COMMITTEE OF BAR EXAMINERS
OPEN SESSION AGENDA ITEM

AGENDA ITEM NUMBER: April 2016 – O-400

DATE: April 18, 2016

TO: Subcommittee on Educational Standards

FROM: George Leal, Director for Educational Standards

SUBJECT: **Concord Law School - Periodic Inspection Report**

BACKGROUND

Attachment A is the Inspection Report of the periodic inspection of Concord Law School (CLS) conducted on November 3-4, 2014 by George Leal, Director of Educational Standards, Office of Admissions. Attachment B is the correspondence dated April 18, 2016 2016 received from Interim Dean Larry David, accepting the Inspection Report and confirming the school's effort to address the report's recommended, mandatory actions.

CLS is a registered, unaccredited for-profit distance learning law school with administrative offices in Los Angeles. It was last inspected on behalf of the Committee in 2008, and after correcting a few issues, was found to be compliantly operating.

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 was later acquired by the Graham Holdings Company, a publically-traded company. With its acquisition by Kaplan University, CLS became accredited 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 its accreditation with that agency was allowed to lapse given that it is now regionally accredited.

CLS has a large, if declining enrollment. At the time of the inspection, it had 922 students, with 640 studying in its J.D. program and the remaining students enrolled in one of its two non-J.D. degree programs, an "Executive Juris Doctor" degree and a Masters of Laws (LL.M.) in Small Business Practice. During the 2015-2016 academic year its enrollment was 745 students, with 507 in its J.D. degree program. Its total, current tuition charged for is J.D. degree is $39,936, which is higher than the average charged by all other registered, distance-learning law schools.

CLS was found operating compliantly. As described in the Report, the inspection found that all material elements of the CLS curriculum, its academic standards and operational policies and procedures are sound and compliant. The law school has very good administrators and an experienced faculty. Only a few minor points of noncompliance under the *Unaccredited Law School Rules* (Rules) or *Guidelines for Unaccredited Law School Rules* (Guidelines) were identified. As such, the Report recommends that CLS be required to take action as to each of the following mandatory recommendations:

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;

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.

DISCUSSION

As Interim Dean David's letter confirms, CLS has adopted the Report's findings and accepted its mandatory recommendations. CLS has already implemented mandatory recommendation number three with its recent notification that it has designated a new dean, Martin Pritikin, who will assume his duties by July 5th. As to each of the other mandatory recommendations, the law school is committed to taking action needed to correct each issue of noncompliance as identified. Among the other issues to be resolved: CLS will revise its website to provide the mandatory notice regarding the source of its degree-granting authority (no. 1); it will revise its policy regarding student discipline to provide students the right to counsel if they so choose (no. 2); the law school will develop and adopt a compliant procedure to verify all time spent by students studying and preparing not preformed while engaged in an online academic activity (no.

4); that the law school's application is compliant in requesting whether an applicant had previously attended law school and whether they left in good standing (no. 5).

RECOMMENDATION:

With Interim Dean David's acceptance of the Report's findings, including each mandatory recommendation regarding CLS's noncompliance, and his confirmation that appropriate action has or will be taken to correct each such issue, it is recommended that that the Inspection Report be received and filed; that the response of Interim Dean David be received and filed; that the recommended, mandatory actions made in the Report regarding CLS's compliance be adopted by the Committee with a finding that two have now been addressed; and, following confirmation within sixty days that the remaining recommended, mandatory actions have been taken; that the law school's next periodic inspection take place in the spring of 2020 unless an earlier inspection is found necessary by the Committee.

PROPOSED MOTION:

If the Subcommittee agrees with this recommendation, the following motion is suggested:

> Move that the Periodic Inspection Report of the Concord Law School (CLS), of the inspection conducted on November 3-4, 2014 by George Leal, Director of Educational Standards, be received and filed; that the response of April 13, 2016 submitted on behalf of the law school by Interim Dean David be received and filed; that the recommended, mandatory recommendations regarding CLS's noncompliance made in the Inspection Report be adopted; that notice be taken that the law school has taken action to resolve recommendations nos. 3 and 5; and, subject to receipt from CLS within sixty days confirmation that the remaining recommended, mandatory actions have been addressed, that the law school's next periodic inspection take place in the spring of 2020 unless an earlier inspection is found necessary by the Committee.