

**Summary of, and Staff Comments on,
Specific Issues raised regarding proposed
Guidelines for Accredited Law School Rules
(Draft dated June 19, 2008)**

CALS Deans (all deans except Geoffrey Brown, Dean of John F. Kennedy University School of Law)

1. **Guideline 1.4 (Student Complaints).** The CALS Deans believe they should be provided with copies of all student complaints and have an opportunity to respond to them.

Staff Comment: The compliance process is primarily based on periodic inspections, not complaints. Students are advised that the Committee of Bar Examiners (Committee) will not intervene in disputes they have with their law schools. If the Committee issues a law school a notice of noncompliance, it is provided with the specifics and has an opportunity to respond before the Committee takes final action.

Staff does not support the proposed change.

2. **Guideline 2.2(B) (Honesty in Financial Dealings with Prospective Students, Applicants, and Students).** The accredited law schools would like to have "Refund Policy" added to the end of the title of this guideline.

Staff Comment: Staff supports this proposed change.

3. **Tuition Disputes.** The CALS Deans would like to have the following subsection added to Guideline 2.2:

(D) Tuition Disputes. A law school may withhold grades and the transcript of a student who has not completed payment for tuition, fees or other charges billed to the student.

Staff Comment: Financial disputes between law schools and students should be resolved by those parties. The Committee's regulatory power should not be used to give one side an advantage over the other. Law schools have the discretion to implement their own policies and requirements in this area, which might include a provision in its enrollment agreement that it has authority to withhold grades and transcripts if students have not completed payment for tuition, fees or other charges billed to them if it so desired.

Staff does not support the proposed change.

4. **Guideline 2.3(D) (Required Disclosures).** The CALS Deans believe the following provision should be deleted from the required disclosure statement: “The State Bar of California’s website ([insert website address provided by the state bar]) contains information on the passage rates of graduates of this law school on the California Bar Examination.” They assert that the State Bar is unable to demonstrate that it has a substantial interest in compelling this speech. “No other law school in California or the nation has such a requirement.”

The CALS Deans also believe that the remaining required disclosure statement, which provides as follows:

"Study at, or graduation from, this law school may not qualify a student to take the bar examination in other states or satisfy the requirements to practice law in other states. If a student intends to seek admission to practice law in a state other than California, the student should contact the admitting authority in that state for information regarding the legal education requirements for admission to practice law."

should be rewritten to read as follows:

“Study at, or graduation from, this law school may not qualify a student to take the bar examination or be admitted to practice in jurisdictions other than California. A student who intends to seek admission to practice outside of California should contact the admitting authority in that jurisdiction for information regarding its education and admission requirements.”

Staff Comment: The existing *Factors* have long required an accredited law school to include a statement relative to admission in other jurisdictions in its bulletin, on its website, in any other written or electronic materials describing the law school, and with each application form, letter or other communication sent by mail or electronically in response to an inquiry from a person whose mailing address is outside of California. The proposed guideline only requires the specified statements be included in a law school’s course catalog and on the principal page of its website for the law school’s J.D. degree program.

Staff supports the proposed re-wording of the current disclosure statement as set forth above.

The new part of the disclosure statement relative to bar examination passage rates is a critical piece of consumer information and should be readily available to prospective students before they consider applying to, and, if admitted, attending a particular accredited law school. Registered unaccredited law schools are required to disclose far more information. Unapproved law schools seeking ABA provisional approval are required to include a specified disclosure in all of their

printed and electronic materials specifically targeted at prospective students. See Interpretation 102-7. ABA Standard 509 requires ABA-approved law schools to publish basic consumer information. Interpretation 509-1 lists the categories of consumer information that are considered basic, including “placement rates and bar passage rates”. Most, if not all, ABA-approved law schools satisfy Standard 509 by providing detailed information about themselves, including bar passage rates, in the annual *ABA-LSAC Official Guide to ABA-Approved Law Schools*. This publication is widely disseminated and available for purchase by anyone.

Staff does not support the deletion of the portion of the disclosure statement regarding bar examination passage information.

5. **Guideline 2.7(B)(2) (Examinations and Grading Policy).** The CALS Deans believe the following sentence should be deleted from the guideline: “Pass/Fail or Credit/No Credit grades must not be used in courses on subjects tested on the California Bar Examination.”

Staff Comment: Courses on subjects tested on the California Bar Examination are the most important courses in the law school curriculum. Something more than complete failure of such a course should trigger additional academic support in these core courses.

Staff does not support the proposed change.

6. **Guideline 4.1 (Law School Dean; Full-time Administrator; Duties).** The CALS Deans believe a person with an advanced law degree from an approved law school or university should be allowed to be the full-time administrator of an accredited law school.

Staff Comment: Guideline 4.1 requires that a law school’s full-time administrator be a graduate of an ABA-approved, Committee-accredited, or Committee-registered law school. One of the CALS Deans is not a graduate of one of these law schools. Accredited Law School Rule 4.109(A) authorizes the waiver of any rule. Staff supports a waiver of Guideline 4.1 so that the incumbent full-time administrator of Southern California Institute of Law may continue to so serve.

7. **Guideline 4.7 (Evaluation of Instructors).** The CALS Deans believe the provision in the guideline on instructor evaluations is unduly onerous and burdensome. They recommend the following language regarding instructor evaluations:

“A law school must periodically evaluate its instructors. It is recommended that new instructors, other than visiting instructors, whom the law school plans to re-hire be evaluated during their first year or soon thereafter, and then periodically as needed. The evaluation should include a written report that is placed in the instructor’s file. Periodic evaluations of the faculty may be

supplemented by observations by the Dean (or the Dean's designee) and by student evaluations. Student evaluations may be summarized and only need be kept for two years."

Staff Comment: The quality of instruction is a fundamental element of a sound legal education. Standard 404(b) of the *ABA Standards for Approval of Law Schools* provides that a law school evaluate each faculty member periodically. Staff recommends that new instructors hired on and after the effective date of the proposed guidelines be evaluated no later than the end of their first academic year and then no later than every three years thereafter and that all other instructors be evaluated no later than three years after the effective date of the proposed guidelines and then no later than every three years thereafter.

8. **Guideline 5.1 (Admissions Policy).** The CALS Deans believe the guideline should provide as follows: "A law school must adopt a sound written admissions policy. An opportunity to obtain a legal education should be afforded to all who wish it and who appear reasonably qualified, both as to ability and prior educational background."

Staff Comment: Accredited law schools are free to add an opportunity statement to their mission statements if they so desire. The pre-legal education requirements in § 6060(c) of the California Business and Professions Code and the *Admissions Rules* dictate who may be admitted to an accredited or registered unaccredited law school. Not everyone who wishes to attend law school can satisfy these requirements. Additionally, the "to all who wish it" language belies the reality that financial and other constraints prevent some students from being able to attend law school.

Staff does not support the proposed change.

9. **Guideline 5.3 (Law School Admission Test).** The CALS Deans believe they should retain the discretion whether to use the LSAT as an admissions criteria. They oppose requiring students to submit an LSAT score to be considered for admission.

Staff Comment: After review of law school material, thirteen of the fifteen accredited law schools already use the LSAT in making admission decisions (as do all ABA-approved law schools though one ABA-approved law school has recently announced a trial program to admit high GPA applicants on that basis alone). The proposed guideline only requires accredited law schools to consider applicant LSAT scores in making sound admission decisions. Knowing in advance that an incoming student, by reference to a low LSAT score, may need additional academic support at the very beginning, and if such support is provided, can only help the student succeed.

Staff does not support the proposed change.

10. **Guideline 5.6 (Admission or Readmission of Applicants Previously Disqualified for Academic Reasons).** The CALS Deans believe they should have the discretion to waive the requirements of this guideline. “Discretion should be retained by the law school in these situations to account for the hardships and missteps of otherwise qualified students. The use of “normally” should be reinserted into the guidelines in each of these sections.”

Staff Comment: These students have already been academically disqualified. The proposed guideline allows law schools to readmit previously academically disqualified students in three circumstances. First, if at any time, the applicant presents credible evidence that the prior disqualification resulted from a traumatic event or serious hardship that prohibited the applicant from performing at his or her normal level. Second, at any time, if the applicant passed the First-Year Law Students’ Examination. Third, after at least two years have elapsed since the disqualification, if the applicant demonstrates that work, study, or other experiences in the interim has resulted in a stronger potential for law study than the applicant exhibited at the time he or she was previously disqualified.

Beyond these three alternatives, any student can seek to start his or her law studies completely anew under the Committee’s First-Year Law Studies Do Over policy.

Staff does not support the proposed change.

11. **Guideline 5.12 (Minimum Requirements for Award of Juris Doctor (J.D. degree)).** The accredited law schools believe that Guideline 5.12 should be revised to read as follows:

5.12 Minimum Requirements for Award of Juris Doctor (J.D.) Degree. A law school may issue a J.D. degree to a student who has met the following requirements:

(A) Satisfactory completion of a course of study meeting the requirements of guideline 5.15; and

~~(B) Obtaining a cumulative grade point average determined by the law school to provide the student a reasonable basis upon which to pass the California Bar Examination; and~~

~~(C)~~(B) Satisfaction of the legal education requirements to take the California Bar Examination although the law school is not a guarantor of the student's eligibility to take that examination.

Staff Comment: Section 2.01(H)2.B. of the *Factors* has long required graduation standards that include students having a cumulative average performance or grade average that the school establishes and which is at or above the minimally

acceptable level of performance for admission to the bar. Proposed Guideline 5.12(B) sought to clarify this long-standing requirement. Upon further review, both the current Factor and proposed guideline are ambiguous concerning what is expected in regard to a cumulative grade point average. Staff recommends that Guideline 5.12(B), as presently written, be revised to read as follows: "Satisfaction of the law school's scholastic and other requirements for graduation and receipt of its J.D. degree."

12. **Guideline 5.15(A) (Quantitative Academic Requirements – Hours and Weeks of Study; Time Requirements for Completion of Course of Study).** The CALS Deans believe the last sentence of subsection (A) should be revised to read as follows: "A law school must require the course of study for the J.D. degree be completed no earlier than ~~thirty-six~~ thirty-two months and no later than eighty-four months after a student has commenced law study at the law school or a law school from which the law school has accepted transfer credit."

Staff Comment: The minimum course of study for full-time students may be less than thirty-six months. For example, a student beginning law study in a semester-based J.D. degree program in August 2008 would complete her law studies and graduate in May 2011 (thirty-three months).

Staff supports the proposed change.

13. **Guideline 5.15(D) (Quantitative Academic Requirements – Part-time Students).** The CALS Deans believe subsection (D) should be changed to allow a minimum of six instead of eight hours of attendance a week to qualify as a week of part-time study.

Staff Comment: The existing *Factors* have long required a minimum of eight hours of attendance per week to qualify as a week of part-time study. That a part-time student is defined as a student taking between six and ten hours of instruction per week is not a basis for reducing the required hours of attendance per week to qualify as a week of study in relation to the requirement that part-time students complete not less than 1,200 hours of study in residence extending over a period of not less than 120 weeks.

Staff does not support the proposed change.

14. **Guideline 5.15(I) (Quantitative Academic Requirements – Curriculum).** The CALS Deans believe that this guideline should return to the language of the *Factors*, which grants law schools the discretion to use any academic terms and to teach courses over such periods of time as they deem appropriate.

Staff Comment: Most accredited law schools already use semesters or quarters as their academic terms. The proposed guidelines require the use of one or the other and require courses on bar-examination tested subjects to be taught in

class sessions of equal length each week for the length of the academic term. The proposed guidelines allow accredited law schools to offer all other courses to be taught in class sessions of such length and duration as they deem appropriate, so long as the credit is offered and counted in semester or quarter units.

To the extent that accredited law schools demonstrate that their J.D. degree programs produce acceptable results when their graduates take the California Bar Examination, the Committee could adopt a policy statement to the effect that it will consider requests from those schools to waive a particular rule or set of rules to allow them to make program adjustments or enhancements or to establish experimental programs based on factors such as are contained in Interpretation 802-1 of the *ABA Standards for Approval of Law Schools*. The ABA evaluates experimental programs based on (1) good reason to believe there is a likelihood of success; (2) high quality experimental design; (3) clear and measurable criteria for assessing the success of the experimental program; (4) strong reason to believe that the benefits of the experiment will be greater than the risks; and (5) adequately informed participation by students involved in the experiment.

Staff believes that accredited law schools that have an eventual bar examination pass rate of more than 60% should be allowed to request such waivers and that a condition of approval of any such waiver should be the law school's on-going maintenance of that minimum level of performance.

Staff does not support the proposed change.

15. **Guideline 5.16 (Content of Curriculum).** The CALS Deans believe this guideline should return to the language used in Section 2.01(D)3. of the *Factors*. That Section allows accredited law schools to set their own curriculums and determine the number of credit units allocated to individual courses. It directs that no more than 80% of the units required for the J.D. degree should be in subjects tested on the bar examination.

Staff Comment: Guideline 5.16 requires accredited law school curriculums to include the subjects tested on the California Bar Examination. It eliminates the restriction on requiring no more than 80% of the units required for the J.D. degree in subject tested on the bar examination. Lifting this lid, allowing law schools to offer and award credit for bar preparation courses, and allowing law schools to require passing a bar preparation course to graduate should in combination enhance the chances graduates have of passing the California Bar Examination. Guideline 5.16 also places more emphasis on ethics and professionalism by requiring students to complete and pass a course in

Professional Responsibility. Guideline 5.16 does not specify the number of units a law school must allocate to individual courses.

Staff does not support the proposed change.

16. **Guideline 5.25 (Academic Standing, Disqualification, Advancement, Retention, and Graduation Policy).** The CALS Deans believe this guideline should be revised to read as follows:

“A law school must have a written policy clearly defining academic standing, academic disqualification, advancement in good standing and on probation, retention, and the requirements for graduation. Exceptions to this policy may only be granted upon a clear showing of special circumstances and good cause.”

Staff Comment: Staff recommends rewriting Guidelines 5.25, 5.26, and 5.27 along the following lines. Accredited law schools must evaluate students for advancement and retention no later than the end of each academic year. Students who fail to meet the law school’s retention standard at the end of their second or subsequent years of study, whether they were placed on probation previously or not, must, without exception, be academically disqualified and dismissed. A student academically disqualified and dismissed may only be readmitted if the student satisfies the requirements in Guideline 5.6. This gives each accredited law school two full academic years to help their students succeed.

Students who are academically disqualified and dismissed under this revised standard may also petition to restart their law studies completely over in compliance with the Committee’s First-Year Law Studies Do Over policy.

17. **Guideline 5.26 (Advancement; Retention; Academic Disqualification).** The CALS Deans believe subsection (A) of this guideline should be revised to read as follows:

(A) The policy adopted by a law school in accordance with 5.25 provides for advancement on probation. A student, who was advanced on probation, should not be continued on probation for a second academic year except in exceptional circumstances.

The student seeking an additional term of probation must petition to the law school’s faculty committee. Rare exceptions can be made by the faculty committee after consideration of a petition that demonstrates special circumstances and good cause. The faculty committee’s written decision shall be placed in the student’s file.

Staff Comment: See the staff comments under Item 16 above.

18. **Guideline 5.27 (Evaluation of Students for Advancement and Retention).** The CALS Deans appear to believe this guideline should be revised to read as follows:

“A law school must evaluate first year students for advancement and retention no later than the end of their first year of law study. A law school must evaluate other students at the end of each academic year and may be counseled more frequently, as needed.”

Staff Comment: See the staff comments under Item 16.

19. **Guideline 5.28 (First-Year Law Students’ Examination).** The CALS Deans believe the following provision should be added to this guideline:

Under this policy, a student who restarts his or her law studies at an accredited or ABA law school without seeking credit for that first year, is exempt from the FYLSX.

Staff Comment: The proposal is contrary to § 6060(h)(2) of the California Business and Professions Code, which only exempts students from the First-Year Law Students’ Examination (FYLSX) if they have satisfactorily completed their first year of law study at an accredited law school (excluding special students who are required to take and pass the FYLSX even if they satisfactorily completed their first year of law study).

20. **Guideline 5.32 (Criteria for Evaluating Quality of Examinations and Accuracy and Reliability of Grading).** The CALS Deans believe subsection (A) should be revised to read as follows:

5.32 Criteria for Evaluating Quality of Examinations and Accuracy and Reliability of Grading. A critical factor in evaluating the soundness of a law school’s educational program is the quality of its examinations and the reliability of the grades given. In determining the quality and reliability of grading, the Committee will consider:

(A) The degree of correlation among the grades of all instructors teaching the same group of students (a wide disparity in grades or grade distribution, among the instructors teaching the same group of students, is prima facie evidence of poor grading standards or practices. Reasonableness in grade correlation includes due regard for variation in subject matter difficulty.);

(B) The independent judgment of an inspection team regarding the quality of examinations and the accuracy of grading; and

(C) Consistency in the application of the grading standards among members of the faculty.

Staff Comment: Staff supports this change.

21. **Guideline 6.4 (Library Content).** The CALS Deans believe they should be allowed to provide the following publications electronically:

- (A) General National Materials;
- (B) Annotated Reports (American Law Reports);
- (C) American Law Institute Publications Restatements;
- (D) Judicial Council Forms and California Forms; and
- (E) California Materials: West or Deering's Annotated Codes, West's/McKinney's Digest, Cal Jur 3d, and California Statutes

Staff Comment: Staff recommends that consideration of any change to the hard copy law library requirements applicable to accredited law schools be deferred pending the completion of the Committee's further study of this issue.

22. **Guideline 6.6 (Other Law Libraries).** The CALS Deans believe this guideline should be revised to read as follows:

A law school may rely on other law libraries to satisfy the library requirements of 6.4 where the law school provides online access to its students in compliance with 6.7 (Internet Access). The law school shall demonstrate, in its Annual Report, that access to the designated library(s) is available to its students on a reasonable basis. The website publication of access and hours is sufficient to show accessibility.

Staff Comment: Staff supports changing the language of proposed Guideline 6.6 (Other Law Libraries) back to the existing language in Section 2.01(F).9. of the *Factors* pending the completion of the Committee's further study of the law library requirements applicable to accredited law schools. Staff also supports extending all existing and approved law library requirement waivers until the completion of the Committee's further study of law library requirements issue.

23. **Guideline 6.7 (Access to Online Law Library Material).** The CALS Deans believe this guideline should be revised to read as follows:

A law school must provide each law student with access to the online law library materials it maintains throughout the student's law study. Access must be available at times convenient to students. A law school must provide adequate services and support to students to ensure that their access to the law school's online library material is appropriately available. Research and technical assistance

provided by legal information providers such as LexisNexis, Westlaw or LoisLaw demonstrates compliance with this requirement.

Staff Comment: The last sentence of the proposed change seeks to deem whatever support legal information providers such as LexisNexis, Westlaw or LoisLaw provide students as satisfying a law school's obligation to provide adequate services and support to students to ensure their access to the law school's online library material is appropriately available. The proposed language locks the Committee into accepting whatever level of support law school selected legal information providers provide their students as satisfying the requirements imposed on law schools in the proposed guideline.

Staff does not support the proposed change.

24. **Guideline 9.1(O)(2) (Annual Financial Reports).** The CALS Deans believe this guideline should be deleted (It provides that "Within thirty days after completing its annual financial report, a law school must forward a copy of the report to the Committee.").

Staff Comment: A law school must have adequate present and anticipated financial resources to support its programs and operations. The Committee is entitled to obtain information that assists it in monitoring law school compliance with this standard. The guideline merely requires that the Committee be sent a copy of a law school's annual financial report within thirty days of its completion.

Staff does not support the proposed change.

Geoffrey Brown, Dean, John F. Kennedy University School of Law

1. **Guideline 5.15 (Quantitative Academic Requirements – Attendance).** Dean Brown recommends that Guideline 5.15(B) be amended as follows:

Attendance. Regular and punctual attendance is required to satisfy the residence credit requirement and the 1,200-hour requirement. A law school must have a written attendance policy, which must require regular and punctual attendance of students. The policy must require attendance at not less than ~~eighty~~ ninety percent of the regularly scheduled class hours in each course in which a student is enrolled. The policy may also include requirements regarding preparation and participation.

Staff Comment: While some leeway should be provided for emergencies and illnesses, allowing students to miss 20% of the classroom instruction in their

courses does not enhance their chances of success in law school or on the California Bar Examination.

Staff supports the proposed change.

Stanislaus Pulle, Dean, Southern California Institute of Law (in addition to concerns contained in CALS Deans' comments summarized above)

1. **Guideline 2.3(D) (Required Disclosures).** Dean Pulle believes the added disclosure statement is unconstitutional.

Staff Comment: The general counsel's office has been consulted and staff is confident the additional disclosure statement is not unconstitutional.

2. **Guideline 5.5 (Applications Must Ask About Prior Law School Attendance).** Dean Pulle believes applicants should not be required to provide accredited law schools with their class standing at previously attended law schools.

Staff Comment: The word "standing" in proposed Guideline 5.5 was intended to refer to a student's overall standing (i.e., good standing, probation, academic disqualification, administrative disqualification, etc.) when the student left previously attended law schools. To the extent the word "standing" could be interpreted to refer to a student's individual "class standing", staff agrees the proposed guideline should be clarified, as indicated.

3. **Guideline 5.10 (Academic Program).** Dean Pulle objects to the requirements imposed by the following sentence in this guideline: "A law school must adopt and maintain a written plan to comply with this guideline and must submit its written plan and a yearly analysis of its effectiveness to the Committee with its annual report. A law school must update its written plan based on the law school's on-going assessment of its effectiveness."

Staff Comment: Guideline 5.10 requires a law school to maintain a qualitatively and quantitatively sound program of legal education. Maintaining a sound legal education requires strategic planning and assessment. ABA Standard 203 requires an ABA-approved law school to "demonstrate that it regularly identifies specific goals for improving the law school's program, identifies means to achieve the established goals, assesses its success in realizing the establishing goals and periodically re-examines and appropriately revises its established goals." Far from the "busy work" that Dean Pulle claims this proposed guideline requires accredited law schools to engage in, "There is nothing more important for any educational institution than to have clearly articulated educational goals. A law school cannot determine whether it is achieving its educational goals unless the goals are clear and specific. A law school's educational objectives

should be published and made available to prospective and current students, alumni, and employers.” R. Stuckey, *Best Practices for Legal Education* (2007).

Staff does not agree with this objection.

4. **Section 2.01(B)2.A.(1.) of the *Factors and Comments Governing the Interpretation and Application of the Standards*.** Dean Pulle objects to the deletion of the following provision from the *Factors*:

(1.) The school shall not issue, authorize, or permit the issuance of, any representation that might mislead any person, and more particularly shall not issue or permit the issuance of any representation that:

(a.) might mislead students or prospective students as to their reasonable prospects of graduation or of qualifying for or achieving admission to the bar in any state, the costs of meeting the requirements of graduation or of admission to the bar, or the financial benefits available by scholarship, loan or publicly or privately funded educational assistance; or

(b.) is derogatory of other schools; or

(c.) contains any untrue statements.

Staff Comment: Guideline 2.3(A) provides that a law school must be honest and forthright in all communications, including communications with the Committee, the legal profession, the public, prospective students, applicants, and students. The foregoing language has not been included in the proposed guidelines as it is both under and over inclusive. For example, it includes only of the specified false or misleading statements and also includes conduct that could involve statements that are neither false nor misleading (alleged “derogatory” statements about other law schools).

Staff does not agree with this objection.

Donald McConnell, Dean, Trinity Law School (in addition to concerns contained in CALS Deans’ comments summarized above)

1. **Guideline 5.10 (Academic Program).** Dean McConnell objects to the following sentence in this guideline: “A law school must maintain a qualitatively and quantitatively sound program of legal education.” He feels the phrase “quantitatively sound” implies that the program is only sound if it results in a high bar pass rate.

Staff Comment: Many factors are used in evaluating the qualitative and quantitative soundness of a law school's program of legal education. See the eleven criteria listed in Guideline 5.11, including, but not limited to, "The cumulative success of the law school's graduates on the California Bar Examination over such period of time as the Committee determines is appropriate."

Staff does not agree with this objection.

2. **Guideline 5.14 (Externship, Clinical, Law Review, and Similar Programs).** Dean McConnell objects to the requirement that a member of the faculty must supervise each student's participation in externship and internship programs.

Staff Comment: Student supervision should more appropriately be the responsibility of the lawyer, judge, law office, or public or private organization providing the externship or clinical opportunity. Staff supports deleting the requirement in Guideline 5.14(B) that a member of the faculty must supervise externships and clinical work not taught by a faculty member. Guideline 5.14(B) could be revised to read as follows: "A member of the faculty must periodically review each student's participation to ensure that the educational objectives are achieved."

3. **Guideline 5.15(I) (Quantitative Academic Requirements – Curriculum).** Dean McConnell opposes the following language in subsection (4) of the guideline: "Courses on subjects tested on the California Bar Examination must be taught in class sessions of equal length each week for the length of the academic term." He notes, "While regularity is probably helpful in bar courses, we see no particular reason that the classes have to be of equal length."

Staff Comment: Courses on bar examination-tested subjects are the most important courses in the law school curriculum. Consistent and recurring instruction should be required in these core courses to ensure, to the extent possible, acquisition of the knowledge required to pass the California Bar Examination. Guideline 5.15(I)(4) allows law schools to teach all other courses in their curriculums in class sessions of such length and duration as they deem appropriate, subject to credit being offered and counted in semester or quarter units.

Staff does not agree with this objection.

4. **Guideline 10.1 (Equal Opportunity and Non-discrimination).** Dean McConnell is concerned that changes in language from that contained in Section 2.01(L) of the *Factors* signals a change in Committee policy in these areas.

Staff Comment: The change in language suggests a change in meaning when no substantive change was intended. With the exception of adding a reference

to the U.S. Constitution, staff agrees that Guideline 10.1 should use the same language as contained in Section 2.01(L) of the *Factors*.

Donald Patrick Piggott, Dean, Humphreys College Laurence Drivon School of Law (in addition to concerns contained in CALS Deans' comments summarized above)

1. **Guideline 5.1 (Admissions Policy).** Dean Piggott believes the phrase “obviously unqualified” is meaningless and that placing a statement in a special student’s file regarding the reasons for admitting the student is unnecessary. “Their admission requirements are in the Code.”

Staff Comment: The meaning of “obviously unqualified” is ambiguous and cannot alter the pre-legal education requirements in the California Business and Professions Code and *Admissions Rules*, in any event. The last sentence requiring law schools to document why they have admitted special students is more process than is warranted in the circumstances. Again, the pre-legal education requirements in the California Business and Professions Code and *Admissions Rules* set the minimum standards for admission to an accredited law school. Staff supports deleting the second and last sentence of the proposed guideline.

Jane Gamp, Dean, San Francisco Law School (in addition to concerns contained in CALS Deans' comments summarized above)

Dean Gamp reiterates her support for the recommendations made by the CALS Deans regarding Guideline 6.6 (Other Law Libraries).

She also believes that accredited law schools should only be required to request a waiver of the law library requirements once. “Annual petitions to the Committee are duplicative and unnecessary. The Annual Report should be sufficient unless there is substantial change – which can also be addressed in the Annual Report.”

Staff Comment: See the staff comments above regarding items 21 and 22 (law library guidelines).

Daryl Fisher-Ogden, Dean, Abraham Lincoln University School of Law

1. **Guideline 2.3(D) (Required Disclosures).** Dean Fisher-Ogden believes that the guideline should be amended to require accredited law schools to disclose their bar examination passage rates directly to their students, consistent with what registered unaccredited law schools are required to do, rather than simply being required to refer people to the State Bar’s website for that information.

Staff Comment: Proposed Guideline 2.3(D) is a reasonable middle ground for required disclosures by accredited law schools. If adopted, accredited law

schools will be required to add the following disclosure to the principal page of their websites and to their catalogs:

[See Item 4 above for first portion of required disclosure]

The State Bar of California's website ([insert website address provided by the state bar]) contains information on the passage rates of graduates of this law school on the California Bar Examination.

Interested consumers will be able to check on the bar passage rates of the graduates of each accredited law school prior to determining which to apply to and, if admitted, to attend.

Staff does not support the proposed change.