ITC SP16-11

Attorney Admissions: Disclosure of Applicant and Examination Information (adopt Cal. Rules of Court, rule 9.8)

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment
1.	American Bar Association Section of Legal Education and Admissions to the Bar by Barry A. Currier Managing Director, Accreditation and Legal Education Chicago, IL	A	I write on behalf of the Council of the ABA Section of Legal Education and Admissions to the Bar. The viewpoints expressed here are offered on behalf of the Council. They are not offered on behalf of the larger American Bar Association. With respect to matters of law school accreditation, the Council acts separately and independently from the ABA. As you know, the State Bar of California has concluded that a recent amendment to California Business and Professions Code 6060.25 prevents it from releasing certain bar applicant identifying information and examination results information to law schools. This letter supports the adoption of proposed new Rule 9.8 of the California Rules of Court, which provides, that notwithstanding Bus. & Prof. Code 6060.25, the State Bar may continue to provide the bar examination outcome information to law schools that it has provided for many years. Standard 316 of the ABA Standards for Approval of Law Schools, which the Council adopted and enforces, requires law schools to achieve certain bar passage outcomes to remain in good standing as an ABA-accredited law school. Further, Standard 509 requires each ABA-approved law school to publish its bar examination outcomes to provide information to prospective law students and others with an interest in legal education about the bar examination performance of its graduate The Council believes that it is critical that law schools collect, report, and publish bar exam outcomes. Gathering this information directly from graduates can be problematic and time-consuming for law schools. Consequently, we are grateful when jurisdictions make that information available to law schools. It reduces the costs of gathering the data and assures that it is more complete and accurate. This is good for prospective law students, graduates, schools, the profession, and the public. California, which annually has a very large cohort of both first-time and repeat bar takers, has been particularly helpful to law schools and the ABA accreditation process by sending reports to schools that identify takers and pass/fail information for each school's graduates. The recent change in the Bar Association's long-standing practice, driven by the amendment to Bus. & Prof. Code 6060.25, makes it much more difficult for ABA- approved law schools located in California and, indeed, for almost every ABA- approved law school, to gather and report complete and accurate information about their bar examination outcomes, as the ABA law school accreditation process requires.

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			We are pleased that the Court is addressing this concern with its proposed new Rule 9.8. We encourage and support its adoption. If we can provide any additional information or in any other way be helpful to you as you further consider this matter, we would be pleased to do so.
2.	Association of California Accredited Law Schools by James M. Schiavenza Chairperson	A	The Association of California Accredited Law Schools, a nonprofit mutual benefit corporation, writes in support of the proposal of the California Supreme Court to add rule 9.8 to title 9 of the California Rules of Court. The CALS is made up of sixteen schools and twenty campuses located throughout California. In recognition of the integrity of the schools' educational programs, the Committee of Bar Examiners of the State Bar of California grants the California Accredited Law schools the authority to operate law schools and grant law degrees. To become accredited, a law school must establish that its paramount objective is to provide a sound legal education. I am dean of Lincoln Law School of Sacramento and chairperson of the Association of California Accredited Law Schools. In this capacity, I have been authorized by our members to write in support of the proposal. The inability of the State Bar to disclose the bar pass list has caused frustration among those schools accredited by the Committee of Bar Examiners. Our schools are currently unable to provide fully accurate information to prospective students which enables applicants to make intelligent and informed decisions in selecting a law school. In addition, we are currently unable to comply with various regulatory and statutory reporting requirements. Furthermore, when information from the State Bar as to who took the exam and who passed the exam is not shared, our schools are hindered in evaluating curriculum, professors and teaching methodology. This letter has been approved by the California Accredited Law Schools listed below. Thank you for providing the opportunity for comment pertaining to this significant and necessary proposal
3.	Mary Basick Assistant Dean of Bar Preparation and Academic Support Whittier Law School Orange County	A	I am writing to strongly urge you to adopt new Rule 9.8 of the California Rules of Court. As the Assistant Dean of Bar Preparation and Academic Support at Whittier Law School, my primary job is to assist our students in passing the California Bar Exam and ensuring that our school remain in compliance with the ABA Standards on Accreditation. This includes reporting bar exam pass rates to the ABA and certifying the accuracy and completeness of the data submitted. Under the current interpretation of Business & Professions Code Section 6060 .25, the State Bar has declined to release

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			applicant and examination result information to law schools. Denial of this information has made faithful compliance with ABA reporting requirements impossible and created enormous administrative and staffing burdens for my department. We have had to launch a cumbersome outreach campaign to contact our graduates and must rely on their self- reporting to obtain information previously provided by the State Bar. This process is both inefficient and unreliable because it is based on our ability to locate and contact our graduates and, more importantly, their willingness to self- report accurately if at all. To date, despite our diligent efforts, we are still unable to fully ascertain bar passage results information for the February 2016 California Bar Exam. Denial of this information has serious consequences beyond ABA reporting. Many law schools, including Whittier Law School, have invested significant human and financial resources to create bar support programs to help their graduates pass the bar exam on the first or any subsequent attempt. Out of embarrassment, many former students who fail to pass the bar exam will not contact us for help. Our ability to assist our graduates in fulfilling their dreams of practicing law is severely and negatively impacted if we are prohibited from knowing who they are, making outreach impossible. I emphatically urge you to adopt Rule 9.8 in order to ensure that applicant and examination results information may once again be released by the State Bar of California. Ideally, the new rule of court would be retroactive to the February 2016 administration of the bar exam, so that law schools may obtain that specific bar exam pass list data, as well. Thank you for addressing this matter of critical importance to legal education in California. Please let me know if you require any additional information.
4.	California Deans and Assistant Deans of ABA schools University of The Pacific McGeorge School of Law by Francis J. Mootz III Dean and Professor of Law Sacramento	A	I write on behalf of the Deans and the student affairs professionals of the ABA accredited law schools in California, whose names appear below. We write today with a unanimous voice to strongly urge you to adopt new Rule 9.8 of the California Rules of Court. As you know, a recent amendment to Business and Professions Code section 6060.25 has precluded the State Bar of California from releasing "any identifying information submitted by an applicant" for admission to the Bar. As a result, we can no longer fully comply with our required duty to report Bar exam pass data to the American Bar Association , our accrediting body , nor can we meet the ABA requirement that we post our Bar pass rate online.

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			As Deans, we are required not only to report such information, but also to certify the accuracy and completeness of the data personally. Under the current interpretation of the new law, we cannot fulfill this important role assigned to us by the American Bar Association. As student affairs professionals, we utilize Bar pass data to inform the program of legal education and advising that we provide to our students. We are both frustrated and bewildered by the lack of access to this crucial data. We believe this particular result was not intended by the language of section 6060.25. We understand that there was language in Assembly Bill (AB) 2878 to amend section 6060.25 to allow the State Bar to release the needed Bar pass data to law schools. However, this bill was not enacted. Therefore, this significant problem continues to exist. We urge you to adopt Ru le 9.8 in order to ensure that certain applicant and examination information may continue to be released by the State Bar of California. Ideally, we would prefer the new rule of court be retroactive to the February 2016 administration of the Bar exam, so that we could obtain that Bar exam pass list data, as well. Thank you for addressing this matter of critical importance to legal education in California. Please let us know if you require any additional information from us.
5.	California School of Law by William Hunt Dean / Chief Executive Officer Santa Barbara	A	It is simply impossible to require law schools to track Bar Exam and FYLSE pass rates without The State Bar of California providing the information. The students will not and do not contact the law school and inform us of their results, even if they pass! Without the names of the students passing the FYLSE Distance Learning law schools cannot prepare for and schedule second year curriculum. Rule 9.8 must be adopted in order for the California approved law schools to provide accurate Bar Exam and FYLSE pass rates.
6.	Concord Law School at Kaplan University by Martin Pritikin Dean and Vice President Los Angeles	A	Concord Law School at Kaplan University thanks the Court for the opportunity to comment on Proposed Rule 9.8, which will allow the State Bar of California to release certain information which it may not presently release under Business and Professions Code section 6060.25. Concord Law School enthusiastically supports the adoption of this rule, which provides benefits to

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			numerous parties with little, if any, risk of harm to anyone. The proposed rule will benefit law schools, by enabling them to comply with their reporting obligations; law students, whose law schools will be able to more effectively contribute to improved student outcomes; bar applicants in other jurisdictions as well as the boards of bar examiners in those jurisdictions, by facilitating the provision of essential data; and ultimately consumers, who will have better access to important information.
7.	Committee of Bar Examiners of The State Bar of California by Karen M. Goodman Chair, Committee of Bar Examiners San Francisco	A	During its October 14 and 15, 2016 meeting, the Committee of Bar Examiners of the State Bar of California (Committee) considered the proposed new Rule 9.8 of the Rules of Court, which was recently published inviting public comment. The Committee unanimously supports adoption of the proposed new rule by the Court. As you know, with the enactment of California Business and Professions Code section 6060.25, which went into effect this year, the Committee no longer publishes bar examination pass lists or shares information with law schools with regard to how their graduates and students performed on the California Bar Examination and the First-Year Law Students' Examination. As a result, the schools are unable to comply with their various regulatory responsibilities required for approval by the American Bar Association (ABA), accreditation by the Committee, or for registration by the Committee as an unaccredited law school. The ABA approved and California-accredited (GALS) law schools are required to meet minimum bar passage rates in order to maintain their approval/accreditation. The unaccredited law schools are required by the Committee and state law to provide both newly-enrolled and all continuing students with disclosure statements, which among other information, must include current pass/fail data. ASA-approved law schools are required to publish bar examination pass information. Also, a new law was passed this year that requires both GALS and unaccredited law schools to publish pass/fail bar examination information, in addition to other disclosures, on their websites effective January 1, 2017. Obtaining valid examination pass/fail information that is needed for the schools to meet their obligations through means other than its transmittal from the Committee after the results from each administration of an examination is released is a difficult task. While the schools may be able to obtain some of the test results from their graduates or students by attempting to contact each personally, doing so would likely result in an incomplete and inaccurate tally as many of the test

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			takers may have moved or have no interest in providing the information to their law schools. The Committee does not believe the changes to past practices, which were put into place as a result of section 6060.25, were envisioned at the time the language in the law was approved by the Legislature and signed by the Governor, and there is no evidence to suggest that sharing the pass/fail information with the law schools has been an issue in the past. Applicants were, and are, well aware that their pass/fail information would be shared with their law schools. In fact, the declaration attached to the bar examination application specifically states: "I further authorize the Committee to release information regarding my application to take the bar examination and my bar examination scores and pass/fail status to the law school to which I have been or will be allocated for purposes of qualifying to take the California Bar Examination." If the Court adopts the new rule, the Committee will release the pass lists and pass/fail information to the law schools for all examinations administered this year, which would include the February 2016 California Bar Examination and the June and October 2016 administrations of the First-Year Law Students' Examination, even though the examinations were administered prior to the date of the intended implementation of the new rule. This would be in addition to releasing the results from the July 2016 administration of the California Bar Examination, which are scheduled for release on November 18, 2016 to the applicants who took the examination. Thank you for this opportunity to communicate the Committee's support for the new Court rule 9.8.

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8.	George J. Gliaudys, Jr. Dean Irvine University College of Law Cerritos	A	This comment is regarding the Invitation to Comment on proposed Rule 9.8 of the California Rules of Court. I heartily recommend that the Court adopt and add the new rule allowing release of information regarding both the First Year Law Students' Examination (FYLSX) and the California Bar Examination (CBX) results to law schools so that law schools are able to comply with disclosure and other reporting requirements mandated by rules of the State Bar. As a registered but non-accredited law school we have regulatory and legislative mandated disclosure requirements to prospective and current students regarding our passage performance for both state examinations (FYLSX and CBX) that need to be made but which without the adoption of the new rule are impossible to meet and be in compliance to our obligations. We have raised this issue with the State Bar and received acknowledgement of the problem but with no real solution available that would solve the situation before us. Accordingly, we look to adoption of the proposed Rule 9.8 to resolve this matter.
9.	Penn Law University of Pennsylvania Law School, et al. by Theodore W. Ruger Dean Philadelphia, PA	A	On behalf of the Deans and student affairs professionals of various law schools listed below, I write to express our collective support for the adoption of new Rule 9.8 of the California Rules of Court. Although not located in California, each of our institutions annually graduates numerous students who sit for the California bar exam, and information about these exam takers is important to us in complying with mandatory reporting requirements imposed by the American Bar Association. We urge you to adopt Rule 9.8 in order to ensure that discrete applicant and examination information continue to be released to law schools by the State Bar of California. As you are aware, the recent amendment to the California Business and Professions Code section 6060.25 precludes the State Bar of California from releasing "any identifying information submitted by an applicant" for admission to the Bar. As ABA-accredited law schools, we are required annually to report and certify the accuracy of bar passage data to the ABA, and report our bar passage rate online. Under the current interpretation of the law, we cannot completely fulfill these requirements as to all of our graduates when California bar passage data is lacking. Your adoption of Ru le 9.8, allowing for the release of certain applicant and examination information to law schools, will enable us to report our bar passage data accurately and completely. Thank you for addressing this matter of importance to law schools nationwide.

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10.	Richard Sander Professor of Law UCLA Los Angeles Peter Scheer Executive Director First Amendment Coalition San Rafael	A	The undersigned comment on Item No. SP16-11, and write in support of proposed Rule of Court 9.8. We note, in the interest of full disclosure, that we are parties in litigation pending in the San Francisco Superior Court, *Sander v. State Bar of Calif.*, Case No. CPF-08-508880, following remand from this Court, *see Sander v. State Bar of Calif.* (2013) 58 Cal.4th 300, concerning public access to information about applicants to the State Bar of California. We welcome the proposed Rule 9.8 and believe it is fully consistent with this Court's inherent authority to regulate matters pertinent to the admission to the practice of law in California, including whether to release information about bar applicants. We support the adoption of Rule 9.8 because the proposed rule explicitly reaffirms the public's right of access to public records and clearly furthers the public interest. We note that the proposed Rule is simply a clarification of existing law. The disclosures expressly permitted by proposed Rule 9.8 are already permissible without a new Rule of Court and without the recent proposed legislation that did not pass the Legislature. Discovery exchanged in the aforementioned *Sander* litigation established that the State Bar of California was the primary (if not the only) proponent of the recently enacted Business and Professions Code section 6060.25 ("Section 6060.25"). As the Invitation to Comment on SP16-11 observes, the State Bar of California has had a long-established practice of publishing the names of applicants who passed the California bar examination and regularly provided such information before the passage of Section 6060.25. Nothing in Section 6060.25 warranted a change in the State Bar's conduct. Only an extreme reading of Section 6060.25, a law that the State Bar advocated, would prohibit such routine disclosures. The State Bar sought the adoption of Section 6060.25, and gave it the Bar's extreme interpretation, as a strategy to nullify this Court's unanimous, 2013 decision in *Sander v. State Bar*, in which the Court held that the Bar was subject to a common law right of access. For many years, the State Bar had been a national leader in gathering, analyzing, and making available to the legal community (in limited forms) data and reports useful to understanding a variety of issues related to admission under the State Bar exam. It assisted law schools in analyzing factors influencing success on the Bar. At the urging of this Court, it actively participated in a national study during the 1990s exploring sources of a large racial disparity in bar passage rates. But the Bar's uses of the data had a strong political aspect, and when parties advancing

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			alternative interpretations of the Bar's report sought access to its underlying data, the Bar refused to make the data available in any form – or even to cooperate with outside parties in formulating research questions without any release of data -- leading to the current litigation. When this Court held that the Bar was subject to a common law right of access, the Bar sought adoption of Section 6060.25, willingly sacrificing all public information about bar passage to preserve its monopoly control over data collected with public funds. The Legislature rejected the State Bar's draconian approach, and instead adopted a version of Section 6060.25 that was consistent with the Court's decision in *Sander v. State Bar*. It is, of course, important for law schools, among others, to know who passed the California bar examination. Law schools not only need that information to satisfy various accreditation and regulatory requirements, but they need it to evaluate how they can better serve their students and prepare them for the bar examination. Likewise, the National Conference of Bar Examiners benefits from such information in its effort to prepare a fair examination. The State Bar's decision to withhold data after the passage of Section 6060.25 is consistent with the positions it has taken, and pursued with scorched earth tactics, throughout the *Sander* litigation: to refuse to acknowledge any right of access to information about bar applicants; to refuse to propose any mechanism for providing access in a manner that protects privacy interests; and to oppose wholesale any suggested protocols for disclosing information in a manner that protects privacy interests. The State Bar did not need to stop disclosing the information covered by proposed Rule 9.8, and it did not need to advocate for a law that would serve as a justification for doing so. The proposed Rule 9.8 is a good idea because it puts to rest the notion that Section 6060.25 should be read so broadly as to withhold the disclosure of even basic information about bar passage.
11.	Emily Scivoletto Dean of Students UCLA School of Law	A	I am an educator and administrator at UCLA Law School. We have been trying to work with the State Bar of California to obtain access to simple pass/fail information for many months. I am very grateful to the Court for pursuing this option. It is vital that we have true and correct information for our accrediting agencies, but more importantly we want to be able to reach out immediately to those students who did not pass the bar, to offer academic and financial resources.

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12.	Southern California Institute of Law Alumni Association by Laurel Fielden President Southern California	N	The Southern California Institute of Law Alumni Association is opposed to the approval of the proposed California Rules of Court, Rule 9.8(a)(3) and respectfully requests this Honorable Court that it not adopt this rule for the reasons stated below. The purpose of this proposed rule is to abrogate examinee privacy rights in direct contradiction to the Public Records Act, as amended, which sought to identify and protect privacy provisions covered under Article 1 of the California Constitution. Adoption of Rule 9.8(a)(3) enables the State Bar to release confidential and private information about individuals and their individual results while in pursuit of their personal educational goals, and as they (examinees) are neither State licensed actors nor have they applied to the State to become lawyers they, therefore, remain protected under specific Legislative, Federal and State Constitutional, guarantees and are, therefore, not subject to the jurisdiction of the State Bar. This proposed Rule 9.8(a)(3) seeks to carve out and expand the State Bar's jurisdiction well beyond that which the legislature intended. For these reasons, we respectfully oppose the proposed California Rules of Court, rule 9.8(a)(3). Please also see the attached minimally disseminated public survey.
13.	Southern California Institute of Law by Stanislaus Pulle, Ph.D Dean of Law Santa Barbara and Ventura	N	The Southern California Institute of Law (SCIL) opposes the adoption of California Rules of Court, Rule 9.8(a)(3) for the reasons stated below. **I. Introduction** The California Public Records Act explicitly brought the State Bar within its student privacy provisions. Thereafter, the State Bar attached a rider to the State Bar Dues Bill (AB 2878), Section 23 as an amendment to Bus. & Prof. Code §6060.25(b)(3), that proposed the following privacy exemption: "Information provided to a law school that is necessary for the purpose of the law school's compliance with accreditation or regulatory requirements." This exemption did not pass. The State Bar through its proposed California Rules of Court, Rule 9.8(a)(3) parallels this identical language. For the reasons below, we respectfully urge that the Judicial Council not approve this

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			proposed Rule. **II. This Language Seeks A Personal Privacy Information From Those Who Are Not Applicants For Admission To The Bar Over Which The Supreme Court Has Sole Authority.** The purpose behind proposed Rule 9.8(a)(3) is to implement an Accredited Law School (ALS) Guideline 12.1-12.2. This Guideline requires as a sole condition of the continuing accreditation of California Accredited Law Schools (CALS) that schools maintain a no less than a minimum 40% bar pass rate among those who took the examination over a rolling five year period. To execute this Guideline, that became operative on January 2013, the Committee of Bar Examiners needs to provide law school administrators, that would include staff and faculty, the pass-fail list of the actual names of students who took the bar examination. Law schools in turn become aware of those who were both successful and unsuccessful, including the number of attempts made by those who were unsuccessful. **III. The California Public Records Act That Went Into Effect On January 1, 2016 Would Bar The Release Of This Information.** Proposed Rule 9.8(a)(3) if passed would circumvent both the legislative and executive branches of government as it relates to those who are not applicants for admission to the bar. It is not enough that the proposed Rule 9.8(a)(3) be approved simply to accommodate an ALS Guideline 12.1-12.2 based on administrative convenience relative to a regulation that was challenged before the Supreme Court by the Sothern California Institute of Law (S234693) and where a petition for review was denied. The State Bar is now seeking to circumvent the other two branches, having earlier failed to get approval for this privacy exemption, and have Judicial Council approved proposed Rule 9.8(3) through the use of what appears as innocuous text at first blush (i.e. "information provided to a law school that is necessary for the purpose of the law school's compliance with accreditation or regulatory requirements"). **IV. There is No Sufficient Cause to Destroy Rights of Personal Privacy & To Stigmatize Those Who Were Unsuccessful At Bar Exam** This privacy protection is for good reason. Release of this information unfairly stigmatizes those who were unsuccessful as "failures," and the dissemination of this information, as alumni have told us,

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			causes immense hurt, embarrassment, impairs social and business relationships. A lack of success can be attributable to personal family circumstances, health issues, or a vast array of other life possibilities that may interfere during a six month to one-year prep time including lack of sufficient funds to pay for very expensive bar preparation courses. And, let's not forget a former dean of Stanford failed the exam. Guideline 12.1-12.2 is one-size-fits-all regulation that undercuts what Gov. Jerry Brown stands for as evidenced in his letter to Arne Duncan, U.S. Secretary of Education where he berated such regulations in these terms: "You are not collecting data or devising standards for operating machines or establishing a credit score." Indeed, Gov. Brown views has the support of federal courts as well. See *Med. Inst. of Minn v. Nat'l Ass'n of Trade & Technical Schools*, 817 F.2d 1310, 1314 (8th Cir. 1987) ("Strict guidelines would strip [the accreditor of] the discretion necessary to adequately assess the multitude of variables presented by different schools.") No other professional licensing exam agency in our state claims such a sweeping personal privacy exemption. ABA accredited law schools do not receive the pass/fail list of actual names of those who take bar examinations. Law school administrators cannot waive their students or alumni rights of privacy. We actually polled our students. Both past and present students, inclusive of attorney alumni, have emphatically relayed to us that they don't want their names released to anyone without their consent, and they have pleaded with us to enlist your help to maintain their rights of personal privacy. **V. The Exemption Sought Is Contrary To Existing Legal Principles** For the public interest to carry weight, it must be more than "hypothetical" or "minimal." *County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4th 1301, 1323-1324 [89 Cal.Rptr.3d 374.] The State Bar's purported justification of administrative convenience does not pass constitutional muster. Where a requester has an alternative, less intrusive, means of obtaining the information sought, the public interest in disclosure is minimal. *County of Santa Clara* (Id. 1324). Indeed, the courts refused to grant a petition for writ of mandate brought by the Los Angeles Times Communications LLC (Times) against the Los Angeles Unified School District (LAUSD) that sought the names of teachers involved in a statistical model designed to measure a teacher's effect on his or

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			her students' performance in the California Standards Tests (CST). This model yields a result — known as an academic growth over time (AGT) score — which is derived by comparing students' actual CST scores with the scores the students were predicted to achieve based on a host of socio-demographic and other factors. In denying this request by the Times, the Court found that the California Public Records Act (CPRA; Gov. Code, § 6250 et seq.) does not allow for a breach of this privacy. See *Rim of World Unified Sch. Dist. v. Superior Court* 129 Cal.Rptr.2d 11 (2002); 104 Cal.App.4th 1393. For example, even when discovery of private information is found directly relevant to the issues of ongoing litigation, it will not be automatically allowed; there must then be a "careful balancing" of the "compelling public need" for discovery against the "fundamental right of privacy." *City of Santa Barbara v. Adamson* (1980) 27 Cal. 3d 126, 130. **VI. Alternative Means Exist For Any Perceived Consumer Rationale** If the State Bar is claiming an abstract consumer protection interest, it may surely post on its websites the percentage bar pass rates of CALS. This does not require releasing the names of those who taken the California GBX. CALS have already taken significant steps to alter the curriculum and methodology of instruction following the enactment of Guidelines 12.1 and 12.2. The Guidelines have prompted nearly all CALS to teach to the (bar exam) test and many have contracted with commercial bar exam preparers for the use of their materials as part of curriculum instruction by students and instructors. This is *not* a debate about the quality of legal education. **VII. Approval of Proposed Rule 9.8(a)(3) Would Be Tantamount To A Ruling On The Merits of S.234693** About four months ago the Supreme Court denied review of S234693 where the Southern California Institute of Law challenged the Committee of Bar Examiners, a non-expert agency, powers over the accreditation of law schools that included a specific challenge to the constitutionality of Guideline 12.1-12.2 that is the real purpose behind the proposed Rule 9.8(a)(3). If one may permit an analogy. A railway company seeks permission to lay down tracks for its trains. This is challenged before the Supreme Court on the basis that the agency that empowers it has no

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			constitutional authority to do so and besides the tracks are deficient. The review is not heard with the caveat that this does not mean that the particulars of the challenge have no merit. The company tried without success to get the other two branches of government to consent. Having failed, the company now goes before the Supreme Court to have the tracks certified by this same Court as travel-worthy to run the trains. **VIII. Separate Letter Petition to Rehear Prior Refusal for Review As Being Improvidently Denied** Because the State Bar contends that proposed Rule 9.8(a)(3) is "necessary" for it to execute its functions, and this is a statewide issue affecting some fifteen California Accredited Law Schools throughout the state, it implicates thousands of students and alumni, that impressed the involvement of the other branches of government, the Southern California Institute of Law has filed a letter petition setting out the reasons why S234693 now deserves reconsideration of the prior denial and why review should be granted.
14.	Stetson University by Christopher M. Pietruszkiewicz Dean and Professor of Law Gulfport, FL	A	Stetson University College of Law is in support of the proposed new rule 9.8 requiring the California Bar Examiners to release bar passage results to respective law schools. With increased transparency necessary throughout legal education to ensure that students are making sound choices on whether to enter our profession and which law schools match their educational needs, we urge increased transparency in releasing the success of applicants on the bar examination to law schools throughout the United States. The release of this information will also continue to ensure that we satisfy the requirements of our accrediting body. We take seriously our responsibility to prepare students to pass the bar examination, be prepared for the practice of law, and provide pro bono services to our communities to reduce the justice gap that exists throughout our profession. As a law school that contributes 30,000 hours of pro bono service every year, we are deeply committed to ensuring that all of our communities benefit from our responsibility. We hope that the Court provides us with information to assist us in continuing our accrediting requirements and our commitment to communities.