



**OPEN SESSION**

**AGENDA ITEM O-403**

**JUNE 2022**

**COMMITTEE OF BAR EXAMINERS**

**DATE:** June 17, 2022

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

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

**SUBJECT:** Action on Progress Report Related to Changing Category from Fixed-Facility to Distance - Irvine College of Law

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**EXECUTIVE SUMMARY**

Irvine College of Law is transitioning from the unaccredited fixed-facility category to the unaccredited distance category. The Committee requested progress reports as a condition of approval. The law school timely filed its progress report, advising that it missed the required milestones, but requests an extension. (Attachment A, B).

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**BACKGROUND**

Irvine College of Law is an unaccredited, fixed-facility law school located in Cerritos, California transitioning to the unaccredited distance category effective summer 2022. The Committee approved its name change from Irvine University College of Law to Irvine College of Law effective June 1, 2022. The law school was last inspected in 2018 and found to be compliant.

According to its 2021 Annual Report, the law school enrolls 58 students in its JD program. The law school's most recent pass rates on the First-Year Law Students' Examination were 5.9 percent in October 2020, 16.7 percent in June 2021, and 12.5 percent in October 2021. Its most recent cumulative five-year bar pass rate according to its 2021 disclosure pursuant to California Business and Professions Code section 6061.7(a) is 39 percent.

Under rule for unaccredited law schools 4.246 “[a] registered law school contemplating a major change must notify the Committee and obtain its prior approval before making the change. The notice must explain in detail any effect the change might have on the law school’s compliance with.” This includes a change of category from fixed facility learning to distance learning. A law school may only change its category on application to and approval by the Committee pursuant to unaccredited law school rule 4.245, as further described in guideline for unaccredited law schools 1.3.

Here, the law school filed a major change and received approval to transition from the fixed-facility category to the distance category effective summer 2022. As a condition of approval the Committee required the law school to provide milestone examples documenting completion of its new curriculum. The initial deadlines were set after staff conferred with the law school and suggested additional time beyond what the law school originally requested. Just prior to the Committee meeting the law school requested and received additional time. The ultimate approved milestones were as follows:

March 15, 2022

The law school must submit: 1) the redesigned JD curriculum and credit content, noting the courses qualifying for practical skills training; 2) all class syllabi for online JD classes to be taught beginning July 5, 2022; 3) verification that communication to students will indicate that some classes will only be offered in-person and establishing whether in-person attendance is required; 4) a copy of the policy that establishes procedures for verifying each student’s preparation and study; and 5) the law school’s methods and metrics it will use to establish the effectiveness of the new online courses; and

September 15, 2022

The law school must provide the course syllabi for the online JD courses to be taught starting on January 5, 2023

March 15, 2023

The law school must provide the course syllabi for the remaining courses in the law school’s distance learning JD program.

While the law school met some, but not all, of the deadlines agreed upon for March 15, 2022, it did provide an alternative plan and proactively provided a further update dated June 1, 2022 and set forth in Attachment B.

## **DISCUSSION**

As part of its transition from a fixed-facility category unaccredited law school to a distance category unaccredited law school, the law school took the opportunity to redesign its curriculum to add interactive online homework that could help students and faculty better assess progress throughout the semester. Therefore, though the law school already offered a compliant curriculum, significant work was required to complete the transition, undertaken for the benefit of the students.

The law school timely filed its March 15, 2022 progress report, which documented that it had completed a material portion of each of the five milestones: 1) a skeleton of the new curriculum including designating the practical skills courses; 2) most of the class syllabi for classes to be taught starting in summer and fall 2022; 3) verification that the law school ultimately decided that no in-person classwork was required; 4) a copy of the policy that will be used to verify preparation and study; and 5) a promise to that the law school would discuss the metrics to be used to evaluate the success of the new program at the law school's board meeting in April.

While certain key courses were not complete as of March 15, many are now complete. The law school also took extra effort as the syllabi were developed. For example, as the law school developed Torts II, it modified and resubmitted the syllabus for Torts I to better integrate the two courses. The law school also developed several new classes, such as a Civil Procedure Writing Workshop and a Mediation class.

The law school's June 1 progress report confirms that nearly all syllabi planned for the first year are complete other than the syllabi for Remedies and Professional Responsibility, which are expected to be complete by June 15, more than two weeks before classes begin, and two-unit elective Workers' Compensation Class that will begin on September 26. The law school will provide these syllabi as they are complete.

It also confirmed that the law school's board met as scheduled in April to adopt an initial plan for metrics to evaluate student progress during its transition. The law school feels that the increased feedback of its new curriculum will greatly enhance its ability to assess student progress and foster student success, and it may consider adding additional measures in the future.

The law school will provide interim updates as it completes the last pieces identified for its March 15, 2022 milestone and provide a progress report as to the next milestone on September 15, 2022.

Therefore, while the law school did not meet its initial milestone, it made significant progress and projects that final course materials for the launch of the program will be received several weeks prior to the start of the semester. Therefore it is recommended that the Committee find that the law school is in substantial compliance sufficient to begin its distance category JD program in July 2022 as scheduled.

## **RECOMMENDATION**

It is recommended that the Committee of Bar Examiners receive and file Irvine College of Law's timely March 15, 2022 progress report and June 1, 2022 addendum and find that the law school is in substantial compliance sufficient to continue its transition to being an unaccredited distance category law school and launching its new program in July 2022 as scheduled.

It is further recommended that the law school advise staff when the final three syllabi are completed for the remaining classes that will begin in 2022.

The law school will already be required to file its next progress report on September 15, 2022 based on the prior directive from the Committee.

## **PROPOSED MOTION**

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

**MOVE,** the Committee of Bar Examiners receive and file Irvine College of Law's timely March 15, 2022 progress report and June 1, 2022 addendum and find that the law school is in substantial compliance sufficient to continue its transition to being an unaccredited distance category law school and launching its new program in July 2022 as scheduled.

## **ATTACHMENT LIST**

- A.** Progress Report Regarding Transition to Distance Category Unaccredited Law School - Irvine College of Law – March 15, 2022
- B.** Irvine College of Law Addendum to March 15, 2022 Progress Report filed June 1, 2022



*Via FedEx.*

March 15, 2022

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

Re: **Status Report to the C.B.E. re Distance Learning Curriculum**

Dear Ms. Leonard:

Pursuant to the action taken by the Committee of Bar Examiners on December 3, 2021, approving the Major Change Request of Irvine University College of Law (IUCOL) to be designated as a distance learning law school, I am pleased to provide a report on the status of its transition. As provided in the motion approving IUCOL's request, set forth below is a discussion of each topic as requested by the Committee:

1. **The Redesigned Curriculum and Credit Content of the Distance Learning Program**

After considerable thought, time, and effort, the current fixed-facility curriculum, which has been taught by IUCOL for decades, has been revised and redesigned to meet all requirements of the *Unaccredited Law School Rules and Guidelines for Unaccredited Law School Rules* that govern the content and format of a distance learning program. To accomplish this goal, the new program will incorporate the best feature of a fixed-facility curriculum (synchronous teaching by IUCOL's faculty) with the advantages provided by the best available, online academic support resources, such as CALI, West Publishing's "CasebookPlus" and AdaptiBar.

As Irvine College of Law, the law school's new curriculum will require students to attend weekly, synchronous class sessions taught online (using Zoom), spend a prescribed number of hours engaged in "study and preparation" and complete numerous "homework" assignments that have been curated to help them learn the material and be better prepared to pass their exams.

As described in detail in Attachment A, IUCOL's students will complete a total number of hours of such "study and preparation" above the minimum of what Guidelines 5.3 (C) and 5.9 (C) require. Instead of completing the minimum 864 hours over each 12-month academic year, IUCOL students will complete 900 hours a year, 3,600 over four years, a difference of 144 hours over the minimum number of hours needed to become eligible to take the California Bar Exam.

To accomplish this goal, ICOL will adopt a new academic year comprised of two, 24-week semesters to allow students to earn their eligibility credit in half-year increments through continuous study, as provided by Guideline 5.3 (C). Courses will be redesigned into four-unit and two-unit increments such that students will enroll and then earn 10 units of academic credit (each unit consisting of 45 hours of all forms of academic engagement) each semester to compete 450 hours of study and preparation to earn each half year of eligibility credit.

Courses are being designed to meet ICOL's higher hourly requirements. Thus, four-unit courses will require students complete 180 hours, while in two-unit courses they must complete 90 hours.

As described in Attachment A, ICOL's curriculum will be compliant with the Requirement of Guideline 5.10 by providing courses that cover all subjects tested by the California Bar Examination, along with a required course in Professional Responsibility. Finally, as also noted in Attachment A, ICOL's new curriculum will offer more than the minimum of six units of practical skills training by offering two new courses that are currently being developed, a Civil Procedure Writing Workshop and a course in Mediation.

## 2. Course Syllabi for the Courses Offered in the Summer/Fall Semester

Attached as Exhibits B through E are current drafts of all course syllabi that have been completed as of today's date. They include the syllabi for most of ICOL's first year curriculum: Introduction to Legal Analysis and Legal Writing; Torts I; Criminal Law and Contracts I. The syllabi for the other courses to be offered in the Summer – Fall Semester (starting July 2<sup>nd</sup>) remain unfinished. They include Torts II; Contracts II; Civil Procedure; Remedies and Professional Responsibility.

Despite the very best efforts by the resources currently available (myself and a limited number of faculty members), we unfortunately were unable to complete all syllabi as requested within the limited amount of time provided. Revising each course to incorporate the various additional study requirements and homework assignments in each course is a very labor-intensive endeavor. For example, the professor who will teach Criminal Law next semester, needed more than 60 hours to revise his entire course curriculum using a new casebook. Other courses need almost enough time since, as with Criminal Law, new casebooks are being used, while those revising each course need a significant amount of time to find and curate the various resources found in CALI, CasebookPlus and AdaptiBar.

At our current pace, I am confident that all remaining syllabi and revised versions of those submitted will be finalized by June 1<sup>st</sup>, more than a month before they will be needed by students in the new semester. With this additional time, all will be submitted as they are completed and finalized.

3. Verification that Students Have Been Notified of In-Person Attendance

Currently, no courses to be offered in ICOL's new distance learning curriculum are planned to be taught in person. A such, no such notification has been given.

However, since it is entitled to offer a limited number of in-person courses (under Guideline 1.5), that it may do so in the future will be noted in the revised ICOL Student Handbook, along with students' right to be informed accordingly.

4. ICOL's Policy to Verify Student Preparation as Study

As discussed in Attachment A:

As required by Guideline 5.3 (C), ICOL will maintain and enforce "a written policy that establishes procedures for verifying student participation and study."

To meet this requirement, ICOL will use both well-established methods (class attendance rosters) and online technology to develop a dependable means to verify all hours of study credited to students throughout each semester.

To achieve each of these goals, ICOL will upgrade and modify its current learning management system, Moodle. It will develop a spreadsheet for each course for students to record and verify their study hours on a weekly basis. Other means to verify study hours will include uploaded screen shots of all completed CALI lessons/podcasts, the computer-generated time reports provided by AdaptiBar and, finally, a statement of each student, signed under penalty of perjury, that the hours they report are true and accurate.

Attachment F is the statement of ICOL's policy establishing the procedures to verify each student's hours of required reading, class attendance and completion of all other forms of required academic engagement intended to meet the minimum hours requirement in each course.

5. ICOL's Methods and Metrics to be Used to Establish Curriculum Effectiveness

Given that the Committee has requested information regarding metrics that are new and substantively different from those required by the *Unaccredited Law School Rules* and *Guidelines for Unaccredited Law School Rules*, such as found in Guideline 5.2, it deserves a substantive response, one that has yet to be developed as of this date. However, the IUCOL faculty is set to meet in April and this issue will be discussed and evaluated. Since a primary motivating factor in seeking IUCOL's transition into a distance learning program was to offer a better and stronger program, one designed to help our students succeed, I am confident that it will adopt and use the current best practices to keep track off and measure student success.

Natalie Leonard, Esq.  
Principal Program Analyst  
Office of Admissions, Educational Standards  
March 15, 2022

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Since, for too long, our students' success was measured simply by the grades they earned and their success (or failure) on the First Year Law Students' Examination and the bar exam, I am confident that I, as dean, and the law school's faculty look forward to developing such metrics.

As always, after you, other State Bar staff or Committee member has any questions or comments about anything discussed above, or as found in any of the attachments, please let me know and I will be more than willing as best I am able with the information currently available.

Sincerely yours,

George C. Leal, Dean  
Irvine University College of Law

GCL/  
Attachments A - F





*Via Email*

June 1, 2022

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

Re: ***Update to March 15<sup>th</sup> Status Report re Distance Learning Curriculum  
and Name Change***

Dear Ms. Leonard:

As requested, please accept this brief update of my March 15<sup>th</sup> status report that discussed the ongoing efforts to transform the law school's curriculum and course syllabi into its now-approved program of distance learning education. As noted below, considerable progress has been achieved to complete this transformation in time for the semester starting on July 2<sup>nd</sup>.

**1. Status of the Law School's New Name**

Pursuant to the action of the Committee of Bar Examiners (C.B.E.) of January 28<sup>th</sup>, approving the law school's major change request, I am pleased to confirm that, as of today's date, the law school is operating under its new name: Irvine College of Law. As you can see from its new letterhead and logo, the law school has taken its redesignation as a distance learning law school as an opportunity to rebrand its program for a new and competitive educational market.

With its new name and logo, all internal materials used by ICOL (transcripts, student enrollment agreements, student handbook and catalog) will now be redesigned and properly updated. As for its website, the new name will be posted on its existing site, pending completion of an entirely new site that is expected to become operational within the next 45-60 days. All social media posts will also use the new name and logo, as will all external ICOL marketing materials.

Finally, ICOL's new name has been properly registered as a DBA with both the City of Cerritos, by means of an updated business license, as well as with the Clerk of Los Angeles County. The formal notices sent to the law school by both agencies are in the form of a non-remediable PDF. Thus, if needed, both the business license and DBA notice can be sent hardcopy or electronic.

**2. Newly Adopted Methods and Metrics to Establish Curriculum Effectiveness**

As noted in my report of March 15<sup>th</sup>, the request of the Committee for ICOL to develop and implement new methods and metrics to establish and confirm the effectiveness of its new,

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online curriculum was discussed by the ICOL faculty at its meeting on April 23<sup>rd</sup>. Notwithstanding that any none of the newly revised courses have been taught, members of the faculty discussed and agreed to use the following new means to judge whether our students are achieving better comprehension of the legal subjects and skills being taught.

The first new and critically different means to confirm if our students are doing better to achieve this goal is that all ICOL students will now complete, record and verify that they complete the minimum number of study hours, homework tasks and class attendance assigned in each course. Being required to complete a total of 180 hours of such course work for each four-unit course, or 90 hours for a two-unit course is a sea change in how our current students approach their study of law. While the faculty and I have always exhorted students to put in these many hours in each course if they expect to earn a passing grade, that was often not the case, as confirmed by the number of our students who earn low grades or fail to achieve academic good standing. Within each course students must now verify that they have completed all hours assigned and, through use of various online academic support resources, both students and their professors will be better able to monitor and judge each student's degree of comprehension.

Other means to judge our students' progress and learning comprehension will be developed using one or more of the online academic support resources that will now be found in ICOL's revised course syllabi. Both West Publishing's CasebookPlus program and AdaptiBar can be used to assess students as they progress through their course work. Both programs use multiple choice questions, tailored to test specific legal topics, to confirm whether a student has learned what they need to in each course. Each of these resources are already a part of many course curricula and, if found to be effective, students may be required to report their test results as the semester progresses as part of their final grades.

The ICOL faculty and I are confident that with completion of one semester of our newly designed program, additional means and metrics will be considered and developed to judge how well our students are learning and whether changes in how individual courses are taught.

### **3. Course Syllabi for Courses Offered in the Summer/Fall Semester**

As noted in my March 15<sup>th</sup> status report, a significant effort has been underway since January to conduct a comprehensive review of each course offered in ICOL's J.D. curriculum. This effort involves the time and effort of not only the members of the faculty who will teach each revised course, but also my time and effort as the law school's chief academic officer. The work to revise each course is both labor intensive and time consuming since it involves not merely listing weekly reading assignments, but the need to develop a comprehensive list of "homework" assignments that have never been made a part of each course as it was taught previously.

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June 1, 2022  
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As I noted in my earlier report, it takes between upwards of 50-60 hours of each professor's time, along with my own, to complete the revision for each course that will be offered next semester. Much of that time is spent reviewing and looking through multiple academic resources to find and assign various additional reading assignments and homework tasks. Such time is on top of what these same faculty members expended teaching this past semester and the time each must devote, as practicing attorneys, to their law practice and clients.

Based upon the dedication and commitment of several members of ICOL's faculty, I am pleased to confirm that each course offered in the law school's first year curriculum has now been revised and redesigned to meet the qualitative and quantitative requirements of Guidelines 5.2 and 5.3 of the *Guidelines for Unaccredited Law School Rules*. With my previous report, the course syllabi for Tort I, Contracts I and Criminal Law, and Legal Analysis and Legal Writing were submitted for review by the Committee and its staff. Since then, all remaining courses have been completed, including Contracts II (Attachment A) and Torts II (Attachment C), along with our no-credit Academic Support program (Attachment G). Moreover, the syllabus for Tort I (Attachment B) is submitted again since, it was revised as Torts II was being redesigned.

The following courses scheduled to be offered in ICOL's second- through fourth-year curriculum, are attached: Civil Procedure (Attachment D); Criminal Procedure (Attachment E), and ICOL's California Bar Examination Review and Prep course (Attachment F). Due to the professional time conflicts experienced by two professors, the syllabi each will use to teach Remedies and Professional Responsibility remain unfinished but are expected by the end of next week. Similarly, the syllabus for a two-unit elective course (Workers Compensation) will be completed before the course is scheduled to begin on September 26<sup>th</sup>.

While I regret being unable to submit all syllabi the Committee expected to receive, I hope a review of those that now submitted will provide a sufficient explanation for the continued delay for those still being drafted. Course syllabi for all courses offered next semester will be provided to students by June 15<sup>th</sup>, more than two weeks before classes commence the week of July 2<sup>nd</sup>. As such, I will submit each remaining syllabus for staff and Committee consideration before then.

As with my earlier report, I hope that all the materials and information submitted will provide a sufficient basis for the Committee to find that ICOL, through its administrators and faculty, will soon be offering a sound and compliant program of legal education for our very worthy students.

Sincerely,  
George C. Leal  
George C. Leal, Dean  
Irvine College of Law

Attachments A - G