean Saada and Dean Marshall because it appeared that he wanted them fired. I was flabbergasted that a person in a professional position of power would stoop to such tactics. In fact, I told Dean Gomez to do his own dirty work and to stay away from me. Dean Gomez got angry and said he would make sure that I was removed from the Dean’s list. I told Dean Gomez that I could care less about the self-importance of the Dean’s list because my hard work achieved that. And, he could alter my grades to barely passing but he would never own me like the other students who bowed to his devious tactics for favors. My transcripts were regularly altered by Dean Gomez with the assistance of Ms. Murray and the current registrar Evelyn DeAnda. I told Dean Saada about this but she dismissed it as Dean Gomez was joking. I quit working at the law school when summer bar prep was over. I had learned, witnessed, and experienced more than I cared to remember. Despite this, Dean Gomez continued to taunt me throughout 2018 until my graduation in 2020.

E. UC Hastings and the State Capitol

During fall 2018, I was accepted to UC Hastings Advanced Legislative Clinic and Seminar for the upcoming spring 2019 semester. This entailed working at the State Capitol with the Assembly Judiciary Committee (AJUD). Dean Marshall directed Dean Gomez to organize my visiting schedule. Dean Gomez tried to sabotage my schedule. When I went to him at the behest of Dean Marshall, Dean Gomez was verbally abusive, going so far as to fling/throw the transfer papers in my face, telling me to get out of his office. In shock, I picked up my papers and left. Professor Paul Naccachian and Dean Saada organized my schedule. Professor Naccachian was my ULV legislative advisor at the Capitol.

While preparing for departure my mother passed away. I arranged her burial and went to Sacramento. Dean Gomez orchestrated several disruptions for me the entire time at the Capitol. He was mad and wanted to make sure I knew it, like a toxic ex angry that I got away. Someone you get a restraining order against for protection. I emailed Dean Marshall with my concerns in hope that he would stop the intrusive behavior. Dean Gomez did not stop, making phone calls and sending to the university and my legislative point of contact throughout the course of my transfer to UC Hastings. I spoke with the ABA while in Sacramento and they advised me to report the conduct and ULV to the State Bar.

I returned home in May 2019, and initially tried to meet with Dean Marshall regarding Dean Gomez's conduct, the need for me to be protected from this person, Dean Marshall delayed scheduling an appointment. His delays caused me to feel as if both Deans, Gomez and Marshall had no regard for me as a student much less a human being. I tried to meet with President Lieberman and Provost Reed on the main ULV campus but was turned away and directed back to Dean Marshall. When I finally met with Dean Marshall and regurgitated Dean Gomez's actions throughout 2018 as outlined above, he seemed shocked with the amount of information I knew. His first response to me was, "never sit on that type of information again." He was also concerned about what else I might have witnessed or been exposed to. I requested Dean Marshall instruct Dean Gomez to stay away from me—Dean Marshall said he would. Despite Dean Marshall's assurances that he would speak with Dean Gomez it was clear that he completely disregarded my concerns, and in fact, subjected me to further hostilities from him and Dean Gomez.

Demand to violate my oath to breach the confidentiality of Hastings and the Assembly Judiciary Committee (AJUD) in order to receive my grades

Deans Marshall and Gomez demanded that I breach the confidentiality of Hastings and AJUD to enable them to access private information. This demand implied, if I didn't walk with them down this garden path, receipt of my Hastings grades would be delayed. I refused because I had a duty to protect UC Hastings information from being exposed to unauthorized parties. And further, the information was not within my control or purview. Then, ULV demanded that I call to get clearance for them to contact Hastings and AJUD. I refused that lawless demand as well. Over two months passed and ULV continued to withhold my grades from Hastings and my credits from AJUD until I was forced to file a complaint with the Bureau for Private Postsecondary Education (BPPE), to resolve the matter. ULV, both deans and an associate professor were not happy.

Credits to my account did not post until November or December and they were still not correct. The Hastings program was 13-units and it met my Upper Division writing requirement but Deans Marshall and Gomez, in a clear act of retaliation, interjected themselves into my program and visiting student status. They denied me the full 13-units I earned and made my semester away an internship rather than what it was. I received 3-units versus the 13-units from Hastings. They further altered my 4.0 grade to credit/no credit on my transcript. I was made to write a 30-page research paper to fulfill another writing prerequisite previously met. Even though ULV's requirement is less than half of 30 pages that some students have never completed and I met this requirement three times. Nevertheless, I completed the paper and received a 3.2 grade. But once again, Dean Gomez altered the grade to credit/no credit on my transcript. My only concern was the deliberate changes to my permanent academic records, if Dean Gomez could do that, what else would he change and/or erase. My return from UC Hastings marked the first-time I had been home after the loss of my mother. I simply wanted to be left alone to grieve my mother's death. Dean Gomez however, continued to disrupt my life.

Summer 2019 – Lawyering Skills Practicum (LSP)

LSP was a simulated law practice where partnerships were formed. My group was “VanderFeer, Johnson and Thomson” and our opposing counsel was “Harris, Ling & Payne.” Problems developed early because Julie Harris copied our work and submitted it as her own. After reporting this to Professor Dean McVay, Ms. Harris was allowed to drop LSP without addressing the plagiarism because Ms. Harris was still registered in Professor McVay’s appellate advocacy class. Ms. Harris’s departure left Ms. Payne alone with Chaio Ling, who was only auditing the course. The Professor’s fix was to double the workload of our team by assigning our group to help Ms. Payne complete her workload. We discovered that Ms. Payne required more than routine assistance because her performance skills were extremely deficient. This was defining for me because I slowly began to grasp the abnormal connection between Ms. Payne and Dean Gomez, and the endless altering of her grades to keep her from failing. Despite her demonstrated deficiencies, Professor McVay later placed Ms. Payne on the ULV moot court team to compete in the Western Regional Black Law Student Association’s Thurgood Marshall Moot Court Competition. Ms. Payne and her teammate Marcus King won best petitioner brief and overall brief. This suggested that Professor McVay assisted with writing the brief to appear she was more capable than she actually was. Professor McVay took team photos against the backdrop of the U.S. District Court for the Central District of California. Dean Marshall announced in the ULV news. Ms. Payne indicated Professor McVay is a large donor to ULV with close ties to the administration. Knowing Ms. Payne’s academic performance is deficient, there appears to be no boundary that Deans Marshall and Gomez, and Professor McVay will respect.

Added misconduct were Bijal Joshi and Andrea Guzman cheating on a class quiz. Esther Levitt witnessed the cheating because she sat directly behind them and watched as it was occurring. Professor McVay witnessed it as well and openly called them out to the entire class. Next, they all laughed and casually dismissed it. (*Note*, Ms. Joshi and Ms. Guzman also boasted as recipients of superior grades in civil procedure as outlined in section “A” above).

Further distressing, David Weber harassed his teammate, his opposing counsel Esther Levitt’s team, Ms. Payne, and my teammate Gina Thomson. Mr. Weber misappropriated and plagiarized our work as well. Everyone reported this behavior to Professor McVay and he did nothing to stop Mr. Weber’s actions. But he did reward Mr. Weber, Ms. Payne, Ms. Bijal, and Ms. Guzman by placing them all at the top of the class grading scale. My group and Ms. Levitt’s group were at the bottom. After attempting to rectify the situation informally with Professor McVay, my group with Ms. Levitt was forced to file a formal complaint against Professor McVay in October 2019, due to his refusal to respond to requests and claims that he would review our work again and change our grades appropriately. The complaint as submitted reported faculty and student misconduct; academic dishonesty for plagiarism, cheating, and student safety; harassment; and FERPA violations against Dean Marshall.

We requested an independent investigation because the complaint involved Dean Marshall and the ongoing hostility towards me and Ms. Thomson—it was denied. Because ULV suspected I knew more of their secrets, me and my colleagues Ms. Thomson and Ms. Levitt became expendable. ULV did not address the complaint, instead, they charged me and my colleagues with immoral deeds that they knew were false and attacked us (the women) with a “no contact order” to protect Mr. Weber, the harasser. ULV, specifically Professor Michele Shafia, manufactured evidence in a disciplinary hearing and dangerously paraded us throughout the law school as they conspired to expel me and Ms. Thomson, and to silence Ms. Levitt. ULV damaged our grades, and intended to damage our moral

character investigations. ULV tried to blackmail and bribe me to make the charges go away for me and my colleagues, if I told them what I knew. These actions were to cover-up the truth. But I learned we were not the first to receive this treatment.

LaTosha Payne and Jiovanna Aguirre

Ms. Payne was aware of my FERPA and BPPE complaints. She wanted to file a BPPE complaint with my FERPA complaint as an exhibit. She disclosed a cheating scandal involving Ms. Williams (in “A” above) and Professor Susan Exon overseeing the group, Delta Theta Phi fraternity members, who placed themselves in TA positions to give their members and friends good grades. It was also alleged that during training sessions before finals, members were releasing the answers. Ms. Payne also disclosed that Jiovanna Aguirre was dismissed for plagiarism in 2019 while Ms. Williams was allowed to graduate and sit for the bar exam. I helped Ms. Payne prepare a complaint. According to Ms. Payne, when ULV received her complaint they were outraged and blamed me because she wouldn’t know about BPPE but for me. It also resurrected my FERPA complaint and the treatment of Ms. Aguirre versus Ms. Williams. Ms. Payne’s complaint exposed far worse stating that Ms. Aguirre’s dismissal was a pretext to cover-up a sexual harassment complaint by Ms. Aguirre against a faculty member. Professor Shafia as with our LSP complaint, conspired to expel Ms. Aguirre as well. It appears, Ms. Payne’s complaint and my FERPA exhibit may have factored in Ms. Aguirre returning.

Zone of danger and Line of fire

My summer work during bar prep was supposed to be solace during a distressing family time. The benefits of supporting my colleagues while gaining insight to a future process that I would embark on was a win-win situation. It was not supposed to foreshadow impending events because “I learned, witnessed, and experienced more than I cared to remember” ... It was! As a result, I was in the zone of danger because I witnessed and experienced the range of cheating at ULV and learned they no longer cared to prepare students for the bar exam and legal practice because they were essentially reduced to nothing more than selling credentials. This fact is evidenced by the University so cavalierly repudiating their ABA accreditation by stating they were settling for a simple state accreditation that required far less from the school.

I further believe my colleagues Esther Levitt and Gina Thomson were in the line of fire because they dared to have integrity and spoke up when they faced blatant injustice. They became guilty by association. Ms. Levitt and Ms. Thomson didn’t know about my tragic experiences in 2018-19 or what I discovered. In fact, I went out of my way to keep it from them to shield them. They were indirect and unknown hostages when ULV used them to blackmail me. For this, my dear colleagues and I suffered depraved treatment and ULV tried to destroy our legal careers to protect their secrets.

Moreover, I’m appalled at my unethical colleagues and their willful engagement in misconduct. And then, watched as sideline spectators while ULV executed vengeance against us because we rejected their toxic behavior. Our conviction to do what’s right transcended grades and honors recognition. It was based on our inherent moral and ethical beliefs, clearly not shared by the upper echelon at the school. State department official George Kent said, “*You can’t promote principled anti-corruption action without pissing off corrupt people.*” (stated for the record in the impeachment inquiry November 13, 2019). It appears ULV viewed our anti-corruption efforts as a threat to their operational and financial ambitions.

The entire ULV administration failed us, and there must be accountability for law schools that engage in conduct contrary to community standards of honesty, good morals, and justice. Furthermore, to exhibit such a disdain for the rule of law and mock the process to become a licensed attorney. The former Dean Holmes had zero tolerance for misconduct. If any issue of misconduct surfaced, Dean Holmes wasted no time dealing with the alleged violators and addressed the law school community as a whole. Dean Holmes was a brilliant contract instructor akin to “The Paper Chase” and its legendary use of the Socratic method. The current Dean Marshall is analogous to “The Pelican Brief” where a law student uncovered a conspiracy, putting herself and others in danger. Moral and ethical leadership does matter and what will be mirrored by both students and professors alike!

State Bar Rule 4.107 – Student complaints

When this rule was established, I imagine the State Bar anticipated issues of academic dishonesty (e.g., cheating, plagiarism) or other matters involving academic integrity that would be addressed internally according to the law school’s policies. I can’t fathom the State Bar envisioned an entire law school administration actively participating and promoting student misconduct and jeopardizing student safety to cover up their wrongdoings ... to be dismissed from purview as “student and law school disputes.”

This is an appeal to the Committee to consider the information provided here against the backdrop of the proposed rules for law school accountability. Safeguarding the rule of law through the enforcement of ethical standards is this body’s paramount responsibility. I further appeal the consideration of a process for grievance redress with the State Bar, a committee, or agency empowered with jurisdiction for student protection. As outlined here, where can students go or who can they turn to when all levels of a school administration are comprised? What happens when attendance at a law school transforms into a version of the “Hunger Games,” managed by a tyrannical administration? Students (me and my colleagues) are literally left to fight for their lives.

Unofficial visits to the school may allow for a broader impact and view of how the school is actually run versus a pre-scheduled visit where the Dean can hand pick who he allows to speak with the bar and who doesn’t. Having the element of surprise to review files and academics at a law school would admittedly keep schools on their toes and keep them on the straight and narrow. Without some modifications other students will be forced to endure what my colleagues and I were subjected to when we should have been focused on presenting our best efforts. The school’s actions took that away from us and recklessly inflicted further emotional and physical stress.

If protecting the public is meaningless, how will the public ever trust us? If we can’t have confidence in a lawyer’s principles, why would students join law school. And if they don’t join, who will advocate for us? If the profession is not the champion of what’s good and what’s right, then who will respect us? And if no one will respect us – where will the rule of law end up?

Respectfully submitted,



Shontel Johnson

COMMITTEE OF BAR EXAMINERS' PROPOSED RULES FOR ACCREDITED LAW SCHOOLS

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 is authorized by law to accredit law schools in California 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, amended effective ____.

Rule 4.101 Scope

- A. The Accredited Law School 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.
- 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 ____.

4.103 Interpreting and applying the rules

The Guidelines for Accredited Law School Rules 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; amended effective ____.

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 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.
- 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.
- 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 ____.

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 ____.

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 ____.

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 ____.

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; amended effective ____.

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, amended effective ____.

Rule 4.111 Extensions of time

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

Rule 4.111 adopted effective January 1, 2009.

Chapter 2. Application for provisional accreditation

Rule 4.120 Application for provisional accreditation

A Law School provisionally or fully approved by the Council, or such a school which had approved status within the prior twelve months, or a registered, unaccredited law school may apply for provisional accreditation. The Committee will grant provisional accreditation if it finds that the law school has demonstrated that it is in substantial compliance with these rules. 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 ____.

Rule 4.121 Application procedure

A law school provisionally or fully approved by the Council, or a law school which had such approved status within the prior twelve months, or a registered, unaccredited law school may apply for provisional accreditation by:

- 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 ____.

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, amended effective ____.

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, amended effective ____.

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, amended effective ____.

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, amended effective ____.

Chapter 3. Application for accreditation

Rule 4.140 Application for accreditation

A law school provisionally or fully approved by the Council, or such a school which had approved status within the prior twelve months, a provisionally accredited law school, or a registered, unaccredited law school 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, amended effective ____.

Rule 4.141 Application procedure

A law school provisionally or fully approved by the Council, or such a school which had approved status within the prior 12 months, a provisionally accredited law school, or a registered, unaccredited law school may apply for accreditation by

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

Rule 4.141 adopted effective January 1, 2009, amended effective ____.

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 accreditations

- 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, amended effective ____.

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, amended effective ____.

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, amended effective ____.

Rule 4.146 Committee action on accreditation inspection report

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

Rule 4.146 adopted effective January 1, 2009.

Chapter 4 Law schools approved by institutional accreditors

Rule 4.147 Law schools approved by other accreditors

- A. A law school provisionally or fully approved by the Council 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 and jointly accredited status 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. 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 4.147 adopted effective ____.

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).

Rule 4.148 adopted effective ____.

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 and Professionalism. 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 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 any employee of the law school engaged in work related to advertising, marketing, and admissions on the number of persons enrolled in any class or on the number of persons applying for admission to or registering to enroll in the law school.
 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 law 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 law 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 or 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, law 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's 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. The standards shall include a policy on pass-fail grading and exclude pass-fail grading for 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 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. Antidiscrimination 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 Examination 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 Examination taker’s graduation (the denominator), with the resulting numeral being expressed as a percentage. The MPR 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 the law school’s 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.

Rule 4.160 adopted effective January 1, 2009; amended effective ____.

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 ____.

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 jointly accredited law school is not subject to periodic inspection unless a complaint has been filed against it that reasonably implicates the law school's compliance with the core rules, it has lost its accreditation with its institutional accreditor, or the Committee has a reasonable belief that the law school may be out

of compliance with any core requirement, and the Committee requires additional information from the law school to assess its compliance.

Rule 4.162 adopted effective January 1, 2009; amended effective ____.

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, amended effective ____.

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 for-profit status 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 ____.

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, the 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 4.170 adopted effective January 1, 2009; amended effective ____.

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 requirement 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(A)(2)-(A)(3), where termination without intervening probation is necessary for public protection.

Rule 4.172 adopted effective January 1, 2009; amended effective ____.

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 with 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 noncompliance 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, or at a later time if appropriate. 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 4.173 adopted effective ____.

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 4.174 adopted effective ____.

Rule 4.175 Hearing procedures

- A. Within 30 days of the Committee receiving a timely request for hearing, a hearing will be scheduled before a 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 4.175 adopted effective ____.

Rule 4.176 Committee action following a 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 4.176 adopted effective ____.

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 4.177 adopted effective ____.

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.

Rule 4.178 adopted effective ____.