

PACIFIC WEST COLLEGE OF LAW

RESPONSES TO THE NOTICE OF NON-COMPLIANCE AND COURSES OF ACTIONS AND/OR PROPOSED COURSES OF ACTIONS TOWARDS COMPLIANCE OF RECOMMENDATIONS

On September 6, 2016 PWCOL was in receipt of the notice of non-compliance and the 12 mandatory recommendations as stated in the notice of non-compliance. In response, PWCOL is willing and honestly and in good faith believe that it will be able to fully comply with the 12 items of recommendations. Courses of actions and/or proposed courses of actions to achieve compliance are set forth hereunder:

RECOMMENDATION

1. To comply with Guidelines 2.3 (A), (B), (C) and (F) (Honesty in Communications)

COURSES OF ACTION TOWARDS COMPLIANCE AND/OR PROPOSED ACTIONS TOWARDS COMPLIANCE

PWCOL is currently reviewing its publications to simplify its academic and good standing policy and to revise and correct the issues found during the periodic inspection. This is in progress and expected completion of the revised version will be on November 30, 2016.

As of to date, 25 pages of its publications has already been eliminated by simplifying numerous policies but the review is still in progress and re-reviewed by the Deans are scheduled. PWCOL also anticipates faculty input in revising its academic policies. Upon completion of the revise publications, PWCOL will notify the Committee of Bar Examiners on the stated date of completion herein.

RECOMMENDATION

2. To comply with Guideline 2.9 (C), (Fairness in Academic Standards and Student Assessment)

COURSES OF ACTION TOWARDS COMPLIANCE AND/OR PROPOSED ACTIONS TOWARDS COMPLIANCE

Immediately after receipt of the periodic inspection report, the Dean of PWCOL issued a memorandum to the faculty members about their individual syllabus to comply with Guideline 2.9(c). All the syllabi for this semester are in compliance with 2.9(c). Content of the syllabi was reviewed by Dean Kevin O'Connell.

In order to ensure continued compliance of Guideline (2.9 c). PWCOL instituted a procedure by which the assistant registrar (Edgar Surtida) will initially review the syllabi submitted by individual professor *before* the start of each semester. The syllabi then will be re-reviewed by the Dean as to basis and factors of final grades pursuant to Guideline 2.9 c, before those syllabi are issued to the student in the beginning of each semester.

RECOMMENDATION

3. To comply with Guideline 3.2, (Duties of the Governing Board).

COURSES OF ACTION TOWARDS COMPLIANCE AND/OR PROPOSED ACTIONS TOWARDS COMPLIANCE

Starting 2016, PWCOL will conduct its Annual Board of Directors meeting by TELEPHONIC CONFERENCE in addition to some Actual physical annual board meetings in the past years.

PWCOL chairman of the board, asked the consultant, Sally Perring, subsequent to the site visit, about this method and the consultant stated in her email to Mr. Kevin O'Connell that such telephonic conference is allowed by the PWCOL by-laws and that PWCOL can conduct its annual board of directors meeting via telephonic conference which would be sufficient to comply with Guideline 3.2. A minutes of such telephonic conference will be recorded, file and maintain accordingly.

Members of the board of directors of PWCOL were regularly informed about all the major non-academic matters of PWCOL that requires their decision. In the past 10 years, there is no major non-academic policy that the Board has to make. PWCOL through its Chairman of the board – Mr. Kevin O'Connell always informally discusses matters about PWCOL to the majority of its board of directors (*Informal connotes regular phone conversation without a formal minutes*). PWCOL board of directors will be informed and given copies of the periodic inspection reports. The findings of the most recent periodic inspection report will be formally discuss in its upcoming Annual Board of directors meetings via telephonic conference to be set in November of 2016.

RECOMMENDATIONS

4. To comply with Guidelines 4.1 (Law School Administrator Duties) and 4.2, (Law School Dean and Faculty, Duties).
5. To comply with Guideline 4.3 (Faculty Participation in Academic Policies and Programs)
6. To comply with Guidelines 4.8 (Evaluation of Instructors) and 4.9, (Basis of Instructor Evaluations)
7. To comply with Guidelines 5.1 (Academic Program) 5.2 (Criteria for Determining Compliance with Guideline 5.1), 5.7 (Evaluation of Student Credentials), 5.9 (Quantitative Academic Requirements), 5.17 (Grading Standards), 5.18 (Scholastic Standards) and 5.25 (Criteria for Evaluating Quality of Examinations)

COURSES OF ACTIONS TOWARDS COMPLIANCE AND/OR PROPOSED ACTIONS TOWARDS COMPLIANCE

Mr. Edgar Surtida, who has a JD degree from PWCOL had been designated as the Assistant Registrar of PWCOL to aid the Deans of PWCOL in the administration of the law school particularly the regular review of files. A Notice of change of administrator had been submitted to the Committee of Bar Examiners.

PWCOL Deans will now do an evaluation of grades issued by each instructor at the end of every semester to ensure that all instructors are grading the students pursuant to the FYLSX and GBEX standard, as a follow up to the memorandum and the discussion about the grades during the faculty meeting held early March of this year.

PWCOL anticipates that this process takes a progress phases to fully accomplish but PWCOL will do its best effort to fully implement this standard to all the faculty members particularly the ones who issues higher than normal grades. Over the years, majority of the grades particularly the first year grades were lower than what it used to be in the past 10 years or so. Some faculty member teaching upper division classes that are tested in the GBEX, were still issuing higher than normal grades as showed in PWCOL grade analysis and grade comparisons for the past five years. PWCOL effort on the grading issue will be focused more on these instructors to accurately and realistically issue grades based on the GBEX standard. Although there has been an improvement on the passing percentage within the last five years as compared to the previous 10 years or so (7 of the 14 graduates passed the GBEX and 9 of the 23 FYLSX takers within the last 5 years passed the FYLSX). PWCOL had been encouraging its faculty to grade realistically. Some faculty members particularly some first year instructors, gives no more than B grade (2.00 to 2.90) as compare to the higher grades issued in the last 10 years. But problem still persist in some of the professors who continue to issue higher than normal grades. In order to solve this issue, PWCOL plans to discuss the grading system repeatedly in each of its faculty meetings, as it did in several faculty meetings held in the past 2 years. Since the Deans are planning to conduct a regular end-of-semester grade evaluation of grades issued, the result of such semester-end grade evaluation will be discuss during a faculty meeting in order to achieve a much more realistic correlation of the percentage of passing state bar exams as to the grades issued.

PWCOL also plans to conduct a regular annual grade analysis and grade comparisons and annual instructor to instructor grade comparison in addition to the five year periodic grade comparisons and instructor to instructor comparisons that the Committee requires. This way PWCOL will engage faculty participation on academic policies, grading standards and other academic matters by discussing the result of the annual grade analysis and comparison with the professor during faculty meetings. In the event that grades issued by a particular professor are still higher, the Dean will not unilaterally change the grade but this issue will be discuss with the Grade Review/Faculty Committee.

The internal calendar designed by PWCOL in the previous years to aid it in making sure that faculty meetings and other activities are scheduled properly had been a helpful tool in the past 2 years and had been followed by PWCOL. The assistant registrar will now be the in charge of disseminating the schedule of information to the concern parties. While the Deans of PWCOL will be in charge and responsible for planning, drafting, setting and creating the dates and schedule of meetings and other activities. Agendas of these meetings will be set by the Dean. Faculty members will also be consulted if there is an item that they wanted to be added in the agenda of the faculty meeting.

Although faculty meetings had been regularly conducted in the past two years, However, in the most recent periodic site visit, it has been recommended that faculty members need to be engage more in grading standards hence the reason why PWCOL plans to institute a regular end-of-semester grade evaluation through its Dean in addition to the two types of evaluations (peer and student) currently practice by PWCOL.

PWCOL also plans to give a copy of the most recent periodic inspection report that raises the issue of faculty participation in the grading standards so that faculty member will understand as to how the Committee of Bar Examiner of the State Bar of California would wanted the faculty meeting to be conducted and as to the degree of participation needed pursuant to the Guidelines for Unaccredited Law Schools in California.

Minutes of the meeting will be recorded as usual and file accordingly just like the previous years (copy of which was submitted to the Committee in its PWCOL responses to the periodic inspection reports).

During the faculty meetings the faculty members will be required to participate in formulating, implementing and administering academic policies and programs.

On the Faculty Evaluation:

All the faculty evaluations scheduled in the internal calendar of PWCOL in the past 2 years had been rigorously followed. A regular faculty evaluations had been conducted by its faculty President, Mr. William Dixon, who is a former Dean of an accredited law school, Western State College of Law, in the past two years (copies of these evaluations had been submitted to the Committee in its PWCOL responses to the periodic inspection report submitted last August 15, 2016). The most recent periodic inspection however raised an issue as to the criteria used in the faculty evaluation pursuant to Guideline 4.9. In order to address the issues on the criteria of evaluating professors that was raised during the most recent periodic site visit, PWCOL discussed with Mr. William Dixon about the criteria and basis of the faculty evaluation pursuant to Guideline 4.9. A copy of Guideline 4.9 will be furnished to Mr. Dixon to ensure that the instructor evaluations through classroom observation is in accordance with all the basis and criteria of evaluations as per Guideline 4.9.

It has been a long time practice of PWCOL that students do an end-of-semester instructor evaluations per subject or classes that they are attending each semester.

In order to ensure full compliance as to the basis and criteria of Guideline 4.9 on evaluating the instructors. PWCOL Dean is planning to conduct and another type of evaluation (*in addition to the classroom observation/evaluation of Mr. Dixon and the end of semester evaluation by the students*). This additional evaluation will be focused on the quality of final examinations given by each faculty member in a given semester. The Dean will review the quality, content and format of the final examinations before the scheduled final exams. In the past 2 years, the examinations that are being reviewed are only those final examinations given by new professors who does not have teaching experience. PWCOL is planning to expand the review of the quality, content and format of the final examinations from all faculty members, both new and old faculty members in first year and upper division subjects that are FYLSX and GBEX tested. Since most faculty members of PWCOL had passed the GBEX long time ago, PWCOL had exerted tremendous efforts to inform and encouraged its faculty members to look at the exam trends particularly the GBEX. In order to aid the faculty members, PWCOL is planning to make photocopies of FYLSX and GBEX exams published in the State Bar of California website and give them to the professors (copies of exams on the FYLSX and GBEX subject they are teaching) for these faculty members to look at and based the pattern, quality, content and format of their final exams which as stated will be reviewed by Dean Kevin O'Connell prior to the final examination week.

Format, content and quality of final examination will always be part of PWCOL faculty meeting agenda from now on until such time that all the faculty members are upbeat on the exams trends and formats.

A memo/note as to the comments of the Dean's evaluation of the quality and format of the final exam of each instructor will be furnish to the respected instructor for them to be able to make the necessary changes or adjustments so that the quality and format of the final examination is the same as the FYLSX and GBEX exams. Copy of this memo will be filed accordingly by the assistant registrar. If no change is necessary then no memorandum will be issue.

The Dean will also evaluate and review final grades given by each instructor at the end of every semester to ensure that grades are accurate and realistic as per the GBEX standard in achieving a more direct correlation between the bar exam passing rate and the grades issued. A memo to this effect must be created and properly filed as part of the basis of instructor evaluation. The assistant registrar will be in charge to make sure file of this memo is properly maintained in the instructor's individual files.

The instructor files will be subject to periodic/regular routine review and inspection which PWCOL plan to implement at the end of every semester to make sure all students and

peer evaluations are properly filed in the individual instructors file and up to date in each of the given semester.

On Evaluation of Student Credentials to Determine Eligibility on the GBEX:

It has been a practice of PWCOL to have each law student submit a request for Evaluation of law study completed/contemplated with the Committee of Bar Examiner, at the beginning of their first semester in 4th year of law school to ensure that their eligibility to take the GBEX is approved by the Committee. There was **NEVER** been a problem of any PWCOL students regarding their eligibility to take the GBEX. PWCOL **ensures** that this students receive the minimum residency requirements of the Committee of Bar Examiner as far as eligibility to take the GBEX is concerned. PWCOL further ensures that these students take all the required courses tested in both the FYLSX and GBEX.

Problems arise when in the past five years, some transferred students in good standing were not fully informed by *their previous law school* that they have to have a minimum of four (4) years of law study from an unaccredited law school before they can be eligible to take the GBEX (instead in their *previous law school*, these students were forced and given more units each semester than what is allowed by the Guideline) then these students transferred to PWCOL in good standing dragging that problem (where the Committee of Bar Examiner determined that they needed 1 or more years to be eligible to take the GBEX). PWCOL gave those students what the Committee required to gain eligibility to take the GBEX, which is a total of four (4) years of law study, by waiving some of the 94 semester unit requirements by PWCOL to confer a JD Degree. PWCOL believes that it is wrong to hold those transferred students for more than 4 years, who suffered a demise from their former law school (before transferring to PWCOL) because their previous law school did not fully them of the minimum requirements of the Committee for eligibility on the GBEX. Other than those transferred students in good standing, there was NEVER been an issue of any PWCOL student not being able to take the GBEX because of eligibility issue. Under some circumstance, a student is given a one-on-one class in order for this student to graduate on time (within the 4 years residency requirements of the Committee of Bar Examiner) in making sure that they took all the subjects tested on the GBEX. To date, each transferred student as soon as they get accepted at PWCOL, the Dean advises them and requires them to submit their Evaluation of law study completed/contemplated with the Committee of Bar Examiner as early as possible.

RECOMMENDATION

8. To comply with Guidelines 2.2 (Honesty Regarding Finances) and 8.3 (Financial Reports)

**COURSES OF ACTION TOWARDS COMPLIANCE AND/OR PROPOSED ACTIONS
TOWARDS COMPLIANCE**

As stated in its PWCOL responses to the periodic inspection report dated August 15, 2016, PWCOL accounting year is Fiscal year which ends in February 28, 2017. Meaning the financial statements for the year 2016 (for purposes of Annual Report due on November 15, 2016), the 2016 financial statements will not be available and completed until after February 28, 2017. PWCOL will have an audited profit and loss statement for Fiscal Year 2016 which ends in February 28, 2017 in its effort to comply with recommendation item 8.

RECOMMENDATION

9. To comply with Guideline 9.1 subsections (B) (Records of Admission), (C) (Student Files), and (D) (Transcripts)

**COURSES OF ACTION TOWARDS COMPLIANCE AND/OR PROPOSED ACTIONS
TOWARDS COMPLIANCE**

Transcripts of all CURRENT students are being reformatted to include all the information required by Guideline 9.1 (D) particularly showing the date(s) and result(s) of each FYLSX exam(s) taken. Completion of this is expected to be at the end of November 2016.

All the student files of current students had been reviewed and their PWCOL transcripts that are *electronically* stored are now printed and the hard copy was put in the student file in an effort to comply with the recommendation that this transcripts must be printed and put in the student file. Some of this transcripts (those that are not exempt from the FYLSX) need to be reformatted as stated above.

PWCOL will now conduct a regular and routine review of student files three times a year to ensure that the files are complete pursuant to Guideline 9.1(C).

PWCOL Transcripts of all the graduate student within the last 5 years that were transferred students were also reformatted to include a snap shot of their prior legal education transcripts from their prior law schools (*such as subjects taken and grades received from prior law school*), in an effort to comply with the recommendation that those transcript be reformatted.

PWCOL always maintain compilation (a copy of all the admission applications and other credentials of all prospective students admitted but did not register or attend law school, for a year in compliance with Guideline 9.1(B)).

RECOMMENDATION

10. To comply with Guideline 9.1 (G) (Administrative Personnel)

COURSES OF ACTION TOWARDS COMPLIANCE AND/OR PROPOSED ACTION TOWARDS COMPLIANCE

Administrative Personnel files are already maintained to date in compliance with Guideline 9.1 (G).

A regular/routine review of files were scheduled by PWCOL to make sure all this files are updated when necessary. For personnel file, this will be reviewed annually depending on whether there is a change of law school administrators.

RECOMMENDATION

11. To comply with Guideline 9.1 (H) (Faculty Personnel)

COURSES OF ACTION TOWARDS COMPLIANCE AND/OR PROPOSED ACTION TOWARDS COMPLIANCE

All the faculty files of current instructors were complete. End-of-semester student evaluations for the most recent semester that has been filed in a separate folder and was not placed in the instructor's individual file during the site visit was already put in its corresponding individual instructor faculty file pursuant to Guideline 9.1 H.

All current instructor transcripts of legal education was in their corresponding file *except* Christopher Strobel who graduated from American College of Law, an unaccredited fixed-facility law school that no longer exists and it is not possible for him to request a transcript since the school owner went back to Israel and could not be found. Professor Christopher Strobel will request the State Bar of California for a copy of his transcript of records from American College of Law since the State Bar of California has a copy of his legal education transcript upon taking the California State Bar Exam.

Some listed faculty members who communicated to PWCOL that they still wanted to teach at PWCOL and still wanted to be listed as faculty who does not have a legal education transcript on file in spite of PWCOL request sent to the individual instructor for their signature and consent for PWCOL to process the transcript request from the law school they graduated, were temporarily removed from the list of faculty until such time that PWCOL receive those requested transcript to ensure compliance of Guideline 9.1 H.

PWCOL now plans to do a regular file review of faculty files at least three times a year (every end of semester) to ensure that all the semester student evaluations are placed in

the individual instructors file right after the semester ends. The assistant registrar will do the initial review by using the checklists to show file status. A copy of those checklist status will be submitted to the Dean for final review to ensure that the individual files contain the required files in accordance with Guideline 9.1 H. This file status will be compiled separately for to serve as guide for PWCOL personnel in insuring compliance of files.

RECOMMENDATION

12. To comply with Guideline 9.1 (O) (1) (Annual Compliance Report)

COURSES OF ACTION TOWARDS COMPLIANCE AND/OR PROPOSED ACTION TOWARDS COMPLIANCE

The only issue raised in the Annual Report in the most recent periodic inspection was the recommendation that PWCOL submit an audited profit and loss statement which PWCOL will try to have an audited profit and loss statement for the Fiscal Year 2016 which will end in February 28, 2017. Hence, this statement will not be included in the submission of the 2016 Annual Report which is due by November 15, 2016. Other than this issue, PWCOL had submitted a complete annual reports.

As a procedural safeguard, in insuring the accuracy and completeness of its annual report, the Dean of PWCOL will double check each and every entries in the annual report attachments. The internal deadline of completing the annual report forms had been moved by PWCOL to an earlier date to ensure that there is sufficient time for review and re-review of its content and accuracy (with the exception of the 2016 financial statements which will not be available until after February 28, 2017, which is its fiscal year end.