



**OPEN SESSION  
AGENDA ITEM V.C.  
APRIL 2023  
COMMITTEE OF BAR EXAMINERS**

**DATE:** April 21, 2023

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

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

**SUBJECT:** Action on Noncompliance with Unaccredited Rule 4.242 (Annual Report filing)  
– Pacific West College of Law

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**EXECUTIVE SUMMARY**

Pacific West College of Law (Pacific West) has not filed the 2022 Annual Report required by Rules 4.240(N) and 4.242 and due on November 15, 2022. It is recommended that the Committee of Bar Examiners (committee) issue a notice of noncompliance.

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**BACKGROUND**

Pacific West College of Law is an unaccredited fixed-facility law school located in Orange, California, co-located with Dean Kevin O’Connell’s private law office.

Pacific West chose to temporarily stop offering classes in spring 2020 due to the pandemic, but was still required to meet State Bar requirements to retain its registration as a fixed-facility law school.

The law school continued to submit its annual fee and annual report in 2020 and 2021 as required by the rules. In 2022, however, the law school did not submit a 2022 Annual Report or annual fee by the November 15, 2022 deadline, though it eventually provided the annual fee to be processed on March 1, 2023. This is reinforced in Rule 4.240(N), which states that “[t]he law school must demonstrate its compliance with these rules by submitting the required annual reports.”

Under Unaccredited Law School Rule 4.242 Annual Compliance Report, “[a] registered law school must submit an Annual Compliance Report using the form prescribed by the Committee. The report must acknowledge any noncompliance with these rules and describe the remedial steps being taken to address the noncompliance. The deadline and fee for submission,” was November 15, 2022.

Under Unaccredited Law School Rule 4.260, “[i]f the Committee believes that a registered law school is not in full compliance with these rules, the Committee will provide the law school with a written Notice of Noncompliance that states the reasons for its belief. The law school will have the opportunity to respond, seek an inspection, and request a hearing.”

## **DISCUSSION**

Each year, all law schools must provide an Annual Report and remit an annual fee by November 15. The Annual Report is the primary compliance element that helps the State Bar to monitor the law school’s compliance between inspection reports. Here, while the law school was not teaching classes due to the pandemic, it was still required to document its readiness to do so. Further, the law school indicated in September 2022 that it planned to offer fall 2022 classes, though it ultimately did not do so.

While the law school received multiple copies of the 2022 Annual Report template and multiple reminders, it has not returned the report, and it did not submit the annual fee until March 1, 2023, over four months after it was due.

## **CHRONONOLOGY OF COMMUNICATIONS**

The chronology of communication is documented below.

### **Status Phone Call with Pacific West in September 2022**

In September 2022, State Bar staff conducted a telephone call with Dean Kevin O’Connell. The dean advised that the two students who had been enrolled in spring 2020 would resume their studies in fall 2022. Staff verbally reminded the law school that it would soon receive the template to complete the 2022 Annual Report, and that it should also plan to begin its inspection self-study after filing the 2022 Annual Report because the law school was due to be inspected.

### **Annual Report Templates Issued**

On October 7, 2022, staff sent the annual report template to Pacific West’s official law school email. Staff sent reminders and updates regarding the Annual Report on October 11 and 12, 2022.

On October 20, 2022, staff invited Pacific West and all other unaccredited law schools to attend drop-in Zoom workshops to address any questions they had about the annual reports. These

optional workshops were held on October 21, October 28, and November 4, 2022. While several schools attended these optional sessions, Pacific West did not send a representative.

### **Reminders Sent to Pacific West**

On November 18, 2022, staff sent a reminder to the law school advising Pacific West that the State Bar had not received the law school's 2022 Annual Report or annual fee, due November 15, 2022. On December 2, 2022, staff sent an additional courtesy reminder indicating that the report was still overdue.

On January 27, 2023, staff advised the Committee of Bar Examiners that Pacific West had not provided a 2022 Annual Report or paid its annual fee, and publicly posted this information in a staff memorandum attached to the committee's January 2023 agenda.

On February 2 and 3, 2023, staff sent further voicemail reminders to the law school's main telephone line, and to the voicemail boxes for the dean and the registrar. The dean called back, indicated that Pacific West had been having technical issues with its email since September, and provided the registrar's personal email to use in the meantime.

On February 8, 2023 staff sent copies of the 2022 Annual Report templates to Pacific West with instructions to return them as soon as possible along with the annual fee. Staff also advised that the committee had been notified of the law school's status, and the law school's apparent noncompliance was being set for further committee discussion and action.

On February 13, 2023, the law school provided a new law school email address and staff began to use that email address.

On February 22, 2023 staff sent a further reminder indicating that the annual fee and 2022 Annual Report were still outstanding, that the committee would be advised at its March meeting as to the law school's status, and staff would be recommending that the committee should begin the noncompliance process.

On February 23, 2023, the law school estimated it would return the 2022 Annual Report by the end of March 2023.

By March 1, 2023, the law school sent the annual fee, but did not send the 2022 Annual Report.

On March 16, 2023, the law school advised that it was contemplating closing the school or applying to change its teaching category from fixed-facility to distance learning. Staff reminded the law school that its 2022 Annual Report was overdue, and this must be addressed first.

On April 4, 2023, staff sent a further reminder that the 2022 Annual Report remained overdue and had not been delivered at the end of March as promised. Pacific West did not respond.

On April 10, 2023, staff sent a further courtesy reminder regarding the overdue 2022 Annual Report, and advised that the Committee of Bar Examiners' agenda included an item to take action on Pacific West's noncompliance. Staff explained how to find the agenda online.

On April 11, 2023, Dean O'Connell contacted staff and advised that the law school was considering its options and would provide an update by April 14, 2023. Staff advised that the noncompliance process would proceed in the meantime and explained the law school's options for public comment, and how to locate this staff memorandum.

The law school did not provide an update by April 14, 2023.

On April 17, 2023, the law school sent a letter indicating that it intended to close, but did not specify a closure date. The law school also requested permission to award a JD to one student and to teach out another student, but it was unclear whether those students met the requirements for the issuance of a JD. Staff advised that the law school submit their transcripts for evaluation, and requested further information as to when the law school planned to execute a voluntary closure

## **OTHER COMPLIANCE ISSUES**

### **Current Contact Information Required by Guideline 4.11**

Registered law schools are required to keep their contact information, including a contact email address, current with the State Bar at all times and to provide updates at least five days before the effective dates of the changes. (Guideline 4.11). The law school asserts that it was experiencing problems with the email address on record with the State Bar from September 2022 through February 2023, but did not notify the State Bar of this issue or provide updated contact information until February 13, 2023. Therefore, email issues would not be a defense to noncompliance.

### **Study Units Must Take Place Over 48-52 Weeks**

The law school did begin to teach the two returning students during winter 2023, but it does not appear that the teaching was compliant with the rules and guidelines. The law school, a fixed-facility law school, offered these classes in distance learning format. Staff had previously being advised that a waiver would be required to switch to a distance learning mode on a temporary basis, but the law school began teaching in that format without requesting a waiver. In addition, the format of the courses did not appear likely to provide the 270 classroom hours per year or 135 classroom hours per semester that students are required to earn in order to received credit for their studies under California Business and Professions Code section 6060. Curiously, the law school also advised that no students were enrolled, even as it was teaching those two students.

### **Next Steps**

Because the law school has not filed a 2022 Annual Report by the deadline of November 15, 2022 or any time thereafter, it is appropriate for the committee to issue a Notice of Noncompliance. (Rule 4.260). If it does so, the law school will have fifteen days to provide a response to the committee “demonstrating that it is in compliance or is taking steps to achieve compliance. (Rule 4.261).

Then, at a future meeting, the committee will evaluate the response in conjunction with the other facts and circumstances to determine whether the response is satisfactory or whether the committee should proceed to the next step of the noncompliance process. (Rule 4.262).

## **RECOMMENDATIONS**

It is recommended that the committee make a finding that Pacific West College of Law is not in full compliance with these rules as a result of its failure to file a 2022 Annual Report, and direct staff to issue a Notice of Noncompliance based on this finding pursuant to Rule 4.260. Pursuant to Rule 4.261, the law school will be required to file a response within 15 days “demonstrating that it is in compliance or is taking steps to achieve compliance.” The committee can then evaluate that response to determine whether it is satisfactory, or whether the committee will proceed to the next step of the noncompliance process. (Rule 4.262).

## **MOTION**

**If the Committee agrees with the staff recommendation, the following motion is recommended:**

**MOVE**, that the Committee of Bar Examiners finds that Pacific West College of Law is not in compliance with Rules 4.240(N) and 4.242 as a result of its failure to file a 2022 Annual Report, and that the committee issues a Notice of Noncompliance based on this finding pursuant to Rule 4.260. Pursuant to Rule 4.261, the law school will be required to file a response within 15 days “demonstrating that it is in compliance or is taking steps to achieve compliance.”