



OPEN SESSION
AGENDA ITEM O-400
DECEMBER 2022
COMMITTEE OF BAR EXAMINERS

DATE: December 2, 2022

TO: Members, Committee of Bar Examiners

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

Subject: Action to Impose Probation or Withdrawal of Registration as an Unaccredited Law School – Peoples College of Law

EXECUTIVE SUMMARY

The Committee of Bar Examiners (Committee) will determine whether to place Peoples College of Law (PCL) on probation or withdraw its registration as an unaccredited law school. At its October 2022 meeting, the Committee advised the law school that these deliberations would be taking place at the Committee's December 2022 meeting. This action is before the Committee following a series of findings of noncompliance, the most recent of which was pursuant to an inspection on September 12, 2022, following an unsatisfactory response from the law school to the Notice of Noncompliance issued to PCL. Because PCL did not request a hearing on the Committee's finding on October 14 that PCL is not or is not likely to be in compliance with the Rules for Unaccredited Law Schools, the Committee must now determine whether PCL should be placed on probation or whether its registration as an unaccredited law school should be withdrawn.

BACKGROUND

Peoples College of Law is a registered, unaccredited fixed-facility law school founded in 1974 and located in Los Angeles, California. The law school specifically focuses on preparing students to practice public interest law. Classes are taught by volunteer faculty in a building owned by the law school, though classes have been taking place online under an emergency waiver due to the pandemic.

Registered, unaccredited law schools undergo periodic inspections to confirm continuing compliance with the Rules for Unaccredited Law Schools and their guidelines. Periodic inspections generally take place every five years unless circumstances require more frequent inspections.

Periodic Inspection Compliance Issue, 2020

The State Bar conducted PCL's last periodic inspection on January 14-16, 2020. The resulting inspection report included 23 recommendations. PCL addressed these recommendations prior to the Committee's review of the report in June 2020.

The Committee adopted the report and its recommendations. Because the law school had addressed the issues identified, the Committee renewed the law school's registration as an unaccredited fixed-facility law school, but the Committee also placed conditions on the renewal.

The Committee placed the conditions because it observed a pattern that had persisted through PCL's three most recent periodic inspections. All three inspection reports, including this most recent report, contained lengthy lists of recommendations which PCL addressed shortly after the inspections. However, by the time of the next periodic inspection, long lists of the same or different significant issues were observed again.

Due to this history, the Committee attached two conditions to PCL's renewal of registration as an unaccredited law school designed to require the law school to demonstrate sustained compliance.

First, the Committee directed that "the school provide in each Annual Report a detailed update as to its compliance status with respect to each of the recommendations set forth in the 2020 inspection report, with the understanding that failure to demonstrate continuing compliance will result in the issuance of a Notice of Noncompliance." (See [Item O-406, Committee of Bar Examiners Meeting, Aug. 21, 2020](#)).

Second, the Committee directed that the law school undergo another full periodic inspection in 2022, rather than waiting the typical five years, to establish that compliance was maintained. In so doing, the Committee emphasized the need for the law school to demonstrate sustained compliance.¹

2020 Annual Report

In June 2021, the Committee accepted PCL's 2020 Annual Report demonstrating its compliance. The law school had adjusted the status of its administrator from part-time to full-time and

¹ The 2022 periodic inspection was not conducted because since it was superseded by the Committee's issuance of a Notice of Noncompliance in June 2022, and the subsequent actions that brought the Committee to the situation facing it today.

represented that this would be enough to carry out all compliance obligations, and the law school's disclosures were up to date.

2021 Annual Report

The 2021 Annual Report and other events occurring at the time of the filing of the report, caused staff and the Committee to question the law school's compliance related to a subset of the areas identified in the annual report. In particular, it appeared that while the law school had increased its personnel capacity, PCL's catalog and required disclosures were out of date, and the law school was not taking action to update them in response to State Bar staff's requests.

At the March 2022 Committee meeting, the Committee reviewed PCL's 2021 Annual Report, and ordered the school to provide an updated 2021 Annual Report within 30 days to fully address eight compliance items originally identified in the 2020 periodic inspection report for which satisfactory responses had not been provided and to address all pending staff requests, including verification of PCL's credit calculations for each course and updating the disclosures and catalog noted above. Since the law school had been advised about these issues previously, 30 days appeared to be sufficient time to complete the tasks.

While PCL paid the invoice that accompanied the order, suggesting that the law school was aware of the Committee's order, PCL did not file the updated Annual Report or address the outstanding staff requests, and did not provide an explanation.

Notice of Noncompliance, June 2022

At its June 2022 meeting, the Committee issued a Notice of Noncompliance to PCL because PCL appeared to be continuing its pattern of coming in and out of compliance. As noted above, the law school had not responded to the Committee's order or pending staff requests, and PCL's posted disclosures and catalog remained out of date despite many reminders from State Bar staff to update those materials. (See [Item O-406, Committee of Bar Examiners' Meeting, Jun. 17, 2022](#)).

In July 2022, PCL filed a timely response to the Notice of Noncompliance and provided timely responses to staff questions issued in preparation for the Committee's August 2022 meeting.

Noncompliance Inspection, September 2022

In August 2022, the Committee reviewed PCL's written response to the Notice of Noncompliance as well as public comment from the law school and found PCL's response to be unsatisfactory. As a result, the Committee directed that a follow-up noncompliance inspection be scheduled within 30 days, as required by Rule 4.262(B). ([Item O-403, Committee of Bar Examiners' Meeting, Aug. 20, 2022](#)).

The inspection took place on September 12, 2022. The inspection team composed of Committee member Dr. Don Wilcoxson and State Bar staff Audrey Ching, Shekhar Dubbani, and

Natalie Leonard met with PCL's Board President, registrar, and general counsel for 90 minutes until the law school advised it had completed its statements. The team found that PCL's organizational structure appeared insufficient to sustain compliance and recommended that the Committee impose probation if it did not withdraw the law school's registration as an unaccredited law school. ([Item O-401, Committee of Bar Examiners' Meeting, Oct. 14, 2022](#)).

October 2022 CBE Motion

After reviewing the September 2022 inspection report, as well as statements from the law school, the Committee determined that PCL was not or was not likely to be in compliance with the rules and sent a notice to the law school advising that the Committee intended to pursue either probation or withdrawal of PCL's registration as an unaccredited law school. (Rule 4.263). ([O-403, Committee of Bar Examiners' Meeting, Aug. 19, 2022](#)).

Options for Probation or Withdrawal of Registration

Imposing probation will be appropriate "[i]f the Committee decides that a law school has not complied or taken adequate steps to comply with these rules but has made perceptible progress toward compliance . . . [and] [t]he Committee may impose probation conditions, including interim inspections and progress reports." (Rule 4.267). At least thirty days before the probation expires, the Committee will determine whether sufficient progress has been made toward compliance or whether it will proceed to withdraw the law school's registration.

Withdrawing registration as an unaccredited law school will be appropriate if the law school is not in compliance and has not made perceptible progress toward compliance. (Rule 4.266(B)).

Since the law school did not request a hearing on this matter, PCL is deemed to have accepted the Committee's finding that it is not or is likely not likely to be in compliance.

DISCUSSION

The question before the Committee today is whether to place PCL on probation for its noncompliance with the rules and guidelines for unaccredited schools, or to withdraw its registration.

When making this determination, the Committee should consider the full record that resulted in PCL reaching this point, which includes the 2020 inspection report, subsequent annual reports in 2020 and 2021, a one-page summary of law school's future strategy presented at the Committee's August 2022 meeting, and the law school's public comment provided during the noncompliance investigation period. The Committee may also consider PCL's history with compliance and noncompliance to the extent it bears on whether PCL is likely to come into compliance.

It appears that the law school has made perceptible progress toward compliance. Many of the actions taken regarding the inspection were sustained. While other improvements were not sustained during the 2021-2022 school year, PCL has made significant progress over the last six

months regarding compliance. If the law school is placed on probation, the structure of providing frequent reports to the Committee and specified compliance milestones, may further assist the law school to demonstrate and sustain compliance.

Compliant Areas

Since 2020, PCL has achieved and sustained compliance in important areas. Student records are properly stored and organized with standard educational software. Exams are held in a secure manner; and the law school is experimenting with a grade review process to reduce grade inflation and correlate grades with results on State Bar exams. The law school is also increasing the number of paid staff, continuing to employ an administrator/registrar, recently employing a paid dean with experience in K-12 education and higher education, and fundraising to add additional paid staff.

Leadership Turnover

During the 2021-2022 school year, compliance issues arose after a leadership change occurred during a time when the law school did not have the infrastructure in place to maintain all of its efforts. PCL's new staff did not appear to fully understand their compliance responsibilities. State Bar staff held a courtesy transition meeting in August 2021 with the law school before the prior dean departed and sent reminders as compliance dates approached or passed or when out-of-date disclosures and catalogs were posted, but the law school did not take action in response to these notices.

Since late May 2022, however, the law school's responsiveness has increased significantly, though challenges remain.

Recently, there was another leadership turnover at the law school. Both PCL's full-time administrator hired in spring 2022, and new dean hired September 27, 2022, have been responsive to questions and proactive. They have posted updated disclosures and catalogs, corrected credit calculations on student transcripts, improved student results on the First-Year Law Students' State Bar exam results through implementing an effective coaching program for the First-Year Law Students' Examination. This fall, the law school added Adaptibar services to assist with preparation for the bar exam. The law school's 2022 Annual Report and disclosure were filed timely and the law school is actively reviewing questions about the report provided to the law school.

Proposed Probation Order

Several key compliance issues must still be addressed and are recommended to be part of a probationary plan. Highlights are summarized here with detail set forth in Attachment A.

Overall, the law school must proactively assess its obligations and ensure that its staffing plan is adequate to meet them. The volunteer model that served the school in the past does not appear to provide sufficient support any longer. The law school is taking steps to add paid staff

with relevant qualifications, and fundraising to add additional staff, and ensuring that current State Bar licensees are involved in curriculum development and examination preparation. The law school is also reviewing its governing documents and processes. While the law school has been doing this in reaction to issues that arise, it is beginning to do so proactively, as required.

The law school must ensure that it provides a sound program of education that gives students a reasonable opportunity to graduate and become licensed to practice law in California. In 2021, for example, no PCL students passed the First-Year Law Students' Examination; results improved in 2022 and were above the average pass rate for that exam after the law school started a preparation program for that exam. Regarding the bar exam, just eight PCL graduates passed the bar exam during the five-year period ending December 2020, which was a cumulative 29 percent pass rate. Only two more students have passed the exam since January 2021. The law school hopes that adding Adaptibar preparation services will help, and the law school is considering additional efforts.

Finally, PCL must deliver grades on time. Grades were delivered two months late in at least four courses in spring 2022. The law school is creating a system to improve this process going forward, and to provide backup graders if a faculty member is unavailable.

PCL Intends to Cooperate with a Probationary Order

PCL did not challenge the Committee's finding that the law school is not or is not likely to be in compliance in some areas. Instead, the law school accepted responsibility and is taking steps to improve its compliance, advising that it intends to comply with a probationary order from the Committee if the Committee selects probation.

Staff recommends selecting probation as the appropriate option, based on PCL's perceptible progress made to date, and PCL's demonstrated willingness to cooperate with a probationary order.

It is appropriate to consider a short term of probation to ensure that the PCL will continue to act promptly and sustainably, given the law school's past pattern of coming in and out of compliance.

RECOMMENDATIONS

It is recommended that the Committee of Bar Examiners find that the law school is not in compliance with the unaccredited law school rules, but it has made perceptible progress toward compliance.

Staff recommends probation through August 1, 2023, prior to the start of the next school year, with the understanding that the law school must demonstrate that sufficient progress has been made toward compliance by that time, or its registration as an unaccredited law school will be withdrawn.

It is recommended that the law school provide monthly progress reports to the State Bar on the first of each month describing progress as to each element of probationary order, and to provide a self-study and submit to an inspection in spring 2023.

It is recommended that the Committee review the law school's status again June 2023, with the understanding that the law school must demonstrate that sufficient progress has been made toward compliance by that time, or its registration will be withdrawn. Registration can be withdrawn sooner if the law school fails to make or sustain adequate progress.

A proposed probationary order is set forth in Attachment A. The ten elements included address issues observed during the most recent law school year that still need to be addressed or sustained.

It is further recommended that the law school be directed to clearly advise the public, prospective students, and current students of its status on probation affirmatively and clearly, including attaching a copy of the probationary terms to student disclosures, web disclosures, the web home page, and communications shared with prospective students.

If the Committee finds that withdrawal of registration is appropriate, staff will provide an alternate proposed order.

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 finds that Peoples College of Law is not in compliance or not likely in compliance with the unaccredited law school rules, but it has made perceptible progress toward compliance.

FURTHER MOVE, that the Committee places the law school on probation through and including August 1, 2023, as set forth in Attachment A, with the understanding that the law school must demonstrate that sufficient progress has been made toward compliance, or its registration as an unaccredited law school will be withdrawn, with the law school's progress to be reviewed at the Committee meeting in June 2023.

FURTHER MOVE, that the law school be directed to provide monthly progress reports to the State Bar on the first of the month as to each element of probation, and to provide a self-study and submit to an inspection in spring 2023.

FURTHER MOVE, that the law school be directed to clearly advise the public, prospective students, and current students of its status on probation affirmatively and clearly, including attaching a copy of the probationary terms to student disclosures, web disclosures, the web home page, and communications shared with prospective students.

FURTHER MOVE, that the Committee reserves the right to terminate this probation prior to its scheduled conclusion if the law school fails to make or sustain adequate progress.

ATTACHMENTS LIST

- A. Proposed Order of Probation for Peoples College of Law

**PROPOSED ORDER OF PROBATION – PEOPLES COLLEGE OF LAW
EFFECTIVE DECEMBER 2, 2022 – AUGUST 1, 2023**

Based on a finding that the law school is not in compliance with the rules, but has made perceptible progress toward compliance, the Committee of Bar Examiners hereby imposes a term of probation effective immediately from December 2, 2022, through August 1, 2023. At least thirty days prior to the conclusion of the probation, the Committee will determine whether the law school has made sufficient progress toward compliance or whether termination of registration is appropriate.

During the term of probation, Peoples College of Law shall:

Maintain compliance with all applicable rules, guidelines, and statutes related to the law school's registration and be able to document this upon request of State Bar.

Complete a timely self-study and submit to an inspection during spring 2023.

Submit monthly progress reports as to each of the following ten items:

1. Guideline 2.3(D) The law school must demonstrate that the disclosure statements required by Unaccredited Rule 4.241, Unaccredited Guideline 2.3(D), and California Business and Professions Code 6061.7(a) have been fully updated and correctly distributed.
2. Guidelines 2.9(A-B) and 5.24: The law school must demonstrate that the catalog and other publications set forth the school's academic standards and student assessment policies accurately, clearly, consistently, and as mandated.
3. Guideline 2.9 (D): The law school must adopt, publish, and implement a policy on authentication of student work, and discontinue its current practice of allowing students to take exams using devices that are not protected by exam-security software.
4. Guideline 3.1: The law school must demonstrate that it has sufficient administrative capacity to achieve and sustain compliance with the Committee's rules and guidelines, including being accessible to the State Bar and students.
5. Guidelines 4.8-4.9: The law school must adopt and implement a faculty evaluation policy that meets guideline requirements, including an element related to timely release of calibrated grades.
6. Guidelines 5.17, 5.18 and 5.25: The law school must review, revise, and republish exam and grading policies and procedures, acting as necessary to improve the quality of exams, curb grade inflation, and ensure that students receive adequate and timely

feedback on their performance and grades.

7. Guidelines 5.18-5.20: The law school must adopt, publish, and implement policies for academic advancement that adhere to the school's academic standards and comply with State Bar rules and guidelines and eliminate policies that do not comply with State Bar rules and guidelines.
8. Guideline 6.2-6.4: The law school must establish compliance with all library requirements.
9. Guideline 9.1: The law school must adopt and implement a policy to ensure that records are fully compliant with Guideline 9.1, that the law school has adopted written procedures, including oversight provisions, of record-keeping process and record retention requirements, and that it has adopted a written policy on transcript changes.
10. Guidelines 5.14-5.16 and 5.25: The law school must adopt and implement a procedure requiring that exam questions, accompanied by issue outlines or model answers, must be reviewed and approved by the dean or another legal educator before being administered.

Include in the monthly progress report any issue impacting compliance with any other State Bar Rule or guideline not specified herein.