



**OPEN SESSION**

**AGENDA ITEM F**

**JUNE 2022**

**COMMITTEE OF STATE BAR ACCREDITED AND REGISTERED SCHOOLS**

**DATE:** June 17, 2022

**TO:** Members, Committee of Bar Examiners

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

**SUBJECT:** Discussion of CSBARS' Recommendation to Amend Unaccredited Law School Guideline 1.11 - First-Year Law Student Examination and Bar Examination Courses Permitted - Limitations

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**EXECUTIVE SUMMARY**

The Committee of Bar Examiners (Committee) has asked the Committee of State Bar Accredited and Registered Schools (CSBARS) to review Unaccredited Guideline 1.11 to determine if any amendments may be appropriate.

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**BACKGROUND**

In 2009, the Committee waived unaccredited guideline 1.11, which had the effect of allowing unaccredited law schools to offer review courses for State Bar exam for credit. In January 2022, the Committee reviewed this waiver and decided to study whether permanent changes should be considered, confirming that the waiver would remain in place during the consideration period. ([Committee of Bar Examiners' Meeting, O-402, Jan. 28, 2022](#)). As part of the process, the Committee sought feedback from CSBARS on this matter.

CSBARS began its review at its March 2022 meeting, assigning portions of the project to teams of two CSBARS members (Frykberg/Leal; Clancey/Park; Keller/Murphy). Those teams shared their research and tentative wording at a CSBARS meeting in April and directed staff to create a consolidated draft according to CSBARS' directions to share at the June meeting for possible recommendation by CSBARS to the Committee.

That consolidated draft is shared below.

## **DISCUSSION**

### **CONSOLIDATED CSBARS RECOMMENDATION**

This is the four-paragraph CSBARS Draft Recommended Guideline created by staff based on instructions from CSBARS at the last meeting.

It will first be discussed one paragraph at a time, and then shared in full below.

### **PARAGRAPH BY PARAGRAPH BREAKDOWN OF TEAM SUBMISSIONS**

Here, the paragraphs above are compared against the individual team paragraphs submitted.

#### **Paragraph I CSBARS Team Submissions**

First-Year Law Students' Examination and bar examination test preparation courses are defined as those courses which are primarily focused on the following: 1) the review of materials previously covered within the curriculum and 2) the unique particularity of examinations administered by the State Bar of California (i.e. standardized, timed, closed book, examinations that focus on legal principles tested on the bar exam or First-Year Law Students' Examination).

First-Year Law Students' Examination and bar examination test preparation courses are defined as those courses which are primarily focused on one or both of the following: 1) the review of materials previously covered within the curriculum and 2) the unique particularity of examinations administered by the State Bar of California (i.e. standardized, timed, closed book, examinations that focus on general principles of legal doctrine like the UCC).

A law school bar review course is a test preparation course primarily focused on reinforcing previously studied substantive law for bar examination practice and guiding students to practice and take bar examinations. A law school bar review course may be taught by the law school or by a commercial preparation company.

#### **Paragraph I CSBARS' Consolidated Draft Recommendation**

First-Year Law Students' Examination and bar examination test preparation courses are defined as containing both of the following: 1) the review of materials previously covered within the curriculum and 2) the unique particularity of examinations administered by the State Bar of California (i.e. standardized, timed, closed book, examinations that focus on general principles of legal doctrine and which may be taught by law school or a commercial preparation company).

## **Paragraph II CSBARS Team Submissions**

A law school may offer and charge for courses designed to help law students prepare to take and pass exams required by the State Bar. Any such test preparation course may be part of the credit requirements to obtain a JD degree. The law school may not condition any student's continued enrollment or graduation on the student taking a review course offered by the law school or otherwise.

A law school may offer and charge for courses designed to help law students prepare to take and pass exams required by the State Bar. Any such test preparation course may be part of the credit requirements to obtain a JD degree. The law school may not condition any student's continued enrollment or graduation on the student taking a review course offered by the law school or otherwise.

Law schools may offer and charge for law school bar review courses. Any such law school bar review course may be part of the credit requirements to obtain a JD degree.

## **Paragraph II CSBARS' Consolidated Draft Recommendation**

A law school may offer and charge for courses designed to help law students prepare to take and pass exams required by the State Bar. Any such test preparation course may be part of the credit requirements to obtain a JD degree.

## **Paragraph III Team Submissions**

Law school owners, administrators, instructors and staff may not compel students to attend any particular commercial review course unless required as part of the JD program; and law schools must disclose to students any ownership interest or other financial interest of the school, its owners, administrators, instructors and staff in any commercial review course. [[A law school may require a maximum of twelve (12) semester units or the equivalent. This limit does not restrict a law school from covering legal analysis or exam practice in other courses.]]

Law school owners, administrators, instructors and staff must not compel or solicit students to attend any particular commercial review course; and law schools must disclose to students any ownership interest or other financial interest of the school, its owners, administrators, instructors and staff in any commercial review course. [[A law school may require a maximum of twelve (12) semester units or the equivalent. This limit does not restrict a law school from covering legal analysis or exam practice in other courses.]]

The law schools must provide oversight to ensure that law school bar review courses meet the requirements of the Unaccredited Law School Rules and Guidelines for Unaccredited Law School Rules, including Guidelines 2.2 (Honesty Regarding Finances), 2.9 (Fairness in Academic Standards and Student Assessment), 5.1 (Academic Program), 5.3 (Minimum Requirements for Award of Juris Doctor (JD) Degree), 5.9 (Quantitative Academic Requirements) and 5.11 (Balanced and Comprehensive Course of Study).

### **Paragraph III CSBARS Consolidated Draft Recommendation**

Law schools must not compel students to attend any particular commercial review course unless required as part of the JD program; and must disclose to students any ownership interest or other financial interest of the school, its owners, administrators, instructors and staff in any commercial review course. [[A law school may require a maximum of twelve (12) semester units or the equivalent. This limit does not restrict a law school from covering legal analysis or exam practice in other courses.]]

### **Paragraph IV Team Submissions**

A review or preparation course may be taught by law school faculty or by a commercial preparation company, provided the law school provides oversight of the course to ensure that it meets the requirements of the Unaccredited Law School Rules and Guidelines, including 2.2 (Honesty Regarding Finances), 2.9 (Fairness in Academic Standards and Student Assessment), 5.3 (Minimum Requirements for Award of Juris Doctor (JD) Degree), 5.9 (Quantitative Academic Requirements) and 5.11 (Balanced and Comprehensive Course of Study) and it is part of an overall sound educational program).

A review or preparation course may be taught by law school faculty or by a commercial preparation company, provided the law school provides oversight of the course to ensure that it meets the requirements of the Unaccredited Law School Rules and Guidelines, including 2.2 (Honesty Regarding Finances), 2.9 (Fairness in Academic Standards and Student Assessment), 5.3 (Minimum Requirements for Award of Juris Doctor (JD) Degree), 5.9 (Quantitative Academic Requirements) and 5.11 (Balanced and Comprehensive Course of Study) and it is part of an overall sound educational program.

If a law school offers a law school bar review course taught by a commercial preparation company, the law school must not require students to attend that course and must disclose to students any ownership interest or other financial interest of the school, its owners, administrators, instructors and staff in that course.

### **Paragraph IV CSBARS Consolidated Draft**

A review or preparation course may be taught by law school faculty or by a commercial preparation company, provided the law school provides oversight of the course to ensure that it meets the requirements of the Unaccredited Law School Rules and Guidelines, including 2.2 (Honesty Regarding Finances), 2.9 (Fairness in Academic Standards and Student Assessment), 5.3 (Minimum Requirements for Award of Juris Doctor (JD) Degree), 5.9 (Quantitative Academic Requirements) and 5.11 (Balanced and Comprehensive Course of Study) and it is part of an overall sound educational program).

### **CSBARS Consolidated Proposed Amended Unaccredited Guideline 1.11**

First-Year Law Students' Examination and bar examination test preparation courses are defined as containing both of the following: 1) the review of materials previously covered within the

curriculum and 2) the unique particularity of examinations administered by the State Bar of California (i.e. standardized, timed, closed book, examinations that focus on general principles of legal doctrine taught via law school or a commercial preparation company).

A law school may offer and charge for courses designed to help law students prepare to take and pass exams required by the State Bar. Any such test preparation course may be part of the credit requirements to obtain a JD degree.

Law schools must not compel students to attend any particular commercial review course unless required as part of the JD program; and must disclose to students any ownership interest or other financial interest of the school, its owners, administrators, instructors and staff in any commercial review course. [[A law school may require a maximum of twelve (12) semester units or the equivalent. This limit does not restrict a law school from covering legal analysis or exam practice in other courses.]]

A review or preparation course may be taught by law school faculty or by a commercial preparation company, provided the law school provides oversight of the course to ensure that it meets the requirements of the Unaccredited Law School Rules and Guidelines, including 2.2 (Honesty Regarding Finances), 2.9 (Fairness in Academic Standards and Student Assessment), 5.3 (Minimum Requirements for Award of Juris Doctor (JD) Degree), 5.9 (Quantitative Academic Requirements) and 5.11 (Balanced and Comprehensive Course of Study) and it is part of an overall sound educational program.

## **RECOMMENDATION**

CSBARS will further discuss the proposed amendment to Unaccredited Guideline 1.11 for possible recommendation to the Committee of Bar Examiners.