



The State Bar *of California*

OPEN SESSION AGENDA ITEM IV.A. AUGUST 2023

DATE: August 18, 2023

TO: Members, Committee of Bar Examiners

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

SUBJECT: Action on 2023 MPR Compliance Reporting for Accredited Law Schools

EXECUTIVE SUMMARY

California Accredited Law Schools (CALs) must maintain a Minimum, Cumulative Five-Year Bar Pass Rate (MPR) of 40 percent or more, calculated using the formula set forth in rule 4.160(D)(6) of the Rules for Accredited Law Schools.

Sixteen of seventeen California accredited law schools have continued to report a compliant MPR of 40 percent or more, as set forth in Attachment A. Staff recommends that these sixteen schools' reports be accepted as evidence of full compliance.

San Francisco Law School has reported an MPR below 40 percent, as they did in 2020, 2021, and 2022. The law school was placed on probation for two years in 2020, and probation was extended for a third year through August 2023. Because the law school has not met the terms of its probation during this extended three-year period, this law school will be considered for termination of accreditation and registration as a fixed-facility law school if the law school's request for a second extension of probation is denied. Details will be set forth in a separate agenda item devoted to San Francisco Law School.

BACKGROUND

BAR EXAM PASS RATE METRICS BY LAW SCHOOL TYPE

Each law school accredited by the State Bar of California must maintain a five-year cumulative minimum bar passage rate (MPR) of at least 40 percent. By way of comparison, unaccredited law schools do not need to maintain a minimum pass rate though they share their five-year cumulative bar pass results for all students taking the bar exam during the last five years. Finally, law schools approved by the American Bar Association's Section of Legal Education and Admission to the Bar must maintain a cumulative two-year pass rate of 75 percent or more for each individual graduating class within two years after graduation.

MPR CALCULATION

The 2023 MPR calculation for accredited law schools is set forth in accredited rule 4.160(D)(6). It includes the bar pass results for those graduates who completed their JDs during the five-year reporting period between August 1, 2017, and July 31, 2022, and took the bar exam at least once during that same period. These graduates' results from the February 2023 bar exam are also included for the subset of students who graduated in March 2018 or later – or within ten administrations and five years of graduation.

The MPR formula ensures that each graduate included in the calculation has had at least two opportunities to take the bar exam before being included in the calculation.

The MPR calculation is then further adjusted to address these graduates' participation in the Provisional Licensure Program's Pathway to Full Licensure (PLP) as set forth in California Rules of Court 9.49.1. If they successfully complete the program, they will be able to license as California attorneys without taking another bar exam.

Those graduates who were still in the PLP program as of July 1, 2023 are excluded from the MPR calculation, while those who have completed the program and been assigned a bar number are placed in the numerator of the calculation along with those graduates who passed a bar exam.¹

COMPLIANCE REPORTING

Each year, accredited law schools are required to submit their compliance reports by July 1 or the nearest business day thereafter, which was July 3, 2023 this year.

¹ The MPR calculation is adjusted for those who pursue the alternative pathway because those graduates do not need to take the bar exam again in order to become licensed, when they otherwise would have done so; therefore, the MPR calculation is adjusted accordingly so the law schools are not penalized when these graduates do not take a bar exam again. Graduates who participate in the original PLP program must still take and pass the bar exam to become licensees, so no MPR calculation adjustment is needed for these participants.

While most law schools reported their figures on time, the University of La Verne College of Law provided their figures on July 5, and Glendale College of Law (which is scheduled to cease operations as of [insert date]) provided theirs on July 18.

Prior to the submission of the report, staff and the law school come to agreement on the preliminary list of graduates for inclusion in the calculation based solely on bar exam pass-fail results. Staff then applies the PLP adjustment for each law school to finalize the calculations. Following this collaboration, schools submit their reports. MPR figures are published on the State Bar's website and schools are required to incorporate them into their disclosures provided to students and posted on their websites.

DISCUSSION

The 2023 MPR statistics are set forth in Attachment A along with the prior five-year history of MPRs by law school.

TRENDS AT COMPLIANT LAW SCHOOLS

With the exception of Concord Law School at Purdue University which saw an 11-percentage point gain, MPR values were relatively similar to what was reported last year. Compliant MPR values reported ranged from 41.2 percent (JFK School of Law at Northcentral University) to 79.7 percent (San Joaquin College of Law). The average MPR for the group is 60.3 percent, while the median is 65.3 percent.

Of the 17 accredited schools, 9 schools reported MPR values lower than what was reported in 2022. Three of those law schools show a downward trend over the last three years: University of La Verne College of Law, Glendale University College of Law, and University of West Los Angeles (respective decreases of 5.2, 9.2, and 5.9 percentage points).

Because both JFK School of Law and University of West Los Angeles reported values very close to the forty percent minimum, it may be appropriate to issue a courtesy letter of inquiry to each to support them in maintaining compliance. JFK School of Law successfully exited probation in 2021, but its MPR has been very close to 40 percent since then (41.9/2021; 42.0/2022; 41.9/2023). The University of West Los Angeles reported the largest decline of any law school, decreasing from 49.3 percent in 2022 to 43.5 percent in 2023.

Eight law schools reported increased MPR values since 2022. This is part of a larger multi-year upward trend for five of these law schools (Concord Law School at Purdue University, Empire College School of Law, Monterey College of Law, Northwestern California University School of Law, Saint Francis School of Law).

While Concord Law School at Purdue University's MPR has been trending upwards since its accreditation in 2020, it also had the largest gain of all schools in 2023. This is due in part to a particularly low pass rate (35.9%) of the cohort of students who graduated between August 1,

2016 – July 31, 2017, who are no longer a part of the five-year reporting period, coupled with the most recent year's cohort being larger and reporting improved results.

TREND AT NONCOMPLIANT LAW SCHOOL

One accredited law school, San Francisco Law School, reported an MPR value below forty percent for the fourth year in a row (2020/36 percent; 2021/39 percent; 2022/35.4 percent and 2023/36.7 percent).

In 2020 San Francisco Law School was placed on probation for two years through August 2022 because of the low MPR, with the expectation that the MPR would raise above 40 percent by the end of the probationary period. The probation period was extended for a third year through August 2023, for purposes of them raising their MPR. After four attempts, the law school's MPR remains out of compliance. The status of the probationary term for this law school will be discussed under a separate item on the agenda today.

RECOMMENDATIONS

Staff recommends that the 2023 MPR compliance report set forth in Attachment A be adopted and published on the State Bar's website with any modifications needed as to the status of San Francisco Law School, and that those law schools reporting a value of 40 percent or more be considered to have demonstrated compliance with rule 4.160(D)(6).

Staff further recommends sending a letter to both JFK School of Law at National University and the University of West Los Angeles School of Law expressing concern that the law schools to take appropriate steps to maintain compliance with rule 4.160(D)(6).

PROPOSED MOTION

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

MOVE, that the Committee of Bar Examiners receive and file the 2023 MPR Compliance Report as set forth in Attachment A, as modified by any action taken today in relation to San Francisco Law School.

FURTHER MOVE, that the law schools reporting an MPR value of 40 percent, or more, be found to be in compliance with this requirement.

FURTHER MOVE, that letters be sent to both JFK School of Law at National University and the University of West Los Angeles School of Law expressing concern and recommending that the law schools take appropriate steps to maintain compliance with rule 4.160(D)(6).

ATTACHMENT LIST

- A. 2023 MPR for California Accredited Law Schools



2023 Minimum Cumulative Five-Year Bar Examination Pass Rates for California Accredited Law Schools (MPR)

Five-Year Reporting Period for Graduates Completing JD: August 1, 2017–July 31, 2022

California Accredited Law Schools (CALS) must “maintain a minimum, [five-year] cumulative bar examination pass rate” of 40 percent or more, as calculated under Rule 4.160(D)(6) of the Accredited Law School Rules. CALS report this minimum pass rate (MPR) on July 1 and the State Bar posts these figures in August after they are verified and presented to the Committee of Bar Examiners. Unaccredited law schools are not required to maintain a minimum bar pass rate.

Law schools approved by the American Bar Association must maintain a 75 percent two-year cumulative pass rate under [standard 316](#).

California Accredited Law School	2018 MPR (%)	2019 MPR (%)	2020 MPR (%)	2021 MPR (%)	2022 MPR (%)	2023 MPR (%)
Cal Northern School of Law	72.9	73.9	71.1	75.7	67.5	69.2
Concord Law School at Purdue University Global	NA	NA	NA	56.3	58.5	69.6
Empire College School of Law*	55.4	46.9	46.1	59.3	58.2	65.3
Glendale University College of Law*	66.7	62.2	64.3	77.1	71.1	68.7
Humphreys College Laurence Drivon School of Law	45.6	41.9	46.0	52.3	54.1	50.7
Lincoln Law School of Sacramento	66.7	60.8	60.1	66.3	69.6	68.0
Lincoln Law School of San Jose (Now an unaccredited fixed-facility law school)	56.1	44.1	31.5	36.5	36.1	NA
Monterey College of Law	47.9	54.3	53.7	53.8	55.1	55.8
Northwestern California University School of Law	NA	NA	NA	58.3	65.0	65.9
JFK School of Law at National University	48.8	44.4	39.7	41.9	42.0	41.2
San Francisco Law School	46.2	41.7	36.0	39.0	35.4	36.7
San Joaquin College of Law	77.4	72.4	68.8	77.7	76.3	79.7
The Colleges of Law	58.9	57.7	58.0	65.4	62.4	57.2
St. Francis School of Law	NA	NA	NA	59.3	66.6	69.4
Thomas Jefferson School of Law	70.5	67.4	61.7	65.6	65.7	64.6
Trinity Law School	44.6	44.7	44.1	47.3	47.3	51.2
University of La Verne College of Law	...	69.0	66.0	75.1	72.4	69.9
University of West Los Angeles	54.1	50.0	41.8	49.4	49.3	43.5

*Voluntarily closing and no longer admitting students.