



The State Bar *of California*

**OPEN SESSION
AGENDA ITEM
APRIL 2020
COMMITTEE OF BAR EXAMINERS ITEM O-407**

DATE: April 24, 2020

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst

SUBJECT: Action on Notice of Intent to Terminate Accreditation Due to Noncompliance with Minimum, Cumulative Five-Year Bar Passage Requirement – Pacific Coast University School of Law

BACKGROUND

While accredited law schools must maintain a Minimum, Cumulative Five-Year Bar Passage Rate (MPR) of forty percent or more under Rule 4.160(N) and Guideline 12.1, Pacific Coast University School of Law (PCU) has not met this requirement since 2015. Most recently, in 2019, PCU reported an MPR of 26.6 percent.

At its January 31, 2020 meeting, the Committee of Bar Examiners (Committee) began discussing whether to place PCU on probation or to issue a notice of intent to terminate PCU's accreditation. Final discussion was postponed to this April meeting.

The process for acting on noncompliance with the accredited rules and guidelines is set forth in Rule 4.170 et seq.

If the Committee concludes that an accredited law school has not complied with one or more applicable rules, the Committee issues a Notice of Noncompliance. (Rule 4.170(A)). In the case of PCU, the Committee issued three separate Notices of Noncompliance, in 2015, 2018, and 2019, indicating that the school did not have a compliant MPR during those years.

The school is permitted to file a response to a Notice of Noncompliance in an attempt to "demonstrat[e] that it ... is in compliance with these rules." (Rule 4.170(B)). PCU filed responses to each of the three notices, and the Committee reviewed these responses on October 7, 2015, December 7, 2018, and August 23, 2019, respectively. Each response confirmed that PCU was

out of compliance, but PCU enumerated the steps it was taking, hoping to improve its graduates' bar passage rate in the future.

If the Committee finds the school's response unsatisfactory because it does not demonstrate that the school is in compliance, "the Committee must schedule an inspection ... within sixty days of its consideration of the matter." (Rule 4.170(B)(2)). In 2015, while the Committee found that the school was not in compliance, it declined to take further action while the State Bar was not able to distribute pass-fail lists. The underlying MPR requirement remained in effect however, and the State Bar sent a letter to PCU dated February 7, 2017 reminding the school of its obligation to maintain a compliant MPR. The reporting requirement was reinstated in 2018.

At its December 7, 2018 and August 23, 2019 meetings, the Committee found PCU's responses to the Notices of Noncompliance unsatisfactory and instructed that an inspection be scheduled. That inspection was conducted telephonically on October 22, 2019 by Committee member Alex Chan, as well as staff members Natalie Leonard and Ron Pi; Committee member Alex Lawrence attended as an observer. Prior to the inspection, the school submitted an additional written response on October 9, 2019, which the inspection team reviewed prior to meeting with PCU. (Attachment A).

At the inspection, the school had an opportunity to present any and all information to supplement the written responses that the school had filed previously. The Inspection Team summarized the inspection in a written Inspection Report that was first shared with the Committee at its January 31, 2020 meeting. (Attachment B). At that meeting, the Committee also received additional verbal and written public comment from PCU and various stakeholders. In April, the school submitted an additional package of written public comment from PCU staff, students and alumni, which was provided to the Committee prior to today's meeting.

After considering the [Inspection] Report, the Committee will provide the ... accredited law school with a written notice" that advises the school that it is either in compliance, or that it "is not in compliance with these rules for specific reasons that warrant probation or termination of accreditation." (Rules 4.171(B), 4.171(D)). If the Committee finds continued noncompliance, it should impose termination of accreditation, rather than probation, unless "the Committee decides that an accredited law school ... has not complied with these rules, but has made progress toward compliance." (Rule 4.172(B)). This is the determination for the Committee to make today regarding PCU.

DISCUSSION

Once a law school earns accreditation, in order to maintain it, the school must show continued compliance with all applicable Rules and Guidelines.

Data demonstrates that PCU is not in compliance with the requirement to maintain a five-year cumulative minimum bar passage rate of forty percent or more. If PCU is not in compliance, the Committee's task is to determine whether the school has made progress toward compliance

with the MPR requirement warranting probation. If not, the appropriate action is termination of accreditation.

PCU has not reported an MPR of forty percent or more since the MPR requirement was implemented in 2015. During 2015, the school reported an MPR of 28.8 percent, while in 2018, the school reported an MPR of 26.4 percent and, in 2019, the school reported an MPR of 26.6 percent. The school estimates that it will be able to report an MPR of forty percent in 2023. Based on July 2019, staff estimates that PCU will not reach compliance by that date.

THE MPR RULE APPLIES TO ALL ACCREDITED LAW SCHOOLS

The MPR requirement was implemented in 2015 for all accredited law schools, and was discussed at length prior and subsequent to its implementation. At the Committee's meeting in January 2020, PCU asserted that the school should be allowed more time to come into compliance with the MPR requirement because it was accredited more recently than the other law schools, having received its grant of accreditation on September 30, 2010. However, the accreditation rules apply to all law schools regardless of year of accreditation. Staff has not uncovered any documentation to support the suggestion that the State Bar waived or relaxed the requirement that PCU satisfy the MPR; staff would not have been empowered to make such a waiver.

Instead, all accredited law schools have always used the MPR formula described in Guideline 12.1 to calculate the MPR, and the calculation includes all graduates who graduated during the reporting period and took one or more bar examinations during the period. In addition, when a registered, unaccredited law school seeks accreditation, the school must first demonstrate that its current MPR is at forty percent or more before the rest of the application will be processed.

The school commented that some of its graduates do not take the bar examination, or decide to take the examination just one time, whether they pass or not. Those who do not take the bar examination are excluded from the MPR calculation, but all who take the examination are included in the calculation.

PCU WAS ADVISED THAT ITS ACCREDITATION IS AT RISK

When the Committee first required accredited law schools to report an MPR in 2015, Guideline 12.2 included an admonition that any accredited law school with an MPR below forty percent in 2015 would need to increase its MPR to at least forty percent by 2017 or its accreditation would be terminated.

When PCU reported an MPR of 28.8 percent in 2015, the Committee issued a notice of noncompliance. Before the Committee could take further action as to the Notice of Noncompliance issued in 2015, the MPR requirement was suspended. During that temporary suspension, the Office of Admissions informed PCU that it anticipated the MPR reporting requirement would be reinstated soon, and that the school should take immediate action to address continued noncompliance that could affect its accreditation.

When MPR reporting was reinstated, PCU reported an MPR of 26.4 percent in 2018 and 26.6 percent in 2019. The Committee responded by again issuing Notices of Noncompliance. In August 2019, the Committee ordered that a telephonic inspection be conducted, after which the Committee indicated that it would decide whether the appropriate next step was probation or termination of accreditation.

At the inspection and through the school's various responses, PCU described the many efforts it has undertaken to improve its MPR. Most recently, these steps include providing bar preparation benchmarks and practice opportunities during each year of their education, personalized academic support, and calls from the dean offering motivation, encouragement and advice if a student appears to require additional support. In 2020, the school also implemented a new software program to help students prepare for the multiple-choice section of the bar examination throughout their education. The school also makes these resources available to alumni who have not yet passed the bar. Notably, the school also secured a unique grant to fund childcare during bar study for those who need it.

Unfortunately, even with the addition of these programs, PCU's MPR has not increased. While PCU reported an MPR of 28.8 percent in 2015, by 2019 the school's MPR had decreased to 26.6 percent, and staff estimates further decline in 2020.

The Committee received public comment from graduates who expressed satisfaction with their education despite not passing the bar examination. The Committee should appreciate that the school provides an education that students support; the rules and guidelines nonetheless require all accredited schools to meet the minimum pass rate to maintain accreditation.

IF THE SCHOOL'S ACCREDITATION IS TERMINATED, THE SCHOOL CAN APPLY TO OPERATE AS A REGISTERED, UNACCREDITED LAW SCHOOL

Terminating the school's accreditation will not force the school to close. Instead, the school can apply to the Committee for permission to operate as a registered, unaccredited law school. Prior to PCU's accreditation, the law school operated as a registered, unaccredited school for many years.

During the Committee meeting in January 2020, the Committee heard positive comments from many graduates, licensees, and faculty who attended the school or worked for the school while it was a registered, unaccredited law school.

RECOMMENDATION

Applying the Committee's standards, PCU's MPR has been significantly out of compliance since 2015. Despite numerous efforts and enthusiastic support from alumni, students, and staff, the school's MPR is not increasing and has remained out of compliance since 2015. The school advises that compliance is not possible until 2023, and staff estimates believe that this timeline

may not be sufficient. Therefore, while PCU has undertaken significant effort, the MPR has not improved, and probation is not warranted.

It is recommended that the Committee of Bar Examiners issue a notice of intent to terminate the accreditation of Pacific Coast University School of Law due to significant, sustained noncompliance with the MPR requirement enumerated in Rule 4.160(N) and Guideline 12.1.

If the Committee agrees, the next step would be to issue a notice of intent to terminate PCU's accreditation to PCU. A draft notice is included as Attachment C. The school would have fifteen days from the day that the notice is emailed to request a hearing, at which it would have the burden of establishing that it is compliant with Rule 4.160(N) and Guideline 12.1 or that the school's MPR has shown sufficient progress toward compliance to warrant probation.

PROPOSED MOTION

If the Committee agrees with this recommendation, the following motion is suggested:

Move that Pacific Coast University School of Law's most recent response to its continuing Notice of Noncompliance dated October 9, 2019, as well as the inspection report summarizing the telephonic inspection with the school on October 22, 2019, be received and filed; and that the school be issued a Notice of Intent to Terminate its Accreditation based on the school's significant and sustained noncompliance with Rule 4.160(N) and Guideline 12.1.

ATTACHMENT(S) LIST

- A.** Pacific Coast University School of Law's Further Response to 2019 Response to Notice of Noncompliance dated 10-9-19
- B.** Report from Inspection of Pacific Coast University School of Law Related to Notice of Noncompliance Conducted on 10-22-19
- C.** Proposed Notice of Intent to Terminate the Accreditation of Pacific Coast University School of Law



PACIFIC COAST UNIVERSITY, SCHOOL OF LAW

"SCHOOL OF THE PEOPLE"

Andrea L. Lua, Dean

October 9, 2019

The Committee of Bar Examiners of
The State Bar of California
Office of Admissions
180 Howard Street
San Francisco, CA 94105-1639

Attention: Natalie Leonard, Principal Program Analyst

RE: Telephonic Inspection on October 22, 2019 1:00 p.m.-2:00 p.m. Regarding Notice of Noncompliance Minimum, Cumulative Bar Passage Rate

Dear Esteemed Committee Members:

The initial response to the Notice of Noncompliance Minimum, Cumulative Bar Passage Rate (MPR) outlined in detail all of the administrative, programmatic, community, and outreach efforts Pacific Coast University, School of Law (PCU) had employed up to October 13, 2018 to remedy this situation. Following the response, the school has implemented new programs to further assist current students with attaining the skills necessary to elevate the MPR moving forward to be in compliance. In response to the request for evidence based solutions and a timeline to reach compliance with the MPR, I have endeavored to provide additional data to support the results of the programs already in place so that their effectiveness toward attaining the mandated MPR can be examined during the telephonic inspection. I thank you in advance for allowing PCU to present a supplement to the response as I believe it is evidence of our success in moving toward compliance.

New Programs

PCU employs Examplify, the electronic exam administration program which Examsoft provides to the State Bar of California for the General Bar Examination. Immediately following submission of the MPR non-compliance response in October 2018, the Dean of Students, Maren Carmona and Assistant Registrar/IT Administrator Teresa Berry, attended a three day seminar provided by Examsoft to reveal the other aspects of Examplify which PCU and other law schools, including ABA law schools, which would enable the schools to obtain more meaningful data from exams. Further, the newly available enhanced product is suited to both formative and summative assessments which enable students and professors to target concepts which need greater attention for students to grasp. Following Board approval, PCU acquired the augmented Examplify suite and began implementation to elevate the educational program PCU provides.

PACIFIC COAST UNIVERSITY, SCHOOL OF LAW

1650 Ximeno Avenue, Suite 300, Long Beach, CA 90804

(562) 961-8200

www.pculaw.org



PACIFIC COAST UNIVERSITY, SCHOOL OF LAW

"SCHOOL OF THE PEOPLE"

Andrea L. Lua, Dean

Examplify is a web based platform which allows for administration and professors to create exams, attach rubrics to each individual exam for grading, make available those rubrics with the exams for calibration, provide clear data across any given cohort in relation to concepts well understood and in relation to those poorly understood across the cohort. In creating the exams and rubrics within the system, a greater understanding and appreciation for the summative aspects of exams is possible. In addition, professors have been included in the process of tagging the concepts which the MBE's administered with their exams to discern the quality and fairness of questions. Further, the data gleaned from the tagged MBE's provides students and professors with the areas which need further study for individual students and entire cohorts. The fusion of these capabilities within a single platform, which is continuing to be developed, has provided PCU professors and students to laser in on successes and deficiencies. In addition, the use of a web based platform has greatly increased the turn-around time for exam grading and calibration. This in turn allows students and professors to address problematic concepts closer in time to the exam, and thus correct any deficiencies closer in time as well.

The augmented version of Examplify was employed in a limited scope with Midterms and Finals administered at the conclusion of Winter Quarter. As anticipated, there were a few problems with student and professor use of the new aspects of Examplify. However, the clarity of exam to rubric grading is powerful for both students and professors. Viewing side-by-side of exam and rubric seems to have revealed most clearly to students the errors or omissions within their exams.

Professors across cohorts teaching different subjects are also able to view exams through Examplify. This is particularly powerful for professors teaching 1L and 1L Lab. The formation of a solid understanding and use of the IRAC method is cemented in the 1L. Individual student problems across courses or in individual subjects allows professors of substantive courses to co-ordinate with each other and with either the 1L Lab professors or the Academic Support professors.

In summation of the potential of Examplify, the ability to retrieve and to use meaningful data to improve our students and our professors is powerful. At this juncture, there is no ability to extract any data to the point of it providing an evidence-based solution that is proven because none of these students are Bar candidates, yet. However, that capability will be available within the year. This program is also within the educational mandates which will track educational strategies and outcomes which the ABA will be requiring of ABA accredited institutions.

Outcomes of Retroactive Actions for Graduates within the MPR Sample

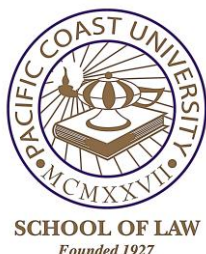
The transition from the three-day Bar Exam to the two-day Bar Exam factored heavily into the choice to allocate a portion of PCU reserves to provide the maximum effect on the MPR. The last remaining cohort of students admitted to PCU while the FYSLX was required, August 2013

PACIFIC COAST UNIVERSITY, SCHOOL OF LAW

1650 Ximeno Avenue, Suite 300, Long Beach, CA 90804

(562) 961-8200

www.pculaw.org



PACIFIC COAST UNIVERSITY, SCHOOL OF LAW

"SCHOOL OF THE PEOPLE"

Andrea L. Lua, Dean

graduates, were not part of this outreach effort. Further, all of the remaining four Bar Candidates from this cohort ceased taking the Bar Exam in July 2016.

Immediately following the Site Visit of April 2016, the MBE Bootcamp was created and offered initially to those Bar Candidates within the group of students who attended PCU following receipt of full CBE accreditation in 2010. In addition, those initially invited were pre-screened to have the recognized 2.75 or higher cumulative GPA which the Self-Study for the site visit uncovered as revelatory of Bar passage. This group included May 2014, August 2014, May 2015, and August 2015 graduates (Attachment A). For purposes of full evaluation for an entire MPR reporting period, the data has been updated to include Bar results for the July 2018 and February 2019 Bar Exam. Each graduating class will be handled individually, because the PCU curriculum is pre-set for all four years, and each academic and calendar year contains two distinct classes, Track I (May graduates) and Track II (August graduates).

There are 25 graduate takers within the May 2014 cohort. Nine of these 25 takers have passed the Bar Exam amounting to a 36% passage rate for this cohort. One more passer would make the class as a whole compliant with the MPR. Three of the remaining takers took the Bar only twice, of which two no longer reside in California. Further, these two have not taken the Bar since February 2015. According to recent Bar studies the only common factor among Bar passers is cumulative GPA. Of these two, one had a cumulative GPA of 2.94, the other had a 2.72. The PCU indicator of passage is a 2.75 which is predictive of passage within 3 attempts. It is reasonable to assume that at least one, if not both of these candidates could have made this cohort compliant.

Of the nine takers from the August 2014 cohort, four have passed the Bar exam, which translates to a 44% passage rate. Of the remaining five takers, two took the Bar exam only one time, with one of these falling within the PCU passage within 3 tries GPA with a 2.75. An additional taker, only took the Bar twice. None of these three have attempted the Bar since July 2015.

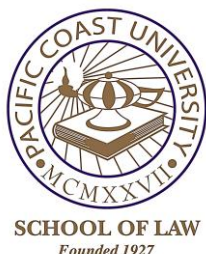
The most problematic years of graduates within the five-year period for measurement of the MPR are the classes of June 2015, August 2015, May 2016 and August 2016. The statistics for passing the Bar for these groups respectively are 24% with 9 of 38 takers passing; 33% with 2 of 6 takers passing; 6% with 1 of 18 takers passing; and 26.3% with 5 of 19 takers. These are graduates which we are saddled with that are from the prior Dean's period of stewardship immediately following full accreditation. To assist these graduates, we have performed many actions to assist their passage of the Bar Exam. PCU provided and offered a free multi-state Boot Camp prior to the July 2016, February 2017, and July 2018 which ran from 8 to 12 weeks. The professors that created this program remained available 24 hours during the Boot Camp for those participating. PCU negotiated an institutionally discounted price for alumni with Barbri as part of our contract for current students. We have conducted many outreach events with recent

PACIFIC COAST UNIVERSITY, SCHOOL OF LAW

1650 Ximeno Avenue, Suite 300, Long Beach, CA 90804

(562) 961-8200

www.pculaw.org



PACIFIC COAST UNIVERSITY, SCHOOL OF LAW

"SCHOOL OF THE PEOPLE"

Andrea L. Lua, Dean

Bar Passers speaking on their tactics which proved successful. Every strategy which could remediate these pass rates has been employed.

It is important to note that within the May 2015 class group of 38 takers, ten have attempted the Bar Exam two or fewer times. Nine of these takers have not attempted the Exam after July 2016. Of the ten, there are three that have only attempted the Exam one time. Of the August 2015 total of six takers, one has attempted once, one has attempted twice. The graduate that attempted twice is fully-employed, but gave birth to an autistic child her fourth year of law school, whose needs have pre-empted her from taking the exam since July 2016. The most problematic group is the graduating class of May 2016. Seven of the eighteen takers within this group have attempted two or fewer times. As they have five more attempts within their cohort, we will continue to develop strategies to assist them in passing on future attempts. However, these students began law school at the depths of the Great Recession, anticipated changing careers, but elected to remain within their occupations as the economy improved. At this point, a Juris Doctor degree is an asset, but taking the Bar and entering the legal profession is no longer on their first priority. Attempts to induce them to take the Bar another time have been not very successful.

At this point, attention should be focused on graduates who graduated following many of the changes outlined above. Graduates within the May 2017 class have a five out of thirteen takers passing for a 38.5% passage rate. The remaining takers within this cohort have six more attempts within their ten reported attempts to pass. The August 2017 graduates have had three attempts to take the Bar. Within that time frame four of eleven takers have passed for a 36.3% passage rate. Of the seven remaining of the eleven takers, three of the eleven have taken the exam only once. Graduates of the May 2018 class have a three of twelve takers evidencing a 25% pass rate in two full attempts. Within the August 2018 graduating class, with only one attempt, two of seven takers have passed for a 29% passage rate. Although these results are not determinative, there is evidence here that within the officially recognized time each of these three graduating classes should meet or exceed the 40% MPR, transforming the overall reported MPR as the cohort shifts to include only classes graduating post 2016 Site Visit changes.

The significant changes following the site visit appear to be bearing fruit in the passage rates for May 2017, August 2017, and May . These groups have benefitted from the raising of passage for a course from 60 to 70; development and imposition of Academic Support Lab for those in the 70 to 73 zone in any course with close monitoring; access to Barbri and instruction on how to maximize the tools it provides; change in the Advanced Legal Reasoning course during the 4L to consist of one quarter of writing development and one quarter of intense instruction on MBE analysis taught by the creator of the MBE Boot Camp. Beginning with the classes of 2018, PCU implemented an MBE skills demonstration for credit in this course.

PACIFIC COAST UNIVERSITY, SCHOOL OF LAW

1650 Ximeno Avenue, Suite 300, Long Beach, CA 90804

(562) 961-8200

www.pculaw.org



PACIFIC COAST UNIVERSITY, SCHOOL OF LAW

"SCHOOL OF THE PEOPLE"

Andrea L. Lua, Dean

PCU is not solely reliant upon Barbri, however the access and ability to monitor students use and performance is key to changing the current and future trends. Employing use of their materials by professors is producing data which we can use to improve our program. The ability to monitor students attainment of the quantitative accomplishment during their Bar Review time allows for frank and honest discussions with the Dean and students regarding their projected success or failure. We are striving to help Bar candidates realistically assess their preparation. Barbri data indicates that completers of 70% of their program is statistically related to Bar passage.

The most recent data available from the Bar studies which revealed the three friction points which are linked to not passing the Bar Exam: taking the Exam more than once, dependent care responsibilities, and lack of time to devote solely to study are encompassed within the efforts outlined above and those to be tackled moving forward. With those in the position of first time taker, we are aggressively informing students of their likelihood of passage coupled with resources and counselling to develop long-term study plans (included within this group is the use of Barbri's early bird/long-term review program) to defeat this friction point. The other two are friction points particularly related to the demographic of PCU students. PCU has made its students and graduates aware of these friction points. At present, we are seeking a grant to implement a pilot program to provide promising candidates with stipends to overcome the other friction points during Bar Review.

Although the above is not an exhaustive exploration of the ongoing efforts PCU is expending to improve its program and most importantly compliance with the MPR. Recognition of the reasons which defeat students has helped define the problems to target. Recovery and use of data to assess our successes and opportunities is an ongoing process. Our aim is to replicate the current pass rate for the May 2017 class of five passers of thirteen takers or 38.5% within four potential attempts. The following graduating class of August 2017 seems to be on the same trajectory with three of eleven passers for a 27.2% pass rate with three attempts. In depth analysis as offered above has provided targets and strategies to employ. However, with eight separate cohorts across a five year period encompasses different challenges. PCU remains committed to changing and to improving regardless of the MPR. Our mission requires that we provide an affordable, quality legal education. We continue to pursue this above all things.

Sincerely,

Andrea L. Lua
Dean

PACIFIC COAST UNIVERSITY, SCHOOL OF LAW

1650 Ximeno Avenue, Suite 300, Long Beach, CA 90804

(562) 961-8200

www.pculaw.org



The State Bar of California

Pacific Coast University School of Law

Inspection Report Related to Notice of Non-Compliance with Rule 4.160(N) and Guideline 12.1 (Minimum, Cumulative Bar Pass Rate)

Inspection conducted
Pursuant to Rule 4.170 of the
Accredited Law School Rules on:

October 22, 2019

Inspection Team:

Alex Chan, Member
Committee of Bar Examiners

Natalie Leonard
Ron Pi
The State Bar of California

Observer:
Alex Lawrence,
Committee of Bar Examiners

REPORT ON THE INSPECTION OF PACIFIC COAST UNIVERSITY SCHOOL OF LAW, 1650 Ximeno Ave #300, Long Beach, CA 90804

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Introduction

Pacific Coast University School of Law (PCU) is a non-profit law school founded in 1927. The school was a registered law school until it earned accreditation in 2010.

As an accredited law school, the school must maintain five year, minimum, cumulative California Bar Examination (CBX) pass rate (MPR) of forty percent or more amongst its JD graduates who choose to take the CBX. (Rule 4.160(N); Guideline 12.1) Students who do not take the CBX are not included in the calculation. PCU has reported the following MPR figures: 28.2 percent (2015); 26.4 percent (2018); 26.6 percent (2019).

Based on these findings, the Committee of Bar Examiners (Committee) issued a Notice of Noncompliance to the school, asking the school to respond and directing that a telephonic inspection be scheduled to gather further information.

This report summarizes the conversation that occurred during that telephonic inspection conducted on October 22, 2019.

The State Bar Inspection Team (Team) was composed of Committee Member and Chair of the Operations and Management Subcommittee Alex Chan, and staff members Natalie Leonard and Ron Pi, while Educational Standards Subcommittee Chair Alex Lawrence was present as an observer.

Dean Andrea Lua and Registrar Maren Carmona were present to discuss PCU's plan to establish compliance with the MPR requirement by 2023.

Scope of Inspection Report

When the Committee issues a Notice of Noncompliance, the school responds to the notice. (4.170(B)). If compliance is not established, the Committee schedules an inspection, as was done here. (4.170(B)(2)). The Committee directed that the inspection be conducted telephonically because the school's physical facility was not at issue.

Prior to the call, the school's MPR values were verified and agreed upon between the State Bar and PCU, so the call focused on the steps that the school chose to share regarding its plan to achieve future compliance with Rule 4.160(N) and Guideline 12.1.

This Inspection Report summarizes the telephonic inspection, and the conclusions drawn were based not only upon the information presented at the telephonic inspection, but also the school's written filings related to the Notice of Noncompliance.

The State Bar Team began the call by discussing the purpose of the meeting. The school was allowed to set the agenda and decide what to discuss for the remainder of the call. The school also responded to all questions from the State Bar Team. At the conclusion of the call, the school provided a closing statement. One hour was scheduled for the call, and the call concluded after one hour.

Summary of the Telephonic Inspection

This summary represents the point of view of the school.

Dean Lua indicated the initiatives described in this report were largely instituted since her time as Dean, when she observed that prior initiatives did not raise the school's MPR.

Initially, after the school reported a noncompliant MPR in 2015, academic support was added in the form of part-time associate student fellows. Participation was optional unless a student was formally on probation. The State Bar Periodic Inspection Team that visited the school in 2016 suggested that more formalized bar preparation and evaluation might be helpful for the school.

The current Dean has launched several initiatives since assuming that position and the school is about to launch several more initiatives, organized here by functional area.

In the area of Admissions, the school is engaging in aggressive recruitment of candidates with strong credentials. The school analyzed the sources of referrals for students and compared source versus academic success, with the most successful students coming from alumni referrals. The school now hosts quarterly alumni outreach events to foster alumni referrals. The school recruits at local colleges and affinity bar associations, and also tracks contacts with its website. The most recent enrolled classes have higher overall LSAT scores and GPA's than in prior years.

The minimum GPA required for good standing was also raised based on evidence that those with GPA's below the new good standing level were less likely to pass the CBX. Therefore, raising the GPA required for good standing sent an important message to students. The school has metrics and tracking in place to create, execute and evaluate the strategy.

The curriculum is the same for all students. It has been enhanced to include an Advanced Legal Reasoning course to develop the legal reasoning skills required to address CBX questions, including identifying crossover issues and improving writing clarity. The school has identified a

need to incorporate more multiple-choice question practice and will be doing so with the ExamSoft Rubrics platform starting in 2020. In addition, since the 2016-2017 academic year, students attend a required lab that starts from the first week of class to help students assess their progress. A new Pleading and Practice course is now taken in the fourth year and designed to be a capstone course that reviews and integrates materials and prepares students to succeed on the CBX's performance test. The school aims to return grades quickly as well.

The amount of academic support has increased significantly over the last several years. Now, students can access academic support seven days per week and the program is delivered largely one-on-one using a consistent process. The eight students in the latest formal program improved academically.

Students preparing for the CBX use a structured program, and administrators can track progress. If a student is not completing their assignments or progressing academically, the school reaches out to provide support and the Dean calls to provide encouragement.

A grant from the Camilla Chandler Family Foundation funds time off for study and childcare while students study for the CBX.

Alumni can access to the same preparation resources and professors that are available to current students to prepare for success on the CBX. The school remains reaches out to alumni to learn about their progress.

The school is also connecting with the larger educational community to research best practices taking place at other schools.

PCU further believes school that the implementation of the ExamSoft Rubrics software in 2020 will allow it to better measure students' subject mastery and multiple-choice skills throughout their education. At least 1,000 of the school's multiple-choice practice questions have been entered into the software.

The school appears to have metrics in place related to each initiative discussed, as well as a plan to act on those metrics in real time with students, and to evaluate results overall to determine whether future change is needed. One such leading indicator metric that the school tracks closely is the first-time CBX pass rate.

The school hopes to collect more detailed data more often as well through ExamSoft's Rubrics storing, grading and analysis tool.

The school estimates that compliance could be achieved as early as the July 1, 2023 MPR compliance reporting date.

CONCLUSION AND RECOMMENDATION

Because it is clear that the school is not in compliance with Rule 4.160(N) and Guideline 12.1, the Committee will need to determine whether probation or termination of accreditation is appropriate.

In spite of the initiatives described, the school has remained out of compliance since 2015 and expects to be out of compliance until at least 2023 according to the school's projections. The school's July 2019 CBX results show that five out of sixty-three PCU graduates passed the examination, or approximately eight percent of takers. These results suggest that the school's MPR will not increase in 2020, suggesting that probation is not warranted.

The school does appear to have been responsive to the situation, trying a number of initiatives over the years, though the school has not been able to demonstrate compliance. In the most recent one to two school years, the school has begun to take specific steps with metrics that can be evaluated throughout a student's career and more metrics are slated to be available in the coming year. These efforts are to be commended. It is hoped that the school will continue to take steps to try improve its graduates' results on the CBX.

**NOTICE OF INTENT TO TERMINATE ACCREDITATION
OF
PACIFIC COAST UNIVERSITY SCHOOL OF LAW**

April 24, 2020

Pursuant to Rule 4.171, subdivision (D), of the State Bar of California's ("State Bar") Accredited Law School Rules ("Rules"), the Committee of Bar Examiners ("Committee") finds that Pacific Coast University School of Law ("PCU"), a California accredited law school, is not in compliance with Rule 4.160, subdivision (N), or Guideline 12.1 of the Guidelines for Accredited Law School Rules ("Guidelines"), which require the maintenance of the minimum, cumulative bar examination pass rate. The Committee therefore issues this Notice of Intent to Terminate Accreditation of PCU.

APPLICABLE AUTHORITY

Rules:

Chapter 4. Responsibilities of Provisionally Accredited and Accredited Law Schools

Rule 4.160 Standards

A provisionally accredited law school must substantially comply with these standards. An accredited law school must comply with them.

- (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. The minimum, cumulative bar examination pass rate for a law school with one or more branch campuses is to be calculated and reported as the combined rate of all such campuses.

Guidelines:

Division 12. Minimum, Cumulative Bar Examination Pass Rate

12.1 Criteria for Determining Compliance with Accredited Law School Rule 4.160(N).

In evaluating the compliance of a law school with the accreditation standard set forth in Accredited Law School Rule 4.160(N), a law school must maintain a minimum, cumulative bar examination pass rate (MPR) of at least 40 percent for the most recent five-year reporting period. The rate will be calculated and reported annually to the Committee on or before July 1st of the year following each reporting period.

To calculate and report its MPR accurately, the law school must use the following reporting period and methodology: The “reporting period” covers the five most-recent twelve-month periods (August 1 through July 31) prior to the calendar year in which the MPR is reported to the Committee.

For purposes of MPR calculation, a “qualified taker for the reporting period” includes any student who both graduates with a first degree in law from the law school during the reporting period, and takes any administration of the California Bar Exam (CBX) during the reporting period or the first February administration after the reporting period that was also no more than 10 administrations after the taker’s graduation. A student who does not meet both requirements is not a qualified taker for the purpose of the MPR report and is not to be included in the calculation of a law school’s MPR.

A law school’s MPR is to be calculated as a fraction that is the sum of all qualified takers for the reporting period who passed any administration of the CBX during the reporting period or the first February administration after the reporting period that was no more than 10 administrations after the taker’s graduation (the numerator) divided by the sum of all qualified takers for the reporting period who, whether they passed or failed, took any administration of the CBX during the reporting period or the first February administration after the reporting period that was also no more than 10 administrations after the taker’s graduation (the denominator), with the resulting numeral being expressed as a percentage.

Termination of accreditation is the appropriate remedy for failure to comply with Rule 4.160 unless “the Committee decides that an accredited law school . . . has not complied with these rules, but has made progress toward compliance,” in which case, “the Committee may place the law school on probation for a specified time.” (Rule 4.172(B).)

BACKGROUND

In 2015, PCU submitted an Annual Compliance Report (ACR) that reported an MPR of 28.2 percent for exam-takers graduating in the reporting period of August 1, 2009 through July 31, 2014. (**Exhibit 1** [2015 MPR Report from PCU]; **Exhibit 2** [2015 MPRs].) As a result, the Committee found that PCU failed to comply with Rule 4.160, subdivision (N), and on September 1, 2015, the Committee issued a Notice of Noncompliance pursuant to Guideline 12.2. (**Exhibit 3** [September 1, 2015 Notice of Noncompliance].) In its response to the Notice, PCU did not dispute that its MPR was below the 40 percent required by Guideline 12.1. (**Exhibit 4** [September 17, 2015 Response from PCU].) PCU submitted a plan for increasing its MPR, including various administrative, staff, and faculty changes. At its October 17, 2015 meeting, the Committee received and filed PCU’s response and ordered that no further action be taken at that time. (**Exhibit 5** [October 19, 2015 Letter to PCU].)

In 2016, the Committee temporarily suspended schools’ MPR reporting requirements in response to newly-effective confidentiality requirements in California Business and Professions Code section 6060.25. Accordingly, PCU submitted its 2016 ACR without MPR calculations. The

underlying MPR accreditation standard remained in effect, however. On February 7, 2017, the Committee sent PCU a courtesy letter advising that, while the MPR reporting requirements had been temporarily suspended, internal reports prepared by the State Bar indicated that PCU's cumulative bar passage rate for the five-year period ending in July 2015 was only 21.1 percent. (**Exhibit 6** [February 7, 2017 Courtesy Letter to PCU].)

In 2017, PCU again submitted its ACR without MPR calculations. Following amendments to California Business and Professions Code section 6060.25 in late 2017, the State Bar reinstated the requirement that schools report MPRs beginning in 2018.

In 2018, PCU reported an MPR of 26.4¹ percent for exam-takers graduating in the reporting period of August 1, 2012 through July 31, 2017. (**Exhibit 7** [2018 MPR Report from PCU; **Exhibit 8** [2018 MPRs].) The Committee found that PCU failed to comply with Rule 4.160, subdivision (N), and issued a second Notice of Noncompliance on September 27, 2018. (**Exhibit 9** [September 27, 2018 Notice of Noncompliance].) In its response, PCU did not dispute that its MPR was below 40 percent. (**Exhibit 10** [November 26, 2018 Agenda Item Regarding PCU's Response].) PCU explained that it had undergone significant changes over the preceding five years, including the Board of Regents' termination of the school's dean, which had purportedly interfered with the school's efforts to increase the MPR. (*Ibid.*) At its December 7, 2018 meeting, the Committee received and filed PCU's response. (**Exhibit 11** [December 12, 2018 Letter to PCU].)

In 2019, PCU reported an MPR of 26.6 percent for exam-takers graduating in the reporting period of August 1, 2013 through July 31, 2018. (**Exhibit 12** [2019 MPR Report from PCU]; **Exhibit 13** [2019 MPRs].) On August 23, 2019, the Committee approved the scheduling of an inspection of PCU and invited PCU to update its response to the Notice of Noncompliance. (**Exhibit 14** [September 17, 2019 Notice of Inspection Regarding Notice of Noncompliance].) PCU sent an updated response outlining its plan to increase its 26.6 percent MPR. (**Exhibit 15** [October 9, 2019 Supplemental Response from PCU].)

The inspection of PCU was held on October 22, 2019. During the inspection, PCU did not dispute that it was out of compliance with Rule 4.160, subdivision (N), and acknowledged that it would be at least several years before compliance was possible. (**Exhibit 16** [October 22, 2019 Inspection Report].)

BASIS FOR NOTICE OF INTENT TO TERMINATE ACCREDITATION

The Committee carefully considered PCU's responses to the Committee's multiple Notices of Noncompliance, as well as the results of the State Bar of California's October 22, 2019 inspection, and the oral and written comments provided by PCU staff and alumni at the Committee's January 31, 2020 meeting and thereafter.

¹ While PCU initially reported an MPR of 26.2 percent, it was later determined through verification by the State Bar that PCU's pass rate for 2018 was 26.4 percent. PCU agreed in writing that the revised rate of 26.4 percent was the correct rate.

Under the applicable Rules and Guidelines, PCU must maintain an MPR of at least 40 percent for each five-year reporting period. The Committee finds that PCU is not in compliance with this requirement, and has not been since Rule 4.160, subdivision (N), took effect in 2015. PCU's own reporting demonstrates that it failed to meet the required MPR for any of the periods reported:

- 2015 (exam-takers graduating August 1, 2009 through July 31, 2014),
- 2018 (exam-takers graduating August 1, 2012 through July 31, 2017), or
- 2019 (exam-takers graduating August 1, 2013 through July 31, 2018).

PCU has never reported an MPR of 40 percent or higher; all of its reported MPRs are below 29 percent.

Because PCU's MPR has remained below the required 40 percent since reporting began, and in fact was lower in 2018 and 2019 than when first reported in 2015, no progress toward compliance has been shown that would warrant probation and termination is appropriate. Accordingly, the Committee issues the instant Notice of Intent to Terminate Accreditation.

Notice:

Pursuant to Rule 4.173, PCU "may request a hearing before the Committee within fifteen days of being sent a notice that the Committee is considering termination of provisional accreditation or accreditation." (Rule 4.173.) Upon receipt of such timely request, the Committee will schedule a hearing. (Rule 4.174(A).)