



# The State Bar *of California*

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## **OPEN SESSION AGENDA ITEM APRIL 2019 COMMITTEE OF BAR EXAMINERS ITEM O-402**

**DATE:** April 16, 2019

**TO:** Members, Committee of Bar Examiners

**FROM:** Natalie Leonard, Principal Program Analyst, Office of Admissions

**SUBJECT:** Report on Monterey College of Law Periodic Inspection

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### **EXECUTIVE SUMMARY**

Monterey College of Law underwent its five-year periodic inspection on September 4-6, 2018 and September 17-18, 2018. It is recommended that the Committee of Bar Examiners continue the accreditation of the school, receive and file the Periodic Inspection Report (Attachment A), and adopt the suggested actions noted therein, asking the school to provide an update as to its progress against these recommendations in the school's 2019 Annual Compliance Report. It is also recommended that the Committee receive and file the school's response dated April 10, 2019, which accepts the report and outlines action plans as to each of the suggested recommendations (Attachment B), and that the next periodic inspection be scheduled for the Fall of 2023, or sooner should the Committee so determine.

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### **BACKGROUND**

MCL is a non-profit, tax-exempt California-accredited law school founded in 1972, which was accredited by the Committee in 1981. It operates its main campus in Seaside, a small community north of Monterey, where it offers a part-time, four-year evening program leading to the award of the J.D. degree. MCL also offers two other law degrees, a Master of Legal Studies and a LL.M. degree in international law. It also operates branch campuses in Kern County and San Luis Obispo. The school has also received approval to elevate its Santa Cruz satellite to a full four year campus, and to operate a Hybrid J.D. program, and it is in the process of phasing in these changes.

Monterey College of Law underwent its five-year periodic inspection in September 2018. The school's inspection was scheduled over two time periods with two teams because Monterey

College of Law (“MCL”) due to the need to visit multiple campuses located some distance from each other. Each site was visited by Inspection Team Leader Greg Shin, Special Projects Liaison at the State Bar, as well as a member of the Committee of Bar Examiners and a law school dean.

The main Seaside campus and the Santa Cruz satellite campuses, along with the Hybrid J.D., were inspected by Dean Andrea L. Lua of Pacific Coast University School of Law and Patricia Villalobos, Member of the Committee of Bar Examiners along with Greg Shin on September 4-6, 2018. The San Luis Obispo County College of Law and Kern County College of Law branch campuses were inspected by Dean Eric Halverson, Dean of Trinity Law School; Bethany Peak, Member of the Committee of Bar Examiners; and Greg Shin on September 17-18 2019.

The Inspection Team recommends that the accreditation of Monterey College of Law as a whole across all campuses and satellites be continued, following suggested actions listed below, that the accreditation of Monterey College of Law be continued; and that its next periodic inspection be scheduled for Fall 2023, unless an earlier visitation is deemed necessary by the Committee.

#### **RECOMMENDED, MANDATORY ACTIONS**

The Team found no material issues of noncompliance by MCL with any of the *Accredited Law School Rules* or the *Guidelines for Accredited Law School Rules* (Guidelines); thus, the Team is not recommending any mandatory actions.

#### **RECOMMENDED, SUGGESTED ACTIONS**

The Team suggests that the law school take action on the following issues to achieve better compliance with each of the Guidelines specified below:

1. **Guideline 2.7(C)** – While Appendix 11 in the Student Handbook addresses the issue of plagiarism and proper attribution, MCL did not appear to have a procedure in place to confirm “that work submitted is the student’s own.” MCL should have a policy in place to ensure that all work is the student’s own work.
2. **Guidelines 6.13 and 6.14** – The Team observed that the fact patterns provided in a number of examination questions reviewed during the inspection seemed lengthy and detailed enough that there were questions raised about the students’ ability to provide sufficient answers in the allotted time. Furthermore, some faculty members provided few or no written comments when grading examinations, which could hinder students from understanding what they did well or how they could have improved their answers. There also seemed to be inconsistency in when and how the grading rubrics were used by faculty in the grading of examinations. MCL should review its current procedure and determine whether further clarification or communication with its faculty is warranted on the topic of a ‘standardized’ grading process and the potential need for greater detail provided to students as to why a particular grade was issued.

3. **Guideline 6.14** – There are slight differences between the grading scales published in the Student and Faculty Handbooks which could lead to confusion (see “Scholastic Standards” section). The Team recommends that unless there is a compelling reason to maintain two different numerical grading scales, one consistent scale should be adopted and published in both the Student and Faculty Handbooks. Subsequent to inspection, MCL informed the Team that the Student Handbook has since been confirmed as the standard and placed into a new version of the Faculty Handbook.
4. **Guideline 6.14** – On the topic of grade inflation, in the grading summary table provided in MCL’s 2018 report in Attachment 7, there seemed to be a material increase in the number of “A’s” and “B’s” issued during the 2018 year compared to the prior two years. Similarly, there appeared to be a material decrease in the issuance of “C’s”, “D’s” and “F’s” during the same comparison period. These rises in grades did not correlate with Bar Examination performance for the school. The Team recommends that MCL review this issue and provide a response in its next Annual Report explaining the steps taken to ensure that students are being evaluated accurately as to their progress.
5. **Guideline 6.5(B)** – While MCL has a written policy requiring students to attend at least 80% of class sessions, there appeared to be some confusion amongst the staff and faculty members about how to track attendance and where and when to submit the attendance reports to the main office for record-keeping. So while the Team noted that faculty did, in fact, take attendance during the classroom sessions observed during the inspection, there seemed to be some disagreement between faculty members about how that information ultimately got to the main administrative office and when it was due to that office. MCL should review its current procedure and determine whether further clarification with staff and faculty is warranted.
6. **Guideline 11.1(C), (G) and (H)** – The team reviewed a sample of administrative personnel and faculty files. A number of the files were found to be various required elements including evaluations made by the dean or students, transcripts from prior schooling, resumes, or evidence of licensure with the appropriate licensing authority. It was also difficult to discern whether new and experienced faculty were in fact being evaluated annually and every three years respectively, since the appropriate documentation was not always found in the faculty files. Similarly, a review of several student files found that most, but not all, contained all of the information required by Guideline 11.1(C). The Team recommends that a check-off sheet or other verification mechanism be created and attached to each file that specifies the required information to be maintained in that file along with a verification portion to be filled out by the appropriate staff member.
7. **Guideline 14.1** – MCL should continue to reach out to a diverse pool of candidates when hiring faculty (see Section “O”). Furthermore, the Team recommends that MCL adopt and publish a Non-Discrimination Policy in its Faculty Handbook similar or identical to the policy found in the Student Handbook.

8. As a procedural matter, the “General Information” page on MCL’s website should be reviewed on a regular basis to ensure that Staff information, including titles, is current and up-to-date.

## **DISCUSSION**

This is the largest periodic inspection conducted by the State Bar of California to date. The two Inspection Teams worked together, along with a range of school-wide staff and local campus staff, to develop a clear picture of the resources and educational experience provided to students at each campus.

Overall, the Inspection Team concluded that the school was compliant with all Rules and Guidelines for Accredited Law Schools. Therefore, no mandatory recommendations were made, though seven suggested recommendations were offered.

MCL Dean Winick provided a letter accepting the Inspection Report and its recommendations and summarizing action plans as to each of the recommendations.

Separate from the Inspection process, the school will also be providing an update as to its Hybrid J.D. program at a later date as that program continues to be implemented.

## **RECOMMENDATION**

It is recommended that the Periodic Inspection Report be received and filed; that the suggested compliance recommendations discussed in the Report be adopted; that the law school be required to report to the Committee as part of the school’s 2019 Annual Compliance Report all efforts to address each such recommendation; that the school’s response accepting all findings be received and filed; that accreditation of MCL be continued; and that the law school’s next periodic inspection be scheduled for the Fall of 2023, or sooner should the Committee so determine.

## **MOTION**

Should the Committee agrees with the staff recommendation, the following motion is recommended:

Move that the Periodic Inspection Report of Monterey College of Law conducted on September 4-6, 2018 by Andrea L. Lua, Dean of Pacific Coast University School of Law, Patricia Villalobos, Member of the Committee of Bar Examiners, and Greg S. Shin, Special Projects Liaison for The State Bar of California, and on September 17-18, 2018 by Eric Halvorson, Dean of Trinity Law School, Bethany Peak, Member of the Committee of Bar Examiners, and Greg S. Shin, be received and filed; that the compliance recommendations made in the Report be adopted; that the response submitted by Dean Mitch Winick on behalf of Monterey College of Law, dated April 10, 2019, be received and filed; that the law school be required to report to the Committee in its next

Annual Compliance Report all efforts to address each such recommendation; that the accreditation of Monterey College of Law be continued; and that its next periodic inspection be scheduled for the Fall of 2023, unless an earlier visitation is deemed necessary by the Committee.

#### **ATTACHMENTS**

- A. Monterey College of Law Periodic Inspection Report, Including Branch Campuses and Satellite Campuses: Kern County College of Law, San Luis Obispo College of Law, Santa Cruz Satellite Campus
- B. Letter from Dean Winick Accepting Inspection Report



# The State Bar of California

## **Monterey College of Law Including Branch Campuses & Satellite Campuses: Kern County College of Law San Luis Obispo College of Law Santa Cruz Satellite Campus**

### **Periodic Inspection Report**

Inspection conducted  
Pursuant to Rule 4.162 of the  
Accredited Law School Rules on:

**September 4-6, 2018  
September 17-18, 2018**

#### ***Visitation Team:***

##### **Kern County/San Luis Obispo Branches**

Eric Halvorson, Dean  
Trinity Law School

Bethany Peak, Member  
Committee of Bar Examiners

Greg S. Shin, Special Projects Liaison  
Programs Division  
The State Bar of California

##### **Monterey Branch/Santa Cruz Satellite**

Andrea L. Lua, Dean  
Pacific Coast University School of Law

Patricia Villalobos, Member  
Committee of Bar Examiners

Greg S. Shin, Special Projects Liaison  
Programs Division  
The State Bar of California

# **REPORT ON THE PERIODIC INSPECTION OF MONTEREY COLLEGE OF LAW**

## **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

Because Monterey College of Law (“MCL”) is composed of a combination of branches, a satellite, and a hybrid program, the school was inspected over two sessions. First, the Inspection Team (“Team”) visited the main MCL campus in Seaside and the Santa Cruz satellite campus and discussed the new hybrid online and classroom J.D. on September 4-6, 2018. Next, the Team visited the Kern County and San Luis Obispo campuses on September 17-18, 2018. The Team selected by the Director of Admissions Amy Nuñez was comprised of Andrea L. Lua, Dean of the Pacific Coast University School of Law, Eric Halvorson, Dean of Trinity Law School, Patricia Villalobos and Bethany Peak, both members of the Committee of Bar Examiners (Committee), and Greg S. Shin, Special Projects Liaison in the Programs Division of the State Bar of California.

Since the school’s last periodic inspection, MCL continues its operations as a non-profit institution with a mission “to provide a quality legal education in a community law school setting with graduates who are dedicated to professional excellence, integrity, and community service.” Almost all of the school’s students are working adults who, due to their commitments to work and/or family, choose to study law part-time.

Pursuant to its 2019 Business & Professions Code Section 6061.7(a) filing enrollment has been stable as the school adds campuses, with 118 students enrolled in total across all campuses in 2017-2018. Each MCL campus operates in leased commercial office space that appears to meet the needs of its students, faculty and administrators. The main, part-time J.D. degree program is comprised of 90 units offered over a four-year period of time, including summer sessions. MCL also offers a 36 unit Master of Legal Studies (M.L.S.) and a 24 unit L.L.M. degree program and was recently approved by the Committee to offer a hybrid J.D. program for an initial five-year development phase.

### **Recommended Action by the Committee**

The Team recommends that the Committee receive and file this Periodic Inspection Report, approve each of the Team’s suggested, recommended actions and continue the accreditation of the Monterey College of Law and that its next periodic inspection be conducted in Fall 2023, unless an earlier visitation is deemed necessary.

## Recommended Mandatory Actions

The Team found no material issues of noncompliance by MCL with any of the *Accredited Law School Rules* or the *Guidelines for Accredited Law School Rules* (Guidelines); thus, the Team is not recommending any mandatory actions.

## Recommended Suggested Actions

The Team suggests that the law school take action on the following issues to achieve better compliance with each of the Guidelines specified below:

1. **Guideline 2.7(C)** – While Appendix 11 in the Student Handbook addresses the issue of plagiarism and proper attribution, MCL did not appear to have a procedure in place to confirm “that work submitted is the student’s own.” MCL should have a policy in place to ensure that all work is the student’s own work.
2. **Guidelines 6.13 and 6.14** – The Team observed that the fact patterns provided in a number of examination questions reviewed during the inspection seemed lengthy and detailed enough that there were questions raised about the students’ ability to provide sufficient answers in the allotted time. Furthermore, some faculty members provided few or no written comments when grading examinations, which could hinder students from understanding what they did well or how they could have improved their answers. There also seemed to be inconsistency in when and how the grading rubrics were used by faculty in the grading of examinations. MCL should review its current procedure and determine whether further clarification or communication with its faculty is warranted on the topic of a ‘standardized’ grading process and the potential need for greater detail provided to students as to why a particular grade was issued.
3. **Guideline 6.14** – There are slight differences between the grading scales published in the Student and Faculty Handbooks which could lead to confusion (see “Scholastic Standards” section). The Team recommends that unless there is a compelling reason to maintain two different numerical grading scales, one consistent scale should be adopted and published in both the Student and Faculty Handbooks. Subsequent to inspection, MCL informed the Team that the Student Handbook has since been confirmed as the standard and placed into a new version of the Faculty Handbook.
4. **Guideline 6.14** – On the topic of grade inflation, in the grading summary table provided in MCL’s 2018 report in Attachment 7, there seemed to be a material increase in the number of “A’s” and “B’s” issued during the 2018 year compared to the prior two years. Similarly, there appeared to be a material decrease in the issuance of “C’s”, “D’s” and “F’s” during the same comparison period. These rises in grades did not correlate with Bar Examination performance for the school. The Team recommends that MCL review this issue and provide a response in its next Annual Report explaining the steps taken to ensure that students are being evaluated accurately as to their progress.



5. **Guideline 6.5(B)** – While MCL has a written policy requiring students to attend at least 80% of class sessions, there appeared to be some confusion amongst the staff and faculty members about how to track attendance and where and when to submit the attendance reports to the main office for record-keeping. So while the Team noted that faculty did, in fact, take attendance during the classroom sessions observed during the inspection, there seemed to be some disagreement between faculty members about how that information ultimately got to the main administrative office and when it was due to that office. MCL should review its current procedure and determine whether further clarification with staff and faculty is warranted.
6. **Guideline 11.1(C), (G) and (H)** – The team reviewed a sample of administrative personnel and faculty files. A number of the files were found to be various required elements including evaluations made by the dean or students, transcripts from prior schooling, resumes, or evidence of licensure with the appropriate licensing authority. It was also difficult to discern whether new and experienced faculty were in fact being evaluated annually and every three years respectively, since the appropriate documentation was not always found in the faculty files. Similarly, a review of several student files found that most, but not all, contained all of the information required by Guideline 11.1(C). The Team recommends that a check-off sheet or other verification mechanism be created and attached to each file that specifies the required information to be maintained in that file along with a verification portion to be filled out by the appropriate staff member.
7. **Guideline 14.1** – MCL should continue to reach out to a diverse pool of candidates when hiring faculty (see Section “O”). Furthermore, the Team recommends that MCL adopt and publish a Non-Discrimination Policy in its Faculty Handbook similar or identical to the policy found in the Student Handbook.
8. As a procedural matter, the “General Information” page on MCL’s website should be reviewed on a regular basis to ensure that Staff information, including titles, is current and up-to-date.

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## SPECIFIC FINDINGS AS TO COMMITTEE ACCREDITATION STANDARDS

### Report of Self-Study

Pursuant to Rule 4.163, MCL timely submitted a self-study for the Team to assess its compliance with the *Accredited Law School Rules* (Rules) and the *Guidelines for Accredited Law School Rules* (Guidelines). The self-study was supported by relevant materials, comprehensive, and generally well-organized.

### Report of the Site Visit

The Team's inspection commenced on Tuesday, September 4, 2018, at the Seaside campus with an introductory meeting with Dean Mitch Winick and a tour of the campus. This was followed by several meetings and discussions with members of the school's administrative staff, including Elizabeth Xyr – Dean of Academics, Wendy LaRiviere – Dean of Admissions, Shashi Chand – Registrar, and Heather English – Business Manager. The Team also met with various Faculty members throughout the day. A working lunch was held with members of MCL's Board of Trustees and the day ended with the Team observing several evening class sessions.

The majority of the second day of the visit was spent reviewing documentation including student and faculty files and records, samples of final examination questions and students' answers, and minutes from recent faculty meetings and meetings of the Board of Directors. The Seaside campus visit concluded with another meeting with various faculty members, and a separate, confidential meeting with a group of students.

The inspection continued on Thursday, September 6, 2018 with a visit to the Santa Cruz satellite campus. While the campus Dean, Steve LaBerge, was not available, the Team met with Professors Robert Patterson and Robert Wade, and then had a working lunch with current students, faculty, and numerous alumni.

The Team's inspection of the Kern County ("KCCL") and San Luis Obispo ("SLOCL") campuses commenced several weeks later on September 17, 2018 when it visited the new KCCL facility. The visit began with a facility tour of the law school which resides on the second floor above a law firm in a former bank building. Next, the Team held a meeting with the Campus Dean C.M. "Bud" Starr followed by another meeting with current students. The visit ended with a working luncheon that included faculty, alumni, and members of the local Bar Association.

After lunch, the Team began the commute to the SLOCL campus and upon arrival, attended a late afternoon reception with students and faculty. The visit concluded for the day with the Team observing three separate classes in the evening.

The SLOCL campus visit continued the following day on Tuesday, September 18 with several meetings with members of the staff including Campus Dean and former mayor of San Luis Obispo Jan Marx, Campus Administrator Dena Jones, and Administrative Dean Sharon Lizardo. This was

followed by a meeting with a number of SLOCL students in a closed session. The visit concluded with a working lunch attended by faculty, alumni, and members of the local Bar Association.

Provided below are the Team's specific findings, observations, conclusions, and recommendations regarding MCL's compliance with each of the accreditation standards established in Accredited Law School Rule 4.160, and the related guidelines found in the Guidelines for Accredited Law School Rules ("Guidelines").

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

Pursuant to Rule 4.100, MCL operates under the degree-granting authority of the Committee and the Team found the school to be operating compliantly with all relevant state and federal laws and regulations. The law school continues to operate as a non-profit educational institution and receives no support from public funds or taxes.

MCL appears to offer reasonable physical access and testing accommodations for students who have documented need for such services. MCL also has policies in place to ensure that its admissions, hiring and retention decisions comply with state and federal laws designed to prohibit unlawful discrimination and harassment. Specific and detailed policies are spelled out in MCL's Student Handbook (available in hard copy and on the website) that address:

- Attendance Policy (Page 9)
- Student Honor Code (Page 10 and Appendix 10)
- Special Accommodations (Page 11 and 20)
- Harassment Free Environment (Page 18)
- Sexual Harassment/Assault Policy (Page 18 and Appendix 12)
- Student Records/Privacy Act (Page 20)
- Non-Discrimination Policy (Page 20)
- Student Assistance Program (Page 20)

In addition, MCL provided copies of all required business licenses, permits, and certificates as part of its self-study materials.

**(B) Integrity. The law school must demonstrate integrity in all of its programs, operations, and other affairs.**

In response to Guidelines 2.3(A)-(E), MCL operates compliantly and provides all of the mandated documentation, procedures, disclaimers and disclosures in the Student Handbook or the website. For example, all of the required accreditation disclosures are posted prominently on each of the MCL campus websites in the proper locations.

Representative examples of MCL's key compliant policies have been highlighted below.

With respect to its finances and in response to Guidelines 2.2(A)-(C), MCL provides the necessary information to its various stakeholders. Students are informed in a forthright manner about the costs for MCL's program offerings and a written tuition refund policy clearly explains the requirements for calculating and seeking a refund. Heather English serves as MCL's full-time business manager and coordinates financial matters internally within the law school in conjunction with the Dean and the Treasurer of the Board of Trustees. Furthermore, an external firm provides the audited financial reporting required by the Committee to assess the school's financial condition as well as to prevent potential financial improprieties.

MCL's detailed policies addressing grading matters specified in Guidelines 2.7(A)-(G) are largely detailed in the "Scholastic Standards" section. It should be noted here, however, that students may use a "Grade Appeals" by submitting a written petition seeking review of any examination. These petitions are then reviewed by a Grade Review Committee and the appropriate decision is rendered and communicated. With respect to Guideline 2.7(C), while Appendix 11 in the Student Handbook addresses the topic of plagiarism and proper attribution, MCL does not seem to have a procedure in place to confirm "that work submitted is the student's own." MCL should evaluate adopting a procedure to incorporate this process.

The law school's Student Honor Code (Appendix 10 in the Student Handbook) addresses how student discipline matters are handled pursuant to Guideline 2.6. The process is detailed, objective, process-oriented, and involves the Academic Standards Committee if necessary.

In light of The Family Educational Rights and Privacy Act of 1974 (FERPA) and Guideline 2.8, MCL has a policy of only releasing student information to persons or institutions when the school secures the express written consent of the student. On the topic of records in general, both hard-copy and digital copies of all required student records are maintained in a secure storage area at the Seaside campus and in a commercially common cloud-based server (Populi) managed by an independent provider.

Pursuant to Guidelines 13.1-13.5, in addition to its core J.D. degree program, MCL offers a Master of Legal Studies ("M.L.S.") degree program which can be completed in two years. Individuals taking the 36-unit M.L.S. program typically work in fields that involve interacting with the legal system and where knowledge of legal reasoning and the legal system can offer a potential improvement in their professional endeavors. Current M.L.S. students come from fields like government regulation, law enforcement, court administration, and social services.

MCL also offers a 24-unit Master of Laws (L.L.M.) graduate law degree program which attracts practicing attorneys and law school graduates who attended either domestic or foreign law schools. For those students that already possess a first degree in law, the L.L.M. program allows its students the flexibility to design their own course of study (within the guidelines established by the faculty) tailored to their individual areas of interest. For international students in particular, the program provides a broad exposure to the U.S. legal system, its laws, and advanced legal

theory and policy. Foreign-educated graduates of the L.L.M. program may qualify to take the California Bar Examination.

All of the pertinent details including degree requirements and required disclosures for these two programs are provided on MCL's website.

MCL has consistently maintained its accreditation with the Committee since 1981 and was found again to be operating in an honest and forthright manner with the requirements found in Rule 4.160(B) and Guidelines 2.1 - 2.10.

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

The Board of Trustees ("Board") provides active oversight of MCL operations. The Board meets regularly and keeps regular minutes on file for easy access. The Board's Chair, Dinah Sapia, is an attorney in private practice in Santa Cruz. The Board is comprised of no fewer than 11 and no more than 25 unpaid members who are elected to serve three-year terms (with mandatory term limits which allow for a maximum of two successive, three-year terms which must be followed by at least one year off of the Board prior to eligibility before returning to the Board). The Board includes a non-voting student representative, a voting faculty member, and a member from each of the branch campuses. There are a number of Committees on the Board including the Executive, Budget & Finance, Personnel & Grievance and Scholarship Committees.

President and Dean of MCL Mitch Winick has served as Dean since 2005. Dean Winick is the chief executive and academic officer of the law school. He serves on the Board as a non-voting member, and is ultimately accountable for all operational, financial, and academic matters.

Dean Winick receives support in managing the law school and its operations from a team of administrators located across the campuses. MCL's main administrative services are provided out of the Seaside campus by the following key individuals:

- Shashi Chand – Registrar
- Heather English – Business Manager
- Frank Hespe – Dean of Clinical Programs
- Wendy LaRiviere – Dean of Admissions
- Elizabeth Xyr – Dean of Academics

Each branch or satellite campus has its own Dean. The KCCL, Santa Cruz, and SLOCL campuses are led by C.M "Bud" Starr, Steve LaBerge, and Jan Marx respectively.

Overall, based on the information reviewed, the Team found MCL to be in compliance with Guidelines 3.1-3.2 because it is governed adequately.

**(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.**

Pursuant to Guidelines 4.1(A)–(B), and as previously noted, Dean Mitch Winick has served in his current capacity as the Dean of MCL since 2005. His previous experience includes various educational, legal, and business roles including Partner in a management consulting firm, Assistant Attorney General of Texas, and Vice President of a publicly traded company. His educational credentials include a B.A. from the University of the Pacific and a J.D. from the University of Houston Law Center.

Shashi Chand is MCL’s full-time Registrar for all campuses. She has served in this role for more than 20 years and works out of the main Seaside campus overseeing student registrations, maintaining student files, and addressing record and grading issues.

C.M. “Bud” Starr serves as the Dean for the KCCL Campus with support from Bobbie Hernandez, Campus Administrator. Dean Starr previously served as a Deputy District Attorney in Bakersfield as well as a Supervising Attorney for the State of California’s Office of Administrative Law. He has been a licensed attorney since 1979; he earned an undergraduate degree from the University of the Pacific in Civil Engineering and a law degree from the McGeorge School of Law.

Former mayor and city council member Jan Marx currently serves as the SLOCL Campus Dean and with assistance from Campus Administrator Dena Jones. Dean Marx’s prior experience in education includes serving as Stanford University’s Assistant Dean of Students as well as Dean of Students at Scripps College. Ms. Marx received an M.A. in literature from Columbia University, a B.A. in literature from Stanford University and a J.D. degree from Santa Clara University School of Law. She has been a licensed California attorney since 1988 and in addition to currently teaching Constitutional Law at SLOCL, she has practiced law in various areas including estate planning and administration, land use, and real property.

Dean Steve LaBerge is the Campus Dean for the Santa Cruz satellite campus. He earned his law degree from Santa Clara University School of Law and his undergraduate political science degree from the University of California Santa Barbara. He has been licensed as a California attorney since 1977 and he has taught Constitutional Law and Criminal Law at MCL.

Dean of Academics Elizabeth Xyr graduated from MCL and has been a licensed California attorney since 2012. In addition to overseeing the law school’s academic support and bar preparation programs, she has also taken a major role in the development of the school’s new hybrid J.D. program. Prior to her current role, Dean Xyr served as Associate Dean of Student Success, Assistant Dean of Academic Support, and Director of Bar Studies. Ms. Xyr completed her undergraduate studies at the College of Notre Dame and received an M.A. from California State University Stanislaus in Criminal Justice.

According to its 2018 Annual Report, MCL employs a total of 44 part-time faculty on the main campus; 28 part-time faculty at SLOCL; and 11 part-time faculty at KCCL. Most hold J.D. degrees from ABA approved schools and are licensed to practice law in California. A comprehensive faculty handbook provides guidance to faculty on all law school policies and procedures.

Faculty members are generally recruited from the community through direct contacts and networking with the local Bar Associations. In response to Guideline 4.7, all new faculty members are formally peer-reviewed and observed in a live classroom session during their first year of teaching, while experienced faculty are reviewed every three years, though the school must focus attention on being sure that the results of these evaluations are contained in the faculty members' files. Students are also asked to provide reviews of faculty through the student evaluation forms after each class taught. Both sets of reviews become a part of the faculty member's file.

Student class size generally ranges from ten to twenty students per class, which facilitates active engagement and discussion. For further support, students are encouraged to schedule online or onsite meetings with MCL Administrators and faculty as needed. These meetings are easily facilitated through the Populi course management system because each law school course has its own dedicated page in the system that includes the professor's contact information. Throughout the inspection, students confirmed that faculty members are accessible and helpful.

MCL's Faculty Senate convenes at least once a year as an advisory body to discuss pertinent issues and provide input to the Dean on important topics like grading, curriculum design, and instructional training. All faculty participate. In addition, the Academic Standards Committee is comprised of at least two senior faculty members as well as the Dean and Dean of Academics and meets as needed to discuss student-centered issues like academic probation and discipline. Finally, ad-hoc meetings are held as needed in smaller faculty group settings, often involving the Dean of Academics and Associate Dean, to discuss relevant matters of interest.

In recognition of Guideline 4.9, MCL has an appropriate Academic Freedom policy which is articulated and published in the Faculty Handbook. So while faculty members have the latitude to incorporate their own teaching styles and approaches, MCL as an institution ensures this freedom while simultaneously keeping positive student outcomes in mind at all times.

Overall, based on the information evaluated, the Team found MCL to be in compliance with Rule 4.160(D) and Guidelines 4.1-4.10.

#### **(E) Educational Program. The law school must maintain a sound program of legal education.**

Overall, the Team found that the quality of legal education, as provided by the MCL curriculum and faculty, to be sound and compliant with the standards established in Guidelines 6.1 through 6.14 and Accredited Law School Rule 4.160(E).

MCL offers a 4-year Doctor of Jurisprudence (J.D.) program that is compliant with Guideline 6.5(A). Students attending the evening, part-time program are required to complete a minimum of 90 semester units comprised of required and elective coursework.

In response to Guidelines 6.7 and 6.8, MCL's J.D. program covers all of the subjects tested on the California Bar Examination and provides ample opportunities for students to take elective courses covering a variety of topics. Classes are held Monday through Thursday from 6:30pm – 9:30pm during the Fall, Spring, and Summer semesters. Students are required to maintain a minimum GPA of 70.0 by the end of the spring semester of their fourth year. All courses are required to have syllabi detailing pertinent information such as required textbooks, anticipated examination(s), and a course outline. In February 2018, MCL notified the Committee of its intent to offer a new law study program known as the hybrid J.D. program, offering a mix of classroom instruction and online instruction described in greater detail in the "Scholastic Standards" section. Though this inspection took place too early to provide further information about the hybrid J.D. program, it will continue to be monitored for compliance as it is implemented.

While MCL has in place a written 80% minimum attendance policy to address Guideline 6.5(B), there appeared to be some confusion amongst the staff and faculty members on consistency of tracking attendance and timely submission of this information to the main office for record-keeping. While faculty did take attendance during the classroom sessions observed, there seemed to be some confusion about how and when that information would get to the main administrative office. This is undoubtedly an issue that could become more challenging given that the school now has three branch campuses, a hybrid program, and a planned fourth campus. It appears that clarification of the procedures would be helpful.

The Team observed a number of different class sessions throughout the visit and noticed active interaction between students and faculty. Students were clearly engaged in the topics being discussed and faculty promoted that engagement. Students reported that faculty members were generally accessible and available to assist with their questions.

MCL provides its students with a compliant array of practical and clinical skills training, including requirements that all J.D. students must: 1) receive a certificate in mediation; 2) participate in the Community Small Claims Advisory Clinic; and 3) complete one additional clinical experience.

In addition to seven clinic workshops ranging from domestic restraining orders to guardianship, a court mediation program and a number of clinical internships are available. Additional details about MCL's practical and clinical skills training curriculum and programs in response to Guidelines 6.6 and 6.9 are provided in the "Competency Training" section.

Students at all MCL campuses have the opportunity to take advantage of a variety of Academic Support services coordinated through the Academic Support Department. First year law students must attend advisory sessions in the Fall and again in the Spring, while upperclassmen must attend at least one advisory session per year. Typical discussion topics might include student progress, individual course grades, studying strategies, and scheduling adjustments. These



sessions are also used to identify whether students are progressing academically so that early remediation efforts can be implemented if needed. In addition, upperclassmen teach workshops on essay writing and MBE testing. Dean Xyr or Associate Dean Lizardo are also available for formal counseling sessions with students.

**(F) Competency Training. The law school must require that each student enrolled in its Juris Doctor Degree program satisfactorily complete a minimum of 15 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 manner.**

MCL exceeds the requirement of Guideline 6.9(A) by requiring all J.D. students to complete sixteen credits of practice-based skills and competency training. The school offers twenty-one courses totaling thirty credits in qualifying subject areas. Students earn their credits through a combination of required and elective sources.

Pursuant to Guideline 6.9(C), these courses provide MCL students with the opportunity to learn and develop core skills in the areas of legal research and writing, oral presentation, advocacy, negotiations and cultural competency. These courses are held in a combination of settings including classrooms, workshops, and mock courtrooms.

Students can also earn these units through participation in “clinical studies” outside of the traditional classroom setting under the supervision of practicing lawyers or judges. The Dean of Clinical Studies must pre-approve these “externships,” “internships,” and “clinics.” MCL’s Student Handbook enumerates the following goals for its clinical programs:

- train students in legal skills (analytical thinking, oral and written communication);
- provide students with insight into the workings of the legal system;
- provide students with experiences that would not otherwise be available to them;
- promote a sense of professional responsibility among law students; and
- expand Monterey College of Law students’ connections with the local community.

In order to participate, students must complete all prerequisites, be in academic good standing, and complete a separate application. In order to receive academic credit, students must complete at least sixty work hours for each unit of credit in each semester. Furthermore, “activities which satisfy the criteria for credit include such tasks as: participation in court or administrative proceedings; conferences with lawyers and other professionals; legal research; and drafting pleadings, motions, points and authorities, briefs, research memoranda, orders, discovery, contracts, and estate planning documents. Clerical tasks such as filing, photocopying, and answering telephones do not satisfy program criteria.”

Finally, students must submit the following items to the Registrar as part of the process of earning “pass” credit for clinical work: 1) verified time sheets; 2) work product samples; 3) an evaluation

report completed by the supervising attorney or judge; and 4) a self-evaluation. Clinical studies are graded on a “Pass” or “Fail” basis.

**(G) 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.**

One of the most fundamental components of maintaining sound scholastic standards is to have and consistently apply an objective grading system. Pursuant to Guideline 6.14, this grading system should ensure uniformity in the standards, prevent grade inflation, and accurately reflect that assigned grades equate to a student’s actual academic performance.

MCL has grading standards, but the ranges posted in the Faculty Handbook at the time of the inspection were slightly different than those posted in the Student Handbook. Therefore, it was recommended that a single scale be adopted or that an explanation be provided as to why the scales are different. The school has since confirmed that the scale in the Student Handbook is correct and has updated the Faculty Handbook to reflect this.

In Appendices 2 and 5 of the Faculty Handbook, at the time of the inspection, the following scale was listed to guide the major scoring benchmarks used to reflect students’ academic performance:

85-90+	Outstanding
80	Very Good
75	Satisfactory to Good
70	Basic
65	Unsatisfactory
60	Extremely Poor
55	Failing

But compare the scale in the Student Handbook on page 13, which lists the following ranges for grades, which were confirmed as the correct ranges and, subsequent to the inspection, published into the Faculty Handbook:

80-100	Outstanding
73-79	Good to Excellent
66-72	Marginal to Average
60-65	Below Average
Below 60	Failure/NoCredit
60	Extremely Poor
55	Failing

For pass/fail coursework, a single grading scale is used as follows:

P+	Pass with high honors
P	Pass
P-	Marginal but passing
F	Failure (no credit)

The remaining official designations of the law school are:

A/55	Administrative Failure
A/D	Administrative Dismissal
W	Withdrawal by permission I Incomplete
N	No Credit (Mid-year course not completed)

To ensure maximum consistency during the grading process, the Faculty Handbook provides specific guidelines for grading using a numerical rubric for evaluation. Faculty-issued grades are not considered official or final until the Dean and the Dean of Academics have reviewed and approved the grades. This review process by the two Deans serves as a final check to ensure that the proposed grades follow the established grading standards and that grades across different sections and prior years are consistent and in an acceptable range to prevent grade inflation. They are requested to ensure that a consistent scale is being used during grading, that the grading rubrics are being applied consistently, and that signs of grading inflation are addressed during this review.

Generally speaking, the grade received on the final examination will determine the final grade for the course. In some instances, other components like quizzes, class exercises, assignments or participation) may also contribute to the final course grade. Whatever the method employed, the components of the final grade are described in the course syllabus.

During the inspection, and pursuant to Guideline 6.13, the Team reviewed a sample of Fall 2017 examinations (Criminal Law, Civil Procedure, Torts, and Constitutional Law), which generally showed that the examinations were drafted well and appeared to be fair tests of the subject matter. While admittedly subjective, the Team observed in some cases that the fact patterns provided in a number of questions seemed too lengthy and detailed to allow students enough time to adequately demonstrate what they knew. Furthermore, some Faculty members gave few or no comments, whereas more comments could give students guidance as to how to improve. Relatedly, there seemed to be inconsistency in when and how the grading rubrics were used by faculty in the grading of examinations.

On the topic of grade inflation, MCL's 2018 Annual Report Grading Summary Table (attachment 7), showed a material increase in the issuance of "A's" and "B's" during the 2018 year compared

to the prior two years. Similarly, there appeared to be a material decrease in the issuance of “C’s”, “D’s” and “F’s” during the same comparison period. The Team recommends that MCL review this issue and provide a response in its next annual report as to the steps being taken to ensure that grading accurately assesses the student’s progress. See detail below:

## 2018 Annual Report – Attachment 7 – Grading Summary

		Number of Grades Issued as of September 15		
	Numerical Equivalent	2017-2018	2016-2017	2015-2016
A or equivalent	80-100	55	23	28
B or equivalent	73-79	103	59	74
C or equivalent	66-72	72	103	116
D or equivalent	60-65	8	47	61
F or equivalent	Below 65	3	6	5

Pursuant to Guidelines 7.3 and 7.4, academic standing and class ranking are determined based on the student’s cumulative GPA at the completion of the Spring semester. In response to Guideline 7.2, MCL has a policy requiring that any student with a cumulative GPA below 70 at the end of any Spring Semester be automatically placed on academic probation. Students on academic probation may be required to repeat courses and also take academic support workshops or tutorials. Successful completion of required supplemental academic support programs may be taken into account when deciding whether a student should either be placed on academic probation or disqualified.

Students must achieve a minimum of a cumulative GPA of 70 by the end of a 12-month academic probation period or they will be academically disqualified from the J.D. program. Students experiencing academic difficulty can take advantage of academic workshops or support tutorials, and they may be required to do so. These activities are coordinated through the Academic Support Staff led by Dean Elizabeth Xyr and Associate Dean Sharon Lizardo. Furthermore, students experiencing academic difficulty may be asked to generate an Academic proposal detailing the steps to be taken to improve their academic performance.

Finally, pursuant to Rule 4.165 and Guideline 7.11, in early 2018, MCL received permission from the Committee to offer a new law study program known as the hybrid J.D. program. As its name implies, the new curriculum employs a combination of classroom sessions at the start of the program plus a distance-learning technology component as the student progresses. In operating the hybrid J.D. program, MCL plans to adhere informally to the nationally adopted standards for distance education published by the Distance Education Accrediting Council (DEAC), a national accrediting body of online educational institutions, though MCL has not sought accreditation through DEAC. During its inspection, the Team saw several promising demonstrations of the new hybrid program teaching technology.

**(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.**

MCL's Admissions Department is overseen by Wendy LaRiviere, who has served in that capacity for more than 15 years. She supervises the marketing of the law school's programs which through social media, particularly Facebook, along with traditional print and radio advertisements. Once a student expresses interest or requests additional information through the web-based admissions portal, Ms. LaRiviere serves as the central point of contact throughout the recruiting and application process. While a personal interview is not required, Ms. LaRiviere makes every effort to meet candidates in person or by telephone. This practice is strongly encouraged so that all questions related to the admissions process can be addressed and expectations properly established and managed.

While there are specific deadlines, applications are accepted and reviewed on a rolling basis throughout the year. Final admissions decisions are made by an admissions committee comprised of Dean Winick and Admissions Dean LaRiviere. Pursuant to Guideline 2.5, there was no indication that anyone in Admissions or at the law school received compensation tied to the number of students applying for admission or students ultimately enrolling or registering to attend the school.

Pursuant to Guideline 5.1, MCL maintains a comprehensive written admissions policy which can be accessed easily on its website. In response to Guideline 5.2, MCL requires the submission of official, sealed transcripts by the issuing school detailing all academic studies completed prior to application to law school. All undergraduate transcripts must be received no later than 45 days after the student's first day of class. In addition to the transcript and application, applicants must submit their LSAT scores, a personal statement and a \$75 application fee. In lieu of LSAT scores, students may submit GRE scores, take a Kaplan Diagnostic, or request a waiver.

As required by Guideline 5.4, MCL's Admissions application asks if applicants have previously attended another law school and, if so, the status of their academic standing. While MCL accepts transfer applicants from other law schools, those applicants are informed that no more than half of the required units to graduate from MCL can be transferred from their prior law school.

Rarely, MCL will consider admitting students who have previously been disqualified from another law school. Those applicants receive additional scrutiny to determine whether their specific circumstances qualify them to be accepted under the Committee's "start-over" policy. Equally rare are applicants admitted as "special students" under Guideline 5.5. These applicants have the additional requirement to take and pass the First-Year Law Student's Examination after their first year of law study in addition to passing the CLEP examination.

As reported in its 2018 B&P Code Section 6061.7(a) Information Report, MCL received a total of 72 first-year applications and accepted 64, which represented an 89% acceptance rate. Fifty-five

of the applicants possessed a four-year college degree, and six were admitted under the “special student” designation.

In summary, the Team found that the law school maintains a compliant admissions policy pursuant to Rule 4.160(G).

**(I) Multiple locations. Accreditation is granted to a law school as an institution. If a law school receives approval to open a branch campus or a satellite campus, the branch or satellite campus must be operated in compliance with the Standards, except that the Committee may determine whether, and to what extent, the Library Standard shall apply. The new campus must be in substantial compliance with the Standards one month prior to the start of classes, and must be in full compliance within two years. The Dean of the law school will certify substantial compliance by letter no later than 30 days prior to the start of classes. 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.**

Since the 2012 periodic inspection, MCL has expanded its footprint to include the Kern County College of Law (KCCL) and the San Luis Obispo College of Law (SLOCL) as branch campuses. Pursuant to Rule 4.165(B), MCL compliantly sought and obtained prior approval of the Committee Monterey to open these campuses and the KCCL and SLOCL were approved by the Committee to operate as provisionally-approved and approved branch campuses in 2017 and 2015 respectively.

In addition, MCL sought and received approval of the Committee in May 2018 to redesignate its Santa Cruz satellite campus as a branch campus, and this is in the process of being implemented.

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

As required by Guideline 8.2, the location and size of the libraries at the MCL, SLOCL, and KCCL campus locations were observed to be adequate for the number of faculty and students at each location.

Each library appeared to be properly maintained, contained the necessary hardcopy publications, and was available for use during hours when the campus locations were open for administrative and classroom hours. If necessary, library usage outside of these hours can be accommodated by coordinating with the librarian. As required by Guideline 8.3, the libraries are not regularly used for other purposes that would otherwise interfere with their use. While there is no library at the Santa Cruz satellite, students there have 24-hour access to the Santa Cruz County Law Library, located about one mile from the satellite. MCL pays annual fees which provides for this extended access.

Upon enrollment, all MCL students receive subscriptions to Lexis/Nexis which allow for complete access to its online library and required resources for legal research (the fees for these subscriptions are paid as part of the annual student fees). Students can access the information

from any location with internet access, including the school's campuses and satellites. Faculty members can also conduct legal research through their own Lexis/Nexis accounts provided by the school.

All students are mandated to complete *Legal Research* as a first-year course which provides an overview on electronic legal research in addition to principles of research using hard copy materials.

Based upon these findings, MCL complies with Rule 4.160(I).

**(K) Physical Resources. The law school must have physical resources and an infrastructure adequate for its programs and operations.**

MCL classrooms, libraries, administrative offices and classroom technology were all found to be adequate and compliant for the size of its enrollment and its program of legal education.

MCL's main campus is located at 100 Colonel Durham Street in Seaside, CA within the former Fort Ord Army base. The facility is comprised of two single story buildings: 1) a classroom office building; and 2) a Community Justice Center. The classroom building has multiple classrooms, offices dedicated to administrative and faculty members, conference room, workroom, kitchen, student lounge, library, and storage areas. The Community Justice Center contains a courtroom, a mediation center, and multiple offices and conference space. There is adequate on-site parking for faculty and students and both of the buildings and parking lot are ADA compliant.

The Santa Cruz satellite campus is located at 1205 Pacific Street, Suite 206, and the school began teaching classes there in January 2019. The satellite's prior location was approximately one mile away. Though the prior campus was across the street from the law library, it is now one mile away from the library but convenient to downtown. Dean Steve LaBerge's office remains at the prior location, but he is available to travel to campus.

KCCL recently relocated to its current space in Bakersfield at 1731 Chester Avenue. The school has a five-year lease which runs through August 2023. The law school is located on the second floor of a former bank building including multiple classrooms, seminar and study rooms, several offices, conference room, student lounge, library, kitchen, lobby area, and storage area. Student and faculty parking is located in a multi-story parking garage located one-half block from the law school.

SLOCL signed a five-year lease in July 2016 for its current location at 4119 Broad Street in San Luis Obispo. The facility was previously occupied by the University of LaVerne, so the space was already designed specifically for a college or university. The second floor suite contains four large classrooms, multiple offices, a conference room, workroom, kitchen, lobby area, student lounge, and storage area. Wall shelving in the classrooms provides

adequate space for the law library collection. The facility's parking lot provides sufficient free parking for students and faculty alike.

Overall, the MCL campuses and their associated physical resources are adequate to support the school's program of legal education and operations.

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

MCL has consistently provided the annual financial reporting required to demonstrate its financial condition. The most recent set of submitted financial documents and related narrative show what appears to be a stable and adequate financial position to fund ongoing and future law school operations.

The audited financial statements for the fiscal year ending July 2018 showed revenues of \$2,373,631 and expenses of \$2,410,175 resulting in a slight net loss of -\$36,544. This compares favorably to the prior three years where larger net losses were reported. Total assets of \$7.48 million were reported for the same period, a slight increase from the \$7.27 million reported in the prior year. The balance in its checking and savings account was \$2.6 million, which is flat to the prior fiscal year.

As reflected in its financial reports from the past several years as well the data contained in the 2018 Mandatory Information Report required by Business and Professions Code Section 6061.7(4), MCL has seen relatively stable enrollment. Enrollment for 2017-2018 was 118 students. MCL has been taking the following steps to ensure fiscal health:

1. Annual per-unit tuition increases, with currently per-unit tuition at \$825 per-unit (capped for a student's entire four-year program)
2. Expansion of its J.D. program offering through the opening of branch campuses. So far, the school has opened the SLOCL in 2015 and KCCL in 2017, with the Santa Cruz branch and hybrid scheduled to begin operations in 2019. MCL believes its revenues will be impacted positively as these branches continue to add students.
3. Expansion of its J.D. program offering through the introduction of its hybrid J.D. program which allows a student to take additional coursework online beyond the typical twelve credit limit. As this new program gets introduced and adopted, it has the potential to reduce the costs associated with delivering education in the traditional brick and mortar environment.

Through the combination of the factors noted above, MCL anticipates that operating net income will be positively impacted for the next five years. MCL projects a positive operating net income in the range of approximately \$100,000 in the fiscal year ending 2019, rising to \$500,000 by fiscal 2023.



It is worthy of note that the MCL's prior periodic inspection report (and subsequent annual reports) identified the \$2.5 million debt financing that was arranged through the City of Seaside in 2008 and utilized for the design and construction of MCL's Community Justice Center in 2010. In late 2018, this outstanding debt was refinanced for a 10-year period through 2028 and funds from ongoing operations will be utilized to service the debt payments.

Finally, in mid-2018, MCL's Board of Trustees began organizing and staffing an initiative to raise \$6 million to help further increase MCL's reserves, retire the debt on the law school's Community Justice Center, endow a student scholarship fund, and seed a faculty development and technology fund. This "50th Anniversary Campaign" is underway and planned to continue through 2022.

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

All electronic and hard copy records are maintained at the Seaside campus, but accessible by the other three campuses as needed. Hard copy records are maintained in fire-resistant, lockable file cabinets and electronic records are stored on a centralized server. The Team reviewed a sample of student, applicant, faculty, examination, and Board-related files. Overall, the files inspected were generally compliant as by Guidelines 11.1, though several suggestions are noted below to ensure that all files consistently contain all required documents.

Personnel and faculty files should be reviewed to be sure that they contain all information required by Guideline 11.1(G) and (H), including evaluations made by the dean and students, transcripts from prior schools, resumes, and evidence of current admission status with the appropriate admitting authority. Similarly, a review of several student files found that most, but not all, contained all of the information required by Guideline 11.1(C). MCL staff seemed well aware of what is required to be maintained in the student, administrative personnel and faculty files, so it appeared that part of the non-compliance in certain files could be attributed to:

1. Potential lack of clarity in what information is/should be maintained in Populi electronic system versus the hard copy student/faculty/administrative personnel files. For example, the Team was provided with copies of faculty reviews but there was not consistency as to whether these same reviews appeared in the faculty member's actual file.
2. Potential confusion as to who should provide and maintain information in the student files, especially as related to the movement of files between the Dean of Admissions and the Registrar.

The Team recommends that a simple check-off sheet or other verification method be created and attached to each file that specifies the required information to be maintained in that file along with a sign-off portion to be filled out by the appropriate staff member or other appropriate verification. The Team was informed that a file auditing procedure is in place, so the frequency and robustness of that procedure should be reviewed to ensure that it is sufficient to ensure compliance with the requirements. Finally, it was difficult to discern whether new and

experienced faculty were in fact being evaluated annually and every three years respectively since the appropriate documentation was not always found in the faculty files.

As required, the Team confirmed that MCL maintains files of meeting minutes for the Faculty Senate and Board of Trustees and any correspondence and reports sent to or received from the Committee of Bar Examiners, including the Annual Compliance Reports and periodic self-studies. MCL also maintains both hard and soft copies of all required bulletins, brochures, catalogs, policies and handbooks.

Pursuant to the Team's inspection of the files noted above, MCL appears (with some exceptions) to be in compliance with the filing requirements found in Guidelines 11.1(A)–11.1(O).

**(N) 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.**

Pursuant to its reporting in 2018, MCL was found to maintain a compliant MPR of at least 40%. For the reporting period beginning in August 1, 2012 through July 31, 2017, the law school reported an MPR of 48% with 46 of 96 graduates passing the California Bar Examination.

This represents a decline from the prior reporting period encompassing August 1, 2009 through July 31, 2014 when MCL reported a 57% MPR with 47 out of 82 successfully passing the California Bar Examination.

It should be noted, however, that over the past three to five years, bar passage rates have also declined nationally. The Team recognizes MCL's Academic Support Program is taking steps to improve bar outcomes, including adding BARBRI bar review courses, Kaplan diagnostics, and MBE test taking improvement efforts.

**(O) 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 so as to provide both equality of opportunity and to prohibit unlawful discrimination.**

As currently published on page 20 of the Student Handbook, MCL's Non-Discrimination Policy states unambiguously that:

"The Law Schools admit students without regard to age, sex, race, religion, creed, color, physical handicap, sexual preference, national or ethnic origin."

During the periodic inspection, the Team did not find any indication of any unlawful discrimination and did see diversity amongst the student, staff, and faculty populations. Women are generally well represented in the law school's student population, comprising nearly half of all students at the main campus and well more than half at the other campuses. Students of color

comprise one third of the class at KCCL, and approximately fifty percent of the class in the other locations.

MCL may want to ensure diverse outreach when recruiting faculty. Furthermore, the Team recommends that MCL adopt and publish a Non-Discrimination Policy in its Faculty Handbook, similar or identical to the policy found in the Student Handbook.

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

Pursuant to Rule 4.161, MCL has been consistently timely in submitting its Annual Compliance Report and the reports have historically been found to be complete and detailed. The law school maintains appropriate permanent files with the required information including all significant correspondence sent to and received from the Committee, Board meeting minutes, operating records, and all annual reports and certifications.

The law school has sought approval by the Committee when making a major change to its operations or curriculum, but it is asked to be sure to submit this permission prior to committing to a change.

In preparation for the 2018 periodic inspection, MCL's Dean and administrative staff complied with Rule 4.163 by compiling and submitting a timely and comprehensive self-study report. During the actual inspection visit, both the Dean and staff were forthcoming, and prompt in responding to questions and information requests about various academic and operational matters. It was clear to the Team that MCL was proud to showcase its campuses and associated operations and furthermore, was open to any and all feedback that could help it to improve.

MCL is compliant with Accredited Law School Rule 4.160(O) in responding to each of the Committee's requests for information.

**RECOMMENDATION**

It is recommended that the Committee receive and file this Periodic Inspection Report, adopt each of the suggested/recommended actions as discussed in this report, continue the accreditation of the Monterey College of Law, and that the date of the next periodic inspection be scheduled for the fall of 2023, unless an earlier visitation is determined to be necessary.



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April 10, 2019

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RE: Response to Monterey College of Law Periodic Inspection Report – *Reported March 15, 2019* – for the September 4-6, 2018 and September 17-18, 2018 Site Visits

Dear Ms. Leonard,

First, on behalf of Monterey College of Law, thank you to the site teams and staff members who contributed to our 2018 periodic inspection. The team of Dean Eric Halvorson, Dean Andrea Lua, Committee Members Bethany Peak and Patricia Villalobos, led by staff member Greg Shin, were professional, informative, and well organized. It was a pleasure to have them visit our campuses and meet with our staff, faculty, alumni, students and Board of Trustees.

Monterey College of Law accepts the findings of the inspection report and was very pleased that the team found no material issues of noncompliance by MCL with any of the *Accredited Law School Rules* or the *Guidelines for Accredited Law School Rules* (Guidelines) and is not recommending any mandatory actions.

The school believes that the following recommended suggested actions from the team are valuable and constructive and we will be following-up as indicated below.

**Team Suggestion: Guideline 2.7(C)** – While Appendix 11 in the Student Handbook addresses the issue of plagiarism and proper attribution, MCL did not appear to have a procedure in place to confirm “that work submitted is the student’s own.” MCL should have a policy in place to ensure that all work is the student’s own work.

**MCL Response:** *MCL formally adopted the Legal Writing Institute (LWI) policy and procedures several years ago. It is included as an attachment in our Student Handbook. We review the LWI policy and definitions in the First-Year fall semester Legal Skills Course. Students submit a signed document certifying that they have reviewed and understand the definitions and policies. We also assign a plagiarism animated video produced by MCL. MCL has reached out to the other CALS to identify best practices for law school plagiarism policies and procedures and will consider revising our policy and procedures based on the recommendations and experience of our colleague schools. We will develop a recommendation to present to the MCL faculty for consideration by Fall 2019.*

**Team Suggestion: Guidelines 6.13 and 6.14** – The Team observed that the fact patterns provided in a number of examination questions reviewed during the inspection seemed lengthy and detailed enough that there were questions raised about the students’ ability to provide sufficient answers in the allotted time. Furthermore, some faculty members provided few or no written comments when grading

examinations, which could hinder students from understanding what they did well or how they could have improved their answers.

**MCL Response:** *These are issues that have been raised previously with the MCL faculty but warrant additional discussion and reinforcement at the next MCL faculty meeting. Although faculty are granted considerable latitude under our policies of academic freedom, MCL's Dean of Academic Standards, who is the primary reviewer of draft exams, has been made aware of this issue and will increase scrutiny of proposed exam questions with specific attention given to length and complexity. Although faculty will be asked to increase feedback for exams, the use of full-time adjunct faculty limits the amount of individual commentary that is provided on exams. However, Faculty members will be asked to consider enhancing the model answers that are provided along with graded papers to better inform students about the expected responses related to issue identification, rule application, and analysis for each exam question.*

**Team Suggestion:** There also seemed to be inconsistency in when and how the grading rubrics were used by faculty in the grading of examinations. MCL should review its current procedure and determine whether further clarification or communication with its faculty is warranted on the topic of a 'standardized' grading process and the potential need for greater detail provided to students as to why a particular grade was issued.

**MCL Response:** *This is an important issue that is always challenging to address in a system that does not have required grading curves. However, to improve faculty performance, MCL is going to work with the faculty this summer (2019) to develop and implement a grading "calibration" process through which faculty can compare and discuss a more "standardized" grading approach to essay exam grading. The objective will be to have the new "calibration" process in place for exam grading in Fall 2019.*

**Team Suggestion: Guideline 6.14** – There are slight differences between the grading scales published in the Student and Faculty Handbooks which could lead to confusion (see "Scholastic Standards" section). The Team recommends that unless there is a compelling reason to maintain two different numerical grading scales, one consistent scale should be adopted and published in both the Student and Faculty Handbooks. Subsequent to inspection, MCL informed the Team that the Student Handbook has since been confirmed as the standard and placed into a new version of the Faculty Handbook.

**MCL Response:** *This has been corrected as noted above.*

**Team Suggestion: Guideline 6.14** – On the topic of grade inflation, in the grading summary table provided in MCL's 2018 report in Attachment 7, there seemed to be a material increase in the number of "A's" and "B's" issued during the 2018 year compared to the prior two years. Similarly, there appeared to be a material decrease in the issuance of "C's", "D's" and "F's" during the same comparison period. These rises in grades did not correlate with Bar Examination performance for the school. The Team recommends that MCL review this issue and provide a response in its next Annual Report explaining the steps taken to ensure that students are being evaluated accurately as to their progress.

**MCL Response:** *This is an important finding that MCL will be addressing as part of the "calibration" process described above. The grading rubric described above will be individually distributed each semester to faculty prior to exam grading in addition to its location in the Faculty Handbook. Finally, this issue will be added to our Fall 2019 Faculty Meeting agenda for review and discussion.*

**Team Suggestion: Guideline 6.5(B)** - While MCL has a written policy requiring students to attend at least 80% of class sessions, there appeared to be some confusion amongst the staff and faculty members about how to track attendance and where and when to submit the attendance reports to the main office for record-keeping. So, while the Team noted that faculty did, in fact, take attendance during the classroom sessions observed during the inspection, there seemed to be some disagreement between faculty members about how that information ultimately got to the main administrative office and when it was due to that office. MCL should review its current procedure and determine whether further clarification with staff and faculty is warranted.

**MCL Response:** *MCL has sent out an email reminder to all faculty reiterating the law school policy that attendance must be taken during every class session AND that the attendance report MUST be entered*

into the Course Management System or reported in writing or by email prior to the next class session. Administrative staff will monitor reporting and follow-up with any faculty who are not in compliance.

**Team Suggestion: Guideline 11.1(C), (G) and (H)** – The team reviewed a sample of administrative personnel and faculty files. A number of the files were found to be various required elements including evaluations made by the dean or students, transcripts from prior schooling, resumes, or evidence of licensure with the appropriate licensing authority. It was also difficult to discern whether new and experienced faculty were in fact being evaluated annually and every three years respectively, since the appropriate documentation was not always found in the faculty files. Similarly, a review of several student files found that most, but not all, contained all of the information required by Guideline 11.1(C). The Team recommends that a check-off sheet or other verification mechanism be created and attached to each file that specifies the required information to be maintained in that file along with a verification portion to be filled out by the appropriate staff member.

**MCL Response:** *MCL has instituted a policy that a check-off sheet will be created and attached to each file that specifies and records the required information that is included in each file. Staff will annually review each file to confirm that all updated and current information is included.*

**Team Recommendation: Guideline 14.1** - MCL should continue to reach out to a diverse pool of candidates when hiring faculty (see Section “O”). Furthermore, the Team recommends that MCL adopt and publish a Non- Discrimination Policy in its Faculty Handbook similar or identical to the policy found in the Student Handbook.

**MCL Response:** *MCL has adopted and published a Non-Discrimination Policy in its Faculty Handbook and continues to actively reach out to each of its local communities to encourage and seek diverse applicants for staff, faculty, Board, and student positions.*

**Team Recommendation:** As a procedural matter, the “General Information” page on MCL’s website should be reviewed on a regular basis to ensure that Staff information including titles is current and up-to-date.

**MCL Response:** *MCL will continue to do this.*

Sincerely,



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President and Dean

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