



OPEN SESSION

AGENDA ITEM O-401

JANUARY 2022

COMMITTEE OF BAR EXAMINERS

DATE: January 28, 2022

TO: Members, Committee of Bar Examiners

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

SUBJECT: Action on Response to Warning Letter from San Francisco International University College of Law

EXECUTIVE SUMMARY

San Francisco International University College of Law did not respond to the warning letter issued by the Committee of Bar Examiners at its December meeting. The Committee issued the letter based on the findings of the law school's periodic inspection which raised concerns about the law school's compliance status. It is recommended that the Committee proceed to the next step in the rules and issue a Notice of Noncompliance.

BACKGROUND

San Francisco International University College of Law is a for-profit registered, unaccredited correspondence law school that was first registered with the Committee of Bar Examiners in 2017.

As a condition of the initial registration, the Committee required that the law school undergo an inspection within two years of the start of operation to confirm the law school's compliance with the Rules for Unaccredited Law Schools.

The law school was inspected in December 2020. After reviewing the resulting inspection report, the Committee issued a warning to the law school to take immediate action to correct the deficiencies noted in the inspection report and document compliance to the State Bar, or otherwise establish that the law school was in compliance. (Rule 4.244(G)(4)). The law school was to respond within 30 days or the Committee would pursue probation or termination of registration pursuant to Rule 4.263. (See Item [O-400, Committee of Bar Examiners' Meeting, Dec. 3, 2021](#)). The law school did not respond.

When the Committee has a concern about a law school's compliance, "the Committee will provide the law school with a written Notice of Noncompliance that states the reasons for its belief." (Rule 4.260). The law school will have 15 days to file a response demonstrating that it is in compliance or is taking steps to achieve compliance and the response must be submitted with the fee set forth in the Unaccredited Law School Rules. (Rule 4.261).

The Committee will then review all evidence before it and accept the response or order an inspection to determine whether probation or termination of registration is appropriate. (Rule 4.262).

DISCUSSION

Because the law school did not respond or otherwise indicate that the compliance issues noted had been addressed, and because the law school further did not file its Annual Report or Annual Fee due November 15, 2021, it would be appropriate to proceed to the next step of the compliance process.

This would involve issuing a Notice of Noncompliance citing the recommendations in the inspection report adopted by the Committee, as well as the outstanding Annual Report and fee.

To summarize, the recommendations previously adopted by the Committee after the law school's inspection are listed here:

Recommended Mandatory Actions

1. Guideline 1.9, Rule 4.246: The law school must bring itself into compliance with business licensing requirements of the City of South San Francisco, or, potentially, San Francisco in light of the school's unauthorized move of its headquarters. SF International must file the required major change request with the Committee due to the change of location.
2. Guidelines 1.9, 2.11, and 9.1: The law school must secure its digital and hard copy records against loss, destruction, corruption, or improper disclosure.
3. Guideline 1.9: The law school must adopt, publish, and implement written policies and procedures for handling requests for disability accommodations, including informing students that accommodations granted by SF International may differ from those granted by the State Bar.
4. Guideline 1.9: The law school must review and, as necessary, revise its payment practices to comply with California law, take steps necessary to rectify errors, if any, and provide the Committee with a report as to its findings and actions.
5. Guideline 2.2(B): The law school must revise its refund policy to clearly define the periods within which a full or partial refund will be made and the formula for calculating partial refunds.
6. Guidelines 2.3 and 2.12: The law school must review and, as necessary, revise its publications to ensure that all communications are clear, accurate, current, and include the description of academic opportunities available to students in the JD program. Communication with the Committee must be forthright and timely.
7. Rule 4.241 and Guideline 2.3(D)(1): The law school must adopt and implement written procedures to ensure that each student receives and signs an accurate Disclosure Statement before paying an initial registration fee and again upon paying tuition for each subsequent term. Each original, signed

Statement must be properly filed and retained by the law school and a copy must be provided promptly to the student. Lack of compliance as to this element alone is grounds for withdrawal of the law school's registration.

8. Guidelines 2.7 and Guideline 4.11(A)-(B): The law school must promptly report changes in compliance or contact information to the Committee in writing as required.
9. Guideline 2.8: The law school must revise its student discipline policy to make clear that sanctions will not be imposed before a student is given an opportunity for a hearing and that the law school will provide a written final determination that meets guideline requirements.
10. Guideline 2.9(B)(2): The law school must revise its grading policy to clearly define which courses may be taken on a pass/fail basis.
11. Guidelines 2.9(B)(3) and 5.24: The law school must revise its course repetition policy to eliminate a discrepancy as to whether the original grade will, or will not, be used to calculate the student's GPA.
12. Guideline 2.9(B)(5): The law school must follow its policy on anonymous grading or implement a new policy that conforms to its actual practice in which it appears the identity of each student is known.
13. Guideline 2.9(B)(6): The law school must revise its policy on probation to resolve a discrepancy as to the deadline by which students on probation must raise their GPA to 2.0 to advance in the JD program.
14. Guideline 2.9(C): The law school must provide students in each course with a written statement explaining the extent to which the final course grade will be based on each graded component.
15. Guideline 2.9(D): The law school must maintain records to show that it adheres to its policy on authentication of student work.
16. Guideline 2.9(F): The law school must adopt, publish, and implement a policy allowing students to review exams and their answers as required by the guideline.
17. Guideline 3.2: The law school must clarify whether it has a governing board and, if it has a board, vest that board with authority, as required.
18. Guideline 3.1: The law school must establish administrative processes and sufficient staffing levels to ensure compliance with Committee standards, including recordkeeping requirements.
19. Guidelines 4.5 and 4.7: The law school must create a faculty handbook and otherwise engage in faculty development efforts to meet its duty to offer a sound JD program, including competent faculty and adequate student counseling.
20. Guidelines 4.8 and 4.9: The law school must adopt, publish, and implement procedures for the regular and comprehensive evaluation of faculty consistent with guideline requirements.
21. Guideline 4.11(A)-(B): The law school must ensure that the dean and registrar are qualified and available to perform their duties, that faculty are adequately trained, that students are adequately counseled, and that institutional and staff changes are promptly reported to the Committee as required by the guideline.
22. Guideline 5.3(B)(1): The law school must clearly define the number of weeks in an academic term

within guideline limits and issue credit only for study completed within those limits.

23. Guidelines 5.3(B) and 5.9: The law school must make immediate changes to revise its curriculum to offer a four-year JD program that requires students to complete courses with an expected academic workload equal to or greater than 864 hours of study.
24. Guideline 5.3(B)(1): The law school must implement procedures to ensure that students submit timely, detailed, accurate, signed hours logs, and that the law school verifies the accuracy of the logs and maintains them in student files.
25. Guideline 5.12: The law school must revise the curriculum to include opportunities for practical skills instruction as required by the guideline.
26. Guidelines 5.2, 5.14-5.17, and 5.25: The law school must evaluate and, as necessary, amend its examination policies and procedures to ensure their effectiveness and compliance with the guidelines.
27. Guideline 5.1 and 5.2: The law school must revise its course materials, examinations, and methods of instruction to create a sound educational program.
28. Guideline 5.23: The law school must adopt written procedures and ensure compliance with the guideline prohibiting the award of duplicate credit.
29. Guideline 5.30: The law school must adopt and implement effective procedures to ensure compliance with this guideline and must dismiss current students for whom official transcripts are not on file within the prescribed time limit.
30. Guideline 5.34: The law school must establish processes and ensure compliance with requirements for the admission of students previously disqualified from law study.
31. Guidelines 2.3, 5.35, and 9.1(D)(5): The law school must adopt, implement, and publish a transfer credit policy with procedures that comply with all guideline requirements. The school must also review and, as necessary, correct, the transcripts of current transfer students.
32. Guideline 5.36: The law school must not admit individuals who received their first degree in law from an institution outside the United States, as study at an unaccredited law school will not satisfy the legal education requirements to establish eligibility to take the bar exam.
33. Guidelines 6.1, 6.3, and 6.6: The law school must provide notice in the library that its collection is not updated, provide instruction in print-based and electronic legal research, and maintain a list of expenditures as required by the guidelines.
34. Guideline 9.1: The law school must revise its procedures and bring itself into compliance with guideline requirements as to:
 - A. records of applicants, admitted applicants, and students (Guideline (9.1(A)-(C))),
 - B. permanent student transcripts (Guideline 9.1(D)),
 - C. permanent class records (Guideline 9.1(E)),
 - D. records of examinations and grade tabulations (Guideline 9.1(F)), and
 - E. required reports Guideline 9.1(O)
 - F. Further, the law school must review, and as needed, correct, the records, including

transcripts, of current students.

The warning letter previously advised the law school that the Committee believes that the inspection report demonstrates that the law school is likely to be out of compliance with the Unaccredited Law School Rules and, therefore, the Committee intends to pursue probation or termination of registration. The Notice will provide the law school with a final opportunity to explain its status before the Committee determines how to proceed. Pursuant to rule 4.262, the Committee may deem the response satisfactory, or deem the response unsatisfactory and set an inspection within 30 days. After reviewing the results of the inspection, along with all other evidence before the Committee, it will determine whether probation or termination of registration is appropriate.

FISCAL/PERSONNEL IMPACT

None

RECOMMENDATION

It is recommended that the Committee find that the law school did not respond to the Committee's warning letter issued pursuant to rule 4.244(G)(4), did not file an annual compliance report for 2021 and did not pay an annual fee for 2021.

It is further recommended that the Committee issue a Notice of Noncompliance pursuant to Rule 4.260 based on these findings as well as the recommendations listed in the law school's inspection report adopted at the Committee's December 2021 meeting and summarized above.

PROPOSED MOTION

Should the Committee of Bar Examiners agree with the staff recommendation, the following motion should be made:

MOVE, that the **Committee of Bar Examiners** find that the law school did not respond to the Committee's warning letter issued pursuant to rule 4.244(G)(4), did not file an annual compliance report for 2021 and did not pay an annual fee for 2021;

FURTHER MOVE, that the Committee issue a Notice of Noncompliance to the law school based on these findings as well as the recommendations listed in the law school's inspection report adopted at the Committee's December 2021 meeting and summarized above.

ATTACHMENT LIST

- A. Warning Letter issued to San Francisco International University School of Law
- B. Proposed Notice of Noncompliance



The State Bar of California

OFFICE OF ADMISSIONS

December 7, 2021

Dean Matus Varga
San Francisco International University College of Law
One Sansome Street, Suite 3554
San Francisco, CA 94104

Immigration Law Offices of Matus Varga
10600 Chevrolet Way Ste.
218 Estero, FL 33928

RE: Warning Letter – Response Due by January 7, 2021

Dear Dean Varga:

At its meeting on December 3, 2021, the Committee of Bar Examiners reviewed the law school's periodic inspection report and took the following action:

MOVE, that the **Committee of Bar Examiners** receives and files the report of the inspection conducted of San Francisco International University College of Law on December 1, 2020 and adopts its recommendations in full.

FURTHER MOVE, that the Committee directs staff to issue a warning pursuant to Rule 4.244 (G)(4) to the law school to take immediate action to correct the deficiencies noted as Recommended Mandatory Actions in the inspection report and to provide notice to the State Bar of the correction within 30 days after the State Bar issues the warning letter.

FURTHER MOVE, that the law school be provided notice pursuant to Rule 4.263 that the Committee believes that the inspection report demonstrates that the law school is likely to be out of compliance with the Unaccredited Law School Rules and, therefore, the Committee recommends and intends to pursue probation or termination of registration unless the law school can provide evidence to demonstrate compliance as part of its timely response to the Committee's warning letter.

This letter is both the warning letter and the notice referenced above and sent at the direction of the Committee of Bar Examiners. The law school's response must arrive to the State Bar's San Francisco office or lawschoolregulation@calbar.ca.gov, to arrive no later than January 7, 2022 by close of business at 5:00 p.m., 30 days from the date of this letter. If the law school does not respond by that date, the Committee will move forward with the information that is before it.

While the law school has paid for the initial inspection report, the law school will be billed for staff time at the approved hourly rate listed in the schedule of charges and deadlines of \$275 per hour for staff time expended from this date forward.

Sincerely,

Natalie Leonard

Natalie Leonard
Principal Program Analyst

**NOTICE OF NONCOMPLIANCE
TO
SAN FRANCISCO INTERNATIONAL UNIVERSITY COLLEGE OF LAW
January 28, 2022**

Pursuant to Rule 4.260, of the State Bar of California’s Unaccredited Law School Rules (“Rules”), the Committee of Bar Examiners (“Committee”) finds that San Francisco International University College of Law (“SF International”), a registered unaccredited correspondence law school, is not in compliance with Rules and the Guidelines for Unaccredited Law School Rules (“Guidelines”):

1. Guideline 1.9, Rule 4.246: The law school must bring itself into compliance with business licensing requirements of the City of South San Francisco, or, potentially, San Francisco in light of the school’s unauthorized move of its headquarters. SF International must file the required major change request with the Committee due to the change of location.
2. Guidelines 1.9, 2.11, and 9.1: The law school must secure its digital and hard copy records against loss, destruction, corruption, or improper disclosure.
3. Guideline 1.9: The law school must adopt, publish, and implement written policies and procedures for handling requests for disability accommodations, including informing students that accommodations granted by SF International may differ from those granted by the State Bar.
4. Guideline 1.9: The law school must review and, as necessary, revise its payment practices to comply with California law, take steps necessary to rectify errors, if any, and provide the Committee with a report as to its findings and actions.
5. Guideline 2.2(B): The law school must revise its refund policy to clearly define the periods within which a full or partial refund will be made and the formula for calculating partial refunds.
6. Guidelines 2.3 and 2.12: The law school must review and, as necessary, revise its publications to ensure that all communications are clear, accurate, current, and include the description of academic opportunities available to students in the JD program. Communication with the Committee must be forthright and timely.
7. Rule 4.241 and Guideline 2.3(D)(1): The law school must adopt and implement written procedures to ensure that each student receives and signs an accurate Disclosure Statement before paying an initial registration fee and again upon paying tuition for each subsequent term. Each original, signed Statement must be properly filed and retained by the law school and a copy must be provided promptly to the student. Lack of compliance as to this element alone is grounds for withdrawal of the law school’s registration.

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17. Guideline 3.2: The law school must clarify whether it has a governing board and, if it has a board, vest that board with authority, as required.
18. Guideline 3.1: The law school must establish administrative processes and sufficient staffing levels to ensure compliance with Committee standards, including recordkeeping requirements.
19. Guidelines 4.5 and 4.7: The law school must create a faculty handbook and otherwise engage in faculty development efforts to meet its duty to offer a sound JD program, including competent faculty and adequate student counseling.

20. Guidelines 4.8 and 4.9: The law school must adopt, publish, and implement procedures for the regular and comprehensive evaluation of faculty consistent with guideline requirements.
21. Guideline 4.11(A)-(B): The law school must ensure that the dean and registrar are qualified and available to perform their duties, that faculty are adequately trained, that students are adequately counseled, and that institutional and staff changes are promptly reported to the Committee as required by the guideline.
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33. Guidelines 6.1, 6.3, and 6.6: The law school must provide notice in the library that its collection is not updated, provide instruction in print-based and electronic legal research, and maintain a list of expenditures as required by the guidelines.
34. Guideline 9.1: The law school must revise its procedures and bring itself into compliance with guideline requirements as to:
- A. records of applicants, admitted applicants, and students (Guideline (9.1(A)-(C)),
 - B. permanent student transcripts (Guideline 9.1(D)),
 - C. permanent class records (Guideline 9.1(E)),
 - D. records of examinations and grade tabulations (Guideline 9.1(F)), and
 - E. required reports Guideline 9.1(O)

Further, the law school must review, and as needed, correct, the records, including transcripts, of current students.

35. Rule 2.242, Guidelines 1.7, 9.1(O)(1): The law school failed to submit an Annual Compliance Report and fee by the November 15, 2021 deadline.

APPLICABLE AUTHORITY

A copy of the applicable Rules and Guidelines are enclosed with this notice. Additionally, the Rules and Guidelines may be accessed on the State Bar's website.

The applicable Rules are available on the State Bar's website at:

https://www.calbar.ca.gov/Portals/0/documents/rules/Rules_Title4_Div3-UnAcc-Law-Sch.pdf.

The applicable Guidelines are available on the State Bar's website at:

<https://www.calbar.ca.gov/Portals/0/documents/admissions/GuidelinesforUnaccreditedLawSchoolRules.pdf>

FINDING OF NONCOMPLIANCE

The Committee's finding of noncompliance is supported by the Periodic Inspection Report dated December 1, 2020 and San Francisco International University College of Law's failure to file an Annual Report or pay the Annual Fee due November 15, 2021.

Pursuant to Rule 4.261, a law school that receives a Notice of Noncompliance must file a written response within fifteen days demonstrating that it is in compliance, or is taking steps to achieve compliance, with the Rules, along with the required deposit of \$924. (Rule 4.261.) Should the law school acknowledge that it is not in compliance, the Committee asks that the law school's response detail the school's intent, capacity, method, and best effort as to timing to return to compliance. Following receipt and review of the law school's response, the Committee must either notify the school within thirty days that the response is deemed satisfactory, or if the Committee deems the response unsatisfactory, it must schedule an inspection within thirty days. (Rule 4.262.)

If the Committee believes that the inspection report demonstrates that the law school is not or is not likely to be in compliance with the Rules, the Committee will notify the law school that it recommends probation or withdrawal of registration. (Rule 4.263.) The law school may request a hearing before the Committee within fifteen days of being sent a notice that the Committee is recommending probation or withdrawal of registration. (Rule 4.264.) Within sixty days of receiving a timely request for hearing, the Committee will schedule a hearing at a time that is mutually agreeable to the Committee and the law school. (Rule 4.265(A).) Following the hearing, based on the entire record, the Committee will determine whether the law school is in compliance with the Rules. (Rule 4.266(A).) The Committee may take any action affecting the law school's registration that it considers appropriate, including termination of registration. (Rule 4.266(B).) If the Committee determines that the law school is not in compliance or has not taken adequate steps to comply with the Rules but has made "perceptible progress toward compliance," the Committee may place the law school on probation and impose probation conditions on the law school. (Rule 4.267.)