



THE STATE BAR OF CALIFORNIA

THE COMMITTEE OF BAR EXAMINERS
OFFICE OF ADMISSIONS

MEMORANDUM

DATE: July 5, 2010

TO: Members of the Board Committee on Regulation and Admissions

FROM: Gayle E. Murphy, Senior Executive, Admissions

SUBJECT: Rule 9.30, Rules of Court re Unaccredited Law Schools, Request for Public Comment

Executive Summary

Currently, Rule 9.30 of the California Rules of Court dictates certain requirements for persons attempting to qualify for admission to practice law through their attendance at unaccredited law schools. Since the rule was written, however, many changes have taken place, including the legislative delegation of primary oversight of such schools to the Committee of Bar Examiners (Committee). A revised Rule 9.30 has been drafted to update the language and otherwise ensure its currency with other rules and procedures related to the oversight of unaccredited law schools in California and credit for law study obtained at such schools.

This matter will be considered by the Committee during its July 9 and 10, 2010 meeting and the final version of the proposed amendments, if different from that which is attached, will be distributed during the Board Committee's July meeting with a request that the Board Committee permit the circulation of the proposed revised rule for a 45-day public comment period. If after the public comment period and consideration of a recommendation from the Committee, the Board of Governors approves the revised Rule 9.30, it will be forwarded to the Supreme Court with a request that the revised rule be approved.

BACKGROUND

Rule 9.30, California Rules of Court, (a copy of which is attached) establishes the basic requirements for students attempting to qualify for admission to practice law in California through their study at unaccredited law schools in California, which are not approved by the American Bar Association or accredited by the Committee of Bar Examiners (Committee). While the numbering has changed, the rule has not substantively been amended since 1984.

An effort was made in 2004 by the Committee to amend the rule. A proposal was submitted to the Board of Governors (Board) in 2005 asking that the rule be amended to reflect certain changes that had taken place since the rule was initially approved, which the Board approved. Transmittal of the proposed amendments to the Court, however, was delayed for various reasons. Subsequently, legislation was introduced and a new law was enacted that delegates primary oversight of these schools to the Committee in place of the Bureau for Private Postsecondary and Vocational Education. After the legislation was passed and signed, the Committee adopted, and the Board approved, the *Unaccredited Law School Rules*, which provide more detailed requirements for unaccredited law schools that wish to be registered by the Committee and that intend to qualify its students for the First-Year Law Students' Examination, the California Bar Examination, and, ultimately, admission to practice law in California.

In 2006, the State Bar undertook a rules revision project to integrate the organization's more than two dozen sets of rules into a comprehensive structure of seven titles and to make the rules simpler, clearer, and more uniform. This effort also has been extended to the Rules of Court that relate to certain State Bar programs, such as the proposed revision of Rule 9.30.

The proposed revised rule updates the language, reflects the current oversight structure, references the "new" *Unaccredited Law School Rules*, which contain the current requirements for registration of unaccredited law schools by the Committee, and addresses the requirements for the law schools instead of the credit an applicant might obtain by attending an unaccredited law school. Any reference to the registration of law schools outside the state has been deleted from the revised rule, as that process was discontinued some time ago. In addition, the revised rule 9.30: 1) changes the law library requirements for unaccredited law schools so specific volumes are no longer listed in the court rule; 2) identifies distance-learning (online) law schools as separate from correspondence law programs; 3) directs unaccredited law schools to pay the fees set by the Board; 4) requires the same things for correspondence (and distance-learning) law schools as required for unaccredited fixed-facility law schools, as much as practical, i.e., physical facilities suitable for conducting classes only is required for fixed-facility law schools; and 5) makes other more editorial and non-substantive changes.

The Committee will be considering the revised rule during its meeting on July 9 and 10, 2010. If the Committee approves it but with changes to the proposed revised rule or takes any action contrary to the recommendation in this memorandum, those will be brought to the Board Committee's July meeting.

LENGTH OF PUBLIC COMMENT PERIOD

Forty-five days from the Board's meeting.

EFFECTIVE DATE OF PROPOSAL

The revised rule would become effective immediately following approval by the Supreme Court.

FISCAL IMPACT

None.

BOARD BOOK IMPACT

None.

PROPOSED BOARD COMMITTEE ACTION

If the Board Committee on Regulation and Admissions agrees that it would be appropriate to circulate the revised rule for a 45-day public comment period, the following resolution would be appropriate:

RESOLVED, that the Board Committee on Regulation and Admissions authorizes for publication, in the form attached, the proposed revised Rule 9.30 of the California Rules of Court regarding the registration of unaccredited law schools, which would replace the current Rule 9.30, for a 45-day public comment period.

FURTHER RESOLVED, that this authorization to release for public comment is not, and is not be construed as, an approval of the proposed rules.

RAC-1.0710

Attachments:

- 1: Current Rule 9.30, California Rules of Court
- 2: Proposed Revised Rule 9.30, California Rules of Court