

From: Brian J. Purtill, Dean Empire College School of Law

To: Donna Hershkowitz; Audrey Ching

CC: Natalie Leonard; Roy Hurd; Sherie Hurd; Mitch Winick; Tony Guida

Date: April 8, 2022

Greetings: Thank you for the meeting this week to discuss the joint Major Change Request from Monterey College of Law and Empire College School of Law. This email should answer and respond further to the questions raised by the CBE to the extent not already addressed.

1. Whether Empire would be continuing as a law school when the current plan calls for it to be closed two years from now (raises issues as to accreditation and transferability of units): We have reviewed this issue, and while we believe there may be ways in which the CBE could still approve our original proposal, we have agreed to change the original request as follows:

a. Empire College School of Law will remain committed to teach out all of its MLS and JD students enrolled as of the Fall 2022 enrollment:

1. For the JD students, until and through the Summer 2026 trimester or until there are no more students who wish to remain through the teach out;

2. For the MLS students, until and through the Summer of 2024, or until there are no more students who wish to remain through the teach out.

b. The Fall 2022 1L cohort will be included because we already have enrolled and are admitting two cohorts of "Intros", or pre-1L, classes (February and May, 2022). These will roll into the Fall 1Ls, so we are committed to them.

c. There may be a few who are added to those two Feb and May 2022 groups who begin their law school career at Empire with the 1L core classes in Fall 2022, but this should be minimal; waivers of the Intros are rarely granted.

d. Empire will fully disclose this plan to all incoming and current students.

2. Whether MCL Branch students would be in the same classes as ECSOL teach out students: The short answer to this is no, they won't, as set out below.

a. The ECSOL 1Ls for Fall 2022 will be the last students to be newly admitted to ECSOL; those who wish to remain will progress through the two programs (MLS and JD) toward their graduation dates.

b. The new MCL Branch won't begin to admit/enroll students until Spring of 2023.

c. The new MCL Branch Spring 2023 and Summer 2023 classes are pre-1L classes.

d. The MCL Branch's first core 1L classes won't start until Fall 2023, a full year after the last 1L cohort to be newly admitted to the existing Empire entity.

So ECSOL's 1L students will always be a year ahead of the MCL Branch 1L students as each cohort progresses through the four years and as MCL adds students. There will not be any duplication of 1L, 2L, 3L, or 4L cohorts.

3. The timing of the Major Change Request and the opening of the Monterey Branch: As I requested at our recent zoom meeting, if the CBE recommends approval of this Major Change Request as modified herein, I ask that the Staff report also recommend that any applicable time constraints be waived in order for the plan to proceed with the opening of the MCL Branch this summer. We played no role in the delay we've encountered thus far and would have been able to answer all questions in time for either of the last two CBE meetings had we been given the chance.

4. Converting to Non-Profit Status: Lastly, while largely unrelated to this Major Change Request, I have seen and heard mention of our previous intention to convert Empire to a non-profit status. With the delays in that process presented by the Department of Education, as I have reported before, and with the proposed teach-out now of all of Empire's students as outlined herein, we will not be pursuing that non-profit status while this plan proceeds, assuming that it is approved by the CBE.

With the comments and commitments contained herein added, I believe the proposal remains as outlined in the original Major Change Request and the Addendum. Please let us know if there are any other questions or concerns so we can have this addressed at the April meeting.

Thank you.

Brian J. Purtill, Dean

Empire College School of Law