



# The State Bar *of California*

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## **OPEN SESSION AGENDA ITEM O-408 AUGUST 2021 COMMITTEE OF BAR EXAMINERS**

**DATE:** August 20, 2021

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

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

**SUBJECT:** Action on Progress Report from Taft Law School Regarding Recommendations from Periodic Inspection Report

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### **EXECUTIVE SUMMARY**

After Taft Law School was inspected in Fall 2019, the Committee of Bar Examiners (CBE) directed the law school to provide a progress report regarding documenting the law school's completion of the recommendations included in the report. The law school's submission is set forth in Attachment A. Staff recommends that the update be received and filed and that the law school be directed to file an additional update along with its 2021 Annual Report documenting full completion of the initiatives.

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### **BACKGROUND**

Taft Law School is a registered, unaccredited correspondence law school located in Santa Ana, California. The law school was last inspected by the State Bar on October 8-9, 2019. The CBE continued the law school's registration, adopted nine mandatory and four suggested recommendations, and directed the law school to document completion of the recommendations in a submission to the State Bar along with its 2020 Annual Report in November 2020. While the law school did not include the required progress update with its Annual Report, upon request from the State Bar, the law school provided its progress report in May 2021 as set forth in Attachment A.

## DISCUSSION

Taft Law School's progress report demonstrated that it had addressed eight of the nine mandatory recommendations, while the ninth recommendation regarding transcripts was well underway. The law school also agreed to address the four suggested recommendations and plans are in place to do so.

### Recommended Mandatory Actions

1. Guidelines 2.3, 5.32 and 5.33: It is recommended that the school correctly define the Committee's categories of regular and special admissions in its publications, including its website, and that where conflict exists between policies of Distance Education Accrediting Commission (DEAC) and the Committee, the policies should be stated clearly, so that DEAC policies are not attributed to the Committee

*Completed subsequent to the inspection.*

2. Guideline 2.8: It is recommended that the school adopt, publish, and implement a written student discipline policy that meets all requirements of the guideline as to all forms of student conduct subject to discipline by the school.

*Completed subsequent to the inspection.*

3. Guideline 2.9(A) and Guideline 9.1(D)(6): It is recommended that the school must publish its policy regarding expunging grades below 2.0 in Contracts, Criminal Law and Torts when a student passes the First Year Law Students' Examination (FYLSX) and replacing those grades with a 2.0. Further, the school should address this FYLSX procedure in the written policy on transcript changes recommended in paragraph 8 below and, in implementing the FYLSX policy, adhere to all Guideline 9.1(D) requirements.

*Completed subsequent to the inspection.*

4. Guidelines 5.11, 5.23, 2.1, and 2.3: It is recommended that, as to courses designed for transfer students, the school adopt, publish, and implement a written policy that accurately describes the academic content and enrollment limits for such courses and that ensures that students taking such courses are not being awarded duplicate academic credit.

*Completed subsequent to the inspection.*

5. Guideline 5.12: It is recommended that the school revise its curriculum to provide instruction in all of the skills enumerated in the Guideline and implement that revision no later than Fall 2020.

*Completed subsequent to the inspection.*

6. Rule 4.240(F): It is recommended that the school adopt, publish, and implement a written policy to ensure that any transfer student will complete at least six units of competency training prior to graduation.

*Completed subsequent to the inspection.*

7. Guideline 5.19: It is recommended that the school adopt, publish, and implement a written policy that meets all requirements of the guideline, including the requirement that power to grant policy exceptions must be vested in a faculty committee and not in any one individual.

*Completed subsequent to the inspection. Given the significant attrition rate at this law school, staff recommends that the law school continue to monitor and evaluate the effectiveness of this process and make adjustments as needed.*

8. Guideline 9.1(D): It is recommended that the school adopt, publish, and implement a written policy that meets all requirements of the guideline, including procedures and standards with respect to transcript changes. The policy should address any specific provisions as to transcript changes, such as the FYLSX policy addressed in paragraph three above. Further, the school should adopt procedures to ensure that: (a) the permanent transcript will contain any credit allowed for law study at another institution, listing the law school, course or courses taken, when taken, unit credit allowed, and grades received (Guideline 9.1(D)(5)); (b) if there is a change or correction on the face of the transcript, the transcript will contain a notation of the reason for the change (Guideline 9.1(D)(6)); and (c) transcript entries will be changed only upon a proper showing of good cause.

*Completed subsequent to the inspection.*

9. Guideline 9.1(D): It is recommended that the school review and, as necessary, correct, the transcripts of current students to meet the guideline requirements in all situations, including, but not limited to, Juris Doctor – Attorney Track students in each of the following circumstances, showing compliance with Guideline 9.1(D): a student admitted without prior law study; a transfer student; a student whose grades were changed after passing the FYLSX, and a student who was given a grade of Incomplete who later earned a numerical grade.

*The required review is in process, and it is recommended that the law school be required to document its progress or completion in a report submitted along with the law school's 2021 Annual Report.*

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

1. Pursuant to Guideline 2.3(C), it is suggested that the school clarify its explanation of academic requirements and expectations of students in the more flexible Juris Doctor – Attorney Track Independent Study program, particularly with respect to due dates for written assignments.

*The law school is in the process of reviewing these requirements and plans to update its materials when the review is complete. It is recommended that the law school provide an update documenting completion of this recommendation along with its 2021 Annual Report.*

2. Pursuant to Guideline 2.8, it is suggested that the school address in the Faculty Handbook the duty of faculty members to continually improve their teaching skills and substantive expertise.

*The law school is researching opportunities to improve faculty development, and will document those opportunities in the Faculty Handbook. It is recommended that progress or completion be documented and provided along with the law school's 2021 Annual Report.*

3. Pursuant to Guideline 5.18, while the school has a duty to disqualify students who are not qualified to continue, the school should also take steps to address unusually high attrition. As for academic disqualification, the school should inform students about the demands of its program and to expand opportunities for students to practice, and receive feedback on, the legal analytical skills they must develop to succeed. The school should also continue to study the factors contributing to high voluntary attrition after the first year and use the study results to consider changes to its communications, admissions, curriculum, or other elements of the program to improve retention.

*The law school plans to administer surveys and take other steps to study the factors contributing to high attrition at this law school, especially during years one and two. It is recommended that the law school provide an update on its progress and additional plans, findings, and accomplishments along with its 2021 Annual Report.*

4. Pursuant to Guideline 10.1, it is suggested that the school continue its efforts to recruit and retain diverse faculty.

*While the law school has not been recruiting significantly due to the pandemic, it agreed to keep this recommendation in mind when recruiting in the future.*

## **FISCAL/PERSONNEL IMPACT**

None

## **RECOMMENDATIONS**

It is recommended that Taft Law School's progress report as set forth in Attachment A be received and filed. It is further recommended that the law school provide an updated progress report documenting compliance or continued compliance as to each of these recommendations along with its 2021 Annual Progress Report. It is further recommended that the law school take steps to timely file all required compliance documents.

## **PROPOSED MOTION**

**MOVED**, that the Committee of Bar Examiners receives and files Taft Law School's progress report as set forth in Attachment A;

and it is

**FURTHER MOVED**, that the law school provide a further progress report documenting compliance or continued to compliance as to each of these recommendations along with its 2021 Annual Report;

and it is

**FURTHER MOVED**, that the law school take steps to timely file all required compliance documents in the future.

## **ATTACHMENT LIST**

- A. Taft Law School Progress Report Regarding Recommendations from its October 2019 Inspection

Ms. Natalie Leonard  
Principal Program Analyst, Educational Standards  
The State Bar of California  
180 Howard Street  
San Francisco, CA 94105

Dear Ms. Leonard:

Taft Law School did accept the Report and its Recommended Mandatory Actions and its Recommended Suggestions to Enhance Compliance. Taft Law School has implemented the Recommendations.

Listed below are the Recommendations in italics and the actions taken. All Mandatory Recommendation have been implemented.

### **Recommended Mandatory Actions**

*1. Guidelines 2.3, 5.32 and 5.33: It is recommended that the school correctly define the Committee's categories of regular and special admissions in its publications, including its website, and that where conflict exists between policies of DEAC and the Committee, the policies should be stated clearly, so that DEAC policies are not attributed to the Committee.*

**Response:** Taft Law School has modified both its catalogs and website to correctly define the Committee's categories of Regular and Special admissions. It has also clarified the conflict between the DEAC requirements and the Committee's Guidelines. Here is the language of these modifications:

#### **REGULAR APPLICANTS:**

The California Committee of Bar Examiners has determined that an applicant who has a bachelor's degree from an institution approved by the Committee is admissible as a Regular Student. An applicant who does not have a bachelor's degree, but who has completed at least one-half of the work required for a bachelor's degree at a college or university approved by the Committee, is also admissible as a Regular Student.

Our accrediting body, the Distance Education Accrediting Commission (DEAC) has determined that Applicants who have earned a Bachelor's degree or higher from a college or university accredited by an accrediting agency recognized by the United States Department of Education generally qualify as regular applicants.

#### **SPECIAL APPLICANTS:**

Individuals, who do not qualify as a regular applicant, may apply as a special applicant. Special Applicants must satisfy the standards established by the Committee of Bar Examiners of the State Bar of California with respect to prelegal education. An applicant may not be admitted as a Special Student unless he or she has satisfied the examination requirements (currently the College Level Equivalency Program examination) of § 6060(c)(2) of the California Business and Professions Code and Rule VII, Section 1 of the Rules Regulating Admission to Practice Law in California.

Other than the minimum threshold mandated by the Committee of Bar Examiners, the School has not developed any pre-established criteria for special admissions. In the admission of special applicants, the major consideration is whether the applicant has the ability to succeed in the Program and if the applicant will benefit from the Program. All applicants that do not hold at least a bachelor's degree must be interviewed by a faculty member and provide supplemental application information. (The interview can either take place in the School's offices or via telephone.)

***2. Guideline 2.8: It is recommended that the school adopt, publish, and implement a written student discipline policy that meets all requirements of the guideline as to all forms of student conduct subject to discipline by the school.***

**Response:** Taft Law School has adopted and published in its Student Handbook a written Student Discipline Policy. Here is the language of the Student Discipline Policy;

#### STUDENT DISCIPLINE POLICY

Taft Law School has developed this written policy for the imposition of student discipline. It will be applied when Taft Law School has reason to believe that a student has cheated on work or examinations submitted to Taft Law School or has taken some action toward another student, faculty member or Taft Administrator that requires discipline. This policy, which provides for a hearing may also be requested by a student who feels that he or she may have been harmed or prejudiced by a Taft Law School policy or administrative decision. It is our intent that this policy be fair to both the student, the student body as a whole and to Taft Law School.

(A) This policy on Student Discipline, shall apply to all of the situations discussed above, where the penalty may be but is not limited to, cancellation of an examination, denial of course credit, suspension, or dismissal.

(B) Under this policy the student will receive:

- (1) Written notice of the specific charge(s);
- (2) An opportunity to confer with counsel and respond to the charge(s) in writing;
- (3) An opportunity to review any written evidence Taft Law School possesses;

- (4) An opportunity for a hearing before a panel of disinterested members of the faculty, administration, and/or students, as Taft Law School chooses;
- (5) An opportunity to have the assistance of counsel (at the student's expense) at the hearing and the opportunity to call witnesses; and
- (6) A written final determination, which includes a statement of the facts, conclusions, reason for the conclusion and sanctions, if any.

**3. Guideline 2.9(A) and Guideline 9.1(D)(6):** *It is recommended that the school must publish its policy regarding expunging grades below 2.0 in Contracts, Criminal Law and Torts when a student passes the First Year Law Students' Examination and replacing those grades with a 2.0. Further, the school should address this FYLSX procedure in the written policy on transcript changes recommended in paragraph 8 below and, in implementing the FYLSX policy, adhere to all Guideline 9.1(D) requirements.*

**Response:** Taft Law School has adopted and published in its Student Handbook a written policy regarding expunging the grades below a 2.0 for students that pass the First Year Law Students Examination. It has also placed an explanation of this policy in its transcript key. Here is language we have placed in the Student Handbook:

#### CURING ACADEMIC PROBATION BY PASSING THE FIRST YEAR LAW STUDENTS EXAMINATION

A student that is on Academic Probation after the first year will be removed from First Year Academic Probation and his or her first year GPA will be raised to a 2.00 at the time Taft Law School receives verification that the student has passed the First Year Law Students' Examination (FYLSX).

Such a student's first year course grades will be raised to a 2.0 on the student's transcript. However the transcript will note that the student's grades were raised due to passing the FYLSX. The first year course grades that were replaced will show up in the transcript in a comment section.

**4. Guidelines 5.11, 5.23, 2.1, and 2.3:** *It is recommended that, as to courses designed for transfer students, the school adopt, publish, and implement a written policy that accurately describes the academic content and enrollment limits for such courses and that ensures that students taking such courses are not being awarded duplicate academic credit.*

**Response:** Taft Law School has placed a notation in its catalogs explaining that certain "Advanced" courses are designed specifically for transfer students. Upon matriculation, the law courses that the transfer student took at another school are compared to similar courses offered at Taft Law School. If there is course content that could be tested on the General Bar Examination that was not a part of the courses that the transfer student took, an advanced course is created to bridge the gap in the student's knowledge. The examples used in the notification is California Evidence and California Civil Procedure which is often not taught in ABA

accredited law schools, particularly out of state law schools. Here is the notation we have created to explain the Advanced Courses:

The courses listed below as “Advanced” courses, may only be taken by transfer students. We have found that some law schools do not teach all of the law that may be tested on the California General Bar Examination. For example, the California Bar Examination can test California Evidence and California Civil Procedure. Many law schools only teach the federal law in these areas. The lesson assignments for the Advanced Courses will be individually designed for a transfer student that needs to fill a gap in the student’s knowledge.

***5. Guideline 5.12: It is recommended that the school revise its curriculum to provide instruction in all of the skills enumerated in the Guideline and implement that revision no later than Fall 2020.***

**Response:** Taft Law School is in the process of developing three new courses that focus on the practical skills of legal research, drafting legal documents, trial and appellate advocacy, and other professional skills. These courses are tentatively called Trial Advocacy, Appellate Advocacy and Law Office Management. These new courses, along with the existing courses of Alternative Dispute Resolution and Legal Writing will give our students the opportunity to take up to 12 semester units of instruction in the practical skills designated in Guideline 5.12.

***6. Rule 4.240(F): It is recommended that the school adopt, publish, and implement a written policy to ensure that any transfer student will complete at least six units of competency training prior to graduation.***

**Response:** Taft Law School has adopted and published a written policy that mandates competency training as part of the degree requirements. The policy will require any graduate, including all transfer students to complete at least six semester units of competency training while attending Taft Law School. Here is the language:

## DEGREE REQUIREMENTS

The professional degree of Juris Doctor is awarded to those students in the *JDAT<sup>SM</sup> Program* who have fulfilled all of the following requirements:

1. Satisfactory completion of 96 semester units within a period of not more than seven years with at least 24 semester units completed at Taft;
2. Satisfactory completion of a minimum of six semester units of Taft Law School course work designed to teach practice-based skills and competency training. These units are available in a variety of required and elective courses.
3. Cumulative grade point average (GPA) of 2.00 or higher in Taft courses; and
4. Completion and submission of the School’s *Program Evaluation Form*.

***7. Guideline 5.19: It is recommended that the school adopt, publish, and implement a written policy that meets all requirements of the guideline, including the requirement that power to grant policy exceptions must be vested in a faculty committee and not in any one individual.***

**Response:** Taft Law School has adopted, published in its Student Handbook and implemented a revised written policy on determining academic standing, disqualification, advancement, and graduation. That policy vests such power in the Academic Review Committee. Here is the language that has been placed in the Student Handbook:

#### REVIEW OF ACADEMIC STANDING, DISQUALIFICATION, ADVANCEMENT AND GRADUATION

It is the responsibility of Taft Law School to fairly evaluate the performance of each student and disqualify a student if the School does not believe that the student will ultimately be successful. Satisfactory Academic Performance (SAP) is evaluated at the end of each academic year. Information about SAP, how it is determined, and the consequences for failing to meet the SAP standards can be found in both this Handbook and also the Consumer Information Guide Catalog Supplement.

Once a student fails to make SAP and is subject to dismissal, the following steps will be taken:

1. The Dean, on behalf of the Academic Review Committee (ARC) will contact the student and provide written information to the student of the failure to meet the SAP requirement and information about the academic review process;

2. The student has the following rights:

- a. to review the student's work product, including final examinations;
- b. to ask questions about the evaluation of the work product;
- c. to provide any information that is relevant to the failure to meet SAP;
- d. to request a meeting with the Academic Review Committee (ARC) to exercise his/her rights in person or via a teleconference.
- e. During each step of the Academic Review Process, the Student has the right to consult with Counsel and to have Counsel present. It will be the student's responsibility to pay for any fees and cost of such Counsel.

3. If the student chooses to not meet with the ARC, the Dean will seek a written response from the student regarding any reason for the Student failing to meet SAP and any other information the student wishes to provide;

4. The Dean will organize all information available from the student, faculty and staff regarding the failure to meet SAP and present it to the ARC;

5. The ARC will review all information available and render a decision. The basis of the decision will be recorded in the minutes of the ARC.

6. Once a decision has been reached, the student will be notified in writing of the decision. The decision will also be noted in the student's file.

**8. Guideline 9.1(D):** *It is recommended that the school adopt, publish, and implement a written policy that meets all requirements of the guideline, including procedures and standards with respect to transcript changes. The policy should address any specific provisions as to transcript changes, such as the FYLSX policy addressed in paragraph three above. Further, the school should adopt procedures to ensure that: (a) the permanent transcript will contain any credit allowed for law study at another institution, listing the law school, course or courses taken, when taken, unit credit allowed, and grades received (Guideline 9.1(D)(5)); (b) if there is a change or correction on the face of the transcript, the transcript will contain a notation of the reason for the change (Guideline 9.1(D)(6)); and (c) transcript entries will be changed only upon a proper showing of good cause.*

**Response:** Taft Law School has adopted published and implemented a written policy regarding the preparation and maintenance of transcripts that complies with Guideline 9.1 (D). Specifically, the policy regarding any transcript changes due to a student passing the Baby Bar is published in the Student Handbook and noted on the Transcript Key on the back of the transcript. Further, transfer credit allowed to a student is now placed on the transcript under a listing that shows prior law school, specific courses taken, attendance dates, course grades and units granted. Also, if changes are made to the transcript, the reason for the change will be indicated in a footnote, which will be based upon the written statement from the faculty member, Dean or Committee specifying the change. Here is the language about Transcripts that has been placed in the Student Handbooks:

#### TRANSCRIPTS.

Upon review and approval of calculated grades by the Dean or Associate Dean, grades are entered into the student database record that creates permanent student transcripts. Taft Law School will prepare and keep a permanent transcript for each student who was or is enrolled in any course at Taft Law School. The Transcript will contain:

- (1) Information sufficient to clearly identify the student;
- (2) Information sufficient to establish admission status as a Regular or Special Student;
- (3) Date of admission;
- (4) Whether the student is or is not a J.D. degree candidate;
- (5) Any credit allowed for law study at another institution, either at the time of admission or thereafter, listing prior law school, course or courses taken, when taken, unit credit allowed, and grades received;

(6) All academic credit granted for courses taken at the law school and all courses in which the student registered, clearly indicating, beginning and ending dates of the semester, quarter, or other applicable academic period and year, the courses and their unit value, credit granted and grade(s) received, and if there is a change or correction on the face of the transcript, a notation of the reason(s) for the change;

(7) The date or dates on which the student took the First Year Law Students' Examination and whether the student passed or failed each examination;

(8) A notation of any academic, administrative, or disciplinary action taken, indicating the nature and date thereof;

(9) A notation of any leaves of absence granted or other interruptions in study, whether authorized or not; and

(10) The date and nature thereof as to withdrawal, disqualification, transfer, graduation, or otherwise, and if graduated, the degree conferred.

The Policies and Procedures manual for the Registrar contains the following policy:

Once grades are recorded on a transcript, such grades may only be changed for good cause. Such good cause shall be noted on a Transcript Change Request Form and signed by the Dean, Associate Dean, or Chairperson of the Academic Review Committee

***9. Guideline 9.1(D): It is recommended that the school review and, as necessary, correct, the transcripts of current students to meet the guideline requirements in all situations, including, but not limited to, JDAT students in each of the following circumstances, showing compliance with Guideline 9.1(D): a student admitted without prior law study; a transfer student; a student whose grades were changed after passing the FYLSX, and a student who was given a grade of Incomplete who later earned a numerical grade.***

**Response:** The Taft Law School Registrar has completed her initial review of current student transcripts and made corrections to bring them into compliance with Guideline 9.1 (D). Upon completion of a second review, the Director of Compliance will also review the transcripts.

## **RECOMMENDED SUGGESTIONS TO ENHANCE COMPLIANCE**

***1. Pursuant to Guideline 2.3(C), it is suggested that the school clarify its explanation of academic requirements and expectations of students in the more flexible JDAT Independent Study program, particularly with respect to due dates for written assignments.***

**Response:** Taft Law School is in the process of reviewing the academic requirements of its independent study program. Upon completion, it will rewrite the description of the program in its catalog.

***2. Pursuant to Guideline 2.8, it is suggested that the school address in the Faculty Handbook the duty of faculty members to continually improve their teaching skills and substantive expertise.***

**Response:** Taft Law School is researching online courses to recommend to faculty members that will improve their teaching skills. We will then update the Faculty Handbook with recommendations for improving teaching skills and substantive expertise.

***3. Pursuant to Guideline 5.18, while the school has a duty to disqualify students who are not qualified to continue, the school should also take steps to address unusually high attrition. As for academic disqualification, the school should inform students about the demands of its program and to expand opportunities for students to practice, and receive feedback on, the legal analytical skills they must develop to succeed. The school should also continue to study the factors contributing to high voluntary attrition after the first year, and use the study results to consider changes to its communications, admissions, curriculum, or other elements of the program to improve retention.***

**Response:** Taft Law School is studying this recommendation to determine the best way to achieve better retention and improve Bar Examination results. We will review our admission process to see if it can be strengthened. We will also examine course content and rigor and the student withdrawal surveys to ascertain if there are specific reasons for the high attrition during years one and two.

***4. Pursuant to Guideline 10.1, it is suggested that the school continue its efforts to recruit and retain diverse faculty.***

**Response:** Taft Law School will continue its efforts to recruit and retain a diverse faculty.

If you or the Committee has any questions or concerns regarding this response please feel free to contact me.

Sincerely,

*Melody Jolly*

Dean, Taft Law School