

COMMITTEE ON STATE BAR ACCREDITED AND REGISTERED SCHOOLS  
DESIGNATION OF RULES FOR WHICH GUIDELINES ARE SUGGESTED AND PROPOSED GUIDELINES  
Proposed Text and Comments in Italicized Brown  
January 2021

Reference Rule Set 4.160 (A)

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.**

*\*Proposed Guideline: As long as a law school maintains its primary administrative office and all law school campus locations in California, a school does not violate the rule if its software or electronic records are hosted or stored outside of California, or if it offers some student services via offices or personnel located outside of California.*

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.**

*\*Proposed Guideline: Where a law school employs social media or other platforms for communications whose space constraints make it impractical or impossible to state in full that accreditation (or provisional accreditation) in relation to qualification to take the California Bar Examination or admission to the practice of law in California is by the Committee of Bar Examiners of the State Bar of California, it shall be sufficient for purposes of the rule that the communication provide a hyperlink to a webpage or other document that contains the full required disclosure.*

*\*Proposed Guideline: Public disclosures should be published on a law school's website in a readable and comprehensive manner. When a law school uses public platforms for communications such as social media platforms to report, publicize or distribute information, where the maximum character limit for postings makes it impractical or impossible to publish a full public disclosure for a prospective student, the law school shall add a link to the institution's webpage, where the public disclosures are published, where readily available to do so in the platform, such as in profiles for institutional social media accounts.*

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.

*\*Proposed Guideline: Something along the lines of: "Schools must maintain records relevant to addressing any areas of non-compliance identified in either of the prior two inspections. In addition, schools are expected to maintain two inspections' worth of data regarding \_\_\_\_\_. All other data generally need only be maintained for a period of \_\_\_\_ [three?] years."*

*Personally, if annual reports are already included in "Committee correspondence," which must be maintained permanently, I wouldn't think there would be much else that would need to be maintained going back more than a few years.*

*\*\*Note does not apply to jointly accredited law schools*

**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.

Reference Rule Set 4.160 (B)

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.**

*\*Issue(s): Possible clarification as to definition of "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.

*\*Proposed Guideline: Where the Committee of Bar Examiners grants an exception or adjustment to the three administrations rule, that exception shall apply similarly to item 8.*

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.

Reference Rule Set 4.160 (C)

**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.

***\*Proposed Guideline:** A law school must maintain and publish Diversity, Equity, and Inclusion Policies that are not violative of California and federal law, while at the same time those policies must address in a way that is mission appropriate for that law school the following issues: 1) student success in recruitment, retention, and graduation, 2) create an inclusive environment for, and encourage the participation of historically underrepresented communities within the law school (students, faculty, senior administrative staff, and members of its academic community), and 3) promote cultural competency and respectful discourse across a wide range of issues.*

***\*Proposed Guideline:** At a minimum, a law school must: 1) Identify the metrics that the law school will track to assess its Diversity, Equity, and Inclusion Policies and 2) On an annual basis each fall semester or term track its preceding year's fall semester or term student success based upon its identified metrics and disaggregated in the following categories: Ethnicity (Hispanic or Latino or Not Hispanic or Latino) and Race (American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White) and Gender. With all categories based upon and as defined within the IPEDS Data Collection System.*

***\*Proposed Guideline:** At a minimum, a law school must on an annual basis each Fall semester or term: 1) Review its Diversity, Equity, and Inclusion Policies, 2) Review the prior year's collected identified metrics (disaggregated) on those policies, and 3) Create a memorandum to document the law school's reflective process to either affirm its existing policies or the evidence guided justification to change those policies.*

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.

Reference Rule Set 4.160 (D)

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.**

*\*Proposed Guideline: The topics to be covered in the plan should include, but need not be limited to: (1) Academic Program Description; (2) Current Curriculum; (3) Proposed Curriculum Changes; (4) Annual Educational Goals; (5) Human Resources, Equipment, Supplies, Software and Other Resources Needed to Implement Annual Program Goals; (7) Long-Range Program Goals; (8) Human Resources, Equipment, Supplies, Software and Other Resources Needed to Implement Long-Range Program Goals; and (9) Learning Outcomes Assessment Methods and Calendar.*

**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.

Reference Proposed Rule Set 4.147 (c)

- 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**  
  
*\*Proposed Guideline (if including): A jointly accredited law school can fulfill 4.147 (c), item 1, by submitting designated periodic reports for jointly accredited law schools.*
  - 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 4.172 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.**

#### ***\*Issue(s):***

- 1. Does "no sooner than" mean "no earlier than" or "no later than"?*
- 2. The first sentence implicates a Committee determination, whereas the second sentence assumes an "extension request," and specifies what shall be considered in reviewing such a request. Can the Committee extend probation sua sponte, or can it only do so upon reviewing a request? And if it can do so sua sponte, shall it still consider the factors identified in the second sentence?*
- 3. It doesn't specify if there is a cap or a default for the length of an extension of probation. If the initial probationary term is no more than two years, should there be a default assumption or hard cap that the extension also will not last more than two years? Or since the school already had up to two years, should it be shorter, e.g., one year.*

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 4.178 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.**

*\*Issue(s): Is the termination effective upon Committee determination, as it is now?*