



THE STATE BAR OF CALIFORNIA

OFFICE OF ADMISSIONS
Gayle E. Murphy, *Senior Executive*

MEMORANDUM

DATE: July 2, 2007

TO: Board Committee on Regulation, Admissions and Discipline Oversight

FROM: Gayle Murphy

SUBJECT: **Proposed Amendments to Rule 9.30, *California Rules of Court* re Registration of Unaccredited and Correspondence Law Schools – Request to Release for Public Comment**

Executive Summary

Rule 9.30, *California Rules of Court*, (Rule 9.30) sets out the requirements for law study in schools other than those accredited by the Committee of Bar Examiners (Committee). After a period of public comment, proposed amendments to Rule 9.30 (formerly known as Rule 957) were forwarded to the Board of Governors (Board) asking that proposed amendments to the rule be forwarded to the Supreme Court; the Board approved the Committee's request. The proposed amendments would have permitted the collection of fees for registration of unaccredited law schools; required correspondence law schools to meet the same requirements as fixed-facility law schools, to the extent feasible, for registration; and removed specific library requirements for fixed-facility law schools. Subsequent to approval by the Board, the Office of General Counsel determined that non-substantive changes needed to be made in order to bring the proposed amendments into alignment with the format and style of other rules of court. After approval by the Board, the proposed rules were sent to the Court in 2006. Shortly after their transmittal, however, SB 1568 was introduced, which proposed changes relative to the registration, oversight and regulation of unaccredited law schools. As a result, the proposed amendments to Rule 9.30 were withdrawn. The legislation became law and the Committee adopted the new Unaccredited Law School rules during its June 2007 meeting, subject to approval by the Board of Governors. [See Item July 122 on the Board's Agenda.] To ensure that the new rules do not conflict with Rule 9.30, a proposed revised Rule 9.30 was drafted, which would replace the current language in Rule 9.30. The Committee approved the rule in principle, and seeks the Board Committee's approval to circulate the proposed revised rule for a 90-day public comment period.

Subject/Issue

Whether the proposed revised Rule 9.30 regarding the registration, oversight and regulation of unaccredited law schools should be circulated for a 90-day public comment period.

Background/Summary of Proposal

The current Rule 9.30 (Attachment A) establishes the basic requirements for fixed-facility and correspondence law schools in California that are not approved by the American Bar Association or accredited by the Committee. Schools meeting these requirements may qualify their students to receive law study credit toward establishing eligibility to take the First-Year Law Students' Examination and the California Bar Examination. Amendments to the rule, which would have authorized the Committee to establish minimum library content for schools subject to Rule 9.30, rather than having the minimum content specified in the rule and would have authorized the Committee to charge schools subject to Rule 9.30 fees to cover the costs of oversight, in addition to ensuring the requirements for both fixed-facility and correspondence law schools were equal as much as possible, were approved by the Committee and the Board and transmitted to the Supreme Court for its consideration.

The proposed amendments to Rule 9.30, however, were withdrawn following the introduction of SB 1568 by Senator Dunn. The Governor signed the legislation, which charges the Committee with sole responsibility for the oversight and regulation of unaccredited law schools. In order to implement the new law, proposed Unaccredited Law School Rules were drafted, circulated for public comment, finalized with non-substantive changes and are on the Board Committee's and Board of Governors' meeting agendas for consideration and approval during their July meetings. To ensure that the new rules do not conflict with Rule 9.30, language changes to that rule were drafted (Attachment B).

The Committee considered the revised rule during its June 30, 2007 meeting, approved it in principle and seeks approval by the Board Committee to circulate the revised Rule 9.30 for a 90-day public comment period.

Effective Date of Proposal

The proposed amendments to Rule 9.30 would become effective upon approval by the Supreme Court of California.

Fiscal and Personnel Impact

To be determined.

Recommendation

If the Board Committee on Regulation, Admissions and Discipline Oversight agrees with the recommendation of the Committee of Bar Examiners to circulate the proposed revised Rule 9.30 of the *California Rules of Court* for a 90-day public comment period, 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 revised Rule 9.30 of the *California Rules of Court*, which would replace the current language of the rule, in the form attached, for a 90-day public comment period; 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.

RAD0707-1
Attachments

2007 California Rules of Court

Rule 9.30. Law school study in schools other than those accredited by the examining committee

(a) Receipt of credit

A person who seeks to be certified to the Supreme Court for admission in and licensed to practice law under section 6060(e)(2) of the Business and Professions Code may receive credit for:

- (1) Study in a law school in the United States other than one accredited by the examining committee established by the Board of Governors of the State Bar under Business and Professions Code section 6046 only if the law school satisfies the requirements of (b) or (c) of this rule; or
- (2) Instruction in law from a correspondence school only if the correspondence school requires 864 hours of preparation and study per year for four years and satisfies the requirements of (d) of this rule; or
- (3) Study in a law school outside the United States other than one accredited by the examining committee established by the Board of Governors of the State Bar under Business and Professions Code section 6046 only if the examining committee is satisfied that the academic program of such law school is substantially equivalent to that of a law school qualified under (b) of this rule.

(Subd (a) amended effective January 1, 2007; previously amended effective April 2, 1984.)

(b) Requirements for unaccredited law schools in state

A law school in this state that is not accredited by the examining committee must:

- (1) Be authorized to confer professional degrees by the laws of this state;
- (2) Maintain a regular course of instruction in law, with a specified curriculum and regularly scheduled class sessions;
- (3) Require classroom attendance of its students for a minimum of 270 hours a year for at least four years, and further require regular attendance of each student at not less than 80 percent of the regularly scheduled class hours in each course in which such student was enrolled and maintain attendance records adequate to determine each student's compliance with these requirements;
- (4) Maintain, in a fixed location, physical facilities capable of accommodating the classes scheduled for that location;
- (5) Have an adequate faculty of instructors in law. The faculty will prima facie be deemed adequate if at least 80 percent of the instruction in each academic period is by persons who possess one or more of the following qualifications:
 - (A) Admission to the general practice of the law in any jurisdiction in the United States;
 - (B) Judge of a United States court or a court of record in any jurisdiction in the United States; or
 - (C) Graduation from a law school accredited by the examining committee.
- (6) Own and maintain a library consisting of not less than the following sets of books, all of which must be current and complete:

ATTACHMENT A

- (A) The published reports of the decisions of California courts, with advance sheets and citator;
 - (B) A digest or encyclopedia of California law;
 - (C) An annotated set of the California codes; and
 - (D) A current, standard text or treatise for each course or subject in the curriculum of the school for which such a text or treatise is available.
- (7) Establish and maintain standards for academic achievement, advancement in good standing and graduation, and provide for periodic testing of all students to determine the quality of their performance in relation to such standards; and
- (8) Register with the examining committee, and maintain such records (available for inspection by the examining committee) and file with the examining committee such reports, notices, and certifications as may be required by the rules of the examining committee.

(Subd (b) amended effective January 1, 2007; previously amended effective April 2, 1984.)

(c) Requirements for unaccredited law schools outside the state

A law school in the United States that is outside the state of California and is not accredited by the examining committee must:

- (1) Be authorized to confer professional degrees by the law of the state in which it is located;
- (2) Comply with (b)(2), (3), (4), (5), (7), and (8) of this rule; and
- (3) Own and maintain a library that is comparable in content to that specified in (b)(6) of this rule.

(Subd (c) amended effective January 1, 2007; previously amended effective April 2, 1984.)

(d) Registration and reports

A correspondence law school must register with the examining committee and file such reports, notices, and certifications as may be required by the rules of the examining committee concerning any person whose mailing address is in the state of California or whose application to, contract with, or correspondence with or from the law school indicates that the instruction by correspondence is for the purpose or with the intent of qualifying that person for admission to practice law in California.

(Subd (d) amended effective January 1, 2007.)

(e) Inspections

The examining committee may make such inspection of law schools not accredited by the committee or correspondence schools as may be necessary or proper to give effect to the provisions of Business and Professions Code section 6060, this rule, and the rules of the examining committee.

(Subd (e) amended effective January 1, 2007.)

(f) Application

This rule does not apply to any person who, on the effective date of the rule, had commenced the study of law in a manner authorized by Business and Professions Code section 6060(e) and registered as a law student before January 1, 1976 (as provided in Business and Professions Code section 6060(d) and otherwise satisfies the requirements of Business and Professions Code

section 6060(e), provided that after January 1, 1976, credit will be given such person for any study in an unaccredited law school or by correspondence only if the school complies with the requirements of (b)(8) or (d) of this rule, whichever is applicable, and permits inspection under (e) of this rule.

(Subd (f) amended effective January 1, 2007.)

Rule 9.30 amended and renumbered effective January 1, 2007; adopted as rule 957 by the Supreme Court effective October 8, 1975; previously amended effective April 2, 1984.

California Rules of Court

Rule 9.30. Unaccredited Law Schools

- (a) The Supreme Court has inherent authority over admission to the practice of law in California. The Committee of Bar Examiners, pursuant to Business and Professions Code § 6046.7, is charged with adopting rules for the regulation and oversight of unaccredited law schools doing business in California and nonlaw school legal programs leading to a juris doctor (J.D.), bachelor of laws (LL.B.), or other law study degree.
- (b) A person who seeks to be certified to the Supreme Court in accordance with Business and Professions Code § 6060(e)(2) may receive credit for study in an unaccredited law school in California only if the law school
 - (1) complies with the Unaccredited Law School Rules adopted by the Committee of Bar Examiners and approved by the Board of Governors; and
 - (2) pays the fees that the Board of Governors, on recommendation of the Committee of Bar Examiners, has determined to be reasonable and necessary to fund the regulatory and oversight responsibilities of the State Bar under the Unaccredited Law School Rules.

Rule9.30.062807

ATTACHMENT B