



# THE STATE BAR OF CALIFORNIA

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

## MEMORANDUM

**DATE:** February 19, 2008

**TO:** Board Committee on Regulation, Admissions and Discipline Oversight

**FROM:** Gayle Murphy, Senior Executive, Admissions

**SUBJECT:** **PROPOSED AMENDMENTS TO *RULES REGULATING ACCREDITATION OF LAW SCHOOLS IN CALIFORNIA*, UPDATING REQUIREMENTS AND CONFORMING THE LANGUAGE TO THE NEW STATE BAR RULES STANDARDS – REQUEST FOR RELEASE FOR PUBLIC COMMENT**

### Executive Summary

As part of The State Bar of California's ongoing effort to update its rules and conform the language to its new rules standards, a revised version of the *Rules Regulating Accreditation of Law Schools in California* has been drafted. The proposed new rules, which are now titled "Accredited Law School Rules", if ultimately adopted by the Committee of Bar Examiners (Committee) and approved by the Board of Governors, would become the second set of rules under "Title 4. Admissions and Educational Standards." There are only a few substantive changes in the new version of the rules. The new rules provide for: 1) provisional accreditation, rather than candidacy status, which is consistent with the process used by the American Bar Association for approving law schools; 2) elimination of one visit during the accreditation application processes, which is cost and time efficient without affecting the quality of the assessment; and 3) establish a probation process for schools that are having problems, but for which withdrawing their accreditation may be premature. Otherwise, the changes that have been made are not intended to change how the Committee accredits law schools. The Committee approved the proposed revised version of the new rules in principle, subject to a public comment period and final adoption and approval by the Board of Governors, and seeks the Board Committee's approval to circulate the proposed revised version for a public comment period.

### Subject/Issue

Whether the proposed *Accredited Law School Rules*, which would replace the *Rules Regulating Accreditation of Law Schools in California*, should be circulated for a public comment period.

## **Background/Summary of Proposal**

The State Bar of California has initiated a Bar-wide review and revision of all its rules to conform them to certain standards and translate them into “plain English.” With the assistance of Victor Rowley, who is assigned the primary responsibility for this project, and in consultation with Admissions and General Counsel staff with expertise in the area of law school accreditation, the format and language of the current *Rules Regulating the Accreditation of Law Schools in California* have been re-written and are now titled “Accredited Law School Rules.”

There are a few substantive changes between the current rules and the proposed new rules. The primary differences are:

- (1) The current rules provide for candidacy status and accreditation. The new rules provide for provisional accreditation and accreditation, which reflects modern terminology.
- (2) The new rules require one visitation in connection with consideration of an application for both provisional accreditation and accreditation. The current process of requiring a consultation visit and then an inspection visit before the Committee finally decides to grant provisional accreditation and accreditation is unduly time consuming and expensive.
- (3) The new rules provide a process for the Committee of Bar Examiners (Committee) to put a law school on probation in situations that do not justify termination of accreditation.

New *Guidelines for Accredited Law School Rules* to replace the *Factors and Comments Governing The Interpretation of The Standards* are also being prepared. The Committee will consider final adoption of the revised guidelines following final approval of the new *Accredited Law School Rules* by the Board of Governors.

The current accreditation rules may be accessed through the Admissions’ portion of the State Bar of California’s Web site, and the proposed new *Accredited Law School Rules* is attached as “Attachment A.” The proposed new version of the accreditation rules was recently approved in principle by the Committee for the purpose of circulating them for public comment, with the Board Committee’s consent.

## **Length of Public Comment Period**

In accordance with the current proposed revision of the Board of Governors’ policies, these proposed rules should be circulated for a 45-day public comment period. Alternatively, if the proposed revisions of its public comment policy is not approved by the Board, for a 90-day public comment period.

### **Effective Date of Proposal**

The *Accredited Law School Rules*, if ultimately approved by the Board, would become effective January 1, 2009.

### **Fiscal and Personnel Impact**

None.

### **Board Committee Recommendation and Proposed Resolution**

The Committee of Bar Examiners recommends that the Regulation, Admissions and Discipline Oversight Committee authorize the circulation of the proposed *Accredited Law School Rules* for a public comment period. 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 *Accredited Law School Rules*, which will replace the *Rules Regulating Accreditation of Law Schools in California*, in the form attached, for a 45-day [or 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.