



**OPEN SESSION  
AGENDA ITEM IV.B.  
APRIL 2024  
COMMITTEE OF BAR EXAMINERS**

**DATE:** April 19, 2024

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

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

**SUBJECT:** Discussion and Action on Strategy to Improve Outcomes in Unaccredited Law Schools

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This memorandum presents several options for the Committee of Bar Examiners (committee) to discuss to support the goal of improving outcomes from unaccredited law schools, as requested by the committee in January 2024. The committee is asked to identify one or more options for further analysis and development of proposal(s). The four options proposed are:

1. Strategic use of standardized exams to inform admissions
2. Researching methods to track and reduce attrition
3. Collecting additional demographic data tailored to non-traditional students
4. Phasing in minimum, cumulative pass rates for State Bar exams

For any of these options selected, a detailed proposal will be presented to the committee at a future meeting.

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**BACKGROUND**

The [State Bar's Strategic Plan for 2022-2027](#) directs the committee to collaborate with stakeholders and law schools to improve the law school accreditation process, for both accredited and unaccredited law schools.

The State Bar has already modified and updated accredited law school rules and guidelines. This year, the committee's workplan includes reviewing the unaccredited law school rules and guidelines.

Staff provided the following data to help inform this review of the unaccredited rules: 1) The Law School Profile focusing on comparing law schools by type; 2) the Law School Performance Report focusing on unaccredited and accredited law school performance; and 3) "Profiling the Immediate and Longer-Term Outcomes of the California First-Year Law Students' Examination" focusing on long term performance and predictive power of that exam and authored by psychometrician Dr. Roger Bolus (April 26, 2022; updated September 13, 2023).

After reviewing these studies and considering the findings, the committee prioritized improving outcomes at unaccredited law schools, benefit both the students and the schools. While unaccredited schools enrolled diverse classes, the committee noted that they had the highest attrition, awarded very few JD degrees comparatively, and had the lowest bar exam pass rates. As such, unaccredited law schools are not fully contributing to the diversity of the legal profession as would be the hope.

The committee asked liaisons to work with staff to propose initiatives to improve outcomes at unaccredited law schools and to seek stakeholder input. Educational Standards Chair and Vice Chair Paul Kramer and Alan Yochelson agreed to be liaisons, and reviewed feedback from both the Committee of State Bar Accredited and Registered Schools (CSBARS) and the Council on Access and Fairness (COAF).

CSBARS discussed the Law School Performance Report at its October and December meetings, and the Law School Profile Report at its March 2024 meeting, after receiving its own presentation of those reports. Prior to the March 2024 meeting, staff asked CSBARS to come prepared with suggestions and comments; they also received a link to the committee's discussion from January. Their feedback is summarized in Attachment A. COAF also reviewed the Law School Profile and a summary of the committee's January discussion and shared both live presentations and the recordings of the conversations above with these groups. COAF identified liaisons to track the proposals and provide support as needed.

## **DISCUSSION**

At its January 2024 meeting the committee expressed an interest in exploring options to improve outcomes at unaccredited law schools. Data showed that over 50 percent of law students at unaccredited law schools did not continue after their first year of study, and some schools experienced attrition of over 90 percent by the final year of study. As a result, in 2002, across all unaccredited law schools, just 72 degrees were awarded across 14 schools, with 37 of those degrees earned by people of color. Students currently invest anywhere from \$20,000 to over \$80,000 to earn a JD from an unaccredited law school.

The committee was interested in understanding ways to improve these outcomes, for the benefit of the students and, by extension, the law schools.

Discussions with liaisons, informed by feedback from CSBARS, and COAF, resulted in the following suggestions for further exploration. The committee is asked to identify one or more options, suggested below or otherwise preferred by the committee, and staff will work with committee liaisons to prepare detailed analyses and proposals at a future committee meeting.

### **1. Strategic use of standardized exams and evidence-based evaluations to inform admissions**

Currently, standardized test results are not required as part of the admissions process, though the unaccredited guidelines encourage their use. Currently, the average acceptance rate at unaccredited law schools is 89 percent, but attrition is over 50 percent. Therefore, it may be helpful for both students and schools to have additional data points to consider in the admissions process to help ensure that those students admitted have the intent and capacity to complete their studies and that schools provide the curriculum, format, and resources needed for their students to thrive.

One option would be to review the use of standardized exams and other instruments. While this is already encouraged in the unaccredited guidelines, it is not required, and these exams are not widely requested.

The committee could begin by reviewing the options, as longstanding options such as the LSAT are implementing format changes, and new instruments are emerging, such as JD Next, which is a combination of a class and exam.

At the March 2024 CSBARS meeting, there was discussion about the unique mission of registered, unaccredited law schools including expanding meaningful opportunities for students of color and nontraditional students. The State Bar shares this commitment, and it is one consideration that should inform this exploration.

### **2. Researching methods to further track and reduce attrition**

The liaisons suggested that it would be worthwhile to research ways to further track and reduce attrition at unaccredited law schools. A next step would be additional analysis of the data that is being collected as part of the annual report process. While the 2022 annual report tracked first-year law student attrition, the 2023 annual report collected both first- and second - year attrition, with students self-identifying the reason for the attrition. Analyzing these trends may help to enrich a discussion on methods that both the law schools and the State Bar can utilize to improve retention. As part of the effort to use data to provide additional context to the discussion around attrition and opportunities for improvement, the State Bar can also explore disaggregating attrition data in new ways. For example, a CSBARS members suggested disaggregating unaccredited law school data by type (fixed-facility, distance, and correspondence law schools) and considering additional demographic data as discussed below.

### **3. Collecting demographic data tailored to non-traditional students**

CSBARS members discussed the helpful nature of the demographic data that is already being collected through the annual report on race/ethnicity, gender identity, LGBTQIA+ status, and veteran status. CSBARS members suggested additional categories not currently tracked that could be insightful: socioeconomic status, income level, age, parental status, marital status, and average hours spent working weekly while attending law school.

Next steps could involve determining which categories schools already collect, the feasibility of the State Bar collecting this data, and determining whether the ABA is open to collecting similar information. CSBARS particularly encouraged the State Bar to reach out to the ABA to encourage collection of this data from ABA approved law schools.

Also, the State Bar recently adopted new demographic categories for its attorney census, specifically race and ethnicity data that better capture the nuances of personal identity and offer more detailed analysis of the disparate experiences among groups. Lessons learned from that endeavor may help to inform this exploration as well.

### **4. Phasing in minimum, cumulative pass rates for State Bar exams**

Since minimum bar exam pass rates have been introduced for accredited law schools, cumulative bar exam pass rates have, overall continued to increase, and the law schools have adjusted curriculum to improve this outcome.

Students at unaccredited law schools must take and pass two State Bar exams, the First-Year Law Students' Exam and the bar exam. Adding minimum cumulative pass rates for each of those exams may increase transparency and improve outcomes for unaccredited law schools as well.

CSBARS members discussed other options such as reducing the cut score on the First-Year Law Students' Exam or eliminating that exam. However, Dr. Bolus's study referenced above suggests correlation between performance on that exam and later performance on the bar exam which can help students to determine whether they are adequately progressing. When the format of the exam is modified starting in June 2024, reliability is expected to increase still further.

CSBARS recommended that unaccredited law schools use a minimum cumulative bar exam pass rate for the bar exam that utilized the same formula applied to accredited law schools, though the minimum level might be set at a different level appropriate for unaccredited law schools.

## **RECOMMENDATION**

If the committee is interested in a more detailed analysis and proposal regarding one or more options suggested above or otherwise preferred by the committee, the following motion should be made, including only those items in brackets with which the committee would like to proceed:

**MOVE**, that the Committee of Bar Examiners directs staff to further research and develop proposal(s) regarding the initiatives below with the goal of improving outcomes at unaccredited law schools:

1. Strategic use of standardized exams to inform admissions
2. Researching methods to further track and reduce attrition
3. Collecting demographic data tailored to non-traditional students
4. Phasing in minimum, cumulative pass rates for State Bar exams

## **ATTACHMENT LIST**

- A. Summary of Feedback from the Committee of State Bar Accredited and Registered Schools Regarding Options to Improve Outcomes at Unaccredited Law Schools

## Law School Profile Report and Options to Improve Outcomes in Unaccredited Law Schools

CSBARS Feedback

March 12, 2024

At the March 12, 2024 CSBARS meeting, members were asked to provide feedback about strategies to improve outcomes at unaccredited law schools. To assist in the process, CSBARS members were invited to review the Committee of Bar Examiners' discussion on this topic that took place at the committee's January meeting, and CSBARS also received its own live presentation of the Law School Profile Report and a summary of the committee's discussion from State Bar staff Dr. Lisa Chavez and Natalie Leonard.

The feedback shared is divided into two categories: 1) Factors to consider when comparing results at the different law school types; 2) Suggestions to improve outcomes.

### **Insight When Comparing Results at ABA approved, Accredited and Unaccredited Law Schools**

Deans cautioned against direct comparison between school types without providing some of the following context:

-Regulatory Requirements unique to unaccredited law schools:

Only students at unaccredited law schools must take and pass the First-Year Law Students' Examination, and the format of the exam is changing this year from essay and multiple-choice to all multiple-choice

Only students at unaccredited law schools are required to study continuously in blocks of 48-52 weeks per year or half year segment;

-Members theorize that students at accredited and unaccredited law schools have significantly more outside commitments while attending school than students attending ABA law schools

-Mission may play a role in outcomes, though regardless of mission, licensure is a goal

-Concern was expressed about the sole use of multiple-choice questions on the First-Year Law Students' Examination to assess readiness for law practice without also including essays, effective June 2024 forward

-Committee members also noted that as ABA-approved schools enroll more students in part-time and distance learning programs, their student demographics may begin to more closely resemble those of CALS and unaccredited schools. This could include a higher proportion of older students, working professionals, and students with family obligations. The cost and affordability of these programs may play a factor in enrollment.

### **Suggestions to improve outcomes at unaccredited law schools:**

1. Consider adding additional student demographic data (and encourage the ABA schools to provide the state bar with similar data) such as: age, socioeconomic status, family status, hours worked outside school, and social mobility index. Contact the American Bar Association to determine if they currently collect or would consider collecting information of this type.

2. Allow unaccredited schools to report cumulative pass rates using the same Minimum Pass Rate (MPR) as accredited law schools though an additional measure may also be needed to accurately reflect the ratio of first-time takers to repeaters.
3. Re-evaluate the "continuous study" rule rigidly requiring terms of 48-52 weeks for unaccredited law schools.
4. Reduce cut score for First-Year Law Students' Exam, if exam continues to be used.
5. Consider risk-adjusted outcomes and take mission into account.
6. Continue to evaluate how any modifications in the administration or content of the bar exam may impact licensure outcomes. CSBARS member deans expressed the opinion that the current bar exam is not the best way to measure competency to practice law, as opposed to competency to take timed test.