



The State Bar *of California*

OPEN SESSION AGENDA ITEM O-403 OCTOBER 2021 COMMITTEE OF BAR EXAMINERS

DATE: October 15, 2021

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst, Office of Admissions

SUBJECT: Action on Recommendation for Technical Amendments to Accredited Law School Fees to Reflect the New Accredited Law School Rules

EXECUTIVE SUMMARY

In anticipation of the implementation of the new accredited law school rules, it is recommended that the Committee of Bar Examiners propose to the Board of Trustees that a technical amendment be made to the Schedule of Charges and Fees, set forth as Appendix A to the Rules of the State Bar, to update rule references in light of the recent adoption of the new rules for accredited law schools. Additionally, this agenda item recommends that the Schedule be amended to add references to fees related to Jointly Accredited Law Schools. See Attachments A and B.

BACKGROUND

The fees charged by the State Bar related to the regulation of accredited law schools are set forth in the Schedule of Charges and Deadlines. The schedule notes each fee along with a reference to the corresponding authority to which it relates. That part of the schedule related to accredited law school fees was last updated effective January 1, 2018.

Under State Bar Rule 1.10(B)(3) public comment is not required to add or modify an appendix to the State Bar Rules. Since the schedule appears in the appendix, proposals such as this are not generally posted for public comment.

DISCUSSION

The rule number references set forth in the Schedule of Charges and Deadlines related to accredited law school fees will soon be out of date, as the new rules for accredited law schools, which take effect January 1, 2022, changed the rule numbers. Attachments A and B reflect changes needed to update the references to match the corresponding new rules. The fees are proposed to be assessed similar to the way that they are now, with a base fee charged to all law schools, and additional service charges based on the standard hourly fee previously set in 2018 at \$275 per hour. The proposal also includes a fee for the application for the new jointly accredited status as well as several clarifications of current practices.

Applications for Jointly Accredited status are proposed to be billed a on fee for service basis in the same way that applications for accreditation are processed now. A deposit of \$750 is recommended, similar to the initial deposit for an application for accreditation. This fee represents approximately 2.75 hours of staff time as a minimum. As part of the jointly accredited status application process, staff will be required to review the law school's current status with the State Bar and any companion accreditor, along with the law school's Minimum, Cumulative Pass Rate. Law schools would be invoiced for the time required to complete the process. In order to minimize fees charged to law schools, staff proposes to create an application template to ensure an efficient and cost effective process.

The annual fee for a law school in Jointly Accredited status is proposed to be set at the same level for all other accredited law schools, since the same level of services will be required. The State Bar will be performing the same tasks for these law schools as for accredited law schools, including preparing and reviewing annual reports, receiving and verifying the annual Minimum, Cumulative Bar Exam Pass Rate for each law school, and maintaining the overall regulatory structure for law schools. Jointly accredited law schools are not expected to incur the additional fees that other accredited law schools related to major changes and inspections that will be charged to accredited law schools.

Other technical changes are proposed to increase clarity:

- Removing the fee for copies as unnecessary, since the State Bar sets a standard copying fee for all agency documents
- Expressly identifying the charge for reviewing and processing waivers, such as the extension of the waiver for fixed-facility law schools to teach classes online due to circumstances related to COVID-19. The current practice of assessing the charge on a fee for service basis will continue. The amendment also requires a deposit for such requests, in the same manner that deposits are required for the review and processing of major change requests.
- Updating the reference from Annual Compliance Report to Periodic Compliance Report, consistent with the new rules.

FISCAL/PERSONNEL IMPACT

Continues similar fee structure into new accredited law school rules.

RECOMMENDATION

It is recommended that the Committee of Bar Examiners propose that the Board of Trustees amend the Accredited Law School fees as set forth in Attachment B.

PROPOSED MOTION

Should the Committee of Bar Examiners agree with this recommendation, the following motion should be made:

MOVE, that the **Committee of Bar Examiners** recommends that the Board of Trustees amend the Accredited Law School fees as set forth in Attachment B.

ATTACHMENT(S) LIST

- A.** Proposed Amendments to Accredited Law School Fees – Redline Copy
- B.** Proposed Amendments to Accredited Law School Fees – Clean Copy

TITLE 4, DIVISION 2 ACCREDITED LAW SCHOOL FEES

*Fees previously adopted by
the Board of Trustees or mandated by statute.*

Amended effective ~~January 1, 2018~~ **January 1, 2022.**

Rule	Description	Amount	Deadline
4.108(A)	Public Record copying fee, per page	\$5.00 first page; \$1.00 each additional page	Not applicable
4.110(A) & (B)	Fees for services	\$275/hour Total cost: Time and Expenses	Not applicable
4.110(C)	Travel Expenses (per State Bar Travel Reimbursement policy)	Actual Cost	Not applicable
4.121(A)	Application for Provisional Accreditation fee	Deposit: \$750 Total Cost: Time and Expenses	Not applicable
4.121(D)	Provisional Accreditation Inspection and Report fee (plus expenses per Rule 4.110(C))	Deposit: \$750 Total Cost: Time and Expenses	Not applicable
4.140(A) 4.140 4.143	Application for Accreditation fee	Deposit: \$750 Total Cost: Time and Expenses	Not applicable
4.147(B) & (C)	Application for Jointly Accredited Status fee	Deposit: \$750 Total Cost: Time and Expenses	Not Applicable
4.140(A) 4- 4.146	Accreditation Inspection and Report fee (plus expenses per Rule 4.110(C))	Deposit: \$5,000 Total Cost: Time and Expenses	Not applicable
4.161	Annual Periodic Compliance Report fee for Accredited and Jointly Accredited Law Schools and Deadline	\$2,170	November 15
4.161	Late Filing of Annual Periodic Compliance Report fee	\$350	Not applicable
4.161(A)	Annual Branch Campus fee	\$1,000	November 15
4.161(A)	Annual Satellite Campus fee	\$800	November 15
4.124, 4.144, 4.162, 4.172(D)	Periodic or Other Inspections (plus expenses per Rule 4.110(C))	Total Cost: Time and Expenses Annual Prepayment: \$4,400	Not applicable
4.121, 4.141, 4.163	Self-Study fee	Deposit: \$750 Total cost: Time and Expenses	Not applicable

4.109, 4.1644.165	Application for Major Change or Waiver fee	Deposit: \$250 Total cost: Time and Expenses	Not applicable
4.1644.165	Major Change Inspection and Report fee (plus expenses per Rule 4.110(C))	Deposit: \$2,000 Total cost: Time and Expenses	Not applicable
4.170(B)	Response to Notice of Noncompliance fee	Deposit: \$800 Total cost: Time and Expenses	Not applicable
4.170(B)(2)	Site Inspection Regarding Notice of Noncompliance (plus expenses per Rule 4.110(C))	Deposit: \$2,000 Total cost: Time and Expenses	Not applicable

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ACCREDITED LAW SCHOOL FEES

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4.170(B)(2)	Site Inspection Regarding Notice of Noncompliance fee (plus expenses per Rule 4.110(C)), including Probation or Other Monitoring	Deposit: \$2,000 Total cost: Time and Expenses	Not applicable