



**OPEN SESSION
AGENDA ITEM IV.B.
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 Probation and Progress Report, Request for Waiver to Teach Classes Online Due to COVID, and Major Change – Change of Administrative Headquarters – Peoples College of Law

EXECUTIVE SUMMARY

The Committee of Bar Examiners (committee) placed Peoples College of Law (PCL) on probation effective December 2, 2022 through May 30, 2024, and directed the law school to file monthly progress reports on the first day of each month. Since the last committee meeting, the law school filed a timely, but materially incomplete progress report in May 2023 (Attachment A) and did not update the report when staff identified the missing portions in a communication to the law school (Attachment B). The June 2023 progress report (Attachment C) addressed more of the issues, generally listing future timelines when progress is projected. The law school also requested extension of a waiver to teach classes online due to the pandemic (Attachment C, Att. H), as well as a major change request involving the sale of the law school building and move to a new space not yet identified. (Attachment C, Att. G). Staff and PCL exchanged three emails regarding the June progress report (Attachments D-F).

BACKGROUND

Peoples College of Law is a registered, unaccredited fixed-facility law school founded in 1974 and located in Los Angeles, California. It is a stand-alone law school and solely offers a JD program.

Volunteer faculty teach the students in a building owned by the law school.¹ (PCL 2022 Annual Report). During the fall 2022 term, PCL enrolled 21 students (9 1L; 9 2L; 2 3L; and 1 4L); during the spring 2022 term, PCL enrolled 14 students (4 1L; 7 2L; 2 3L; 1 4L). ([Jan. 2023 Cal. Bus. & Prof. Code section 6061.7\(a\) disclosure; email from Peoples College of Law Administrator, March 24, 2023, 5:45 p.m.](#)).

SUMMARY OF PROBATION CONDITIONS

On December 2, 2022, the committee placed PCL on probation through May 30, 2024. ([Item O-400](#), Committee of Bar Examiners Meeting, Dec. 2, 2022). The probationary order set forth the following conditions of probation:

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

FURTHER RESOLVED, that the committee places the law school on probation through and including May 30, 2024, 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 October 2023 and April 2024, and agree to submit to annual inspections thereafter until the committee is satisfied that compliance is likely to be sustained.

FURTHER RESOLVED, 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 during the full term of probation, and to provide a self-study and submit to an inspection in 2023.

FURTHER RESOLVED, 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 RESOLVED, 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.

([Committee of Bar Examiners' Minutes, December 2, 2022 Meeting](#)).

Though the committee's original order contemplated a review in October 2024, PCL requested clarification of the order and review in a letter on March 1, 2023.

At its March 2023 meeting, the committee responded to PCL's letter by confirming that, consistent with its prior directives issued since 2020, PCL's progress reports must include status as to "each element of probation," which is each recommendation noted in its 2020 inspection

¹ Classes have been taking place online since Spring 2020 under an emergency waiver approved by the committee due to the pandemic. This waiver expires in August 2023.

report². The committee also confirmed that in areas where PCL had demonstrated compliance following the 2020 inspection report, PCL must sustain compliance and avoid falling out of compliance with other rules or guidelines. If the law school falls out of compliance, it must include a plan and timeline to come into compliance in that area in the monthly progress report. As a courtesy, the committee provided the law school with another copy of each of the recommendations from the 2020 inspection report and a summary of PCL's compliance or lack thereof for each recommendation (derived generally from their prior submissions). (See [O-402 Attachment E](#), Committee of Bar Examiners Meeting, March 24, 2023).

The committee also reviewed PCL's January, February, and March 2023 progress reports and requested more information to give the law school another opportunity to demonstrate whether its disclosure practices comply with Rule 4.241 and California Business and Professions Code section 6061.

The committee adopted the following motion at its March 2023 meeting, extending the deadline for the April 2023 progress report to April 4 as a one-time courtesy:

MOVE, that the Committee of Bar Examiners receive and file the probationary reports filed by Peoples College of Law in January, February, and March 2023.

FURTHER MOVE, that in response to Peoples College of Law's March 2023 letter seeking information as to its compliance status and required actions, that staff transmit to the law school the annotated summary and restatement of the probationary order set forth in Attachment E (amended to be due, EOD, April 4).

FURTHER MOVE, that committee direct the law school to take prompt action to establish full compliance and take the actions noted in Attachment E, as well as any other steps necessary to avoid noncompliance with any other Rule or Guideline, and to provide an update and documentation in its April 2023 progress report. If the law school cannot document compliance in a particular area, the law school must provide an explanation and detailed, documented timeline and action plan as to when compliance is expected to be achieved.

FURTHER MOVE, that Peoples College of Law must clearly and fully document compliance with Rule 4.241 and California Business and Professions Code section 6061 in its April 2023 progress report by providing evidence that the procedures set forth in California Business and Professions Code [section] 6061 and Rule 4.241 were followed or that refunds were issued. Failure to do so will be taken as evidence of noncompliance and the committee may move to terminate the law school's registration.

(Committee of Bar Examiners' Meeting, March 24, 2023, adopted motion posted onscreen, posted via meeting recording).

² Prior to the imposition of probation, PCL was already required to write annual progress reports addressing each recommendation identified in the law school's inspection report. ([Minutes of Meeting of August 20, 2020 Meeting](#), Adopted at Committee of Bar Examiners Meeting, October 16, 2020).

The law school's April progress report included timelines in some areas but not others, and continued to omit topics requested. After reviewing the report, the committee adopted the following motion at its April 2023 meeting, urging the law school to file complete, consistent reports with timelines. The committee also asked a series of specific questions related to disclosures and providing notice to students about the law school's probationary condition and disclosure compliance, and repeated its admonishment to the law school to maintain full compliance with disclosure requirements:

MOVE, that the Committee of Bar Examiners receive, and file Peoples College of Law's probationary progress report filed in part on April 1, 2023 and in part on April 5, 2023.

FURTHER MOVE, that the committee advises that the submission of late, incomplete, or inconsistent progress reports will contribute to the committee's assessment of whether the law school is able to achieve and sustain compliance.

FURTHER MOVE, that the law school be directed to document compliance status as to Rule 4.241 and California Business and Professions Code section 6061 in its May 2023 progress report, including documenting: 1) whether the law school provided the specified law student with a disclosure for the spring 2020 term; 2) whether it has received a signed disclosure from the student who did not sign a disclosures for the fall 2022 term as of the date of the April 2023 progress report; 3) whether that the law school has "clearly advis[ed] 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;" 4) whether it refunded the tuition of the students who made a payment prior to receiving a disclosure, or a full explanation for each of those students as to why the refund was not issued; 5) providing consistent and complete information, including any disclosures omitted from the April 2023 progress report; and 6) explaining discrepancies between the disclosure status charts provided in March 2023 and April 2023.

FURTHER MOVE, that the law school continue to be directed to take prompt action to establish full compliance and take the actions noted in Attachment E from the committee's March 2023 meeting, as well as any other steps necessary to avoid noncompliance with any other Rule or Guideline, and to provide evidence of this in its May 2023 progress report. If the law school cannot document compliance in a particular area, the law school must provide an explanation and detailed, documented timeline and action plan as to when compliance is expected to be achieved.

DISCUSSION

This discussion reviews PCL's updates contained in its May and June 2023 Progress report, which include as part of the June 2023 progress report, a request to extend its emergency waiver to teach classes online as a fixed-facility law school due to the COVID pandemic, and a major change request identifying the sale of the building already in progress, with the criteria for a subsequent space yet to be shared.

PCL's MAY AND JUNE 2023 PROGRESS REPORTS

On May 1, 2023, the law school filed a timely but materially incomplete progress report. Staff provided a detailed list of omissions as a courtesy, referencing the committee's original requests. For example, the law school did not address the specific questions asked by the committee in paragraph 3 of its April 2023 motion. The law school did not amend or complete the report.

On June 1, 2023, the law school filed a report that responded to more of the identified issues and contained more timelines than the prior report.

On June 13, 2023, the law school paid its overdue invoices related to the work presented and discussed at the March and April committee meetings.

A summary of key outstanding issues after reviewing the reports is below using the item numbers identified in the original inspection report for clarity and consistency between filings each month.

Item 1 Testing Accommodations

In response to prior inquiries to the State Bar from students who were not able to understand the law school's testing accommodations process, the law school posted a Testing Accommodations request form on its new website which will be helpful to students. The law school should also advise students about what information they must submit from their treating professionals, as this was an issue identified in two student complaints raised to the State Bar this year. One of those complaints has been resolved, and the law school is reviewing the other complaint.

Item 2/4 Disclosures

Issues still exist with the law school's disclosures required to be distributed to students pursuant to Rule 4.241 and those disclosures required to be posted on the law school's website pursuant to Business and Professions Code section 6061.7(a).

Under Rule 4.241 and Business and Professions Code section 6061, unaccredited law schools must provide a specific disclosure statement to students prior to each term before the student makes a payment for that term. The student must sign the statement and receive a copy of the signed disclosure. This disclosure informs law students of the responsibilities and possible limitations of attending an unaccredited law school, the resources available at the law school, as well as the law school's performance and compliance status. The remedy for failure to comply or to issue refunds in the event of noncompliance warrants a result of termination of registration under Rule 4.241 (E).

Staff has been requesting compliance since December 2022 and the committee has been requesting compliance since January 2023. At this point, the law school has determined the

status of its distributed disclosures, and needs to file the necessary refunds. It must also present a compliant plan for the fall 2023 term since its new process set in place for the winter 2023 term did not result in full compliance.

Each month, so far until June, the law school indicated that it was researching the status of its distributed and signed disclosures. In the May 2023 Progress report, PCL stated that “PCL is working with CBE staff on the analysis of the Fall [2022] and Winter [2023] disclosures. Data to be provided to the CBE.” No data was provided following the submission of the May Progress Report. As a result, State Bar staff used the data already provided to create a list of those who did not appear to receive a disclosure or a signed disclosure. (Attachment B). It also directed the law school to respond to the questions enumerated in the Committee’s April motion, which were not included in the May progress report.

In its June 2023 progress report, the law school created a list of missing disclosure documents and students entitled to refunds, and indicated that it will provide the refunds in twelve weeks, so long as PCL’s governing board approves when it meets on June 18. Staff has asked for an update after PCL’s governing board meets. The timeline seems generous, allowing twelve additional weeks to process the refunds.

In June 2023, after a direct Committee order and a follow-up from staff, PCL responded to the majority of the questions posed in the committee’s April motion, though it did not respond to the final question asking why there were discrepancies in the data provided from month to month.

Because the law school will not be issuing refunds until the end of August, it should plan ahead to include the status in its September 1 progress report.

The law school does not appear to be solving this issue accurately or expeditiously, and appears despite the repeated direction from the committee.

In addition, on June 8, 2023, State Bar staff discovered that the law school’s web disclosure required under California Business and Professions Code section 6061.7(a) contains an error as to the amount of tuition and fees charged to earn a JD degree, appearing to overstate it. The law school was advised to correct and repost this disclosure as soon as possible.

Item 7 Secure Testing

The law school now uses security software and proctoring for exams. The June progress report references a procedure in which an instructor may delay exams at their discretion for one or more students, and the law school does not appear to have limitations related to timing, fairness, or examination security as to that policy. The policy should be evaluated and studied during the inspection if the law school does not revise it.

Item 10 Staffing

The law school admits noncompliance in the area of staffing. While the May 2023 progress report did not directly address the committee's question as to why the exam coach position was not continued, when the law school previously identified that position as important to maintaining a sound program of education, after a further reminder from staff, the law school did respond. (Attachment C, p. 63). They advised that "PCL has integrated curriculum alignment faculty meetings with the 1L faculty this year. The purpose of these meetings was to support first-year exam preparation efforts taking place on Saturdays with the resource coordinator and academic preparation in the classroom." (Attachment C, p. 82).

The June 2023 progress report also indicates that additional full-time hires are expected by mid-August 2023.

Item 11 Faculty Evaluation

The law school described a more robust faculty evaluation process, but in May was nonresponsive to the State Bar's request to understand whether and to what extent the policy has been implemented, and whether it has helped the law school to deliver grades on time. In June, PCL advised that fall grades were delivered on time, and in spring grades for one class are delayed. (Attachment C, p. 69). The law school previously indicated that it had created a backup plan to provide course grades on time if a professor was unable to do so. The law school does not advise why that policy was not used here, or whether that policy has been effective.

A supplement later in the report describes the process in more detail, and indicates the dates that student feedback was sent. To date, the law school does not provide any evidence that it has issued evaluations to instructors, though it suggests that evaluations may issue at the end of this school year, and that satisfactory evaluation will be a factor in determining whether an instructor will be invited back to teach in future terms. (Attachment C, p. 110-111).

Item 13 Clinical Courses

The law school was asked to identify who was overseeing students' clinical work currently, since PCL's policy describes a temporary procedure implemented by a prior dean, but does not describe what is being done now. The law school's May report was nonresponsive, as noted by staff. In the June 2023 report, the law school advised that the policy related to clinical course oversight is not compliant, but a compliant policy will be created later this summer.

Item 14 Grade Review

The law school has posted a policy for administrative grade appeal. The policy for reviewing grades prior to issuing them to students does not state who will be reviewing or what their qualifications are, noting that students may be part of the grading team. The law school has been asked to advise who is conducting the reviews currently. While the May 2023 report was nonresponsive, the June report advises in that "[t]he revision [to the school's current policy] adds the requirement that student examinations papers, as well as grades, must be reviewed and approved by the Dean or other legal educator before grades are posted. Adoption of a revision

is scheduled to be considered at the next meeting of our board of directors,” but does not list the date, the qualification of the reviewers, or the methods used.

Item 16 Course Repetition

The law school updated its course repetition policy to ensure compliance. However, it mentions a policy in which a student that earned a failing grade could raise the grade by doing extra credit or repeating the final, so further revision is needed. Guideline 2.9(B) provides that “[a] law school must adopt written policies on examinations and grading that are fair and . . . [g]rades should indicate . . . the student’s level of achievement.” Here, the law school has had an issue with grade inflation that has spanned several inspections, resulting in grades that did not realistically help students assess their progress, and this practice may contribute to that issue.

Item 18 Library

The law school is not in compliance with the library requirement. It indicates that it will be in compliance by the end of August by securing a line of credit on its property, but also indicated that it is in the process of selling its property and will use part of the proceeds to purchase the library volumes. It is unclear which course of action the law school is taking. (Attachment C, p. 113-114). It is also concerning that they were advised of this need in January 2020, and are planning the volumes needed just now.

Item 19 Record Storage

The law school indicates that it must enhance its recordkeeping to comply with guideline 9.1 and proposes to do so by September 1. (Attachment C, p. 114-115).

PCL Describes Improvement

PCL filed timely progress reports in May 2023 and June 2023.

The law school’s technical website migration is complete, and the law school indicates that the website technical architecture and content have been fully updated and should be easier for PCL staff and volunteers to update in the future versus the prior website.

By the time of the committee meeting, the law school may also be able to document a more complete plan for compliance with Rule 4.241, first requested in January, since PCL’s Board will meet on June 18 to discuss that matter, though it still estimates that compliance is several months away.

It will also have posted the job descriptions for additional full-time employees, and they may be available to share with the committee.

The law school indicates that it has completed the fourth-year JD course curriculum required for a student who lacked courses to take in fall 2022 and is in the process of reaching out to the student through the registrar.

REQUEST FOR WAIVER TO TEACH CLASSES ONLINE

The law school's June 2023 progress report included a request to extend its waiver to teach classes online due to the pandemic emergency.

Since March 2020, registered, unaccredited fixed-facility law schools have been allowed to teach via distance learning under emergency waivers due to the pandemic. A blanket waiver applying to all schools was in place initially. Then schools were asked to apply individually and advised that they should make permanent decisions appropriate for their schools and file any major changes needed to operate in the law school's preferred format beginning in fall 2023.

This decision has further implications for Peoples College of Law because the school's library is out of compliance, and PCL must know whether to meet the requirements for a fixed-facility law school or a distance learning law school.

Staff has been periodically reminding the law school of the need to make a permanent election since 2021, noting that absent the filing of a major change, the law school is expected to return to fixed-facility teaching in fall 2023. PCL previously indicated it would be returning to fixed-facility teaching and purchasing the required library volumes.

Consistent with the practice applied to other schools, the law school has had sufficient time to file a major change to adjust its category, and there is still time for the law school to make an application to be considered at the committee's August 2023 meeting if the law school acts quickly and files a complete request early in July 2023. Staff has already sent the law school a courtesy notice of the past reminders. (Attachment D).

Under Rule 4.208, "[a] law school may request that the Committee waive any rule or guideline. The request must clearly show that the law school otherwise complies with the rules. (B) The Committee will allow a law school a reasonable time to comply with the rule or guideline for which it has granted a waiver, but a waiver is temporary."

On June 13, 2023, the law school sent an email advising that they would be ready to teach classes in-person in fall 2023, presumably withdrawing this waiver request. (Attachment E).

It is recommended that the committee deny this emergency waiver for clarity, and require the law school to file a major change requesting a change of category if it wishes to offer a distance learning program.

REQUEST FOR MAJOR CHANGE OF ADMINISTRATIVE HEADQUARTERS

Under Rule 4.246, a law school must file a request for major change if it plans to “chang[e] the location of the law school’s administrative office.”

At several committee meetings, PCL advised that it planned to sell its building. The law school was advised to file a major change request to request the required approval.

Instead, the law school listed its building for sale, and placed it into escrow, ignoring repeated verbal and written requests to file a major change.

As part of the June 2023 progress report, the law school included a major change request advising that it would be selling the building and was planning to move, but has not yet located a space. It is unclear what type of space the law school is seeking. The law school indicates that it is open to renting a space if it has not found a permanent space in time to operate for the fall 2023 term.

It is recommended that the committee seek more information before deciding whether to approve this major change. PCL should be asked to confirm: 1) its category and provide a major change request if that category is distance or correspondence instead of the current fixed-facility; 2) its plans to fulfill the library required by its category choice; 3) the contingency plan if a space is not found; 4) the criteria being used to seek a permanent location; and 5) how those criteria are appropriate for the category selected, whether fixed-facility or distance learning.

COMPLIANCE CONCERNS REMAIN

In March 2023, the committee directed the law school “to take prompt action to establish full compliance and take the actions noted in Attachment E, as well as any other steps necessary to avoid noncompliance with any other Rule or Guideline, and to provide an update and documentation in its April 2023 progress report. If the law school cannot document compliance in a particular area, the law school must provide an explanation and detailed, documented timeline and action plan as to when compliance is expected to be achieved.”

The committee and staff have spent a significant amount of time describing and repeating compliance concerns. The law school frequently ignores these requests until multiple reminders have been issued, including committee motions. The June 2023 progress report captures some progress during the past five months, but does not project additional significant progress until the end of the summer. It is also unclear where the law school will operate in the fall, what category of instruction it plans to use, or whether the library will come into compliance.

Given the amount of progress made or sustained over the last three years, there is a serious question as to whether the law school will be able to fulfill its compliance responsibilities.

RECOMMENDATIONS

It is recommended that the Committee of Bar Examiners receive and file Peoples’ College of Law’s May 2023 progress report, the June 2023 progress report, the Request for Waiver to Teach Classes Online due to the Pandemic Emergency, and the Major Change to the Administrative office filed along with the June 2023 progress report.

It is also recommended that the committee again remind PCL that the submission of late, incomplete, or inconsistent progress reports will contribute to the committee's assessment of whether PCL is able to achieve and sustain compliance.

It is further recommended that the law school update the committee as to its compliance in general, but in particular with the student disclosures required by rule 4.241 and California Business and Professions Code section 6061.7(a), requested by the committee since January 2023, for which failure to comply can result in termination of registration.

It is further recommended that the law school file as soon as possible and no later than its July 1, 2023 progress report a motion for permanent change to the distance learning category if it intends to teach classes online in fall 2023, or alternatively affirm in its July 1, 2023 progress report that it will be teaching classes in-person in a fixed-facility category in fall 2023.

It is further recommended that the law school supplement its major change request to change its administrative office as soon as possible and no later than its July 1, 2023 progress report to confirm: 1) its category and provide a major change request if that category is distance or correspondence instead of the current fixed-facility; 2) its plans to fulfill the library required by its category choice; 3) the contingency plan if a space is not found; 4) the criteria being used to seek a permanent location; and 5) how those criteria are appropriate for the category selected, whether fixed-facility or distance learning.

In addition, consistent with the committee's guidance in March 2023, PCL should be reminded of its responsibility to take prompt action to establish full compliance, as well as any other steps necessary to avoid noncompliance with any other rule or guideline, and to provide evidence of this in its July 2023 progress report. If the law school cannot document compliance in a particular area, the law school must provide an explanation and detailed, documented timeline and action plan as to when compliance is expected to be achieved.

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 receive and file the following documents from Peoples College of Law: May 2023 progress report, June 2023 progress report, including Attachment H Request for Waiver to Teach Classes Online due to the Pandemic Emergency, and Attachment G Major Change to the Administrative Office.

FURTHER MOVE, that the committee again remind PCL that the submission of late, incomplete, or inconsistent progress reports will contribute to the committee's assessment of whether PCL is able to achieve and sustain compliance.

FURTHER MOVE, that the law school update the committee as to its compliance in general, but in particular with Rule 4.241 and California Business and Professions Code 6061.7(a), requested since January, for which failure to comply can result in termination of registration.

FURTHER MOVE, that the law school be directed to file, as soon as possible and no later than its July 1, 2023 progress report, a motion for permanent change to the distance learning category if it intends teach classes online in fall 2023, or alternatively affirm in its July 1, 2023 progress report that it will be teaching classes in-person in a fixed-facility in fall 2023.

FURTHER MOVE, that the law school supplement its major change request to change its administrative office as soon as possible and no later than its July 1, 2023 progress report 1) confirm its category and provide a major change request if that category is distance or correspondence instead of the current fixed-facility; 2) its plans to fulfill the library required by its category choice; 3) the contingency plan if a space is not found; 4) the criteria being used to seek a permanent location; and 5) how those criteria are appropriate for the category selected, whether fixed-facility or distance learning.

FURTHER MOVE, that consistent with the committee's guidance in March 2023, PCL should be reminded of its responsibility to take prompt action to establish full compliance, as well as any other steps necessary to avoid noncompliance with any other rule or guideline, and to provide evidence of this in its July 2023 progress report. If the law school cannot document compliance in a particular area, the law school must provide an explanation and detailed, documented timeline and action plan as to when compliance is expected to be achieved.

ATTACHMENTS LIST

- A. May 1, 2023 Peoples College of Law Progress Report
- B. Staff Response to May 1, 2023 Peoples College of Law Progress Report
- C. June 1, 2023 Peoples College of Law Progress Report
- D. Staff Preliminary Response to June 1, 2023 Progress Report
- E. PCL Response to Staff Preliminary Response to June 1, 2023 Progress Report
- F. Staff Second Response to June 1, 2023 Progress Report