



The State Bar of California

OPEN SESSION AGENDA ITEM V.C. JUNE 2024 COMMITTEE OF BAR EXAMINERS

DATE: June 21, 2024

TO: Members, Committee of Bar Examiners

FROM: Cody Hounanian, Program Director, Office of Admissions

SUBJECT: Update on Review of Unaccredited Law School Rules

EXECUTIVE SUMMARY

The Committee of Bar Examiners' 2024 work plan includes several initiatives related to unaccredited law schools, including pursuing mandatory accreditation and/or initiatives to improve outcomes for unaccredited law schools and reviewing the [Unaccredited Law School Rules](#). In January and April 2024, the committee reviewed data on the legal education landscape in California and discussed possible options to improve outcomes at unaccredited law schools. Staff and committee liaisons are now working on an initial review of the unaccredited law school rules. This item provides an update regarding efforts to establish principles and goals to guide the review and drafting of possible revisions as well as to identify clear next steps.

BACKGROUND

In [December 2023](#), the Committee of Bar Examiners (committee) established its work plan for 2024. In the area of Educational Standards, the committee set two initiatives related to unaccredited law schools: 1) Pursue mandatory accreditation and/or initiatives to improve outcomes for unaccredited law schools, and 2) Review Unaccredited Law School Rules.

[In January 2024](#), to aid the committee in making data-driven decisions related to its law school regulation and oversight work, including the initiatives above, staff presented the first-ever [Profile of California Law Schools report](#) which provided an overall view of the legal education landscape in California. Findings included:

- 1 percent of the JD degrees awarded in 2022 were issued by unaccredited law schools

although those schools enrolled 4 percent of the law school student population.

- 9 percent of students at unaccredited law schools passed the July 2022 California bar examination compared to 21 percent at California accredited law schools and 67 percent at ABA-approved law schools.
- 51 percent of students at unaccredited law schools did not continue their education after their first year in 2022. That number was 42 percent at California-accredited law schools and 8 percent at ABA-approved law schools.

Staff presented and the committee discussed the report in context with its work plan items. Related to improving outcomes, the discussion touched on adopting for unaccredited law schools appropriately some requirements that currently apply to accredited law schools and that have a positive impact on admissions practices, State Bar exam pass rates, attrition, and graduation and licensure rates. Related to a mandatory pathway to accreditation, the discussion addressed recent trends such as the growing number of accredited law schools with distance and online options, the decrease in the number of unaccredited law schools generally, and the number of unaccredited schools interested in a pathway to accreditation.

Following the discussion, Educational Standards subcommittee Chair and Vice Chair Paul Kramer and Alan Yochelson volunteered to act as committee liaisons and to provide feedback to staff as they explored various options.

In March 2024, the Committee of State Bar Accredited and Registered Schools (CSBARS) was asked to review the Profile of California Law Schools report as well as the committee's January discussion and provide feedback about strategies to improve outcomes at unaccredited law schools. A summary of CSBARS' feedback was provided to the committee at its [next meeting](#) in April 2024. The Council on Access and Fairness (COAF) also reviewed the report and discussion and identified liaisons to provide support as needed.

Informed by the committee's discussion and feedback from CSBARS, staff returned to the committee in [April 2024](#) with various options to support the goal of improving outcomes at unaccredited law schools. The committee directed staff to further analyze and develop proposals related to: 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; and, 4) phasing in minimum, cumulative pass rates for State Bar Exams. Analysis of these options will continue as a part of the rules review effort.

Staff and the committee liaisons are now addressing the second work plan item – reviewing the unaccredited law school rules. Below is an update for the committee regarding the initial effort and next steps.

DISCUSSION

PRINCIPLES AND GOALS FOR UNACCREDITED LAW SCHOOL RULES REVIEW

In June 2024, a set of principles and goals was established to inform further review of and recommendations to revise the unaccredited law school rules. The overarching principles are rooted, in part, by statute, the Rules of Court, and the State Bar’s mission and goals. The principles include:

Consumer Protection and Transparency: Business and Professions Code section [6046.7\(a\)\(1\) states](#), “the Committee of Bar Examiners shall adopt rules [...] for the regulation and oversight of unaccredited law schools [...] with the goal of ensuring consumer protection and a legal education at an affordable cost.”

Student Success and Preparation for Licensure: [Rule of Court 9.30\(b\)\(7\) states](#) that one requirement for an unaccredited law school in the state is to “establish and maintain standards for academic achievement, advancement in good standing and graduation, and provide for periodic testing of all students to determine the quality of their performance in relation to such standards.”

Evidence and Data-Driven Decision Making: The State Bar’s [2022-2027 Strategic Goals](#) include protecting the public by enhancing access to and inclusion in the legal system. To achieve this goal, the State Bar has endeavored to identify data-supported practices that promote retention and advancement of a diverse and inclusive legal profession.

Table 1 identifies a list of unaccredited rules review tasks identified to date and organizes them by their related principles and goals. The tasks listed represent issue areas identified by staff and the committee over the last year based on compliance trends, areas of possible clarification, feedback from students, and more.

Table 1. Principles and Goals for Unaccredited Law School Rules Review

Goals	Tasks Identified To-Date
Consumer Protection and Transparency	
Enhance transparency and accountability	<ul style="list-style-type: none"> • Review required disclosures and notices to students. • Review the noncompliance process and communication of compliance concerns. • Access the current acquiescence process. • Explore requiring student complaint policies.
Clarify the language of the Rules	<ul style="list-style-type: none"> • Review description of school categories. • Review major change definitions. • Assess appropriate phase-in period for revisions. • Identify regulatory language that should be moved from Guidelines to Rules. • Explore clarification of credit hour term.

Student Success and Preparation for Licensure	
Admissions practices that enroll students likely to complete a JD program and pass the bar exam	<ul style="list-style-type: none"> • Review transfer student rules. • Assess current use of pre-enrollment classes and various schedules. • Further explore the proposal for phasing in minimum, cumulative pass rates for State Bar exams.
Teaching and administrative excellence	<ul style="list-style-type: none"> • Review library requirements. • Review record retention requirements. • Access current requirements for law school administrators. • Access current use of allowed exemptions and exceptions.
Evidence and Data-Driven Decision Making	
Retention of students and lower attrition	<ul style="list-style-type: none"> • Further explore the proposal to strategically use standardized exams and evidence-based evaluations. • Further explore the proposal to further track attrition data,
Diversity in the population completing JD programs and passing bar exam	<ul style="list-style-type: none"> • Further explore the proposal to collect demographic data tailored to non-traditional students.

Next Steps

Staff and committee liaisons are finalizing a calendar of working meetings to complete an initial review of the rules, complete the tasks listed above, and draft possible revisions. That effort will be conducted between June and August 2024. The following steps will then occur:

- Committee discusses possible revisions and provides input.
- Staff seek stakeholder feedback, including from CSBARS and COAF.
- Committee considers stakeholder feedback and refines draft revisions.
- Board of Trustees circulates draft revisions for public comment.
- Committee reviews public comment and, if necessary, further refines draft revisions.
- Board of Trustees considers adopting final draft revisions.

Additionally, the State Bar's Office of General Counsel has recruited a new attorney to assist the organization with all its rulemaking processes. As such, staff will work closely with counsel, and will have enhanced support, throughout the process to ensure that the rules review achieves the goals identified above.

UPDATED LAW SCHOOL PERFORMANCE REPORT

Staff are completing the 2023 California Accredited and Registered Unaccredited Law School Performance Report, which updates the annual report first [published last year](#) and covering 2022 data. New to this year's report is First-Year Law Students' Exam pass rate data and analysis of unaccredited law schools by teaching modality (fixed-facility, correspondence, and distance-learning) which provides the committee with additional information and context to consider.

The report has not yet published at the time of this writing, but staff intend to publish the report ahead of the June 2024 meeting and present findings to the committee at that time.

FISCAL/PERSONNEL IMPACT

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

None – core business operations

RECOMMENDATIONS

None

ATTACHMENT(S) LIST

None