

Major Changes between current

Factors and Comments Governing the Interpretation and Application of the Standards and Library Content Appendix

And proposed

Guidelines for Accredited Law School Rules

Executive Summary of Major Changes Between Factors and Guidelines

1. Bar Review Courses: A bar examination review or preparation course can be required for graduation, but any academic credit granted for attending may not be counted toward the minimum hours of study, weeks of study, or semester units or the equivalent in residence required to receive the J.D. degree.

2. Disclosure Statement: The required disclosure statement includes a reference to law school bar examination passage results being available on the state bar website.

3. Pass/Fail and Credit/No Credit Courses: These grades are not allowed in courses on subjects tested on the California Bar Examination.

4. Dean: A law school must have a dean. The dean must be a graduate of ABA-approved, Committee-accredited, or Committee registered law school. The dean cannot be a disbarred or suspended lawyer or one who resigned with disciplinary charges pending.

5. Evaluation of Instructors: New instructors must be evaluated during their first academic year of instruction and then every other year thereafter.

6. Admissions: A law school must adopt and maintain a sound admission policy.

7. Law School Admission Test: A law school must not admit a student without his or her score on the LSAT. A law school must consider each applicant's LSAT score in assessing the applicant's capability to satisfactorily study law.

8. Admission or Readmission of Applicants Previously Disqualified for Low Scholarship/Academic Reasons: The criteria under which a student can be readmitted following his or her disqualification for academic reasons has been narrowed.

9. Educational Program: A law school must adopt and maintain a written plan to comply with the requirement that it provide a qualitatively and quantitatively

sound program of legal education. A law school 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.

10. Graduation Requirements: To be entitled to receive a J.D. degree, a student must, among other things, have 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.

11. Curriculum: Law schools must use either the semester or quarter as their term of study (regular academic term). 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.

12. Content of Curriculum: A law school's curriculum must include the subjects tested in the California Bar Examination and students must complete and pass a course in Professional Responsibility.

13. Course Outlines and Syllabi: Students must be furnished, prior to the beginning of each course, with a written outline or syllabus of the organization of the course and the order in which material is to be read and prepared.

14. Use of CBE Examinations: A law school may use past California Bar Examination and First-Year Law Students' Examination questions as part of its examination in a course, but may not use such questions as the sole examination in any course.

15. Advancement, Probation, and Retention: 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 for advancement and retention at the end of each regular academic term. Students advanced to the second year of law study on probation must be academically disqualified if they do not meet the law school's requirements for advancement in good standing and retention at the end of any subsequent regular academic term. Students advanced to the second year of law study in good standing must be academically disqualified if they do not meet the law school's requirements for advancement in good standing and retention at the end of any two subsequent regular academic terms, whether or not the regular academic terms are consecutive. Law schools may not grant exceptions to these requirements unless required by law.

16. Distance-Education: Law schools are permitted to grant students a specified number of credits earned by attending distance-education courses.

17. Reliance on Other Law Libraries: A law school may rely on other law libraries to satisfy only a minor portion of the law library material the law school is required to maintain in its own physical law library.

18. Awarding of Professional Law Degrees in Addition to J.D. Degree: A law school must seek Committee acquiescence, following specified procedures and complying with specified standards, to award professional law degrees in addition to the J.D. degree.

Elaboration

1. Bar Review Courses

Factor 2.01(B)5. provides that a law school may not offer a review course that is designed for or customarily attended by students who are currently enrolled in subjects which are included in the review course and for which any fee or charge is made. Accredited law schools may not compel students to attend any particular review course.

Guideline 1.8 provides that a law school may require successful completion of a bar examination review or preparation course as a condition of graduation, but any academic credit given for attending such a course may not be counted toward the required minimum hours of study, weeks of study, or semester units or equivalent in residence.

2. Disclosure Statement

Factor 2.01(B)2.A(5.) requires an accredited law school to include the following statement in its bulletin, on its website, in any written or electronic material describing its program, 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 the State of California:

Study at, or graduation from, this law school may not qualify a student to take the bar examination or to satisfy the requirements for admission to practice in jurisdictions other than California. A student intending to seek admission to practice law in a jurisdiction other than California should contact the admitting authority in that jurisdiction for information regarding the legal education requirements in that jurisdiction for admission to the practice of law.

Guideline 2.3(D) requires that the following statement be included, without alteration, in a law school's course catalog and on the principal page of the law school's website for its J.D. degree program:

Study at, or graduation from, this law school may not qualify a student to take the bar examination or to satisfy the requirements for admission to practice in jurisdictions other than California. A student intending to seek admission to practice law in a jurisdiction other than California should contact the admitting authority in that jurisdiction for information regarding the legal education requirements in that jurisdiction for admission to the practice of law.

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.

A law school must also refer prospective students to its course catalog and website in written correspondence or electronic communications sent by the law school in response to inquiries about admission to its J.D. degree program.

3. Pass/Fail and Credit/No Credit Courses

Factor 2.01(B)3.A.(5.) provides that Pass/Fail or Credit/No Credit grading may be used in no more than one-third of the courses requiring classroom attendance in the first two-thirds of the curriculum.

Guideline 2.7(B)(2) provides that Pass/Fail or Credit/No Credit grades must not be used in courses on subjects tested on the California Bar Examination.

4. Dean

Factor 2.01(C)2. provides that a law school must have a competent dean or other administrative head devoting adequate time to managing and administering the affairs of the law school. At least one full-time administrator must be a graduate of a law school and have demonstrated competence in the fields of legal education and administration.

Guideline 4.1 provides that a law school must have a competent dean who devotes adequate time to managing and administering the affairs of the law school. The dean need not be full-time, provided the law school has at least one full-time administrator who is a graduate of an ABA-approved, Committee-accredited or Committee registered law school and has demonstrated competence in the fields of legal education and administration. A lawyer who is under suspension from the practice of law, who is disbarred or who has resigned with charges pending in any jurisdiction may not serve as the dean or an administrator of a law school.

5. Evaluation of Instructors

Factor 2.01(E)9. provides that a law school shall establish procedures for the regular evaluation of faculty performance. The law school may utilize its deans, other academic administrators, its or other law school faculty, alumni, lawyers, judges, and students in its evaluation process. A law school should not rely solely on the Committee or other accrediting agency for faculty evaluation.

Guideline 4.7 provides, in part, as follows: "A law school must evaluate each new instructor not less than once in the instructor's first academic year of instruction and must include a written report on the evaluation(s) in the instructor's file promptly upon completion of each evaluation. A law school must evaluate instructors not less than every other year following the completion of their first academic year of instruction and must include a written report on the evaluation(s) in the instructor's file promptly upon completion of each evaluation. A law school may not base instructor evaluations solely on student surveys or the input or assessment of one person."

6. Admissions

Factor 2.01(G)1. provides as follows:

In General.

An opportunity to obtain a legal education should be afforded all who wish it and who appear reasonably qualified, both as to inherent ability and prior educational background. However, a school which admits and accepts tuition from persons who clearly lack either the ability or the educational background to study law exploits such students and, in addition, injuriously affects the educational program and instruction of qualified students. The school must admit only those applicants who appear to be reasonably qualified and likely to succeed. Appropriate screening procedures in the admission of applicants are essential to accreditation.

Guideline 5.1 provides as follows:

5.1 Admissions Policy. A law school must adopt and maintain a sound written admissions policy. A law school must not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the degree program. A law school must only admit those students that meet the pre-legal education requirements contained in § 6060(c) of the Business and Professions Code, the *Admission Rules*, these guidelines, and the policies of the Committee. The dean or admissions officer must,

upon admission, place a signed statement in the file of any applicant admitted as a special student explaining the considerations that warranted the student's admission.

7. Law School Admission Test

Factor 2.01(G)1.D. provides that "The Law School Admission Test may be of value in assessing an applicant's potential for success as a law student. It is required of all applicants for admission as Special Students and its use is recommended for all other applicants."

Guideline 5.3 provides as follows: "A law school must not admit a student without the student's score on the Law School Admission Test (LSAT). A law school must consider each applicant's LSAT score in assessing the applicant's capability to satisfactorily study law."

8. Admission or Readmission of Applicants Previously Disqualified for Low Scholarship/Academic Reasons

Factor 2.01(G)4. allows law schools to admit or readmit students previously dismissed for low scholarship when there is an affirmative showing by an applicant, to the satisfaction of the admitting law school, of matters that justify the conclusion that the applicant possesses the requisite ability for the study of law. Law schools have discretion to determine when such a showing has been made.

Guideline 5.6 provides as follows:

5.6 Admission or Readmission of Applicants Previously Disqualified for Academic Reasons.

(A) Applicants previously disqualified for academic reasons may be granted admission or readmission when there is an affirmative showing by the applicant that he or she possesses the capability to satisfactorily study law. Such a showing may be made:

(1) At any time, if the applicant presents credible evidence that the disqualification was not caused by the applicant's lack of the capability to satisfactorily study law, but resulted from a traumatic event or serious hardship that prohibited the applicant from performing at her or his normal level;

(2) At any time, if the applicant passed the First-Year Law Students' Examination; or

(3) After at least two years have elapsed since the disqualification, if the applicant demonstrates that work, study, or other experience

during the interim has resulted in a stronger potential for law study than the applicant exhibited at the time he or she was previously disqualified for academic reasons.

In each case, the dean or admissions officer must sign and place in the applicant's file a statement of the reasons for admitting the applicant.

9. Educational Program

Factor 2.01(D) provides that a law school shall maintain a sound educational program. Subsection 1 sets forth matters to be considered in evaluating the quality of a law school's educational program. Subsection 2 sets forth the quantitative requirements.

Guideline 5.10 provides as follows:

5.10 Academic Program. A law school must maintain a qualitatively and quantitatively sound program of legal education. 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.

Guideline 5.11 sets forth the criteria to be used in determining compliance with Guideline 5.10 and Guideline 5.15 sets forth the quantitative requirements.

10. Graduation Requirements

Factor 2.01(H)2. provides as follows:

Graduation Standards.

The school shall adopt clearly defined requirements for graduation and earning the first professional degree in law, either the J.D. or LL.B. degree. The graduation standards

A. shall require satisfactory completion of not less than eighty (80) semester units, or the equivalent,

B. shall require 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, and

C. should, when fulfilled by the student, necessarily satisfy the legal education requirements for eligibility for the California Bar Examination, although the law school is not a guarantor of the student's eligibility for the Bar Examination upon graduation from the law school.

Guideline 5.12 provides 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;

(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) 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.

11. Curriculum

Factor 2.01(D)2.H. provides that “The curriculum may be offered, and units counted, toward the degree and graduation, in semester units, hours of class instruction, or otherwise.”

Guideline 5.15(I) provides that law schools must use either the semester or quarter as their term of study (regular academic term). Summer sessions must be at least five weeks long for semester-term law schools and three weeks long for quarter-term law schools. A summer session that is the length of a semester or quarter is a regular academic term. Guideline 5.15(I)(4) provides as follows:

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. A summer session course on a subject tested on the California Bar Examination may not be more than the equivalent of two semester or quarter units unless the summer session is the length of a semester or quarter. Subject to the requirements of guideline 5.15(C) and (D), other courses may be taught in class sessions of such length and duration as deemed appropriate by a law school. The unit credit for any such course must be calculated using the number of hours in each class session

times the number of class session weeks. For example, a course with three hour class sessions each week for five weeks is the equivalent of one semester unit. A course with two hour class sessions each week for five weeks is the equivalent of one quarter unit.

12. Content of Curriculum

Factor 2.01(D)3.B. provides, in part, as follows:

The school should offer a balanced and comprehensive course of study. A curriculum limited to those subjects that are included in the California Bar Examination is too narrow. Not more than eighty (80) percent of the units required for the degree should be in subjects tested on the bar examination.

Guideline 5.16 provides, in part, as follows:

Content of Curriculum. A law school must design its curriculum offerings, units per course, and requirements for graduation in a manner consistent with rule 4.160(E) and guideline 5.10. The curriculum must include the subjects tested in the California Bar Examination and students must complete and pass a course in Professional Responsibility.

13. Course Outlines and Syllabi

Factor 2.01(D)5.B provides as follows:

Course Outlines and Syllabi.

Students should be furnished well in advance with assignment sheets or other guides as to the organization of the course and the order in which the material is to be read and prepared.

If any course outlines or syllabi are prepared or used, they will be considered in evaluating the instructor's knowledge and organization of the material.

Guideline 5.15(K) provides as follows:

Course Outlines or Syllabi. Students must be furnished, prior to the beginning of each course, with a written outline or syllabus of the organization of the course and the order in which material is to be read and prepared. Course outlines and syllabi will be considered

in evaluating the instructor's knowledge and organization of the material.

14. Use of CBE Examinations

Factor 2.01(D)8. provides, in part, as follows:

Comment: The Committee's examination questions, past examination questions from the school to which any student to be examined may have had access, or past examination question samples or model examination answers that have been published should not be used for any purpose that may affect a student's grade except in courses that are being graded on a pass/fail or credit/no credit basis.

Guideline 5.21 provides as follows:

Restrictions on Use of Past Examinations. A law school may use past California Bar Examination and First-Year Law Students' Examination questions as part of its examination in a course, but may not use such questions as the sole examination in any course. Subject to compliance with the other guidelines on grading, a law school may reuse its prior examinations.

15. Advancement, Probation, and Retention

Factor 2.01(H)4.A., B., and C. provide as follows:

Academic Standing, Probation, and Exclusion.

A. The school shall adopt a clear policy defining academic standing, including policies for academic exclusion and for advancement in good standing, and may also provide for advancement on probation.

B. Once adopted and until changed the policy shall be adhered to, with exceptions being rare and then only on a clear showing of special circumstances and good cause. The power to grant exceptions should be vested in the faculty or a faculty committee and not left to the discretion of one person. All actions should be recorded in the permanent minutes of the faculty or committee meetings. When an exception is granted, a memorandum shall be placed in the student's file containing a record of the action taken and the reasons therefore.

C. Students shall be evaluated for advancement and retention at least as often as at the end of each academic year. Students who have not maintained the grade average required for graduation or advancement in good standing, as the case may be, should be promptly excluded, provided, however, that the school may permit:

(1.) students to continue on probation, in accordance with an established probationary policy;

(2.) students who are currently enrolled in intersession or summer session courses to complete such courses,

(3.) a limited number of students not meeting the foregoing conditions to continue, when approved by the faculty or a faculty committee, in accord with subsection B., above.

Guidelines 5.25, 5.26, and 5.27 provide as follows:

5.25 Academic Standing, Disqualification, Advancement, Retention, and Graduation Policy. 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. The policy must contain the process used to change it. A law school may not make exceptions to the policy based on individual circumstances except as required by law. The policy must be consistent with, and may not modify in any way, guidelines 5.26 and 5.27.

5.26 Advancement; Retention; Academic Disqualification.

(A) Students must be evaluated for purposes of advancement and retention in accordance with guideline 5.27. Students advanced to the second year of law study on probation must be academically disqualified if they do not meet the law school's requirements for advancement in good standing and retention at the end of any subsequent regular academic term. Students advanced to the second year of law study in good standing must be academically disqualified if they do not meet the law school's requirements for advancement in good standing and retention at the end of any two subsequent regular academic terms, whether or not the regular academic terms are consecutive.

(B) This guideline applies only to the advancement of a law school's own students. This guideline does not apply to students from other law schools or to a law school's own former students

seeking to return following a break in the ordinary progression of their academic programs. The enrollment of students from one law school into another, and the re-enrollment of a law school's own former students following an interruption in attendance, is governed by guidelines 5.7 and 5.8.

(C) A student will be considered to have been advanced under the provisions of this guideline regardless of the procedural format utilized by the law school, so long as, in substance, there is no interruption from one regular academic term to the next in the student's eligibility to enroll, and the student does, in fact, enroll in that next regular academic term. A summer session is not considered a "regular academic term" unless attendance at that session is required of all students who are at substantially the same point in the academic program as the student being continued.

5.27 Evaluation of Students for Advancement and Retention. 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 for advancement and retention at the end of each regular academic term.

16. Distance-Education

The *Factors* do not address this topic.

Guideline 5.34 allows accredited law schools to grant students a specified number of credits earned by attending distance education courses. Distance education is defined in the guideline.

17. Reliance on Other Law Libraries

Factor 2.01(F)9. provides as follows:

If the school is located in reasonable proximity to a public or other law library and the governing authorities of the other law library, in writing, permit the use of the other library by the school, its faculty and students, then the content of such other library and the nature and extent of the use so permitted the school, will be considered in determining compliance with this Standard.

Guideline 6.6 provides as follows:

Other Law Libraries. A law school may rely on other law libraries within reasonable proximity of its principal facility to satisfy a minor portion of the law library material the law school is required to

maintain in its own physical law library. The other law libraries must meet the requirements applicable to the law school's own law library. Unless they are public libraries, the other law libraries must provide the Committee with a letter signed by an authorized representative explaining the terms and conditions associated with the law school's faculty, staff, and students using its facilities. A law school must obtain the prior approval of the Committee to use other law libraries to satisfy a minor portion of the law library requirements applicable to it and a law school obtaining such approval must request the renewal of such approval in its yearly annual report. A request to use another law library or other law libraries to satisfy a minor portion of the law library requirements applicable to a law school must list the specific publications that the law school does not have and attest that the other law library or law libraries has or have those specific publications.

18. Awarding of Professional Law Degrees in Addition to J.D. Degree

The *Factors* do not address this topic (though the *Rules Regulating Accreditation of Law Schools in California* provide that accredited law schools must seek Committee approval to offer a new program in law study).

Division 11 of the Guidelines sets forth the rules and regulations applicable to accredited law schools seeking Committee of Bar Examiners acquiescence in the awarding of professional law degrees in addition to the J.D. degree.