



The State Bar of California

OPEN SESSION AGENDA ITEM 704 MAY 2024

DATE: May 16, 2024

TO: Members, Board of Trustees

FROM: Mia Ellis, Deputy Special Counsel, Division of Regulation

SUBJECT: Adoption of State Bar Policy on Law School Name Changes on the Attorney Profile

EXECUTIVE SUMMARY

The State Bar of California has applied different practices regarding the way law school name changes are reflected on the attorney profile page. Recent name changes have highlighted the need for a clear, formal State Bar law school name change policy.

State Bar staff circulated for public comment a new proposal providing that unless retroactive application is required explicitly by statute or by order of the Supreme Court or the law school issues new diplomas to all previous graduates, law school name changes will only be made to the attorney's profile page prospectively—to licensees who graduate after the effective date of the school's name change.

This item requests Board approval of a modified proposal reflecting feedback received during the public comment period.

BACKGROUND

Historically, the State Bar of California has applied two different practices regarding law school name changes:

- For name changes when one school purchases or consolidates with another school, graduates from both schools, prior to the purchase or consolidation, are listed by the State Bar under the name of the school from which they graduated and anyone graduating from the law school after it was purchased or consolidated is listed as having graduated from the purchasing/consolidated school's name. The law school on the licensee's profile matches the diploma issued at graduation.

- For name changes unrelated to school consolidations or purchases, including changes prompted by social justice concerns, the law school name for all graduates is changed to the law school's new name, irrespective of the student's graduation date.

DISCUSSION

PROPOSAL

The State Bar proposes a new policy for law school name changes on the attorney profile page:

Unless retroactive application is required explicitly by statute or by order of the Supreme Court official name changes of law schools will only apply prospectively—to licensees who graduate after the effective date of the school's name change.

The proposal was made with the following considerations:

- If the law school name on a licensee's profile is changed retroactively, the attorney record on the licensee's profile page is both factually inaccurate and conflicts with licensee diplomas and law firm website background information.
- Updating law school references to explain the discrepancy may be inconvenient for the licensee and confusing for the public.

SUMMARY OF PUBLIC COMMENT

Staff initiated a public comment process for this proposed policy outside of the Board of Trustees' meeting context to minimize the impact on the Board of what is arguably an administrative matter. Although this issue is one that staff could determine absent Board approval, given the heightened sensitivity to this topic that has arisen in recent years, staff feels it is important to have the Board formally adopt a name change policy. Hence, a modified approach to the solicitation of public comment was initiated in advance of Board approval being sought.

During the 60-day public comment period, the State Bar received 986 comments. A compilation of all comments received can be found [here](#).

Of those who responded to public comment, 61.73 percent (608) agree with the proposal, 21.93 percent (216) disagree with the proposal, and 13.2 percent (130) agree only if the proposal is modified.

Most of the commenters who identified themselves, were graduates of University of California College of the Law, San Francisco (formerly UC Hastings) and the University of California, Berkeley School of Law (formerly referred to as Boalt Hall).

The 608 commenters who agreed with the proposal support the idea that law school name changes should be reflected on the attorney profile page only prospectively—to licensees who graduate after the effective date of the name change.

The majority of the 130 commenters who agreed only if modified, recommended that the current and former names of the law schools should be identified. For example, University of

California—Hastings College of Law (n/k/a University of California College of Law, San Francisco). Some of the commenters expressed dissatisfaction with the name change and, as a compromise, felt the former and current name should be listed. Alternatively, some commenters proposed adding an asterisk to the current name to recognize that the name changed or some detailed explanation of the name change. Based on the comments, commenters may have conflated the current practice with the proposed policy as some expressed concern that if the new name of the law school appears on the profile page, it would conflict with the licensee's diploma. The current proposal provides that the law school name change would be reflected on the attorney profile page prospectively and thus would match the licensee's diploma regardless of when the licensee graduated. Some commenters also expressed that licensees should have the option to decide which name is on the public profile page. Permitting licensees to choose the law school name displayed on their profile would be exceedingly difficult to manage so State Bar staff is not recommending this option.

There were 216 commenters who disagreed with the proposal. Some expressed support for changing a law school's name for social justice reasons and displaying the updated name on the public profile page. Other commenters also suggested adding the current and former name of the law school to the profile page. As stated above, some also suggested giving licensees a choice of which law school name appears on the website. As with some commenters who agreed only if modified, some commenters expressed that they did not think the law school name should be changed on attorney profiles retroactively, which suggests some confusion over the proposed policy.

The proposed policy sent out for public comment included a provision that retroactive application of the name change on the attorney profile page would be required where the law school issues new diplomas to all graduates. However, some commenters disagreed with retroactively applying the name change under those circumstances. Acknowledging that the State Bar cannot confirm that each licensee receives a new diploma, the current State Bar proposal does not include retroactive application where the school issues new diplomas.

FISCAL/PERSONNEL IMPACT

The State Bar estimates that there are approximately 35,245 licensees, across eighteen law schools, who are associated with a law school who changed its name. Of the 35,245 licensees, 29,499 are graduates of the schools now known as U.C. Berkeley School of Law or U.C. College of the Law, San Francisco.

If adopted, the proposal will result in additional work for State Bar staff and potential programming expense to identify attorneys who graduated before the effective date of name changes that have already occurred so the name of their law school on their State Bar record can be changed back to the name of the school when they graduated. Given the number of licensees involved and the potential technological limitations, if adopted, the State Bar would phase-in implementation of this change over time for existing licensees.

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Goal 3. Protect the Public by Regulating the Legal Profession

- b. 2. Position the State Bar as a trusted resource and increase interactions with licensees beyond admitting attorneys into the profession, collecting fees, and monitoring MCLE compliance.

RECOMMENDATIONS

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

RESOLVED, that the Board of Trustees adopts a law school name change policy wherein, unless retroactive application is required explicitly by statute or by order of the Supreme Court, law school name changes will only be reflected on the attorney profile page prospectively—to licensees who graduate after the effective date of the name change; and it is

FURTHER RESOLVED, while this policy should be applied to the attorney profile page of graduates of all law schools that changed their name, including those that occurred previously, if correcting the law school on the attorney profile page of licensees that graduated prior to the effective date of name changes that previously occurred proves exceedingly difficult or unduly time consuming or expensive, staff have discretion to apply this policy only to future law school name changes.

ATTACHMENT LIST

None