



OPEN SESSION
AGENDA ITEM O-401
MARCH 2022
COMMITTEE OF BAR EXAMINERS

DATE: March 18, 2022

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst

SUBJECT: Action on Inspection of California Southern University School of Law

EXECUTIVE SUMMARY

California Southern University School of Law underwent a five-year inspection on September 14-15, 2021 and the resulting report is attached. (Attachment A). It is recommended that the law school's registration as an unaccredited, correspondence school be renewed. Given that the law school has not admitted law students since 2018 and intends to close sometime in the new future, several options are presented as to the timing of the school's next inspection.

BACKGROUND

California Southern University is comprised of schools offering undergraduate, graduate, and certificate programs in business, psychology, liberal arts and law, including California Southern University School of Law, a registered, unaccredited correspondence law school that offers both a JD degree and a Master of Laws degree.

The law school is in the process of closing permanently, and it has not admitted new students since 2018. The last JD student is scheduled to graduate in May 2022. The last Master of Laws students are expected to finish in 2023. The law school plans to stay open until all students complete their program or transfer out. Then, the law school is expected to close.

The law school is aware that it has a duty to remain in compliance so long as it is open. It has timely filed annual reports, paid required fees, and cooperated with the inspection process.

Registered, unaccredited law schools undergo inspection every five years to confirm continuing compliance. State Bar Consultant Heather Georgakis conducted the inspection on September 14-15, 2021 remotely due to circumstances related to the pandemic generally.

The State Bar provided the school with an advance copy of the resulting periodic inspection report. (Attachment A). The law school did not provide a response or objections, so the report is deemed accepted.

DISCUSSION

The attached inspection report documents the observations at the time of the law school's remote inspection. The findings and recommendations are summarized below.

PROPOSED RECOMMENDATIONS

1. Pursuant to Guidelines 1.9 and 2.3, the law school must review its policies as to the potential withholding of materials for failure to make payments to ensure compliance with Civil Code section 1788.90.
2. Guideline 2.3(D)(1): The law school must revise its publications to conform its disclosures to the guideline language.
3. Guideline 2.9(B)(1)-(2): The law school must revise its Catalog to inform students of the level of achievement represented by each grade in the grading system and to delete references to Credit/No Credit grading.
4. Guidelines 2.9(B)(3) and 5.24: The law school must revise its Catalog to accurately state its course repetition policy.
5. Guideline 2.9(D): The law school must adopt, implement, and publish a policy on authentication of student work.
6. Pursuant to Guideline 2.9(F), the law school must adopt, implement, and publish a policy to inform students of their right to review exam materials as provided by the guideline.
7. Guidelines 5.17 and 5.18: The law school must take steps to curb grade inflation and ensure that students are graded as required by the guidelines.
8. Guideline 6.3: The law school must ensure that the Legal Research course includes instruction in both electronic and hard-copy legal research.
9. Guideline 9.1: The law school must take steps to ensure that all Guideline 9.1 requirements are followed.

Many of the recordkeeping issues originated in a move to a centralized registrar's office that was not set up to respond to the State Bar's requests effectively. The dean has since worked

with the registrar to explain the State Bar's requirements in order to fully implement them, which should assist in the completion of recommendation number nine in particular.

The law school has been advised to proactively notify the State Bar of the closure of the JD program, tentatively set for May 2022, as well as the closure of the non-JD program, once these dates are confirmed. At that time, it is expected that the University will continue to be the law school's custodian of records.

Absent the full closure of the law school, including all programs, and voluntary surrender of registration prior to the deadline for filing the annual report, the law school should complete all actions directed in the recommendations and document those recommendations in its 2022 Periodic Compliance Report. The law school's next inspection should be set for summer 2026, unless the law school terminates its registration prior to that time or the Committee determines an inspection is needed sooner. The law school should also affirmatively advise the State Bar within 30 days if it decides to begin admitting students into its JD or non-JD programs.

FISCAL/PERSONNEL IMPACT

None

RECOMMENDATIONS

It is recommended that the Committee accept the periodic Inspection Report of California Southern University School of Law and adopt all recommendations in the report.

It is further recommended that the law school document completion of the recommendations in its 2022 Annual Periodic Compliance Report.

It is also recommended that the Committee renew the registration of the law school as an unaccredited law school in the correspondence category, set the next inspection of the law school for fall 2026 and direct staff to follow up with the law school as the law school determines its final closure date. The law school should be directed to advise if it plans to begin admitting new students into the JD or non-JD program.

PROPOSED MOTION

Should the Committee of Bar Examiners agree with staff recommendations, the following motion should be made, confirming that the proposed inspection date conforms with the Committee's findings:

MOVE, that the Committee of Bar Examiners receives and files the 2021 Periodic Inspection Report of California Southern University School of Law and adopts its recommendations;

FURTHER MOVE, that the school is directed to document completion of these recommendations in its 2022 Periodic Compliance Report;

FURTHER MOVE, that the school's registration as an unaccredited law school in the correspondence category be renewed and its next inspection set for summer 2026, unless the Committee determines that an inspection is required sooner or the law school terminates its registration prior to that date.

FURTHER MOVE, that the laws school affirmatively and promptly advise the State Bar of its planned end dates for the JD program and non-JD program as soon as they are finalized, or advise within 30 days of a decision to begin admitting new students into its JD or non-JD program.

ATTACHMENT LIST

- A.** Inspection Report – California Southern University School of Law



The State Bar of California

California Southern University School of Law Periodic Inspection Report Conducted Pursuant to Rule 4.244(A)

September 14-15, 2021

CALIFORNIA SOUTHERN UNIVERSITY SCHOOL OF LAW
PERIODIC INSPECTION REPORT
600 Anton Boulevard, Costa Mesa, CA 92626

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Introduction

A periodic inspection of the California Southern University School of Law (Cal Southern Law) was conducted on September 14-15, 2021, by Heather Georgakis, Educational Standards Consultant to the Committee of Bar Examiners (Committee).

Prior to this visit, the law school was last inspected in December 2015 and was found to be compliant.

California Southern University (University or Cal Southern University) is a for-profit, online institution with offices in Costa Mesa, California. The University was founded in 1978 by its owner, Dr. Donald Hecht. It includes six schools offering undergraduate, graduate, and certificate programs in business, psychology, liberal arts, and law. The University enrolls over 3,000 students in 77 countries. Cal Southern University is regulated by the Bureau for Private Postsecondary Education (BPPE) and accredited by the WASC Senior College and University Commission (WSCUC). The University is not a Title IV institution and does not participate in federal student financial aid programs.

Cal Southern Law opened in 1994 to offer a four-year unaccredited correspondence Juris Doctor (JD) program that meets the legal education requirement toward establishing eligibility to take the California Bar Examination (bar exam). Later, the law school expanded to offer programs leading to a Master of Science in Law (MSL), Master in Law (LLM), and Master of Science in Dispute Resolution (MSDR). This report addresses only the JD program, except as noted.

The mission of CSU Law has been, in part, to provide students with “a thorough understanding of the law while promoting analytical and critical thinking, service to society, and an appreciation for legal, social, ethical, and professional issues.”

In late 2018, CSU decided to stop admitting new law students, with the possibility of fully closing the law school once all current law students had graduated. The law school plans to close no later than spring 2024, or sooner if all current law students complete their studies. Four students are in the process of completing their JD degrees; several more are completing the MSL program and plan to graduate in spring 2022.

All instruction is delivered online through asynchronous activities over an academic year that includes three 16-week terms. To graduate, students must complete 864 hours of study each year for four years. The 88-unit curriculum includes required courses in all subjects tested on the bar exam and practical skills topics. Students must also complete eight elective units.

The law school is administered by Dean Ellie Shefi, a graduate of the University of Michigan School of Law. Dean Shefi is a licensee of the State Bar of California (State Bar) and a member of the Tennessee Bar. She was appointed in 2019 and is CSU Law's only staff member.

In addition to Dean Shefi, the faculty includes seven adjunct instructors. All instructors graduated from law schools approved by the American Bar Association (ABA) and are licensed to practice law, including four who are State Bar licensees.

As of fall 2020, women comprised 31 percent of the JD student body. Students identified themselves as White (56 percent), Asian American (19 percent), and Black or African American (13 percent), although 13 percent declined to state their race or ethnicity. Of the eight faculty members, four were women. Five identified themselves as White, one as African American or Black, and one as Hispanic/Latinx. One declined to state an affiliation.

Total JD program tuition is \$47,960 based on current per-unit tuition of \$545 and estimated total program fees are from \$3,600 to \$4,800.

No CSU Law students have taken the FYLSX since 2019, when they achieved pass rates of 62 percent on the June 2019 exam and 33 percent on the October 2019 exam, against a small sample size. Overall, for the four-year period from June 2016 through October 2019, 30 percent of CSU Law's takers passed the FYLSX.

The bar exam pass rate for all Cal Southern Law takers was 20 percent in February 2019, 50 percent in October 2020, and 40 percent in February 2021.

Recommended Action by the Committee

The inspection team recommends that the Committee receive and file this Periodic Inspection Report, approve all recommended and suggested actions, continue the registration of California Southern University School of Law, and schedule the next periodic inspection for fall 2024 unless the law school closes prior, or an earlier visitation is deemed necessary. The school should provide an update on its progress toward the recommendations noted as part of its 2022 Annual Report if the law school has not closed by that time. After its closure, the University will continue to operate and will be a custodian of records.

Proposed Mandatory Actions

1. Pursuant to Guidelines 1.9 and 2.3, the law school must review its policies as to the potential withholding of materials for failure to make payments to ensure compliance with Civil Code section 1788.90.
2. Guideline 2.3(D)(1): The law school must revise its publications to conform its disclosures to the guideline language.
3. Guideline 2.9(B)(1)-(2): The law school must revise its Catalog to inform students of the level of achievement represented by each grade in the grading system and to delete references to Credit/No Credit grading.

4. Guidelines 2.9(B)(3) and 5.24: The law school must revise its Catalog to accurately state its course repetition policy.
5. Guideline 2.9(D): The law school must adopt, implement, and publish a policy on authentication of student work.
6. Pursuant to Guideline 2.9(F), the law school must adopt, implement, and publish a policy to inform students of their right to review exam materials as provided by the guideline.
7. Guidelines 5.17 and 5.18: The law school must take steps to curb grade inflation and ensure that students are graded as required by the guidelines.
8. Guideline 6.3: The law school must ensure that the Legal Research course includes instruction in both electronic and hard-copy legal research.
9. Guideline 9.1: The law school must take steps to ensure that all Guideline 9.1 requirements are followed.

Submission of Self-study

Cal Southern Law submitted a self-study to assist in the Consultant's assessment of the law school's compliance with the Rules and Guidelines. The dean responded to requests for additional information and the information she provided was considered when drafting this report.

Conduct of Site Visit

The inspection occurred during the COVID-19 pandemic when travel options were limited. Cal Southern Law was given the choice to undergo a remote visit based on the same standards as an in-person visit, and the law school agreed. The inspection visit took place via videoconference over two days. The Consultant met with University and Cal Southern Law administrators, faculty members, and a student, and concluded the visit with an exit interview at which the Consultant shared her observations with Dean Shefi and Dr. Jim Rieger, Cal Southern University Interim Vice-President and Chief Academic Officer.

After the visit, the Consultant received training to allow review of the learning management system and completed her review of law school records and materials. At the Consultant's request, Cal Southern Law invited students to send comments about the law school, but no comments were received.

SPECIFIC FINDINGS AS TO THE COMMITTEE'S RULES AND GUIDELINES

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

After the inspection, the State Bar received confirmation that the law school plans to cease operation when its final few students complete their studies. Indeed, the law school ceased admitting new students in 2018. Therefore, the law school is asked to begin the process of teaching out its students including designating a custodian of records, and advising all JD graduates that they

may wish to request one or more sealed copies of their transcripts. The law school should also advise the State Bar of its projected closing date by January 31, 2022.

The Committee is also encouraged to adopt the recommendations below and to advise that the law school should complete the recommendations and document their completion in the 2022 Annual Report if the law school is still in operation at that time.

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

Cal Southern University is a for-profit corporation in good standing with the California Secretary of State. The University has met legal requirements of the City of Costa Mesa, where the University's offices are located and appears to follow applicable federal, state, and local laws. (Guideline 2.4).

The law school has accommodated students with disabilities appropriately. The University's learning management system is compatible with commonly used adaptive technologies and the law school advised that an independent audit found the website to be in full compliance with standards of the Americans with Disabilities Act. Students who wish to seek accommodations may do so through a clear process set forth in the University Catalog and overseen by the University's Disability Services Coordinator.

The University has a policy in place to protect students' privacy rights as required by the Family Educational Rights and Privacy Act (FERPA). The Catalog informs students of their FERPA rights, and the University Registrar maintains the privacy of student records. Hard-copy records are maintained securely, and electronic records are secured, password-protected, and available only to appropriate staff.

The law school must review its policies as to the potential withholding of materials for failure to make payments to ensure compliance with Civil Code section 1788.90, which bars institutions such as the University from withholding transcripts based on debt owed or alleged to be owed.

A non-discrimination policy is stated in the University Catalog, as noted below.

Rule 4.240(B): Integrity. The law school must demonstrate integrity in all of its programs, operations, and other affairs. (Guidelines 2.1 – 2.3, 2.8 – 2.12).

CSU Law's programs and policies are communicated effectively through the University's website and the Catalog, which can be downloaded from the website. (Guidelines 2.1-2.3).

Financial matters are handled in a timely, appropriate manner and adequate financial safeguards are employed to protect financial assets against impropriety. The refund policy complies with Guideline 2.2, and it is explained clearly in the Catalog. Refund requests are processed within 30 days according to the law school's records. (Guideline 2.2(B)). Information about tuition and fees is provided on the website, in the Catalog, and in the Enrollment Agreement signed by each student.

Guideline 2.3(D)(1) requires the publication of certain disclosures, without alteration, giving notice that students must take the First-Year Law Students' Exam and that graduates may not qualify for bar admission in other jurisdictions. Cal Southern Law's disclosure is materially similar, but the law school should revise its publications to add the phrase in brackets to conform its disclosures to the guideline language "Students in the J.D. program at this law school [who successfully complete the first year of study] must pass the First-Year...." In order to fully meet the requirements of Guideline 2.3(D).

Cal Southern University is a for-profit entity. (Guideline 2.4). It does not compensate individuals based on the number of persons enrolled, applying for admission, or registering. (Guideline 2.5).

The student discipline policy defines prohibited acts clearly to include misconduct such as fraud and cheating and provides all required due process protections. (Guideline 2.8).

Grading policies are stated in the Catalog. (Guideline 2.9(B)). All courses are letter-graded on a four-point A to F scale based on score percentages, with plus and minus increments. For example, the lowest passing grade is C, which corresponds to a score range of 73 to 76 percent and carries 2.0 grade points. Students are informed that anonymous grading is not used. (Guideline 2.9(B)(2)).

To comply more fully with Guideline 2.9(B)(1), the Catalog must be revised to inform students of the level of achievement represented by each grade in the grading system. For example, as shown in the Learner Mentor Handbook, a B grade represents "above average" work. Further, references to Credit/No Credit grading should be removed because such grading is not used. (Guideline 2.9(B)(2)).

Cal Southern Law requires a student to repeat any required course in which a student earns a grade below C. The new grade replaces the original grade for all academic purposes and credit is given only for the repeated course. The Catalog must be revised to accurately state its course repetition policy by deleting the apparently inaccurate statement that a student with a grade of C or higher may repeat a course taken in the second year. (Guidelines 2.9(B)(3) and 5.24).

The law school's grade review policy satisfies guidelines 2.9(B)(8) and (G).

The Catalog states the academic standards. To graduate, students must fulfill the Committee's minimum hours requirements, pass the FYLSX, have a minimum 2.0 cumulative grade point average (GPA), pass all required courses, and pay charges due. Generally, academic standing is calculated once a year (Guideline 5.20) and good academic standing requires a cumulative GPA of 2.0.

A student who lacks good standing is placed on probation. To avoid dismissal the student must meet all probation conditions, show improvement in the cumulative GPA each semester, and achieve a cumulative GPA of at least 2.0 within two semesters but no later than the final semester. A first-year student will be certified to take the FYLSX only with a cumulative GPA of at least 2.0 and may advance to the second year only if in good standing and after passing the FYLSX.

Course syllabi inform students as to how course grades are determined. (Guideline 2.9(C)).

To comply more fully with Guideline 2.9(D), CSU Law should adopt, implement, and publish a policy on authentication of student work. All exams must be taken under the supervision of qualified proctors and plagiarism detection software, such as Turnitin, is used when appropriate.

Cal Southern Law has set clear expectations for how promptly instructors must respond to student questions and provide grades and comments, and these expectations appear to be met. (Guideline 2.7(D)).

Students are allowed to review exam materials, but the law school must adopt, implement, and publish a policy to inform students of this opportunity. (Guideline 2.9(F)).

It appears that policies are in place to protect student privacy and inform students of their privacy rights. (Guideline 2.10). As discussed below, reasonable security and backup procedures have been adopted to protect records following the ransomware attack experienced by the University in October 2019. (Guideline 2.11).

Services to students, including academic counseling, are appropriate. Students, known as “learners”, are assigned “learner support specialists” who provide regular, individualized academic and logistical support from admission to graduation. Instructors, who are called “faculty mentors”, collaborate with the learner support specialists and provide one-on-one guidance.

Students also receive assistance from the dean, the University librarian, and technical support staff, and have access to a range of resources, including the Cal Southern Learning Center. (Guideline 2.12).

Rule 4.24(C): Governance. The law school must be governed, organized, and administered so as to provide a sound educational program. (Guideline 3.1).

The University is a California for-profit corporation governed by a seven-member Board of Directors. Board members are technology professionals and educators and include President Emeritus Dr. Donald Hecht, Cal Southern university’s founder and owner.

The law school has a four-member Advisory Board who advise the Dean on curriculum and other matters. (Guideline 3.1-3.3).

Dean Ellie Shefi was appointed in July 2019 to oversee the teach-out program. She works full-time as Cal Southern Law’s part-time administrator (Guideline 4.1) and is its only employee. Dean Shefi is responsible for ensuring that Cal Southern Law meets the academic objectives set by the University. In addition to supervising the faculty, she leads curriculum development, program assessment, and faculty evaluation efforts.

The Dean is a 2002 graduate of the University of Michigan Law School and is licensed to practice law in California and Tennessee. She continues to work part-time as a law clerk for a U.S. Magistrate Judge for the Middle District of Tennessee, a position she has held for 19 years, and is also a business owner.

Dean Shefi has made efforts to ensure that the Committee's recordkeeping guidelines have been followed during the teach out program. University Registrar Toishia Dockins took her current position after Cal Southern Law ceased admitting new students. Her familiarity with and experience in administering the guidelines appears to be limited.

The law school is supported by numerous departments of the University such as Finance, Library, Learner Support, Curriculum, Human Resources, and Information Technology. In general, Cal Southern University's personnel interviewed appeared to be knowledgeable as to their roles, except as noted above regarding the registrar, and dedicated to the law school's mission to meet the needs of Cal Southern Law students.

Rule 4.240(D): Dean and Faculty. The law school must have a competent dean or other administrative head and a competent faculty that devotes adequate time to administration, instruction, and student counseling. (Guidelines 4.1- 4.10).

By virtue of her law degree and experience in higher education, Dean Shefi is qualified to serve as Cal Southern Law's Dean and administrator. (Guidelines 4.1 and 4.2).

Faculty credentials satisfy Guideline 4.6. All eight instructors are graduates of ABA-approved law schools and are licensed to practice law, four as State Bar licensees. Seven of the eight are active legal practitioners and all have taught at Cal Southern Law for at least four years. Instructors "possess a diverse educational background" (Guideline 4.5), having earned their law degrees at institutions such as Nova Southeastern, Washington and Lee University, and Southwestern University.

Cal Southern Law employs enough instructors to meet student needs. The student-faculty ratio had been ten to one but with just a few JD students now in the program, most courses have only one student. (Guideline 4.4). Teaching loads are within Guideline 4.5 limits.

Instructors participate in governance through conversations with the Dean and meetings of law faculty and the Cal Southern University Faculty Senate. (Guidelines 4.1-4.3 and 4.7). The faculty meet their duty to continuously improve their teaching skills and substantive expertise through faculty meetings and continuous legal education activities. Faculty development has also been supported through performance evaluations. (Guidelines 4.7-4.8).

Faculty are protected by a written academic freedom policy. (Guideline 4.9).

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

Students who complete the JD curriculum meet or exceed the requirement that students at registered, unaccredited correspondence law schools to complete at least 864 hours of "preparation and study" each year for four years. (Guideline 5.9(B)). Most CSU Law students complete more than 1,000 hours over a span of 48 to 52 weeks each year, as confirmed by time logs students are required to submit annually.

Each academic year includes three sixteen-week semesters. Students typically take two to three courses each term and 22 units each year to complete the 88-unit curriculum. Most courses are four units, although courses range from one to five units; each unit has been designed to require at least 45 hours of work and 22 units equates to 990 hours of work. CSU Law verifies student hours of “preparation and study” through study logs submitted online through the learning management system at the end of each academic year.

All courses are taught online, asynchronously, through instructional activities such as assignments, lectures or webinars, interactive tutorials, online discussions, study group sessions, and exams. Students access all course materials and student services through the Learning Center and the Canvas learning management platform.

Cal Southern Law’s courses were created by a prior Dean and faculty members. As part of an effort to improve bar pass rates, Dean Shefi and the University’s Curriculum Manager have supplemented all courses in the past two years by adding mandatory weekly assignments. According to the self-study, Cal Southern University’s instructional methodology is based upon the principle of Active Self Learning “where the Learner participates in creating their own learning process.”

Exceptions to the hour and weeks requirements have not been granted during Dean Shefi’s tenure. (Guideline 5.6).

The curriculum includes required courses on all bar exam-tested subjects, including Professional Responsibility. (Guideline 5.10). Students advance through the required courses in a logical sequence and must take, in addition to doctrinal courses, Introduction to Law, Legal Writing I and II, and Legal Research. To complete the eight required elective units, students may choose from nine courses including basic law practice topics, Legal Internship, and Research Project. Taxation courses, Real Estate Transactions, and Alternative Dispute Resolution are the most popular electives. Practical skills are addressed in several courses. (Guideline 5.12).

The Legal Internship course complies with Guideline 5.8 requirements.

Canvas, the learning management system, facilitates interactions between students and faculty. Instructors are expected to respond to questions within 24 hours and to provide feedback promptly on assignments and exams. (Guideline 5.13).

Policies on exams and grading fulfill Guidelines 5.14 through 5.16. Final exams are given in all courses except those requiring substantial written work and consist of three or four hours of essay and multiple-choice questions. Final exams are taken under live proctoring conditions and administered by approved proctors.

All questions, including multiple-choice materials, were drafted by the subject matter experts who developed CSU Law’s courses many years ago. The law school should take care to ensure that materials are updated and also rotated appropriately. Exams are graded by course instructors based upon rubrics and model answers provided by CSU Law. Dean Shefi reviews most grades before they are posted by professors.

A selection of exam questions and student answers was reviewed. Most questions were well-drafted and presented a fair test of the issues being examined. Overall, grades were generous. On one exam, for example, a student who missed fundamental issues on several essays earned an exam grade of B. Grading is discussed below. (Guidelines 5.16 and 5.25).

Rule 4.240(F) Competency Training. The law school must require that each student enrolled in its Juris Doctor Degree program satisfactorily complete a minimum of six semester units (or their equivalent) of course work designated to teach practice-based skills and competency training. Such competency training must teach and develop those skills needed by a licensed attorney to practice law in an ethical and competent manner. (Rule 4.240(F)).

Cal Southern Law requires students to complete 12 semester units of practice-based skills and competency training, twice the units mandated by Rule 4.240(F).

Required training courses include Legal Writing I (2 units), Legal Writing II (2), Legal Research (4), and Professional Responsibility (4). According to the self-study, several doctrinal courses require training activities, but time spent in those activities was not documented and those courses are not included in the calculation above.

Students are also exposed to professional skills in elective courses, including Alternative Dispute Resolution (4 units), Legal Externship (3-4) and Research Project (1-4).

Rule 4.240(G) Scholastic Standards. The law school must maintain sound scholastic standards and must as soon as possible identify and exclude those students who have demonstrated they are not qualified to continue. (Guidelines 5.17-5.25).

The law school has established clear standards for grading, academic standing, probation, and graduation. As required, good standing is calculated at least once each academic year. (Guideline 5.20). To remain in good standing, a student must maintain a grade point average of at least 2.0.

All courses are letter-graded on a four-point A to F scale, based on performance percentages, with plus and minus increments. For example, the lowest passing grade is C, which corresponds to a score range of 73 to 76 percent and grade points of 2.0, while a C- corresponds to 70 to 72 percent and grade points of 1.66. Students are informed that anonymous grading is not used.

Students with a GPA below 2.0 are placed on probation. To remain in the JD program, students on probation must show improvement each semester and those who fail to achieve a GPA of 2.0 or higher within two semesters will be dismissed. No exceptions have been granted during Dean Shefi's administration.

Under Guidelines 5.17 and 5.18, students must be graded realistically and those who are unqualified must be promptly dismissed. CSU Law does not use a grade curve or give faculty detailed grading guidance in the Learner Mentor Handbook. Instructors receive rubrics and model answers, however, to use as grading guides for exam questions supplied by the law school.

The 2015 inspection report recognized that grade inflation was “systemic” and recommended that Cal Southern Law analyze the “source and solution” of the problem. The self-study did not address what steps were taken to address inflation and 2020 Annual Report data show that the problem persists.

In 2015, 32.5 percent of grades were in the A to A- range compared to 15 percent in the C+ to C- range. In 2020, 43 percent of grades were in the A to A- range, a 10-point increase, and 4 percent of grades were in the C+ to C- range, an 11-point drop. Seventy-nine percent of grades were above C+ in 2020. Grades of F remained about the same, at 14.5 percent in 2015 and 13 percent in 2020.

Grade inflation is a concern in a teach out program primarily because average students who have received above-average grades may be misled about their likely success on the bar exam. The law school make efforts to assist its remaining students to understand their achievements relative to the bar exam grading standards. The law school must take steps to curb grade inflation and ensure that any remaining students are graded as required by Guidelines 5.17 and 5.18.

The law school is compliant with the requirements of Guidelines 5.21 and 5.22 as to the FYLSX.

Rule 4.240(H) Admissions. The law school must maintain a sound admissions policy. The law school must not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the degree program. (Guidelines 5.26-5.35).

Cal Southern Law has not admitted students since late 2018, so the law school neither has nor needs an admissions infrastructure. As reported in the 2015 inspection report, beginning in 2007 students were admitted into the JD program only if they had at least a bachelor’s degree, a standard that exceeded the minimum pre-law education requirements of Business & Professions Code section 6060 and Rule 4.25 of the Admissions Rules.

In 2015, the law school enrolled 38 students. Enrollment rose to 52 in 2016 but dropped to 41 in 2018 and to 13 in 2020. Because enrollment has been impacted by Cal Southern Law’s announcement of closure and curtailment of admissions, attrition cannot be analyzed in any useful way.

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

Students have access to all required library resources through the law school’s contracts with Lexis/Nexis and Westlaw. Individual passwords for both online services are issued to students during the onboarding process, and they retain access to the service while enrolled. Both services provide technical support and additional assistance is available through the University library. Students also have online access to over 600 tutorials in 32 different legal subject areas through the Center for Computer-Assisted Legal Instruction (“CALI”).

As required by Guideline 6.2, hard-bound copies of texts or treatises for courses in the JD curriculum were held at the former administrative office and will be relocated to the new office.

To comply more fully with Guideline 6.3, the law school must ensure that the Legal Research course includes instruction in both electronic and hard-copy legal research. According to Dean Shefi, the course has not included instruction in hard copy research.

Records of library expenditures are properly maintained. (Guideline 6.6).

Rule 4.240(J) Physical Resources. The law school must have physical resources and an infrastructure adequate for its programs and operations. The law school must, at a minimum, maintain its primary administrative office in the State of California. (Guidelines 7.1-7.2).

University personnel are now working remotely on a permanent basis, following a successful shift to remote work during the early days of the pandemic. The large facility formerly leased by Cal Southern in Costa Mesa has been sold and the University's administrative office has been relocated to a 1,120 square foot suite on the eleventh floor of a commercial office building in the same city. The University has exclusive access to the suite, which is leased on a month-to-month-basis. The law school did not file the required major change notice when it moved, and hopes that the information provided during this inspection will be sufficient, given its low enrollment and plans to close in the near future.

The premises consist of five offices, including two rooms used for meetings or workspace, a storage room for supplies and equipment, a conference room for board and executive meetings, and a shared workspace with five workstations. These offices will be used primarily by personnel in the areas of administrative services, operations, and information technology, and appear adequate to support Cal Southern Law's operations. (Guideline 7.2).

All student services will continue to be provided by telephone, email, or videoconference, and students may meet with the Dean or other staff at the Costa Mesa office. (Guidelines 7.1-7.2).

The University has allocated sufficient resources to support CSU Law's operational and educational needs. Recently, CSU's proprietary computer platforms have been replaced by Ellucian Colleague, a student information system, and Canvas, a learning management system, ensuring that the law school's information technology is up-to-date, secure, and adequate to meet program needs.

Trained personnel are available to provide around-the-clock technical support, and generally the University's information technology systems have experienced no downtime except for brief periods of scheduled maintenance. (Guideline 7.2).

In October 2019, the University was the target of a ransomware attack. The attack did not compromise the security of any student records but left certain administrative records inaccessible, including some Cal Southern Law files. Since that attack, numerous safeguards have been added to secure the University's data more effectively, including implementation of multi-level backups, cloud storage, multi-factor authentication, phishing detection software, and cybersecurity training for CSU personnel. It is hoped these efforts will better protect CSU Law's records against loss, destruction, or corruption. (Guideline 9.1).

Rule 4.240(K) Financial Resources. The law school must have adequate present and anticipated financial resources to support its programs and operations. (Guidelines 8.1-8.3).

Cal Southern Law will be closed after completion of a teach out program for students pursuing a JD at the law school.

The University has made a financial commitment to support the law school's teach out program until all JD students complete their degrees or are dismissed for failure to meet the requirements to continue.

The University is financially sound and has adequate financial resources to complete the teach out program. With the self-study, Cal Southern Law provided a long-term budget for the University with projections through 2024, and independent auditors' reports for 2018 and 2019. The reports were prepared, respectively, by the California Certified Public Accounting Firms of Barry Glasser & Company of Agoura Hills, and D & B Consulting and Accounting, Inc. of Santa Ana.

As shown in the 2020 Annual Compliance Report, at the end of calendar year 2019, the University reported total assets of \$20 million, shareholder equity of \$18 million, a cash balance of \$3.9 million, and net income of over \$20 million. Although enrollments were down by 10 to 15 percent last year as a result of the pandemic, revenue was not reduced significantly.

Administrators are optimistic about the University's continued financial strength. Enrollments are now rising, in part because the University has offered a monthly payment plan that makes it easier for students to return to their studies, and revenues are on track to achieve projected revenue of over \$25 million in 2021. The University received, and is now applying for forgiveness of, a Paycheck Protection Plan loan for \$2.2 million, and it has achieved substantial cost savings by downsizing its administrative office.

Recently CSU has made large investments in new learning management, student information, and financial platforms to enhance the student experience, operations, and asset management, and a new Director of Marketing has been hired to support institutional growth. Annual increases in revenue are projected through 2024, although financial circumstances remain somewhat uncertain due to the ongoing pandemic.

In any case, the school does not plan to continue with law programs in the future.

Total JD program tuition is \$47,960 based on current per-unit tuition of \$545 and estimated total program fees are from \$3,600 to \$4,800.

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

Cal Southern Law's records are held in electronic format through the University's information system and are protected against loss or corruption by security measures that include password protection, multi-level backups, cloud storage, multi-factor authentication, and phishing detection software. (Guidelines 2.11 and 9.1).

Records are maintained by Toishia Dockins, CSU's Registrar and Accreditation Records and Retention Officer, pursuant to the University's records retention policy. Law school records are available to Dean Shefi as necessary to carry out her duties.

Representative records were reviewed, including records of graduates and enrolled and disqualified students (Guidelines 9.1(A)-(D)); class records, examinations, and grade tabulations (Guidelines 9.1(E)-(F)); faculty files (Guideline 9.1(H)); faculty and board minutes (Guideline 9.1(I)-(J)); Committee correspondence (Guideline 9.1(M)); a portion of the University's WASC accreditation inspection report about the law school ((Guideline 9.1(N); and Annual Compliance Reports (Guideline 9.1(O)). Except as noted below, records were found to fulfill guideline mandates.

In a sample review of student files, most files were found to contain the documents required by Guideline 9.1(C), including the application form, supporting admissions materials, official undergraduate transcripts, and prior law school transcripts, where applicable. However, the files of a few graduates did not include application forms, and at least one file did not properly document the reasons for granting a student's appeal of his dismissal, as required by Guideline 5.19.

Student files reflected compliance with Rule 4.241 which requires a law school to maintain in student files signed copies of Disclosure Statements obtained before students' initial enrollment and each subsequent academic term. According to Dean Shefi, at her request, CSU's enrollment platform was programmed to automatically require each CSU Law student to provide a signed Disclosure Statement before being allowed to register for any 16-week term.

Under Guideline 9.1(D), Cal Southern Law must maintain a permanent transcript for each student who was enrolled. Some transcripts lacked certain mandated information, such as the dates and outcome of each First-Year Law Students' Exam taken (Guideline 9.1(D)(7)); notations about gaps in law study, whether authorized or not (Guideline 9.1(D)(9)); and, for transfer students, specific details about transfer credit awarded, including the "law school, course or courses taken, when taken, unit credit allowed, and grades received" at the prior school. (Guideline 9.1(D)(5)).

Subsequent to the inspection, the law school was able to demonstrate that it did, indeed maintain the required files, and was able to demonstrate this to the consultant.

The law school must take steps to ensure that all Guideline 9.1 requirements are followed.

Rule 4.240(M) Equal Opportunity and Non-Discrimination. Consistent with sound educational policy and these rules, the school should demonstrate a commitment to providing equal opportunity to study law and in the hiring, retention and promotion of faculty without regard to sex, race, color, ancestry, religious creed, national origin, disability, medical condition, age, marital status, political affiliation, sexual orientation, or veteran status. (Guideline 10.1).

The University has policies in place related to equal opportunity and non-discrimination. This policy on Non-Discrimination in Admissions appears in the Catalog:

All admission decisions are based solely on potential benefits to the applicant/learner and are free of any bias such as age, ancestry, disability, color, national origin, marital status, political affiliation, race, religion, sexual orientation or any other discriminatory motive.

As of fall 2020, women comprised 31 percent of CSU Law's JD student body. Students identified themselves as White (56 percent), Asian American (19 percent), and Black or African American (13 percent), although 13 percent declined to state a race or ethnicity. Of the eight faculty members, half were women and of those who stated their race or ethnicity, five were White, one was African American or Black, and one was Hispanic/Latinx.

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

Cal Southern Law has met the requirements of Rule 4.240(N). Generally, the law school has submitted Annual Compliance Reports and other documents as mandated by the Rules and Guidelines. Further, it has responded to requests by the Committee, including information requests by the Consultant.

CONCLUSION AND RECOMMENDATION

It is recommended that the Committee receive and file this Periodic Inspection Report, approve the recommended and suggested actions, continue the registration of the California Southern University School of Law, through its planned date of voluntary closure, to be identified or estimated by January 31, 2022.

Because the law school plans to cease operation when its final few students complete their studies, it is asked to designate a custodian of records, and advise all JD graduates that they may wish to request one or more sealed copies of their transcripts. The law school should also advise the State Bar of its projected closing date by January 31, 2022.

The Committee is also encouraged to adopt the recommendations below and to advise that the law school should complete the recommendations and document their completion in the 2022 Annual Report if the law school is still in operation at that time.