

LADY JUSTICE LAW SCHOOL

REPORT OF INSPECTION IN SUPPORT OF PENDING APPLICATION FOR REGISTRATION AS AN UNACCREDITED, FIXED-FACILITY LAW SCHOOL

Inspection conducted on April 4, 2016
Pursuant to Rule 4.221(B) of the
Unaccredited Law School Rules

George Leal, Director for Educational Standards
Office of Admissions
The State Bar of California

Rule 4.221(B) Inspection Report of:

Lady Justice Law School
7460 District Blvd., Suite C
Bakersfield, California 93313

INTRODUCTION

Lady Justice Law School (“LJLS”) has applied to open as a registered, unaccredited fixed-facility law school in Bakersfield, California. Following its receipt of its registration application, the Committee of Bar Examiners (Committee) directed at its meeting on March 18, 2016 that an inspection of LJLS take place to determine whether the law school would be compliant with each of the registration standards found in Rule 4.240 of the *Unaccredited Law School Rules* (Rules) at the time of its opening.

To comply with the Committee’s directive a one-day inspection was conducted by George Leal, Director for Educational Standards, Office of Admissions, on April 4, 2016. The inspection took place at the LJLS offices and classroom facility and included a lengthy conference with each of the individuals involved with the law school’s founding and planned opening. They included: Dean Stan Blyth; Registrar Molly Brown; Messrs. Warren Record and John Porter, members of the Limited Liability Company that will operate LJLS and Patrick Bowers, a member of the faculty.

As noted in its catalog, the mission of LJLS “is to provide an affordable, quality education for working adults, and others, in the community . . . [and] to give students the opportunity they not otherwise have to further their education, and to make a change in their career and lives. To achieve these goals, the law school is committed to offering a sound program of legal education taught by a qualified faculty consisting of local attorneys, each with current and relevant practical experience and expertise, administered by a dean who is committed to the law school’s mission. As currently projected, the overall cost of earning a Juris Doctor degree at LJLS will be \$30,000, plus a reasonable sum of annual fees.

During the inspection, a tour of the facility took place and all in attendance participated in a lengthy discussion of the materials submitted in support of LJLS’s application. The contents of its website, catalog, curriculum and its policies governing its admissions, academic standards and operational policies were also discussed. Based upon that discussion, several material changes to the law school’s academic standards and operational policies were suggested and adopted. Throughout the inspection, Dean Blyth, Ms. Brown and all others present were cooperative and helpful to the process.

Based upon the inspection completed, and as supported by the written materials submitted, LJLS was found to be able to be compliant with the registration standards set forth in the Rules and their associated Guidelines.

FINDINGS REGARDING SPECIFIC RULES AND GUIDELINES¹

Rule 4.240(A); Rule 4.240(B): Lawful Operation - Integrity: A registered law school must operate in a lawful, honest and forthright manner as to its financial affairs, its operations, in all print and electronic communications and as to its academic standards and policies relating to student assessment and discipline.

LJLS is owned and will be operated by a for-profit, limited liability company (LLC) registered and in good standing with the California Secretary of State; Messrs. John Porter and Warren Records and Ms. Molly Brown are its members. LJLS operates lawfully under a current business license issued by the City of Bakersfield, California.

The law school has been organized to conduct its financial affairs in an honest and forthright manner. It has established reasonable safeguards against financial fraud and other financial improprieties and all financial decisions regarding the law school are made by all three members of the LLC. Its banking activity is regularly monitored online by each member, each of whom has the password to its account at a local bank.

As managing members of the LLC, Ms. Brown and Mr. Porter are responsible for all check writing and funds withdrawal needed to operate the law school. All expenditures over \$1,000 need the prior approval of all three members of the LLC. LJLS will maintain a sufficient sum of cash to pay all overhead and will maintain sufficient cash reserves to cover all future requests by students for a tuition refund. The LLC adheres to generally accepted accounting practices in regard to its financial documentation and all financial records will be reviewed by the LLC's outside, certified public accountant.

The law school has adopted a compliant policy regarding both the amount of all tuition and fees charged, and for the refund of tuition payments. As described in its catalog, upon a written notice that a student seeks to cancel their enrollment, LJLS will provide a full refund of all tuition paid in advance should they withdraw within 30 days of the first day they start classes, thereafter, they will be entitled to a *pro rata* refund based upon the number of weeks of the curriculum they complete, if the request is made before 60% of the semester's instruction is complete.

A review of the LJLS website, its catalog, application form and enrollment agreement confirms that each is compliant with the law school's duty to communicate with the public, applicants and students in an honest and forthright manner. Each contains the mandatory disclosure requirements of Guideline 2.3(D) and the law school's Student Disclosure Statement is compliant with Rule 4.241 as to both its form and content.

The law school has adopted a policy designed to meet the needs of, and offer reasonable accommodations to, students with a legally-protected disability. As such, LJLS will operate within the requirements of the Americans with Disability Act (ADA).

¹ All references set forth herein are to the *Unaccredited Law School Rules* and the *Guidelines for Unaccredited Law School Rules*, effective January 1, 2008.

LJLS will have a student discipline policy that is fair and therefore compliant with Guideline 2.8. Students will be given notice of their right to a written notice of each charge that may warrant discipline, including actions that constitute lying, cheating, plagiarizing, engaging in theft, the right to appear before a panel of disinterested members of the faculty, administrators and students, and will then be given a written, final determination of the findings of the panel hearing the matter and the sanctions to be imposed, including dismissal.

In compliance with Guideline 2.9, LJLS will use compliant, written academic standards to assess students in a fair and reasonable manner. Students will be informed of the grading system to be used (traditional letter grades of A through F), whether and when they may take a class pass/fail, the fact that they will be graded anonymously, the number of units to be completed and all other graduation requirements and, finally, the circumstances under which they may be subject to academic sanctions. No change in any of such standards will be made without adequate prior notice to all affected students and students will be informed as to what constitutes good academic standing and under what circumstances they will face academic probation and/or disqualification.

The syllabus to be issued in each class will offer students a compliant statement of all factors upon which final grades will be based. The law school will have a strict policy designed to ensure the identify of students when they take examinations and submit written work and students will be required to sign an “authenticity agreement” that commits a student to submit only their own work product. The law school will, as required by Guideline 2.9(G), offer students the right to appeal, where warranted, their final grade to a grade review committee, consisting of a faculty member, administrator and a student in good standing. To appeal a grade they believe was issued in error, students will also have the right, as mandated by a written policy, to inspect and copy any of their final examinations answers.

Students will be required to pass the First-Year Law Students’ Examination (FYLSX), within the three-administration rule as mandated by statute, the *Admissions Rules* and Guideline 5.21. If they do not pass, they will be subject to immediate dismissal.

In compliance with Guideline 2.10, the law school has adopted and will enforce a policy that protects student privacy and the confidentiality of student communications and records. All such information and records will not be disclosed unless requested by a lawful court order or subpoena, or is subject to a proper request by the Committee.

Rule 4.240(C) Governance; Rule 4.240(D) Dean Administrator and Faculty: A registered law school must be governed, organized and administered so as to maintain a sound program of legal education. A registered law school must also have a competent dean or other administrative head and a competent faculty that devotes adequate time to administration, instruction and student counseling.

LJLS will be governed and operated with a compliant Dean, administrator and faculty.

Dean Stan Blyth will act the law school's dean and its part-time administrator under Guideline 4.1. As such, he will be ultimately responsible for the law school's compliant operation and its future growth as a registered law school. Dean Blyth is a licensed California attorney with over twenty years of experience practicing law. He is a graduate of King Hall, the law school of the University of California at Davis and he earned an LL.M. degree in taxation at Golden Gate University School of Law. Prior to law school, he served as a noncommissioned officer in the United States Marine Corps.

Dean Blyth will be assisted by Registrar Molly Brown in carrying out LJLS's administrative duties, including the maintenance of its student files and transcripts. Ms. Brown has prior experience as an administrator while employed by a local church, City Christian Church, where she is responsible for maintaining its financial and personnel files and records.

The LJLS faculty will be compliant with Guideline 4.6 each proposed member holds both a Juris Doctor degree and is a licensed California attorneys. In addition to Dean Blyth, members of the faculty will include the following:

Judith Chavez, Torts Instructor. Ms. Chavez is a 2010 graduate of the University of West Los Angeles School of Law and was admitted to the State Bar of California in 2014; she is currently working in a civil practice specializing in workers' compensation cases. Ms. Chavez is a native of Mexico and is therefore fluent in Spanish.

Patrick Bowers, Contracts Instructor. Mr. Bowers is a 2009 graduate of the Boston University School of Law and was admitted to the State Bar of California in 2009. His primary legal experience is in criminal defense but he gained expertise in Contract law while working as an attorney for a Los Angeles law firm specializing in entertainment law and, more recently, practicing law with a local firm involved with oil and gas law.

As required by Guideline 4.8, faculty members will be evaluated to confirm their professional competence to teach the LJLS curriculum. As provided in the Instructor Handbook, the Dean will carry out all faculty evaluations and may, at his discretion, seek the assistance of members of the local bench and bar. All such evaluations will include both in-class observations, student evaluations and faculty self evaluations.

As the first class of students enrolled by LJLS progresses toward the second year of law study, additional members of the faculty will be recruited and retained to teach courses offered by the law school. Future faculty members are also expected to be practicing attorneys with expertise in the area of law in which they will teach.

Rule 4.240(E) Educational Program: A registered law school must maintain a qualitatively and quantitatively sound program of legal education.

LJLS will offer a qualitatively and quantitatively compliant program of legal education leading to the award of a Juris Doctor degree. The law school will operate on a semester system, offering three classes per semester over a three-semester academic

year. Its curriculum will be taught using the Socratic method and is designed to exceed the minimum quantitative requirement of Guideline 5.3(A) by having its students to attend in excess of the minimum 270 hours of classroom instruction required for each of four academic years. The law school will enforce an attendance policy that, as required by Guideline 5.3(A), will require students to attend at least 80% of regular class hours in each course to receive credit. Students will need to complete, with an overall grade point average of good standing, 84 semester units.

The LJLS curriculum will offer its students a traditional first-year curriculum of Torts, Contracts and Criminal Law, along with both an Introduction to Law and Legal Analysis and Writing I. As its first class of students proceed into their second year of study, and thereafter, the law school will retain additional faculty to offer classes that cover all subjects tested on the California Bar Examination as required by Guideline 5.10. Various elective classes and those offering student practical skills will also be developed later to provide students with a complete and compliant J.D. curriculum.

As described in its catalog, students will be offered both academic support and counseling from both the Dean and members of the faculty, each of whom will be required to meet with students, in person, upon reasonable request.

To test and evaluate its students' scholastic knowledge and their retention of the legal principals being taught, the law school intends to test its students rigorously through the use of four-hour final examinations. Students will be informed that their final grades in each course will be based on the following percentages: Final examination, 70%; Mid-term examinations: 15%; Homework and in-class quizzes, 10%; Class participation, 5%. As required by Guideline 2.9(B)(5), students will be informed that all of their examinations and written homework assignments will be graded anonymously.

Rule 4.240(F) Scholastic Standards: A registered law school must adopt sound scholastic standards must as soon as possible identify and then disqualify those students who have demonstrated they are not qualified to continue.

LJLS will use a traditional grading system of A through F. Students and faculty are informed as what level of performance will earn each specific grade, *i.e.*, "a B reflects the student's above average ability and understanding of the content being graded."

To achieve good standing, students will all students must maintain a C average (2.0) or above. Students who fail to achieve a cumulative 2.0 average at the end of each semester will be placed on academic probation and allowed to proceed into the next semester. A student who fails to achieve good standing at the end of a third semester will be required to repeat the semester in the hope of achieving grades that will bring them up to good standing. If the student fails to raise their cumulative average to the required 2.0 average, a student then on probation will be academically dismissed.

As required by Guidelines 5.21 and 5.22, LJLS will make it mandatory for each of its students who advance into their second year of legal study to pass the FYLSX no later than the third administration of the examination after they first become eligible to remain enrolled in the J.D. program. All those who do not meet this requirement, will be promptly dismissed from the law school.

Rule 4.240(G) Admissions: A registered law school must adopt 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.

In compliance with Guideline 5.26, and to maintain a sound admissions policy, LJLS has adopted and will apply an admissions standard intended to admit only those applicants who objectively appear will have a reasonable potential to succeed in law school and to pass both the FYLSX and the CBX.

The LJLS application requires applicants to confirm their undergraduate education and whether they previously attended another law school and, if so, whether they left in good standing. The staff will evaluate each applicant's college credit in accordance with Guideline 5.25. In addition to submitting an application and evidence of their undergraduate education, those applying to the law school will also need to submit character references and submit to a personal interview. The law school does not require that applicants take and report a score from the Law School Admissions Test, although if an applicant has taken the test, they may submit their score with their application so that it may also be considered in their admission decision.

As required by Guideline 5.30, applicants must submit official transcripts of the undergraduate credits within 45 days of their enrollment. The LJLS admissions staff will confirm that each applicant's transcript has been received otherwise the student will be disqualified in accordance with Guidelines 5.30.

As planned, LJLS will admit the following types of applicants:

Regular Students (Guideline 5.32): Those with a Bachelor's or an Associate's degree from a Committee-approved college or university; or those who have earned 60 semester or 90 quarter units, or more, from an approved college or university;

Special Students (Guideline 5.33): Those without sufficient undergraduate credit but who have taken three College-Level Examination Program (CLEP) examinations and earned the required scores in accordance with the Committee's policy;

Transfer Students (Guidelines 5.34 – 5.35): Those who have attended a prior law school and earned credit transferable under Guideline 5.35 and those who were academically disqualified from a prior law school may be admitted if they meet the standards under Guideline 5.34. The law school will not grant credit to any transfer student who has not passed the FYLSX. The Dean must approve the final admission of

all transfer students and the proper documentation confirming the eligibility and basis for their admission will be prepared and filed in each student's file.

Rule 4.240(H) Library Requirements: A registered law school must maintain a library consistent with the minimum requirements of the Committee

LJLS has signed contracts to purchase and will receive prior to its opening all hardcopy legal authorities, texts and statutes required by Rule 4.240(H) and Guidelines 6.1-6.6 for a fixed-facility law school. As a result, once registered and pursuant to Guideline 6.2, as LJLS students will have access to the published reports of the California Courts supported by a hardcopy set of Shepard's, a digest of California law, an annotated set of California codes and copies of each text book to be used in each course offered.

To be compliant with Guideline 6.5, the law school has also signed a contract with LexisNexis to offer its faculty and students adequate access to an online legal library. The law school's curriculum will also be compliant with the library requirement that requires that students receive instruction in how to perform legal search using both hardcopy and online legal authorities. As confirmed by the its catalog, after their first year, LJLS students will required to complete a comprehensive course in legal research.

As required by Guideline 6.6, LJLS will maintain all mandatory library records regarding expenditures and a current list of all hard copy and electronic library materials made available to its students.

Rule 4.240(I) Physical Resources: A registered law school must have physical resources and an infrastructure adequate for its programs and operations.

LJLS will operate from leased offices located in a one-story commercial building located a short distance from the center of Bakersfield. The amount of space leased is approximately 3,000 square feet and the lease terms is for two years and appears to be renewable for a longer period of time once the law school opens and its enrollment grows. As confirmed during the inspection, the space will provide more than adequate space for the law school's anticipated, initial and future student enrollment.

The facility has two large classrooms, one will be dedicated for classes, while the second will be used for both the LJLS law library and will be available for use as a student lounge and, when needed a second classroom. Each is well lighted and will be equipped with tables, chairs and a whiteboard. There is also an office for use by the Dean and the Registrar and two handicapped-accessible rest rooms.

As to all other necessary hardware and infrastructure, LJLS has acquired all necessary computer equipment and data storage capacity to handle all of the data that will be generated and then stored electronically relating to the law school's operations,

including its receipt of applications, admission decisions, student files, transcripts, student/faculty communications and the school's online, interactive curriculum.

Rule 4.240(J) Financial Resources: A registered law school must have adequate present and anticipated financial resources to support its programs and operations.

To comply with Guideline 8.1, LJLS represents that it will maintain a minimum balance of \$25,000 in unrestricted cash resources deposited in a local bank when begins enrolling students after becoming registered. As such, it expects to be able to maintain adequate present and future financial resources sufficient to support its program of legal education and be able to ensure that those admitted will have a reasonable opportunity to earn their degree and be able to make timely tuition refunds.

To provide added financial security, one of the members of the LLC, Mr. Warren Record, is committed to making periodic payments of capital into the LLC to help fund the law school's expenses as it progresses through the registration process and begins enrolling students. Once it does so, it is expected that tuition revenue will meet most, if not all, of the law school's monthly overhead expenses. Proposed tuition revenue for each student enrolled for each year they attend will come to approximately \$7,500. Average monthly overhead will be approximately \$10,000. Therefore, with an initial enrollment of between 13-15 students, the law school will be operating profitably.

Given its overhead, expected revenue from its future enrollment and cash reserves, it appears LJLS will have sufficient resources to open and then operate for the foreseeable future.

As represented during the inspection and as confirmed by the financial information submitted with its application and during and after the inspection, LJLS is expected to be compliant with Guidelines 8.1-8.2 as soon as it begins enrolling students.

Rule 4.240(K) Records and Reports: A registered law school must maintain adequate records of its programs and operations.

LJLS will create and maintain all operational records and files mandated by Rule 4.240(K) and Guidelines 9.1(A) through 9.1(Q). All hardcopy records will be stored onsite and will also be stored in a computerized database, which will be password protected, backed up regularly and then transferred onto CD ROMs which will be stored offsite.

All applications and related materials will be scanned within a week of their receipt and then kept in the student's electronic file for the prescribed time as noted below:

- A) *Application Files.* All applications, both hardcopy and electronic, will include significant personal information including application information, academic

history and transcripts, application status, admission status, job history, etc. All such information will be kept for a minimum of one year.

- B) *Admission Files.* All applicants that are admitted but who do not enroll will have a record containing their application, all previous transcripts from all colleges and universities sent to LJLS, letters of recommendation and application status. This information will be kept for a minimum of one year.
- C) *Students Files.* All students who enroll and attend classes will have a permanent file which will be maintained in accordance with Guideline 9.1(C) which will include: a) all signed disclosure statements; b) official transcripts; c) a permanent records of their final grades on all final examinations and in each course completed; documentation related to any request for accommodations.
- D) *Class Records.* All class records will be maintained, which will include all student attendance records, final grades given and distribution, changes to enrollments, number of hours of preparation and study by each student and general course information. All such records will be kept for 10 years.

Rule 4.240(L) Equal Opportunity and Non-Discrimination: Consistent with sound educational policy and the *Unaccredited Law School Rules*, a 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.

LJLS is committed to operating compliantly within the letter and spirit Rule 4.240(L). As described in its catalog, it has adopted an express policy that forbids both unlawful discrimination and harassment based upon gender, sexual orientation, race, religion, national origin, color, ancestry marital status, disability veteran status or age.

The law school is also committed to operating compliantly in its effort to recruit and enroll a diverse student enrollment and a diverse faculty.

Rule 4.240(M) Compliance with Committee Requirements: A registered law school must demonstrate its compliance with *Unaccredited Law School Rules* by submitting the required annual reports an otherwise complying with the rules.

In support of its application to become registered, the law school submitted a relatively comprehensive and well-organized self-study designed to assist in the Committee's evaluation whether it is worthy of registration. Throughout the inspection process, LJLS's Dean and administrator, its Registrar and its founders have all been forthright in their collective efforts to comply with each requirement of the registration process as set out in the *Unaccredited Law School Rules*. Before, during and after the inspection, the law school's administrators have been responsive to a series of requests for additional information regarding the law school's program of legal education.

Accordingly, it appears reasonable to expect that LJLS will continue to operate compliantly with the Committee's annual and periodic reporting requirements.

RECOMMENDATION – CONDITIONS OF REGISTRATION

It is recommended that, pursuant to Rule 4.223(C) Lady Justice Law School's application for registration as an unaccredited, fixed-facility law school be granted, subject to an interim inspection of the law school within two years of the date that it begins to enroll and instructing its first student.