

TITLE 4. ADMISSIONS AND EDUCATIONAL STANDARDS

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DIVISION 2. ACCREDITED LAW SCHOOL RULES

CHAPTER 1. GENERAL PROVISIONS

Rule 4.100 Authority

The Committee of Bar Examiners (“the Committee”) is authorized by law to accredit law schools in California (“accredited law schools”) and oversee and regulate those law schools. The Committee is the degree-granting authority for law schools subject to these rules.

Rule 4.101 What these rules are

- (A) The Accredited Law School Rules (“these rules”) apply to law schools seeking provisional accreditation by the Committee, provisionally accredited law schools, and law schools accredited by the Committee, excluding those law schools fully and provisionally approved by the American Bar Association.
- (B) The rules have been approved by the Committee and adopted by the Board of Governors as part of the Rules of the State Bar of California and may be amended in accordance with those rules.
- (C) These rules do not apply to unaccredited law schools registered by the Committee, paralegal programs, undergraduate legal degree programs, or other legal studies programs that do not lead to a professional degree in law. The appropriate entity must approve such programs, even if they are offered by an accredited, approved, or registered law school or an institution of which it is a part.

#### Rule 4.102 Law schools approved by the American Bar Association

A law school provisionally or fully approved by the American Bar Association is deemed accredited by the Committee and exempt from these rules, unless the American Bar Association withdraws its approval.

#### Rule 4.103 Interpreting and applying the rules

The Guidelines for Accredited Law School Rules, as adopted by the Committee of Bar Examiners, govern the interpretation and application of these rules.

#### Rule 4.104 Citation

These rules may be cited as Accredited Law School Rules.

#### Rule 4.105 Definitions

- (A) “Admissions Rules” are the Rules Regulating Admission to Practice Law in California.
- (B) An “American Bar Association Approved Law School” is a law school fully or provisionally approved by the American Bar Association and deemed accredited by the Committee.
- (C) A “California accredited law school” is a law school that has complied with the Accredited Law School Rules and has been accredited by the Committee.
- (D) “Provisional accreditation” is the status of a provisionally accredited law school. The Committee grants provisional accreditation for a specific period.
- (E) A “provisionally accredited law school” is a registered unaccredited fixed-facility law school that is pursuing accreditation and has been recognized by the Committee as being in substantial compliance with applicable law and these rules.
- (F) “The Committee” is the Committee of Bar Examiners of the State Bar of California.
- (G) The “First-Year Law Students’ Examination” is the examination required by statute and by the Rules Regulating Admission to Practice Law in California.<sup>1</sup>

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<sup>1</sup> Business & Professions Code § 6060(h) and Rule VIII, Section 1 and related provisions of the Rules Regulating Admission to Practice Law in California.

- (H) The “guidelines” are the Guidelines for Accredited Law School Rules adopted by the Committee of Bar Examiners.<sup>2</sup>
- (I) “Inspection” means an on-site visit to a law school by an individual or a team appointed by the Committee in accordance with these rules.
- (J) A “major change” is one of the changes specified in rule 4.165, Major changes.
- (K) A “professional law degree” is the LL.B. (Bachelor of Laws), M.L.S. (Master of Legal Studies), J.D. (Juris Doctor), LL.M. (Master of Laws), or other post-graduate degree authorized by the Committee. The J.D. degree may be granted only upon completion of a law program that qualifies a student to take the California Bar Examination.
- (L) A “registered law school” is an unaccredited California law school that meets the requirements of the Unaccredited Law School Rules and that has been registered by the Committee.
- (M) “Senior Executive” means “Senior Executive, Admissions” or that person’s designee.
- (N) An “unaccredited law school” is a correspondence, distance-learning, or fixed-facility law school operating in California that the Committee registers but does not accredit.
- (1) An “unaccredited correspondence law school” is an unaccredited law school that conducts instruction principally by correspondence. A correspondence law school must require at least 864 hours of preparation and study per year for four years.
  - (2) An “unaccredited distance-learning law school” is an unaccredited law school that conducts instruction and provides interactive classes principally by technological means. A distance-learning law school must require at least 864 hours of preparation and study per year for four years.
  - (3) An “unaccredited fixed-facility law school” is an unaccredited law school that conducts its instruction principally in physical classroom facilities. A fixed-facility law school must require classroom attendance of its students for a minimum of 270 hours a year for four years.

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<sup>2</sup> State Bar Rule 4.103.

#### Rule 4.106 Lists of law schools

The Committee maintains lists of law schools operating in California: those accredited by the Committee, those registered as unaccredited by the Committee, and those approved by the American Bar Association. The lists are available on the State Bar Web site and upon request.

#### Rule 4.107 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 these rules.

#### Rule 4.108 Public information

(A) The following information about applicants for provisional accreditation, provisionally accredited law schools, and accredited law schools is public, subject to any exception of confidentiality the Committee deems appropriate, and available upon written request for the processing fee set forth in the Schedule of Charges and Deadlines:

- (1) public portions of applications for provisional accreditation or accreditation;
- (2) executive summaries of periodic inspection reports;
- (3) public portions of annual reports; and
- (4) any other document related to accreditation that the Committee deems suitable for publication.

(B) The following information is confidential, whether or not contained in a public record:

- (1) personal information about identifiable students;
- (2) personal information about identifiable instructors;
- (3) law school financial records; and
- (4) any other information designated confidential by the Committee.

#### Rule 4.109 Waiver of requirements

- (A) A law school may request that the Committee waive any rule. The request must clearly show that the law school otherwise complies with these rules.
- (B) The Committee will allow a law school a reasonable time to comply with the rule for which it has granted a waiver, but a waiver is temporary. A request to renew a waiver must be filed with the Annual Compliance Report.

#### Rule 4.110 Fees

- (A) The regulatory and oversight services provided by the Committee are funded by reasonable fees that are set forth in the Schedule of Charges and Deadlines.
- (B) Fees for the services of the Senior Executive or a consultant engaged by the Committee are based on an hourly rate that covers the cost of providing the service, including preparation and travel time.
- (C) Travel expenses are reimbursed at actual cost, in accordance with State Bar travel reimbursement policies.

#### Rule 4.111 Extensions of time

For good cause, the Committee may extend a time limit prescribed by these rules.

### CHAPTER 2. APPLICATION FOR PROVISIONAL ACCREDITATION

#### Rule 4.120 Application based on substantial compliance

A registered unaccredited fixed-facility law school that meets the standards set forth in rule 4.160 may apply for provisional accreditation. If the Committee grants provisional accreditation, the provisionally accredited law school is subject to annual inspection and its students are subject to the First-Year Law Students' Examination requirement. The Committee grants provisional accreditation for a specified period, typically for two years.

#### Rule 4.121 Application procedure

A registered unaccredited fixed-facility law school may apply for provisional accreditation by

- (A) completing and submitting the Application for Provisional Accreditation with the fee set forth in the Schedule of Charges and Deadlines;
- (B) submitting a self-study of its educational program and other information as required by the Committee;
- (C) agreeing to allow the Committee to make any inspection it deems necessary; and
- (D) agreeing to promptly pay all expenses of the inspection.

#### Rule 4.122 Status report on Application For Provisional Accreditation

Within sixty days of submitting an Application for Provisional Accreditation, a law school will be notified of the status of the application and the estimated date of Committee consideration.

#### Rule 4.123 Committee action on application for provisional accreditation

After considering an Application for Provisional Accreditation, the Committee may

- (A) notify the law school within thirty days of considering the application that it does not appear to substantially comply with these rules and, for reasons stated in the notice, advise the law school to withdraw its application; or
- (B) require an inspection within sixty days of the Committee's consideration of the application for provisional accreditation
  - (1) upon determining that the law school appears to substantially comply with the standards; or
  - (2) if the law school refuses to withdraw its application in spite of the Committee's advice that it do so; or
- (C) request further information, allowing a reasonable time for review; or
- (D) deny the application.

#### Rule 4.124 Inspection for provisional accreditation

- (A) An inspection visit is required of every applicant for provisional accreditation. The purpose of the inspection is to verify the

information submitted by the law school and determine the extent of the law school's compliance with these rules.

- (B) The Committee will notify the law school of the dates of the inspection. The inspection will be conducted by a team composed of the Senior Executive, at least one member of the Committee who has not previously visited the law school, a law school representative selected by the Senior Executive, and any other person selected by the Senior Executive.
- (C) A law school may challenge the appointment of a team member for bias or for financial interest in or employment by a competing institution and request an alternative appointment. The challenge must be filed within ten days of the date the Senior Executive gives notice to the law school of the composition of the inspection team. An allegation of bias must be documented by written evidence. The Senior Executive will consider the challenge and may appoint an alternative team member for good cause within thirty days of receipt of the challenge.

#### Rule 4.125 Inspection report for provisional accreditation

The team inspecting a law school must provide the Senior Executive with a report on the visit within sixty days of the last day of the inspection. The Senior Executive must provide the law school with a copy of the report within thirty days of receiving it. If the law school takes exception to the report, it must notify the Committee in writing within thirty days of receipt of the report. The Committee must allow the law school sixty days from the date of receipt to submit material in support of its exceptions.

#### Rule 4.126 Committee action on provisional accreditation inspection report

After considering the inspection report on the law school, any exceptions filed by the law school, and any additional information it has requested, the Committee may deny provisional accreditation or grant it for two years or some other period of time it deems appropriate. A law school granted provisional accreditation is subject to an annual inspection and any other conditions the Committee deems appropriate.

### CHAPTER 3. APPLICATION FOR ACCREDITATION

#### Rule 4.140 Application for accreditation by provisionally accredited law school

No later than 180 days before the expiration of provisional accreditation, a provisionally accredited law school that is in compliance with these rules

must apply for accreditation. A provisionally accredited law school that does not apply for accreditation by this time becomes an unaccredited law school.

#### Rule 4.141 Application procedure

A provisionally accredited law school may apply for accreditation by

- (A) completing and submitting the Application for Accreditation with the fee set forth in the Schedule of Charges and Deadlines;
- (B) submitting a self-study of its educational program and other information as required by the Committee;
- (C) agreeing to allow the Committee to make any inspection it deems necessary; and
- (D) agreeing to promptly pay all expenses of the inspection.

#### Rule 4.142 Status report on Application For Accreditation

Within sixty days of submitting an Application for Accreditation, a law school will be notified of the status of the application and the estimated date of Committee consideration.

#### Rule 4.143 Committee action on Application For Accreditation

After considering an Application for Accreditation, the Committee may

- (A) notify the law school within thirty days of considering the application that the law school does not appear to be in compliance with these rules and, for reasons stated in the notice, advise it to withdraw its application; or
- (B) require an inspection within sixty days
  - (1) upon determining that the law school appears to be in compliance with these rules; or
  - (2) if the law school refuses to withdraw its application in spite of the Committee's advice that it do so; or
- (C) request further information, allowing a reasonable time for review; or
- (D) deny the application.

#### Rule 4.144 Inspection for accreditation

- (A) An inspection visit is required of every applicant for accreditation. The purpose of the inspection is to verify the information submitted by the law school and determine the extent of the school's compliance with these rules.
- (B) The Committee will notify the law school of the dates of the inspection. The inspection will be conducted by a team composed of the Senior Executive, at least one member of the Committee who has not previously visited the law school, a law school representative selected by the Senior Executive, and any other person selected by the Senior Executive.
- (C) A law school that may challenge the appointment of a team member for bias or for financial interest in or employment by a competing institution and request an alternative appointment. The challenge must be filed within ten days of the date of the Senior Executive's notice to the law school of the composition of the inspection team. An allegation of bias must be documented by written evidence. The Senior Executive will consider the challenge and may appoint an alternative team member for good cause within thirty days of receipt of the challenge.

#### Rule 4.145 Accreditation inspection report

The team inspecting a law school applying for accreditation must provide the Senior Executive with a report on the visit within sixty days of the last day of the inspection. The Senior Executive must provide the law school with a copy of the report within thirty days of receiving it. If the law school takes exception to the report, it must notify the Committee in writing within thirty days of receipt of the report. The Committee must allow the law school sixty days from the date of receipt to submit material in support of its exceptions.

#### Rule 4.146 Committee action on accreditation inspection report

After considering the inspection report on the law school, any exceptions filed by the law school, and any additional information it has requested, the Committee may deny accreditation, grant it, or extend provisional accreditation.

### CHAPTER 4. RESPONSIBILITIES OF PROVISIONALLY ACCREDITED AND ACCREDITED LAW SCHOOLS

#### Rule 4.160 Standards

A provisionally accredited law school must substantially comply with these standards. An accredited law school must comply with them.

- (A) Lawful Operation. The law school must operate in compliance with all applicable federal, state, and local laws and regulations.
- (B) Integrity. The law school must demonstrate integrity in all of its programs, operations, and other affairs.
- (C) Governance. The law school must be governed, organized, and administered so as to provide a sound educational program.
- (D) Dean and Faculty. The law school must have a competent dean or other administrative head and a competent faculty that devotes adequate time to administration, instruction, and student counseling.
- (E) Educational Program. The law school must maintain a sound program of legal education.
- (F) Scholastic Standards. The law school must maintain sound scholastic standards and must as soon as possible identify and disqualify those students who have demonstrated they are not qualified to continue.
- (G) Admissions. The law school must maintain a sound admissions policy. The 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.
- (H) Multiple locations. If a law school has multiple locations that are more than ten miles apart by the most direct vehicular route, each location of the law school is considered a separate law school that must comply with the requirements of these rules.
- (I) Library. The law school must maintain a library consistent with the minimum requirements set by the Committee.
- (J) Physical Resources. The law school must have physical resources and an infrastructure adequate for its programs and operations.
- (K) Financial Resources. The law school must have adequate present and anticipated financial resources to support its programs and operations.

- (L) Records and Reports. The law school must maintain adequate records of its programs and operations.
- (M) Equal Opportunity and Non-Discrimination. Consistent with sound educational policy and these rules, the 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.
- (N) Compliance with Committee requirements. The law school must demonstrate its compliance with these rules by submitting required reports and otherwise complying with the rules.

#### Rule 4.161 Annual Compliance Report

A law school subject to these rules must submit an Annual Compliance Report using the form prescribed by the Committee. The report must acknowledge any noncompliance with these rules and describe the remedial steps being taken to address the noncompliance. The deadline and fee for submission of the report are set forth in the Schedule of Charges and Deadlines.

#### Rule 4.162 Periodic inspection

- (A) An accredited law school is subject to inspection, at the school's expense, every fifth year following the grant of accreditation or more frequently if the Committee believes inspection is necessary. The inspection must be conducted by a team composed of the Senior Executive, at least one member of the Committee who has not previously visited the law school, a law school representative selected by the Senior Executive, and any other person selected by the Senior Executive. A law school that believes a team member is biased or has a financial interest in or is employed by a competing institution may challenge the appointment of the team member and request an alternative appointment. An allegation of bias must be documented by written evidence. The challenge must be filed within ten days of the Senior Executive's notice to the law school of the composition of the inspection team. The Senior Executive will consider the challenge and may appoint an alternative team member for good cause within thirty days of receipt of the challenge.
- (B) The inspection team must provide the Senior Executive with a report on the visit within sixty days of the last day of the inspection. The Senior Executive must provide the law school with a copy of the

report within thirty days of receiving it. If the law school takes exception to the report, it must notify the Committee in writing within thirty days of receipt of the report. The Committee must allow the law school sixty days from the date of receipt to submit material in support of its exceptions.

- (C) After considering the inspection report, any exceptions filed by the law school, and any additional information it has requested, the Committee may continue accreditation or issue a Notice of Noncompliance.

#### Rule 4.163 Self-study

Prior to a periodic inspection, or more frequently if the Committee requests it, an accredited law school must reevaluate its educational program and submit a written self-study to the Committee. The purpose of the self-study is to determine whether the law school has complied with these rules and has achieved its mission and objectives. The law school must use the format prescribed by the Committee and submit the self-study and fee in compliance with the Schedule of Charges and Deadlines.

#### Rule 4.164 Prior approval of major changes

An accredited law school contemplating a major change must notify the Committee and obtain its approval at least ninety days before making the change. The notice must explain in detail any effect the change might have on the law school's compliance with the rules and be submitted with the fees specified in the Schedule of Charges and Deadlines. The Committee may then require submission of additional information or an inspection.

#### Rule 4.165 Major changes

The following are major changes:

- (A) instituting a new division either part-time or full-time, or changing from a part-time to a full-time program, or from a full-time to a part-time program;
- (B) changing the location of the school or the location of a branch, or opening a new branch;
- (C) instituting any joint degree program, whether within the college or university affiliated with the law school or another institution;

- (D) merging or affiliating with another law school, college, or university, or severance from a law school, college or university, or modifying the law school's relationship with an affiliated college or university;
- (E) offering a new program in law study, whether a non-degree or non-professional degree program, a degree program beyond the first professional degree in law, or otherwise;
- (F) sponsoring or offering for law study credit any program or class that will meet more than ten miles from the law school, outside California, or in multiple locations;
- (G) changing the name of the school;
- (H) changing from a nonprofit to a profit-making institution or vice versa; and
- (I) changing the ownership of the school.

#### CHAPTER 5. TERMINATION OF PROVISIONAL ACCREDITATION OR ACCREDITATION

##### Rule 4.170 Notice of Noncompliance

- (A) If it appears to the Committee that a provisionally accredited law school is not in substantial compliance with these rules or that an accredited law school is not in compliance with these rules, the Committee must provide the school with a written Notice of Noncompliance that states the reasons. This rule does not apply to a law school applying for provisional accreditation or to a provisionally accredited law school during the last 180 days of its provisional accreditation.
- (B) Within fifteen days of receiving a Notice of Noncompliance, a law school must file a response demonstrating that it is in substantial compliance with these rules, if a provisionally accredited law school, or in compliance with these rules, if an accredited law school. The response must be submitted with the fee set forth in the Schedule of Charges and Deadlines.
  - (1) If the Committee deems the response satisfactory, it will notify the law school within thirty days of its consideration of the matter.
  - (2) If the Committee deems the response unsatisfactory, it must schedule an inspection by the Senior Executive within thirty days of its consideration of the matter.

#### Rule 4.171 Inspection pursuant to Notice of Noncompliance

The Senior Executive must submit to the Committee a report on an inspection made pursuant to a Notice of Noncompliance within thirty days of the last day of the inspection. After considering the report, the Committee will provide the provisionally accredited law school or accredited law school with a written notice that

- (A) the provisionally accredited law school is in substantial compliance with these rules; or
- (B) the accredited law school is in compliance with these rules; or
- (C) the provisionally accredited law school is not in substantial compliance with these rules for specific reasons that warrant probation or termination of provisional accreditation; or
- (D) the accredited law school is not in compliance with the rules for specific reasons that warrant probation or termination of accreditation.

#### Rule 4.172 Probation

- (A) If the Committee decides that a provisionally accredited law school has not substantially complied with these rules, but has made progress toward substantial compliance, the Committee may place the law school on probation for a specified time.
- (B) If the Committee decides that an accredited law school has not complied with these rules, but has made progress toward compliance, the Committee may place the law school on probation for a specified time.
- (C) A provisionally accredited or accredited law school placed on probation
  - (1) is subject to any probation conditions imposed by the Committee, including interim inspections and progress reports; and
  - (2) continues to have degree-granting authority and its students are deemed enrolled at a provisionally accredited or accredited law school.

- (D) At least thirty days before probation expires, the Committee will notify the law school of its determination that
  - (1) it will end the provisionally accredited law school's probation or will proceed to terminate the law school's provisional accreditation; or
  - (2) it will end the accredited law school's probation or will proceed to terminate the law school's accreditation.

#### Rule 4.173 Request for hearing

A law school may request a hearing before the Committee within fifteen days of being sent a notice that the Committee is considering termination of provisional accreditation or accreditation.

#### Rule 4.174 Hearing procedures

- (A) Within sixty days of receiving a timely request for hearing, the Committee will schedule a hearing. The hearing will be held before a panel of three Committee members selected by the Senior Executive. The law school has the right to challenge the appointment of any member of the hearing panel by filing a written request for an alternative appointment within ten days following receipt of the notice of the composition of the panel. The Senior Executive must consider the request and, if good cause is shown, grant the request and appoint an alternative member. The law school will be notified within thirty days of the decision of the Senior Executive.
- (B) The hearing will be reported and an original of the transcript will be prepared at the Committee's expense. A copy of the transcript will be made available to the law school at its expense.
- (C) The hearing need not be conducted according to common law or statutory rules of evidence. Any relevant evidence is admissible if it is the kind of evidence on which responsible persons rely in the conduct of serious affairs. The rules of privilege in the California Evidence Code or required by the United States or California Constitutions will be followed. The law school has the burden of establishing its compliance, if an accredited law school, and substantial compliance if a provisionally accredited law school, with these rules.
- (D) All parties may be represented by counsel.

#### Rule 4.175 Committee action following hearing

- (A) Following a hearing, the Committee will determine whether the accredited law school is in compliance or the provisionally accredited law school is in substantial compliance with these rules. Its decision will be based on the entire record, including materials presented at the hearing.
- (B) The Committee may take any action affecting the law school's provisional accreditation or accreditation that it considers appropriate, including termination of provisional accreditation or accreditation.
- (C) The Committee, in its discretion, may do any or all of the following with respect to its decision:
  - (1) publish it;
  - (2) notify the students enrolled in the law school;
  - (3) notify the California Supreme Court;
  - (4) notify the California Attorney General.

#### Rule 4.176 Termination of accreditation or provisional accreditation

The Committee will terminate accreditation or provisional accreditation on a specific date, at which time it will also terminate a law school's degree-granting authority. Until that date, students attending the law school are deemed enrolled at an accredited or provisionally accredited law school.

#### Rule 4.177 Review by Supreme Court

A law school may seek review of termination of its accreditation before the California Supreme Court pursuant to its rules.