

AGENDA ITEM

NOV 54-121

Amendments to Rule 9.30 of the California Rules of Court re Unaccredited Law Schools; Request for Adoption Following Public Comment and Submission to Supreme Court

DATE: October 26, 2010

TO: Members, Board of Governors
Members, Board Committee on Regulation, Admissions and Discipline Oversight

FROM: Gayle Murphy, Senior Executive, Admissions

SUBJECT: **Amendments to Rule 9.30 re Unaccredited Law Schools; Request for Adoption Following Public Comment and Submission to Supreme Court**

EXECUTIVE SUMMARY

Currently, Rule 9.30 of the California Rules of Court dictates certain requirements for students attempting to qualify for admission to practice law through their law studies in 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 was drafted to update the language and otherwise ensure its currency with other rules and procedures related to the Committee of Bar Examiners' oversight of unaccredited law schools and credit for law study obtained at such schools. With the approval of the Board Committee on Regulation and Admissions, the revised rule was circulated for a 45-day public comment period; no comments were received. The Committee requests that the Board Committee recommend to the Board that the proposed revision of Rule 9.30 be approved, and if approved by the Board, the revised version be submitted to the California Supreme Court for adoption.

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 California law schools, 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 California Supreme 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 a law student 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 rule¹; 2) identifies distance-learning 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.

During its September 2010 meeting, the Committee considered the revised rule and approved it, subject to approval by the Board and adoption by the Supreme Court.

FISCAL/PERSONNEL IMPACT

None.

¹ The required content for fixed-facility unaccredited law schools libraries is contained in Division 6 of the *Guidelines for Unaccredited Law School Rules*.

BOARD BOOK IMPACT

None.

RULE AMENDMENTS

If approved by the Board of Governors and the Supreme Court, Section 9.30 of the California Rules of Court would be amended.

SCHEDULE OF CHARGES AND DEADLINES

N/A

EFFECTIVE DATE OF PROPOSAL

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

PROPOSED BOARD COMMITTEE RESOLUTION

If the Board Committee agrees that the revised rule should be approved and transmitted to the Supreme Court, the following resolution would be appropriate:

RESOLVED, upon recommendation from the Committee of Bar Examiners, that the Board Committee on Regulation, Admissions and Discipline Oversight recommends that the Board of Governors approve the proposed revised Rule 9.30 of the California Rules of Court regarding the registration of unaccredited law schools in the form attached hereto, which would replace the current Rule 9.30, for transmittal to the Supreme Court with a request that it be adopted.

PROPOSED BOARD RESOLUTION

RESOLVED, upon recommendation from the Board Committee on Regulation, Admissions and Discipline Oversight, that the Board of Governors hereby approves the proposed revised Rule 9.30 of the California Rules of Court regarding the registration of unaccredited law schools in the form attached hereto, which would replace the current Rule 9.30, for transmittal to the Supreme Court with a request that it be adopted.