



OPEN SESSION

AGENDA ITEM O-400

APRIL 2021

COMMITTEE OF BAR EXAMINERS

DATE: April 23, 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 Committee of Bar Examiners continues its review of public comment and proposed technical amendments to the proposal for revised accredited law school rules. At its last meeting, the Committee reviewed public comment received regarding the proposal after the Board of Trustees posted it for a 60-day period of public comment. The Committee deferred review of several technical amendments proposed by staff in order to have time to study them and to provide an opportunity for the Committee on State Bar Accredited and Registered Schools (CSBARS) to review them at the CSBARS meeting on April 21, 2021. The Committee is now asked to determine whether the proposal as amended should be recommended to the Board of Trustees for approval. (Attachment A, B)

BACKGROUND

In October 2020, the Committee recommended a proposal for revised accredited law school rules to the Board of Trustees for consideration. ([Committee of Bar Examiners' Meeting, Oct 16, 2021, O-400](#)) When creating the proposal, the Committee considered feedback from a series of public meetings held by both the Committee and CSBARS throughout 2019 and 2020. The Committee also considered research across a wide range of accreditors and vast public comment collected in writing and orally in conjunction with each meeting.

The resulting proposal forwarded to the Board of Trustees is responsive to the Board's 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 proposal identifies four key purposes for law school regulation and builds the rules around those purposes: 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 the proposal be posted for a period of public comment of 60 days, through February 15, 2021.

At its March 26, 2021 meeting, the Committee reviewed the public comment received during the posting. The Committee discussed the comment but did not recommend any changes to the rule set based on those comments. ([Committee of Bar Examiners Meeting, Mar 26, 2021, O-402](#))

At that meeting, staff also proposed a number of technical amendments to improve clarity. The Committee deferred action on those amendments until this meeting in order to have time to review them and to provide CSBARS with an opportunity to discuss them at the CSBARS meeting planned for April 21, 2021. That feedback will be shared at the Committee meeting.

Today the Committee is asked to determine whether the proposal as amended may be returned to the Board of Trustees and recommended for adoption.

DISCUSSION

After the last Committee meeting, the Office of General Counsel reviewed the proposed amendments, and because they are stylistic in nature and/or reasonably implicit in the prior proposal, staff does not intend to recommend that the Board of Trustees circulate them for an additional period of posted public comment. (State Bar Rule 1.10(B)(2)) Therefore, if no additional substantive changes are made, the proposal can be recommended for adoption.

The proposed amendments provide several areas of clarification as discussed below.

Regarding the accreditation process, a clarification to Rule 4.120 confirms the applicability of the provisions of Admissions Rule 4.55, allowing exemption from the First-Year Law Students' Examination in specified instances for those schools that have been previously ABA approved and are seeking accreditation.

The changes to Rules 4.125 and 4.126 and parallel Rules 4.145 and 4.146 clarify the timing of law school's option to submit additional evidence in connection with a law school inspection report, and clarify the bases upon which the Committee will make a decision as to that report.

The edit to 4.160(A)(3) removes language that could create conflict with California Business and Professions Code section 6061.7 regarding the placement of required disclosures.

The amendment to 4.160(B)(2) makes explicit the previously implicit statement that a dean of a law school may not be suspended or disbarred.

The amendments to 4.172, reinforce the prior rule, indicating that a notice of sanctions may address topics such as posting a notice in lieu of placing a law school on probation, or providing a short time period to address minimal, non-core issues, with progress documented in the Annual Report.

These proposed amendments further clarify the responsibilities of both the Committee and the accredited law schools.

If the Committee wishes to make further substantive 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, potentially, an additional period of public comment.

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

Should the Committee be prepared to recommend the rules as amended for adoption, it may be appropriate to suggest a timeframe of January 1, 2022 for implementation and, as previously discussed, to require that all accredited law schools demonstrate full compliance no later than January 1, 2024.

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 revised accredited law school rules as amended and recommend to the Board of Trustees that the proposal be adopted to take effect on January 1, 2022, with currently accredited law schools to demonstrate full compliance with the new rules by January 1, 2024.

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 revised accredited law school rules as amended and recommend to the Board of Trustees that the proposal be adopted to take effect on January 1, 2022; and that accredited law schools be required to demonstrate full compliance by January 1, 2024.

ATTACHMENTS LIST

- A.** Proposed Revised Accredited Law School Rules, as Amended, redline version
- B.** Proposed Revised Accredited Law School Rules, as Amended, clean copy

COMMITTEE OF BAR EXAMINERS' PROPOSED RULES FOR ACCREDITED LAW SCHOOLS, As AMENDED

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 ____.

Rule 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~~ 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. ~~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, not to exceed two years.

- B. A law school provisionally or fully approved by the Council, or such a school which had approved status within the prior twelve months, may apply for provisional accreditation as provided in subject to the terms in paragraph (A) except that its students shall not be subject to the First-Year Law Students' Examination requirement if the provisions of Rule 4.55(A)(1)(b)(i) apply.

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 shall submit evidence in support of the exceptions with the notification, or no later than 60 days after the inspection report was mailed. ~~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, as soon as practicable 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

- A. After considering the inspection report, any exceptions filed by the law school, and any additional information it has requested, the Committee may do any of the following:
 - 1. Grant provisional accreditation for a specified time period of time up to two years, if the law school demonstrates substantial compliance as defined in Rule 4.105(D) and the intent and capacity to demonstrate full compliance within a reasonable period of time not to exceed two years.
 - 2. Deny provisional accreditation if the law school does not satisfy the conditions specified in subparagraph 1. ~~deny provisional accreditation or grant it for a specified period of time up to two years.~~
- ~~A.B.~~ 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

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, shall submit evidence in support of the exceptions with that notification, or no later than 60 days after 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 as soon as practicable 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.~~ do any of the following:

- A. Grant accreditation if the law school demonstrates full compliance.
- B. Grant provisional accreditation if the law school demonstrates substantial compliance as defined in 4.105(D) and the intent and capacity to demonstrate full compliance within a reasonable period of time, not to exceed two years. For law schools provisionally accredited

at the time of the Committee action, the Committee may continue the law school's provisional accreditation, but shall not extend the total time allowed for provisional accreditation beyond two years.

C. Deny accreditation where neither subsections (A) or (B) apply.

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 to the Committee its 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 on its website, 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, and on the 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~~ and one administrator per campus with experience in educational administration, ~~and at least one administrator per campus who~~. The administrator must have ~~has~~ graduated from a law school approved by the Council or accredited by the Committee, or ~~is~~ be admitted to practice law in any United States jurisdiction. ~~These individuals~~ The dean and administrator may be the same person. Administrators and deans who have been admitted to practice law in any United States jurisdiction 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 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 at a regularly scheduled Committee meeting as soon as practicable.
 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 among other sanctions it deems appropriate, 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~~ Notice of ~~noncompliance~~ 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 ~~C~~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_____.

COMMITTEE OF BAR EXAMINERS' PROPOSED RULES FOR ACCREDITED LAW SCHOOLS, AS AMENDED

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_____.

Rule 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. 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, not to exceed two years.

- B. A law school provisionally or fully approved by the Council, or such a school which had approved status within the prior twelve months, may apply for provisional accreditation subject to the terms in paragraph (A) except that its students shall not be subject to the First-Year Law Students' Examination requirement if the provisions of Rule 4.55(A)(1)(b)(i) apply.

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 shall submit evidence in support of the exceptions with the notification, or no later than 60 days after the inspection report was mailed. 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, as soon as practicable 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

- A. After considering the inspection report, any exceptions filed by the law school, and any additional information it has requested, the Committee may do any of the following:
 - 1. Grant provisional accreditation for a specified time period of time up to two years, if the law school demonstrates substantial compliance as defined in Rule 4.105(D) and the intent and capacity to demonstrate full compliance within a reasonable period of time not to exceed two years.
 - 2. Deny provisional accreditation if the law school does not satisfy the conditions specified in subparagraph 1.
- B. 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

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, shall submit evidence in support of the exceptions with that notification or no later than 60 days after the inspection report was mailed. The Committee will consider the inspection report at a regularly scheduled Committee meeting as soon as practicable 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 do any of the following:

- A. Grant accreditation if the law school demonstrates full compliance.
- B. Grant provisional accreditation if the law school demonstrates substantial compliance as defined in 4.105(D) and the intent and capacity to demonstrate full compliance within a reasonable period of time, not to exceed two years. For law schools provisionally accredited at the time of the Committee action, the Committee may continue the law school's provisional accreditation, but shall not extend the

total time allowed for provisional accreditation beyond two years.

- C. Deny accreditation where neither subsections (A) or (B) apply.

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 to the Committee its continuing compliance.

- 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 a disclosure statement on its website, 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, and on the 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, and one administrator per campus with experience in educational administration. The administrator must have graduated from a law school approved by the Council or accredited by the Committee, or be admitted to practice law in any United States jurisdiction. The dean and administrator may be the same person. Administrators and deans who have been admitted to practice law in any United States jurisdiction 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 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 therefore.
- 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 at a regularly scheduled Committee meeting as soon as practicable.

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, among other sanctions it deems appropriate, 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_____.