TITLE 4. ADMISSION AND EDUCATIONAL STANDARDS

Adopted July 2007

DIVISION 3. UNACCREDITED LAW SCHOOL RULES

Chapter 1. General Provisions

Rule 4.200 Authority

The Committee of Bar Examiners ("the Committee") is authorized by law to register, oversee, and regulate unaccredited law schools in California.

Rule 4.200 adopted effective January 1, 2008.

Rule 4.201 What these rules are

(A) A law school conducting business in California must register with the Committee and comply with these rules and other applicable law unless otherwise exempt.

(B) These rules have been approved by the Committee and adopted by the Board of Trustees as part of the Rules of the State Bar of California and may be amended in accordance with State Bar rules.

(C) These rules do not apply to law schools accredited by the Committee, law schools approved by the American Bar Association, paralegal programs, undergraduate legal degree programs, or other legal studies programs that do not lead to a professional degree in law. The appropriate legal 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 4.201 adopted effective January 1, 2008; amended effective January 1, 2012.

Rule 4.202 Interpreting and applying the rules

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

Rule 4.202 adopted effective January 1, 2008.

Rule 4.203 Citation

These rules may be cited as Unaccredited Law School Rules.

Rule 4.203 adopted effective January 1, 2008.

Rule 4.204 Definitions

(A) 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.

(B) A “California accredited law school” is a law school that has complied with the Rules on Accreditation of Law Schools and has been accredited by the Committee.

(C) “The Committee” is the Committee of Bar Examiners of the State Bar of California.

(D) The “First-Year Law Students’ Examination” is the examination required by statute and by Title 4, Division 1 of the *Rules of the State Bar of California (Admissions Rules)*.[1]

(E) “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.

(F) A “major change” is one of the changes specified in rule 4.246, Major changes.

(G) 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.

(H) A “registered law school” is an unaccredited California law school that meets the requirements of these rules and that has been registered by the Committee.

(I) “Senior Executive” means “Senior Executive, Admissions” or that person’s designee.

(J) An “unaccredited law school” is a correspondence, distance-learning, or fixed-facility law school operating in California that is not accredited by the Committee.

(1) A “correspondence law school” is a 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) A “distance-learning law school” is a 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.

[1] Business & Professions Code § 6060(h) and Chapter 5 of the *Admissions Rules*.

(3) A “fixed-facility law school” is a 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.

Rule 4.204 adopted effective January 1, 2008.

Rule 4.205 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 4.205 adopted effective January 1, 2008.

Rule 4.206 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 4.206 adopted effective January 1, 2008.

Rule 4.207 Public information

(A) The following information about registered 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 Unaccredited Law School Fees (Schedule of Charges and Deadlines):

(1) applications for registration;

(2) public portions of annual reports; and

(3) notices of major changes.

(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 4.207 adopted effective January 1, 2008.

Rule 4.208 Waiver of requirements

(A) A law school may request that the Committee waive any rule or guideline. The request must clearly show that the law school otherwise complies with the rules.

(B) The Committee will allow a law school a reasonable time to comply with the rule or guideline 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. The Committee may then renew, modify, or withdraw the waiver.

Rule 4.208 adopted effective January 1, 2008.

Rule 4.209 Fees

(A) The regulatory and oversight services provided by the Committee are funded by reasonable fees that are set forth in the Unaccredited Law School Fees (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, inclusive of preparation and travel time.

(C) Travel expenses are reimbursed at actual cost, in accordance with State Bar travel reimbursement policies.

Rule 4.209 adopted effective January 1, 2008.

Rule 4.210 Extensions of time

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

Rule 4.210 adopted effective January 1, 2008.

Chapter 2. Application for registration

Rule 4.220 Before applying to register

An educational institution planning to offer instruction in law may request that the Committee arrange a consultation visit to advise it on any matter, including whether the institution is ready to apply for registration or should make changes before doing so. The institution must agree to reimburse the Committee for the costs of a consultation visit, including those of travel.

Rule 4.220 adopted effective January 1, 2008.

Rule 4.221 Application procedure

A law school that meets the standards set forth in rule 4.240 may apply for registration by:

(A) completing and submitting the Application for Registration using the form prescribed by the Committee with the fee set forth in the Unaccredited Law School Fees (Schedule of Charges and Deadlines); and

(B) agreeing to allow the Committee to make any inspection it deems necessary and promptly pay all expenses of the inspection.

Rule 4.221 adopted effective January 1, 2008.

Rule 4.222 Multiple locations

If a fixed-facility law school has multiple locations that are more than ten miles apart by the most direct route, each location must apply for registration as a separate law school.

Rule 4.222 adopted effective January 1, 2008.

Rule 4.223 Committee action

After considering an application, the Committee may

(A) notify the law school within thirty days of receiving the application that it has failed to establish a reasonable probability that the law school is in compliance with these rules and, for reasons stated in the notice, advise the law school to withdraw its application;

(B) require an inspection of a law school that refuses to withdraw its application after the Committee has advised it to do so and schedule the inspection within sixty days of the date of its advice or the law school’s refusal;

(C) within sixty days of reviewing the application and any related inspection report and objections, register the law school for at least two years, subject to any conditions it deems appropriate, such as annual inspections at the law school's expense;

(D) request further information, allowing a reasonable time for review; or

(E) deny the application.

Rule 4.223 adopted effective January 1, 2008.

Chapter 3. Responsibilities of registered law schools

Rule 4.240 Standards

A registered law school must at all times meet the following standards.

(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 exclude 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) Library. The law school must maintain a library consistent with the minimum requirements set by the Committee.

(I) Physical Resources. The law school must have physical resources and an infrastructure adequate for its programs and operations. The law school must, at a minimum, maintain its primary administrative office in the State of California.

(J) Financial Resources. The law school must have adequate present and anticipated financial resources to support its programs and operations.

(K) Records and Reports. The law school must maintain adequate records of its programs and operations.

(L) 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.

(M) Compliance with Committee requirements. The law school must demonstrate its compliance with these rules by submitting the required annual reports and otherwise complying with the rules.

Rule 4.240 adopted effective January 1, 2008.

Rule 4.241 Disclosure statement

(A) A registered law school must provide each student, in the format required by the Committee, a disclosure statement that includes all the following information.

(1) It is not accredited by the Committee.

(2) Whether it has applied for accreditation in the previous five years, and if so, the date of the application and whether the application is pending or has been withdrawn or denied.

(3) A statement of assets and liabilities. This requirement applies only if it has been in operation for fewer than ten years. The requirement does not apply if the law school is affiliated with or under the control of another school that has been in operation ten years or more.

(4) In the format required by the Committee, the pass rates of students who have taken the California First-Year Law Students' Examination and the California Bar Examination. This information must be provided for the past five years or since the establishment of the law school, whichever time is shorter.

(5) The number of legal volumes in the library. This requirement does not apply to correspondence or distance-learning law schools.

(6) The educational background, qualifications, and experience of the faculty and the names of any faculty or administrators who are members of the State Bar of California or who are admitted in another jurisdiction.

(7) The ratio of faculty to students for the previous five years or since the establishment of the law school, whichever time is shorter.

(8) A statement that the education it provides may not satisfy the requirements of other jurisdictions for the practice of law and that applicants should contact the jurisdiction in which they may wish to practice for that jurisdiction's requirements.

(9) Whether it has been issued a Notice of Noncompliance by the Committee.

(B) The disclosure statement must be provided to

(1) each new student upon payment of an application fee but before payment of a registration fee; and

(2) each returning student, prior to payment of any fee for an academic term.

(C) The disclosure statement must be signed by the student, who must receive a copy of the signed statement.

(D) Each year on the date indicated in the Unaccredited Law School Fees (Schedule of Charges and Deadlines), a law school must file at the Committee's San Francisco office

(1) a copy of the disclosure statement the law school has provided or intends to provide in any academic term between July 1 of the current calendar year and June 30 of the following calendar year; and

(2) the Disclosure Statement Certification form prescribed by the Committee.

(E) A law school that does not comply with this rule must refund all fees, including tuition, paid by a student who did not receive the disclosure statement. Non-compliance constitutes cause for withdrawal of registration.

Rule 4.241 adopted effective January 1, 2008.

Rule 4.242 Annual Compliance Report

A registered law school 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 Unaccredited Law School Fees (Schedule of Charges and Deadlines).

Rule 4.242 adopted effective January 1, 2008.

Rule 4.243 Self-study

Prior to a periodic inspection, or more frequently if the Committee requests it, a registered 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 is in compliance with these rules and has achieved its mission and objectives. The law school must use the format prescribed by the Committee and submit the required fee.

Rule 4.243 adopted effective January 1, 2008.

Rule 4.244 Inspections

(A) A registered law school must be inspected every five years or more frequently if the Committee determines that an inspection is required to assess compliance with these rules.

(B) A law school subject to inspection must

(1) facilitate the review of records, facilities inspection, observation of classes, and interviews with students, faculty, staff, administration, and board; and

(2) pay all expenses of the inspection.

(C) For the inspection that is required every five years, the Committee will appoint an inspection team composed of

(1) the Senior Executive; and

(2) up to two additional members, who may be other State Bar staff, members of the Committee, educational consultants, or representatives from a registered law school.

(D) Within ten days of receiving notice of an inspection, a law school has the right to challenge the appointment of an inspector and to request an alternative appointment. Grounds for a challenge are that an appointee is biased or has a financial interest in or is employed by a competing institution. An allegation of bias must be documented by written evidence. The Senior Executive will consider the challenge and may appoint an alternative member for good cause. The Senior Executive's decision will be issued within thirty days of receipt of the challenge.

(E) A person or team appointed to make an inspection must provide the Committee with a written report of its findings and recommendations within sixty days of completing its inspection. Once it has received a report, the Committee must send the law school a copy of it within sixty days.

(F) Within fifteen days of receiving an inspection report, the law school must notify the Committee that it accepts the report or objects to it in whole or in part. An objection must be supported by documentation.

(G) Within sixty days of receiving an inspection report and any law school objections, the Committee will

(1) accept the report and register or continue the registration of the law school;

(2) accept the report and permit the law school to proceed with its application for registration;

(3) grant a waiver in accordance with these rules;

(4) issue a warning requiring immediate action to correct specified deficiencies within a certain number of days of the date of the warning; or

(5) initiate proceedings to deny or withdraw registration for failure to comply with a warning.

Rule 4.244 adopted effective January 1, 2008.

Rule 4.245 Prior approval of major changes

A registered law school contemplating a major change must notify the Committee and obtain its prior approval 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 Unaccredited Law School Fees (Schedule of Charges and Deadlines). The Committee may then require submission of additional information or an inspection.

Rule 4.245 adopted effective January 1, 2008.

Rule 4.246 Major changes defined

The following are major changes:

(A) instituting a new division;

(B) changing the location of the law school's administrative office 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, either a non-degree or non-professional degree program, or a degree program beyond the first professional degree in law;

(F) providing law study credit for a fixed-facility law school program or class offered more than ten miles from the site of the law school, outside California, or in multiple locations;

(G) changing the name of the law school;

(H) changing from a nonprofit to a profit-making institution or vice versa; and

(I) changing the ownership of the law school.

Rule 4.246 adopted effective January 1, 2008.

Chapter 4. Withdrawal of registration

Rule 4.260 Notice of Noncompliance

If the Committee believes that a registered law school is not in full compliance with these rules, the Committee will provide the law school with a written Notice of Noncompliance that states the reasons for its belief.

Rule 4.260 adopted effective January 1, 2008.

Rule 4.261 Response to Notice of Noncompliance

Within fifteen days of receiving a Notice of Noncompliance, a law school must file a response demonstrating that it is in compliance or is taking steps to achieve compliance. The response must be submitted with the fee set forth in the Unaccredited Law School Fees (Schedule of Charges and Deadlines).

Rule 4.261 adopted effective January 1, 2008.

Rule 4.262 Committee action on law school response

(A) If the Committee deems the response satisfactory, it will notify the law school within thirty days.

(B) If the Committee deems the response unsatisfactory, it must schedule an inspection within thirty days. Upon concluding the inspection, the inspection team must submit its report to the Committee within thirty days. The Committee will send a copy of the report to the law school.

Rule 4.262 adopted effective January 1, 2008.

Rule 4.263 Committee action on inspection report

If the Committee believes that the inspection report demonstrates that the law school is not or is not likely to be in compliance with these rules, the Committee will notify the law school that it recommends probation or withdrawal of registration.

Rule 4.263 adopted effective January 1, 2008.

Rule 4.264 Request for hearing

The law school may request a hearing before the Committee within fifteen days of being sent a notice that the Committee is recommending probation or withdrawal of registration.

Rule 4.264 adopted effective January 1, 2008.

Rule 4.265 Hearing procedures

(A) Within sixty days of receiving a timely request for hearing, the Committee will schedule a hearing at a time that is mutually agreeable to the Committee and the law school.

(B) 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 with these rules.

(C) All parties may be represented by counsel.

Rule 4.265 adopted effective January 1, 2008.

Rule 4.266 Committee action following hearing

(A) Following a hearing, the Committee will determine whether the law school is in 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 registration that it considers appropriate, including termination of registration.

(C) The Committee, in its discretion, may do any or all of the following with respect to its decision:

(1) publish it;

(2) send it to the students enrolled in the law school;

(3) send it to the California Supreme Court;

(4) send it to the California Attorney General.

Rule 4.266 adopted effective January 1, 2008.

Rule 4.267 Probation

(A) If the Committee decides that a law school has not complied or taken adequate steps to comply with these rules but has made perceptible progress toward compliance, the Committee may place the law school on probation for a specified time.

(B) The Committee may impose probation conditions, including interim inspections and progress reports.

(C) During the probation, students will be deemed enrolled at a registered law school and the school's degree-granting authority will continue.

(D) At least thirty days before the probation expires, the Committee will determine whether sufficient progress has been made toward compliance or whether it will proceed to withdraw the law school's registration. The Committee will notify the law school of its decision.

Rule 4.267 adopted effective January 1, 2008.

Rule 4.268 Termination of registration

The Committee will terminate a law school's registration on a specific date, at which time it will also terminate its degree-granting authority. Until that date, students attending the law school are deemed enrolled at a registered law school.

Rule 4.268 adopted effective January 1, 2008.

Rule 4.269 Review by Supreme Court

A law school whose registration has been terminated by the Committee may seek review of the Committee's action before the California Supreme Court pursuant to the rules of that court.

Rule 4.269 adopted effective January 1, 2008.