

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM: August 2018 – O-403

DATE: August 14, 2018

TO: The Committee of Bar Examiners

FROM: Natalie Leonard, Program Manager, Educational Standards

SUBJECT: Empire College School of Law – Five-Year Periodic Inspection Report

BACKGROUND

Empire College School of Law (ECSOL) had its five-year periodic inspection conducted on September 26-28, 2017 by an Inspection Team (Team) comprised of Committee of Bar Examiners (Committee) Member Dolores Heisinger, Educational Standards Consultant to the Committee Heather Georgakis, and Dean Andrea Lua of Pacific Coast University School of Law. (Attachment A).

ECSOL Dean J. Michael Mullins accepted the report and confirmed that the law school has, in fact, already addressed each mandatory and suggested recommendation identified in the Inspection Report. (Attachments B, C). The report recommendations were then updated to reflect this progress.

ECSOL was founded in 1973 and received its accreditation from the Committee in 1982. ECSOL added a Master of Legal Studies (M.L.S.) program in 2013. The school was last inspected in October 2011 and found to be in compliance with the Rules and Guidelines for Accredited Law Schools.

ECSOL offers a J.D. degree through a four-year, 86-unit evening program of on-site classes. J.D. students may concurrently enroll in the two-year, 36 unit M.L.S. program. At the time of inspection, total ECSOL enrollment was 85.

The law school's current tuition to earn a J.D. degree is \$64,242 (86 units at \$747/unit). ECSOL's minimum cumulative five-year pass rate was 55.4% for the graduating cohort completing studies between August 1, 2012 and July 31, 2017, the most recent period for which data is available under Guideline 12.1, and above the 40% minimum pass rate required by that Guideline.

The Team found ECSOL to be in substantial compliance with all relevant accreditation standards of the Accredited Law School Rules (Rules) and all relevant Guidelines for

Accredited Law School Rules (Guidelines). Overall, ECSOL's curriculum, admissions, scholastic standards, faculty, library, facilities, Dean and administrators combine to offer its students a compliant program of legal education.

The Inspection Team recommended that the Committee adopt each of the actions listed below, that the accreditation of ECSOL be continued; and that its next periodic inspection be scheduled for Fall 2022, unless an earlier visitation is deemed necessary by the Committee.

Recommended, Mandatory Actions:

Through its inspection, the Team found ECSOL compliant with all rules and guidelines. The Team did, however, identify several issues relating to the law school's current degree of compliance with the Guidelines that need to be remedied by the school. They are enumerated here for reference. The attached response from ESCOL describes how each of the Mandatory and Suggested Actions has already been implemented, as confirmed by the State Bar consultant.

1. Guideline 1.6: The law school must review and as necessary amend its policies designed to enforce applicable civil rights laws and to clearly and consistently state how such policies will be enforced, including deadlines and procedures for handling complaints, investigations, hearings and decisions. Since the date of the inspection, the law school appears to have taken the necessary actions.
2. Guideline 2.3(E)(2): The law school must revise its published accreditation disclosure in its Catalog to state that the law school's J.D. degree-granting authority is derived from the Committee. Since the date of the inspection, the law school appears to have taken the necessary actions.
3. Guideline 2.6: The law school must amend its written student discipline policy to state that a written notice of the charge or charges must be given to the student who is subject to investigation for violation of the policy. Since the date of the inspection, the law school appears to have taken the necessary actions.
4. Guideline 1.6 and 2.8: The law school must adopt, publish and implement a policy that complies with applicable privacy requirements, including Committee and FERPA provisions. Since the date of the inspection, the law school appears to have taken the necessary actions.
5. Guideline 2.7: The law school must adopt, publish and implement a written policy that sets forth procedures and technologies to authenticate the identity of each student submitting any work product or examination answer or participating in a law school activity for credit to ensure that such work, examination answer or participation is that student's own work. Since the date of the inspection, the law school appears to have taken the necessary actions.

6. Guideline 2.10(A): The law school must post information on its website about the services, experiences and activities available as part of the school's J.D. program. Since the date of the inspection, the law school appears to have taken the necessary actions.
7. Guideline 4.7: The law school must adopt, publish and implement a compliant written policy for evaluating the competence of all faculty members. Since the date of the inspection, the law school appears to have taken the necessary actions. A copy of the new written policy should be attached to the Annual Compliance Report.
8. Guideline 7.8: The law school must adopt, publish and implement a policy on course repetition, addressing all requirements of Guideline 7.8. Since the date of the inspection, the law school appears to have taken the necessary actions.

Recommended, Suggested Actions:

1. The Team suggests that the law school continue its efforts to support the academic of its students, particularly those in academic jeopardy, and that it engage in ongoing discussions with faculty and students to ensure that its efforts are targeted toward the current version of the CBX. The law school appears to be taking the suggested actions in a number of ways detailed in Attachment C. These include intensive MBE practice in class and, potentially through technology solutions, as well as workshops in which recent takers of the CBX offer tips and share their experiences.
2. The Team observed a variety of teaching strategies to promote active learning. All professionals appeared to be well prepared and in command of their subject matter. Instructors should be encouraged to provide more feedback on written exams. The law school should also review its elective courses and self-study courses with an eye towards ensuring that students are provided sufficient opportunity to develop analytical, research and writing skills. Since the date of the inspection, the law school appears to have taken the necessary actions.
3. The Team suggests that the law school should remove the reference to their grading scheme which dictates that their grading scheme "mirrors grading on the California Bar Exam where the score of "70" is passing and a score reflecting the minimally competent level of knowledge in that core class, as noted in the report." The law school has since confirmed that this reference appeared only in the self-study and has not been included in other law school publications.
4. The Catalog states that a Regular student with an incoming cumulative GPA below 3.0 and an LSAT score below the 20th percentile will be required to take the First Year Law Students' Examination (FYLSE), but waivers have been granted

frequently when a student has remained in good standing. The law school should review the policy, as applied, to determine whether it is accurately stated in the Catalog.

5. The Team suggests that the law school should continue in its substantial efforts to recruit and retain a diverse faculty. The law school appears to be taking the suggested actions.

DISCUSSION

In his letter to the Committee dated June 19, 2018, Dean J. Michael Mullins accepted the Report and its mandatory and suggested compliance actions.

RECOMMENDATION

The Team recommends that this Periodic Inspection Report be received and filed; that its suggested mandatory and suggested recommendations be acknowledged as adopted and addressed by ECSOL; that ECSOL's accreditation be continued; and that its next periodic accreditation inspection be scheduled in Fall 2022, unless an earlier visitation is deemed necessary by the Committee.

PROPOSED MOTION

Should the Committee of Bar Examiners agree with this recommendation, the following motion is suggested:

Move that the Periodic Inspection Report of Empire College School of Law (ECSOL) conducted September 26-28, 2017 by an Inspection Team (Team) comprised of Committee of Bar Examiners (Committee) member Dolores Heisinger, Heather Georgakis, Educational Standards Consultant to the Committee and Dean Andrea Lua of Pacific Coast University School of Law be received and filed; that the response submitted by Dean J. Michael Mullins, dated June 19, 2018 and submitted on behalf of the law school be received and filed; that the mandatory and suggested compliance recommendations made in the Report be adopted; and that it be acknowledged that the school has addressed each of the mandatory and suggested actions identified herein; and that accreditation of ECSOL be continued; and that its next periodic inspection be scheduled for Fall 2022, unless an earlier visitation is deemed necessary by the Committee.

EMPIRE COLLEGE SCHOOL OF LAW

PERIODIC INSPECTION REPORT

Inspection conducted
September 26-28, 2017

Visitation Team:

Dolores Heisinger, Member
Committee of Bar Examiners

Andrea Lua, Dean
Pacific Coast University School of Law

Heather Georgakis,
Educational Standards Consultant

EMPIRE COLLEGE SCHOOL OF LAW
3035 Cleveland Avenue, Santa Rosa California 95403

EXECUTIVE SUMMARY and RECOMMENDATIONS

A periodic inspection of the Empire College School of Law was conducted on September 26-28, 2017. The inspection team (Team) consisted of Dolores Heisinger, a member of the Committee of Bar Examiners (Committee), Heather Georgakis, Educational Standards Consultant to the Committee, and Andrea Lua, Dean of Pacific Coast University School of Law.

Empire College (EC), a privately-owned institution, was founded in 1961 to operate a School of Business (ECSB). The School of Law (ECSOL) was added in 1973 to offer the Juris Doctor (J.D.) degree and was accredited by the Committee in 1982. With the Committee's acquiescence, ECSOL added a Master of Legal Studies (M.L.S.) program in 2013. EC and ECSOL are headquartered at the EC campus in Santa Rosa, California. The mission of the law school is to provide a positive learning environment to achieve a quality legal education.

ECSOL's M.L.S. program and ECSB's programs are accredited by the Accrediting Council for Independent Colleges and Schools (ACICS). As of December 2016, the U.S. Department of Education (USDOE) no longer recognizes ACICS as a national accrediting agency, but EC continues to participate in the federal student aid program for its ACICS-approved programs while the school seeks accreditation by the Accrediting Commission for Career Schools and Colleges (ACCSC). A decision by ACCSC is pending, following an October 2017 accreditation site visit to EC.

ECSOL offers the J.D. degree through a four-year, 86-unit evening program of on-site classes. J.D. students may concurrently enroll in the two-year, 36-unit M.L.S. program and, if eligible, receive federal financial aid; students in both programs attend classes together. At the time of inspection, total ECSOL enrollment was 85.

J. Michael Mullins is the law school's Dean. All instructors teach part-time; each is a licensed attorney or judge and graduate of an ABA- or California-accredited law school. Based on the 2017-2018 tuition rate (\$747/unit), total J.D. tuition is \$64,242, slightly above the average of \$63,498 for California-accredited law schools (CALS). ECSOL's graduates had a cumulative pass rate of 72.2% on the California Bar Examination for the initial five-year period publicly reported under Guideline 12.1 for results through the February 2015 administration of the examination.

Recommended Action by the Committee:

The Team found ECSOL to be in substantial compliance with all relevant accreditation standards of the Accredited Law School Rules (Rules) and all relevant Guidelines for Accredited Law School Rules (Guidelines). Overall, ECSOL's curriculum, admissions, scholastic standards, faculty, library, facilities, Dean and administrators combine to offer its students a compliant program of legal education.

The Team recommends that the Committee adopt each of the actions listed below, continue the accreditation of ECSOL and schedule the next periodic inspection for the fall of 2022, unless it deems earlier visitation necessary.

Recommended, Mandatory Actions:

Based upon its inspection, the Team found that the school is in substantial compliance with all Committee Rules and Guidelines. The Team did, however, identify several issues relating to the law school's current degree of substantial compliance that need to be remedied by the school. The Team recommends that each mandatory action noted below be adopted by the Committee and that the law school reports all actions taken to address these issues in its 2018 Annual Compliance Report:

1. Guideline 1.6: The law school must review and as necessary amend its policies designed to enforce applicable civil rights laws and to clearly and consistently state how such policies will be enforced, including deadlines and procedures for handling complaints, investigations, hearings and decisions. Since the date of the inspection, the law school appears to have taken the necessary action.
2. Guideline 2.3(E)(2): The law school must revise its published accreditation disclosure in its Catalog to state that the law school's J.D. degree-granting authority is derived from the Committee. Since the date of the inspection, the law school appears to have taken the necessary action.
3. Guideline 2.6: The law school must amend its written student discipline policy to state that a written notice of the charge or charges must be given to the student who is subject to investigation for violation of the policy. Since the date of the inspection, the law school appears to have taken the necessary action.
4. Guidelines 1.6 and 2.8: The law school must adopt, publish and implement a policy that complies with applicable privacy requirements, including Committee and FERPA provisions. Since the date of the inspection, the law school appears to have taken the necessary action.

5. Guideline 2.7: The law school must adopt, publish and implement a written policy that sets forth procedures and technologies to authenticate the identity of each student submitting any work product or examination answer or participating in a law school activity for credit to ensure that such work, examination answer or participation is that student's own work. Since the date of the inspection, the law school appears to have taken the necessary action.
6. Guideline 2.10(A): The law school must post information on its website about the services, experiences and activities available as part of the school's J.D. program. Since the date of the inspection, the law school has taken the necessary action.
7. Guideline 4.7: The law school must adopt, publish and implement a compliant written policy for evaluating the competence of all faculty members. Since the date of the inspection, the law school appears to have taken the necessary action. A copy of the new written policy should be attached to the Annual Compliance Report.
8. Guideline 7.8: The law school must adopt, publish and implement a policy on course repetition, addressing all requirements of Guideline 7.8. Since the date of the inspection, the law school appears to have taken the necessary action.

Recommend, Suggested Actions

1. The Team suggests that the law school continue its efforts to support the academic success of its students, particularly those in academic jeopardy, and that it engage in ongoing discussions with faculty and students to ensure that its efforts are targeted toward the current version of the CBX. The law school appears to be taking the suggested actions.
2. The Team observed a variety of teaching strategies to promote active learning. All professionals appeared to be well prepared and in command of their subject matter. Instructors should be encouraged to provide more feedback on written exams. The law school should also review its elective courses and self-study courses with an eye toward ensuring that students are provided sufficient opportunity to develop analytical, research and writing skills. Since the date of the inspection, the law school appears have taken the suggested actions.
3. The Team suggests that the law school should remove its reference stating that this grading scheme "mirrors grading on the California Bar Exam where a score of "70" is passing and a score reflecting the minimally competent level of knowledge in that core class, as noted in the report." The law school has since confirmed that this reference appeared only in the self-study and has not been included in other law school publications, including the new Faculty Handbook.

4. The Catalog states that a Regular student with an incoming cumulative GPA below 3.0 and an LSAT score below the 20th percentile will be required to take the First Year Law Students' Examination (FYLSE), but waivers have been granted frequently when a student has remained in good standing. The law school should review the policy, as applied, to determine whether it is accurately stated in the Catalog.
5. The Team suggests that the law school should continue in its substantial efforts to recruit and retain a diverse faculty. The law school appears to be taking the suggested actions.

Report of Self-Study

ECSOL submitted a thorough self-study to assist the Team in its assessment of the law school's compliance with the Rules and Guidelines. Dean Mullins and his staff responded promptly and fully to requests for follow up information, and that information was considered when drafting this inspection report.

Report of Inspection

The inspection took place over two and one-half days (September 26-28, 2017) during which the Team gathered comments from all major law school constituencies. The Team met with all ECSOL administrators, including Dean J. Michael Mullins; Assistant Dean Murray Cockerill; Assistant to the Dean and Registrar, Tracy Chodora; and Senior Administrative Assistant Rebecca Lack. The Team also conferred with ECSOL administrators President Roy O. Hurd; Executive Vice President, Marketing and Operations Sherie L. Hurd; Controller David Yarbrough; and Director of Admissions Dahnja Schiro; and staff who assist with functions such as financial aid, recordkeeping and placement. The Team also met privately with several faculty members and law students.

Team members also toured EC facilities and reviewed the library collection with Supervising Law Librarian and Robert Swanson and Librarian Kimberly Tucker. They met with ECSOL clinical instructors at Sonoma County Legal Aid; observed numerous class sessions; and conducted a sample review of student files, faculty files, final examinations, student answers and other records.

The Team concluded the visit with a comprehensive exit interview with Dean Mullins and other leaders of EC and ECSOL to discuss the Team members' impressions, preliminary findings and anticipated recommendations. All participants appeared to be candid and cooperative.

SPECIFIC FINDINGS AS TO COMMITTEE ACCREDITATION STANDARDS

Below are the Team's findings, conclusions and recommendations as to ECSOL's compliance with accreditation standards of the Rules and Guidelines.

Rule 4.160(A): Lawful Operation. The law school must operate in compliance with all applicable federal, state and local laws and regulations.
Guideline 1.6

EC and ECSOL operate in compliance with applicable federal, state and local laws. ECSOL is one of two schools within EC, a privately-owned Subchapter S corporation organized under California law and in good standing with the Secretary of State. ECSOL's legal duties are addressed by EC and ECSOL policies administered jointly by college and law school personnel.

The College promotes legal compliance by supporting the professional development of personnel at all levels, including law faculty. To remain informed about regulatory requirements, employees participate in conferences and webinars, subscribe to news lists and periodicals, and network with professional colleagues. Administrative staff is expected to complete at least two training events per year. Specialized training is provided by function. Admissions staff, for example, receives monthly guidance on best practices from an admissions consultant, while financial aid staff attends USDOE webinars. EC and ECSOL hold in-service training workshops on campus several times each year. Finally, the 10-member EC Management Team meets every two weeks to review operational matters, including compliance issues.

EC's campus appears to be compliant with the Americans with Disabilities Act (ADA). The law school publishes EC's ADA policies in its Policy Manual (Manual). Dean Mullins evaluates law students' ADA accommodation requests, at times referring requests to ECSOL's ADA Committee, which meets periodically to further evaluate ADA needs and requests. ADA Committee members are Dean Mullins, the ECSB Director of Education, an attorney practicing in the area of disability rights law, and a faculty member experienced in disability rights law. Nine ADA testing accommodation requests were granted in Spring 2017.

Executive Vice President Sherie Hurd oversees compliance with the Crime Awareness and Campus Security Act (Clery Act) and similar laws; as required, the College publishes crime statistics in an annual Campus Security Report, which is posted on the website and e-mailed to students and faculty.

Policies on civil rights are published in the Manual (sexual harassment, section 14.2; sexual assault, section 14.3; and equal opportunity, section 15.0). The Team recommends that ECSOL review and, as necessary, amend these policies to more clearly and consistently state how policies will be enforced, including deadlines and procedures for handling complaints, investigations, hearings and

decisions. For example, section 14.2 states that sexual harassment complaints will be investigated and, if supported, referred for disciplinary review under Manual section 10. However, section 14.3 does not cite the applicability of section 10 procedures to sexual assault claims, except to state that “the victim will be kept informed of the initiation and results of any disciplinary action taken.” Section 15.0 promises equal opportunity but states no mechanism for challenging a claimed violation. The law school should also ensure that its non-discrimination policies comply with requirements of 20 U.S.C. section 1681 et seq. (“Title IX”).

With respect to privacy protections of the Family Educational Rights and Privacy Act (FERPA), the self-study notes that EC policies do not comply with FERPA; EC staff advised during the visit that a FERPA-compliant provision would soon be finalized. ECSOL’s Catalog (Catalog) states it is ECSOL policy “not to release information to outside parties without the student’s consent”; privacy references were not found in the Manual. The Team recommends that ECSOL adopt, publish, and implement a policy that complies with FERPA and Committee privacy requirements.

A Drug-Free Awareness and Drug Prevention Policy, addressing drug and alcohol use, are provided at Orientation and on ECSOL’s student/faculty website.

EC appears to comply with applicable laws and regulations on financial transactions, including federal financial aid mandates and Federal Truth in Lending Act (Regulation Z) mandates. Further, EC complies with federal laws related to student recruitment, including the Higher Education Act.

As noted below, ECSOL is compliant with California Business and Professions Code section 6061.7 requiring law schools accredited by the Committee to post a specific list of statistics about the law school’s programs. ECSOL also properly updated this report in 2018 as required by the statute.

Policies and procedures applicable to students generally are stated in the Catalog and, in some cases, the Manual. These policies and procedures adequately inform students about their rights and responsibilities under governing laws, except as noted in this Inspection Report.

Rule 4.160(B): Honesty and Integrity. The law school must demonstrate integrity in all of its programs, operations, and other affairs. Guidelines 2.1 – 2.10; Bus. & Prof. Code sec. 6061.7(a) and sec. 6061.7(c)

Empire College and its law school comply with Guidelines 2.2(A) – 2.2(C) by conducting their financial affairs with integrity. The College’s finances are audited annually by a certified public accountant, as required by both its current non-CBE accreditor, ACICS, and its proposed accreditor, ACCSC. The audit ensures that

appropriate safeguards are in place to protect against fraud, to track expenses, to meet payroll, and to prepare financial reports and budget projections.

The Catalog accurately states current tuition, fees, financial aid availability and refund policies; it is downloadable as a PDF from the Law School Data/Disclosures webpage. ECSOL's refund policy is compliant, providing for tuition refunds of 100% upon withdrawal by the second week of a 10- or 15-week term, 75% upon withdrawal by the fourth week, and lesser sums thereafter through the eighth week. A separate refund schedule applies to five-week terms.

ECSOL communicates in an "honest and forthright manner" as required by Guideline 2.3. The Catalog and Manual describe the curriculum and academic policies; graduation requirements are in the Manual. The proper warning about eligibility to take a bar exam or practice law elsewhere is in the Catalog and on an Accreditation webpage; students are also provided with a link to the State Bar's Bar Examination Statistics page.

The law school's publications and website accurately state that it is accredited by the Committee, and that the M.L.S. program is accredited/approved by ACICS. While as required by Guideline 2.3(E)(2), the website Accreditation page states that the law school's J.D. degree-granting authority is derived from the Committee, the Team recommends that ECSOL add the required statement to the Accreditation section in the Catalog to achieve full compliance.

ECSOL meets the disclosure requirements of Business and Professions Code section 6061.7 by providing the required Law School Data/Disclosures in the appropriate place on its website. This statute, effective January 1, 2017, requires California's non-ABA-approved law schools to post an Information Report Form on their websites containing certain disclosures.

Guideline 2.5 is satisfied because while ECSOL employs admissions and enrollment staff, it does not compensate individuals based on the number of persons enrolled, applying for admission, or registering at the law school.

The Student Discipline Policy for Non-Financial Non-Academic Matters, set forth in the Manual, meets almost all requirements of Guideline 2.6. Non-academic discipline may be imposed for a range of behaviors such as plagiarism, vandalism of property, and harassment. Sanctions range in severity from reprimand to expulsion, including all sanctions required by Guideline 2.6(A). The policy provides that "written notice in advance" must be given to students "who are the subject of proposed disciplinary action for a violation of policy." The Team recommends that the policy be amended to include "[w]ritten notice of the specific charge or charges," as required by Guideline 2.6(B)1. As required, ECSOL provides for a hearing before an impartial panel and a final determination with a statement of facts, conclusions, and sanction, if any; no appeal lies from the panel's determination.

ECSOL has adopted compliant academic standards as found in the Catalog and Manual. Numerical grading is used for subjects tested on the California Bar Examination (CBX) based on a scale from zero to 100 with five categories: Outstanding (90-100), Honors (80-89), Satisfactory (70-79), Unsatisfactory (65-69) and No Credit (64 and below). Pass/Credit-Fail/No Credit grading is used in several required skill courses and all electives, with no credit for grades below 65 or the equivalent. Other than category titles, ECSOL's grading policies provide students no guidelines for academic expectations. The Team suggests that the law school and its faculty consider the benefits of providing such guidance. The Manual advises that anonymous grading and student select identification numbers are used for exams for that purpose.

The law school does not require faculty to use a mandatory grade curve. To ensure reasonable grade correlation, faculty participates in calibration sessions as addressed below in the section on Rule 4.160(F) Scholastic Standards, where ECSOL's course repetition policy is also discussed.

Academic policies are set by the Dean in consultation with the faculty. In the Catalog and Manual, students are informed of the units and grade point average needed to achieve good standing and graduate, circumstances giving rise to academic probation and disqualification, and possible conditions of probation. Changes to curriculum or graduation requirements are applied only to students enrolling after changes are adopted.

Each instructor is expected to prepare a course syllabus based on a standardized template. All syllabi are required to contain information about how course grades will be determined, including the number, type and weight of examinations and other factors to be considered, such as class participation. The Team observed that grading factors stated in course syllabi were consistent with those reflected on corresponding grade calculation sheets.

ECSOL communicates the importance of academic honesty in the Policy Manual, particularly in section 10.0, "Acts Subject to Discipline," which identifies plagiarism, as well as "using, giving, or receiving unauthorized aid, equipment, or materials" as prohibited. Section 14.1, "Compliance with the Honor System," sets the expectation that during examinations, students are not to use unauthorized materials.

Guideline 2.7(C) requires ECSOL to have a written policy on procedures to authenticate the identity of each student submitting work and to ensure that the work is the student's own. The Team recommends that the ECSOL adopt, publish, and implement such a policy with procedures to authenticate the various types of "work" submitted, for exams and otherwise, including the use of technology, such as commonly available software, to detect plagiarism.

Guideline 2.7(D) requires that students be advised of their grades within “a reasonable time.” ECSOL faculty is contractually obligated to return their grades within 21 days after the last day of the two-week exam period, giving them from three to five weeks to complete their assessment. Although administrative processing of grades generally takes no longer than a week, students typically do not receive notice of their grades until four to six weeks after taking examinations. The Team suggests that ECSOL review and revise its procedures, so grades can be issued more promptly, and students can adjust their study strategies accordingly.

ECSOL’s practices for allowing student inspection and copying of examination papers are compliant with Guideline 2.7(E). For at least one month after grades are issued, students are permitted to inspect and copy essay examination questions and their own answers, and to compare their answer sheets to answer keys for multiple-choice questions. It is suggested that the law school consider expanding its explanation of these examination review practices in Policy Manual section 7.15 to promote awareness of the time limits and scope of permitted copying.

Student requests for grade review are handled by the six-member faculty Academic Standards Committee (ASC). In compliance with Guideline 2.7(G), and as detailed in the Manual, grounds for change include unfairness, departure from established grading policy, or clearly shown mistake. Faculty who discover a mistake in their posted grades may also petition the ASC for a grade change.

ECSOL maintains the privacy of student information, records and communication, as required by Guideline 2.8. The Manual addresses the law school’s policy on release of official transcripts and directory information and outlines certain student rights under the Family Educational Rights and Privacy Act (FERPA.) As noted above, a policy revision is underway to promote full FERPA compliance.

EC has established reasonable security and backup procedures to protect its computer systems, communications systems and records. (Guideline 2.9.)

Guideline 2.10(A) requires the law school to state, in its Catalog and website, the “services, experiences and activities” available to students and to “provide adequate resources” for them. These opportunities are listed in the Catalog and appear to be adequately resourced. The Team recommends that ECSOL also publish the required information on its website, as required.

The law school provides appropriate academic support services and clinical experiences, as mandated by Guideline 2.10 (B). Academic counseling is provided primarily by faculty, who are available to meet with students outside of class. Dean Mullins and Assistant Dean Cockerill offer counseling by appointment. Assistant Dean Cockerill provides one-on-one tutoring and the law

school provides referrals for outside tutors. Both deans make special efforts to engage with students in academic jeopardy; students on probation, for example, are required to meet with a Dean. While ECSOL does not offer a law review, it does provide externship and clinical opportunities, as detailed below.

ECSOL does not provide academic advisors or regular extracurricular workshops on skills needed for successful law study. The school's students generally have full-time jobs that leave them little time for extracurricular activities. As a result, the law school has elected to cover these topics at Orientation and within the curriculum, primarily in the first and fourth years.

During confidential meetings with the Team, students confirmed that ECSOL's dean and faculty are generous in providing academic counseling and career advice. They also cited the externship/clinical program as among the law school's primary strengths. On the other hand, a number of students commented that they would like more guidance on taking multiple-choice examinations, given the greater weight given the Multistate Bar Examination (MBE) on the CBX and the increased use of MBE-style questions on law school examinations. ECSOL is aware of this concern and has recently contracted with a commercial bar review provider to offer a one-day workshop on exam-taking skills.

The Team suggests that the law school continue its efforts to support the academic success of its students, particularly those in academic jeopardy, and that it engage in ongoing discussions with faculty and students to ensure that its efforts are appropriate given changes in the CBX and the legal profession.

Rule 4.160 (C): Governance. The law school must be governed, organized, and administered so as to provide a sound educational program. Guidelines 3.1-3.3; 4.1-4.2

Empire College is a for-profit corporation governed by an eight-member Board of Directors that meets quarterly. The Directors are business leaders who also serve on other corporate, non-profit and higher-education boards. The College is led by President Roy Hurd, who is also Chairman of the Board and Chief Executive Officer. The law school's Dean attends Board meetings to provide reports and the Board engages in oversight of law school operations.

Day-to-day law school operations are handled by several full-time administrators. Executive responsibility belongs to the Dean, a position held since 2015 by Dean J. Michael Mullins, a licensed attorney who reports to President Hurd. Assistant Dean Murray Cockerill, also a licensed attorney, assists with admissions, as well as academic and student affairs. An ECSOL alumnus, he handles estate planning and litigation matters in law practice and, since 2015, he has served as the supervising attorney and Professor for ECSOL's Small Claims Advisory Clinic. Tracy Chodora is Assistant to the Dean/Registrar; she is assisted by Rebecca Lack, Senior Administrative Assistant. Dahnja Schiro is EC's Director of

Admissions. Two part-time staffers oversee the library; Kimberly Tucker is Supervising Law Librarian and Robert Swanson is Librarian. The Team found all of these administrators to be competent and dedicated to the law school and its students.

Adjunct faculty members, many of whom have taught at ECSOL for decades, contribute actively to the law school's governance. They participate in decision-making about the curriculum; student discipline, status, matriculation, and some policies and procedures. Meetings of the entire faculty are held four times each year, and faculty who teach each cohort (first-, second-, third- and fourth-year) meet at the close of the academic year to review student progress and to calibrate examinations and grading standards. Faculty members serve on law school committees, including Academic Standards, ADA, and Scholarship Committees and on selection and hiring committees as needed.

The law school recently formed a four-member Board of Visitors which will meet quarterly to advise ECSOL on curriculum and law career issues. To avoid insularity, all Board of Visitors members are graduates of other law schools.

Rule 4.160(D): Dean and Faculty. The law school must have a competent dean and a competent faculty that devotes adequate time to administration, instruction, and student counseling. Guidelines 4.1 – 4.9

Dean Mullins is well qualified for his position. Before becoming Dean in 2015, he served for 38 years as a trial attorney for Sonoma and Solano Counties, including an eight-year term as Sonoma County District Attorney. He has taught law courses at Empire College, Santa Rosa Police Academy and the California District Attorneys' Association. In 2016, he received the Sonoma County Bar Association's Career of Distinction award. He has earned the respect of Empire College administrators and the law school's students, staff and faculty. Registrar functions and a wide variety of additional essential duties are handled by Tracy Chodora, Assistant to the Dean/Registrar.

ECSOL has 43 adjunct instructors. All hold law degrees and are licensed attorneys or judges. Eight are current or retired judges and several hold high positions in public office, including Sonoma County's District Attorney and Public Defender. Just over half graduated from ABA-approved law schools, including the University of Minnesota, Notre Dame and several University of California campuses; the others are ECSOL graduates. Faculty teaches in their areas of expertise and work with Dean Mullins to develop ECSOL's academic policies. The faculty focuses on preparing students to represent future clients as ethical, competent practitioners.

Teaching loads and class sizes are such that faculty have sufficient time for class preparation, teaching and counseling, as mandated by Guideline 4.4. As reported

in the self-study, class sizes range from 6 to 30; on average, the ratio of students to professors is less than 20:1.

Consistent with Guidelines 2.10, 4.4 and 6.10, faculty is available to counsel students. Each instructor signs a job description obligating the signer to advise students and to “treat students’ academic needs seriously by being accessible for academic consultation before or after class, via phone or e-mail.” ECSOL’s standardized syllabus template requires faculty to provide their contact information to students. Counseling typically takes place before class, between 5 p.m. and 6 p.m., and offices and classrooms are made available for this purpose. Dean Mullins and Assistant Dean Cockerill counsel certain students, such as those in academic difficulty, on probation, or seeking internship advice.

New faculty is oriented to their teaching duties in one-on-one sessions with the Dean. They receive ECSOL’s Grading Policies and Procedures, covering certain aspects of exam drafting and grading, and EC’s Employee Handbook (Handbook), outlining personnel topics. In addition, for each course they teach, faculty sign a per-term contract enumerating certain duties. The Team encourages ECSOL to create a faculty manual to ensure that all faculty, whether new or experienced, have a comprehensive, up-to-date source for all faculty-related policies, procedures, and resources, particularly those related to compliance with CBE requirements.

Under Guideline 4.6, faculty has a continuing obligation to improve teaching skills and substantive expertise. To promote faculty development, EC and ECSOL sponsor in-service workshops approximately quarterly. Faculty meetings also include a development component; recent topics include Grading Do’s and Don’ts and The New Bar Exam—Examined. Faculty has access to the library and ECSOL’s databases, Lexis/Nexis and Westlaw for research on substantive law and teaching methods. The Team suggests that the faculty development duty be covered in ECSOL’s faculty materials and that development activities be documented in meeting minutes and Annual Faculty Development Plans, as discussed below.

Procedures for faculty evaluation are described in ECSOL’s Law School Annual Faculty Development Plan (AFDP), which outlines “a process to incorporate faculty evaluations from student surveys and classroom observations into a development plan for instructors’ continuous improvement or skills maintenance.” Under this process, observation results and survey summaries are to be reviewed with the instructor then filed in his or her personnel binder. The Dean and instructor are to discuss any issues and agree upon follow-up; the Registrar is charged with identifying and recording the instructor’s outside faculty development activities. Updated personnel reports are to be sent to the instructor for review and, once approved, filed electronically and in hard copy. The self-study states that new faculty is reviewed during the first year of teaching and returning faculty is observed at least once every three years.

ECSOL has made recent efforts to create a faculty evaluation process that adheres to the requirements of Guidelines 4.7 and 4.8, including evaluation within the required timeframes. However, a compliant process is one that, as adopted and applied, evaluates an instructor based upon the specific factors listed in Guideline 4.7(A) and considers the range of performance indicators set forth in Guideline 4.8. The Team recommends that ECSOL adopt and implement a written policy that incorporates those factors and indicators to achieve full compliance.

As required by Guideline 4.9, a written academic freedom policy protects faculty

Team members observed six evening lecture classes taught by adjunct faculty and visited two daytime clinics, including Sonoma County Legal Aid and the on-campus Small Claims Advisory Clinic. As noted in the self-study, core classes were taught primarily through Socratic inquiry. The Team observed effective teaching in most classes; all professors appeared to be well-prepared and in command of their subject matter. Some professors however were more dynamic than others, holding student attention by their commanding presence, use of varied teaching modes and technologies, and clear standards for class behavior.

Student engagement varied widely, with fair-to-good participation in most classes. Upper level students stood while speaking. On the other hand, in a few classes discussion lagged because students declined to participate or presented unfocused briefs. To ensure that all students have a sound law school experience, the Team encourages the law school to ensure that all faculty members are aware of, and using, best practices for fostering student engagement in the classroom.

Rule 4.160(E): Educational Program. The law school must maintain a sound program of legal education. Guidelines 1.8, 6.1 – 6.14

ECSOL offers the J.D. degree through a four-year, 86-semester unit program designed to prepare graduates to practice law in California. Students are admitted in Fall, Spring and Summer terms. The calendar includes three 15-week semesters. Each semester-long course consists of 14 class sessions and an examination period of from one to two weeks after the 14th session. Classes are held in the evening Monday through Thursday, and on some Saturday mornings. Classes last three hours for three-unit courses and two hours for two-unit courses.

ECSOL also offers a 24-month, 36-unit Master of Legal Studies degree (M.L.S.). Students may enroll concurrently in the J.D. program. M.L.S. students take the first-year J.D. curriculum (two introductory courses, Torts, Contracts and Criminal Law) and, in the second year, Constitutional Law and Advanced Legal Writing. They also choose seven units of electives from J.D. doctrinal and elective

courses. Of the 85 students enrolled, 68 chose the concurrent degree programs, 12 chose the J.D. program alone, and five chose the M.L.S.

The part-time J.D. curriculum meets the quantitative requirements of Guideline 6.5 requiring students to complete at least 1200 hours and 80 units over not less than 120 weeks if attending part-time. ECSOL requires students to complete the J.D. in the required sequence and no later than 84 months after beginning study. The Manual clearly informs students of the Committee's residence requirements.

Students can request to review their academic progress with the Registrar, Dean or Assistant Dean. They use a "Unit Checklist" Form, which is updated by the Registrar each grading cycle as she updates the law school's Student Academic Progress (SAP) spreadsheet. Together, these documents indicate which students are most in need of academic support and guidance.

The law school's attendance policies satisfy Guideline 6.5(B). Regular and punctual attendance is required and enforced. Students are warned in the Catalog and Manual that a student who is absent from more than 20% of course meetings in a given term will be dropped automatically.

ECSOL's minimum and maximum course loads comply with Guideline 6.5(H). Typically, part-time students attend class 6-10 hours weekly. J.D. students are not permitted to enroll in fewer than six units per term except with the Dean's permission, for good cause shown. Students must take the required curriculum during their first and second years, as clearly detailed in the Manual.

The J.D. curriculum provides the "balanced and comprehensive course of study" and "opportunity for practical skills instruction" mandated by Guidelines 6.8 and 6.9. Students take 73 units of required work, including 63 units in all subjects tested on the CBX. Required courses also include Introduction to Law, Legal Research & Writing, Law Study and Exams, Advanced Legal Research, Advanced Legal Writing, and Moot Court. All required courses are offered annually.

Students must take 13 elective units. Electives are scheduled based on student demand and faculty availability. Most are offered during Summer session, but a few are offered in the Spring and Fall. The subject range gives students the chance to develop practical skills and explore various practice areas, such as bankruptcy, civil litigation, and environmental law. Options also include Notable Trials of the 20th Century, Governance in Context and Law & Literature.

Since the October 2011 visit, a few curriculum changes have been made. Wills & Trusts has been reduced from 4 units to 3 units, and in Advanced Legal Research a comprehensive legal research project has been added as a "culminating experience." New elective courses have been added including the Legal Aid Clinic at Sonoma County Legal Aid, which provides students with

“real-life client counseling opportunities and exposure to a variety of poverty law topics.”

Courses are well-sequenced. The first year includes both traditional subjects (Contracts, Torts, and Criminal Law) and analytical skills topics (Introduction to Law, Legal Research & Writing, Law Study and Exams). Second-year courses include Constitutional Law, Civil Procedure and Evidence, the latter two facilitating student participation in the Practical Training of Law Students program. Professional Responsibility is offered frequently, giving students options to decide when to take the Multistate Professional Responsibility Examination (MPRE). Third- and fourth-year schedules give students flexibility in completing one-semester courses.

ECSOL’s syllabus template, used by all faculty, complies with Guidelines 2.7(C) and 6.5(K) in form and content. Syllabi consistently provide information about course organization, readings, grade calculation, and expected student learning outcomes; they also reflect the assignment of current, recognized textbooks.

Clinical/internship options comply with Guideline 6.6. Third- and fourth-year law students may earn elective credit in the Clinical Education Program. Law Students apply to participate in the selective program, and then work under the personal supervision of practicing attorneys or judges who must regularly review their work. Forty-eight (48) hours of clinical work must be performed for each unit of academic credit; a student may earn no more than three clinical units in any academic year, up to a total of five units. To receive credit, the student must submit documentation, including a Supervisor’s Evaluation, Student’s Evaluation, Proof of Hours Worked and an Approved Writing Sample. ECSOL offers these clinics:

Disability Law Clinic
Elder Law Clinic
Immigration Law Clinic

Legal Aid Clinic (Sonoma County L.A.)
Self-Help Access Center (SHAC)
Small Claims Advisory Clinic

ECSOL’s grading standards and grade correlation are discussed below.

Based upon the findings above, the Team found ECSOL’s program of legal education to be sound and compliant with Accredited Law School Rule 4.160(E) and Guidelines 6.1-6.14.

Rule 4.160(F): Scholastic Standards. The law school must maintain sound scholastic standards and must as soon as possible identify and disqualify those students who lack the capability to satisfactorily complete the law school’s J.D. degree program. Guidelines 7.1 – 7.10

ECSOL maintains compliant scholastic standards designed to ensure that it retains only those students who appear to have the ability to satisfactorily

complete its J.D. program. Policies in the Catalog and Manual clearly define academic standing, academic disqualification, and advancement in good standing and on probation, retention and graduation requirements, and procedures for changing such provisions, as required by Guideline 7.2.

Students must maintain a grade point average (GPA) of 70 to remain in good standing and earn the J.D. degree. A first-year student with a GPA between 68 and 69.99 will be advanced on probation and have until the end of the second year to achieve good standing. During their time on probation, the students must limit or decline participation in clinics, internships and offices, and participate in academic counseling. A first-year student will be disqualified with a cumulative GPA below 68 or grades of less than 68 in courses totaling 11 or more units. Any student whose cumulative GPA is below 70 at the end of the second-, third-, or fourth-year will be academically disqualified.

ECSOL's course repetition policy provides that a student who receives a grade of less than 65 in any course will be placed on probation, if not otherwise disqualified, and will have until the end of the next year to repeat that course; only one repetition is permitted. When repeating the course, the student must earn a grade of at least 70, or be disqualified with no right to seek readmission. To be fully compliant with Guideline 7.8, ECSOL's policy must state the effect of any required repetition on a student's grade point average and its effect on "disqualification, probation, advancement and graduation"; also, it must address when a course may be repeated and the effects of such repetition. The Team recommends that a compliant policy be written, published and implemented.

First-year students who fail to meet minimum requirements at ECSOL are academically dismissed at the end of the first year. As reported in Fall 2016, between five and six first-year students were dismissed during each of the prior three years, or 14% to 20% of the first-year class. Over the same period, a total of four second-year students were dismissed. Unless otherwise ineligible, disqualified students may petition the ASC for readmission; ECSOL's readmission provisions are compliant with Guidelines 5.7, 5.8 and 5.9. Readmitted students are placed on probation and any student granted delayed readmission is required to begin again as a first-year student.

The self-study states that at ECSOL a grade of 70 is a passing score reflecting minimally competent knowledge in that core class. The school should remove its reference stating that this grading scheme "mirrors grading on the California Bar Exam where a score of "70" is passing and a score reflecting the minimally competent level of knowledge in that core class." The grading on the California Bar Examination is not done on a percentage basis or a set number score. Raw grades on each written question (e.g., a 65 or a 70) do not necessarily reflect "passing"; scaling must be applied to all raw scores. Rather, whether an applicant passes the CBX is dependent upon achieving a minimum total scaled

score of 1440 on the entire exam, which includes both portions (written and multiple-choice) of the examination.

ECSOL's grading schedule is conveyed to faculty verbally. Grade inflation is not significant, as reflected by data in ECSOL's 2016 Annual Compliance Report. Overall, of final grades issued in 2015-2016, only 3.9% were at B+ (87) or above (19/480) while 19.6% were B- (80) or higher (94/480); 80.4% were C+ (79) or below (385/480). At the lower end, 22.5% of grades were D+ (69) or below (108/480), while 6.6% (32/480) were F (64 or below). Grades of B+ or higher were given at only slightly higher rates in 2014-2015 (6%) and 2013-2014 (4.9%). The Team's review of several years of grade calibration spreadsheets confirmed a reasonable degree of grading consistency.

To promote grade consistency, each semester, faculty receives grade distribution charts to permit comparison of their grading practices with those of other faculty. After Spring semester, calibration sessions are held. This process "allows faculty to assess the degree of correlation between their grades for the same student, and prompts re-reading of exams if grades are unreasonably skewed." They use a spreadsheet listing the grades of each student, first anonymously by student identification number and then "after evaluation and discussion by student name." The Team suggests that law school should evaluate the practice of revealing student identities for consistency with ECSOL's stated policy of anonymous grading.

The Dean and Associate Dean oversee examinations and grading. Instructors draft exams in their own courses; these are reviewed and approved by the Dean. A sample review confirmed that examinations are generally complete and formatted consistently. Grades issued by instructors teaching the same students appear to be reasonably well-correlated. The Team observed, however, that some exams included overlong fact patterns and more questions than would appear reasonable. Moreover, many student answers contained little instructor feedback. The Team strongly suggests that faculty be required to provide adequate comments on examinations, and that adequacy of feedback be evaluated as part of faculty review process.

Overall, the law school's grading processes appear to yield grades that are fair and consistent and, except as noted, the law school's academic standards appear to be compliant with Guidelines 7.1 – 7.10.

Rule 4.160(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. Guidelines 5.1-5.9

ECSOL's admissions policy is compliant overall. Admissions requirements are stated in the Catalog and accessible through a website link. Applicants must submit an application fee, Statement of Intent, two letters of recommendation and

official transcripts or a Credential Assembly Service report for post-high school education (or, for Special Students who have completed fewer than 60 college units, certification meeting statutory requirements). As required by Guideline 5.4, the application asks about prior law study and the applicant's good standing and eligibility to return. An LSAT score is also required; Regular Students may take the exam up to four months after starting classes but Special Students must submit a score before being admitted.

Assistant Dean/Admissions Officer Cockerill has primary responsibility for the admissions process. He interviews prospective students, determines whether pre-legal education requirements are met and arranges mandatory interviews with the Dean. The Dean makes all admissions decisions in consultation with the Assistant Dean and, in unusual cases, the Academic Standards Committee. Enrollment eligibility is only rarely based on unofficial transcripts, but files are monitored carefully to ensure compliance with the Guideline 5.3 mandate that official transcripts (or equivalent) must be on file within 45 days of the start of a student's initial term.

According to the self-study, admissions decisions are based on the applicant's undergraduate degrees/credits; other academic factors, such as special student status, CLEP tests, and certifications; professional/vocational/military training and experience; life experience; references; Statement of Intent; and LSAT scores. Another factor, Dean Mullins noted, is whether the applicant's situation, including job duties, family/home life, and commute time, will support academic success.

The law school complies with the minimum undergraduate qualifications mandated by Business and Professions Code section 6060(c), the Admissions and Educations Standards of the State Bar and Guideline 5.2. Based on the 2016 Annual Compliance Report, 80% of admitted J.D. students for 2016-2017 had a bachelor's degree; only one student was a Special Student.

ESCL follows Guideline 5.6 when admitting or readmitting students academically disqualified from ESCL or another law school. Over the past three years, 11 such students were admitted; none qualified for advanced status. The law school carefully reviews the applications of such students through the admissions process and routinely documents justification for their admission or re-admission.

Guideline 5.7 allows the law school to grant transfer credit only for courses in which the student received a grade "at or above the level of good standing from the awarding law school." The Team suggests that ECSOL amend its policy to conform to this language. ECSOL's current policy provides that "[c]redit for courses successfully completed at other law schools may be transferred with the permission of the Dean." This current language would allow the dean to award transfer credit for grades that fall below the "good standing" level but nonetheless qualify for academic credit, such as grades of "D."

ECSOL has a very high acceptance rate for transfer students, even relative to other CALS. Over the past three years it has admitted 99% of applicants with complete files. It has attracted students from campuses of the University of California and California State University systems, out-of-state universities such as Western Michigan and Arizona State, and California community colleges.

The 2016 Compliance Report confirms that ECSOL enrolls some students with modest academic credentials. According to the self-study, undergraduate grade point averages below 2.7 are “carefully reviewed”; the LSAT is required but the law school has no absolute cutoff score. The Catalog states that a Regular student with an incoming cumulative GPA below 3.0 and an LSAT score below the 20th percentile will be required to take the First Year Law Students’ Examination (FYLSX) but in practice that requirement is not enforced if a student remains in good standing. This practice should be reconsidered in light of comments below based on some students’ performance on the CBX.

Academic credentials have changed slightly in the past three years, with undergraduate GPAs generally dropping and LSAT scores increasing for admitted first-year students. Average undergraduate GPAs have declined slightly, from 3.13 to 2.97 for regular students with bachelor’s degrees (the largest category, 32/40) and from 3.08 to 2.89 for such students without that degree.

In 2016-2017, the average LSAT score was in the 31st percentile for Regular Students with a bachelor’s degree, up from the 27th percentile in 2014-2015. For Regular Students without a degree, the average was in the 42nd percentile, up from the 34th percentile in 2014-2015. The lowest LSAT scores have consistently remained at or below the 1st percentile for regular first-year students with a bachelor’s degree; students with those scores have increased from 10% to 16% of the regular students without that degree. For the most recently reported year, 25% (10/40) of admitted first year students scored below the 25th percentile, while 33% were “awaiting LSAT results” (13/40).

Because the law school’s 10-year analysis of academic and bar pass data shows only a very small percentage of those admitted with low LSAT scores passed the bar examination, particularly those with LSAT’s in the single-digit percentiles, the Team suggests that the law school should exercise extreme caution in admitting and counseling such applicants. ECSOL is also encouraged to consider whether it should implement its stated policy requiring students with marginal entry credentials to take the FYLSX.

ECSOL has experienced enrollment volatility in recent years. After a 9% uptick in 2015-2016 (from 93 to 102), total enrollment declined almost 15% in 2016-2017, (from 102 to 87). While first-year J.D. enrollment increased 20% between Fall 2014 and Fall 2015 (from 30 to 36 students), it declined by almost 64% in Fall 2016 (from 36 to 13 students), a drop inconsistent with a nationwide trend toward

flattening of law school enrollments. As discussed below, EC presently appears to have sufficient resources to manage the recent enrollment downturn.

Rule 4.160(H): Multiple locations. Accreditation is granted to a law school as an institution. If a law school conducts seminars or classes other than at its principal facility or branch campuses, the seminars and classes must be conducted in compliance with the Standards, except the Library Standard.

ECSOL operates only a single campus and is not subject to this standard.

Rule 4.160(I): Library. The law school must maintain a library consistent with the minimum requirements set by the Committee. Guidelines 8.1 – 8.8

The ECSOL law library is compliant with CBE standards. The library houses some 10,000 print volumes in two rooms: a so-called “quiet room” primarily dedicated to quiet study and a “computer room” equipped with frequently-used legal research materials and five terminals for student use. Together, these rooms accommodate about 26 students at any one time. The library is open a total of 70.5 hours weekly. Hours are: Monday through Thursday, 8:00 a.m. - 9:00 p.m.; Friday, 8:00 a.m. - 6:00 p.m.; and Saturday, 8:30 a.m. - 5:00 p.m. Sunday hours are provided just before, and during, the exam period.

Library resources are also made available through a Memorandum of Understanding between the law school and Sonoma County Law Library (SCLL), a 23,000-volume facility located within one mile of campus. ECSOL students are permitted to use SCLL during public hours (8 a.m. - 4 p.m., Mon. - Sat.) and have exclusive use of the library between 4 p.m. and 6 p.m. on class nights.

Although modest in size, the library is adequate for faculty and students of ECSOL’s evening program and EC’s daytime paralegal program, especially when considered in concert with the SCLL library resources that are also available to students.

ECSOL’s collection meets or exceeds Guideline 8.4 content requirements. It includes up-to-date hard-copy volumes of all resources required in hard copy and a few materials for which electronic access is an acceptable alternative. Outdated materials are clearly marked, and most are scheduled for eventual removal.

Electronic access is provided to Lexis, Westlaw, BNA tax materials and Koho, the online library Catalog. To allow 24/7 access to Lexis and somewhat more time-limited access to Westlaw, passwords are issued to students, faculty and staff; these databases allow access to all CBE-mandated resources not provided in hard copy. The internet is available campus-wide; the law library houses five computers, with networked printer, for student and faculty use.

Supervising Law Librarian Kimberly Tucker, MLIS, the recently-retired director of the Sonoma County Law Library, oversees the library with the assistance of Law Librarian Robert Swanson, J.D., and a technician. Staff maintains the collection and approves invoices for purchases, which are then paid and tracked by EC's accounting staff. Staffing is provided 18 hours weekly, with daytime and evening hours. When librarians not present, other ECSOL staff provide trained assistance.

As required by Guideline 8.5, ECSOL's curriculum provides instruction in both print and electronic legal research, in two required courses totaling four units: Legal Research and Writing and Advanced Legal Research.

Rule 4.160(J): Physical Resources. The law school must have physical resources adequate for its programs and operations. Guidelines 9.1-9.3

ECSOL's physical resources are adequate and compliant, including its administrative offices, law library, classrooms and classroom technology. All facilities are housed in a two-story, 55,000-square-foot building owned by Empire College, which shares a large parking lot with the Sonoma County Courthouse.

The law school occupies a first-floor administrative suite with a conference room, private offices for the Dean and Associate Dean, reception space and areas for office tasks and file storage. The first floor also houses two spacious Superior Courtrooms used by ECSOL for events and classes such as Moot Court, Trial Practice and Discovery. Faculty who need to prepare for class or meet with students use the large faculty resource room, conference rooms or classrooms; these spaces are also used for ECSOL clinic activities and community events.

Several classrooms are assigned primarily to ECSOL; these range in size but are adequate for enrollment. Other classrooms are shared but this does not impinge upon law school needs. The student lounge and all classrooms, except for one lab, are equipped with mounted data projectors and screens. Classrooms feature comfortable seating, lecterns, wireless internet access, electrical outlets for laptop use, and adequate lighting, heating, ventilation and air conditioning.

ECSOL shares some facilities with EC, including a student lounge with vending machines and a microwave oven, a faculty resource room and well-supported computer labs. EC personnel are available to resolve information technology and facilities-related issues. Campus security includes, among other things, a fully-staffed reception desk, a sign in/sign out process, locking rear doors, interior door locks and panic buttons, high-resolution color day/night cameras and nighttime security patrols.

Rule 4.160(K): Financial Resources. The law school must have adequate present and anticipated financial resources to support its programs and operations. Guidelines 10.1 – 10.3

Empire College and its law school are compliant with fiscal responsibility guidelines. The self-study reflects sound financial planning and proper management of EC's finance and accounting functions, including fiscal controls. The school tracks the individual contribution and expenses of the law school and regularly audits EC's financial position.

ECSOL has generated net revenue for EC in four of the five years since the last inspection visit in 2011. Although annual net revenue has not matched that year's net of \$240,000, it has been largely trending upward since 2013 and revenues for the most recent five-year period outpaced the prior five-year period by about 6%. To counter the recession-related enrollment downtrend, tuition has been raised almost annually between some 3% and 8%. Since 2011 tuition has increased 16%, from \$643 to \$747 per unit of credit; at the current rate ECSOL's total tuition for the J.D. degree is \$64,242, just above the \$63,498 average for California-accredited law schools in 2017.

The law school enhanced its fiscal position by adding the M.L.S. program in 2013, thereby expanding student access to federal financial aid. Eligible J.D. students may now finance their first two years of study by concurrently pursuing the M.L.S. To control overhead while expanding library resources, in 2015 the law school entered a Memorandum of Understanding with the Sonoma County Law Library to provide for resource-sharing and expanded library access for students.

As a privately-held corporation, EC has continued to operate in a fiscally prudent manner since the 2011 inspection. Its income, expenses, assets and liabilities are audited annually by a certified public accountant, most recently the firm of Weworski & Associates. Based on the firm's financial report of June 5, 2017, EC is confirmed to be fiscally sound.

The College had net assets of \$2.4 million at the end of fiscal year FY2016, up slightly from FY2015. Operationally, it improved net income significantly through careful control of expenses and a modest increase in tuition revenue. As noted in the self-study, EC's three stockholders "stay firmly active and committed to the continued growth and support of the institution" and they have contributed capital as needs have arisen. They also own Vimark, the company that leases the Santa Rosa campus to EC in a mutually beneficial agreement.

Despite recent enrollment challenges, EC has maintained the support and size of its faculty and has added administrative support as needed, including the Assistant Dean position at ECSOL. To spur enrollment, advertising and marketing funds have been redirected to include newer media channels. During

the visit, leaders for both EC and ECSOL demonstrated an impressive awareness of the need for innovation and ingenuity to maintain educational quality together with reasonable tuition.

Based on documented financial resources, EC and ECSOL appear to be financially sound and compliant with the requirements of Guideline 10.1 in having “adequate present and anticipated financial resources to support its program of legal education and to ensure that all students admitted into its program have a reasonable opportunity to complete the program and earn their degrees.”

Rule 4.160(L): Records. The law school must maintain adequate records for its programs and operations. Guideline 11.1

ECSOL maintains its records in compliance with Guideline 11.1. Many documents are now maintained in both hard copy and electronic form. Most hard-copy files are held in the law school, but some are maintained in other EC departments. In all locations, proper steps are taken to protect privacy and security. Hard-copy files are kept in locked and, as required, fireproof cabinets. Electronic files are password-protected, accessible only by authorized personnel and backed up incrementally daily and weekly. For redundancy and security, a fully encrypted cloud-based backup is maintained off-site.

Hard-copy applicant and student files are stored securely in ECSOL’s offices under the Registrar’s supervision. For applicants with complete admissions paperwork, duplicate electronic files are created in the Student Information System (SIS) on EC’s network. Paper documents are scanned into these files periodically under a Scanning Protocol, which fulfills the Guideline 11.1 requirement that ECSOL have written procedures enabling it to promptly produce paper copies of electronically-stored documents when needed. Electronic student files are held indefinitely, but in 2018 ECSOL will begin to destroy hard-copy versions after five years.

The Team conducted a sample review of these law school files and confirmed their compliance: applicant files and records of admissions (Guidelines 11.1(A), 11.1(B)); student files and transcripts (Guidelines 11.1(C), 11.1(D)); class records, examinations and grade tabulations (Guidelines 11.1(E), 11.1(F)); and faculty and administrative files (Guidelines 11.1(G), 11.1(H)). It also reviewed and found to be in order a sample of other records required by Guidelines 11.1(I) through 11.1(O) including minutes of Board and faculty meetings, the law school’s Annual Compliance Reports and correspondence between the law school and the Committee.

Based upon its inspection, the Team confirmed that ECSOL appears compliant with the file and document requirements of Accredited Law School Rule 4.160(L) and Guidelines 11.1(A) – 11.1 (O).

Rule 4.160(M): Minimum, Cumulative Bar Pass Rate. The law school must maintain a minimum, cumulative bar examination pass rate as determined and used by the Committee in the evaluation of the qualitative soundness of a law school's program of legal education. Guidelines 12.1 – 12.2

In July 2015, to comply with a new accreditation standard mandated by Rule 4.160(M), each CALS reported to the Committee the cumulative rate at which its graduates passed the CBX. The initial reporting period each CALS used to calculate its pass rate was from August 1, 2009 through July 31, 2014; the pass rate calculation was based on all graduates who graduated during the reporting period and took the CBX at least once through the February 2015 administration whether they passed or failed. To report a compliant minimum pass rate (MPR), each CALS is required to report a rate of no less than 40%. ECSOL's compliance report confirmed that its MPR for this reporting period was 72.2%, above the minimally compliant 40% rate and the 58.5% average for all CALS.

The Cumulative pass rate data needed to calculate the MPR was not available for some time, and, therefore, is not updated here. The school will be providing an updated MPR by July 2, 2018 along with all other CALS.

Therefore, it may be helpful for the committee to see the individual administration pass rates for the school. These numbers can mathematically be much lower than the MPR, since they represent performance on each single administration and an examination taker is counted each time they take the examination, rather than just once overall as in the MPR. For the July 2017 CBX, Empire's pass rate was 31% (4/13) for first-time takers, close to the overall CALS average of 33%, and 6% (1/17) for repeaters. The chart below shows the number of ECSOL graduates who took the 10 CBX administrations from February 2011 through February 2015, with overall pass rate data. CBX results were not publicly reported for tests between February 2015 and July 2017.

Date	First-Time Takers	First-Time Passers	Repeat Takers	Repeat Passers
Feb. 2015	4	0	13	2
Jul. 2014	10	6	17	2
Feb. 2014	2	1	18	5
Jul. 2013	14	8	8	1
Jul. 2012	15	2	20	5
Feb. 2012	2	1	18	5
Feb. 2011	4	2	13	2

5-Year Totals	94	34	153	31
Passing %		36.17%		20.26%

To help students to prepare for the CBX, ECSOL offers four elective courses. According to the self-study, most students take such electives in their final year. Students who have completed their elective requirements for graduation are permitted to audit these courses at no cost for zero credit. There appears to be significant overlap in content; for example, three of the courses address MBE examinations and, as stated in the self-study, the fourth combines elements of the others. The Team found no indication that students are permitted to earn credit for multiple courses covering the same content, but the Team recommends that ECSOL exercise careful oversight of course offerings and student schedules to ensure that this does not occur, to avoid violation of Guideline 7.7.

In meetings with the Team, students expressed concern about whether they were being given enough opportunities to develop analytical, research and writing skills, particularly those needed to perform well on the CBX. ECSOL administrators have engaged a bar review firm to provide an extracurricular workshop in 2018 and, together with the faculty, are reviewing other strategies to promote student and graduate achievement.

Rule 4.160(N): Equal Opportunity and Non-Discrimination. Consistent with sound educational policy and these rules, a law school must operate in accordance with policies and procedures that comply with the Constitutions and all applicable laws of both the United States and the State of California to provide both equality of opportunity and to prohibit unlawful discrimination. Guideline 14.1

ECSOL operates compliantly with Guideline 14.1. According to the self-study, Empire College is committed to recruiting faculty and admitting students who reflect the diversity of California. The equal opportunity policies of EC and its law school are stated in the Catalog, Policy Manual and Employee Handbook. As confirmed throughout its operational practices and policies, the law school does not discriminate unlawfully in its admissions or employment practices.

The law school has a diverse student body. According to the self-study, its enrollment is 62% female; 76% of students are between the ages of 25 and 49. The ethnic/racial mix is 68% White, 17% Hispanic, 7% African American, 3% Asian, and 1% each, American Indian/Alaskan Native or Hawaiian/Pacific Islander. A majority (76%) hold the bachelor's degree while 4% have a master's or Ph.D. The faculty of ECSOL is 43% female but ethnic diversity is limited, with 90% of instructors identifying as White. Given the importance of diverse viewpoints in educational and legal environments, the law school is encouraged to continue its efforts to recruit and retain diverse faculty.

Rule 4.160(O): Compliance with Committee Requirements. The law school must demonstrate its compliance with these rules by submitting required reports and otherwise complying with the rules.

The law school has traditionally submitted timely Annual Compliance Reports that are complete, comprehensive and compliant. The law school also has a history of submitting, pursuant to Guideline 4.10, timely notice of changes in its administrative personnel and responses to Committee requests for information. Finally, as noted above, the ECSOL self-study, required by Rule 4.163, was timely submitted to enhance the Team's ability to judge the law school's overall compliance.

CONCLUSION AND RECOMMENDATION

The Team recommends that this Periodic Inspection Report be received and filed; that its suggested mandatory and suggested recommendations be adopted by the Committee; that the law school's examination passing rates continue to be monitored as would be required of all CALS; that ECSOL's accreditation be continued; and that its next periodic accreditation inspection be scheduled in the fall of 2022, unless an earlier visitation is deemed necessary by the Committee.



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ATTACHMENT B

June 19, 2018

Natalie Leonard
Program Manager for Educational Standards
The Committee of Bar Examiners of the State of California
Office of Admissions
180 Howard Street
San Francisco, CA 94105-1639

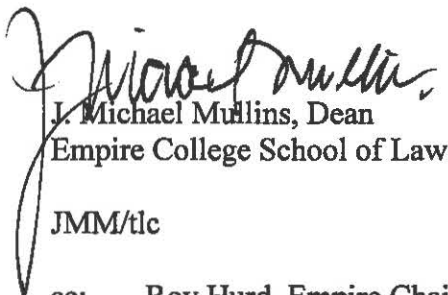
Dear Ms. Leonard,

Empire College School of Law is in receipt of the Periodic Inspection Report from the Team visit September 26-28, 2017. We are quite proud and happy to accept the visiting team's recommendation for a 5-year renewal of accreditation through fall 2022.

We are including for your review Empire College School of Law's response addressing the report's "Recommended, Mandatory Actions" and "Recommended, Suggested Actions". Some time has passed since the visit and we have adopted some changes and made progress on some items following the visit exit interview. We would like to share these efforts.

Please let us know if you have any questions about the included response.

Sincerely,



J. Michael Mullins, Dean
Empire College School of Law

JMM/tlc

cc: Roy Hurd, Empire Chairman, CEO & President
Sherie Hurd, Exec. VP of Marketing & Operations
Murray Cockerill, Assistant Dean

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Santa Rosa, CA 95403

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**RESPONSE BY EMPIRE COLLEGE SCHOOL OF LAW
TO THE SEPTEMBER 26-28, 2017 PERIODIC INSPECTION REPORT OF THE
COMMITTEE OF BAR EXAMINERS**

Recommended, Mandatory Actions, 1: Guideline 1.6: The law school must review and as necessary amend its policies designed to enforce applicable civil rights laws and to clearly and consistently state how such policies will be enforced, including deadlines and procedures for handling complaints, investigations, hearings and decisions.

Response: Empire College School of Law accepts this recommendation, and has taken action adopting an expanded policy in the *Policy Manual*. The Policy Manual has been published and shared with all students. The amended, section 15, policy reads as follows:

“Applicants or students of Empire College School of Law, who feel that they have been discriminated against, harassed or denied any rights may file a complaint directly with Empire College School of Law. The Dean may act as the investigator or designate an Equal Opportunity Investigative (EOI) Officer. All complaints will be handled promptly and an efficient and a timely investigation will take place, in accordance with the timelines prescribed below.

Procedure for Equal Opportunity Complaints:

- (1) The Equal Opportunity complainant must file a dated, signed and written complaint with Empire College School of Law.
 - (a) If the complaint is made orally, the Dean or EOI Officer receiving the complaint shall record it and shall be reviewed and acknowledged by the complainant to verify its accuracy.
 - (b) A complaint may be amended to correct technical defects, omissions, or to clarify or amplify allegations made therein. A written amendment may be filed with the Dean or EOI Officer at any time before the investigation is completed.
 - (c) The complainant may withdraw a complaint at any time by submitting such request, in writing, to the Dean or EOI Officer.
- (2) The investigation may include, but not be limited to, investigating all allegations by the complainant and respondent, interviewing any witnesses, including co-workers and supervisors, and taking statements from witnesses able to provide valid and relevant information. Upon completion of the investigation, the EOI Officer shall provide a final written disposition of the EOI complaint containing a summary of findings to the complainant or respondent within the timelines described in section 10.2 of the policy manual.
- (3) Violation of this policy by students may result in disciplinary action according to Section 10 of the Policy Manual above.

(4) Violation of this policy by Empire College, its employees, contractors, or affiliates may result in disciplinary action according to the Empire College Employee Handbook's Standards of Conduct.

(5) Retaliation against an individual for filing a complaint or participating in an investigation of a complaint is prohibited and should be reported to the EOI Officer immediately.

(6) Filing an EOI complaint shall not prohibit the complainant from seeking further legal remedies pursuant to State or Federal Law."

Empire College School of Law accepts this recommendation, and has taken action adopting a revised policy section 14.3(c) in the *Policy Manual*. The revised Policy Manual has been published and shared with all students. The revised policy reads as follows:

"Consistent with the policy of Empire College School of Law of immediately reporting all crimes, including sexual assault, to the Law School Office and to proper law enforcement authorities, Empire College will initiate disciplinary action according to Section 10 of the Policy Manual above. However, it is not the intent to interfere with an ongoing criminal investigation initiated on the report of sexual assault. Empire College's intent is to immediately initiate disciplinary action under Section 10 so far as reasonably possible without violating the legal rights of the victim or the alleged perpetrator. When disciplinary action is instigated according to Section 10, the victim will be kept informed of the initiation and results of that investigation without violating the legal rights of the alleged perpetrator.

Except for the reporting to proper authorities or other sources of assistance, in the case of a reported sexual assault, or except as otherwise consented to by the victim, Empire College School of Law staff will not discuss any aspects of the victim's case with any person except to the extent reasonably necessary, in the discretion of Empire College School of Law, for the conduct of business and affairs of Empire College School of Law.

Recommended, Mandatory Actions, 2: Guideline 2.3(E)(2): The law school must revise its published accreditation disclosure in its Catalog to state that the law school's J.D. degree-granting authority is derived from the Committee.

Response: The following statement is already published on the law school website and has now been added to the *Law School 2018-2019 Catalog Addenda (Addenda)* revision dated 6.18.18.

"Empire College School of Law's degree-granting authority in connection with its students qualifying to take the California Bar Examination and obtain admission to the practice of law in California is based on accreditation by the Committee of Bar Examiners of The State Bar of California." The revised *Addenda* has been adopted,

published, implemented, and shared with all students. Additionally, the statement will be added to page 8 at the next *Catalog* revision and removed from the *Catalog Addenda* at such time.

Recommended, Mandatory Actions, 3: Guideline 2.6: The law school must amend its written student discipline policy to state that a written notice of the charge or charges must be given to the student who is subject to investigation for violation of the policy.

Response: Empire College School of Law accepts this recommendation, and has taken action adopting minor revision to policy section 10.2 in the *Policy Manual*. The revised Policy Manual has been published and shared with all students. The yellow, underlined section here is the revised portion of the policy statement:

“Except in extraordinary or emergency situations, students who are the subject of proposed disciplinary action for a violation of policy 10.0, above, shall be furnished advance written notice of the charge or charges at issue in the disciplinary action. The student is presumed to have received such notification, absent a showing by the student otherwise, as of the earlier of: (i) the day on which such notification is hand delivered by the Law School Office staff to the student; or, (ii) the third day of regular postal delivery following the day on which the Law School Office mails such notification by first class, registered, or certified United States mail to the mailing address of the student as last furnished by the student to Empire College School of Law.

Recommended, Mandatory Actions, 4: Guidelines 1.6 and 2.8: The law school must adopt, publish and implement a policy that complies with applicable privacy requirements, including Committee and FERPA provisions.

Response: Empire College School of Law accepts this recommendation, and has already taken action adopting the FERPA Policy that was in draft version when the visiting team was in Santa Rosa. The *Empire College School of Law Policy Manual (Policy Manual)* was revised to contain the student “FERPA Policy” in Section 17. The revised *Policy Manual* has been adopted, published, implemented, and shared with all students. The FERPA Policy was published at

<https://www.empirestudent.com/images/FERPA%20Policy.pdf>

We began utilizing the new FERPA policy at Orientation beginning with the Feb. 2018 new student start.

Recommended, Mandatory Actions, 5: Guideline 2.7: The law school must adopt, publish and implement a written policy that sets forth procedures and technologies to authenticate the identity of each student submitting any work product or examination answer or participating in a law school activity for credit to ensure that such work, examination answer or participation is that student’s own work.

Response: Empire College School of Law accepts this recommendation, and has taken action adopting a formal plagiarism policy. The policy reads as follows:

“Plagiarism is a violation of Empire College School of Law’s Honor System. To that end, Empire College School of Law has an existing contract with LexisNexis to provide services for faculty to submit all students’ written materials for examination for plagiarism. At the inception of each class, which has graded written work product, project, brief, or essays to be completed out of the classroom, the Professor shall notify the College staff who will work with LexisNexis to provide a plagiarism check for the written material. The notification must be accomplished prior to the first class meeting.”

The policy has been included in the newly adopted *Empire College School of Law - Faculty Handbook*. In addition, the *Empire College School of Law Policy Manual* (Policy Manual) was updated to include the policy statement in Section 14.1(c). The revised Policy Manual has been adopted, published, implemented, and shared with all students.

In addition, we have an Empire Law staff member, who knows all students, take roll at the beginning of each exam section using a class roster. This process is completed prior to distributing examination papers and materials with proctor(s) present. This new process was smoothly implemented with the Fall 2017 and Spring 2018 exam periods since the inspection visit. Following each examination, it continues to be our process, to have each student sign in their exam packet by initialing the roster with an Empire Law staff member prior to leaving campus. With any classes or clinics that have take-home work students initial the roster with a staff member when they turn in the assignment.

These new procedures and policies will ensure academic integrity of all student work.

Recommended, Mandatory Actions, 6: Guideline 2.10(A): The law school must post information on its website about the services, experiences and activities available as part of the school’s J.D. program.

Response: Empire College School of Law accepts this recommendation. Since the inspection visit, an Empire College dedicated law school mini-site was launched at: law.empcol.edu. The Student Services section of the site is much more robust. It now highlights the features and benefits that make Empire Law special to students and share more of the student experience. The visiting team’s recommendation was heartily adopted. Before these items were only in the print Catalog and not adequately featured on the website. Specific locations of updates are:

- <http://law.empcol.edu/student-services/> includes academic advising, career placement, and law library. Dropdowns include the clinics.
- <http://law.empcol.edu/about/> includes the history and mission, with dropdowns for the moot court student experience, faculty, and alumni.
- <http://law.empcol.edu/blog/> highlights additional activities such as the recent Public Law event.

Recommended, Mandatory Actions, 7: Guideline 4.7: The law school must adopt, publish and implement a compliant written policy for evaluating the competence of all faculty members.

Response: Empire College School of Law accepts this recommendation, and has at the team's suggestion written, published, and following request for input from adjunct faculty adopted an *Empire College School of Law - Faculty Handbook*. We have utilized a comprehensive program of evaluations by the Dean, peer evaluations by fellow Professors, and students. All three components become a part of the professor's record. The new *Faculty Handbook* formally documents and explains the process with samples of forms. Empire Law has been routinely evaluating faculty and this has simply been a matter of putting the existing practice into a formal written policy.

Recommended, Mandatory Actions, 8: Guideline 7.8: The law school must adopt, publish and implement a policy on course repetition, addressing all requirements of Guideline 7.8.

Response: Empire College School of Law accepts this recommendation and has expanded the *Policy Manual's* course repetition policy to include course repetition effects on disqualification, probation, advancement, and graduation. The expanded policy is included in the current edition of the *Policy Manual*, which has been implemented, published, and communicated with all students.

New, expanded wording:

Repeating a Course: A student who receives a final grade of less than 65% or an "F" grade in any course must repeat the course and receive a grade of "P" or 70% or higher for numerically graded courses. Repeating the same course will be granted only one time. Failure to successfully repeat a course will result in academic disqualification. When a student repeats a course, both the original course grade (reflected as an RF) and the grade received from the repeated course will be shown on the student's transcript. However, only the grade received after repeating the course will be included in the student's grade point average. The original grade will not be reflect in the cumulative GPA. If the course is required for graduation, the passing grade units will credit toward graduation. If it is an elective class, the student has the option or retaking the elective at the next offering or taking a different elective course to fulfill the units needed towards graduation. Once a required class is successfully repeated with a passing grade, the student is removed from probation barring any other reasons for being on probationary status.

Recommended, Suggested Actions 1: The Team suggests that the law school continue its efforts to support the academic success of its students, particularly those in academic jeopardy, and that it engage in ongoing discussions with faculty and students to ensure that its efforts are targeted toward the current version of the CBX.

Response: Empire College School of Law agrees with the team's assessment and over the past few years has solicited faculty feedback and support specifically aimed at MBEs and improving student success. Many classes have begun including practice MBEs at

each class session. The Law Study & Exams class adopted a new textbook that has a stronger emphasis on MBEs. In an effort to improve legal writing skills, Empire Law has offered a two-day legal writing workshop twice in the past year and will continue the practice in the future. The Assistant Dean has facilitated the weekend workshops. Further, the Assistant Dean's role, in part, is dedicated to academic advising, student support and retention. Part of each semester's grading cycle analysis is dedicated to evaluating each student's academic progress. This analysis provides the Dean and Assistant Dean with the criterion needed to identify students in need of additional support.

Recommended, Suggested Actions 2: The Team observed a variety of teaching strategies to promote active learning. All professionals appeared to be well prepared and in command of their subject matter. Instructors should be encouraged to provide more feedback on written exams. The law school should also review its elective courses and self-study courses with an eye toward ensuring that students are provided sufficient opportunity to develop analytical, research and writing skills.

Response: Empire College School of Law agrees with the team's recommendation and assessment and has included specific instructions in the new *Empire College School of Law-Faculty Handbook* for Professors to include clear grading notes and criteria. The *Faculty Manual* had been newly adopted since the inspection visit and was well-received by the adjunct faculty.

One specific item that the visit team requested was more feedback and comments on exams. This has specifically addressed in the *Faculty Handbook* under Examination Grading Guidelines as item #6. "Professors shall clearly note the final grade on the top page of the test paper and write comments within the body of the test paper to ensure students understand the ensuing grade. Please make comments in the body of the papers and projects to assist students in understanding the grade."

Empire adjunct faculty, Dean and Assistant Dean continually review courses and clinic content and teaching in an effort to improve learning opportunities and will continue this practice. The multi-faceted faculty evaluation process is also aimed at creating awareness of any improvement opportunities for teaching, classroom management, and skill building.

Recommended, Suggested Actions 3: The Team suggests that the law school should remove its reference stating that this grading scheme "mirrors grading on the California Bar Exam where a score of "70" is passing and a score reflecting the minimally competent level of knowledge in that core class, as noted in the report."

Response: Empire College School of Law has researched all grading references and only find this comment in the 'self study' presented to the visiting team prior to the inspection visit. Upon the teams' exit interview advice a new *Empire College School of Law-Faculty Handbook* for Professors was created, adopted and implemented. A large portion

of the handbook addresses exams and grading so that professors give students a clear understanding of their course progress. There are no other references to mirroring the CA Bar Exam.

Recommended, Suggested Actions 4: The Catalog states that a Regular student with an incoming cumulative GPA below 3.0 and an LSAT score below the 20th percentile will be required to take the First Year Law Students' Examination (FYLSX), but in practice that requirement is not enforced if a student remains in good standing. The catalog should reject the school's policy.

Response: Concerning Admissions, the staff has been complying with the stated policy as noted in the Catalog, page 12, requiring students who receive less than a 3.00 GPA and less than the 20th percentile on the LSAT to take and pass the first year law students exam, and requiring the student to petition for an exception to the Dean if the student has successfully completed the first year courses with a 70 GPA or higher. Agreed, petitions have been granted frequently in the last three years; however, considering the ongoing controversy surrounding the LSAT and its replacement by some leading ABA schools with the GRE, we do not believe the policy should be amended at this time. However, the policy will be carefully reviewed after further bar results are received in the next calendar year.

Recommended, Suggested Actions 5: The Team suggests that the law school should continue in its substantial efforts to recruit and retain a diverse faculty.

Response: Empire College School of Law has researched Sonoma County diversity and the State Bar of CA attorney demographics for District 1 and find that there are clearly a number of initiatives underway in a variety of sectors focused on diversity. The District Attorney's office, Legal Aid Association of CA "supports efforts to increase diversity in the legal profession, and we focus much of our energy on increasing diversity in the legal services community". While the law school's student population diversity is similar to the ethnic make-up of Sonoma County, the number of professors is less diverse. The Dean is a member of a number of organizations in the county and in contact with professionals and attorneys. Still, there are a preponderance of Caucasians' applying to teach. We anticipate that over time as more ethnically diverse graduates of law school expand the diversity of professors applying will also expand. As a matter of fact, the Dean and Assistant Dean are attending a luncheon by Los Cien (a Sonoma County Latino Leadership group) on Diversity, Equity & Inclusion in Hiring Practices on June 29, 2018.

Items contained within the Periodic Inspection Report and not specifically itemized as mandated or suggested:

1. Team recommends that ECSOL exercise careful oversight of course offerings and student schedules to ensure that this does not occur, to avoid violation of Guideline 7.7. – The team addressed a concern about students taking bar prep electives. Several classes have not been offered since spring of 2013, when a newer elective was developed combining three previously offered courses into one. While those electives might be offered in the

future, they have not been offered recently due to the high response and demand for the new elective. We will likely remove the other offerings from the catalog but have not yet done so. We can however ensure that there will be no duplication of credit because the classes are not offered at the same time. The pre-requisite is concurrent enrollment in 4th year courses and the electives will never be offered at the same time. LAW E539 has been well-received and combines content from what were previously three separate electives as described by the course description: "This survey course combines all of the significant elements of three elective courses: E504, E530, and E531 and will be offered as a one semester course incorporating three, 4- to 5-week segments of each of the Bar preparation courses which are usually individually offered as separate electives. Taught by two professors, this course incorporates Legal Skills (Performance Test section), Analysis and Insights on the California Bar Exam ("straight" Essay Questions section), and MBE Exam Preparation (MBE section)."

2. **It is suggested that the law school consider expanding its explanation of these examination review practices in Policy Manual section 7.15 to promote awareness of the time limits and scope of permitted copying.** – We believe the team may have misunderstood when students can review their examination folders. Students may view and copy their examinations at all times with the exception of when we are filing the latest exams prior to grades being mailed to students. There is generally about one week per semester when the students' folders are unavailable. The only timeframe students need to comply with is the 10-day period following grades being mailed if they need to file a grade appeal or petition for readmission. Otherwise, students are welcome to view their folders anytime during our open office hours. Viewing MBEs is generally limited to a shorter time period near to the exam period. MBEs are not published so students may not copy or take notes when reviewing. We attempt to have these reviewed closer to the course exam period for relevancy of content. However, a student may make an appointment at any time to view MBEs, if needed.
3. **The Team encourages ECSOL to create a faculty manual to ensure that all faculty, whether new or experienced, have a comprehensive, up-to-date source for all faculty-related policies, procedures, and resources, particularly those related to compliance with CBE requirements.** – As mentioned previously, Empire College School of Law agreed whole-heartedly with the team's suggestion and has already written, implemented, and adopted an *Empire College School of Law - Faculty Handbook*. Empire's adjunct law faculty supported and approved the implementation.
4. **The Team suggests that the faculty development duty be covered in ECSOL's faculty materials and that development activities be documented in meeting minutes and Annual Faculty Development Plans, as discussed below.** - Empire College School of Law agreed with the team's suggestion and has already written, implemented, and adopted an *Empire College School of Law - Faculty Handbook*. Empire's adjunct law faculty supported and approved the implementation. Additionally, all Empire Law faculty quarterly meetings are memorialized with minutes and each meeting contains an in-service segment for ongoing faculty and staff training. Attendees' annual developments plans are updated to

reflect their participation and attendance. These records are retained as part of staff and faculty permanent records.

5. The Team suggests that law school should evaluate the practice of revealing student identities for consistency with ECSOL's stated policy of anonymous grading. – Empire College School of Law's examinations are conducted anonymously and Professors do not know who the students are until all grades are final. Once grades are turned into the Registrar, if there is a class participation element as part of the grade calculation, the names are provided to the professor but ID numbers are removed. The order of the names and scores are changed to protect the anonymity even at this step. The professors find out the student names only after the final grades are recorded and submitted. At calibration meetings, the discussions are conducted using student ID numbers and only after all open issues are completed and grades are final are the student names with final grade revealed. This way the professors have the ability to see how their students performed. We think the visiting team may not have fully understood the entire process and we feel the anonymous grading is protected with the current process.
6. Guideline 5.7 allows the law school to grant transfer credit only for courses in which the student received a grade "at or above the level of good standing from the awarding law school." The Team suggests that ECSOL amend its policy to conform to this language. ECSOL's current policy provides that "[c]redit for courses successfully completed at other law schools may be transferred with the permission of the Dean." This current language would allow the dean to award transfer credit for grades that fall below the "good standing" level but nonetheless qualify for academic credit, such as grades of "D."
- Empire College School of Law agrees with the team's recommendation and has amended the Policy Manual slightly to reflect the suggestion. The transfer policies 2A.7 and 2B.7 now state "successfully completed at a level of good standing..."
7. The school will be providing an updated MPR by July 2, 2018 along with all other CALS. – 2018 MPR completed and mailed to CBE on May 31, 2018.

Respectfully submitted,



J. Michael Mullins, Dean
Empire College School of Law

From: [Tracy Chodora](#)
Sent: Monday, August 13, 2018 11:10 AM
Subject: RE: Faculty Meeting; CBE Inspection Report

. . .

- 1) Law Studies & Exams planned changes for fall - Professor will be implementing the following: there will be more instruction on MBE's. Professor is adding in more lecture time in dealing with MBE's, along with more assigned MBE's. He also added another textbook/workbook that will include more essay writing experience for our first-year class. Further, he will be adding in lecture time for students in regard to each student creating a credible plan for their bar study after graduation.
- 2) We are exploring and will be evaluating iPad and Bar Prep vendor usage for students. Empire has reached out to Dean of Monterey Law School to explore and learn from their process, fees and methods.
- 3) Professors in core classes are including more MBE practice. Some are assigning MBEs topically at the end of each class session and some are newly including MBEs in their midterms and exams.
- 4) Dean plans to remodel Adv. Legal Research course to include more writing practice and feedback. There has been a new Professor recruited whose writing expertise is even stronger.
- 5) Finally, we are going to have graduates come in and share their first-hand experiences after taking the bar exam with 4th year students. These planned seminar/report-outs are a suggestion of a graduate who just took the July 2018 exam. The graduate is a teacher and is qualified to share an analysis of adult learning styles and methods utilized. This seminar would demonstrate to a student tools and analysis to help determine what works best for them. For example, perhaps watching videos might not be a good use of time to someone who over their law school career prepared extensive detailed outlines for themselves whereas extra MBE practice would be a good use of time.

Call us if you'd like to discuss anything. I'm here today until 6pm. Dean Mullins, is also in the office today. Winding down his last couple days before the guard (Dean) change on Wed. 8/15 J

Kind regards,
Tracy

ATTACHMENT C