

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM NUMBER: December 2016 – O-403

DATE: November 22, 2016

TO: Subcommittee on Educational Standards

FROM: George Leal, Director for Educational Standards

SUBJECT: **American International School of Law - Periodic
Inspection Report**

BACKGROUND

Attachment A is the Report of the Periodic Inspection of the American International School of Law (AISOL) conducted on June 9-10, 2016 by Educational Standards Consultant Sally Perring. Attachment B is correspondence dated October 26, 2016 received from AISOL founder and President Nitesh Patel accepting the Report, its findings and its recommended mandatory and suggested actions.

AISOL is a registered, correspondence law school that operates as a for-profit entity and maintains its administrative offices in Irvine, California. It was founded in 2011 and, at the time of the inspection, had a total enrollment of 32 students. This was the law school's first, five-year periodic inspection, although an interim inspection in May of 2013 was conducted and it found then to be operating compliantly.

As a correspondence law school, AISOL offers its online Juris Doctor (J.D.) degree curriculum through a series of required and elective classes taught using taped, asynchronous lectures and written work assignments. It is compliantly administered by Mr. Patel who acts as the law school's administrator and registrar. Although not an attorney, Mr. Patel holds a J.D. degree from Abraham Lincoln University School of Law and earned a LL.M degree in taxation from the Thomas Jefferson School of Law. The law school's faculty consists of two licensed attorneys, each of whom earned their J.D. at an ABA-approved law school, as well as two judges of the Orange County Superior Court. The AISOL program currently costs students a total of \$36,000.

Since it opened, AISOL has been challenged to retain the students it admits through graduation. Since its founding, less than 10% of all students admitted matriculate beyond the first year. Given its history, the law school has recently developed a new curriculum that it hopes will better engage and retain the students who enroll. Despite its inability to retain students, those that complete their first year have had above-average success in passing the First-Year Law Students' Examination (FYLTX). Since

its first students started taking the FYLSX in February 2013, four out of a total of seven have passed the FYSLX for an initial, cumulative pass rate of 57%.

As confirmed by the report, AISOL was found to be operating compliantly. It offers its students a sound program of legal education leading to the award of a J.D. degree, it has a well-qualified faculty, experienced administrators, compliant academic standards and its proprietary, online technology offers students an effective teaching platform.

The inspection found only technical issues of non-compliance requiring any recommended mandatory action by the law school, and six issues under the *Guidelines for Unaccredited Law School Rules* where the law school could take action to achieve better compliance. The Report recommends the following:

Recommended Mandatory Actions:

- 1) To comply with Guideline 1.9, the law school must publish its policy governing student privacy and its policy regarding compliance with the American with Disabilities Act (ADA) in a manner that is accessible to students;
- 2) To comply with Guideline 2.8, the law school must amend and republish its student honor code to provide sufficient notice to students regarding the consequences of a violation and that incorporates all due process protections required by this Guideline.
- 3) To comply with Guidelines 4.8 and 4.9, the law school must revise its faculty evaluation policy to include all processes required by these Guidelines;
- 4) To comply with Guideline 4.10, the law school must adopt an express policy that confirms that members of the faculty enjoy compliant academic freedom;
- 5) To comply with Guideline 5.31, the law school application form must be revised to inquire as to an applicant's prior attendance at any prior law school;
- 6) To comply with Guideline 9.1(C), all student files must contain a copy of all registration agreements signed by each enrolled student.
- 7) To comply with Guideline 9.1 (D), the law school must revise its format for student transcripts to include: the date(s) of each administration of the FYLSX taken by the student, and whether the student passed or failed and the date of the student's withdrawal or dismissal if the student failed to pass the examination in a timely manner;
- 8) To comply with Guideline 9.1 (H), faculty files must contain copies of all faculty evaluations, law school transcripts of faculty members and proof of admission to practice in each jurisdiction in which they are admitted.

Recommended Suggested Actions:

- 1) Pursuant to Guideline 2.9(C), the law school should clarify the basis for student course grades appearing in the catalog.
- 2) Pursuant to Guideline 5.25(A), the law school should track as much as possible the performance of its students on the FYLSX and CBX and correlate results to the law school's grading practices.
- 3) Pursuant to Guidelines 5.30 and 9.1(C), the law school should date stamp the copy of the student's pre-legal transcripts when received to validate readily its compliance.
- 4) Pursuant to Guideline 5.3(B)(1), the law school should file and confirm that the hard copy study log(s) signed and submitted by students is in their respective files.
- 5) Pursuant to Guideline 5.17, the law school's Dean and faculty should conduct a comprehensive survey of all grades issued in all classes graded in the J.D. degree program to judge whether they are consistent and fair and whether there is any meaningful evidence of grade inflation in the number of top grades issued;
- 6) Pursuant to Guidelines 9.1(C) and (D), the law school should maintain a copy of student's transcripts of course credit earned in their respective file.

DISCUSSION

As Mr. Patel's letter confirms, AISOL has accepted the Report and has taken all appropriate actions to revise and adopt its academic standards and operational policies needed to resolve each of the issues of noncompliance as described above. The law school is now fully compliant with *Guidelines for Unaccredited Law School Rules*.

RECOMMENDATION:

It is recommended that the Inspection Report be received and filed; that the response of Mr. Patel be received and filed; that the recommended, mandatory and suggested actions contained in the Report be adopted; that notice be taken that the school has reported that all of the recommendations contained in the Report have been adequately addressed and resolved; and that the law school's next periodic inspection take place in the spring of 2021, unless an earlier inspection is found necessary by the Committee.

PROPOSED MOTION:

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

Move that the Periodic Inspection Report of the American International School of Law of the inspection conducted on June 9-10, 2016 by Educational Standards Consultant Sally Perring be received and filed; that

the response of Mr. Nitesh Patel, submitted on behalf of the law school be received and filed; that the mandatory and suggested actions contained in the Report be adopted; that notice be taken that the school has reported that all of the recommendations contained in the Report have been adequately addressed and resolved; and that the law school's next periodic inspection take place in the spring of 2021, unless an earlier inspection is found necessary by the Committee.