

From: [Leonard, Natalie](#)
To: [Brian BP. Purtill](#)
Cc: [Sherie Hurd](#); [Roy Hurd](#); mwinick@montereylaw.edu
Subject: RE: MCL/ECSOL Major Change Request-Further responses.
Date: Friday, April 15, 2022 3:05:00 PM

Dear Dean Purtill:

Regarding visiting students in item 18 below, the State Bar does regularly ask about visiting programs if they fit into major changes or are relevant during inspections. Just doing the same here.

Have a wonderful weekend!

Thank you,
Natalie

From: Brian BP. Purtill <bputill@empirecollege.com>
Sent: Thursday, April 14, 2022 2:54 PM
To: Leonard, Natalie <Natalie.Leonard@calbar.ca.gov>
Cc: Sherie Hurd <SHurd@empcol.edu>; Roy Hurd <RHurd@empcol.edu>;
mwinick@montereylaw.edu
Subject: MCL/ECSOL Major Change Request-Further responses.

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Dear Ms. Leonard: Dean Winick and I provide the following in response to your most recent compilation of questions, with our answers in blue.

"Regarding #5 below, we were intending a list of those in the Feb and May cohorts, rather than a current student list. Would you mind providing those? It's appreciated that you placed that information in a separate email for proper handling. **Please send these lists requested here under separate cover as well.**

February 2022 1L students are numbers 13, 20, 34, 38, 47, and 67 on the list that was previously sent. A list of the May 1L students can be provided once they have received and signed enrollment agreements. I do not think it appropriate to disclose those names until they have been admitted; we report this in our annual report in November anyway. Perhaps more explanation can be provided as to how the names of these students would be useful as part of the current review under the Rules and Guidelines.

Regarding #8 below, when it says that the law school class will be finalized by August 15, 2022, are the schools committing that no additional students will be enrolled at ECSOL in the future that are not enrolled by August 15, 2022.

As previously answered, Empire College School of Law WILL NOT admit or enroll new or transfer students into its JD program after September 2022. This allows the law school to finalize final enrollment rosters following its normal course of business after the first day of

class. The August 15, 2022 date is the last date that the law school intends to send out acceptance letters. Although not frequent, it is always possible that a student not on the initial August 15, 2022 enrollment list will complete a missing element of their initial application, such as a missing transcript, or late deposit. In those cases, the student would be allowed to complete late registration after the August 15, 2022 date and enroll in the 1L cohort. There is no reason to change that normal business process under the current proposal. If it makes a difference, the agreement can reference September 1, 2022.

Regarding #13 and the request for a waiver, thank you for that clarification as to the request for a waiver. If the MCL/ECL branch will not be teaching any classes at all until summer 2023, can you please explain for the Committee so they can hear a direct response as to why the standard 120 day notice allowing the branch campus to open as soon as August 22, 2022 is not acceptable?

Empire and MCL submitted this proposal on November 15, 2021, well within the time requirements of the Accredited Rules and Guidelines for opening a new branch campus effective July 25, 2022. The schools initially requested that this item be placed on the January 28, 2022 CBE meeting agenda, well within the 120-day pre-approval window. They received no response from Committee staff and only had notice that it was not on the agenda when the agenda was published ten days before the CBE meeting. The item was subsequently placed on the March 18, 2022 agenda, also within the 120-day requirement pre-approval requirement for a July 25, 2022 authorization date for the branch campus. The schools withdrew this item from the March 18 CBE agenda due to the lack of candor and transparency by Committee staff in the review process and lack of notice and due process by the posting of the Staff memo only two business days prior to the March 18 CBE meeting, thereby prohibiting any potential for a timely response to previously unstated staff concerns included in the memo. The law schools fully responded to all of the issues raised in the staff memo within one week by submitting a written addendum on March 24, 2022 and have subsequently provided timely responses to all additional staff questions.

In this case, the rescheduling of this issue to the April 22, 2022 CBE meeting that will not meet the 120-day pre-approval requirement for July 25, 2022 under the Accredited Rules and Guidelines is entirely due to the processes of the Committee staff and not due to delays by the law schools. Therefore the law schools should not be prohibited from obtaining approval of the branch campus for the originally requested date of July 25, 2022.

Although classes may not be starting until the Spring 2023 Semester, the enrollment process for the Spring 2023 cohort will begin on the first authorized day of the branch campus. The branch campus will: a) begin preparing its advertising and marketing program, b) field inquiries from prospective students, c) initiate community meetings with the local bench, bar, and other professional organizations, and d) begin accepting and processing applications for Spring 2023. A 30-day delay in authorizing the branch campus for no reason other than the Committee staff was unable to process the November 15, 2021 Major Change Request in a timely manner would be unfair to the law schools, potentially cause additional financial damages due to lost enrollment opportunities, and be a disservice to prospective students.

Regarding #16 below, a further clarification. Since ECSOL is doing a teach out, it was intended that it would be after the conclusion of the teach out (on or before spring 2026) when the schools' histories would be combined for the purposes of the MPR calculation.

There is no logic or rule that would support combining the historic MPR of one accredited law school with another and recalculating previously publicly reported MPR statistics. If ECSOL is remaining accredited as a law school through JD graduation in 2026 (as requested by Committee staff), the law school should report its final MPR for those students graduating in Spring 2026 and who subsequently sit for the California bar exam. As caretaker and depository of the permanent ECSOL school records, MCL will provide follow-up reports for ECSOL MPR reports if requested.

17. A new question: previously, it was suggested that those who are on track to be 3L's and 4L's in fall 2022 would be given the opportunity to transfer to the MCL/ECL branch colocated on the campus or MCL's distance program in fall 2022.

--Under the current version of the proposal, when will MCL/ECL begin offering 3L and 4L classes at the MCL/ECL branch, or wishing to have CBE approval to do so if it chooses?

--Under the current version of the plan, will ECSOL be teaching 3L and 4L classes during the fall 2022 year (assume yes?)?

ECSOL will be teaching its current 3L and 4L students during the Fall 2022-2023 academic year as part of its commitment to teach-out ALL ECSOL students, regardless of class year, who are enrolled as of Fall 2022 through completion of their JD program. This commitment by ECSOL was requested by Committee staff and has now been restated, clearly and unambiguously, in writing, several times by ECSOL.

It is not ECSOL's role to encourage students to transfer out of its law school program. In fact, in order to maintain a sustainable program during the teach-out, it is to ECSOL's advantage to have current students elect to continue their academic program at ECSOL through completion of their JD program. However, it is each student's individual right to apply to transfer to another law school at any time during their academic tenure. This is true previously, currently, and will continue to be the case throughout the proposed teach-out period.

MCL's branch campus will not be offering 3L and 4L classes onsite until the 2025-2026 (3L) academic year and 2026-2027 (4L) academic year as part of the natural cohort transition of its initial 2023 1L cohort.

MCL is requesting approval of a branch campus that will begin enrolling 1L students in Spring 2023 and will be offering a full residential JD academic program, adding each respective year of courses as the 2023 1L cohort progresses through the program.

18. Regarding visiting classes, would the law schools be willing to provide a list of those students visiting at each school and what classes they are taking through each semester of the teach out?

It would be helpful if you could provide additional information about why this information is useful for the current program request. The current school reporting as part of our annual report does not require schools to submit separate reporting for visiting law students. Is this something that all schools are being asked to provide?"

As always we stand ready to answer any further questions.

Brian Purtill, Dean
Empire College School of Law
Santa Rosa, CA