

# ***Proposed Guidelines For Accredited Law School Rules***

## **Preamble**

These guidelines govern the interpretation and application of the *Accredited Law School Rules* pursuant to the provisions of rule 4.103 of the *Accredited Law School Rules*. The Committee of Bar Examiners (Committee) has the authority to amend these guidelines, subject to a reasonable public comment period and after consideration of any comments received. These guidelines replace in their entirety the *Factors and Comments Governing the Interpretation and Application of the Standards and Library Content Appendix* previously adopted by the Committee.

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## **Division 1. General Provisions**

1.1 Provisional Accreditation, Accreditation, and Degree-Granting Authority. To obtain provisional accreditation and receive degree-granting authority from the Committee of Bar Examiners (Committee), a registered unaccredited fixed-facility law school must establish its substantial compliance with the *Accredited Law School Rules (Rules)*. To obtain accreditation and receive degree-granting authority from the Committee, a provisionally accredited law school must establish its compliance with the *Rules*.

1.2 Maintaining Provisional Accreditation, Accreditation and Degree-Granting Authority. To maintain provisional accreditation or accreditation, and degree-granting authority, a law school must comply with the *Rules* applicable to its status as provisionally accredited or accredited and the policies and procedures adopted by the Committee.

1.3 Restrictions on Issuance of Juris Doctor (J.D.) Degree. The Juris Doctor (J.D.) degree must be granted only upon completion of a law program that qualifies a student to take the California Bar Examination.

1.4 Student Complaints. The Committee does not intervene in disputes between a student and a law school. It retains complaints about a law school submitted by students and considers those complaints in assessing the law school's compliance with the *Rules*.

1.5 Schedule of Charges and Deadlines. The Committee adopts the *Schedule of Charges and Deadlines* applicable to accredited law schools.

1.6 Compliance with Other Laws. Law schools must operate in compliance with all applicable federal, state, and local laws and regulations. While the Committee will not monitor or enforce the regulations of other agencies, noncompliance with applicable government laws and regulations may result in noncompliance with the *Rules*.

1.7 Primary Administrative Office, Classroom, and Law Library Facilities Location and Hours; Availability of Records. A law school must have its primary administrative office, classroom, and law library facilities in California. A law school must have and maintain access to all required records in its primary administrative office. A law school must be able to produce copies of all such records at its primary administrative office on demand, either by printing copies of electronic records or producing photocopies of paper records. A law school must maintain reasonable office hours at its primary administrative office so that administrative staff is available to students and the Committee.

1.8 California Bar Examination Review Courses Permitted; Limitations. If a law school grants academic credit for a bar examination review or preparation course, such credit may not be counted toward the minimum hours of study, weeks of study, or semester units or equivalent in residence required by guideline 5.15. A law school may require successful completion of a bar examination review or preparation course as a condition of graduation.

## **Division 2. Honesty and Integrity**

2.1 Honesty and Integrity. A law school must be honest and forthright in all of its activities. A law school must establish and maintain procedures and practices that demonstrate an on-going commitment to ensuring that every law school activity is conducted honestly and in a forthright manner.

## 2.2 Honesty Regarding Finances.

(A) Honesty in Financial Affairs Generally. A law school must conduct its financial affairs honestly and in a forthright manner. Financial considerations must not adversely affect a law school's educational program, admission or academic decisions, or academic or scholastic standards.

(B) Honesty In Financial Dealings With Prospective Students, Applicants, and Students. A law school must deal with prospective students, applicants, and students in an honest and forthright manner in all financial dealings. A law school must adopt a written refund policy that is fair and reasonable. A law school must provide refunds in accordance with its written refund policy, accompanied by a clear explanation of the method of calculation, within thirty days after a student withdraws from a class or a program, or within thirty days of the law school's discontinuing a course or educational program in which a student is enrolled.

(C) Financial Safeguards. A law school must establish reasonable safeguards against financial fraud and other financial improprieties.

## 2.3 Honesty in Communications.

(A) Honesty in Communications Generally. 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.

(B) Honesty in Communications with Students. A law school must be honest and forthright in all communications with students. It must not mislead students as to their reasonable prospects of obtaining the degree in the program in which they are enrolled, their ability to qualify for or be admitted to the bar in any jurisdiction, the cost of the requirements for obtaining the degree in the program in which they are enrolled, or the financial support available through loans or scholarships for their course of study.

(C) Honesty in Communications with Prospective Students and Applicants. A law school must be honest and forthright in all communications with prospective students and applicants. It must not mislead them as to their reasonable prospects of admission, obtaining the degree in the program in which they seek to enroll, their ability to qualify for or be admitted to the bar in any jurisdiction, the cost of the requirements for obtaining the degree in the program in which they are interested in enrolling or seek to be enrolled, or the financial support available through loans or scholarships for their course of study.

(D) Required Disclosures. To ensure that prospective students of, applicants to, and students of a law school's J.D. degree program are fully informed about the requirements and possible limitations associated with attending and graduating

from an accredited law school, an accredited law school must include the following statement, without alteration, in its course catalog and on the principal page of the 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.”

The type size of the foregoing disclosure must be at least as large as the type size used in the main text of the material in which it is included.

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.

(E) Reference to Provisional Accreditation and Accreditation; Reference to Other Accreditations, Approvals and Memberships.

(1) If a law school is granted provisional accreditation, it may make reference to such fact in its communications, provided that in any written or electronic publication in which reference to provisional accreditation is made, the following statement must appear, without alteration, on the same page, and in the same size type:

“The Committee of Bar Examiners of the State Bar of California grants provisional accreditation to a registered unaccredited fixed-facility law school when the law school establishes that it substantially complies with the *Accredited Law School Rules (Rules)* and appears capable of qualifying for accreditation within five years from the time provisional accreditation is granted. Provisional accreditation will automatically expire if the law school does not qualify for and receive accreditation within that five-year period or secure an extension of time. Provisional accreditation may be withdrawn at any time, if the Committee finds that the law school no longer substantially complies with the *Rules*.”

Whenever the words "Accredited" or "Provisionally Accredited" appear in law school communications in relation to qualification to take the California Bar Examination or admission to the practice of law in California, they must be accompanied by words clearly indicating that such accreditation is by the Committee of Bar Examiners of The State Bar of California.

(2) A law school that is accredited or approved by another agency or is a member of an association may state that fact in any communication, but must indicate in connection with any such statement that its degree-granting authority in connection with its students qualifying to take the California Bar Examination and obtain admission to the practice of law in California is based on accreditation by the Committee of Bar Examiners of The State Bar of California.

2.4 Forms of Ownership. A law school may be organized as a corporation, partnership, or sole proprietorship and may be for-profit or not-for-profit. If it is organized in non-profit form:

(A) It and any institution of which it is part must be organized as a non-profit educational institution under the laws of the State of California or, if its principal place of doing business is located outside California, under the laws of a state having substantially similar provisions;

(B) It and any institution of which it is part must have tax-exempt status under the United States Internal Revenue Code and the laws of the state in which it is located; and

(C) The total compensation, including fringe benefits and perquisites, paid to any person must not be more than a reasonable amount.

2.5 Compensation Based on Number of Applicants, Enrollment, and Students Prohibited. A law school may not base the compensation paid any person for service to the law school (other than compensation paid a student or associate for reading and correcting papers or similar activity) on the number of persons enrolled or in any class or on the number of persons applying for admission to or registering to enroll in the law school.

2.6 Fairness in Student Discipline. A law school must have a written policy for the imposition of student discipline and that policy must be fair.

(A) The law school's policy must include, but is not limited to, cancellation of an examination, denial of course credit, suspension, and dismissal.

(B) The law school's policy must provide for:

(1) Written notice of the specific charge or charges;

- (2) An opportunity for a hearing before a panel of impartial members of the faculty and/or administration, or, if the law school chooses, a panel of impartial members of the faculty and/or administration, and students; and
  - (3) A written final determination, which includes a statement of the facts, conclusions, and sanctions, if any.
- (C) The law school's policy may provide for, or may limit or exclude, the right to the assistance of counsel and the opportunity to call witnesses and examine adverse witnesses.
- (D) The law school's imposition of student discipline policy does not apply to academic probation or disqualification; other failures to meet academic standards; or to failure to pay tuition, fees, or charges billed to the student.

## 2.7 Fairness in Academic Standards and Student Assessment.

(A) Academic Standards Policy. A law school must adopt written academic standards that are fair. Changes in adopted academic standards may not be made without adequate prior notice to all affected students.

(B) Examinations and Grading Policy. A law school must adopt written policies on examinations and grading that are fair and must provide each student with a written statement of the grading system, including:

- (1) The grading system used. A law school may use a numerical, alphabetical, or other grading system. Grades should indicate whether the student's level of achievement is excellent, good, adequate, fair, inadequate but passing, or failing;
- (2) Whether, and if so, under what circumstances, courses may be graded "Pass/Fail" or "Credit/No Credit." Pass/Fail or Credit/No Credit grades must not be used in courses on subjects tested on the California Bar Examination;
- (3) The rules and procedures associated with course repetition;
- (4) The courses, units, grades, and grade point average required for retention, good standing, advancement, and graduation;
- (5) Whether anonymous grading is used to protect against favoritism or bias in grading, and, if so, the procedures used to maintain the anonymity of examinees;

(6) The circumstances under which a student is subject to disqualification for academic deficiency;

(7) The circumstances, if any, when a student with an academic deficiency may be allowed to continue on probation and the range of conditions of probation; and

(8) The process to request a review of a grade.

(C) Written Statement on Basis for Final Grade. A law school must provide each student with a written statement explaining the extent to which each of the following will be used in determining a final grade:

(1) The final examination;

(2) Mid-term or other examinations;

(3) Class performance, including preparation and participation, whether in a classroom, through correspondence, or online;

(4) Evaluation of examinations or other performance by other than the course instructor; and

(5) Any other consideration that might affect the grade in any course.

(D) Authenticity of Student Work. A law school must have a written policy setting forth the procedures used to authenticate the identity of the student submitting work and participating in educational and other law school activities and to ensure that work submitted is the student's own.

(E) Examination and Final Grades. A law school must advise each student of the grade received on each examination within a reasonable time after the examination and of the final grade within a reasonable time after the student completes the course.

(F) Right to Inspect and Copy Examination Questions and Answers. A law school must allow students to inspect and copy examination questions and their answers to those questions (other than for multiple-choice, true-false, and similar tests) for a reasonable period after grades are recorded. A law school must allow students to compare their answer sheets to the answer key for multiple-choice, true-false, and similar tests for a reasonable period of time after grades are recorded. A law school may release multiple-choice, true-false, and similar questions and answers to students at its discretion.

(G) Grade Review Committee. A law school must establish a committee consisting of faculty, and, if the law school chooses, one or more members of the

administrative staff and one or more students, to resolve student requests for grade reviews.

(H) Grade Review Procedures. A student who claims that an examination or course grade resulted from unfairness, a departure from established grading policy, or a clearly shown mistake, and presents credible evidence in support of such claim, may have the claim considered by the Grade Review Committee. A law school must establish written procedures for processing requests for the review of grades by the Grade Review Committee. Grade review procedures need not require a hearing.

2.8 Protection of Student Privacy and Confidentiality of Student Communications and Records. A law school must protect student privacy and the confidentiality of student communications and records. A law school must not disclose, without a student's consent, information about the student, including grades, grade average, class schedule, address or telephone number, or other private information, unless:

- (A) Required by law, including administrative subpoena or court order;
- (B) The information is requested by the Committee;
- (C) The information is requested by another accrediting agency; or
- (D) In case of emergency.

A law school may adopt a policy that allows directory information to be released without student consent. The policy must give students the right to request that their directory information remain confidential.

2.9 Security and Backup Systems. A law school must establish and maintain adequate security and backup procedures to protect its computer systems, communication systems, and written and electronic records from malicious, negligent, or inadvertent interruption, corruption, loss or destruction.

2.10 Statement of Provided Student Services, Experiences, and Activities; Adequate Support and Resources for Provided Services, Experiences, and Activities.

- (A) A law school must publicly state what services, experiences, and activities are available to students, and must provide adequate support and resources for provided services, experiences, and activities. "Publicly state" means a statement of available services, experiences, and activities in the law school's printed and electronic catalogs and on its website for its J.D. degree program. The type size of the statement must be at least as large as the type size used in the main text of the material in which it is included.

(B) A law school, through its faculty or otherwise, must provide academic counseling to students. A law school is encouraged to provide externship, clinical, law review, and similar experiences to enrich the legal education of its students. A law school with a full-time division is expected to offer more services, experiences, and activities than a law school with only part-time students. Student services, experiences, and activities must be made reasonably available to all students though a law school may impose reasonable qualifications (such as minimum grade average or year in school) for participation in services, experiences, and activities, other than academic counseling.

### **Division 3. Governance**

3.1 Governance Requirement. A law school must be governed, organized, and administered so as to maintain a sound program of legal education.

3.2 Governing Board. If the law school, or the institution of which it is a part, has a governing board, the board may establish law school policies so long as they are not inconsistent with the *Accredited Law School Rules* and these guidelines. The board must provide the dean of the law school the authority and support necessary to discharge the responsibilities of the position.

3.3 Optional Board of Visitors. A law school may, but is not required to, have a board of visitors to assist in program and curriculum development, planning, or other matters. A law school must give meaningful regard to the board of visitors' advice. The board of visitors may include members of the local bar and judiciary, administrators and faculty of other law schools, students, graduates of the law school, or others.

### **Division 4. Dean, Full-Time Administrator, and Faculty**

#### 4.1 Law School Dean; Full-Time Administrator; Duties.

(A) A law school must have a competent dean who devotes adequate time to managing and administering the affairs of the law school. The dean, and faculty as determined by the law school, must be responsible for the formulation and administration of the educational programs of the law school, including admissions, curriculum, methods of instruction, and standards for retention, advancement, and graduation of students. The governing board of the law school, or the institution of which it is a part, must determine the authority of the dean in the selection, retention, promotion, and tenure or security of position of the faculty.

(B) The dean may, but need not, devote full-time professional service to the law school, provided the law school has at least one full-time administrator who is a graduate of an American Bar Association approved, Committee accredited, or

Committee registered law school and has demonstrated competence in the fields of legal education and administration. A "full-time" administrator is a person whose principal activity is the administration of the law school, including teaching and legal scholarship, with no more than limited professional activities outside the affairs of the law school. Outside activities should be limited so that they do not interfere with regular presence at the law school, availability for consultation and interchange with students and colleagues, and participation in responsibilities as an administrator or as a member of the faculty. The full-time administrator may teach at the law school, if otherwise qualified, but is not required to be an instructor. 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 as an administrator of a law school.

4.2 Faculty Participation in Formulation, Implementation, and Administration of Academic and Non-Academic Policies and Programs. The degree of faculty participation in academic and non-academic policy-making and administration is within a law school's discretion. To the extent a law school has determined faculty members are to participate in academic and non-academic policy-making and administration, they are expected to be actively involved.

4.3 Faculty and Student-Faculty Ratio. There is no required number of faculty or student/faculty ratio. A law school must have sufficient faculty to maintain a sound program of legal education, ensure timely response to and evaluation of each student, and the prompt evaluation of assignments.

4.4 Course Loads of Instructors; Availability of Instructors for Student Counseling. An instructor must not have teaching responsibilities, with respect to the number of students, courses, or scheduled participation hours per week, that will impair the instructor's ability to adequately prepare and effectively teach. Each instructor has a responsibility to counsel students, and must be available at times and through means that are reasonably accessible and convenient to the students. An instructor may teach no more than three courses per academic term, counting sections of the same course as one-half.

4.5 Faculty Credentials. At least eighty percent of the faculty teaching in any academic term must be either admitted to the practice of law in a jurisdiction in the United States, be a judge of a United States court or a court of record in any jurisdiction of the United States, or be a graduate of a law school approved by the American Bar Association or accredited by the Committee. The faculty as a whole should possess a diverse educational background demonstrated in part by degrees earned from a variety of colleges and universities. Students must not be the sole instructors of any course, seminar, program or activity.

4.6 Duty of Instructors to Continuously Improve Teaching Skills and Substantive Expertise. Instructors must continually strive to improve their teaching skills and expertise in the subjects they teach. Instructors are expected to keep informed of

changes in the law and include in their courses a discussion of recent significant statutory changes and case law developments.

4.7 Evaluation of Instructors. A law school must adopt a written process for the evaluation of instructor competence. In evaluating the competence of an instructor, the factors to be considered are:

- (A) The instructor's education, knowledge, and experience in the subject matter;
- (B) The instructor's competence in the classroom or in other instructional activities;
- (C) The instructor's teaching skills given the technology and methodology used in instruction, and the quality of participatory experiences employed;
- (D) The instructor's organization of the course as demonstrated by outlines and syllabi;
- (E) The quality, nature, and type of examinations and assignments, and the quality of grading;
- (F) The relation between the field of instruction and the area of specialization, if any, of the instructor in private practice or other professional activities; and
- (G) The years of experience, both in teaching and in private practice or other professional activities.

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.

4.8 Basis of Instructor Evaluations. The evaluation of instructor competence is generally determined by observation in the classroom or other instructional activities, which may include, for distance-education courses, monitoring both synchronous and asynchronous activities. Evaluation also includes review of the materials used in the course, examinations given, and the extent to which examinations and grading standards provide a reasonably accurate appraisal of each student's ability. A comparison of course grades with examination scores in like subjects and the relation between the two are regarded as some indication of the quality of instruction, examinations, and grading standards.

4.9 Academic Freedom Policy. A law school should adopt an academic freedom policy for faculty. Under the policy, a faculty member can articulate a position or concept that may be controversial without fear of reprisal. Since the degree of academic freedom permitted will frequently depend on the nature of the institution, each law school should articulate its own policy.

4.10 Notice of Changes.

(A) A law school must notify the Committee in writing of any change in administrators, dean, or registrar. The written notice, explaining the nature and effective date of the change, must be sent no later than five business days after the effective date. A “change” means resignation, termination, retirement, sabbatical, or any other leave of absence. A “change” does not mean vacation or sick leave unless the law school has approved a leave of absence in connection therewith.

(B) A law school must notify the Committee in writing of any change of mailing address, e-mail address, phone number, or fax number for the law school’s primary administrative office, administrators, dean, or registrar. The written notice, explaining the changes and their effective dates, must be sent no later than five business days after the effective dates.

(C) A law school must notify the Committee in writing of any change in the Internet address of the home page of its website. The written notice, explaining the change and its effective date, must be sent no later than five business days after the effective date.

**Division 5. Admissions, Academic Program, and Scholastic Standards**

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.

5.2 Review of Pre-Legal Study. A law school must evaluate the pre-legal education of applicants to ensure compliance with § 6060(c) of the Business and Professions Code, the *Admission Rules*, these guidelines, and the policies of the Committee. Alternatively, a law school may request a Committee evaluation pursuant to rule 4.32 the *Admissions Rules*.

5.3 Law School Admission Test. 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.

5.4 Official Transcripts Required within Forty-Five Days of Beginning of Term. A law school must not permit a person to enroll or attend classes for more than forty-five days after the beginning of a term, unless when the person was admitted the law school had received official transcripts showing eligibility for admission under § 6060(c)(1) of the California Business and Professions Code and rule 4.25 of the *Admission Rules* or an official certification that the person had passed the equivalency examination required by § 6060(c)(2) of the California and Professions Code and rule 4.25 of the *Admission Rules*.

5.5 Applications Must Ask About Prior Law School Attendance. A law school must, on its application form, ask whether the applicant has ever attended another law school and, if so, what the applicant's standing was when the applicant left each previously attended law school. A law school should have an official transcript showing the applicant's status at each prior law school before granting admission.

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.

(B) A law school must require all applicants seeking admission or readmission following disqualification for academic reasons to take the Law School Admission Test, except for applicants that had taken the test prior to disqualification. A law school must not admit or readmit the applicant until the law school has received an official score report on the test. A copy of the report must be retained in the applicant's file.

#### 5.7 Credit Allowed for Admission or Readmission after Disqualification for Academic Reasons.

(A) The amount of credit that an applicant previously disqualified for academic reasons may receive for prior legal studies is subject to each of the following limitations but is otherwise discretionary:

(1) Credit may ordinarily be granted only for whole courses completed not more than thirty-six calendar months prior to the date the applicant is to begin further law studies. In exceptional circumstances involving serious illness or personal tragedy, credit for studies completed more than thirty-six calendar months prior to the date the applicant begins further law studies may be awarded. The dean must approve any such award of credit and documentation of the reasons for the exception must be placed in the student's file.

(2) Credit may be granted only for courses in which the applicant received a grade at the good standing level or higher from the awarding law school. However, in the case of an applicant who has passed the First-Year Law Students' Examination, the law school may acknowledge the credit previously granted for each completed course in Torts, Criminal Law, and Contracts, even if the grade was less than would be required for good standing. There is no time limitation for awarding credit based on passing the First-Year Law Students' Examination although consideration should be given to the limitations for credit in guideline 5.7(A)(1).

(B) No credit may be granted for any course completed at a registered unaccredited law school unless the admitting law school is satisfied that the content, quality, and grading standards for the course were substantially equivalent to those the admitting law school requires for a comparable course. If an applicant has passed the First-Year Law Students' Examination, the admitting law school may presume that a course in Torts, Criminal Law, and Contracts taken at a registered unaccredited law school meets its requirements.

(C) In no case may the number of units of credit granted by the admitting law school for any course completed at the applicant's prior law school exceed the

number of units that the admitting law school awards for a course of the same number of classroom hours.

(D) The admitting law school may grant credit for course work completed at a registered unaccredited law school only if an applicant has passed the First-Year Law Students' Examination or is exempt from that examination pursuant to § 6060(h)(2) of the California Business and Professions Code. An applicant who passes the examination

(1) Within the first three administrations after first becoming eligible to take it may receive credit for all legal studies completed before passing it; or

(2) Subsequent to its first three administrations after first becoming eligible to take it may receive credit for no more than one year of legal studies. If an admitting law school awards credit for courses from a registered unaccredited law school, the dean or admissions officer of the admitting law school must sign and place in the applicant's file a statement setting forth the facts relied upon to satisfy the above conditions and to determine the amount of such credit.

(E) This guideline deals only with the maximum amount of credit toward the J.D. degree that an admitting law school may grant for courses completed by a student who was disqualified for academic reasons. This guideline does not require the admitting law school to grant credit. An applicant's eligibility to take the California Bar Examination as a graduate of an accredited law school is also dependent upon the applicant meeting the residency requirement of these guidelines.

#### 5.8 Credit for Prior Study in the Absence of Prior Disqualification for Academic Reasons.

(A) This guideline deals only with the maximum amount of credit toward the J.D. degree that an admitting law school may grant for courses completed at another law school by a student who was not disqualified for academic reasons. This guideline does not require the admitting law school to grant credit. Credit for prior law study may be allowed to an applicant for admission who was not previously disqualified from a law school for academic reasons on the same basis as credit is allowable under guideline 5.7(A) to students previously disqualified for academic reasons.

(1) Credit may be allowed for law study successfully completed at another accredited law school.

(2) Credit may be allowed for law study for which academic credit was earned at a registered unaccredited law school if

(a) The credit does not exceed six semester units or the equivalent;  
or

(b) The applicant has passed the First-Year Law Students' Examination; and

(c) The admitting law school is satisfied that the content, quality, and grading standards for the course were substantially equivalent to those the admitting law school requires for a comparable course; and

(d) The dean or admission officer of the admitting law school signs and places in the student's file a statement setting forth the facts relied upon to satisfy these conditions.

#### 5.9 Credit for Resident Study outside the United States.

Persons who have obtained a first degree in law from or studied law in a law school in a foreign state or country may qualify as general applicants for the California Bar Examination pursuant to the terms of rule 4.30 of the *Admission Rules* and the policies of the Committee.

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.

5.11 Criteria for Determining Compliance with Guideline 5.10. In evaluating the qualitative and quantitative soundness of a law school's program of legal education, the Committee will consider:

(A) The content and scope of the curriculum;

(B) The competence of the instructors with respect to their knowledge of the subject matter and their ability as teachers;

(C) The materials used in each course, including required and recommended texts, course outlines, and syllabi;

(D) The effectiveness of the methods of instruction used;

- (E) Admission requirements, including minimum levels of prior education, preparation, or training;
- (F) The number of students in classes or instructional units;
- (G) The quality of examinations, assignments, and other student work as an indication of course coverage and as a measure of student knowledge and analytical ability;
- (H) The soundness of the grading system;
- (I) The availability of adequate legal research resources;
- (J) The adequacy of the law school's finances; and
- (K) 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.

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.

5.13 Evaluation of Pre-Legal Education and Law Study Contemplated or Completed. A student or law school may submit a request to the Committee for an evaluation of the student's pre-legal education and law study contemplated or completed. The student or law school, as applicable, must use the Committee's form and pay the required fee.

5.14 Externship, Clinical, Law Review, and Similar Programs. If a law school has a program that permits student participation in studies or activities that are not taught by a faculty member (such as externships or clinical programs) or in a format that does not involve participation in regularly scheduled courses (such as law review), the time spent in such studies or activities may be included as satisfying the hours requirements of guideline 5.15, if the following conditions are met:

- (A) The credit allowed must be commensurate with the time and effort expended by, and the educational benefits to, the participating student;
- (B) The studies or activities must be approved in advance;
- (C) A member of the faculty must supervise and periodically review each student's participation, to ensure that the educational objectives are achieved; and
- (D) The amount of credit may not exceed forty percent of the hourly requirement for any year or more than ten percent of the total hours required for graduation.

The law school must maintain a record for each participating student, including, at a minimum, the educational objectives of the student's activity, the number of hours spent by the student participating in the activity, the amount of academic credit authorized for the activity, the name of the faculty member who conducted or reviewed the activity, the name, address, telephone number, and qualifications of each person not on the faculty who directly supervised the student's participation in the activity, the methods used to evaluate the student's performance, and all other records required under these guidelines.

#### 5.15 Quantitative Academic Requirements.

(A) Hours and Weeks of Study; Time Requirements for Completion of Course of Study. The minimum requirements for the J.D. degree are satisfactory completion of a course of study requiring 1,200 hours of study, eighty semester units or the equivalent in residence, or study as permitted by guideline 5.14, extending over a period of not less than ninety weeks of full-time study or 120 weeks of part-time study, or a combination thereof. Final examination time, not exceeding ten percent of the total number of class session hours, may be included as class session hours, and counted toward the 1,200-hour requirement. Not more than twenty percent of the time required herein may be in courses exclusively in legal writing and research, legal analysis, or similar subjects. A law school must require the course of study for the J.D. degree be completed no earlier than thirty-six 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.

(B) 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 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.

(C) Full-time Students. A full-time student must complete not less than 1,200 hours of study in residence, extending over a period of not less than ninety weeks, and, to receive full residence credit for any academic term, must have been enrolled in a course of study requiring not less than ten hours of attendance a week and must have received credit for courses totaling not less than nine hours of attendance a week during that academic term.

(D) Part-time Students. A part-time student must complete not less than 1,200 hours of study in residence extending over a period of not less than 120 weeks and, to receive full residence credit for any academic term, must have been enrolled in a course of study requiring not less than eight hours of attendance a week and must have received credit for courses totaling not less than eight hours of credit a week during that academic term.

(E) Combining Study at Accredited and Registered Unaccredited Law Schools. Students who obtain a portion of their legal education at a registered unaccredited law school and a portion at an accredited law school present a special case. Unless such students actually graduate from an accredited law school and premise their eligibility to take the California Bar Examination upon that graduation, they must meet the alternative legal educational requirements of § 6060(e)(3)(i) of the Business and Professions Code in order to be eligible to take that examination. § 6060(e)(3)(i) requires four separate years of study in a law school (accredited or unaccredited), in each of which the student was enrolled in a course of study requiring at least 270 hours of classroom attendance. For this purpose, a “year” is any period of twelve consecutive months. Law schools allowing students to carry a lighter than usual course load during any twelve-month period should be aware of these implications should such students ultimately seek eligibility to take the California Bar Examination under the above four-year rule rather than as graduates of an accredited law school.

(F) Graduates of Accredited Law Schools Who Completed Portion of Legal Studies at Registered Unaccredited Law Schools. Students who complete a portion of their legal studies at a registered unaccredited law school and subsequently graduate from an accredited law school must in all events meet the guideline 5.15(A) requirements concerning 1,200 hours of study in residency (through required hours of classroom study in courses taken at both accredited and registered unaccredited law schools, in the aggregate) in order to be eligible to take the California Bar Examination as a graduate of an accredited law school.

(G) Proportionate Credit.

(1) If, in any academic term, a student was not enrolled in, or failed to receive credit for, the minimum number of hours specified in guideline

5.15(C) or (D), the student may receive only proportionate credit for study in residence for that academic term. The proportion is the ratio of hours enrolled or credit received to the minimum specified.

(2) If a person was a part-time student for any portion of the period of law study and a full-time student for the remaining portion of law study, the number of weeks of full-time study and three-fourths of the number of weeks of part-time study must total not less than ninety.

(H) Range of Course Load for Full-time and Part-time Students; Exceptions. In any regular academic term, a full-time student should normally be enrolled in courses requiring classroom attendance of not more than fifteen hours or less than ten hours per week. A part-time student should normally be enrolled in courses requiring classroom attendance of not more than ten hours or less than six hours per week. A law school may, for good cause, allow a person to enroll in courses requiring more or less hours than those specified, but in each case must enter in the student's file a memorandum stating the considerations constituting good cause. A full-time student is one who devotes substantially all working hours to the study of law. Full-time students should be encouraged not to work in excess of twenty hours a week.

(I) Curriculum.

(1) A law school must use either semester or quarter terms of study (regular academic term). A semester must be fifteen weeks in length. A quarter must be ten weeks in length. The curriculum must be offered and units counted toward the degree and graduation only in semester or quarter units or their equivalent. One semester unit is fifteen hours of classroom instruction for one hour per week for fifteen weeks, including final examination time not greater than ten percent of the total time. One quarter unit is ten hours of classroom instruction for one hour per week for ten weeks, including final examination time not greater than ten percent of the total time. Courses may be offered in one or more semester or quarter units or their equivalent.

(2) A law school may offer a summer session of not less than five weeks, for semester-based law schools, and three weeks, for quarter-based law schools. A summer session is an academic term, but not a regular academic term, except as provided in guideline 5.26(C).

(3) One hour of classroom instruction is defined as fifty minutes of instruction with a ten minute break period, or any equivalent arrangement of instructional time and break periods.

For example, a three-hour class could be arranged as follows:

75 minutes of instruction		50 minutes of instruction
30 minute break period	OR	15 minute break period
<u>75 minutes of instruction</u>		50 minutes of instruction
180 minutes total = 3 hours		15 minute break period
		<u>50 minutes of instruction</u>
		180 minutes total = 3 hours

(4) 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.

(J) Required Course Books. For each course, other than special seminars, each student enrolled should be required to obtain one or more specified books. A law school must use current, recognized books or other materials in each of its courses.

(K) 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.

(L) Instructional Formats. No particular format of instruction is required and instructors may use lectures, the case method, the problem method, directed study or other techniques, alone or in any combination.

(M) Class Size. Class size must be reasonable to assure teaching effectiveness. In determining the reasonableness of the size of any class, the following matters are considered:

- (1) The physical facilities and whether the room is appropriate for the number of students;
- (2) The subject matter of the course and the methods of instruction; and
- (3) The number and competence of the individual instructors when a course is offered in multiple sections.

Small classes are desirable as they facilitate greater participation by each student and a closer relationship between students and instructors. If a law school divides any course into sections, it must adopt procedures to ensure the quality of instruction across all sections of the same course and consistency in instruction, examinations, and grading.

5.16 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. All courses customarily given in the first year of a three-year program must be offered each year. Advanced courses of such a nature that one is not a prerequisite to another may, when enrollment is low, be offered on a biennial basis. At least one-half, in unit value, of all required courses must be given each year and no required course may be offered less frequently than every other year.

5.17 Balanced and Comprehensive Course of Study. A law school must offer a balanced and comprehensive course of study with materials presented in an organized and logical manner and sequence. The curriculum should offer students the opportunity to take elective courses.

5.18 Practical Skills. Instruction should be available in the practical skills of drafting legal documents, trial and appellate advocacy, and in professional skills such as law office management, counseling, and negotiation.

5.19 Student Interaction. Student interaction with faculty members and with one another is an essential component of a legal education and is critical to the development of the lawyering skills of analysis and communication. A law school must provide means for such interaction and for access to the faculty, whether through scheduled office hours, regular or electronic mail, chat rooms, or telephone contact. A law school must include student interaction with faculty in the plan required by guideline 5.10.

5.20 Required Examinations; Exceptions. There must be a written examination in every course except those requiring substantial oral or written work, such as trial and appellate advocacy, legal document drafting, law office management, counseling, and negotiation. An examination must be a test of student knowledge and eligibility for

advancement and it should also be an educational tool, enabling students to acquire further perspective through the process of analysis and exposition.

5.21 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.

5.22 Examination Formats; Evaluation of Examination Effectiveness. A law school may determine the format of examinations, e.g., long or short essay questions, short form answers, or objective testing. A law school must evaluate course examinations to determine the extent to which they test student ability and knowledge of fundamental principles and encompass the subject matter of the course. A law school must include its examination evaluation process in the plan required by guideline 5.10.

5.23 Grading Standards. A law school must adopt written grading standards that ensure accuracy, validity, reliability, and consistency in the evaluation of student performance. Each student must be graded honestly and realistically. Course instructors must evaluate students in the course. There should be a reasonable correlation among the grades of all instructors teaching the same group of students. A wide disparity in the grades among several instructors teaching the same group of students is prima facie evidence of inadequate grading standards. Reasonableness in correlation may include due regard for variation in subject matter difficulty.

5.24 Scholastic Standards. A law school must adopt sound written scholastic standards that ensure that students who lack the capability to satisfactorily complete the law school's J.D. degree program are not allowed to continue in that program.

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.

5.28 First-Year Law Students' Examination. A student who is required to take the First-Year Law Students' Examination will not receive credit from the Committee for any law study until the student has passed that examination. A student successfully completing the first year of law study at a registered unaccredited law school must take and pass the First-Year Law Students' Examination within three administrations after first becoming eligible to take it. Only one year of law study will be granted if the examination is passed on an attempt later than within three administrations of the examination after the student becomes eligible to take it. A student may apply to start his or her law studies completely over in compliance with the Committee's Do-Over Policy.

5.29 Disqualification of Students for Failure to Pass the First-Year Law Students' Examination. A student who is required to take and does not pass the First-Year Law Students' Examination within three administrations after first becoming eligible to take that examination must be promptly disqualified from a law school's J.D. program. A student who passes the First-Year Law Students' Examination within three administrations after first becoming eligible to take it will receive credit for all legal studies completed to the time the examination is passed. A student who does not pass the examination within the three administrations after first becoming eligible to take it,

but who subsequently passes it, is eligible for re-enrollment in the law school's J.D. program, but will receive credit for only one year of legal study.

5.30 No Duplicate Credit for Course Repetition. A law school must not grant duplicate credit for repetition of the same or substantially the same course, whether in the same or a different law school.

5.31 Written Policy on Course Repetition. A law school must adopt a written policy on course repetition. The policy must specify when a course must be repeated. The policy must state the effect of the repetition on a student's grade point average, the amount of credit earned, and the course grade, as well as the effect on disqualification, probation, advancement, and graduation. The policy must identify when a course may be repeated. The policy must state the effect the repetition will have on the student's grade point average, the amount of credit earned, and the course grade.

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);
- (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.

5.33 Records. For records of admission and related reports to the Committee, a law school must separately list and report the names and number of persons admitted in each of the following categories: Regular Students with a Bachelor's Degree; Regular Students without a Bachelor's Degree; Special Students; Students Previously Disqualified for Academic Reasons; Students with Prior Law Study without Prior Disqualification for Academic Reasons; and Auditors and Visitors, who are not to be counted as admitted students.

5.34 Distance-Education Credit.

- (A) A law school may grant up to twelve distance-education semester credit units or the equivalent in quarter credit units toward its J.D. degree and other professional law degree programs. A law school must not grant a student more than four distance-education semester credit units or the equivalent in quarter credit units in any academic term, and no student in a J.D. degree program may

enroll in a distance-education course until the student has completed the first academic year of law study.

(B) For purposes of this guideline, “distance-education” is defined as a course in which more than one-third of the instruction is provided by means of:

- (1) Technological transmission, whether by the Internet, open broadcast, closed circuit, cable, microwave, satellite, or otherwise;
- (2) Audio or computer conferencing;
- (3) Audio or video cassettes, discs, or other electronic media; or
- (4) Correspondence.

(C) To be eligible to receive distance-education credits, a student must be currently enrolled and in good academic standing. An auditor or visitor may participate in distance-education courses, subject to the requirements of Guideline 5.35.

(D) A law school’s acceptance of distance-education credit as transfer credit is subject to the requirements of guidelines 5.7 and 5.8.

(E) A law school may award credit for a distance-education course if:

- (1) The academic content, the method of course delivery, and the method of evaluating student performance are evaluated and approved as part of the law school’s regular curriculum approval process;
- (2) A structured format for interaction with the instructor and other students is available during the course; and
- (3) A method for monitoring and recording student participation, effort, and accomplishment is integrated into the course methodology.

(F) Approval of credit for a distance-education course must include a specific explanation of how the course credit was determined. Credit awarded must meet the requirement of fifteen contact hours of online instruction for each semester credit granted or the equivalent in quarter units.

(G) Distance-education courses must be graded on the same basis as classroom-based courses.

5.35 Admission as an Auditor or Visitor. An individual may be permitted to enroll as an auditor or visitor in a limited number of courses without complying with the law school’s J.D. degree program admission requirements. The law school must have a written

policy to ensure that those admitted have the ability and knowledge to benefit from the course and that they will not interfere with the progress of, or be a detriment to, the regularly enrolled J.D. degree program students. Individuals permitted to enroll in courses under this guideline are not counted as law students, but should be identified as auditors or visitors on reports submitted to the Committee.

## **Division 6. Library Requirements**

6.1 Library Resources. A law school's library resources must serve the teaching, research, and other goals of the law school. A law student cannot successfully complete a J.D. degree program or be prepared for admission to practice law without training in the use of a law library or without reasonable access to adequate legal research resources. The faculty of a law school cannot adequately prepare or teach without access to adequate legal research resources to supplement their preparation and research.

6.2 Law Library. A law school must maintain a physical law library containing the hard copy publications specified in guideline 6.4 and providing Internet access to the online resources it has the option to provide in that format under that guideline. A law school's law library must be adequate for the number of students, staff, and faculty of the law school. Adequacy is determined by law school enrollment, physical layout, holdings, physical condition and currency of the publications and other resources, hours of operation, number and credentials of library staff, and administration and organization.

6.3 Location of Law School Law Library. The law school's law library must be housed in the same physical structure as the law school's classrooms and faculty and administrative offices or in one that is close to the law school's classrooms and offices. It should be well lit, ventilated, and:

(A) Equipped with easily accessible stacks for all materials in the collection, plus space for expansion to accommodate supplements, advance sheets and new materials as received;

(B) Equipped with seating at tables or desks for at least the number of students, staff, and faculty who may be reasonably expected to use the law library for study or research at the same time; the law library of a law school with a full-time program must accommodate at least one-fifth of the enrolled students;

(C) Not be used for class or instructional purposes that substantially interfere with its principal purpose as a law library;

(D) Open at reasonable times that meet student, staff, and faculty needs; and

(E) Operated by a competent staff that keeps all material current, provides reasonable assistance, and maintains all required records. A law school is not required to have a full-time law librarian.

#### 6.4 Library Content.

(A) A law school's law library must contain the following law library material:

TITLE	FORMAT REQUIREMENT
<p>1. <b><u>General National Materials:</u></b> Corpus Juris Secundum <i>or</i> American Jurisprudence, 2d</p>	<p>Require one in hard copy.</p>
<p>2. <b><u>Dictionaries:</u></b> A legal dictionary <i>and</i> A general dictionary</p>	<p>Require both in hard copy.</p>
<p>3. <b><u>Annotated Reports:</u></b> American Law Reports – Federal American Law Reports, 4th and 5th</p>	<p>Require all in hard copy. It is recommended that online access be provided for American Law Reports 1<sup>st</sup> through 3<sup>rd</sup>.</p>
<p>4. <b><u>American Law Institute Publications</u></b> Model Codes, Reports and Drafts</p> <p>Restatements of the Law, Reports and Drafts.</p>	<p>Require all in hard copy. Online access is an acceptable alternative.</p> <p>Require in hard copy for all required courses in the law school's curriculum; online access is an acceptable alternative for all other courses.</p>
<p>5. <b><u>Forms of Pleading and Practice and Legal forms:</u></b> California Judicial Council forms Current set of California forms</p> <p>Current set of National forms</p>	<p>Require both in hard copy.</p> <p>Require all in hard copy. Online access is an acceptable alternative.</p>
<p>6. <b><u>Uniform Laws Annotated</u></b></p>	<p>Require all in hard copy. Online access is an acceptable alternative.</p>

TITLE	FORMAT REQUIREMENT
<p><b>7. <u>California Materials:</u></b>  California Supreme Court Reports  California Appellate Court Reports  West's California Reporter  West's California Reporter 2nd</p>	<p>Require all in hard copy. If the law school provides the official reporter through electronic means, then the unofficial reporter in hard copy is acceptable, or vice versa. Both official and unofficial in hard copy are recommended.</p>
<p>West's or McKinney's Digest  California Jurisprudence, 3rd  West's or Deering's Annotated Codes, including indices  California Statutes  California Jury Instructions, Civil (BAJI)  California Jury Instructions, Criminal (CALJIC)</p>	<p>Require all in hard copy.</p>
<p>Law Revisions Commission Reports  Attorney General Opinions  California Code of Regulations</p>	<p>Require all in hard copy. Online access is an acceptable alternative.</p>
<p><b>8. <u>Federal Materials:</u></b>  United States Supreme Court cases, any set</p> <p>Federal Reporter, 1<sup>st</sup> through 3<sup>rd</sup>  Federal Supplement  Federal Rules Decisions  Tax Court cases  Board of Tax Appeals decisions  Federal Digest  Supreme Court Digest  Annotated edition of U.S. Code  United States Statutes at Large  Code of Federal Regulations  Loose leaf Tax Service</p>	<p>Require in hard copy. For those materials now out of print or those with an older series, online access or on disc is an acceptable alternative.</p> <p>Require all in hard copy. Online access is an acceptable alternative.</p>
<p><b>9. <u>National Reporter System:</u></b>  (1st to date) for all of the following:  Atlantic Reporter, New York Official</p>	<p>Require all in hard copy. Online access is an acceptable alternative.</p>

TITLE	FORMAT REQUIREMENT
Reports Northeastern Reporter Northwestern Reporter Pacific Reporter Southeastern Reporter Southern Reporter Southwestern Reporter	
<b>10. <u>Text and Treaties:</u></b> Encyclopedia, treaties, or current text for courses taught Witkin, Summary of California Law Witkin, California Procedure Witkin, California Criminal Law Witkin, California Evidence	Require all in hard copy.
<b>11. <u>Law Reviews and Journals:</u></b>	Require eight in hard copy. The law school must select at least eight publications or topical journals that are most suitable for its curriculum and its students. These materials must date back to 1970. Online access is an acceptable alternative.
<b>12. <u>Other Resources:</u></b> Current Law Index or Index to Legal Periodicals Local county and city ordinances Local municipal codes Legislative history-United States Code, Congressional and Administrative News (USCCAAN)	Require all in hard copy. Online access is an acceptable alternative.
Local court rules	Require in hard copy.
<b>13. <u>Cite Checking Resources:</u></b> Shepard's Citation Service or Westlaw Key Cite	Require one in hard copy. Online access is an acceptable alternative.

(B) Whenever a set of books is specified, the requirement includes the most recent version, although it may not be listed, and reasonable access to:

(1) All supporting materials published as part of the set, and the latest available pocket parts, supplementary and replacement volumes, and any other materials necessary to keep the set in current condition;

(2) All periodicals, in permanently bound form, except for the current year.

(C) For material that may be provided online, the law library must have a reasonable number of computers and printers available for student and faculty use in accessing and printing it.

6.5 Instruction in Legal Research. A law school must provide students with instruction in the use of physical publications and electronic-based legal research.

6.6 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.

6.7 Access to Online Law Library Material. A law school must provide each law student with access to the online law library material 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 consistently available.

6.8 Library Records. A law school must create and maintain the following records:

(A) A complete hard copy or electronic list of all expenditures for hard copy and electronic library material and all other electronic legal research resources available to students; and

(B) A complete hard copy or electronic list of all hard copy and electronic library material and all other electronic legal research resources available to students, indicating the means of access and any restrictions and limitations on access.

## **Division 7. Physical Resources**

7.1 Physical and Infrastructure Requirements. A law school must have physical resources and an infrastructure adequate for its programs and operations. A law school should have the exclusive occupancy of office and law library facilities at all times and of classrooms, which must also be available for a reasonable time before and after class. A law school may share classroom space with another department or institution if the arrangements do not interfere with the scheduling of classes. All physical facilities must be in reasonable proximity to each other so that students have convenient access to classrooms, the library, and administrative offices. A law school must have classrooms that are sufficient for its program and adequate for their intended use.

7.2 Administrative and Faculty Offices. A law school must provide adequate office space for all administrative staff and faculty, giving due regard for the need for private offices for senior administrators and full-time faculty. Private offices or a faculty lounge should be provided for part-time faculty. At least one private room, suitable in size for the intended purpose, must be available for counseling students.

7.3 Instructional Equipment; Resources and Procedures to Address Technology-Related Problems. A law school must have and maintain instructional equipment adequate to support its educational program. A law school must have and allocate adequate resources and create and maintain adequate procedures to promptly and effectively address technology-related problems in the delivery of its educational program.

## **Division 8. Financial Resources**

8.1 Financial Resources. A law school must have adequate present and anticipated financial resources:

- (A) To support its programs and operations, including all services it claims to provide;
- (B) To ensure that all students admitted to the educational program have a reasonable opportunity to complete the program and obtain degrees; and
- (C) To timely pay refunds to which students are entitled.

8.2 Expenditure of Assets and Funds To Provide Sound Program of Education. A law school must use its assets and funds, including tuition, fees, and other charges collected from or on behalf of students, to provide a sound program of legal education.

8.3 Financial Reports. A law school must annually report its financial affairs to the Committee in the format prescribed by the Committee. If a law school submits a financial report to another accrediting agency or a governmental authority, a copy of that

report must be contemporaneously provided to the Committee. The Committee reserves the right to require a law school to submit an audited financial statement prepared by an independent certified public accountant.

## **Division 9. Records and Reports**

**9.1 Recordkeeping.** A law school must maintain complete and accurate records of its programs and operations and that are readily accessible to its administration and the Committee. A law school may keep required records in paper or electronic format, as it deems appropriate, but the law school must adopt and follow written procedures that enable it to promptly produce paper copies of the records when needed by the administration, faculty, students, and the Committee, and that protect required records from theft, destruction, corruption or other types of loss. The procedures must specify how and when written and duplicate records are to be created, maintained, stored, and retrieved if the original or primary records are lost, stolen, destroyed or corrupted.

**(A) Applications.** Records must be maintained for all applicants for each academic term, that include:

- (1) Name of the applicant;
- (2) Date application was received;
- (3) Classification of applicant as Regular or Special, and as beginning or advanced;
- (4) Law School Admission Test scores and dates taken;
- (5) Number of undergraduate units completed or degree(s) received, and law school(s) attended;
- (6) Undergraduate grade point average;
- (7) Action on the application; and
- (8) If admitted, whether the applicant registered or attended.

A law school must keep applications for at least one year from the beginning of the academic term for which the person applied.

**(B) Record of Admissions.** For each person who was admitted, but did not register or attend, a law school must maintain a file containing:

- (1) The application;

- (2) Official transcripts for all prelaw studies, including undergraduate and graduate degrees;
- (3) Official transcripts of any law study at another law school;
- (4) Certification of passing an equivalency examination, when required;
- (5) Law School Admission Test Score scores and dates taken;
- (6) Letters of recommendation, if any; and
- (7) Action taken on the application.

A law school must keep the files for at least one year from the beginning of the academic term for which the individual was admitted.

(C) Student Files. For each person admitted who did register or attend, a law school must maintain a permanent file containing:

- (1) All admissions records required by guideline 9.1(B);
- (2) Memoranda of the determinations and all supporting documentation for any accommodations accorded students with disabilities;
- (3) Memoranda of the determinations and all supporting documentation for any applications to change or correct entries on student transcripts;
- (4) If applicable, the date or dates on which the student took the First-Year Law Students' Examination and whether the student passed or failed each examination;
- (5) A record of any faculty or administrative action regarding the student's academic performance, any disciplinary action, any leave of absence or other interruption of studies, any disqualification prior to graduation, and any other matter relating to a variance between the student's course of study and the rules of the law school, the *Rules*, and these guidelines; and
- (6) Any other matters required by the *Rules* and these guidelines.

(D) Transcripts. A law school must keep a permanent transcript for each student who was or is enrolled in any course in the law school, which must contain:

- (1) Information that clearly identifies the student;
- (2) Date of admission;

- (3) Whether the student is or is not a J.D. degree candidate;
- (4) Any credit allowed for law study at another institution, either at the time of admission or thereafter, listing law school, course or courses taken, when taken, unit credit allowed, and grades received;
- (5) All academic credit granted for courses taken at the law school and all courses in which the student registered, clearly indicating, by beginning and ending dates, academic term (semester, quarter, or summer session) and year, the courses and their unit value, credit granted and grade(s) received;
- (6) A notation of any leaves of absence granted or other interruptions in study, whether authorized or not; and
- (7) The date and nature of the final termination of studies, whether withdrawal, disqualification, transfer, graduation, or otherwise, and if graduated, the degree conferred.

A law school must adopt a written policy that provides that transcript entries may be changed only upon a showing of good cause. The policy must set forth the procedure to be followed to apply for and approve a transcript change under that standard.

(E) Class Records. An official class record must be permanently maintained for each course or section of a course for each academic term (semester, quarter, or summer session) that shows:

- (1) Name of course, designation of section, instructor, term, and year taught;
- (2) Regularly scheduled meeting times or participatory activities;
- (3) Names of all students enrolled at the commencement of the academic term;
- (4) Date of withdrawal of each student who did not complete the course; and
- (5) Final grades received by each student.

(F) Examinations and Grade Tabulations. A law school must maintain for inspection by the Committee:

- (1) A file of all examinations given in the last five years;

(2) For one year, students' final examination papers (including briefs, memoranda, research papers, and videotapes of oral presentations). If mid-term examinations are used in calculating a student's grade, those examination papers must also be maintained for one year. These retention requirements do not apply if the law school promptly returns graded original examination papers to all students and does not retain copies for its records;

(3) A permanent record of grades on all examinations, by course;

(4) A permanent record of course grades in all courses; and

(5) An annual grade distribution chart, by course and instructor, for all courses.

(G) Administrative Personnel. A permanent file must be maintained for each person who is or has been an administrator of the law school, including but not limited to presidents, chief executive officers, chief financial officers, deans, associate or assistant deans, and registrars. The file must contain a personal history giving undergraduate education, graduate education, and law school education, if any, with years attended and degrees conferred, the date of admission to the State Bar of California or of admission to practice law elsewhere, including any changes in status, a summary of his or her professional career, and any other information relating to the person's qualifications as an administrator.

(H) Faculty Personnel. A file must be maintained for each instructor or person who has served on the instructional staff, including teaching assistants, graders, and tutors, during the last five years. The file must contain:

(1) A summary of undergraduate education, graduate education, if any, and law school education, with years attended and degrees conferred; the date of admission to the State Bar of California or of admission to practice law elsewhere, including any changes in status;

(2) A list of any published writings;

(3) A description of any prior teaching experience;

(4) A record of all courses, by academic terms and years, taught at the law school;

(5) Evaluations made by the dean, faculty committee, students, or others; and

(6) Transcripts of legal education.

(I) Faculty Minutes. A law school must maintain a file of the minutes of all meetings of the faculty and faculty committees for the last five years.

(J) Board Minutes. A law school must maintain a permanent file of the minutes of all meetings of its governing board and that board's committees.

(K) Operating Records. A law school must maintain records sufficient to prepare its Annual Compliance Report, periodic self-studies, and any other report required by the *Rules*.

(L) Catalogs, Bulletins, Brochures, and Handbooks. A law school must maintain a file containing its catalogs, bulletins, brochures, and student and faculty handbooks for the current and previous five years.

(M) Committee Correspondence. A law school must maintain a permanent file of all correspondence to and from the Committee, including Annual Compliance Reports and other reports, all certifications, and all petitions and requests for waivers, together with any supporting materials and the action taken by the Committee.

(N) Inspections by Agencies other than the Committee. A law school must maintain a permanent file of all reports, self-studies, questionnaires, and inspection reports for accrediting or licensing agencies; Annual Compliance Reports; and similar documents relating to evaluation of the law school. A law school must forward to the Committee a copy of any self-study or inspection report within thirty days of its issuance.

(O) Annual Compliance and Other Reports. The reports listed below must be regularly made at the time and in the manner specified by the Committee. Other reports may be required when the Committee deems them necessary to determine compliance with the *Rules* and these guidelines or to obtain information that may be helpful to the Committee in connection with the performance of its regulatory and oversight responsibilities. The Committee may extend for good cause the time for submitting any report.

(1) Annual Compliance Report. A law school must file its Annual Compliance Report in accordance with rule 4.161. A law school must submit with its Annual Compliance Report copies of its current catalog, bulletin, brochures, advertisements, application forms, and student and faculty handbooks, as well as any other materials requested by the Committee.

(2) Annual Financial Report. Within thirty days after completing its annual financial report, a law school must forward a copy of the report to the Committee.

## **Division 10. Equal Opportunity and Non-Discrimination**

10.1 Equal Opportunity and Non-Discrimination. Consistent with sound educational policy and the *Rules*, a law school should demonstrate a commitment to providing equal opportunity to study law and in the hiring, retention and promotion of faculty without regard to sex, race, color, ancestry, religious creed, national origin, disability, medical condition, age, marital status, political affiliation, sexual orientation, or veteran status. A law school should maintain, by concrete action, a commitment to provide full opportunities for the study of law and entry into the profession of law by qualified members of racial and ethnic minorities and other groups that have been victims of discrimination in the past. A law school should be committed to equality of opportunity in the admission and retention of students and in hiring, retention, and promotion of faculty without discrimination or segregation, in accord with any requirements of the Constitutions of the United States or the State of California. Nothing in this guideline is intended to prohibit admission, retention, hiring, or promotion policies designed to remedy present effects of past discrimination.

## **Division 11. Awarding of Professional Degrees in Addition to the Juris Doctor Degree**

11.1 Committee of Bar Examiners Acquiescence Required to Award Professional Law Degrees In Addition To The Juris Doctor Degree. A law school must apply to and obtain the acquiescence of the Committee to award any professional law degree in addition to the Juris Doctor (J.D.) degree. As provided in rule 4.105(K) of the *Rules*, a “professional law degree” is the Bachelor of Laws (LL.B.), Master of Legal Studies (M.L.S.), Juris Doctor (J.D.), Masters of Law (LL.M.) or other post-graduate degree authorized by the Committee. As provided in rule 4.101(C), the *Rules* do not apply to paralegal programs, undergraduate degree programs, or other legal studies programs that do not lead to a professional degree in law. Degrees such as “Executive Juris Doctor,” “Life-time Learning Juris Doctor,” or similar degrees using “Juris Doctor” or “J.D.” as part of their names are a subset of the Juris Doctor degree that do not qualify the recipients to take the California Bar Examination or qualify for admission to practice law in the State of California. Such degrees are considered professional law degrees in addition to the Juris Doctor degree for purposes of these guidelines.

### 11.2 Application; Requirements; Restrictions; Termination of Authority to Issue Professional Law Degrees.

(A) A law school must apply for Committee acquiescence of a professional law degree program on a form approved by the Committee and provide the Committee any other information it requests to assist it in evaluating the proposal for a professional law degree program. The application must be submitted with the fee set forth in the *Schedule of Charges and Deadlines*.

(B) A law school must demonstrate to the satisfaction of the Committee that receiving acquiescence to grant a professional law degree in addition to the Juris Doctor will not detract from the law school's ability to maintain its Juris Doctor degree program in compliance with the *Rules* and these guidelines.

(C) A law school must demonstrate to the satisfaction of the Committee that its proposal complies with the curriculum and other substantive program requirements adopted by the Committee for professional law degree programs in addition to the J.D. degree.

(D) The Committee will not consider an application for acquiescence from a provisionally accredited law school or if a law school has a pending Notice of Noncompliance or is on probation.

(E) A law school must agree to maintain any authorized professional law degree program in compliance with any terms, conditions, and restrictions set by the Committee. A law school must agree that the Committee may terminate authority to issue a professional law degree previously authorized following a notice of noncompliance process substantially similar to the Notice of Noncompliance procedure set forth in Chapter 5 of the *Rules*, except that the decision of the Committee is final and rule 4.177 does not apply.

11.3 Required Disclosures for Professional Law Degree Programs. To ensure that prospective students, applicants, and students are fully informed about the limitations of a professional law degree program other than for the J.D. degree, a law school must include the following statement, without alteration, in its course catalog and on the principal page of its website for such programs:

“Except as provided in rule 4.30 of the *Admission Rules* (General Applicants With First Degrees in Law from Foreign Law Schools), completion of a professional law degree program at this law school other than for the Juris Doctor degree does not qualify a student to take the California Bar Examination or satisfy the requirements for admission to practice law in California. It may not qualify a student to take the bar examination or to satisfy requirements for admission to the practice of law in any other jurisdiction. A student intending to seek admission to practice law should contact the admitting authority in the jurisdictions where the student intends to qualify to sit for the bar examination or to be admitted to practice for information regarding their legal education requirements.”

The type size of this disclosure must be at least as large as the type used in the main text of the material in which it is included.

11.4 Reference to Course Catalog and Website. 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 professional law degree programs other than for the Juris Doctor degree.

11.5 Acquiescence Does Not Constitute Quality Approval. Committee acquiescence in a law school's professional law degree programs other than for the Juris Doctor degree is not, and law schools must not represent it to be, approval of the quality of any such program.