



The State Bar of California

OPEN SESSION AGENDA ITEM 702 NOVEMBER 2021

DATE: November 18, 2021

TO: Members, Board of Trustees

FROM: Audrey Ching, Assistant Director, Office of Admissions
Natalie Leonard, Principal Program Analyst, Office of Admissions

SUBJECT: Proposed Amendments to the Schedule of Charges and Deadlines Related to Accredited Law School Fees: Request for Adoption

EXECUTIVE SUMMARY

In anticipation of the implementation of the new accredited law school rules, the Committee of Bar Examiners proposes that technical amendments be made to the Schedule of Charges and Deadlines, found at Appendix A in the Rules of the State Bar, to update rule references in light of the recent adoption of the new rules for accredited law schools; it is also recommended that the schedule be amended to add references to fees related to the newly established category of 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 in Appendix A to the rules. The schedule notes each fee along with a reference to the corresponding authority to which it relates. The Appendix, as it relates to fees for law schools, was last updated effective January 1, 2018.

Under State Bar rule 1.10(B)(3) public comment is not required for modifications to the Schedules of Charges and Deadlines. However, when these technical amendments were considered by the Committee of Bar Examiners, public comment was permitted.

DISCUSSION

When the new rules are implemented, the accredited law school fees are proposed to continue to be assessed under the same framework used today. These fees are intended to help cover the costs of committee and staff time devoted to the support and evaluation of each school and any of their requests. Each California accredited law school pays an annual fee of \$2,170. Law schools pay for additional services that they request or require at the standard hourly fee of \$275 per hour. That fee has not increased since January 1, 2018, and it is not proposed to change at this time.

The proposed changes update the rule references to delete obsolete references, set a fee for application for the new jointly accredited status according to the principles set forth above, and provide several wording clarifications.

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 when the new rules for accredited law schools take effect January 1, 2022. Attachments A (redline version) and B (clean copy) reflect changes needed to update the references to match the corresponding new rule numbers.

Applications for jointly accredited status would be charged on a fee-for-service basis, just as current accreditation applications are handled now. The law school pays a \$750 deposit and an hourly fee based on the time it takes to process the application. Tasks include reviewing the law school's level of compliance with the new accredited law school rules, verifying its status with any other accreditor, and verifying the law school's minimum, cumulative five-year bar exam pass rate (MPR). In order to minimize fees charged to law schools, staff will create an application template to ensure that applications can be reviewed and processed efficiently.

Both accredited law schools and jointly accredited law schools would receive the same basic services and pay the same basic fee. These services include reviewing annual reports, receiving and verifying the annual MPR, and maintaining the overall regulatory infrastructure for law schools. Jointly accredited law schools will not incur the additional fees that other California accredited law schools pay related to major changes and inspections, as they will be able to conduct those activities through their regional or national accreditor.

Other technical changes are proposed to increase clarity:

- Removing the fee for copies as unnecessary since the State Bar now sets a standard copying fee for all agency documents.
- Expressly identifying the charge for reviewing and processing temporary waivers of law school rules or guidelines.
- Updating the references to the Annual Compliance Report to reflect its new name, the Periodic Compliance Report.

It is proposed that these changes take effect on January 1, 2022, the same day that the new rules for accredited law schools take effect.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES

Appendix A, reflecting the charges related to Title 4, Division 2, accredited law school rules.

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: None – core business operations

RECOMMENDATIONS

Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Board of Trustees, approves the amendments to the Schedule of Charges and Deadlines for Title 4, Division 2, as set forth in Attachment B, effective January 1, 2022.

ATTACHMENTS 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, 4.164 4.165	Application for Major Change or Waiver fee	Deposit: \$250 Total cost: Time and expenses	Not applicable
4.164 4.165	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

TITLE 4, DIVISION 2
ACCREDITED LAW SCHOOL FEES

*Fees previously adopted by
the Board of Trustees or mandated by statute.
Amended effective **January 1, 2022.***

Rule	Description	Amount	Deadline
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
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4.165	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 fee (plus expenses per rule 4.110(C)), including Probation or Other Monitoring	Deposit: \$2,000 Total cost: Time and expenses	Not applicable