

From: [lawschoolregulation](#)
To: [Edith Pomposo](#)
Cc: [Adriana Zuniga \(administrator@peoplescollegeoflaw.edu\)](mailto:Adriana.Zuniga@peoplescollegeoflaw.edu)
Subject: Confirming Receipt of Partial Progress Report - May 2023 - Additional Information Required
Date: Thursday, May 11, 2023 12:13:00 PM
Attachments: [O-402 Peoples College of Law CBE March 2023 Invoice Motion and Reference.pdf](#)

Dear Dean Pomposo:

Thank you for the partial progress report submitted by the law school on May 1, 2023; a full report is requested as soon as possible and is currently overdue. Several items that were requested to be included were not included, and will be detailed below. In addition, I will attempt to address your questions and also provide some helpful tips and repeat some important reminders.

First, congratulations on the transition of the law school's website to a new platform. When we access the website, it loads much more quickly, and we see that updating is already in progress. With an estimated total time of six weeks through mid-June, the new website may be ready to document to the Committee at its June 23 meeting.

Moving on to the remainder of the report, it is requested that the law school provide an updated May 2023 progress report as soon as it is available, understanding that its due date was May 1, 2023 and the responses to questions below are overdue.

The law school should be aware that it has the burden to demonstrate compliance, and failure to address identified issues will be considered when determining whether a law school has achieved compliance. The State Bar provides this information as a courtesy in order to assist the law school in drafting a complete report.

Payment Related to March 2023 Committee Review Overdue

The law school's invoice related to the Committee's response to the law school's questions and review of progress reports was due on May 5, 2023. It appears that payment has not been received as of May 11, 2023. A courtesy copy is attached for your immediate payment, or internal review if there is proof payment has been sent.

Requests from the law school contained within the progress report

As to the law school's request for additional time to review and provide disclosures, staff does not have the authority to grant this request, and this information was requested by the Committee by April 4, 2023. Given that the law school requested two weeks, this would be through May 14, 2023; therefore, regardless, the information should be available to include in the law school's modified May 2023 progress. Report. The Committee will be advised of the law school's request and also any data provided.

Major Change Motions Appearing to Be Required Immediately

It appears that the law school is considering several options for which the law school must file complete advance major change requests and seek approval as follows:

Change of Administrative Headquarters: This requires a pre-approved major change. The law school noted at the Committee's last meeting that it will soon be in escrow to sell its building and choose a new location, but the State Bar has not received the required major change for pre-approval. This

implicates the law school's compliance. The major change is required immediately. The State Bar has previously reminded the law school of this obligation under the rules and guidelines.

Possible Change to Distance Category: The law school is scheduled to return to in person classes this fall, and will be required to be in compliance with the library requirements by then. Any change from this plan would require a pre-approved major change approved by the Committee at a regularly noticed meeting. Here, the law school appears to be actively considering a change, but has not filed the required paperwork to do so.

Waiver Requests that May Be Required:

At times the law school has indicated that it can comply with the requirement, while at other times it indicated it cannot. The law school must demonstrate compliance with the library requirement in order to proceed with fall 2023 classes.

Omissions in Progress Report

The May 2023 progress report is incomplete in the following ways and updates are requested:

Overall Compliance Issue (Missing or Incomplete Timelines):

Each element of the progress report must contain a specific timeline, but many do not contain the required timelines. Please add the timelines consistent with the Committee's directive:

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.

Recommendation 10 (Inadequate Staffing):

The law school admits that its staffing is inadequate.

The law school does not address the Committee's question as to why it did not continue with the exam coach position added in 2022 when the law school identified that position as critical to improving results on State Bar exams and the law school saw the first increases in scores after employing the coach. Please explain how these hours were replaced or why they are no longer needed.

The law school does not address why it previously advised that a fundraiser was hired on an hourly basis and a clinic coordinator was also hired, but the current report indicates that only a dean and registrar are still hired. Please explain how these hours were replaced or why they are no longer needed.

The law school does not address whether faculty turned in grades on time for the fall 2022 semester, or which turned in grades late and by when. Historically, one or more faculty members turned in grades late for one or more terms; in the fall, the law school created a policy to try to prevent this or provide alternatives for grading.

Recommendation 11 (Faculty Evaluation Forms):

This response is incomplete. While the law school has created a form, the law school has not responded to the request to explain how or whether the law school is using the evaluation process

as a means to hold faculty accountable to implement school standards and turn in grades on time. The law school must advise whether it is completing meaningful reviews on time, and how it is ensuring adequate faculty performance through the evaluation process. Please advise how many performance reviews were due in 2022 and how many were delivered. Also advise how many are due in 2023 and how many have been delivered so far. Also explain how faculty being held accountable to meet grading calibration standards, include meaningful feedback on exams, and turn in grades on time.

Recommendation 13 (Clinical Courses – Administrative Requirements):

Here, the law school was asked to ensure compliant oversight of its clinical programs. The law school demonstrates how a prior dean (four deans ago) handled this nearly two years ago using a personal email from that dean, but does not include a current policy, demonstrate that it is implemented, or identify the individual responsible for ensuring compliance at the law school now.

Recommendation 14 (Exam and Grading Policies) / (Outstanding Request – Grading):

The law school does not explain the process used to meet this recommendation so far in 2022, what is planned for winter 2023, or how the law school will continue to study whether its grades awarded correlate with outcomes on State Bar exams. The recommendation requires the law school to review, revise, and republish its exam and grading policies and procedures, taking action as necessary to improve the quality of exams, curb grade inflation, and ensure that students receive adequate feedback on their exam performance.

Instead, the law school identifies a pending policy, does not indicate whether the governing board adopted the policy, or whether or how it was implemented.

Recommendation 17 (Library) / (Outstanding Request – Library):

The law school must provide a specific date by which it will have completed the purchase of all required library volumes identified in the rules and guidelines. Previously, the law school indicated that it had the funds to come into compliance and planned to do so. More recently, it does not indicate that it has the funds or any longer understands what must be purchased, though that information is specified in the rules and guidelines. The law school has been provided with 41 months' notice and a waiver to create its plans to purchase these books. Yet, most recently, the law school wrote:

PCL would like [sic] the required materials and books that are necessary in the law library to meet compliance so it can begin pricing the cost of coming into compliance.

Recommendation 19 (Records):

The law school must provide specific timelines as to when the records will be fully updated, and may do so by record category.

Also, while the law school also indicates that records have been in an organized format since fall 2022, the law school was unable to provide a full set of Rule 4.241 disclosures for its students, calling into question, the law school's assertion that its records were in order.

The law school must provide an accurate assessment of its recordkeeping and a timeline for improvement and compliance.

Suggested Recommendation #3 / Outstanding Request (Quality Content Review of Exam

Materials Prior to Administration):

The law school created a procedure requiring that examination questions, accompanied by issue outlines or model answers, must be reviewed and approved by the Dean or other legal educator before being administered. Please advise whether this policy has been implemented, what percentage of exams have been reviewed in fall 2022 and winter 2023 semesters, the personnel responsible for the review.

Suggested Recommendation #4 (Grade Calibration / Outstanding Request):

Pursuant to Guidelines 5.17, 5.18, and 5.25, it suggested that the school adopt and implement a procedure requiring that grades and student examinations papers must be reviewed and approved by the Dean or other legal educator before being posted.

As of summer 2020, a policy had been created and was scheduled to be shown to the law school's board for adoption. Please confirm whether the policy has been adopted and implemented, including advising which of the classes offered in 2022 and 2023 used this process, which did not, and the effectiveness of the procedure.

Outstanding Question 1 (Testing Accommodations Student Complaint):

This relates to a review of the testing accommodations process in response to a complaint received. The law school advises that an investigation is underway. The law school has not provided a timeline or confirmed whether or not it continues to use a process in which students must request accommodations individually from each professor.

Disclosures**Winter/Spring 2020 Disclosures**

The law school has agreed to issue a refund to the student for whom it has no record of distributing and receiving a signed disclosure for the Winter/Spring 2020, and asks the State Bar to confirm that when referring to this student that the State Bar was referring to XXX, the only student with whom the State Bar has been discussing disclosures for that semester. If any other students are similarly situated, the law school should provide refunds to those students as well. The law school should be prepared to provide evidence that it is self-monitoring effectively and otherwise compliant as to other students.

2022/2023 Disclosures

Please provide refunds to the one to three students (XXX; possibly XXX and XXX) who paid prior to receiving a disclosure for the Winter 2023 term and document completion to the State Bar.

Whether this number is one or three depends upon when the disclosures were distributed, November 30, 2022 or December 2, 2022. The law school had attested as to both dates and must provide evidence to the State Bar as to which is date is correct and issue one or three refunds, depending upon the distribution date of the disclosures.

The law school also indicated in its May response that some of the signed disclosures cannot be found. Since the law school issues disclosures through its information system and signs them in DocuSign, if they cannot be found, this may suggest that they were not distributed or signed, and, if so, the law school should provide documentation of refunds to those students.

Please provide the information requested by the Committee in its April motion that does not appear to be in the law school's May 2023 progress report:

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 10 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 student(s) who paid 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.

Recommended Request 5 (Handbook):

The law school was asked to review the accuracy of its handbook. The law school's response discussed web design and management. The law school is asked to confirm when its handbook was last fully reviewed for compliance and to attest whether the handbook is fully compliant or to identify areas that should be updated.

Outstanding Question 15 (Outstanding Information Related to 4th year program for student):

The law school was asked to provide a plan and timeline as to how it will provide a fourth-year curriculum for a student who was due to begin that curriculum in fall 2022 (XXX. Previously, the law school advised that it had created six of the needed eight courses and two more were under development. The law school must provide evidence that it is working with the student to create a reasonable solution. At this time, the law school has not provided any evidence that it has communicated with the student since September 2022. The law school must provide a reasonable plan as soon as possible to address this overdue situation.

Outstanding Question 16 (Further Outstanding Information Related to 4th year program for student):

The law school must be transparent in its responses and demonstrate progress and a reasonable timeline to completion. Here, the law school should have been prepared to offer courses in fall 2022. As of April, the law school indicated that some courses were created, but two were under development. In May, one syllabus was provided. The status of the law school's ability to provide the student with a sounds program of instruction of 270 hours is unclear and must be explained.

The law school indicates that Ira Spiro has been designated to speak to the student, but does not indicate that the law school has spoken to the student.

In addition, the law school is a fixed-facility school that should plan to deliver its courses via fixed-facility means. At one point, the law school discussed delivering the courses via online delivery, but has not filed a waiver to see if it receives permission do so. Currently, it is privileged to deliver courses principally in fixed-facility format, with principally designating that some courses may be in clinical or internship format. The law school does not appear to propose a clinical or internship experience for this student, though it may do so.

Outstanding Question 17 (Major Change Pre-Approval Needed for Change of Headquarters):

The law school discusses the sale of the building and a search for a new building. Because pre-approval of a move is required, the law school appears to be taking major steps in a noncompliant manner. It has been advised on multiple occasions to file a major change seeking pre-approval in order to establish compliance, but it has not taken steps to comply. The law school must comply if it wishes to continue to operate and effectuate a move. This was discussed at the start of this communication.

Outstanding Question 19 (Disclosures):

The law school advises that on a forward basis it has taken steps to ensure that files from fall 2022 onward are organized. Yet, practice shows that when asked to produce key disclosure files, the law school took significant time to do so, did not submit a complete list of files to the State Bar, and submitted different data on different days without explaining the discrepancies. Therefore, the law school is asked to address this situation and to continue to evolve its processes to improve its recordkeeping, and describe these to the Committee. This was also discussed above.

Thank you for the law school's prompt attention to completing this report.

Sincerely,
The Office of Admissions