



OPEN SESSION

AGENDA ITEM IV.C.

JUNE 2023

COMMITTEE OF BAR EXAMINERS

DATE: June 23, 2023

TO: Members, Committee of Bar Examiners

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

SUBJECT: Action on Response to Notice of Noncompliance and Request for Voluntary Termination of Registration – Pacific West College of Law

EXECUTIVE SUMMARY

In responding to the Committee of Bar Examiners' (committee) Notice of Noncompliance (Attachment A), Pacific West College of Law (Pacific West) advised that it has closed permanently and requests voluntary termination of its registration. (Attachment B).

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 required to comply with the rules and guidelines applicable to unaccredited law schools in order to retain its registration as an unaccredited, fixed-facility law school and ability to re-open at any time.

During 2020 and 2021, the law school met its compliance responsibilities. In 2022, however, the law school did not submit an annual report or annual fee. Eventually, the school paid the annual fee on March 2, 2023 and, at that time, indicated that it intended to continue operating as a law school and to file the overdue 2022 Annual Report. Pacific West also indicated that it may apply to change categories to distance learning.

Pacific West did not, however, file the overdue 2022 Annual Report or request permission to switch to the distance category. Instead, it began teaching in distance format in a manner that did not appear to comply with the rules and guidelines for unaccredited law schools.

In response, staff contacted the law school to request the overdue 2022 Annual Report and motion for major change, as well as transcripts for the enrolled students, to be sure that their study was properly structured to progress toward eligibility to take the bar exam.

On April 17, Pacific West changed positions and responded that it closed, issued a JD to one of its remaining two students after waiving a requirement, and requested permission to teach out the final student. Staff sent questions related to the closure including the formal date of closure requested and asked for a response as soon as possible, advising that the committee would proceed with the noncompliance process that Friday in the absence of a response from the law school.

After the committee met and issued a notice of noncompliance on April 21, the law school responded on April 23, answering most staff questions. The law school identified its closure date retroactive to April 17 and that it had placed a note on its website stating, “Pacific West College of Law no longer accepts applications. 1998 through April 17, 2023.” It also stated that it no longer wished to teach out the final student, and that it would serve as the custodian of records into the future. It also disputed the regulatory fees charged pursuant to the State Bar’s Schedule of Fees and Deadlines. The law school then disconnected its phone line and email.

The law school has not provided official transcripts for the remaining students, but the State Bar continues to request these documents, and the final student is attempting to transfer to another law school.

DISCUSSION

Voluntary and Imposed Closure of Pacific West College of Law

Since the law school’s response indicates that it has closed, and its website indicates that it is no longer accepting applications, the law school appears to have voluntarily terminated its registration as a fixed-facility law school.

Staff recommends that the committee not only accept Pacific West’s voluntary termination of its registration as an unaccredited, fixed-facility law school, but also further move to terminate the law school’s registration as an unaccredited, fixed-facility law school based on the finding that the law school is not in compliance and not likely to come into compliance due to the failure to file its 2022 Annual Report. It is recommended that the Committee terminate the law school’s registration effective June 23, 2023, and terminate the law school’s degree granting authority as of June 23, 2023 for all graduate professional law classes and degrees, including LLM and Master of Law programs.

Encourage Cooperation with Past Students and Graduates

The law school has advised that it will remain available as custodian of records, but so far it has not issued official transcripts to its remaining student, who is attempting to transfer. This raises concerns as to whether the law school will fully discharge its duties as custodian as stated.

The law school should be reminded that California Civil Code section 1788.91 requires that [s]chools and colleges have threatened to withhold transcripts from students as a debt collection tactic. The practice can cause severe hardship by preventing students from pursuing educational and career opportunities, and it is therefore unfair and contrary to public policy. Moreover, the practice is counterproductive as it may further delay the payment of the debt by creating obstacles to student employment. (b) It is the purpose of this title to prohibit schools from interfering with student educational and career opportunity by the withholding of transcripts.”

RECOMMENDATIONS

It is recommended that the committee receive and file Pacific West School of Law’s response to the Notice of Noncompliance issued by the Committee to the law school.

It is further recommended that the Committee accept the law school’s voluntary termination of its registration as an unaccredited fixed-facility law school, receive the law school’s assertion that it will continue to be its own custodian of records, and urge the law school to fulfill transcript requests and other document requests promptly and in compliance with California Civil Code section 1788.91.

It is further recommended that the committee find that the law school is not in compliance with the Rules for Unaccredited Law Schools and not likely to come into compliance based on its failure to file a 2022 Annual Report, that the law school’s registration as a fixed-facility law school be terminated as of June 23, 2023, and its degree granting authority for all graduate law classes and degrees, including the JD, LLM and Master of Law, be terminated as of June 23, 2023.

It is further recommended that the law school be directed to retain student and graduate records and advise current and former students and graduates how to contact the custodian to request copies of their official transcripts.

MOTION

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

MOVE, that the Committee of Bar Examiners receive and file Pacific West School of Law’s response to the Notice of Noncompliance issued by the committee.

FURTHER MOVE, that the committee accept the law school's voluntary termination of registration and agreement to act as custodian of records, and urge the law school to fulfill transcript requests and other document requests promptly and in compliance with California Civil Code section 1788.91.

FURTHER MOVE, that the committee find that the law school is not in compliance with the Rules for Unaccredited Law Schools and not likely to come into compliance based on its failure to file a 2022 Annual Report, and that the law school's registration as a fixed-facility law school be terminated as of June 23, 2023, and its degree granting authority for all graduate law classes and degrees, including the JD, LLM and Master of Law, be terminated as of June 23, 2023.

FURTHER MOVE, that the law school be directed to retain student and graduate records and advise current and former students and graduates how to contact the custodian to request copies of their official transcripts.

ATTACHMENTS

- A. Notice of Noncompliance to the Pacific West College of Law
- B. Response to Notice of Noncompliance from Pacific West College of Law