

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM NUMBER: August 2016 – O-402

DATE: August 17, 2016

TO: Subcommittee on Educational Standards

FROM: George Leal, Director for Educational Standards

SUBJECT: **Western Sierra Law School - Periodic Inspection Report**

BACKGROUND

Attachment A is the report of the periodic inspection of Western Sierra Law School (WSLS) conducted on February 8-9, 2016 by Educational Standards Consultant John Trunick. Attachment B is correspondence dated August 16, 2016 received from WSLS Dean Michael Herrin accepting the Report's findings, each of its recommended mandatory actions and, further, confirming WSLS's ongoing efforts to implement each.

WSLS operates as a registered, unaccredited fixed-facility law school. Its initial periodic inspection was conducted on behalf of the Committee of Bar Examiners (Committee) in 2009. That inspection confirmed several of issues of its material noncompliance, which prompted the Committee to require an interim inspection within the following two years. That inspection, completed in July 2011, confirmed that the law school was operating compliantly after it corrected its previous, noncompliant policies or procedures.

WSLS considers itself to be a "community-based school" that has operated in the San Diego metropolitan area since its founding in 1979. It has been registered with the Committee since 1980 and now operates as a sole proprietorship. The law school is not affiliated with any other institution, nor has it ever sought accreditation from the Committee. It has a current enrollment of 32 students and offers only a Juris Doctor (J.D.) through four years of part-time evening study for the total tuition of \$36,000.

As confirmed by the latest inspection, WSLS is operating compliantly, with just a few technical issues that need to be addressed. As discussed in the Report, the content and scope of its curriculum, its admissions standards and almost all operational policies and procedures were found to be compliant. Dean Herrin, along with the law school's administrators and faculty, offer students a sound and compliant legal education. The inspection found, however, several technical issues of the law school's noncompliance under the *Guidelines for Unaccredited Law School Rules* (Guidelines).

In the report, the Educational Standards Consultant recommends that WSLS be required to take action as to each of the following recommendations:

1. To comply with Guidelines 2.3(B), (C), (D), and (E), the law school must review and revise its Rule 4.241 Disclosure Statement so that, as found in its catalog and on its website, it will contain all mandatory text and accurate and updated statistical data regarding the pass rates of its student and graduates on the First-Year Law Students' Examination (FYLSX) and California Bar Examination (CBX).
2. To comply with Guidelines 2.3(B) and (C), the law school must clearly indicate to its students whether its quarterly registration fee is non-refundable, provide an accurate estimate of the cost of the four-year curriculum and offer a refund example that is complete and realistic for its own tuition expense and fees.
3. To comply with the express prohibitions of who may carry out the responsibilities of a dean or an administrator, as set forth in Guidelines 4.1 and 4.2, the law school must refrain from referring to John Meyers as the "Dean of Students" or in exercising any administrative responsibilities related to the law school's program of legal education or operations.
4. To comply with Guidelines 4.7, 4.8 and 4.9, the law school must adopt and implement a compliant program of faculty evaluations to assess competence.
5. To comply with Guidelines 5.3(A)(2), 5.17 and 5.18, the law school must formulate and implement improve examination quality and faculty grading accuracy and consistency to achieve better correlation between students' grade averages and their chances of passing the FYLSX and CBX.
6. To comply with Guideline 6.6, the law school must create and maintain a list of all hard copy and electronic library material available to students, and must maintain a record of expenditures made to acquire hardcopy or electronic library resources.
7. To comply with Guidelines 9.1(D)(7) and 9.1(D)(10) the law school must adopt a policy regarding changes made to its transcripts and to record the date on which each student took the FYLSX and whether the student passed or failed.
8. To comply with Guidelines 9.1(A) through 9.1(H), the law school conduct an audit of all files relating to all applicants, students, faculty members and administrative personnel files to ensure each is compliant and contains all required information, records and transcripts and to them maintain all on a regular basis to assure continuing compliance, with the requirements of the Guidelines.

DISCUSSION

As Dean Herrin's letter confirms, WSLS accepts all of the Report's findings and each of its suggested, mandatory recommendations. Moreover, the law school has agreed to

address and is taking all appropriate efforts to review and revise each of its policies and procedures that relate to each of the Guidelines noted above in each mandatory recommendation. Among the other operational issues discussed in the Report, Dean Herrin has confirmed that WSLS is now regularly reviewing and revising, when needed, both the hardcopy and website versions of its Rule 2.241 Disclosure Statement to ensure that all content of both is accurate and current as required by Guideline 2.3.

RECOMMENDATION:

With Dean Herrin's acceptance of the Report's findings, including each mandatory recommendation regarding WSLS's noncompliance, and his confirmation that the law school is taking action to correct each such issue, it is recommended that the Periodic Inspection Report be received and filed; that the response of Dean Herrin be received and filed; that each of the recommended, mandatory actions made in the Report relating to WSLS's noncompliance be adopted by the Committee; and, following confirmation received from the law school within the next sixty days that each mandatory recommended action has been completed, that the law school's next periodic inspection take place in the spring of 2021, unless an earlier inspection is found to be 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 Western Sierra Law School (WSLS) of the inspection conducted on February 8-9, 2016 by John Trunick, Educational Standards Consultant, be received and filed; that the response dated August 16, 2016 submitted on behalf of the law school by Dean Michael Herrin be received and filed; that each of the Report's recommended, mandatory recommendations regarding WSLS's noncompliance be adopted; that subject to its receipt of correspondence from WSLS within the next sixty days confirming that each recommended, mandatory action has been addressed and resolved, that the law school's next periodic inspection take place in the spring of 2021, unless an earlier inspection is found to be necessary by the Committee.