



THE STATE BAR OF CALIFORNIA

OFFICE OF ADMISSIONS
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MEMORANDUM

DATE: April 24, 2007

TO: Board Committee on Regulation, Admissions and Discipline Oversight

FROM: Gayle Murphy

SUBJECT: Revised Draft Rules for the Registration of Unaccredited and Correspondence Law Schools – Request for Release for Public Comment

Executive Summary

During its March meeting, the Board Committee on Regulation, Admissions and Discipline approved the request of the Committee of Bar Examiners (“Committee”) to circulate proposed *Rules Regulating Unaccredited, Correspondence and Distance Learning Law Schools* for a 90-day public comment period. Since that time, the proposed registration rules have been rewritten to conform to the State Bar of California’s new rules language standards. The Committee seeks the Board Committee’s approval to replace the currently circulating registration rules with the revised version. The public comment period would remain the same, which is scheduled to conclude on June 18, 2007.

Subject/Issue

Whether the proposed *Rules Regulating Registration of Unaccredited, Correspondence and Distance Learning Law Schools* should be replaced with the revised version entitled, “Rules on Registration of Unaccredited, Correspondence, and Distance-Learning Law Schools.”

Background/Summary of Proposal

The Board Committee on Regulation, Admissions and Discipline Oversight recently approved the Committee of Bar Examiners' (Committee) request to send the proposed *Rules Regulating Registration of Unaccredited, Correspondence and Distance Learning Law Schools* out for public comment; the proposed rules have been posted on the State Bar's Web site and forwarded to all California law schools. A copy of the public comment notice and the first draft of the proposed rules are attached as Attachment A.

The State Bar has initiated a Bar-wide review and revision of all its rules to conform them to certain standards and translate them into "plain English." So that the registration rules eventually adopted for implementation in January 2008 conform to these standards, the proposed registration rules were forwarded to Victor Rowley, who is the State Bar's contractor charged with this project, for revision. With his assistance and in consultation with Admissions and General Counsel staff with expertise in this area, the format and language of the new registration rules have been changed. The substance of the registration rules, however, has not changed from the version reviewed by the Board Committee during its last meeting. Attached as Attachment B is the revised version of the proposed registration rules, now entitled: *Rules on Registration of Unaccredited, Correspondence, and Distance-Learning Law Schools*, which were approved in principle by the Committee of Bar Examiners during its March 2007 meeting for the purpose of circulating them for public comment.

The registration rules were drafted in order to implement the provisions of Senate Bill 1568 (Dunn). In order to appropriately administer the new law, which consolidates the regulation and oversight of unaccredited law schools, correspondence and distance learning law schools with the Committee of Bar Examiners, the registration rules must be adopted and timely circulated to the affected schools so that they have a sufficient amount of time to come into compliance by January 1, 2008.

Length of Public Comment Period

Thirty-nine days for the revised version. A public hearing has been scheduled for June 15, 2007, in the Los Angeles State Bar offices from 9:00 a.m. until noon.

Effective Date of Proposal

The registration rules are scheduled to become effective January 1, 2008, after final consideration by the Board of Governors (Board). In the absence of public comment that suggests to the Committee substantive changes should be made to the proposed rules, which would require another period of public comment, final approval of the proposed rules is tentatively scheduled for consideration during the July 2007 Board meeting.

Fiscal and Personnel Impact

Depending on the final version of the registration rules, which will affect the level of staffing and costs associated with the functions assigned to the Office of Admissions' Educational Standards department, appropriate fees in an amount to sufficiently fund this program will be determined. The proposed fees will be submitted to the Board for approval later this year.

Board Committee Recommendation and Proposed Resolution

The Committee of Bar Examiners recommends that the Regulation, Admissions and Discipline Oversight Committee authorize the substitution of the currently circulating *Rules Regulating Registration of Unaccredited, Correspondence and Distance Learning Law Schools* with the *Rules on Registration of Unaccredited, Correspondence, and Distance-Learning Law Schools*. If the Board Committee agrees, adoption of the following resolution would be appropriate:

RESOLVED, that the Regulation, Admissions and Discipline Oversight Committee authorizes staff to make available for public comment the proposed *Rules on Registration of Unaccredited, Correspondence, and Distance-Learning Law Schools*, which will replace the currently circulating *Rules Regulating Registration of Unaccredited, Correspondence and Distance Learning Law Schools*, in the form attached, for a public comment period concluding June 18, 2007; and it is

FURTHER RESOLVED, that this authorization for release for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed item.

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Attachment