



# The State Bar of California

---

## **OPEN SESSION**

### **AGENDA ITEM O-402**

**JANUARY 2021**

### **COMMITTEE OF BAR EXAMINERS**

**DATE:** January 29, 2021

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

**FROM:** Natalie Leonard, Principal Program Analyst

**SUBJECT:** Action in Response to Notice of Noncompliance and Inspection Report –  
San Francisco Law School

---

## **EXECUTIVE SUMMARY**

In August 2020, the Committee of Bar Examiners (Committee) issued a Notice of Noncompliance to San Francisco Law School (SFLS) because the law school's minimum, cumulative five-year bar exam passage rate (MPR) was 36.0 percent, when all accredited law schools are required to maintain an MPR of 40 percent or greater. (Rule 4.160(N)) After an inspection conducted pursuant to this Notice, the inspection team recommends that the law school be placed on probation until July 1, 2022 and required to demonstrate by that date that its MPR is 40 percent or greater as calculated according to the formula in Guideline 12.1, or its accreditation may be terminated. It is further recommended that the State Bar publish the law school's status, and that the law school also communicate it to current students, prospective students, and the public.

---

## **BACKGROUND**

The Committee of Bar Examiners requires that an accredited law school comply with the State Bar's Rules for Accredited Law Schools and their accompanying guidelines, as well as other applicable authority. As part of that compliance, all California Accredited Law Schools (accredited law schools) must maintain an MPR of at least 40 percent (See Rule 4.160(N)), calculated using the formula described in guideline 12.1. Because the calculation requires results from a specific set of bar exams, the MPR is calculated once per year after February bar exam results are released. Accredited law schools then report their MPR annually by July 1 each year.

In July 2020, SFLS reported an MPR of 36.0 percent to the Committee.

In August 2020, the Committee of Bar Examiners issued SFLS a Notice of Noncompliance pursuant to Rule 4.170(A) because the law school's MPR was below the 40 percent minimum requirement.

When an accredited law school receives such a notice, "the law school must file a response demonstrating that it is . . . in compliance with these rules, if an accredited law school." (Rule 4.170(B)) Here, because the noncompliance had already been established and verified, the Committee also asked the law school to include information about the law school's plan to return to compliance.

In September 2020, the law school provided a timely written response. ([December 4, 2020 Committee Agenda, Item V.A. O-402](#))

In December 2020, the Committee reviewed the response and concluded that the response did not establish that the law school was in compliance with Rule 4.160(N), and, therefore, was not satisfactory. The Committee acknowledged that the law school described a plan in which a return to compliance was projected within the next several years, though a specific date was not identified. Because the law school could not establish that it was currently in compliance, the Committee was required under the rules to schedule an inspection by the Senior Executive (or her designees) within sixty days of its consideration of the matter. (Rule 4.170(B)2)

On January 13, 2021, a team of Committee members and State Bar staff conducted that inspection, and their report is attached. (Attachment A)

At this meeting today, the Committee reviews the inspection report and all other facts and circumstances and determines which of the following three actions is appropriate: [1] "the accredited law school is in compliance with these rules or . . . the accredited law school, or any approved branch or satellite campus is not in compliance with the rules for specific reasons that warrant [2] probation or [3] termination of accreditation." (Rule 4.171(B), (D))

Probation for a specified time is appropriate when "the Committee decides that an accredited law school or any approved branch or satellite campus has not complied with these rules, but has made progress toward compliance." (Rule 4.172(B))

"A[n] accredited law school placed on probation . . . is subject to any probation conditions imposed by the Committee, including interim inspections and progress reports." (4.172(C)(1))

The inspection team recommends that the Committee impose a term of probation through July 1, 2022, the last day to report the 2022 MPR, with the option to conclude probation earlier if the law school reports an MPR of 40 percent or greater in July 2021. It should be made clear to the school that its accreditation may be terminated if it does not return to compliance by July 1, 2022. The inspection team further recommends that the terms require that the law school

clearly and affirmatively communicate its probationary status to current and prospective students and the public, as described below.

## **DISCUSSION**

The inspection of SFLS took place on January 13, 2021 from 12:30 p.m. to 1:30 p.m. via videoconference, conducted by the team of Committee members Alex Chan and Larry Kaplan and State Bar staff Natalie Leonard. Educational Standards Chair Paul Kramer attended as an observer. Prior to the inspection, the inspection team reviewed the law school's response to the Notice of Noncompliance, the law school's historical bar exam results, and its October 2020 bar exam results.

The following representatives attended on behalf of SFLS: Timothy Weimer, Dean; Professor Scott Pearce, San Diego Campus Administrator; and Karen McCray, Registrar.

Prior to the inspection, it was already established that the law school remains out of compliance with Rule 4.160(N). Therefore, the inspection team focused on evaluating whether probation or termination of accreditation would be appropriate.

SFLS projects that its compliance will continue to improve based upon its curriculum changes. Though SFLS did not specifically identify its projected compliance date, in part because some of the initiatives were new, the law school estimated that its pass rate for individual bar exams will rise to approximately 55 percent by the time of the MPR reporting in 2023 and 2024 due to the graduation of students studying under the school's new curriculum launched in fall 2018. The law school's October 2020 bar exam results were positive and appeared to advance the law school's progress toward compliance.

After considering all facts and circumstances supporting the law school's plan, the inspection team recommends probation rather than termination of accreditation for a number of reasons.

First, SFLS has not been out of compliance previously, and the law school has been working on plans to create sustained, long-term improvement in bar exam results since fall 2018.

Next, SFLS has recently filled key positions with experienced staff who can focus on counseling and bar preparation, as well as targeted support for alumni. Preliminary results from the October 2020 bar exam suggest that the law school's 2021 MPR is likely to increase.

Taking all of the facts and circumstances into account, the inspection team recommends a term of probation through the reporting of the school's 2022 MPR by July 1, 2022, with the option to conclude the probation sooner if the school demonstrates an MPR of 40 percent or more when reporting its 2021 MPR. The recommendation includes a requirement to communicate its status to current and prospective students and the public.

Selecting probation under these circumstances through 2022 balances the Committee's regulatory responsibility to monitor compliance and protect the public with an opportunity for the law school to demonstrate that it can achieve compliance within a reasonable timeframe.

The inspection team recognizes that the law school expects that its largest gains may not be realized until the reporting of the 2023 MPR and beyond, but does not recommend a probation term of such a length as a reasonable time to remain out of compliance, and that length of time is also inconsistent with prior guidance provided by the Committee.

## **FISCAL/PERSONNEL IMPACT**

None

## **AMENDMENTS TO RULES OF THE STATE BAR**

None

## **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

## **STRATEGIC PLAN GOALS & OBJECTIVES**

Goal: None - core business operations

## **RECOMMENDATIONS**

It is recommended that the Committee of Bar Examiners place San Francisco Law School on probation through July 1, 2022 and direct the school to take steps to come into compliance as soon as possible, and no later than July 1, 2022. Compliance is demonstrated by a 2021 or 2022 MPR, calculated after the release of results from the respective February bar exam, of 40 percent or greater, after which probation will be concluded. If the law school does not demonstrate compliance by this date, its accreditation may be terminated.

In addition, the law school should be directed to affirmatively and clearly communicate its probationary status to students, prospective students, and the public using the following language:

*This law school has been placed on probation by its accreditor, The State Bar of California, through its Committee of Bar Examiners, due to reporting a five-year cumulative bar exam pass rate (MPR) of 36.0 for 2020, when a minimum of 40 percent is required under Rule 4.160(N); the law school must raise this MPR to 40 percent or more by July 1, 2022 or the law school's accreditation may be terminated. See [current MPR statistics for all accredited law schools](#) on the State Bar's website.*

The language must be included prominently in: a communication to current students that must be acknowledged in writing by each student; any advertising, information or outreach to prospective students; the law school's disclosures and enrollment agreements; the law school's

website home page; and the law school's accreditation or consumer information webpage. Where space limitations make this impossible, the law school may provide a clearly labeled live link to the disclosure and State Bar MPR statistics.

## PROPOSED MOTION

Should the Committee of Bar Examiners agree with the inspection team's recommendations, the following motion should be made:

**MOVE**, that the Committee of Bar Examiners place San Francisco Law School on probation through July 1, 2022 and direct the school to take steps to come into compliance as soon as possible, and no later than July 1, 2022. Compliance is demonstrated by a 2021 or 2022 MPR, calculated after the release of results from the respective February bar exam, of 40 percent or greater, after which probation will be concluded. If the law school does not demonstrate compliance by this date, its accreditation may be terminated.

And that the law school be required, during its period of probation to clearly communicate its status to students, prospective students, and the public using the following language:

*This law school has been placed on probation by its accreditor, The State Bar of California, through its Committee of Bar Examiners, due to reporting a five-year cumulative bar exam pass rate (MPR) of 36.0 for 2020, when a minimum of 40 percent is required under Rule 4.160(N); the law school must raise this MPR to 40 percent or more by July 1, 2022 or the law school's accreditation may be terminated. See [current MPR statistics for all accredited law schools](#) on the State Bar's website.*

The language must be included prominently in: a communication to current students that must be acknowledged in writing by each student; any advertising, information or outreach to prospective students; the law school's disclosures and enrollment agreements; the law school's website home page; and the law school's accreditation or consumer information webpage. Where space limitations make this impossible, the law school may provide a clearly labeled live link to the information.

## ATTACHMENT LIST

- A. San Francisco Law School Inspection Report Regarding Noncompliance with Accredited Law School Rule 4.160(N)



# The State Bar of California

## **San Francisco Law School Inspection Regarding Noncompliance with Accredited Law School Rule 4.160(N)**

**Inspection Conducted  
Pursuant to Rule 4.170 of the  
Accredited Law School Rules On:**

January 13, 2021

### **Inspection Team:**

Alex Chan, Committee of Bar Examiners  
Larry Kaplan, Committee of Bar Examiners  
Natalie Leonard, State Bar Staff  
Paul Kramer, Committee of Bar Examiners, Observer

**INSPECTION REGARDING NONCOMPLIANCE WITH  
ACCREDITED LAW SCHOOL RULE 4.160(N)  
SAN FRANCISCO LAW SCHOOL  
1475 66TH ST, EMERYVILLE, CA 94608**

**EXECUTIVE SUMMARY AND RECOMMENDATIONS**

**Introduction**

An inspection regarding San Francisco Law School's (SFLS) noncompliance with Accredited Law School Rule 4.160(N) was conducted on January 13, 2021 via videocall. Accredited Law School Rule 4.160(N) requires that all accredited law schools maintain a minimum, cumulative five-year bar exam pass rate (MPR) of at least 40 percent when calculated using the formula in guideline 12.1. In 2020, however, SFLS reported an MPR of 36.0 percent.

San Francisco Law School is a part of Alliant International University based on San Diego, California. The law school has two campuses, with a main campus in Emeryville and a branch campus in San Diego.

The law school was last inspected in 2018 and its accreditation was renewed, with a requirement to submit progress reports twice annually in May and November until the next inspection in 2022.

One of the express conditions of approval, allowing Northcentral University to immediately begin

The law school has a current enrollment of 62 JD candidates across the two campuses.

**Inspection Purpose**

In August 2020, the Committee issued a Notice of Noncompliance to the law school after the school reported an MPR of 36.0 percent. When the Committee finds a law school to be out of compliance, the Committee must schedule an inspection, as was done here.

Because the law school had already agreed that its MPR was out of compliance, the focus of the inspection shifted to the law school's plan and projected timing to return to compliance, in order to help determine whether probation or termination of accreditation would be appropriate as a next step.

SFLS projects that near term MPR results will increase due to enhanced bar preparation provided to both current students and alumni. The law school also further predicted that longer term MPR results will improve to at least 55 percent by 2022 for each individual bar exam, improving the 2023 MPR and beyond. This is because those graduating in 2022 and beyond will have studied for all four years under the law school's new curriculum launched in 2018, including a Quick Start program to help law students adjust, increase legal writing, and increased counseling, academic support and bar preparation.

## Summary of Inspection Procedures

The inspection team consisted of Committee members Alex Chan and Larry Kaplan, an attorney member and a public member respectively, as well as State Bar staff Natalie Leonard. Committee Educational Standards Chair Paul Kramer attended as an observer.

As part of preparing for the inspection, the inspection team considered the written response provided by the law school and reviewed by the Committee at its December 2020 meeting, as well as the law school's bar exam pass rates through and including the October 2020 bar exam.

The following representatives attended on behalf of the law school: Timothy Weimer, Dean; Professor Scott Pearce, San Diego Campus Administrator; and Karen McCray, Registrar.

This videoconference inspection lasted one hour. After an introduction by observer Paul Kramer, the law school presented its information and responded to questions. Then the law school then provided closing remarks.

## Recommendation to the Committee

The inspection team recommends that SFLS be placed on probation until July 1, 2022 or until compliance is demonstrated, whichever comes first. Compliance will be demonstrated by reporting an MPR of 40 percent or greater by July 1, 2021 or July 1, 2022. If the school does not return to compliance by summer 2022, the Committee should consider termination of accreditation.

The inspection team also recommends that the law school be required to clearly and affirmatively communicate its probationary status to its current students, all prospective students and the public in its written and verbal communications.

## SPECIFIC FINDINGS AS TO THE CBE'S RULES AND GUIDELINES

Below is a summary of the inspection team's findings, conclusions, and recommendations as to the law school's plan to return to compliance with rule 4.160(N).

### **SFLS's MPR has been falling for a number of years during a period of change at the law school, but staff turnover appears to have stabilized, and new programs are being implemented**

SFLS's MPR has been dropping for the last several years while the law school underwent significant staff change and long periods in which key staff positions were vacant. At the start of 2020, the law school hired a permanent dean, who, in turn, hired an experienced permanent registrar, a permanent administrator for the San Diego campus, and a full-time professor who devotes significant time to counseling. Together, the administrators have been working with the support staff at parent Alliant International University to make changes to address the bar exam passage rate, as well as other issues identified in the State Bar's periodic inspection of the law school in spring 2020.



### **SFLS has launched a series of initiatives projected to improve bar exam results starting with the October 2020 bar examination**

In addition to the staffing changes described above, the law school has also enhanced bar preparation for both students and alumni using a combination of in-house proprietary preparation and a commercial review class that is included as part of student tuition.

This past year, the law school offered special tutoring sessions for alumni for the first time, received positive feedback from students, and saw improvement in the October 2020 single bar exam results.

### **SFLS also launched a new curriculum first administered to new students in 2018, who will graduate in 2022 and have their results included in the 2023 MPR**

In 2018, SFLS introduced a new curriculum that includes a student success class to help students adjust to law school, as well as more targeted legal research and writing classes. For those students who need extra support, there is a targeted legal research and writing class that can be offered in the second semester of the first year. These students will not graduate until 2022, with their results included in the 2023 MPR.

SFLS also launched a small full-time transfer program in fall 2020 and hopes to translate some of the learnings from teaching full-time students to the part-time program.

The law school is also working on creating standard grading rubrics to ensure that students receive the most consistent and helpful grading feedback possible.

### **CONCLUSION AND RECOMMENDATION**

#### **The inspection team recommends a period of probation through July 1, 2022 to allow the law school a reasonable opportunity to demonstrate its compliance**

Overall, the inspection team found SFLS to be responsive to the State Bar's feedback and committed to improving students' bar exam preparation. While the law school was conservative in its projections, indicating more data was needed, the data from the October 2020 bar exam suggest that the law school's MPR will increase when the law school reports its 2021 MPR. SFLS also expects that any improvement in the MPR will be sustainable, as its new curriculum improves the results for the MPR in 2023 and beyond.

SFLS also emphasized that as it works to improve its MPR, it will also continue to proceed on schedule with the plans created in response to the Committee's recommendations adopted after the law school's periodic inspection last year.

The inspection team recommends placing the school on probation through July 1, 2022 or until the law school achieves compliance, whichever is sooner. Probation could conclude prior to 2022 if the law school is able to report compliance as of July 1, 2021.

The law school has not been out of compliance before. It has implemented several facets of its program so far, and its efforts to date appear to have had a modest but positive impact on the law school's bar exam passage rate.

Placing the law school on probation through July 1, 2022 will give the law school a reasonable opportunity to improve while fairly communicating the law school's compliance status to its students, prospective students and the public. Though the law school projects that gains in the bar passage rate will increase rapidly with the 2023 MPR, it is not recommended that a term of probation be extended so far into the future.

The inspection team also strongly recommends that the law school be required to clearly and affirmatively inform its student body, prospective students and the public of its noncompliance status and the term of any probation. This should apply to verbal and written communication, as well as communication through the law school's website and social media.