



# The State Bar *of California*

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## **OPEN SESSION AGENDA ITEM APRIL 2020 COMMITTEE OF BAR EXAMINERS ITEM O-400**

**DATE:** April 24, 2020

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

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

**SUBJECT:** Approval of Periodic Inspection Report – Oak Brook College of Law and Government Policy

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### **BACKGROUND**

Oak Brook College of Law and Government Policy (Oak Brook) was inspected on December 5-6, 2019 by State Bar educational consultant Sally Perring, whose report is attached. (Attachment A). The school reviewed the report and filed a letter dated March 20, 2020 accepting all mandatory and suggested recommendations proposed. (Attachment B).

Oak Brook has been registered as an unaccredited law school since 1994 and was last inspected in May 2014.

The school is a California nonprofit religious corporation located in Fresno, California. Its mission is “to train individuals who desire to advance the gospel of Jesus Christ through service as advocates of truth, counselors of reconciliation, and ministers of justice in the fields of law and government policy.” Its curriculum includes standard bar classes, robust research and legal writing curriculum, and a requirement to complete a significant piece of legal research during the final year.

### **DISCUSSION**

Overall, the school demonstrated a strong level of compliance and was extremely responsive to the consultant’s suggestions, addressing some of the recommendations during the inspection itself, and readily agreeing to address all others.

The school has a current enrollment of thirty-eight students. The school’s pass rate on the October 2019 First-Year Law Students Examination (FYLSX) was, coincidentally, thirty-eight percent, well above the average pass rate. The school reported a five-year cumulative FYLSX pass rate of seventy-one percent, and a five-year cumulative pass rate of fifty percent on the California Bar Examination (CBX).

The following mandatory and suggested recommendations were proposed as a result of the inspection:

### **Recommended Mandatory Actions**

1. Guidelines 4.8 and 4.9: It is recommended that the school review and revise the Faculty Evaluation policy to provide review of all criteria set forth in Guideline 4.8 and that evaluations occur at regular intervals. Since the site visit OBCL has revised its Faculty Evaluation policy and the proposed policy appears to address all criteria.
2. Guidelines 5.2(G) and 5.16: It is recommended that the school review all examinations to ensure they accurately test both the breadth and depth of student learning as might be required for success on the FYLSX and CBX.
3. Guideline 9.1(D): It is recommended that the school review all student transcripts to ensure that all the information required by Guideline 9.1(D) appears on the transcript.

### **Recommended Suggestions to Enhance Compliance**

1. Pursuant to Guideline 5.2(C), the school should review required texts, insuring that the required edition is readily available to students and reflects the current law in the area.
2. Pursuant to Guidelines 5.2(H) and 5.3(B)(2), the school should review and analyze present and past grading practices, ensuring that there is no grade inflation and calibrating student GPA so that it provides a reasonable basis upon which to pass the California Bar Examination.

## **RECOMMENDATION**

It is recommended that the Periodic Inspection Report be received and filed, that the Committee adopt each of the mandatory and recommended actions listed above, and that the registration of Oak Brook College of Law and Government Policy be continued, with its next inspection to be scheduled in Fall 2024, unless the Committee determines an earlier visitation is required.

## **PROPOSED MOTION**

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

Move that the Periodic Inspection Report of Oak Brook College of Law and Government Policy conducted on December 5-6, 2019 be received and filed; that the mandatory and suggested compliance recommendations made in the Report be adopted; that the response from the school accepting all mandatory and suggested actions be accepted and filed; that the school provide the Committee with a written progress report as to the status of the mandatory and suggested actions enumerated in the Report as part of the School's 2020 Annual Report; and that the school's registration as an unaccredited law school be continued with its next inspection set for Fall 2024.

**Attachment A:** Periodic Inspection Report of Oak Brook College of Law and Government Policy, December 5-6, 2019

**Attachment B:** Oak Brook College of Law and Government Policy's Response, March 20, 2020



# The State Bar of California

## Oak Brook College of Law & Government Policy

### Periodic Inspection Report

Inspection conducted  
Pursuant to Rule 4.244(A) of the  
*Unaccredited Law School Rules* on:

**December 5-6, 2019**

***Visitation Team:***

Sally Perring,  
Educational Standards Consultant

# **REPORT ON THE PERIODIC INSPECTION OF OAK BROOK COLLEGE OF LAW AND GOVERNMENT POLICY,**

7650 N. Palm Ave., Suite 101, Fresno, California 93711

## **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

### **Introduction**

A periodic inspection of the Oak Brook College of Law (OBCL) was conducted on December 5-6, 2019. The inspection was conducted by Sally Perring, Educational Standards Consultant to the Committee of Bar Examiners, State Bar of California.

OBCL was last inspected by the Committee of Bar Examiners (Committee) in May of 2014 and in April of 2015 the Committee found the school to be compliant with the Committee's Unaccredited Law School Rules (Rules) and Guidelines for Unaccredited Law Schools Rules (Guidelines), continued its registration, and set the fall of 2019 for its next inspection.

OBCL was founded in 1994, starting its first class in April of 1995, with the mission "to train individuals who desire to advance the gospel of Jesus Christ through service as advocates of truth, counselors of reconciliation, and ministers of justice in the fields of law and government policy." All students and faculty are required to agree to a Statement of Faith. The school is led by a dedicated group of individuals, concerned for the quality of education of the student body.

In addition to the law program, OBCL offers a one-year correspondence paralegal certificate program. The paralegal program operates independently from the law program; there is no cross-over course work between the programs. The programs also operate independently with regard to finances. The paralegal program has approval of the Bureau of Private Postsecondary Education and is otherwise not subject to the Rules and Guidelines pursuant to Rule 4.201(C).

OBCL is a correspondence law school, but requires its first year students to attend a weeklong conference before the start of regular classes during which students have the opportunity to meet their fellow students and faculty. During the Conference they take a one credit course, Introduction to Law, taught by the Associate Dean Robert Barth and other first-year course professors. The conference also serves other purposes for upper division students as well. During the regular school year, direct interaction with the students varies, course by course; internet platforms are available for interactive video chat programs, conference calls, and chat rooms, as well as individual calls and texts. Detailed syllabi clearly set forth the expectations in each course for the students. First year students also are assisted by Teaching Assistants who provide additional feedback and support. An exploratory committee has been formed to assess both the desirability of attaining state-accreditation status as well as what would be necessary if the school determines it will seek state-accreditation.

Students must complete 87 credits, which translates into a total of 3915 hours, to graduate with a JD. The Rules and Guidelines require only 3456 hours. All credits necessary for graduation are earned in required courses. Elective credits are in addition to the required 87 credits. All bar exam tested subjects, except Remedies, are taught as required courses. Remedies is currently an elective. Students take a legal writing class each year, the fourth year requiring a substantial original piece of legal research and analysis. In addition to the writing courses each year, students are required to take either Trial Advocacy or Dispute Resolution, as well as Appellate Advocacy, to satisfy the requirements of competency training.

Attendance is down overall from the time of the last site visit, but there was an upswing in the number of first year students this academic year. Currently, thirty-eight students are enrolled at the school. In general, students may not take any upper division classes until they first pass the FYLSX. The school starts only a single cohort of students each year in August; all upper division classes each year thereafter begin in January to accommodate the time necessary for first year students to receive the results of the October FYLSX. The school reports a 71.4% cumulative FYLSX pass rate since the last site visit, and a 50% cumulative pass rate on the California Bar Examination (CBX).

### **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 Oak Brook College of Law, and schedule the next periodic inspection of Oak Brook College for the Winter of 2024 unless the Committee determines an earlier visitation is required.

### **Recommended Mandatory Actions**

1. Guidelines 4.8 and 4.9: It is recommended that the school review and revise the Faculty Evaluation policy to provide review of all criteria set forth in Guideline 4.8 and that evaluations occur at regular intervals. Since the site visit OBCL has revised its Faculty Evaluation policy and the proposed policy appears to address all criteria.
2. Guidelines 5.2(G) and 5.16: It is recommended that the school review all examinations to ensure they accurately test both the breadth and depth of student learning as might be required for success on the FYLSX and CBX.
3. Guideline 9.1(D): It is recommended that the school review all student transcripts to ensure that all the information required by Guideline 9.1(D) appears on the transcript.

## **Recommended Suggestions to Enhance Compliance**

1. Pursuant to Guideline 5.2(C), the school should review required texts, insuring that the required edition is readily available to students and reflects the current law in the area.
2. Pursuant to Guidelines 5.2(H) and 5.3(B)(2), the school should review and analyze present and past grading practices, ensuring that there is no grade inflation and calibrating student GPA so that it provides a reasonable basis upon which to pass the California Bar Examination.

## **Submission of Self-Study**

OBCL submitted a comprehensive self-study to assist the Consultant in her assessment of the law school's compliance with the Rules and Guidelines. Attachments included full reports and analysis of student performance on the FYLSX and CBE, as well as complete syllabi for all courses offered at the school. These materials were thoroughly reviewed prior to the site visit. Dean McElvy and staff also responded rapidly to requests for follow up information and actions subsequent to the site visit, and their conduct was considered when drafting this report.

## **Conduct of Site Visit**

On Thursday, December 5, the Consultant met with Dean, Douglas McElvy, Associate Dean Robert Barth, and the Director of Administration and Finance and Registrar, Peter Fear to discuss preliminary findings and concerns. Subsequently the group was joined physically and virtually, through a conference call, with the remainder of the Board of Directors, all graduates of OBCL. A working lunch was succeeded by a meeting with faculty, again both in-person and through a conference call. The Consultant spoke with several students via a video chat program. During the afternoon, the Consultant also met with Peter Fear to conclude the conversations started that morning.

On Friday, the morning was consumed by review of all required records, including all class records, examinations personnel files, faculty and board minutes, texts and hornbooks, Committee correspondence and reports required by the Committee. The Consultant reviewed five examinations with three graded student answers to each question on the examinations, looking both at quality of the examinations and accuracy of grading. She also reviewed all current student files as well as those of recent graduates.

An exit interview was conducted at 12:30 p.m. to conclude the site visit.

## **SPECIFIC FINDINGS AS TO THE COMMITTEE'S RULES AND GUIDELINES**

Below are the Consultant's findings, conclusions, and recommendations as to the law school's compliance with the Rules for Unaccredited Law Schools and their Guidelines.

**Rule 4.240(A): Lawful Operation. The law school must operate in compliance with all applicable federal, state, and local laws and regulations. (Guideline 1.9)**

OBCL is in compliance with the requirements of Lawful Operation.

OBCL is located in Fresno, California and is incorporated in the State of California as a religious organization. The school has received an IRS letter verifying its section 501(c)(3) nonprofit status, and it has a current local business license.

The school has a policy which accommodates students with disabilities focused solely on affording students extra time for examinations. A more robust policy, which encompasses situations other than just examinations for students with disabilities, will better serve the school in the future.

OBCL's Code of Conduct and Moral Character encompasses issues relating to substance abuse. Students at the school are forbidden to drink alcohol or to use non-prescription drugs, except for over the counter remedies. The policy provides both informal and formal proceedings to address any breach of the policy. The school has an appropriate sexual harassment policy, noting the limited sort of interaction between faculty and students of a correspondence school.

The school has an appropriate Privacy Policy, consistent with Family Educational Rights and Privacy Act of 1974 (FERPA), to protect student information and records.

**Rule 4.240(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)**

OBCL is in compliance with all the Rules and Guidelines related to Honesty and Integrity.

The school is in compliance with the requirements of a clear refund policy and financial safeguards required by Guidelines 2.2 (B) and (C). The student refund policy set forth in the Student Policy and Procedures Manual is clear and generously provides for complete or partial refunds of tuition and any other nonrefundable fees up to the tenth lesson of the semester with notice effective when postmarked, emailed, or faxed. All financial records are independently audited annually and shared with the Board of Directors monthly.

The school includes required disclosure statements on its website, promotional materials, and in all correspondence pursuant to Guidelines 2.3(D), (E), and (F). The disclosure statement required under Business and Professions Code section 6061.7 needed a few adjustments to properly respond to all categories. Once the problem was noted the school amended the form and posted a complete response to all categories on its website.



The school sets forth the various student services offered in the Student Policy and Procedures Manual. The student discipline policy required by Guideline 2.8, entitled Code of Conduct and Moral Character, sets forth types of conduct subject to discipline and provides both an initial informal process for resolution, consistent with the school's embrace of alternative dispute resolution, and a formal process with suitable due process protections, including written notice of the claims and a right to a hearing by impartial decision makers. The types of conduct subject to discipline include both typical sorts of academic malfeasance as well as conduct inconsistent with each student's agreement to abide by the Statement of Faith and Doctrine. The policy was clarified after the visit to limit the types of academic consequences (e.g. lower course grade, course failure) appropriately to academic misconduct.

Policies regarding academic standards, the grading system, examinations and grading policies, and good standing policies are all set forth in the Policy and Procedures Manual and comply with the requirements of Guidelines 2.9(A), (B)(1), (2), (3), and (4). The school clearly sets forth requirements for graduation, 87 credits, all earned in required courses. All elective classes provide credits in excess of those required for graduation. Except for writing and performance courses, midterm and final examinations determine the grade given in first year courses subject to adjustments for failure to complete any writing assignments; upper division courses are graded based upon the final examination grades. Every syllabus sets forth the basis for the final grade in the course. Students earn course grades from A to F. These grades are converted to a 4.0 system to compute good standing. To be in good standing a student must maintain a cumulative 2.0 grade point average (GPA), equal to a C. Except in rare circumstances, all first year students must pass the FYLSX before enrolling in upper division classes. Students who fail to maintain a 2.0 GPA are automatically placed on probation for one year and must raise their GPA by the end of the next academic year or be academically excluded. The only circumstance under which a student may repeat a course is if the student failed a course. The school offers no pass/fail courses and has now adopted a policy expressly stating so.

A policy sets forth the anonymous grading practices by the assignment of a student ID number. The grade review policy language now mirrors the basis for grade review set for in Guideline 2.9. Students must first engage in an informal process of resolution before presenting their claims before a neutral tribunal of faculty members.

**Rule 4.240(C): Governance. The law school must be governed, organized, and administered so as to provide a sound educational program. (Guidelines 3.1)**

The school is ably governed by a Board of Trustees and three senior administrative officials, providing a sound educational program.

Dean J. Douglas McElvy has had an extensive legal career in his home state of Alabama. He graduated from the University of Alabama School of Law in 1971. He served on the Board of Bar Commissioners for the Alabama State Bar from 1991 to 2003, served four terms on the Executive

Council, and was elected Vice President of the Alabama State Bar in 2002. He was elected President-Elect of the Alabama State Bar in 2003 and assumed the office of President for the 2004-2005 term. Dean McElvy has also served as President of the Christian Legal Society of Alabama and was elected as a Trustee of the Alabama Law Foundation. In addition, since 1995 he has been a certified mediator, being certified by the American Academy of Attorney Mediators. He brings his legal acumen, executive experience and faith to lead OBCL.

Associate Dean Robert J. Barth, resident of Oak Brook, Illinois, brings sound academic experience to his administrative duties at OBCL. Dean Barth received his Juris Doctor from Southern Illinois University School of Law in 1979. He received his Master's degree in public policy from Regent University in 1986. From 1986 to 1995, he was associated with Regent University School of Law in several capacities, including assistant dean for academic and student affairs, and editor of the *Journal of Christian Jurisprudence*. He has written several articles, and as the director for academic programs, he authored Oak Brook College's book, *Renewing Your Mind as You Study Law*.

Completing the administrative triumvirate is Professor Peter Fear who serves as onsite Administrator, Registrar, and Chief Financial Officer. He received his Juris Doctor degree from OBCL in 1999. While in law school, Mr. Fear worked for the Finance & Taxation Committee of the Florida House of Representatives, as well as the litigation department of the Home School Legal Defense Association in Purcellville, Virginia. He has been engaged in private practice since he was licensed by the State Bar of California in 2000. He currently serves as a U. S. Bankruptcy Court Trustee.

The six member Board of Directors includes the above three administrators, who teach one or more courses in the program, plus three attorneys, all graduates of OBCL, and some of whom are also faculty members at the school. The Board meets regularly and all members are provided with financial information as well as other relevant information as to the school and its students.

The school is well-served by the informed and active participation of its governing members.

**Rule 4.240(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)**

OBCL is in substantial compliance with the Rules and Guideline relating to the Dean and Faculty.

The Dean is exceptionally well qualified and, along with the Associate Dean and Administrator/Registrar, provides inspired leadership to the faculty. Faculty members, all adjunct faculty, are kept informed about the school and feel they can participate in helping to shape policies and programs at the school. The faculty meets as a whole at least a few times each year. Currently, a Distance Learning Faculty Committee is exploring what changes would need to be

made in the curriculum and in technology to move OBCL toward accreditation by the California Bar. That committee consists of Peter Fear, Emily Milnes, Emily Jackson, Pete Sauer, and Robert Barth.

The school has a standard Academic Freedom Policy appearing in the Faculty Administrative Handbook. The Instructor evaluation procedures (Guidelines 4.8 and 4.9) were revised as a result of the site visit. Evaluations previously had been mostly focused on a self-evaluation form completed by each faculty member and reviewed by the Associate Dean as Chief Academic Officer. A more thorough and objective policy has been adopted, which encompasses all the criteria set forth in the Guidelines and includes peer review. Hopefully, going forward the peer review system will be of benefit not only to the faculty member being evaluated, but also to the member doing the evaluation.

All faculty at OBCL are encouraged to keep current on the area of law they teach, though given that most practice in that area, this is easily accomplished. Though not overly dependent yet, the school is encouraged to seek new instructors who graduated from a variety of law schools, not just its own graduates. Also, one instructor in his self-evaluation wrote about how transformative it was to observe the grading of the California Bar Examination. It changed both his composition of examination questions and grading. Other instructors should be encouraged to observe bar grading and perhaps share with other faculty unable to observe insights into their own examinations and grading.

Most current instructors teach only a single class at a time and the average student-teacher ratio is 14:1. Faculty not only counsel individuals in their courses through chatrooms, and individual emails and calls, but have a relatively unique opportunity for a correspondence school to meet and interact with the students attending the annual conference held in August. Moreover, students in their last year of law school are required to write an original piece of legal scholarship, equivalent to a law review article. In so doing they may choose any professor at the school to be their mentor for the project.

**Rule 4.240(E): Educational Program. The law school must maintain a sound program of legal education. (Guidelines 5.1-5.16)**

OBCL maintains a quantitatively and qualitatively sound program of legal education.

Credit requirements for graduation exceeds the quantitative minimum requirements of the Guidelines 5.3(B) for correspondence schools of 864 hours per year for four years or a 3456 total hours. OBCL requires 87 credits, calculated at 45 hours per credit, or 3915 hours. Any elective taken by students produces additional hours of study. Students maintain logs of their own hours which they certify and transmit to the school quarterly. A student who does not earn 864 hours in a year at OBCL will not receive credit for that year.

Qualitatively OBCL's program is sound. (Guidelines 5.1 and 5.2 (A-K). The required curriculum includes all bar-tested subjects except for Remedies. Students take Torts, Contracts, and Criminal Law in their first year. In the succeeding three years students must take Civil Procedure, Constitutional Law, Real Property, Evidence, Criminal Procedure, Business Organizations, Wills and Trusts, Community Property, Professional Responsibility and a course in the Uniform Commercial Code. Required bar courses account for 63 credits. Remedies is offered every other year as a three credit elective. Competency training courses include a research and writing course for each of the first three years; the final year requiring the production of a piece of original legal research and analysis. Appellate Advocacy is required and students may choose between Dispute Resolution or Trial Advocacy. Students may participate in legal internships for up to an additional four elective credits. Pursuant to its mission, the school also requires students to take courses which encourage students to think broadly about the foundations of our legal system and notions of justice. At the mandatory conference, prior to the start of regular classes, newly enrolled students take a one credit course, an Introduction to Law; upper division students are required to take Principles of the Common Law and Conflict Reconciliation and Restoration. Elective courses reflect typical practice areas, such as Family Law, Bankruptcy, and Immigration Law.

While most of instruction is contained within the reading and taped video lectures, video chats, and other electronic communications create class interaction. Student evaluations, confidential student e-mail communications, and remarks by students met during the site visit had no criticism of the faculty and some had high praise for certain instructors. Instructors mostly practice in the area of law taught or have extensive background teaching the area.

Given the dispersal of students across the country and in Canada, examinations are given to proctors, a person not related to the student identified through established protocol, to administer the examination. Examinations are typically taken on the commercial software, Examsoft.

Two areas which the school might address are the ensuring the use of updated texts and examination questions. First, while the required texts per se were standard texts used across a spectrum of law schools, several courses had syllabi keyed to prior editions of the book. In one case, the particular older edition was not available for easy commercial purchase. While time consuming to update syllabi to reflect readings in new editions, the school should invest the time to ensure students have access to required books. Also one course had a required text published in 2004 in an area of law which has undergone radical transformation over the course of the last decade and a half.

Second, the quality of examinations was inconsistent. Some were excellent while some either had too many issues, encouraging just issue spotting, recitation of the legal rule and conclusions, without time to analyze application. In another instance, in a bar-tested course, the examination just required short answer essays, without testing the depth of understanding or the interplay of different principles in a single area of law. As noted above, the school might consider having

someone who has observed the grading of the bar lead a workshop for other instructors on the construction and grading of examination questions.

**Rule 4.240(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 credits (or their equivalent) of course work designated 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. (Rule 4.240(F))**

OBCL students must take research and writing classes over the course of four years, totaling ten credits. The first year research and writing courses is especially commendable as not only does it cover rather typical research and writing skills training but also has a section on formal logic, teaching students to recognize the underlying premises and reasoning of legal writing. Additionally students must take Appellate Advocacy for two credits and choose between Trial Advocacy or Dispute Resolution, each offered at four credits. Students may additionally elect to earn up to four elective credits for a Legal Externship, a placement with a practitioner which is approved and monitored by the Associate Dean.

**Rule 4.240(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)**

OBCL is in substantial compliance with regard to its scholastic standards.

Consistent with the Guidelines 5.17-5.20, OBCL has clearly published policies regarding requirements for graduation, academic good standing, probation, and course repetition. It evaluates its students annually. Students must earn 87 credits to graduate and log at least 864 hours per year to graduate. Students must achieve and maintain a 2.0 GPA. The school had a policy allowing a student to request retaking an examination for which they received a failing grade. During the inspection it was noted that this policy was virtually unused by the students and the school has subsequently rescinded the policy. Any student who fails to attain or maintain a 2.0 GPA at the end of the academic year is automatically placed on probation. For first year students, this means that if the student passes the FYLSX within three administrations will be continued to the second year on probation. For upper division students, they must raise their GPA to 2.0 by the end of the next academic year or be excluded. No exemptions to these policies were given during the last five years.

Students report quarterly the time spent in each course, certifying their time sheets. As was suggested in the last inspection report, the school should consider adopting a standardized program for students to use to track their time, and might even give the school the ability to monitor such time sheets in real time so the school might be alerted to a student falling behind and offer assistance before the student drops out.

Course repetition can only occur if a student failed a course. Both the initial grade and subsequent grade are reported on the transcript and factored into the students cumulative GPA. Upon petition, students are allowed to “transfer” from one cohort to a subsequent cohort if they are unable to continue during the current year as they cannot devote sufficient time to their studies. This transfer ability, now described as voluntary disenrollment, has been allowed relatively freely. While understandable given the nature of the adult student population, the school should consider whether it is subject to abuse by students who would otherwise fail academically, especially first-year students. The school would benefit from evaluating the success of students given this privilege in completing their education and on the FYLSX and the CBX passage rates.

In general the performance of OBCL students on both the FYLSX and the CBX is acceptable. During the last five years, with results from the June 2014 to June 2019 FYLSX, 54.3% passed the first time and 71.4% cumulatively passed the examination. There was a high correlation between first year grades and success or failure on the FYLSX. The cumulative pass rate for the CBX during this same period of time was 50%. This pass rate would satisfy the minimum requirements of a state accredited school. (See Guidelines for Accredited Law School Rules, Guideline 12.1) Like the FYLSX, there was an extremely high correlation between graduating GPA and passage of the CBX.

The school, in its desire to improve both the FYLSX and CBX passage rate, should look to its grading practices pursuant to Guideline 5.2(H). During the last three years, the median grade given at the school was a B+, or at least a 3.33 GPA. Few D’s or F’s were given. During the last three years the school reported no first year academic exclusions. Essentially, the school depends upon the results of the FYLSX to exclude students from continuing their legal education. The school should develop and rely upon the accuracy of its grading of students and disqualify them if they fail to meet the school’s standards. Perhaps more telling for purposes of evaluation of grading practices is the correlation between graduating GPA and bar passage. Every OBCL student passing the CBX during the most recent five year period had at least a 3.11 graduating GPA, except for a single student graduating with a GPA below 3.0 who passed after more than five attempts. Grading standards should aim to give all students graduating from the school a reasonable prospect of passing the CBX pursuant to Guideline 5.3(B)(2).

**Rule 4.240(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 5.26-5.35)**

OBCL has a compliant admission policy consistent with its mission. Any students admitted must agree to abide by the school’s Statement of Faith and Doctrine. Thus, while typical academic criteria are weighed, the school also seeks information about the applicant’s moral character and faith. At least one of the required three letters of recommendation must be from the applicant’s pastor or church leader.

Academic criteria, such as undergraduate education, undergraduate GPA, and LSAT score form the basis for admission decisions. OBCL enrolls a substantial share of special students as well, and for those students CLEP scores are required. Recently the school has required applicants to take the LSAT to aid in finding those applicants who might be successful. All admission decisions are made by a 3 person admissions committee.

The application requests information on prior law study. Students are not accepted until all undergraduate transcripts are received.

While the number of special students is relatively high, approximately 31% of admissions in the last five years, the school has a strong track record for success of special students. In part, the school credits the likelihood that many of these students were home-schooled and thus have developed independent study habits conducive to a correspondence law school education. During the previous five years, almost all special students completed the first year, as opposed to an approximately 40% general attrition rate, and an a strong 81% passed the FYLSX on the first attempt, and 100% passed within three administrations of the test. While this initial success has not translated to higher success on the bar examination, where special students pass at about the same rate as degreed or non-degreed regular students, the school is analyzing admission criteria to try to better predict ultimate success on the CBX.

The school admits few transfer students. Transcripts are evaluated for transfer credits by the Associate Dean. All transfer students are required to take the Introduction to Law course taught at the annual conference and typically also the first year research and writing course. Similarly the school admits very few previously disqualified students. Appropriate memoranda are posted to student files for students with previous law studies at other institutions.

The school does not allow auditors or visiting students and has adopted an express policy to that effect.

**Rule 4.240(l) Library. The law school must maintain a library consistent with the minimum requirements set by the Committee. (Guidelines 6.1-6.6)**

Though the provision of student access to LexisNexis, OBCL complies with the library requirements for registered correspondence schools set forth in Guideline 6.5. Students pay a technology fee, part of which offsets the cost of an annual subscription to LexisNexis. The second-year legal research and writing class requires, if at all possible, for students to utilize both physical law libraries as well as online materials consistent with the requirements of Guideline 6.3. The school also has a small onsite library consisting of required textbooks and hornbooks for the courses offered.

**Rule 4.240(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)**

As required by Guidelines 7.1 and 7.2, the school's physical resources are adequate to deliver correspondence education, with some online components, and administer the program from its primary office in Fresno, California. In addition to providing students with access to LexisNexis and Examsoft, the school utilizes two commercial programs for educational institutions, Zoom and Moodle, to interact with students. The school's office in Fresno is part of the office space of Professor Peter Fear, Administrator, Registrar and Chief Financial Officer. A student services and class coordinator works at the Fresno site full-time and has a part-time assistant. Physical space permits the keeping of all required hard copy records.

**Rule 4.240(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)**

OBCL is in substantial compliance with the Guidelines relating to financial resources. The school has annually submitted its audited statements to the State Bar as required by Guideline 8.3.

Income for the school is derived mostly from tuition and fees paid by the students, including costs for attendance at the annual conference. During the most recent five years admissions were down significantly, and thus income was down. Operating at a small loss for two of the last five years, the school was able to use reserve funds to meet its on-going costs. Enrollment is up this year and the school anticipates a slight profit, which it plans to use to rebuild its reserves. The school is raising its tuition next year to ensure that it can meet all expenses, and provide a sound fiscal basis for all admitted students to complete their degrees. (Guideline 8.1.)

**Rule 4.240(L) Records and Reports. The law school must maintain adequate records of its programs and operations. (Guidelines 9.1)**

OBCL is in substantial compliance with record keeping requirements.

OBCL has a written recordkeeping policy designed to ensure compliance with governmental and State Bar requirements as detailed in Guideline 9.1. The policy mostly outlines when and how digital and hardcopy files are created and handled. Many records are initially filed in both media and, upon passage of time, archived only digitally. All records reviewed or requested by the Consultant were readily produced. The school has a secure firewall protecting its digital information and digital files are backed up both to the cloud and on a hard drive kept offsite.

Application and admission files, for those who did not enroll, were kept both digitally and in hard copy initially. Student files have both a hard copy version and a digital version. While such duplication is commendable, it did present some problems. Looking solely at the hard copy file, it



was not readily apparent when undergraduate transcripts were received. Sending institutions now frequently send only digital copies. When printed out, there was no indication of the date sent or received by OBCL. Spot checking these, it was ascertained through retained emails as to the date received and all were in compliance with Guideline 5.30. The school has modified its applicant check sheet to display the date received for undergraduate transcripts, simplifying the verification process.

Pursuant to the requirements of Guidelines 9.1 (E-K) Board and Faculty minutes were produced in hard copy for the Consultant, though regularly kept digitally. Faculty files were complete, produced in hard copy. Class records, course grades, examinations, and student answers are all kept digitally, but upon request some were produced in hard copy for purposes of inspection during the site visit. Promotional materials for the school were also produced digitally, each having any required disclosures consistent with the requirements of the Rules and Guidelines.

Student transcripts were not found to be in full compliance with Guideline 9.1(D). Two major problems emerged. First, transcripts did not reflect disenrollment once the date for the third administration of the FYLSX passed. Guideline 5.22 requires that a school promptly disqualify a student who fails to pass the FYLSX within three administrations after first becomes eligible to take the examination. While the school may choose to re-enroll a student who subsequently passes, they must be disqualified if not passing by the third administration.

Second, Guideline 9.1(D)(5) specifically requires that a transcript reflect “[a]ny credit allowed for law study at another institution” listing the law school, course(s) taken, credit allowed and grade received. Transfer student transcripts did not reflect the courses taken or credit given at OBCL.

**Rule 4.240(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. (Guidelines 10.1)**

The school is incorporated as a nonprofit religious organization, and requires of its students and faculty an agreement to abide by the Statement of Faith and Doctrine. Both federal and state laws recognize exemptions from nondiscrimination laws for schools run by nonprofit religious organizations where full application would be contrary to their religious tenets. OBCL is otherwise committed to providing an equal opportunity to all, without discrimination on any basis, who wish to study or teach law at the school.

**Rule 4.240(N) Compliance with Committee Requirements.** The law school must demonstrate its compliance with these rules by submitting the required annual reports and otherwise complying with the rules. Guidelines 9.1(M)-9.1(Q).

OBCL, like many schools, keeps a hybrid system of retention of Committee correspondence – when sent in hard copy, the hard copy is retained; when sent electronically, only a digital copy is retained. OBCL has been compliant with all reporting obligations to the State Bar.

## **CONCLUSION AND RECOMMENDATION**

OBCL is a well-run correspondence law school which provides a quality legal education to those seeking a faith-based approach to the law. Registration of the school should be continued subject only to the recommendations listed above.



# Oak Brook College of Law

## Pro Deo et Patria

March 20, 2020

Natalie Leonard  
Principal Program Analyst, Educational Standards  
Office of Admissions  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105

*RE: Response to 2019 Periodic Inspection Report: Oak Brook College of Law*

Dear Ms. Leonard:

We are pleased to receive the report on the periodic inspection conducted on December 5-6, 2019, that includes a recommendation that Oak Brook College continue to be registered as an unaccredited correspondence law school subject to certain recommendations.

### Response to Recommended, Mandatory Actions

1. **Guidelines 4.8. and 4.9 regarding faculty evaluations:** As indicated in the report, OBCL has already changed its faculty evaluation policy and will proceed on the basis of the revised policy.
2. **Guideline 5.2(G) and 5.16 regarding final exams:** The faculty members have been made aware of the concern about the breadth and depth of examinations. A review of exams will be conducted by experienced faculty members or the Associate Dean.
3. **Guideline 9.1(D) concerning student transcripts:** The OBCL administration will review all transcripts to make sure they comply with Guideline 9.1(D).

### Response to Recommended Suggestions to Enhance Compliance

1. **Pursuant to Guideline 5.2(C) regarding textbooks:** OBCL will review current textbooks for availability and current applicability.
2. **Pursuant to Guidelines 5.2(H) and 5.3(B)(2) regarding grading practices:** OBCL will review its grading practices and discuss them with the faculty.

On behalf of the administration of Oak Brook College, we thank the Consultant, Sally Perring, for the time she spent with us. We appreciate her valuable suggestions and comments as we strive to improve the quality of our educational program.

Sincerely,

A handwritten signature in dark ink, appearing to read "Douglas McElvy".

Douglas McElvy  
Dean