

R-16-0042 Rule 34(b)(1)(D) and (f)(1)(B) re Qualifications for Bar Admission

Would allow graduates with a juris doctor from an online law school approved by a federally recognized regional accreditor to apply to be admitted to practice law in Arizona.

Arizona's Rules Governing Admission to the Bar require that an applicant for bar admission, whether by examination or upon motion, be a graduate of an ABA law school. See ARS Sup.Ct.Rules, Rule 34 subsections (b)(1)(D) and (f)(1)(B).

Concord Law School at Kaplan University ("CLS") requests that this Court amend ARS Sup.Ct. Rules, Rule 34, so as to permit application to the bar not only by those who graduate with a juris doctor (JD) degree from an ABA-approved law school, but also by those who graduate from an online law school approved by one of the six regional accreditors federally recognized by the Department of Education.

ABA rules limit schools to providing one-third of their program of legal education online, and only one of the 200-plus ABA schools has obtained a variance to offer up to half of their program online. CLS is a fully online law school, and as such, is not eligible for ABA accreditation. But it is registered with the State Bar of California as a distance learning law school, and is regionally accredited by the Higher Learning Commission, a federally recognized regional accreditor, through Kaplan University.

An online law school option would benefit the state's residents. Arizona has three ABA law schools, only one of which offers a part-time program. Millions of Arizona residents do not live within commuting distance of these schools. CLS's flexible online format makes law school accessible to those whose geography, work or family responsibilities, military service, or other life circumstances prevent them from attending traditional campus-based institutions. Allowing CLS graduates to sit for Arizona's bar exam would create new educational opportunities for the state's residents, as well as expand access to legal services in underrepresented areas. This is particularly important for Native Americans living on reservations within the state's borders, who are in great need of, but will have little access to, legal education--and thus legal services--without a fully online option.

CLS's selectivity, rigor, and student outcomes comparable favorably to those of a number of ABA schools. CLS admits a lower percentage of its applicants than nearly half of ABA schools. During the most recent administration of the California bar exam (by many accounts the most difficult in the nation) for which data is currently available, CLS graduates' first-time pass rates were within nearly one point of those of California ABA schools, and were a point higher than those of out-of-state ABA schools.

To CLS's knowledge, there is only one other online law school approved by a federally recognized regional accreditor. Thus, the requested rule change should provide the state's residents with a needed online law school option without opening the floodgates to a myriad of applicants. And requiring regional accreditation--the best available imprimatur of quality for online law schools--helps ensure the applicants will be qualified to sit for the exam. Additional detail is provided in the attached petition.

Respectfully submitted,
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