CONCORD LAW SCHOOL

PERIODIC INSPECTION REPORT

November 3-4, 2014

Inspection conducted
Pursuant to *Rule* 4.244 of the
Unaccredited Law School Rules

George C. Leal, Director, Educational Standards
Office of Admissions, the State Bar of California

ATTACHMENT A

CONCORD LAW SCHOOL
10866 Wilshire Blvd., Suite 1200, Los Angeles, California 90024
A Registered, Unaccredited Distance-Learning Law School

EXECUTIVE SUMMARY AND RECOMMENDATIONS

An inspection of Concord Law School (CLS) was conducted on behalf of the Committee of Bar Examiners (Committee) on November 3-4, 2014 by George Leal, Director for Educational Standards, Office of Admissions, The State Bar of California. The inspection was the law school's second, five-year periodic inspection conducted pursuant to Rule 4.244(A) of the *Unaccredited Law School Rules* (Rules).

As confirmed during the inspection, CLS is operating compliantly. It offers its students a sound, four-year program of online legal education leading to a Juris Doctor degree for a total tuition expense of just under $40,000. Its curriculum is offered through reliable technology and is taught by a well-qualified faculty. CLS is well administered by an Interim Dean, several full-time associate deans and an experienced support staff. The law school maintains compliant admissions criteria, sound academic and scholastic standards as well as compliant operational policies and procedures to support its students.

Founded in 1998, CLS's academic mission is "to provide a high quality, accessible and affordable legal education delivered over the Internet." CLS was acquired in 2007 by Kaplan University, a for-profit entity owned by Kaplan Higher Education LLC, which, in turn, was later acquired by the Graham Holdings Company, a publically-traded company. With its acquisition by Kaplan University, CLS gained accreditation by the Higher Learning Commission, a regional accreditor recognized by the U.S. Department of Education. At the time of the inspection, CLS was also accredited by the Distance Education Training Council (now the Distance Education Accrediting Commission); but that accreditation was allowed to lapse given that it is now regionally accredited.

CLS has a large, if declining student enrollment. At the time of the inspection, it had of 922 students, with 640 studying in its J.D. program and the remainder in one of its two non-J.D. degree programs, its "Executive Juris Doctor" degree and a Masters of Laws (LL.M.) in Small Business Practice. For the 2015-2016 academic year the law school's enrollment had dropped to 745 students, with 507 studying for a J.D. degree. The law school reports that 30% of its enrollment resides in California while its remaining students live in the other forty nine states. The CLS administrative offices are located in Los Angeles.

Recommendations:

It is recommended that the this Periodic Inspection Report be received and filed by the Committee; that the recommended mandatory and suggested actions

listed below be adopted; that subject to confirmation that it has taken efforts to address and correct each mandatory action, registration of Concord Law School be continued; and that the next inspection of the school occur in spring of 2020, unless the Committee determines that an earlier inspection is required.

Recommended, Mandatory Actions:

1. To comply with Guidelines 2.3(F), the law school must revise its website so that it informs the public, applicants and students that its degree-granting authority to offer a J.D. degree that qualifies recipients to take the California Bar Examination be admitted to the practice of law in California is due to its registration as an unaccredited law school with the Committee;

2. To comply with Guidelines 2.8(C), the law school must revise its student discipline policy to provide students notice of their right to the assistance of counsel and to call witnesses in their defense during a discipline hearing;

3. To comply with Guideline 4.2, the law school must appoint a permanent Dean who will be able to provide sufficient time to the administration of the law school on a permanent basis;

4. To comply with Guideline 5.3(C), the law school must develop and adopt procedures to verify all time spent by students in their study and preparation not performed while engaged in online, academic activities and, further, said policy must provide a means for the law school to keep accurate records of all time spent by students in both online and offline study; and

5. To comply with Guideline 5.31, the law school must amend its application form to ask whether an applicant has ever attended another law school and, if so, whether the applicant left in good standing.

Recommended, Suggested Actions:

1. To better comply with Guideline 5.2(H), the law school should consider a revision of its grading system by altering the current grade ranges for individual grades given in classes offered in Juris Doctor degree program;

2. To better comply with Guideline 5.25(C), the law school should conduct a review of all grades given in the Juris Doctor degree program so that students are graded at a higher degree of consistency by all members of the faculty, most importantly those teaching in the first year curriculum;

3. To better comply with Guideline 10.1, the law school should seek to recruit and retain additional female and minority faculty members.

Findings of Compliance with the Committee's Standards and Guidelines

(A) Lawful Operation, Honesty and Integrity: Rules 4.240(A), 4.240(B), 2.241 and Guidelines 2.1 – 2.12. The law school must operate lawfully and be honest and forthright in all activities and must demonstrate such honesty and integrity in its financial affairs, communications, and operations.

CLS is among the schools of Kaplan University, an entity owned by Iowa College Acquisition, LLC, which is a limited liability company that is registered by and is in good standing with the Office of the California Secretary of State. CLS operates under a current business licensed issued by the City of Los Angeles.

CLS appears to be operating properly under all relevant state and federal laws. To comply with the Americans with Disabilities Act (ADA), CLS maintains a policy to provide reasonable accommodations to applicants with disabilities as required by law. CLS also maintains appropriate written policies to protect student privacy and to ensure the confidentiality of their academic records.

The law school was found to be operating in an honest and forthright manner as to its financial affairs, in how it communicates with the public, applicants and students, and as to all of its policies and procedures relating to its academic standards, grading, grade review and student discipline. Kaplan University publishes an online catalog that contains a section devoted to the law school in which all such CLS policies and procedures are discussed in detail.

CLS's website offers applicants and students a clear and comprehensive description of the law school's academic programs, admission requirements and application process. The website, catalog and admissions application all contain either an online link to, or the actual language of, the mandatory Guideline 2.3(D) notice regarding the geographic limitation of the CLS J.D. degree to those interested in practicing law other than in California. Its online and hardcopy materials also comply with Guideline 11.3 since each contains the mandatory notice that neither of CLS's two other law degrees, its Executive J.D. or LL.M. degree, will qualify a recipient to take the California Bar Examination.

There is one technical issue where CLS's website is not currently compliant. While both the website and the CLS catalog note that it is accredited by the Higher Learning Commission, only the catalog provides notice, as required by Guideline 2.3(F), that the law school's degree granting authority is provided by the Committee; the website had no such notice. As a result it is recommended that the CLS website be revised to provide the same disclosure found in the catalog so that both are consistent with Guideline 2.3(F).

The CLS Disclosure Statement, required by Rule 4.241, is compliant in both its format and content and is properly disseminated to all CLS students. As required by Guideline 2.3(B), the law school maintains a compliant refund policy that is fair

and reasonable. Students are entitled to receive a 100% refund if they withdraw from the law school by the end of the first week they participate in classes. Thereafter, they receive a prorated refund of tuition (e.g., a 50% refund if a student withdraws at the fifth week) up through the ninth week of classes.

The law school also maintains compliant safeguards against financial fraud and maintains compliant policies to protect student privacy and the confidentiality of student communications. CLS has written policies to meet these obligations and it abides by the Family Educational Records Privacy Act (FERPA) to maintain the privacy of its students' records and information. The law school also provides compliant notice to its applicants and students as to what student services and activities it provides, including academic counseling.

As part of Kaplan University, CLS has access to and maintains adequate security and regularly uses state-of-the-art backup procedures to ensure and protect all of its computer and communications systems from unauthorized access or from the loss, destruction or the corruption of its electronic data.

CLS has adopted a compliant explanation to provide students with adequate notice of the type of grading system used, the fact that they are graded anonymously and the circumstances under which students may be subject to academic probation and dismissal. Students are also fully informed as to the basis upon which all final grades are calculated. Finally, CLS students are informed of their right to petition for a review of a disputed grade, which, as required by Guideline 2.9(G), is then reviewed and decided by a committee.

The law school has also adopted a written policy for the imposition of student discipline. As described in the CLS catalog, students are provided with a very detailed description of what type of conduct will warrant discipline, a statement of the law school's honor code and the procedures used to impose discipline, including a written reprimand, suspension and, where warranted, dismissal.

This policy, however, is not compliant with a key requirement found in Guideline 2.8(B). As required by this subsection, students subject to discipline must be afforded the "opportunity for a hearing before a panel of disinterested members of the faculty, administration, and students, as the law school chooses." Moreover, while the law school may "reasonably limit" a student's right to be represented by counsel in a discipline proceeding, it may not deny them the right to the assistance of counsel or "the opportunity to call witnesses." As currently adopted, the CLS policy expressly states that "[s]tudents do not have the right to represented by counsel in any School investigation, hearing or other proceeding."

Given each of these omissions, it is recommended that the law school revise its student discipline policy and procedures so that it complies with Guideline 2.8(B).

(B) <u>Governance</u>: Rule 4.240(C) and Guidelines 3.1- 3.3. The law school must be governed, organized, and administered so as to maintain a sound program of legal education.

CLS is well governed and compliantly administered. Interim Dean Larry David has held his position for approximately 20 months following the departure of former dean Greg Brandes. Dean David is a licensed California attorney who also holds an M.B.A. degree from the University of Southern California and a bachelor's degree from the Claremont College.

CLS students are provided support by an experienced and well-qualified staff of administrators. They include: Associate Dean of Administration Kiyoko Tatsui; Andrew Tallmer, Dean of Faculty; Valerie Knight-Davis, Interim Registrar; Associate Dean of Academics; Steven Bracci, Associate Dean of First Year Programs; Sara Berman, Associate Dean of Regulatory Examination Support.

Both the CLS administrators and its faculty members are actively involved in its academic and operational decision-making process. All admission decisions are made by a committee, which includes a full-time faculty member, while proposals to change or augment the CLS curriculum are reviewed and discussed with the Academics Group, which consists of the Interim Dean, each of the associate deans and faculty members. Decisions regarding the academic probation or disqualification of students are made by the Academic Petitions Committee consisting of two faculty members and the Associate Dean of Students.

In regard to the law school's corporate governance, the president and provost of Kaplan University, along with its Board of Trustees, maintain direct oversight of CLS. The Kaplan University Board is comprised of accomplished educators, practicing attorneys, retired business executive and former military officers.

(D) <u>Dean and Faculty:</u> Rule 4.240(D) and Guidelines 4.1 – 4.10. The law school must have a competent dean, a qualified administrator and a competent faculty devoting adequate time to its administration and to compliant instruction and student counseling.

Appointed in June of 2014, Interim Dean Larry David is a graduate of CLS and was the former vice chair of the Kaplan University's board of trustees. He is a licensed California attorney who developed a *pro bono* law practice after a career in the liquor industry and, later, at both Xerox Corporation and Apple Computer.

While Interim Dean David is qualified to be appointed, he has confirmed that Kaplan University will soon recruit and retain a permanent CLS dean. However, given the significant amount of time since it has operated without a permanent dean, in excess of 20 months, it is recommended that CLS select and appoint a dean as soon as possible so that it operates compliantly under Guideline 4.1.

The law school is compliant with Guideline 4.2 in operating with a well-qualified, full-time administrator, Dean of Administration Kiyoko Tatsui. Dean Tatsui is a graduate of U.C. Berkeley's Boalt Hall School of Law, is a licensed California attorney and has many years of administrative experience. As such she offers both CLS students and faculty strong operational skills and expertise.

CLS operates with a mix of both full-time and part-time faculty. As noted in the faculty handbook, CLS employs full-time professors, part-time adjunct professors and visiting professors. At the time of inspection, the CLS faculty consisted of 19 full-time and 42 part-time professors with the full-time faculty teaching 50% of all courses offered in the law school's curriculum, with the adjunct faculty teaching the remainder of its classes. Given a drop in its enrollment since the inspection, CLS now has 14 full-time professors and 29 part-time, adjunct professors.

The academic qualifications of the CLS faculty exceed the minimum requirement of Guideline 4.6 since all professors have a Juris Doctor degree; most are graduates of ABA-approved law schools including UCLA, Whittier College of Law, New York Law School, Georgetown Law Center, Drake, Yale, NYU, Albany Law School, Loyola University of Chicago School of Law, Franklin Pierce Law Center, University of Maryland, University or North Dakota, and many others. A number of faculty members are licensed to practice law in California, while other members are licensed in over 20 other jurisdictions.

Faculty turnover is very low with many faculty members teaching at CLS for over five years and in many cases more than ten years. As discussed during the inspection, the law school should continue to support the ongoing improvement of its faculty through having its members attend continuing professional education and development programs to improve their teaching skills, particularly as they relate to online instruction and academic support.

Recruitment and development of the faculty is the responsibility of the school's Dean of Faculty, Andrew Tallmer, who has been with the law school for more than 15 years, and the Associate Dean of Faculty for most of that time. All faculty members are required to have a J.D. from a U.S. law school and be admitted to practice in at least one jurisdiction unless an exception is granted. New faculty members complete an extensive training program, including one or two online course developed by the law school, focused on skills and techniques for teaching online. A one-on-one orientation of the CLS technology is also provided.

Faculty evaluations are compliantly conducted through periodic peer review. Faculty members who are on the Faculty Council Development Opportunities, Mentoring and Evaluation (DOME) Committee conduct the evaluations. New faculty members are evaluated during the first academic year of teaching and all faculty members are observed as they teach (either live or via achieved class sessions). An assessment of their written work products and a review of their student evaluations are also considered. A report is prepared and submitted to

the Associate Dean of Faculty for final approval. Once approved, the report is then placed into the faculty member's personnel records.

Given the nature of the CLS curriculum, faculty members are available to students through email messages, which must be returned within 24-48 hours of being received. Students may also participate in a telephone conference call with their professors and an assistant dean assigned to a student's cohort.

Through its Curriculum Committee, Examinations Committee and the Faculty Council, individual members of the CLS faculty also take an active role in the formulation and administration of the law school's academic policies, examination drafting and curriculum development. At least once a year the entire CLS faculty reviews and votes on the law school curriculum.

The initial selection and retention of qualified faculty members, along with their ongoing training and periodic evaluation, were found to be all compliant.

(E) <u>Educational Program:</u> Rule 4.240(E) and Guidelines 5.1 – 16. The law school must maintain a sound program of legal education that is qualitatively and quantitatively compliant.

The CLS curriculum offers a J.D. degree that qualifies graduates to take the California Bar Examination (CBX) and two degree programs that do not, an Executive Juris Doctor degree (E.J.D.) and a Master of Laws (LL.M) in Small Business Practice. During the inspection, 640 students were enrolled in the J.D. program; 180 students were in the E.J.D. program and 10 were in the LL.M program. [Post inspection Note: In 2015, enrollment in the J.D. program was down to 507 students.]

CLS initially received its degree-granting authority for its law degrees from the former Bureau for Private Post-Secondary and Vocational Education (BPPVE). When oversight of California's unaccredited law schools was transferred to the Committee in 2008, CLS was permitted to retain its authority to offer its E.J.D. degree, along with only one other registered school, Taft Law School. All other unaccredited law schools then offering a "non-bar" J.D. degree were required to stop enrolling students and cease offering such a degree. As result, only CLS and Taft Law School currently are permitted to offer J.D. degrees that will not qualify a recipient to take the CBX. As for its LL.M degree, in 2010 CLS sought and received the Committee's approval and acquiescence to offer that degree.

The CLS J.D. curriculum meets the qualitative and quantitative requirements of Guideline 5.2 by providing four years of classes and offline study, completed within 48 to 52 weeks that require more than the minimum of 864 hours of study and preparation. To graduate, students must complete 92 semester units covering courses in all fourteen subjects tested on the CBX. They must achieve an overall, GPA of 2.0 to graduate and attend 80% of all class sessions, either in

real time or by viewing class sessions that are recorded and archived. Class attendance is verified through the CLS learning management system (LMS) at the end of each academic term; students who fail to maintain minimum attendance do not receive any credit and must repeat the entire year of study.

Each J.D. class is organized and taught in a year-long series of "modules," each with has its own syllabus of reading assignments, class sessions, video lectures, writing assignments and multiple-choice quizzes. All assigned work and class attendance must be completed within a set time period of time (usually 11 days) before the student is allowed to begin the next module.

In offering a curriculum offered through distance learning, CLS students have the option to schedule their class and lectures sessions to best suit their individual needs, which may include full time employment during the day or family obligations. All J.D. classes are offered in a synchronous mode so that students may attend and interact with their professors in real time and, as such, have much the same experience as students attending classes in fixed-facility law schools. For those who prefer to study during non-traditional school hours, (late night or on weekends), all classes and lectures may be viewed 24/7 initially or repeatedly, as a class review, from an online archive.

The law school uses a semester unit system that equates 45 hours of student activity for each credit earned, with each unit requiring 15 hours of class attendance (or video viewing) and 30 hours of associated offline study. When a student completes each of the modules for all classes taken each academic year, the total number of hours of study and preparation completed is designed to average no less than 880 hours. Students are prevented from advancing from one class module to another until all required work in each module is completed. Students who fail to log on for more than 21 days are administratively dismissed.

CLS electronically verifies the time students spend online participating in class sessions, watching lectures and participating in group discussions. Time spent viewing archived taped lectures and classes is also recorded. The law school does not, however, have a procedure to record and verify the time students spend offline studying or preparing for class. It assumes that they spend enough hours studying offline to meet the minimum hours of study and preparation. Guideline 5.3(B) expressly requires that CLS "must have a written policy that establishes procedures for verifying student participation and study." Thus, in place of its expectation and assumption that students actually complete all of the offline hours of study required to complete each class module, it is recommended that CLS be required to adopt a policy compliant with Guideline 5.3(B). Such a policy would establish procedures to verify that each J.D. student actually completes all required hours of study to complete each of their courses.

The first year curriculum consists of Torts, Criminal Law, Contracts and a skills course: Legal Writing and Test Taking. The second year requires Constitutional

Law, Civil Procedure, Real Property and Criminal Procedure. Starting in their third year, students may start to take elective courses while they complete the remainder of their required, CBX-tested courses. In their third year, students are also required to take a traditional legal writing and research class, which focuses on both online and book-based research.

The curriculum offers students a significant number of elective classes, including more than 25 different courses. They include Federal Tax, Administrative Law, Health Law, Employment Discrimination, Debtor Creditor, Education Law, International Trade, Cyber Law and Patent Law. It also offers a few legal skills courses such as contract drafting and two patent claim drafting courses.

The law school offers no clinical experiences to its students, but externships are available, which are completed by only a small percentage of graduating students.

During the inspection, a demonstration of the CLS online technology was provided and both a live class and a sample of archived classes were reviewed and found to offer a sound and effective legal education. Live classes offer students a rigorous, synchronous virtual classroom experience.

CLS students are also subject to sound and regular assessments. All required class modules have regular multiple-choice and essay writing assignments. For example in Contracts, the students write a total of eight essays over the course of the class and are required to answer hundreds of multiple-choice questions. Final examinations take place at the end of most courses and consist of multiple one-hour essay questions. A review of a sample of such examination questions confirmed that they adequately test student at the J.D. level of comprehension. Those reviewed were drafted using the format used by the First-Year Law Students' Examination (FYLSX) and contained an appropriate number of issues. The model answers provided in elective classes use a wider array of assessment tools such as short answer, multiple-choice and longer writing assignments.

A review of class casebooks confirmed that all are the standard editions used in almost all J.D. programs. One unusual feature of the CLS curriculum is its integration of hornbook readings as required work in many of the courses. Syllabi reviewed included extensive readings in these books, regular video and live class assignments, and other appropriate learning activities. Grading policies were provided for each course. Announcements, handouts, and other learning tools incorporated in some courses were also viewed. The syllabi are arranged in topical modules and most, but not all, have detailed learning objectives stated.

As required by Guideline 5.13, students have regular interaction and contact with their professors through email, the telephone and online discussions. All students are also assigned a law advisor who monitors their individual progress through each of the models. Finally in regard to actual academic support, the law school

offers its first-year students a program entitled "Concord First," which provides them with taped review lectures and live, online classes to assist them to develop and strengthen their test taking skills.

(F) <u>Scholastic Standards:</u> Rule 4.240(F) and Guidelines 5.17 – 5.25. The law school must maintain sound scholastic standards that ensure accuracy, validity, reliability and consistency in its evaluation of student performance and must, as soon as possible, identify and disqualify those who are not qualified to continue under these standards.

CLS has adopted sound policies to maintain compliant scholastic standards. It uses a Faculty Examinations Committee (FEC) to develop and maintain the scholastic integrity of both the final examinations given in the J.D. program and the grading standards used to assess each student's performance. The FEC also offers training to the faculty in examination drafting and develops and oversees grading guidelines to ensure grading consistency. A sample review of final examinations given in various classes confirmed that they were well drafted and provided a fair test of the content of the class in which they were given.

Students in the J.D. program are required to pass each first-year class with a grade of at least a C to receive credit and then be certified to take the FYLSX. Students who fail any first-year class (by earning a grade of C- or less) are not certified for the FYLSX, and are dismissed from the J.D. program; they may however, enroll in the E.J.D. program. Students in good standing after their first year who do take the FYLSX are permitted to enroll in second-year classes pending receipt of their results from that examination. Once students timely pass the FYLSX, they may enroll in their third year to continue and complete the J.D. program. All students who fail to pass the FYLSX by the third administration after they become eligible are dismissed.

For students in their third and fourth years of study, credit may be earned in any class in which they earn a C-, but they must achieve a cumulative C average to remain in good standing and graduate. Those who do not are placed on academic probation for their next year of study, and if they then fail to achieve a C average at the end of that year, they are dismissed from the J.D. program.

As described in its catalog, the CLS J. D. degree grade ranges are significantly lower than those used in many other law schools. A final class grade of 83 earns an A, with a grade of 80-83 earning an A-. Moving downward, a final grade of 73-77 is a B, 63-67 a C, 53-57 a D and below 50 an F. While the faculty members do issue grades of F (approximately 3.5% of all grades given in 2014) and Ds (8% of grades), a significant number of students earn grades of A or A-, approximately 14.5% of all grades given in 2014. [Post inspection Note: this relatively high percentage of top grades given in J.D. classes was also reported in its 2015 Annual report, where 14% of all letter grades reportedly given in all

J.D. classes were either A or A-, while the number of D or D- grades fell to 4.9% with only 1.5% grades an F.]

The overall grade averages reported for both full-time and part-time professors also show what appears to be a significant disparity in how the CLS grade standards are applied by the faculty. As reported in the self-study, during the 2013 academic year, the overall grade averages given by all professors in all J.D. degree classes ranged from a C- (1.90) to a B+ (3.5). Grade point averages in several first year courses taught in 2013 showed a similarly wide variation. In the Contracts class taught in the fall of 2013, the average grade was a B+ (3.70), while the Contracts classes taught by three different professors in the spring of 2013 had grade averages that ranged from C- (1.98) to C+ (2.50). Even within the very same academic period and, presumably the same cohort of students, such grade disparity exists. In the spring of 2013, CLS offered three Criminal Law classes; the average grades in all three ranged from C- (1.96) to B+ (3.10).

Given these significant grade disparities, when combined with the lower grade ranges noted above, it appears that the law school should consider improving its compliance with Guideline 5.25(C) so as to offer its students greater consistency in how its grading standards are applied by individual faculty members. To achieve that result, it its recommended that the Examinations Committee, the Interim Dean and all associate deans conduct a review of the current grading ranges being used and grades being issued in the J.D. program in an effort to both curb upper-end grade inflation and to offer students a better assessment of their future performance on both the FYLSX and, upon graduation, the CBX.

As reported in the self-study, between June 2009 and January 2014, graduates have had an overall, cumulative CBX pass rate of 46.6%, with 172 of 369 graduates passing the CBX, with 108 (29.27%) passing on their first attempt.

The pass rates for Concord's students on the 10 most recent administrations on the California Bar Examination are as follows:

Date	First-Time Takers	First-Time Passers	Repeat Takers	Repeat Passers
Jul. 2015	20	5	47	5
Feb. 2015	41	16	50	5
Jul. 2014	33	9	53	1
Feb. 2014	32	15	58	11
Jul. 2013	36	7	71	6
Feb. 2013	28	8	59	8
Jul. 2012	29	7	71	14
Feb. 2012	47	14	78	13
Jul. 2011	32	9	77	5

Feb. 2011	52	14	67	15
Five-Year Totals*	**350**	**104**	**631**	**83**
Average %		**29.71**		**13.15**

Both the first-time and repeat taker pass rates on the CBX for CLS graduates was above the percentages for graduates from all registered, unaccredited law schools. The first-time pass rate for all such graduates over same CBX administrations was 26.9%, while the repeat passer rate was 11.47%.

As to the FYLSX, CLS compliantly excludes all students from the J.D. program who fail to achieve good standing during their first year of study or who later fail to pass the FYLSX within the first three administrations after they are eligible to take the examination.

Pass rates for Concord's graduates on the 10 most recent administrations of the FYLSX are as follows:

Date	All Takers	All Passers	First-time Takers	First-time Passers
Jun. 2015	127	26	71	21
Oct. 2014	98	27	32	12
Jun. 2014	152	33	79	15
Oct. 2013	134	26	46	9
Jun. 2013	189	49	106	27
Oct. 2012	163	22	64	9
Jun. 2012	192	40	108	19
Oct. 2011	196	46	74	21
Jun. 2011	237	49	134	37
Oct. 2010	202	43	94	23
Five-Year Totals	**1690**	**361**	**808**	**193**
Average %		**21.36**		**23.88**

Each of the CLS pass rate percentages is slightly below the averages for those attending all registered, distance-learning law schools, which, over the same administrations of the FYSLX, had an overall, average first-time pass rate of 27.5% and an overall, average pass rate for all takers of 22.26%.

(G) <u>Admissions:</u> Rule 4.240(G), Guidelines 5.26 – 5.36. The law school must adopt and maintain a sound written admissions policy and must not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the degree program.

CLS maintains a compliant admissions policy that exceeds the educational requirements of Guidelines 5.26 through 5.33. It admits only those who have earned a bachelor's degree earned at either a regionally-accredited college, or an online institution accredited by the Distance Education Accrediting Commission into its J.D. degree program. Under this policy CLS does not admit any special students.

Applicants must complete and submit an application and the official transcripts of their undergraduate educations. A review of the CLS application form confirmed that while it is relatively comprehensive, it is deficient as to a key, material issue. Guideline 5.31 requires that the application to enroll in any registered law school must "ask whether the applicant has ever attended another law school and, if so, whether the applicant was in good standing." Applicants seeking admission to CLS who have attended another law school must also submit official transcripts from their prior law school. Given this express requirement, and its absence from the CLS form, it is recommended that its admissions application form be revised so that it is compliant with Guideline 5.31. Once compliant, the law school should also revise its admissions policy to expressly inform applicants who previously attended other law schools whether and when any credit they may have earned will be transferred and accepted for credit at CLS.

After submitting an application, applicants must then complete an online admissions test consisting of 40 questions (modeled on the Law School Admissions Test (LSAT)) to test their ability to comprehend and reason. In 2013, CLS raised its admissions standards by increasing the minimum score applicants needed to score correctly to be admitted, from 22 to 24 out of 40. They must also submit a written essay so their writing skills may be judged and, finally, each must participate in a telephone interview. Although not required, applicants who have taken the LSAT may submit their score in support of their application.

CLS admits students through a rolling admission process and all admissions decisions are made by the Admissions Committee, which consists of a faculty member, the Assistant Dean of Students and the Associate Dean of Administration. As described in the self-study, the Committee first applies a "holistic review" of an applicant's credentials and then uses a system based points calculated by multiplying an applicants undergraduate GPA, the points earned through the online admissions tests and, where applicable, points awarded if the applicant has also earned a graduate degree.

Based upon its admissions standards and selection process, CLS maintains a relatively liberal admissions policy. As confirmed by its Annual Compliance

Reports, CLS denied only 2% (9/427) of all completed applications it received in 2014 academic year and 5% (19/382) in the 2015 academic year. Given the drop in law school applicants nationally, the law school has experienced a substantial decline in its own enrollment. [Post inspection Note: over the past three years (2013 -2015) the enrollment in the CLS J.D. degree program has dropped almost 30%, from 707 students reported in the program in 2013 to 507 students enrolled in 2015.]

Finally, as confirmed by its last two Annual Compliance Reports, attrition of students in the CLS J.D. program is relatively high. Based upon its first-year enrollment of 444 students reported for 2012, only 60 students (13.5%) were reported as being enrolled as fourth year students in the 2015 Annual Report.] As discussed during the inspection, CLS attributes such attrition to a number of factors, the most importantly its students pass rates on the FYLSX and voluntary withdrawal due to time conflicts or other personal and financial reasons.

(H) <u>Library:</u> Rule 4.240(H) and Guidelines 6.1 – 6.6. The law school must maintain a compliant law library or compliant online library access.

As a distance learning law school, CLS provides its students and faculty with a compliant variety of online legal resources and services. As confirmed during the inspection, they are available through Westlaw and other online research services. With their admission, all CLS students are provided an account with Westlaw, while all faculty members, including adjuncts, have accounts on an ongoing basis. Other library resources available at the time of inspection included Hein Online, Law Library Microform Consortium (LLMC) and the Kaplan University Online Library, for non-legal materials.

The school also maintains membership in CALI, and includes CALI materials in some of its courses. The school also maintains several custom link libraries of scholarly and other research and teaching materials, posted in its library.

The Assistant Director of Information Services is a full-time professor and appears well-qualified to select and maintain library resources for the school.

(I) <u>Physical Resources:</u> Rule 4.240(I) and Guidelines 7.1 – 7.2. The law school must have physical resources and an infrastructure adequate and appropriate for its program of legal education and operations.

CLS operates from a commercial office building located on Wilshire Blvd. in the Westwood area of Los Angeles. The suite of offices it leases has a sufficient number of offices for use by the Dean and each of the other deans, administrators and support staff, all of whom provide the necessary academic and technical services offered to students. A portion of the suite also houses the marketing support staff that is needed to attract and enroll new students.

A large conference room and the reception area were appropriately sized and properly furnished. As a distance learning entity, CLS had built and maintains a very reliable, Internet-based teaching platform that offers synchronous online classes and academic support. The law school's technology is current and well supported and (other than the telephone) is used to carry out all of its operational functions including marketing, pre-admission communications with the public and potential applicants and, once admitted, to communicate with and support each student's efforts to complete the CLS curriculum along with the payment of fees and tuition. The CLS technology is properly password protected and maintains an adequate firewall to protect its data and has sufficient redundancy by operating remotely in two separate locations in Georgia and Florida.

(J) <u>Finances:</u> Rule 4.240(J) and Guidelines 8.1 – 8.3. The law school must have adequate present and anticipated financial resources to support its programs and operations.

CLS is among the schools operated by Kaplan University, a for-profit entity owned by Kaplan Higher Education LLC, which is a wholly-owned subsidiary of the Graham Holdings Company, a publically-traded company, that is the successor corporate formerly known as the Washington Post Company.

As such, CLS is extremely well-capitalized and financially secure. [Post inspection Note: in its 2015 Annual Report, CLS provided the financial statement of Kaplan Higher Education LLC, as prepared and audited by PricewaterhouseCoopers LLP. As noted therein, the Kaplan LLC reported assets in excess of $1 billion and earned over $40 million in net income for the year ending December 31, 2014.]

Given its corporate structure and financial resources, there is no question that CLS is compliant with, and ready and able to meet each of its obligations needed to provide its students with a sound program of legal education.

(K) <u>Records:</u> Rule 4.240(J) and Guidelines 9.1(A) – 9.1(Q). The law school must maintain current, complete and accurate records and files in support of its programs and operations.

All student enrollment records and transcripts are maintained in a combination of hard copy files and computerized records, which CLS refers to as its "learning management system" (LMS). All records maintained in hard copy are stored in locked, sprinkler-protected file cabinets, including a number that are fireproof.

A review of the school's LMS during the inspection confirmed that CLS maintains all records and transcripts mandated by Guideline 9.1. They include all applications received, a class syllabus and all examinations given for each class taught and class records confirming the name of the professor, dates of the term it was offered and student attendance. The law school maintains compliant file of

all examinations given over the past five years and, for the required one-year period, all final examination and mid-term answers used to calculate a student's final grade. Individual class grade tabulations are electronically maintained in separate spreadsheets on a secure drive in the Administrative Office, which is regularly backed up locally and remotely.

A review of select student files revealed that while generally complete, some were better organized than others. However, all randomly selected files were found to contain signed student disclosure statements as required by Rule 2.241, as well as each student's enrollment agreement, transcripts and application and supporting materials. Student transcripts for each term are not maintained in physical files as in many schools. These records are maintained on the school's LMS (see above.) Student record retention policies appear compliant.

The law school also maintains appropriate files on all administrative personnel and all faculty members. A review of a sample of faculty files confirmed that each contained the professor's undergraduate and law school transcripts, his/her current state licensing credentials, a list of all courses taught at CLS and all peer evaluations carried out during the time the faculty member was actively teaching.

The law school maintains a file of the minutes of all faculty and faculty committee meetings and a permanent file of all catalogs and brochures sent to prospective students. Finally, it has a good record of timely filing its admission certificates.

(L) <u>Equal Opportunity and Non-Discrimination:</u> Rule 4.240(L) and Guideline 10.1. The law school should demonstrate a commitment to providing equal opportunity to study law and in the hiring, retention, and promotion of faculty without regard to sex, race, color, ancestry, religious creed, national origin, disability, medical condition, age, marital status, political affiliation, sexual orientation, or veteran status.

CLS appears compliant with this registration requirement. Since its students are not required to report their ethnicity, an accurate accounting to confirm the diversity of its enrollment is problematic. [Post inspection Note: As reported in its 2015 Annual Compliance Report, 57.4% of its enrollment who did self-identify as to their ethnicity, with 34.8% all students responding, reported themselves as identifying as a minority, the remaining 65.2% being identified as being White. Students reporting themselves as African-American were 19.35%, or Asian at 11.46%, constituted the largest minority percentages in the CLS enrollment.]

In regard to its faculty, CLS is considerably less diverse. Of the 43 full-time and part-time adjunct professors it listed among its faculty during the 2015-2016 academic year, only 6.9% were identified as being non-White, three out of 43, with only two reported as being African American and one Asian. As to gender, the CLS faculty is only 39% female (17 out of 43). Given that it employs relatively few professors who are non-White, it is recommended that the law school

increase its efforts to find, recruit and retain faculty members who better reflect the diverse nature of the CLS enrollment.

The law school has adopted and appears to be operating compliantly with all state and federal laws that promote and protect the rights of both students and faculty from unlawful discrimination and to promote equal opportunity. Both in its catalog and faculty handbook the law school confirms that it maintains a policy that bars all forms of unlawful discrimination in the recruitment and admission of students and in the hiring, retention and promotion of faculty.

(M) <u>Compliance with Committee Requirements:</u> Rule 4.240(M) and Guidelines 11.1 – 11.5. The law school must demonstrate its compliance with all reporting and academic notice requirements required by each of the Rules and Guidelines found applicable to its programs and operations.

Over the years, CLS has been both diligent and timely in complying with the Committee's mandatory reporting requirements found in the *Unaccredited Law School Rules*. Such efforts include the law school's timely submission of is Annual Compliance Report each November 15th.

The law school also has a history of compliantly seeking the prior approval of the Committee before making a major change to its operations or curriculum.
In preparing for its periodic inspection, the law school's staff compiled a comprehensive and timely self-study that provided assistance in the evaluation of its operational compliance as to all relevant *Guidelines for Unaccredited Law School Rules*. Both during and after the inspection, and during the preparation of this Report, the CLS staff also provided prompt responses to inquires relating to various operational, scholastic and academic issues.