

Pacific West College of Law

PERIODIC INSPECTION REPORT

Inspection conducted on March 29-30, 2016
Pursuant to *Rule 4.244* of the
Unaccredited Law School Rules

Sally Ann Perring, Educational Standards Consultant
Office of Admissions, The State Bar of California

PACIFIC WEST COLLEGE OF LAW
2011 West Chapman Avenue
Orange, CA 92868

A Registered, Unaccredited Fixed-Facility Law School

EXECUTIVE SUMMARY AND RECOMMENDATIONS

An inspection of Pacific West College of Law (PWCOL) was conducted on March 29-30, 2016 by Sally Perring, Education Standards Consultant to the Office of Admissions (Consultant). It was PWCOL's second five-year, periodic inspection conducted on behalf of the Committee of Bar Examiners (Committee) under Rule 4.244(A) of the *Unaccredited Law School Rules* (Rules). It was, however, the law school's fourth separate inspection over the past six years.

During PWCOL's first periodic inspection, conducted in February 2010, numerous findings of its non-compliance with the *Guidelines for Unaccredited Law School Rules* (Guidelines) were found. As a result, the Committee continued its registration but ordered an interim inspection within the next two years. That inspection was conducted in February 2012 and it confirmed that, while the law school had made progress and improved its operations, issues of its noncompliance remained. As a result, the Committee required that a second, interim inspection be carried out to confirm whether PWCOL had taken sufficient actions with in response to the mandatory recommendations made in the reports relating to the 2010 periodic inspection and the 2012 interim inspection.

During its second interim inspection, completed in early 2014, PWCOL was found to have made little material progress toward full compliance during the prior two years to correct the deficiencies noted in the earlier inspection reports. In fact, the 2014 interim inspection found that PWCOL had actually reversed its progress since several operational and administrative issues previously resolved were once again found to be not compliant.

As a result, PWCOL was issued a Notice of Noncompliance dated April 26, 2014. As described in the Notice, the law school was found to be in noncompliance with the following rules and guidelines: Rule 4.240(C), Governance; 4.240(K), Records and Reports; 4.240(M) Compliance with Committee requirements; and as to Guidelines subsections 2.3 (A) and (B), Honesty in Communications; Guideline 5.34, Admission of Previously Disqualified Applicants; Guideline 9.1 (A), (B), and (C), Applications, Admissions, and Student Files; and Guideline 9.1 (O), Annual Compliance Report.

PWCOL submitted a timely response to the Notice of Noncompliance which, after it was received, was deemed satisfactory by the Committee. As a result, on June 28, 2014, the Committee continued the school's registration subject to a regularly scheduled, five-year periodic inspection to be conducted in the spring of 2016.

That inspection took place over two days, March 29-30, 2016 and the findings, recommendations, both mandatory and suggested, are set forth below.

Recommended Mandatory Actions:

- 1) To comply with Guidelines 2.3 (A), (B), (C) and (F) and 5.19, the law school's catalog, student handbook and website must be reviewed and revised to provide: a clear and compliant statement of the law school's admission procedures for those admitted after being academically disqualified; a clear and compliant statement of the its academic good standing policy, academic dismissal and all graduation requirements; and it must eliminate completely, the current stated policy (as found in the student handbook) that allows the law school dean to retain or dismiss students on academic grounds at his sole discretion.
- 2) To comply with Guideline 2.9 (C), all course syllabi must be revised to provide students with notice of all factors used to determine the all final grades given.
- 3) To comply with Guidelines 3.1 and 3.2, the law school must begin scheduling at least one annual meeting of its Board of Directors and, in preparation of each such meeting, provide each Board member with an accurate and current report of the law school's current operations and the status of its ongoing duty to operate compliantly and each member should also receive a copy of all inspection reports submitted to the Committee of Bar Examiners since 2010.
- 4) To comply with Rule 4.243 and Guidelines 4.1 and 4.2, the Dean must demonstrably devote more time and effort to oversee the administration of the law school or resign as its administrator and retain a qualified administrator.
- 5) To comply with Guideline 4.3 the law school must form a committee of faculty members to aid in policy formulation, curriculum review and decision-making.
- 6) To comply with Guidelines 4.8 and 4.9, the law school must institute a compliant faculty evaluation process comprised of a process that relies on more than only classroom observations.
- 7) To comply with Guidelines 5.1, 5.2, 5.7, 5.9, 5.17, 5.18 and 5.25, the law school must conduct an objective evaluation of its program of legal education by engaging its faculty, through regular and meetings, to improve the overall qualitative soundness of its program of legal education by improving the effectiveness of the instruction offered students, the quality of its final examinations and the effectiveness its academic and examination grading standards to better identify all students who are not qualified to succeed and graduate so that better correlation with students' pass rates on both the First-Year Law Students' Examination (FYLSX) and the California Bar Examination (CBX).
- 8) To comply with Guidelines 2.2 and 8.3 the law school must obtain and submit an audited report of its current financial status, including a statement of its

current assets, liabilities, revenues and profits or losses, prepared by an independent certified public accountant.

9) To comply with Guideline 5.34 and Guideline 9.1 subsections (B), (C), and (D), the law school must conduct a review of the files of all currently-enrolled student to confirm that each contains a transcript of all course work completed by each student, including the dates on which the student took the FYLSX and whether they passed or failed; the number of units earned at other law schools for which credit has been transferred; a memorandum signed by the Dean supporting the admission of each previously disqualified law student, whether or not the student is admitted after being academically dismissed from any law school, including PWCOL, or after his/her failure to pass the FYLSX timely and who then subsequently passes or is restarting his/her law studies as a first-year student at the law school.

10) To comply with Guideline 9.1 (G), the law school must create and then maintain compliant files of all administrative personnel.

11) To comply with Guideline 9.1 (H), the law school must create and maintain a compliant file for each faculty member to include all evaluations received from students or peers, as well as a copy of their law school transcripts.

12) To comply with Guideline 9.1 (O), the law school must ensure accurate and current data is submitted with its Annual Compliance Report including, but not limited to, each attachment, including its audited financial report.

Recommended Suggested Actions:

1) Pursuant to Guidelines 2.1 and 2.3, the law school should regularly review and, where needed, revise, update and edit its catalog, student handbook, faculty handbook and website to identify and remove all grammatical errors, redundancies, inconsistencies among each and out-of-date photographs and captions so that each offers a concise, accurate statement of current information.

Actions taken subsequent to the site visit

Following the inspection, PWCOL took action to correct several issues of noncompliance found during the inspection, which, if not corrected, would have supported additional mandatory recommendations. Among the issues corrected, the law school may now be found compliant after it adopted or amended various operational policies and procedures including those related to: its ability to authenticate its students' work products and examination answers; the academic freedom of its faculty; providing students with reasonable accommodations required by the Americans with Disability Act; and compliant substance abuse and student discipline policies. The law school also dropped its student association fee since no such association exists. Various misrepresentations found in the catalog, most notably that its LL.M. degree programs were regulated by the Committee, have also been removed.

Notwithstanding that both the catalog and student handbook have been revised to remove numerous grammatical errors and lengthy and confusing quoted sections of the Guidelines, each remains far too lengthy, confusing and poorly organized to assist both applicants and students as effectively as each should.

Recommendation:

It is recommended that the Committee again issue Pacific West College of Law a Notice of Noncompliance. In doing so, the Committee should be aware that all but three of the Recommended Mandatory Actions noted below (nos. 2, 8 and 10,) relate to issues of the law school's continuing non-compliance as each was previously noted in the inspection reports submitted and received by the Committee after the 2010, 2012 and/or 2014 inspections and, therefore, again supported the Committee's issuance the Notice of Noncompliance it issued on April 26, 2014.

Findings as to Compliance with the Committee's Rules and Guidelines

PWCOL is a registered fixed-facility law school located in the city of Orange. It operates out of the law offices of its Dean, Kevin O'Connell, as a for-profit, close corporation, the O'Connell College of Law, Inc.

The law school is authorized to offer three degrees in law: a Juris Doctor (J.D.), an LL.M. in Taxation and LL.M. in Environmental Law. The law school also offers two non-professional degrees: a Bachelor of Science in Law (B.S.L.) and a Masters of Art in Law (M.A.L.), which are offered under the degree-granting authority of the Bureau for Private Postsecondary Education (BPPE).

At the time of the inspection, PWCOL's J. D. enrollment consisted of only 10 students. To graduate, students must complete 94 semester units all but three in required courses. Virtually all J.D. classes are small, averaging as few as two or three students per class. Standard law school texts and case books are used by the faculty and required for all substantive courses, sometimes augmented by commercial bar preparation materials. Much of the upper division curriculum is focused on practice-oriented classes.

PWCOL's enrollment is diverse, with most of its students being working adults. Almost half are transfer students who enrolled at PWCOL after being academically dismissed from either a California-accredited or ABA-approved law school, or who eventually passed the FYLSX after more than three attempts. Of its 14 most recent PWCOL graduates, fully one half were transfer students, either having previously passed or being exempt from the FYLSX.

Report of Self Study:

As required by Rule 4.243, PWCOL submitted a self-study to assist with the inspection and the Committee's assessment of its compliance with both the Rules and Guidelines. As submitted, however, the self-study was poorly

organized, incomplete and of only marginal assistance. As a result, multiple requests were made for supplemental information and written materials, both before and after the on-site portion of the inspection was completed. As a result, as prepared and submitted by Dean O'Connell, the self-study was not compliantly prepared and submitted as required by Rule 4.243.

Conduct of Site Visit:

On the first day of the site visit the Consultant met with Dean O'Connell, Ms. Socorro O'Connell, PWCOL's vice president of finance and administration, other administrative staff, a faculty member and one member of its Board of Directors. One other member of the faculty and another Board member appeared later in the day and were interviewed. Prior to the start of classes the Consultant met privately with most of PWCOL's currently enrolled students. Two classes were also observed during the evening of the first day of the inspection. On the second day the files of current students, graduates and faculty; a review of final examination questions, student answers and class syllabi for all classes taught the last two semesters were also reviewed. To complete the inspection, a lengthy exit interview with Dean O'Connell was conducted.

(A) Lawful Operation. The law school must operate in compliance with all applicable federal, state, and local laws and regulations. (Guideline 1.9)

PWCOL operates compliantly as a corporate entity in good standing with the California Secretary of State; it also operates with a current business license issued by the City of Orange.

As confirmed by a review of PWCOL's revised catalog, the law school now operates compliantly with policies governing the legal protection of its student's privacy, records and information, a right to reasonable class and test-taking accommodations required under the Americans with Disability Act, and it has an express prohibition of all forms of sexual harassment and substance abuse.

(B) Integrity. The law school must demonstrate integrity in all of its programs, operations, and other affairs. (Guidelines 2.1 - 2.12)

Since the 2014 interim inspection, PWCOL's catalog, student handbook, website and application form have all been revised and each is now compliant by having the mandatory Guideline 2.3(D) disclosure notice. The law school's Rule 2.241 Disclosure Statement is, after also being revised, now compliant. PWCOL has a compliant tuition refund policy and it provides refunds as warranted. Students are now provided with a compliant grade review process and are covered by a compliant policy to confirm the authenticity of their work product and examination answers. The law school also offers adequate notice to prospective students, applicants and students about what student services and activities are available.

Most of the law school's faculty members use a standardized syllabus. The current form being used, however, must be amended to provide students with a

compliant explanation of the basis upon which the final grade in each course is calculated. As required by Guideline 2.9(C), students must be informed as to the extent to which grades earned on final and mid-term examinations and class participation count toward calculation of a final grade. To achieve compliance with this technical but important requirement, it is recommended that PWCOL revise its form of syllabus and require its use by all faculty as soon as possible. Recommended Mandatory Action no. 2.

Given their lengthy and ambiguous nature, it is difficult to confirm whether PWCOL's policies regarding its scholastic standards, examination grading, course repetition, academic deficiency, probation and academic dismissal are each compliant with the requirements of Guideline sections 2.9(A) - 2.9(B). While each was revised after the inspection, the PWCOL student handbook and catalog still contain convoluted, disjointed and sometimes repetitious descriptions of various policies and procedures, which may confuse students and would-be applicants. Additionally, statements of the law school's policies are interspersed with whole or selected quotations of the Guidelines. As a result and as an example, at 120 pages, the PWCOL catalog is far too lengthy to be considered either concise and or clearly written.

As a result, it is recommended that the law school's catalog, student handbook and website again be reviewed and revised so that each may offer a clear, concise and compliant statement of the following; a) the law school's admission procedures for those admitted after being academically disqualified; b) a statement of good standing, academic dismissal, probation and its graduation requirements.

The law school's grading system appears to reflect an appropriate 4.0 grading system, with 2.0 being the minimum for good standing. Any grade below 1.0 in the first semester of the first year will result in academic dismissal; with 0.67 and below graded as an F. The student handbook provides an explanation that, for purposes of calculating good standing, the school utilizes a dual system, requiring not only a 2.0 cumulative GPA in all courses but also a 2.0 cumulative GPA in "bar-required courses." As confirmed by Dean O'Connell, "bar-tested" subjects, for example, include not only the Torts and Contracts courses, but a separate required U.C.C. course as well. However, at the time of the inspection, students were not informed which courses constituted "bar-tested" courses. Subsequent to the inspection, the student handbook was revised to provide adequate notice of as to which classes were "bar tested" and thus subject to the second cumulative GPA requirement. To comply with this notice requirement, the PWCOL catalog must also be similarly revised to provide the same notice.

Students who fail to achieve a 2.0 cumulative GPA and/or in the "bar-tested" courses, by the end of each semester, but score 1.0 or higher, will receive automatic probation. Failure to raise their GPAs to 2.0 by the end of the next semester will result in academic exclusion. Students with cumulative GPAs less than 1.0 are academically excluded. Students may also face probation, if they have overall cumulative GPAs of at least 2.0. If they fail to achieve GPAs of 2.0 in each semester for three consecutive semesters, they are put on probation. Finally, for students entering their final year of studies, if they have GPAs below

1.9 they are academically dismissed. If they are between 1.9 and 1.99, the Dean has the discretion to require students to repeat a semester's worth of bar-tested courses in which they received a grade below 2.0.

While these policies appears compliant, when read together, they are overly complex for a law school that has had a historically small enrollment, often less than 20 students, and where only two students over the past five years have been academically disqualified. Moreover, adding to the perception that PWCOL's academic standards governing academic probation and dismissal are ambiguous and may, in fact, be arbitrary is an extremely unusual policy giving the Dean what clearly is noncompliant authority to retain or dismiss students for academic reasons at his sole discretion.

As was noted in the student handbook submitted with its self-study, PWCOL maintained the following policy: "Reservation of Rights" that "[d]espite 'apparent' policies to the contrary, PACIFIC WEST reserves the right to exclude or retain a student at any time in its sole discretion for academic reasons. . . ." Even though there was a discussion with Dean O'Connell during the inspection, in which he was informed this policy was noncompliant and should be removed from all materials, an almost identical version is still found in the revised student handbook.

Any such "reservation" that gives the Dean sole discretion to dismiss a student is clearly not compliant at least two of the academic policies required by the Guidelines. Use of the Dean's discretionary authority to dismiss a student would, apparently, deny him/her the right to a review, by a committee, of any final grade(s) that may precipitate his/her discretionary dismissal (as such a review is mandated by Guidelines 2.9(G) and 2.9(H)) and it may result in any final decision to dismiss not being made by a faculty committee, as required by Guideline 5.19.

The noncompliant nature of the Dean's discretionary authority was noted in the prior inspection reports, where the Dean acting as "the court of last resort," was found objectionable. During the most recent exit interview with Dean O'Connell, he was advised that this policy should be removed and he agreed to do so. However, while it was removed from the PWCOL catalog, the revised student handbook still contains a "PWCOL Retention Policy" that provides Dean O'Connell with the same discretionary authority to dismiss students at will.

As a result, it appears that Dean O'Connell has intentionally ignored the prior admonitions of the Committee for the law school to eliminate his discretionary authority regarding academic dismissals. As such, with his continuing adherence to this clearly non-compliant policy, it appears that PWCOL is also non-compliant with its duty to demonstrate its "ongoing compliance" with the Rules, as required by Guideline 1.2, and to operate in an "honest and forthright" manner in all of its activities, as mandated by Guideline 2.1.

(C) Governance. The law school must be governed, organized, and administered so as to provide a sound educational program. (Guidelines 3.1, 3.2)

As a close corporation, PWCOL should be governed by its Board of Directors with administration of the law school delegated to Dean O'Connell, who is also the president of the Board of Directors. As described in its revised catalog, PWCOL's Board of Directors consists of six directors, including four who are not corporate officers and may be characterized as "outside" directors. Each director appears both competent and to possess relevant professional experience to provide sound judgment and guidance in the overall operation of the law school.

However, as confirmed by each of the directors interviewed during the inspection, the date of the last meeting of the PWCOL Board could not be confirmed. Thus, despite their qualifications and clear interest in its success, it appears that the Board has not met for at least the past several years for reasons that have not been made clear to during any of the inspections since 2010. The absence of regular Board meetings was expressly noted in each prior inspection report and in the 2014 Notice of Non-Compliance, yet Dean O'Connell continues to fail to schedule and hold a meeting of the PWCOL Board.

This ongoing failure to hold any Board meetings is in direct contravention to the corporation's own Articles of Incorporation, which expressly require an annual meeting of the Board. Moreover, by prominently listing the Board members with a description of their professional expertise and accomplishments in its catalog, PWCOL's applicants and students are given what amounts to a false impression that its Board is actively involved in its overall governance and management, an impression that is both false and misleading.

Under the Rules and Guideline 3.2, the law school's administrator (Dean O'Connell) should, at a minimum, schedule and hold at least one meeting of the PWCOL Board of Directors annually. Additionally, to prepare and be better informed of the law school's well-documented history of noncompliance, each director should also be given copies of the inspection report submitted to the Committee after each inspection since 2010. The two members of the Board interviewed by the Consultant were interested in the continuing quality and performance of the law school and appeared both willing and interested in meeting regularly to achieve that goal.

(D) Dean and Faculty. The law school must have a competent dean or other administrative head and a competent faculty that devotes adequate time to administration, instruction, and student counseling. (Guidelines 4.1-4.10)

As a 1982 graduate of Western State College of Law (then a Committee-accredited law school), Dean O'Connell is qualified to act as PWCOL's Dean, part-time administrator and registrar. He also serves as a member of the faculty given his prior teaching experience as an adjunct at Western State for one year, and at American College of Law (a former registered unaccredited law school)

until the founding and opening of PWCOL in 1993. Dean O'Connell holds these positions on a part-time basis since, from his adjacent law office, he manages his law practice. Due to the heavy demand on his time and attention required by his law practice, Dean O'Connell has delegated a significant portion of his administrative responsibilities to his wife, Socorro O'Connell.

To carry out her responsibilities, Ms. O'Connell has been appointed as PWCOL's vice president for finance and administration and for academic affairs. In the revised catalog, Ms. O'Connell is now listed as holding the titles of Dean of Academics and chief financial officer and vice president for administration. Ms. O'Connell has a Bachelor of Science degree in accounting from a college in her native Philippines. She has experience in both administration and accounting and has earned a Masters of Arts in Law (2010), Bachelor of Science in Law (2014) and a Juris Doctorate (2015), each of which she earned at PWCOL.

In addition to all of her other duties, Ms. O'Connell is also the assistant registrar and a member of the faculty. Given her many responsibilities, she appears to work full time at the law school.

While PWCOL's administration has improved since its initial periodic inspection in 2010, numerous operational issues observed during the most recent inspection continue to be problematic and noncompliant. As already noted, the content and organization of both the PWCOL catalog and student handbook made each confusing and difficult to read. Ms. O'Connell confirmed that she was primarily responsible for the review of each prior to the inspection and while both has now been revised, each still is found to contain various grammatical and typographical errors and a lack of logical organization.

Additional evidence of the noncompliant administration of PWCOL's operations was found in content and form of the self-study submitted prior to the most recent inspection. As submitted, it was clearly deficient since it failed to provide the Committee, as required by Rule 4.243, an objective and comprehensive narrative to evaluate the law school's current state of its compliance under the Guidelines. Instead, despite being given adequate time to prepare a compliant and helpful submission, the self-study submitted offered virtually no narrative nor any meaningful analysis of the law school's compliance, or lack thereof, with each of the relevant Guidelines. As a result, to conduct the inspection, the Consultant had to make several requests for additional information and written materials, which were then sent in a piecemeal manner.

Dean O'Connell is ultimately responsible for the content, quality and compliance of all submissions made to the Committee. However, by delegating most, if not all, of the self-study's preparation and many other critical administrative duties to his staff, the Dean has failed to carry out his responsibilities under both Guideline 4.1 as PWCOL's part-time administrator, and those as its Dean under Guideline 4.2. In holding both titles he alone is ultimately responsible to see that the self-study, along with the catalog and student handbook is complete and accurate.

To achieve that goal and bring PWCOL into full operational compliance and meet the key requirement of Guideline 4.1 that its administrator “devote adequate time to the administration of law school affairs and limit their outside professional activities,” Dean O’Connell must, immediately, commit to devote significantly more time to his duties or agree to resign as PWCOL’s administrator and immediately retain a qualified administrator who is both capable and motivated to take all necessary action needed to administer the law school compliantly.

As noted in earlier inspection reports, PWCOL’s faculty remains largely uninvolved with the law school’s academic policy making process. The faculty president, a veteran law school administrator and ex-professor of law at Western State University Law School, is involved to some extent, most notably conducting faculty observations and occasionally being consulted in regard to transfer students. Since Guideline 4.3 provides only that faculty members “should participate in formulating, implementing administering the academic policies and programs of the law school,” PWCOL has the discretion as to the degree that its faculty may or not be expected to be involved in its academic administration.

However, given the numerous issues of its noncompliance with various academic matters, it is recommended that PWCOL initiate an effort to engage its faculty to a greater extent than it has in the past by forming a faculty committee to aid in the formulation and changes to policies, curriculum and to make at least some of the decisions such as those referred to in Guideline 5.19, e.g. policies relating to academic standing, disqualification, dismissal and graduation requirements.

As was noted in the 2014 interim inspection report, the faculty continues to be composed of graduates of just two law schools; as confirmed by the revised catalog, 47.6% of the faculty (10 out of 21) attended and graduated from PWCOL, while 33.3% are graduates of Western State College of Law. Only a couple members of the faculty were graduates of other law schools, with only one a graduate of another ABA-approved law school (Pepperdine University School of Law) and another a graduate of a now-closed unaccredited law school.

During the inspection, two classes were observed, and both appeared to be well taught. The Advanced Criminal Procedure class focused on pretrial and trial tactics to achieve the attorney’s goals, continually referring to the professional obligations of both the prosecutor and defense attorney. The class was out of session by 8:30 p.m. however. Moreover, Advanced Criminal Law does not appear in the courses listed in the Catalog. It is unclear whether it is an elective, required course, or within the list of those which are bar-tested. The Contracts class had only two students. Each student took turns briefing and discussing the cases. Appropriate feedback was given by the professor.

The school continues to be noncompliant with Guidelines 4.8 and 4.9 in failing to conduct compliant faculty evaluations. PWCOL’s failure to do so was noted in the 2010 periodic inspection report, as well in both the 2012 and 2014 interim inspection reports. While classroom observations now take place, and excellent and extremely helpful written critiques from the Faculty President were found for many faculty members over the last year, no other aspect of the Guideline criteria

were taken into consideration, which would constitute a full and compliant evaluation. It is, again recommended that the law school adopt and carry out compliant faculty evaluations without any additional delay.

(E) Educational Program. The law school must maintain a sound program of legal education (Guidelines 5.1-5.16)

Quantitatively, the program at PWCOL is compliant with all applicable Guideline requirements by requiring students to complete at least 270 hours of annual classroom attendance for a minimum total of 1,080 hours of classroom instruction over four years. Each PWCOL semester unit consists of no less than 15 classroom hours and PWCOL students are required to complete a minimum of 94 units to graduate. As a result, they complete over 1,400 hours of classroom instruction before they graduate, far in excess of the minimum requirements.

The curriculum includes classes that cover all CBX-tested subjects and they comprise 70 of the required 94 units. Trial Practice I and II and Appellate Advocacy classes are required for 9 units, and required Legal Analysis I and II as well as Complex Legal Theories I and II comprise a total 12 units. Students then take 3 elective units. Students who pass the FYLSX on the first attempt are exempt from taking Complex Legal Theories I and II as these courses are designed to strengthen substantive knowledge and test-taking skills for the FYLSX. Thus such a student would have 6 additional elective units.

In the student handbook, the PWCOL graduation policy provides that: “Pacific West will not confer a Juris Doctor Degree to a student who DOES NOT satisfactorily and successfully complete the 94 semester units within 4-years of law study required by Pacific West College of Law in Conferring Juris Doctor Degree except under circumstances where students attended previous law school and satisfactorily earned and passed the required Bar courses.”

The catalog provides that in order for a transfer student to earn a J.D. Degree from PWCOL the student must take at least 45 units at the school. In the self-study the school notes that in at least some cases of transfer students, the school waived the requirement of 45 units earned at PWCOL for an award of a J.D. Degree to a transfer student. At the time of the site visit, no student file or graduate file contained a transcript, nor were they supplied while the Consultant was on site. Of the subsequently supplied transcripts for transfer students graduating in the last 5 years, not a single graduating transfer student took 45 units. This appears as an instance of the school waiving policies on an *ad hoc* basis without the required review by a faculty committee. Subsequent to the inspection, the law school modified the provision in the catalog requiring transfer students to complete 45 units, but exempting any transferee who would otherwise be required to attend school more than four years. While the amended policy now comports with the school's past decisions regarding transfer students, it was not in place at the time the school acted.

The student handbook also contains what appears to be a noncompliant option that allows the PWCOL administration to “waive” up to six units required for a student to graduate. No basis or explanation is given for any such waiver, other than “totality of the circumstance.” Guideline 5.19 expressly requires that any exception to the graduation policy should be granted sparingly, and only by a faculty committee, not left in the hands of an individual. A memorandum to the file is required by the Guidelines. Since no transcripts were found in any of the files of recent graduates, it is unclear how frequently such a “waiver” has been granted. It is noted that of the two current students who are set to graduate at the end of this semester, apparently each will have only earned 91 units by the end of this semester.

As part of their elective units, students may enroll in a clinical placement, the provisions for such satisfy the Guidelines. No student files reviewed appeared to include a student who had engaged or was currently participating in a clinical experience. Once again, without student transcripts this could not be verified.

PWCOL perceives that most of its graduates will go into solo or private practice upon graduation. As a result, its curriculum places an emphasis on practice classes, which appears appropriate. The inability of its students to take a wide variety of substantive electives is necessarily affected. See, Guideline 5.11. Students already carry a heavy load of classes (23 to 24 units requiring attendance in fall, spring, and summer classes) and it would not be recommended that additional units be required to provide more opportunity to take substantive electives.

The student attendance policy is compliant. Students are given faculty e-mails and phone numbers, in addition to access to faculty before or after class, for sufficient faculty interaction. No complaint was made to the Consultant by the students about difficulty in communicating with the professor.

(F) Scholastic Standards. The law school must maintain sound scholastic standards and must as soon as possible identify and exclude those students who have demonstrated they are not qualified to continue. (Guidelines 5.17-5.25)

Qualitatively, the school does not appear compliant on the whole. It is subject to several Recommended Mandatory Actions discussed above in Sections (B) and (E), including issues involving Academic Standards, Exam and Grading Policies, Course Repetition policy, Good Standing requirements, Graduation policies, and Academic deficiency and probation.

The overall lack of compliance with a qualitatively sound program of legal education leading the award of a J.D. degree is confirmed on the historically low rates at which PWCOL students pass both the FYLSX and the CBX.

The pass rates for PWCOL students on the ten most recent administrations of the FYLSX are as follows:

Date Exam	1st time takers	1st time pass	% pass	Repeat takers	Repeat pass	% pass	Total takers	Total Pass
Oct 2015	0	0	n/a	3	1*	33%	3	1
June 2015	1	0	0%	4	1^	25%	5	1
Oct 2014	0	0	n/a	3	0	0%	3	0
June 2014	3	0	0%	4	1	20%	7	1
Oct 2013	0	0	n/a	5	0	0%	5	0
June 2013	4	1	25%	2	1	50%	6	2
Oct 2012	0	0	n/a	4	0	0%	4	0
June 2012	3	1	33%	3	1	33%	6	2
Oct 2011	2	1	50%	2	0	0%	4	1
June 2011	3	1	33%	2	0	0%	5	1
	Cumulative time	First	25%	Cumulative Repeat		16%	Cumulative Total	
	* Passed on 4th attempt							
	^Passed on 5th attempt							

As can be seen, only one first-time taker, who enrolled in fall of 2012, has passed the FYLSX in the past six administrations (12.5%). Of the four repeat takers who passed during this period, two passed in more than three administrations. While difficult to make statistically significant conclusions in dealing with such small numbers, the trend certainly does not show improvement in the last 3 years.

The pass rates for PWCOL graduates on the ten most recent administrations of the CBX are as follows:

Date Exam	1st time takers	1st time pass	% pass	Repeat takers	Repeat pass	% pass	Total takers	Total Pass
July 2015	2	0	0%	4	0	0%	6	0
Feb 2015	0	0	n/a	4	1	25%	4	1
July 2014	2	1	50%	9	0	0%	11	1
Feb 2014	1	0	0%	6	0	0%	7	0
July 2013	3	1	33%	6	0	0%	9	1
Feb 2013	1	0	0%	6	1	17%	7	1
July 2012	0	0	n/a	7	0	0%	7	0
Feb 2012	1	0	0%	8	0	0%	9	0
July 2011	0	0	n/a	10	0	0%	10	0
Feb 2011	0	0	n/a	9	0	0%	9	1
	Cumulative First time		20%	Cumulative Repeat		3%	Cumulative Total	

Overall, PWCOL's graduates pass the CBX at just under the overall first-time rate for all of California's registered, unaccredited law schools. PWCOL continues to insist that three additional graduates of the law school should have been allocated to it as having passed the CBX. All three were transfer students in good standing and were awarded their J.D. degrees by PWCOL. Each of these students, however, completed only 18 units at PWCOL to finish their 4th year of study. Two passed on their first attempt, one on a subsequent attempt. Inquiries to Office of Admissions' Eligibility department found that they had received Certifications forms back from PWCOL on two of these students, marked "cannot certify" and signed by the Dean. The third student's file, as confirmed by the Eligibility department, showed a Certification form was sent to PWCOL, but no form was ever received by the Eligibility department. This information was given to the Dean during the site visit.

The law school provided the final grades given in each course, by professor, and by subject matter taught. The format of the grade review, giving the highest grade and lowest grade and the number of students for each course taught, provided no insight into a correlation between the grades received by first-year

students and their performance on the FYLSX, or between cumulative GPA and performance of graduates on the CBX. The analysis of the information did little more than denominating some grades “high” and other “low”. PWCOL continues to give exceptionally high grades overall.

During the most recent academic year, it must be noted that 71% of all final grades awarded were either an A or a B. As such, this percentage is exceeding high and clearly does not correlate with longstanding poor performance of PWCOL students on the FYLSX or the CBX. Similarly, when judged against its graduate’s performance on the CBX, the law school grading statistics over the last five years show no real correlation between graduates’ cumulative GPAs and their likelihood of passing the CBX. Almost every graduate since 2011 earned at least a B+ average, while first-time passers (including those claimed by PWCOL but not allocated by the State Bar) had a GPA of 3.57, while those graduates who passed on the second or later try, graduated with a GPA of 3.47; while those who have not yet passed had the highest GPA of 3.60.

As a result, there appears to be little dispute that the law school’s Dean and faculty have, for some time, allowed a significant degree of grade inflation to exist throughout the entire J.D. curriculum. As a result, it appears that key elements of the PWCOL curriculum, such as the quality of its final examinations and accuracy and reliability of its grading, are not compliant with Guidelines 5.2 (B), 5.2(D), 5.2 (G), 5.2 (H) and 5.25.

The law school’s response to the Committee’s Notice of Noncompliance confirmed that its Faculty President was to review all final exams apparently for content and difficulty. During the site visit he stated he had not done so. The Consultant reviewed all first-year and selected upper division final examinations given to students over the last year, as well as three student answers to each examination and the grades awarded by the faculty.

Based upon a review of a number of examinations, most were found to be of uneven quality and degrees of difficulty; the format of several were not in the regular format using essay questions similar to those found on the FYLSX or CBX. As a result, a number of student answers were found to be of a very low quality, most of which received either passing or near passing grades. One first-year instructor was found to be grading at least 1.5 to 2.0 points higher than other instructors teaching the same cohort of students and, had it not been for this instructor’s higher than normal grades, several first year students would have been placed on probation or academically dismissed. It appears that none of the faculty creates and utilizes a rubric or matrix for grading their examinations.

Beginning with the 2010 periodic inspection, and continuing with the 2012 and 2014 interim inspection reports, PWCOL was mandated to meet with the faculty to ensure sound grading standards that would increase the likelihood that PWCOL students would pass FYLSX and its graduates would pass the CBX, to curb grade inflation and to draft final examinations that more accurately reflect the difficulty, issue spotting and analytical skills needed to pass each

examination. Despite the passage of years, it appears that the law school has yet to carry out this mandate. As a result, the law school should continue to be required to begin regular meetings with its faculty to begin to institute all necessary improvements to its program of legal education.

(G) Admissions. The law school must maintain a sound admissions policy. The law school must not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the degree program. (Guidelines 5.26-5.35)

The law school has a compliant policy and appears to monitor carefully receipt of undergraduate transcripts within the time set by the Rules and Guidelines. The application appropriately asks about prior law study. As noted, PWCOL has a very small enrollment and currently has only 10 students. Only two are in their first year of study with another three admitted this year as transfer students, although it appears only one remains enrolled. Total enrollment has run from eight to 17 students over the last five years, while the law school's graduating classes have ranged from only one to four students.

While the school's admission policies are minimally compliant, in practice most students admitted by PWCOL appear to be academically challenged. As to its two current first-year students, one was readmitted as a "start-over" having completed and passed PWCOL's first-year curriculum several years ago but then failed to pass the FYLSX after multiple attempts. This is contrary to PWCOL's policy prohibiting such readmission. Of the four students currently enrolled in the second-year curriculum, two have also been readmitted after taking more than three attempts to pass the FYLSX, while the other two have yet to pass the FYLSX. The two students in the third year are both transfer students from accredited schools after each was academically dismissed and each is therefore exempt from the FYLSX. As to the two students who will soon graduate, one was also academically dismissed from an accredited school.

It appears that PWCOL will admit any technically qualified but academically disqualified student from any accredited law school. It does so, however without the appropriate memorandum that discusses the necessary factual basis needed for his/her admission, which is then to be placed in each student's file as required by Guideline 5.34. When questioned about this failure, the Dean agreed to produce each such memorandum subsequent to the inspection. Moreover, in regard to such transfer students, the law school apparently grants transfer credit for all classes in which such student received a passing grade, even where such grade was below the good standing requirements of the previous school, which is not compliant with Guideline 5.35.

(H) Library. The law school must maintain a library consistent with the minimum requirements set by the Committee. (Guidelines 6.1, 6.2, 6.3, 6.5)

The PWCOL law library is a shared resource with a paralegal school housed in the same building as the law school. A review of the library confirmed that it is compliant by containing all required legal texts, authorities and statutes required

by Guideline 6.2. The required law digest and various treatises and practice materials are kept either in the library or in the Dean's office. The library also has computer terminals students can use to access electronic materials. Students are given a couple of physical research assignments, though the focus in the program is mastering electronic legal materials. As required, the law school offers all students 24/7 access to online legal authorities through Lexis/Nexis.

(I) Physical Resources. The law school must have physical resources and an infrastructure adequate for its programs and operations. The law school must, at a minimum, maintain its primary administrative office in the State of California. (Guidelines 7.1, 7.2)

The law school's classroom and library facilities are compliant. There are an adequate number of offices for staff and more than adequate classroom space given PWCOL's enrollment and class schedule. One classroom is configured as a courtroom to accommodate trial practice classes and other practice exercises. The library space is adequate for the relatively small enrollment. Restrooms are downstairs and a student lounge is upstairs, with tables and vending machines. Most files were kept in Ms. O'Connell's office, including a fire-proof filing cabinet for student records.

While some student information and records are kept electronically, the school mostly relies upon written records. Technology plays a small role at the school. The website is currently managed by a part-time staff person. The technological infrastructure appears to be sufficient for the current needs of the law school.

(J) Financial Resources. The law school must have adequate present and anticipated financial resources to support its programs and operations. (Guidelines 8.1, 8.2, 8.3)

Given the ambiguous nature of the PWCOL financial statements submitted with the self-study, it is currently not possible to judge whether the law school is compliant with Guidelines 8.1 through 8.3. For example, two key anomalies were found in the financial information submitted in the self-study. First, the sum of rent paid by the law school was listed at \$2000 per month in the copy of the 2011 lease agreement provided in the self-study. However, Ms. O'Connell orally reported that the current rent is \$2500 a month for an annual rental of \$30,000.

Compounding the confusion is the fact that the Profit and Loss statements submitted by the law school in its Annual Compliance Reports for the last three years list its annual rent expense as \$10,000, \$60,500, and \$13,500 respectively. During the site visit the Vice President for Finance explained that when PWCOL undertakes to update library materials in the shared library, that the landlord reimburses the school for its share of expenses. Rather than showing this reimbursement as income (and deducted from Library expenses), the amount was deducted from rent. While a questionable bookkeeping practice, it does not explain the \$60,500 rent due one year or clarify the expenditures for the library.

In an expanded response to this issue submitted after the site visit, it was claimed that the school operates on a “cash basis accounting system” and that all amounts on the Profit and Loss statements were correct, including the reported income and rental amounts, implicitly denying the earlier explanation of an offset given during the site visit. No reason was given for the variations in rental amounts. It should be noted that in the year that \$60,000 in rent was paid, rent payments accounted for nearly one-half of the amount of the total income (\$127,258) that year

Second, in regard to its stated income (consisting almost entirely of tuition and fees), the law school reported its income at \$108,757; \$127,258; and \$111,479 for the past three years. These relatively similar sums of annual income appear inconsistent with the significant variations in the law school’s reported enrollment in each of its last three Annual Reports. While there may be a plausible and valid explanation for the sums of income reported, when considered with the questions raised about its primary expense (its rent) it is recommended that, as provided by its authority under Guideline 8.3, the Committee require PWCOL to retain an outside certified public accountant to review its internal financial data to prepare an audited report of the law school’s income, expenses and its profits and loss (if any) over the last three years.

(K) Records and Reports. The law school must maintain adequate records of its programs and operations. (Guidelines 9.1)

PWCOL appears to have compliant Class Records, Exams and Tabulations, and all grades for all courses.

Many student files were found to be not compliant, many due to omissions of required data and materials as were noted during the 2014 Interim Inspection. At the time of the current inspection, as before, many files were incomplete. No transcripts were in any of the student or graduate files nor available to the Consultant while on campus. See Guideline 9.1. No memoranda supporting admission of previously disqualified students were found in any current student or graduate files. The transcripts of all current students and graduates within the last 5 years who transferred to PWCOL were subsequently supplied more than two weeks after the inspection, along with an appropriate memorandum supporting the admission of each previously-admitted applicant. However, as subsequently constructed, some were still problematic.

As an example, on the first page of their transcript for one currently-enrolled student who transferred from Glendale University College of Law it was indicated that 30 quarter units transferred; however, beneath the photocopy of his Glendale transcript, embedded in the PWCOL transcript, which showed completion of 59 quarter units before dismissal, the transcript said that he was given credit for all units completed and earned. These two entries on the transcript are clearly inconsistent. Units credited to transfer students, and if quarter units, those properly converted to semester units, were not then added to PWCOL units to demonstrate adherence to the 94 unit graduation requirement.

Guideline 9.1(D)(7) requires: "The date or dates on which the student took the First-Year Law Students' Examination and whether the student passed or failed each examination" be shown on the transcript. PWCOL transcripts only indicated the date passed. This was noted in the 2014 Interim Inspection report and has not been remedied.

All currently-enrolled student files were found to contain compliant, signed Disclosure Statement forms for each registration period. On some of the older files it appears that pursuant to the mandates of earlier interim visits the Disclosure Forms were redone in order to be compliant. The school was mandated both to amend the forms and to have the students resign the form. These amended forms found in the files could clearly not have been signed on the date indicated in the student file as they included bar results not available at the date of the signature. It appears the corrected form was put in front of the earlier signature page, without the students actually resigning it.

Even though the number of administrative personnel at PWCOL is small, no files regarding each such employee, as required by Guideline 9.1(G), were found. All such files must be created and then maintained. Consistent with the prior findings of noncompliance noted in the inspection reports prepared after the inspections of 2010, 2012, and 2014, PWCOL's faculty files remain noncompliant. Each faculty file should contain a copy of all students and peer evaluations as well as a copy of the faculty member's law school transcript.

The school should ensure that all information and materials provided in the Annual Report are accurate. In addition to the profit and loss statements, there was a discrepancy between the number of grades given in the grade review materials supplied for the Self-Study and the number of grades reported on the Grading Summary, Attachment 7. It is unclear whether a grade given to a graduate sitting in on a course, who receives a grade, should be reported on the Summary. The school should review past reports also to ensure that "do-over" students are reported as having prior law school study. Finally, Amended Attachments 12, given to the Consultant subsequent to the visit, should be sent to the Educational Standards office.

(L) Equal Opportunity and Non-Discrimination. Consistent with sound educational policy and these rules, 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. (Guidelines 10.1)

The school has a compliant Equal Opportunity and Non-Discrimination policy. The student body, faculty and staff represent a highly diverse cross section of the California population. No issues were reported by students during the meeting with the Consultant.