

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM: December 2018 – O-401 (REVISED)

DATE: November 29, 2018

TO: The Committee of Bar Examiners

FROM: Natalie Leonard, Principal Analyst, Educational Standards

SUBJECT: Irvine University College of Law Periodic Inspection Report

BACKGROUND

Irvine University College of Law (IUCOL) was inspected on April 17, 2018 by State Bar consultant Heather Georgakis.

IUCOL is a for-profit corporation, registered, unaccredited fixed-facility law school headquartered in Cerritos, California. During the inspection, the school was led by Interim Dean N. Edward Trent; as of August 2018, George Leal has assumed the role of Dean.

The law school offers a fixed-facility four-year J.D. degree program with annual tuition of \$33,600 per year and enrollment of 42 J.D. students. About three-quarters of the law school's students identify as students of color, and about two-thirds of all students are female.

After review of IUCOL's curriculum, admissions, scholastic standards, faculty, library, facilities, records, Dean, administrators and faculty, the law school was found to be substantially compliant with relevant accreditation standards of the Unaccredited Law School Rules (Rules) and Guidelines for Unaccredited Law School Rules (Guidelines). Several issues, however, must be remedied by the school, and several others are suggested. (Attachment A). The school has agreed to accept and address all mandatory and suggested actions listed below. (Attachment B).

Recommended, Mandatory Actions:

1. To comply with Guideline 1.9, it is recommended that IUCOL revise its Catalog to fully state its ADA policy and procedures to request accommodations.
2. To comply with Guideline 2.3(D)(4), it is recommended that IUCOL review and, as necessary, revise all published references to the law school's registration status to include all language required by the guideline.

3. To comply with Guideline 2.3(D)(2) and Business and Professions Code section 6061.7, it is recommended that IUCOL correct the required Information Report Form to accurately state LSAT scores.
4. To comply with Guideline 2.8, it is recommended that IUCOL adopt, publish and implement a written student discipline policy that meets all requirements of Guideline 2.8; the policy should be published in the Catalog or referenced there and otherwise made available for ready reference by students.
5. To comply with Guideline 2.9(A) and 2.9(B), it is recommended that IUCOL adopt, publish and implement a clear and consistent written policy as to academic standards applicable to students on probation; the policy should be published in the Catalog or referenced there and otherwise made available for ready reference by students.
6. To comply with Guideline 2.9(D), it is recommended that IUCOL review and revise its written policy on authentication of student work to address procedures for authenticating written assignments completed outside of class such as, for example, the use of commonly-available software for detection of plagiarism.
7. To comply with Guidelines 2.9(G) and 2.9(H) it is recommended that IUCOL review and revise its written policy to provide that requests for grade review are to be decided by a faculty committee; the policy should be published in the Catalog or referenced there and otherwise made available for ready reference by students.
8. To comply with Guidelines 4.8 and 4.9, it is recommended that IUCOL adopt and implement a written faculty evaluation policy as required by the Guidelines, and that the policy be published in the Faculty Handbook.
9. To comply with Guideline 5.3(A)(1), it is recommended that IUCOL review, revise and republish its attendance policies and practices to conform them to the requirement that students must attend no less than 80% of the scheduled class sessions for each course to receive course credit, to eliminate the current practice of allowing make-up classes to substitute for scheduled class sessions to fulfill the 80% requirement, and to ensure that attendance records are maintained accurately.
10. To comply with Guideline 5.24, it is recommended that IUCOL adopt and implement a written policy on course repetition that addresses all requirements of the Guideline, and that the policy should be published in the Catalog or referenced there and otherwise made readily accessible to students.
11. To comply with Guideline 5.31, it is recommended that IUCOL amend its application to ask about a former law student's good standing at a prior law school.
12. To comply with Guideline 5.35, it is recommended that IUCOL adopt and implement a written policy on the award of transfer credit for credit earned at another law school as limited by the Guideline, and that the policy be published in the Catalog or otherwise made readily accessible to students and prospective students.

Recommended Suggested Actions:

1. Pursuant to Guideline 4.7, IUCOL should address in the Faculty Handbook the duty of faculty members to continually improve their teaching skills and substantive expertise.
2. Pursuant to Guideline 5.17 and 5.25, IUCOL should continue to monitor grading practices to control grade inflation, particularly given the potential for inflation created by the recent elimination of plus/minus grading.
3. Pursuant to Guidelines 5.14, 5.16, and 5.17, IUCOL and its faculty should review all grading and examination policies and procedures to assess what changes, if any, might enable IUCOL to more effectively measure student ability and knowledge, more realistically evaluate student performance, and enhance the value of examinations as an educational tool, as required by the Guidelines.
4. Pursuant to Guideline 5.26, IUCOL should clarify, in publications setting forth its admissions policy, whether and under what circumstances an LSAT score is required.

DISCUSSION

In his letter to the Committee dated October 9, 2018, Dean George Leal accepted the Report and its mandatory and suggested compliance actions on behalf of IUCOL.

RECOMMENDATION

Staff recommends that Irvine University College of Law's Periodic Inspection Report be received and filed; that IUCOL's registration as an unaccredited law school be continued; that its next periodic inspection be scheduled in Spring of 2023, unless an earlier visitation is deemed necessary by the Committee; and that IUCOL be asked to provide a status report to the Committee as to the status of the recommended and suggested actions noted within 120 days.

PROPOSED MOTION

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

Move that the Periodic Inspection Report of Irvine University College of Law (IUCOL) conducted in April 2018 by Heather Georgakis be received and filed; that the response submitted by Dean George Leal, dated October 9, 2018 and submitted on behalf of the law school accepting all mandatory and suggested actions, be received and filed; that the mandatory and suggested compliance recommendations made in the Report be adopted; that IUCOL provide the Committee a progress report as to the mandatory and suggested actions in the report within 120 days from the date of its confirmation letter; that the

registration of IUCOL as an unaccredited law school be continued; and that the school's next periodic inspection be scheduled for Spring of 2023, unless an earlier visitation is deemed necessary by the Committee.

**IRVINE UNIVERSITY
COLLEGE OF LAW**

PERIODIC INSPECTION REPORT

Inspection conducted on April 17, 2018

Pursuant to *Rule 4.244* of the
Unaccredited Law School Rules

Heather Georgakis, Educational Standards Consultant
Office of Admissions, The State Bar of California

Irvine University College of Law
18000 Studebaker Road, Suite 300, Cerritos, CA 90703
4199 Campus Dr., Suite 650, Irvine, CA 92612

A Registered, Unaccredited Fixed-facility Law School

EXECUTIVE SUMMARY AND RECOMMENDATIONS

An inspection of Irvine University College of Law (IUCOL) was conducted in two phases. A three-day inspection for provisional accreditation was conducted in April 2017 by a team including George Leal, then Director for Educational Standards; Erica Hiramatsu, member, Committee of Bar Examiners (Committee); and Basil George Dezes, Dean of San Diego Law School. Heather Georgakis, Educational Standards Consultant (Consultant) was an observer.

The Consultant then visited on April 17, 2018 to evaluate the law school under Rule 4.244 of the Unaccredited Law School Rules. This report is based upon observations made during each visit, IUCOL's 2017 Annual Compliance Report and 2018 Self-Study, and additional information provided by the Dean.

In August, 2018, IUCOL withdrew its third Application for Provisional Accreditation Candidacy Status, originally filed in March 2015. Its first such application, in 2006, was withdrawn; a 2011 application was denied by the Committee in January 2012 after an inspection team reported that IUCOL was not in substantial compliance with the Accredited Law School Rules and its Guidelines (Accredited Rules and Accredited Guidelines). After the 2017 inspection visit, IUCOL did not meet the minimum bar examination pass rate mandate of Guideline 12.1 of the Accredited Guidelines and no report was filed.

IUCOL is a registered, unaccredited fixed-facility law school headquartered in a Cerritos, California office complex. Courses are also offered on occasion at a satellite facility in Irvine. The law school is the sole component of Irvine University, founded in 1973 and operated since 2013 by Irvine University Education, Inc., a California for-profit corporation. IUCOL was registered with the Committee by the former Bureau for Private Postsecondary Education in 1993 and has operated under the Committee's supervision since 2008. Interim Dean N. Edward Trent oversees law school operations, assisted by Registrar Rebeca Zarate-Cervantes, both long-term IUCOL employees.

The law school offers a four-year J.D. degree program that qualifies graduates to take the California Bar Examination (CBX). Current total J.D. tuition is \$33,600. Students are required to complete 84 semester units, including 12 elective units; all instruction takes place onsite. For the 2017-2018 academic year, IUCOL reported enrollment of 42 J.D. students and a faculty roster of 27 part-time instructors. About three-quarters of the law school's students identify with a racial or ethnic minority group, and about two-thirds are

female. Of those entering in Fall 2017, about two-thirds had earned a bachelor's degree.

All IUCOL faculty members hold the J.D. degree and all but two are licensed to practice law in California. About 80% are graduates of American Bar Association-accredited law schools, while the rest are graduates of registered, unaccredited California law schools.

After review of IUCOL's curriculum, admissions, scholastic standards, faculty, library, facilities, records, Dean, administrators and faculty, the law school was found to be compliant with relevant accreditation standards of the Unaccredited Law School Rules (Rules) and Guidelines for Unaccredited Law School Rules (Guidelines).

Recommended Action by the Committee:

It is recommended that this Periodic Inspection Report be received and filed and that the Committee adopt each of the recommended actions listed below, continue the registration of IUCOL and schedule the next periodic inspection of IUCOL for the Spring of 2023 unless the Committee determines an earlier visitation is required.

Recommended Mandatory Actions:

1. To comply with Guideline 1.9, it is recommended that IUCOL revise its Catalog to fully state its ADA policy and procedures to request accommodations.
2. To comply with Guideline 2.3(D)(4), it is recommended that IUCOL review and, as necessary, revise all published references to the law school's registration status to include all language required by the guideline.
3. To comply with Guideline 2.3(D)(2) and Business and Professions Code section 6061.7, it is recommended that IUCOL correct the required Information Report Form to accurately state LSAT scores.
4. To comply with Guideline 2.8, it is recommended that IUCOL adopt, publish and implement a written student discipline policy that meets all requirements of Guideline 2.8; the policy should be published in the Catalog or referenced there and otherwise made available for ready reference by students.
5. To comply with Guideline 2.9(A) and 2.9(B), it is recommended that IUCOL adopt, publish and implement a clear and consistent written policy as to academic standards applicable to students on probation; the policy should be published in the Catalog or referenced there and otherwise made available for ready reference by students.
6. To comply with Guideline 2.9(D), it is recommended that IUCOL review and revise its written policy on authentication of student work to address procedures for authenticating written assignments completed outside of class such as, for example, the use of commonly-available software for detection of plagiarism.

7. To comply with Guidelines 2.9(G) and 2.9(H) it is recommended that IUCOL review and revise its written policy to provide that requests for grade review are to be decided by a faculty committee; the policy should be published in the Catalog or referenced there and otherwise made available for ready reference by students.
8. To comply with Guidelines 4.8 and 4.9, it is recommended that IUCOL adopt and implement a written faculty evaluation policy as required by the Guidelines, and that the policy be published in the Faculty Handbook.
9. To comply with Guideline 5.3(A)(1), it is recommended that IUCOL review, revise and republish its attendance policies and practices to conform its policies to the requirement that students must attend no less than 80% of the scheduled class sessions for each course to receive course credit, to eliminate the current practice of allowing make-up classes to substitute for scheduled class sessions to fulfill the 80% requirement, and to ensure that attendance records are maintained accurately.
10. To comply with Guideline 5.24, it is recommended that IUCOL adopt and implement a written policy on course repetition that addresses all requirements of the Guideline, and that the policy should be published in the Catalog or referenced there and otherwise made readily accessible to students.
11. To comply with Guideline 5.31, it is recommended that IUCOL amend its application to ask about a former law student's good standing at a prior law school.
12. To comply with Guideline 5.35, it is recommended that IUCOL adopt and implement a written policy on the award of transfer credit for credit earned at another law school as limited by the Guideline, and that the policy be published in the Catalog or otherwise made readily accessible to students and prospective students.

Recommended Suggested Actions:

1. Pursuant to Guideline 4.7, IUCOL should address in the Faculty Handbook the duty of faculty members to continually improve their teaching skills and substantive expertise.
2. Pursuant to Guideline 5.17 and 5.25, IUCOL should continue to monitor grading practices to control grade inflation, particularly given to the potential for inflation created by the recent elimination of plus/minus grading.
3. Pursuant to Guidelines 5.14, 5.16, and 5.17, IUCOL and its faculty should review all grading and examination policies and procedures to assess what changes, if any, might enable IUCOL to more effectively measure student ability and knowledge, more realistically evaluate student performance, and enhance the value of examinations as an educational tool, as required by the Guidelines.

4. Pursuant to Guideline 5.26, IUCOL should clarify, in publications setting forth its admissions policy, whether and under what circumstances an LSAT score is required.

Submission of a Self-Study

As required by Unaccredited Law School Rule 4.243, IUCOL submitted a timely self-study that was helpful in the assessment of the law school's compliance with the Rules and Guidelines. Dean Trent promptly supplied additional information needed for this report.

Conduct of Site Visit:

The follow-up site visit took place over one extended day, April 17, 2018. The Consultant toured the administrative offices and library and met with Dean N. Edward Trent to discuss the self-study and 2017 Compliance Report. She reviewed the functions of the Registrar's Office, including recordkeeping and student support, with Associate Director of Academic Affairs Jessica Zakarian and Student Services Coordinator Yesica Romero. She discussed admissions standards and strategies with the Admissions Director Ronald Johnson and faculty members of the Admissions Committee. In separate confidential meetings, she met with individual faculty members, a group of faculty members and 21 students representing all four cohort years. She spoke with Library Director Ron Ross and reviewed library holdings.

The Consultant then met with Dean Trent, Dean Emeritus George Gliaudys, Chief Executive Officer Anthony Lee, and several individual professors. She reviewed applicant and student files, including transcripts; course syllabi and files; final examinations and assignments, with student answers; and faculty and administrative files, including financial statements. The Consultant observed the evening class sessions and concluded the inspection visit with a comprehensive exit interview with Dean Trent.

Findings of Compliance with the Committee's Rules and Guidelines

(A) Lawful Operation. The law school must operate in compliance with all applicable federal, state, and local laws and regulations. (Guideline 1.9)

IUCOL operates as the only constituent school of Irvine University Education, a for-profit corporation registered and in good standing with California's Secretary of State. The law school has a current business license issued by the City of Cerritos. Except as noted below, it appears to be operating lawfully under all applicable federal, state and local laws.

The law school publishes a unified Catalog and Student Handbook (Catalog) describing certain of its policies, procedures, academic program and services. It has adopted and implemented sound written policies to protect student privacy and ensure confidentiality of academic records. Student records are password protected or placed in a locked file

accessible only by appropriate personnel, and disclosure is properly limited. IUCOL does not participate in federal student loan programs and is not subject to the Family Educational Records Privacy Act (FERPA).

IUCOL states an adequate written policy against discrimination and harassment, including procedures for resolving claims of violation. The Catalog also sets forth a substance abuse policy forbidding on-campus smoking and use of alcohol.

As required by the Americans with Disabilities Act (ADA), the Cerritos facility provides reasonable access for persons with limited mobility. However, the Catalog does not appear to address the ADA nor does it inform students or prospective students about procedures for requesting accommodation. The self-study includes a document, *Academic Standards Policy* (ASP), which briefly states that students with documented special needs under the ADA will be given reasonable accommodations in instruction and examinations, and a form entitled *Disability Description and Accommodation History* designed to obtain information from students. The Dean decides all ADA-related requests; accommodations were granted to five students in Fall 2017 and three in Spring 2018. It is recommended that the law school revise its Catalog to fully state its ADA policy and procedures to request accommodations, to meet Guideline 1.9.

(B) Integrity. The law school must demonstrate integrity in all of its programs, operations, and other affairs. (Guidelines 2.1 - 2.3, 2.8 - 2.12)

IUCOL demonstrates honesty and integrity in its operations, policies, procedures and communications with the public, applicants and students, except as noted below.

Disclosures required by Guideline 2.2(D)(1) are properly made in IUCOL's Catalog, application form, enrollment agreement and disclosure statement. However, in referring to the law school's registration with the State Bar, the Catalog and website (www.irvine.edu) do not consistently state that the law school's registration is "as an unaccredited law school in the category in which it is registered," as mandated by Guideline 2.3(D)(4). It is recommended that the law school review and, as necessary, revise all published references to the law school's registration status to include all language required by the guideline.

Pursuant to Guideline 2.3(D)(2), IUCOL's website includes a link under "Admissions" to the Information Report Form required by Business and Professions Code section 6061.7. It is recommended that the report be corrected to accurately state LSAT scores.

IUCOL's written tuition refund policy is compliant, providing for full and partial tuition refunds based upon the percentage of class hours attended, to be paid within 30 days of cancellation, drop or withdrawal. Appropriate technology and financial safeguards are used to protect the integrity of law school operations. Commissions are not paid to procure applicants or students, and staff is not compensated based on the numbers of persons they cause to apply or enroll. IUCOL appears to have met its duty to inform the Committee of changes affecting compliance with applicable regulations.

The law school's policies with respect to imposition of student discipline are not fully compliant with Guideline 2.8. The Catalog refers generally to potential discipline for inappropriate behavior but does not list specific potential consequences mandated by the guideline; it is also nearly silent about applicable procedures. A more detailed process described in the self-study also lacks required due process protections. It is recommended that IUCOL adopt, publish and implement a written student discipline policy that meets all requirements of Guideline 2.8. The policy should be published in the Catalog or referenced there and made readily accessible to students.

IUCOL's academic policies are compliant with minor exception related to the policies regarding students on probation. The law school generally assigns grades on a 4.0 grading scale, although in a few courses pass/fail or credit/no credit grading is used. Students are informed of the basis for their final grades in the syllabus for each course; the final examination must count for at least 70% of the course grade. Examinations are anonymously graded based on student identification numbers. Students are given both timely notification of their grades and appropriate opportunities to review their examination papers, as required by Guideline 2.9(E) and (F). Policies on course repetition are addressed in section (G) below.

Students must maintain a cumulative grade point average (cGPA) of 2.0 to be in good standing; standing is determined at least annually. Policies regarding advancement on probation are stated variously in the Catalog and several sections of the self-study, including the *Academic Standards Policy*, *Scholastic Standards*, *Advancement and Graduation Policy* and *Letter of Academic Probation and Disenrollment (LAPD)*. Although these documents agree that students who fail to achieve a 2.0 at the end of their first year cannot continue their studies until they pass the First-Year Law Students' Examination (FYLSX), the fate of advanced students placed on probation is less clear.

The documents disagree as to whether students on probation who fail to achieve a 2.0 cGPA by the end of following semester "may" or "will" be dismissed. The LAPD presents a third option, stating that students will be disenrolled if they fail to achieve an overall GPA of 2.0 "in the courses taken while on academic probation" and that they have two semesters after being placed on probation to raise their cGPA to 2.0. It is recommended that, to be fully compliant with Guideline 2.9(A) and 2.9(B), IUCOL should adopt, publish and implement a clear and consistent written policy as to academic standards applicable to students on probation; the policy should be published in the Catalog or referenced there and otherwise made available for ready reference by students.

As required by Guideline 2.9(D), IUCOL has a written policy on procedures to authenticate the identity of a student submitting work and to ensure that the work is the student's own. The policy is adequate as to authentication of most types of work, including in-class examinations and events such as moot court proceedings. It is recommended, however, that the law school review and revise its policy to address procedures for authenticating written assignments completed outside of class (e.g.,

legal writing papers) such as, for example, the use of commonly-available software for detection of plagiarism.

The law school's grade review policy now provides that IUCOL's faculty Academic Committee will review and issue a decision on a challenged grade but the final decision rests with the Dean, who may "adopt, amend or return with comments the Committee's decision." Under Guidelines 2.9(G) and 2.9(H), however, requests for grade review are to be decided by a faculty committee. It is recommended that IUCOL revise its grade review policy to so provide and that the policy be published in the Catalog or referenced there and otherwise made available for ready reference by students.

IUCOL's Catalog describes services available to students; these appear to be appropriately supported and administered. The Dean and faculty provide academic counseling, meeting with each student twice yearly for scheduled sessions and on an as-needed basis before and after class, and by appointment. Students indicated, during confidential meetings, that academic counseling is readily available.

(C) Governance. The law school must be governed, organized, and administered so as to provide a sound educational program. (Guidelines 3.1)

IUCOL is soundly governed and administered. Oversight responsibility is held by the Board of Directors; the five directors are professionals in medicine, entertainment and higher education and include a former president of Irvine University and the current presidents of Hancock International College and Westcliff University.

Operational management was for some time delegated to Interim Dean N. Edward Trent, a part-time position utilizing his experience as a business executive, practicing attorney and legal educator. After earning a Bachelor of Arts degree from Carlton University in 1962, Dean Trent entered the business world and eventually became President/CEO of several corporations. He received a J.D. degree from IUCOL and has held an active license from the State Bar of California since 1999. His private law practice focuses on contract law and corporate matters. Dean Trent taught Contracts and served as IUCOL's Associate Dean for 12 years before being appointed to his current position in January 2018. His predecessor, George Gliaudys, retired after a 13-year tenure but remains involved with IUCOL in an advisory role. The Associate Dean's job remains open.

More recently, Dean George Leal has joined the school, and Dean Trent has taken an emeritus role.

IUCOL students receive sound academic, administrative and technical support from the law school's staff of experienced and qualified administrators. They include Registrar Rebeca Zarate-Cervantes and Director of Admissions Ronald Johnson, both employed at IUCOL since 2008. Other staff includes Technology Officer Dave Dunlap, Law Library Director Ron Ross and Student Services employees Jessica Zakarian and Yesica Romero. These administrators were found to be diligent and well informed about the Committee's standards.

Fiscal operations are overseen by Chief Executive Officer Anthony Lee, Ed.D., M.B.A., assisted by Controller Sean Murray. Dr. Lee is also President and CEO of Westcliff University in Irvine, California. Together, Dean Trent and Dr. Lee provide effective leadership to support the law school's students and educational mission.

(D) Dean and Faculty. The law school must have a competent dean or other administrative head and a competent faculty that devotes adequate time to administration, instruction, and student counseling. (Guidelines 4.1- 4.10)

In addition to a qualified Dean and experienced Registrar, IUCOL's faculty members also meet Committee standards. Professors participate in law school governance as mandated by Guideline 4.3. The Dean communicates regularly with faculty members to inform them about academic policies and solicit their advice. At least twice yearly, the entire faculty convenes; as confirmed by agendas and minutes, meeting topics typically include academic standards, grading expectations, teaching methods and regulatory requirements. The Dean annually appoints professors to four faculty committees: Academic, Curriculum, Admissions and Library Advisory. These meet as needed to provide input on policy and handle matters such as admissions, grade appeals and student grievances.

IUCOL employs sufficient faculty members to maintain a sound program and to provide timely response to and evaluation of each student, as well as prompt return of assignments. The roster includes 27 part-time instructors but no full-time faculty members. The student-faculty ratio has ranged between 6 and 9 students per instructor over the past five years, as reported in IUCOL's 2017-2018 Student Disclosure Statement. Class sizes are small and, almost without exception, instructors teach only one course per semester. Thus, the student-faculty ratio is favorable and course loads are manageable, in compliance with Guidelines 4.4 and 4.5.

Faculty members are properly credentialed, holding at least a J.D. Some 80% are graduates of American Bar Association-accredited law schools, having been educated at a variety of institutions including Pepperdine, Southwestern, U.C. Berkeley, University of Oregon, U.S.C., and Yale. The remainder graduated from registered California law schools. All but two are licensed to practice law in California; almost all are in active practice and most teach in their area of expertise. To promote awareness of professors' duty to continually improve their teaching skills and substantive expertise under Guideline 4.7, it is recommended that the duty be addressed in the Faculty Handbook.

IUCOL has made recent efforts to create a faculty evaluation process that complies with Guidelines 4.8 and 4.9. According to the Faculty Handbook, students complete evaluations at the end of each course and instructors are observed in their first year and at least once every two years thereafter. Written reports are prepared and used for re-hiring decisions. A self-study document, *Instructor Competence*, elaborates on the evaluation process, listing 10 criteria for assessing fitness to teach. A compliant faculty evaluation process is one that, as adopted and implemented, evaluates an instructor

based upon the specific factors listed in Guideline 4.8 and performance indicators set forth in Guideline 4.9. It is recommended that IUCOL adopt and implement a written policy as required by the guidelines, and that it publish the policy in the Faculty Handbook to inform faculty members about the evaluation standards and procedures.

IUCOL has adopted a compliant policy regarding academic freedom, as stated in the Faculty Handbook.

(E) Educational Program. The law school must maintain a sound program of legal education (Guidelines 5.1-5.16)

IUCOL's four-year J.D. program is compliant quantitatively and qualitatively, with minor exceptions as noted. The 84-unit curriculum requires completion of 1,260 classroom hours, 180 more than the minimum required by Guideline 5.3. Students are admitted in Fall, Spring and Summer terms. The academic year includes two 16-week semesters (Fall and Spring) and one 11-week Summer session, plus exam periods. Students attend all three terms during their first three years and two terms in their fourth year.

Class sessions are held over three hours on weekday evenings and on Saturday, except that four-hour sessions are held in Summer term. Appropriately, Saturday classes are now scheduled to discourage students from taking back-to-back classes. As noted in the 2011 Inspection Report, "given the intensive nature of effective legal education, classes that exceed a total of four hours likely overload students and do not offer an effective opportunity" for learning. The Catalog states the expectation that students will complete the program in four years and gives notice that delays for unforeseen events, if permitted, will necessitate a petition to the State Bar, as addressed by Guideline 5.6.

IUCOL's attendance policies and procedures are problematic. Guideline 5.3(A)(1) requires "regular and punctual attendance of not less than eighty (80) percent of the regularly scheduled class hours in each course." The Catalog echoes that mandate but allows a student to avoid a recorded absence by "making up the missed instructional hours within three weeks" by attending another class in the same subject. This practice permits a student to earn course credit after missing an excessive number of classes by attending a "make-up" session that does not cover the missed course material. It is non-compliant.

Attendance records also revealed some inaccuracies as to dates and attendance at rescheduled class sessions, attendance by individuals, and administrative action for excessive absences. To comply with Guideline 5.3(A)(1), it is recommended that the law school's attendance policies and procedures be reviewed, revised and republished to conform to the requirement that students must attend no less than 80% of the scheduled class sessions for each course to receive course credit, to eliminate the current practice of allowing make-up classes to substitute for scheduled class sessions to fulfill the 80% requirement, and to ensure that attendance records are accurately maintained.

As described in the Catalog, the J.D. curriculum provides the mandated “balanced and comprehensive course of study” and opportunities for practical skills instruction. Students complete 72 required units, including courses in all subjects tested on the CBX. Courses are appropriately sequenced. The first year includes FYLSX subjects (Contracts, Torts, and Criminal Law) and additional required courses: Introduction to Legal Analysis, Legal Writing, and Transactions in Goods (UCC). Other CBX subjects are covered during the second through fourth years; Document Drafting is taken during the third year.

Students also take 12 elective units. IUCOL’s range of electives allows students to develop practical skills and explore various practice areas; among the topics offered in 2017-2018 were Family Law, Law Practice Management, Trial Practice, and Elder Law. IUCOL’s elective Internship Program was found to be compliant; the program allows third- and fourth-year students to earn up to six units for work under the personal supervision of practicing attorneys. Participants must apply to participate, attend monthly program meetings, and complete several types of written projects.

Course syllabi were found to be comprehensive and informative. IUCOL’s standard template ensures that students receive information about course organization, readings, and grade calculation. Professors assign current, well-recognized texts and case books. ECSOL’s grading standards and grade correlation are discussed below in section (G).

IUCOL focuses its academic support efforts on first-year students, who comprise 85% of the student body. A mandatory, non-credit academic enrichment course, Academic Support, has been built into the curriculum to guarantee participation. Twice yearly, the Dean or Registrar meets with students to review with their academic progress. Faculty mentors offer advice upon request and, as provided in the Faculty Handbook, instructors are expected to provide academic counseling.

The law school has recently designed several initiatives to improve academic performance. To better assess and prepare applicants for law school, a mandatory, non-credit Pre-Law course is offered twice yearly. An optional, fee-based Baby Bar Boot Camp, taught by an IUCOL professor, has been expanded. Writing assignments have been added to some doctrinal courses and substantive outlines from commercial test preparation services, such as Flemings Fundamentals of Law, have been made available. Finally, IUCOL encourages the use of multiple-choice examinations in CBX-tested subjects and is evaluating the use of services by AdaptiBar to improve CBX pass rates. These efforts reflect a significant commitment to student success.

(F) Competency Training. The law school must require that each student enrolled in its Juris Doctor Degree program satisfactorily complete a minimum of six semester units (or their equivalent) of course work designed to teach practice-based skills and competency training. Such competency training must teach and develop those skills needed by a licensed attorney to practice law in an ethical and competent matter. (Rule 4.240(F))

IUCOL intends to revise its curriculum by Fall 2018 to address the new Rule 4.240(F) competency training mandate, although it already appears to be compliant or nearly

compliant. Students are now required to complete six units of courses that, based on their course descriptions, appear to focus on practice-based skills and competencies. These include Legal Analysis (1 unit), Legal Writing (2 units), and Document Drafting (3 units). At this time, students also may choose from a variety of 3-unit elective courses covering practice-related skills, such as Advanced Legal Research, Trial Tactics, Trial Practice, Appellate Advocacy (Written), Appellate Advocacy (Oral), and Law Practice Management.

(G) Scholastic Standards. The law school must maintain sound scholastic standards and must as soon as possible identify and exclude those students who have demonstrated they are not qualified to continue. (Guidelines 5.17-5.25)

IUCOL's written scholastic, academic standards and grading policies are compliant, except as noted. As described in the Catalog, IUCOL uses a hybrid grading system under which numerical percentage scores are assigned to examinations and written assignments, then converted to letter grades on a traditional 4-point scale. Grades include: A (90%-100%, Excellent), B (80%-89%, Good), C (70%-79%, Satisfactory), D (60%-69%, Poor) and F (less than 60%, Failing). Plus/minus grading was eliminated as of Fall 2017. Pass/fail or credit/no credit grading is used for a few courses; a pass/credit grade equates to a 2.0; no unit credit is earned for a grade of "F" or fail/no credit.

Academic standing is determined at least once each year, as required. Students must earn a cumulative grade point average (cGPA) of 2.0 to remain in good standing; those who do not do so are placed on probation, except that first-year students with a cGPA below 2.0 at the end of the first year are disqualified from further study until they pass the FYLSX. As noted in section (B) above, IUCOL's probation policy requires clarification.

IUCOL's academic standards are compliant, as confirmed by a review of examinations, student responses and grades. Faculty members provide their examination questions to the Dean for review, together with issue outlines, model answers, or detailed scoring rubrics. These feedback tools, together with individual scores and student papers with margin comments, are made available to students promptly after grades are posted.

Although the law school's final examinations were found to vary widely in format and length of time allowed for response, most included some combination of hypothetical essay questions, multiple-choice questions and short answer components; midterm examinations included additional formats. Some examinations were less than rigorous, requiring students merely to define terms or state their understanding of key principles rather than to perform legal analysis. A few included lengthy, overly-complicated hypothetical fact patterns. Overall, however, IUCOL's examinations appear, in form and content, to allow professors to assess students' proper understanding of the legal principles covered, and to permit the prompt identification and disqualification of students who are not qualified, as required under Guideline 5.18.

IUCOL monitors faculty grading practices to ensure conformity with its stated policy against grade inflation. Useful benchmarks were established by a 2014 report, *Review of Grading and Examination Practices, 2009-2014*, which analyzed grade trends for all courses. Although the law school awards many above-average grades, averages have not changed dramatically over time. As noted in the 2011 Inspection Report, in 2010 grades of B or higher accounted for 40% of all IUCOL grades; based on data in IUCOL's 2017 Annual Report, in 2016 some 44.5% (107/240) of all grades fell into that category,. Only 21% (51/240) of grades were at the C/C+ level, while 54.6% (131/240) were in the range of B- or higher. A reasonable correlation was found among the grades issued by all instructors teaching the same students. It is recommended that IUCOL should continue to monitor grading practices to control grade inflation, particularly given to the potential for inflation created by the recent elimination of plus/minus grading.

The school's pass rates for both the First Year Law Students' Examination and the California Bar examination are below averages for unaccredited schools, and this warrants attention.

In view of the law school's FYLSX and CBX pass rates, it is recommended that IUCOL and its faculty review all grading and examination policies and procedures to assess what changes, if any, might make it possible to more effectively measure student ability and knowledge, and more realistically evaluate performance, as required by Guidelines 5.16 and 5.17. Such review should encompass what changes, if any, might enhance the value of examinations as an educational tool, as contemplated by Guideline 5.14. For example, one issue is whether greater consistency in the structure and response time for examinations might help students develop better strategies for both test preparation and time management during exams, by exposing them repeatedly to similar challenges.

The Catalog does not appear to address course repetition. The self-study states variously that a student may repeat a course in which the student did not earn a passing grade and that a student whose cGPA falls below 2.0 may retake any class in which he or she receives a grade of "C" or lower. Grades in both courses are shown on the transcript but only the higher grade is calculated into the student's grade point average. Duplicate course credit is not allowed. To be compliant with Guideline 5.24, the law school must adopt and implement a written policy on course repetition that addresses all requirements of the guideline; the policy should be published in the Catalog or referenced there and otherwise made readily accessible to students.

(H) 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 5.26-5.36)

IUCOL's admission policies and procedures are compliant, although minor policy amendments are needed. Admissions categories are explained in detail on IUCOL's website and in broader terms in the Catalog. The law school generally requires a

bachelor's degree, associate's degree, or 60 qualifying units of undergraduate education. On occasion, a special student may be admitted based on CLEP scores and in the past two academic years, the law school admitted one such student.

Applicants are required to submit a filing fee, personal statement (not mentioned in the Catalog), transcripts from previously attended institutions, and two letters of recommendation. The website and Catalog indicate that an LSAT score must be submitted but the self-study indicates that a score is merely "strongly encouraged." It is recommended that the law school clarify, in publications setting forth its admissions policy, whether and under what circumstances an LSAT score is required.

IUCOL's application form includes the disclosure required by Guideline 2.3(D)(1). The form asks about prior law school attendance but not about a former law student's good standing at the prior school, as mandated by Guideline 5.31. The law school has compliant policies on admission of previously disqualified law students and on the circumstances under which persons may be permitted to enroll as non-degree candidates. However, no written policy was located to establish compliance with the Guideline 5.35 limits on the award of transfer credit for credit earned at another law school. It is recommended that the law school amend, implement and publish policies that are compliant with Guidelines 5.31 and 5.35.

The law school has recently added a six-week, 18-hour Pre-Law course to its admissions process. All prospective students must take this course except those who show proficiency in first-year subjects due to work or educational background. Academic credit is not awarded, but pass/fail grades are assigned and used in evaluating candidates for admission. According to Admissions Director Johnson, the Pre-Law course yields valuable information about prospective students' aptitude for law study while also providing them with fundamental skills and an understanding of the rigors of law school.

All applicants with complete or near-complete documentation are interviewed by the Dean or Admissions Director. Completed files are evaluated, on a rolling basis, by an Admissions Committee comprised of the Admissions Director and several faculty members. After the committee decides to grant or deny admission, the applicant is notified by the Registrar. Although law school applications have plateaued or risen slightly nationwide in recent years, IUCOL's enrollment declined from 62 to 42 in Fall 2017 after holding relatively steady for several years.

(I) Library. The law school must maintain a library consistent with the minimum requirements set by the Committee. (Guidelines 6.1, 6.2, 6.3, 6.4)

IUCOL maintains a compliant law library with all hardcopy case reporters, statutes, texts/treatises and legal authorities mandated by Guideline 6.2. Library Director Ross confirmed that required resources are kept current and a spot check of materials in all categories confirmed their currency. In addition to required hardcopy materials, the law

school also provides students and faculty with electronic access to most categories of those materials through the Lexis Advance service.

The law school's recent financial statements confirm appropriate spending on library resources and electronic services; similar expenditures are budgeted for the current year.

As required by Guideline 6.3, the law school provides legal research instruction in both hard-copy and electronic legal resources. Students receive an orientation to the library by the Library Director and may elect to take a 3-unit Advanced Legal Research course.

(J) Physical Resources. The law school must have physical resources and an infrastructure adequate for its programs and operations. The law school must, at a minimum, maintain its primary administrative office in the State of California.
(Guidelines 7.1, 7.2)

IUCOL's facilities are adequate and compliant. The law school occupies about 5,100 square feet of leased space in an office building in Cerritos, California. Administrative offices, classrooms, and ancillary facilities are housed in the same suite. Private offices for the Dean and other staff are appropriate and onsite filing cabinets contain required hardcopy records. Conference space is available for private meetings with students and pre-class preparation by professors. The library is large enough to support legal research instruction, while a mock courtroom provides the opportunity for realistic trial and moot court activities.

Office and classroom technology also appears to meet the law school's needs; students have access to a small computer lab with several desktop computers and wi-fi internet access is available throughout the facility. Onsite parking is ample.

On occasion, when convenient for a group of IUCOL students who commute from the Irvine area, courses are held in classroom space at Westcliff University, which shares common ownership with the law school's corporate parent.

(K) Financial Resources. The law school must have adequate present and anticipated financial resources to support its programs and operations.
(Guidelines 8.1 – 8.3)

IUCOL operates as the sole component of a for-profit California corporation. All financial statements submitted to the Committee, both annually and as part of the law school's self-study, are prepared by, but not audited by, a certified public accountant.

The law school's financial resources appear adequate and compliant. As reported in the IUCOL Annual Compliance Report, at the end of the 2016 calendar year the law school reported total assets of \$362,000, shareholder equity of \$250,000, a cash balance of \$15,000 and net income of \$28,000. As reported in the self-study, at the end of 2017 the law school reported increases in all categories, with a net income of \$32,000. As projected for 2018, net income is expected to increase to \$45,000. Shareholder

contributions of capital are available if necessary to support the law school's program but none have been made recently.

Given its corporate structure and reported assets, liabilities and resources, it appears that the law school is financially solvent. IUCOL is able to provide its students with a sufficiently supported and sound program of legal education and, as necessary, to promptly refund tuition upon request.

(L) Records and Reports. The law school must maintain adequate records of its programs and operations. (Guideline 9.1)

IUCOL substantially complies with the recordkeeping requirements of the Guidelines, as required by Guideline 9.1. The school has adopted an appropriate policy and recordkeeping procedures regarding student files and maintenance of privacy and security, and processes that ensure that all files are well organized and maintained.

A sample review of files confirmed that IUCOL maintains all required records and files compliantly, with the minor exception of attendance records noted above. All records were available in hard copy. All files, transcripts, class records, grades and examinations are maintained under secure conditions, as are all administrative and faculty files. Applicant files were found to contain all the required materials, including correspondence or notes on conversations. Student files contained all needed material and memoranda. All student transcripts were found to be compliant.

Student examinations and corresponding answers, other course work retained by the school, records of course grades given, and attendance rosters were appropriately organized and filed, allowing for a very straightforward review process. Faculty personnel files reviewed were complete except that, as noted above, faculty evaluation materials remain to be added as required. Meeting agendas and minutes were available and reviewed.

The law school was found to maintain adequate records of Committee correspondence and copies of its Annual Compliance Reports.

(M) Equal Opportunity and Non-Discrimination. Consistent with sound educational policy and these rules, the law school should demonstrate a commitment to providing equal opportunity to study law and in the hiring, retention and promotion of faculty without regard to sex, race, color, ancestry, religious creed, national origin, disability, medical condition, age, marital status, political affiliation, sexual orientation, or veteran status. (Guideline 10.1)

The law school has adopted and published appropriate policies stating that it operates in a non-discriminatory manner. The Consultant met with the Dean, Director of Admissions, Student Services staff, Library Director, faculty and students and found no indication of either a lack of equal opportunity or of any unlawful discrimination.

(N) Compliance with Committee Requirements. The law school must demonstrate its compliance with all reporting and academic notice requirements

required by each of the Rules and Guidelines found applicable to its programs and operations. (Rule 4.240(N))

IUCOL has diligently and timely complied with the Committee's reporting requirements, including its submission of an Annual Compliance Report and Admissions Certificate confirming the identities and qualifications of admitted students. The law school also has a history of properly seeking prior approval by the Committee before making a major change to its operations or curriculum. Most recently, in 2015 the law school secured approval of its plan to move to a new facility in the City of Cerritos.

Finally, in preparing for its periodic inspection, IUCOL's Dean and administrative staff compiled a comprehensive and timely self-study that was useful in the evaluation of the law school's compliance with the Guidelines for Unaccredited Law School Rules. During and after each of the inspection visits, IUCOL's Dean and staff promptly responded to questions and information requests about various academic and operational matters.



**IRVINE
UNIVERSITY**
COLLEGE OF LAW

Advancing Legal Education since 1971

ATTACHMENT B

Via PDF and U.S.P.S.

October 9, 2018

Natalie Leonard
Program Manager, Educational Standards
The State Bar of California
180 Howard Street, 9th Floor
San Francisco, California 94105

Dear Ms. Leonard:

Pursuant to Rule 4.244(F) of the *Unaccredited Law School* Rules, I am pleased to confirm that the law school fully accepts the Periodic Inspection Report, along with all of its mandatory and suggested actions, of the inspection conducted on April 17, 2018. I found the report to be well written and very helpful in my efforts to see that the law school operates compliantly and, further, in an ongoing effort to strengthen and improve its program of legal education.

Given these benefits, please give Ms. Georgakis my personal thanks for her hard work and, as always, exceptional professional manner in her role as a consultant to the Committee. Finally, best wishes to you and your efforts in managing the Educational Standards Department.

Sincerely,

George C. Leal, Esq.
Dean, Irvine University College of Law

cc: Anthony Lee, Ph.D, President
Edward Trent, Dean Emeritus
Irvine University College of Law