

4.7 Action on Inspection Report – California Desert Trial Academy



The State Bar *of California*

OPEN SESSION

AGENDA ITEM

4.7 JUNE 2025

COMMITTEE OF BAR EXAMINERS

DATE: June 20, 2025

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst, Office of Admissions

SUBJECT: Action on Inspection Report – California Desert Trial Academy

EXECUTIVE SUMMARY

The inspection report for California Desert Trial Academy (CDTA) is attached for Committee of Bar Examiners' (CBE) review and action, along with CDTA's response accepting the report and demonstrating subsequent progress toward compliance. (Attachments A, B).

RECOMMENDED ACTION

Staff recommends that the inspection report for CDTA be adopted in full, that the law school should provide an update as to the compliance status of each recommendation in the law school's annual reports until the next inspection, and the next inspection be set for spring 2029.

DISCUSSION

CDTA is a registered, unaccredited fixed-facility law school located in Indio, California offering a part-time JD program. Classes take place during the week, and students also meet weekly for Saturday sessions. The founders also run LawTALK MCLE, which offers continuing education for attorneys, and the dean operates a criminal defense law firm. In addition to focusing on preparing students for licensure, the CDTA program also includes significant content on practice of law and the business of operating a law firm.

The law school currently enrolls 17 students, and its five-year cumulative pass rate is 64.7 percent. Its pass rates for the June First-Year Law Students' Examinations for the last two exams have been above average at 41.7 percent of 12 takers (June 2023) and 41.1 percent of 17 takers (June 2024). October pass rates have been lower, at REDACTED and (October 2023) and REDACTED (October 2024).

CDTA was initially inspected on April 30 and May 1, 2024. After the inspection, staff set a series of follow up meetings to support the law school in increasing its familiarity with the rules and guidelines. Determining the modifications for the Saturday program took a period of months and a series of meetings, as CDTA experimented with different formats to determine which would be best for the school. The law school also worked to address the other draft recommendations that were proposed to be included in the report. During this process, CDTA has taken significant actions to address the concerns identified in the report, and CDTA's leadership team has become more familiar with the rules and guidelines and increased its capacity to affirmatively maintain the compliance.

The report contains fourteen recommendations regarding compliance actions involving three rules and fifteen guidelines. Key recommendations involve transforming the Saturday program into an academic experience appropriate for the JD program, record keeping, and clarifying the requirements for good standing.

The inspection report and the law school's response accepting the report are attached. (Attachments A, B). The response also includes documented evidence of the law school's significant progress subsequent to the inspection regarding each of the recommendations in the report. When policy changes were identified, the proposed policy was included. A number of the modifications will be launched for the fall 2025-2026 school year. The law school will be able to verify the publication and implementation of all changes as part of CDTA's 2025 Annual Report.

PREVIOUS ACTION

None

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

None – core business operations

RESOLUTIONS

Should the Committee of Bar Examiners concur, it is:

RESOLVED, that the Committee of Bar Examiners receives and adopts the inspection report of California Desert Trial Academy including all its recommendations as set forth in Attachment A and receives and files the law school's response as set forth in Attachments B; and it is

FURTHER RESOLVED, that its registration as an unaccredited, fixed-facility law school be renewed, with its next inspection set for spring 2029; and it is

FURTHER RESOLVED, that the law school is directed to file an addendum to its 2025 Annual Compliance Report and reports thereafter until it is inspected again documenting compliance, or continued compliance, as to each recommendation. If a recommendation is not complete, a timeline and plan for achieving compliance is to be included.

ATTACHMENTS LIST

- A.** California Desert Trial Academy 2024 Inspection Report
- B.** California Desert Trial Academy 2024 Inspection Report Official Response - June 2, 2025



The State Bar of California

OFFICE OF ADMISSIONS

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May 20, 2025

Dean Dolan
California Desert Trial Academy
45290 Fargo St,
Indio, CA 92201

RE: 2024 Periodic Inspection of California Desert Trial Academy

Dear Dean Dolan:

Attached is a copy of the inspection report summarizing the inspection team's findings based on the material submitted by the law school and the visit that took place on April 30 and May 1, 2024, and the corresponding inspection invoice.

Pursuant to Rule 4.244(B), the Category A law school fee is \$22,500. CDTA previously deposited \$5,750 to the State Bar in anticipation for accreditation, pursuant to Rules 4.140 -4.146. This balance will be deducted from the inspection balance per the law school's request.

Unaccredited Law School Rule 4.244(F) requires a law school to notify the Committee that it accepts the report or objects to it in whole or in part, and include supporting documentation within 15 days of receiving the inspection report. Thus, the Rule provides all law schools an equal opportunity to respond to the Committee.

CDTA has the opportunity to provide written response to the inspection report within 15 days of today. Written response should be emailed to lawschoolregulation@calbar.ca.gov by June 4, 2025.

While the law school must notify the Committee if it accepts or objects to the inspection report within 15 days, CDTA may submit additional information to the Committee in written public comment which can be emailed to CBE@calbar.ca.gov. Please note that the deadline to submit written comments is 24 hours before the start of the meeting. The law school will also have the opportunity to provide verbal public comment at the meeting. You can sign up for verbal public comment using this [form](#), although advance sign up is not required.

Sincerely,
Natalie Leonard
Principal Program Analyst II



The State Bar of California

California Desert Trial Academy

Periodic Inspection Report

Inspection conducted
pursuant to Rule 4.244(A) of the
Unaccredited Law School Rules on:

April 30 and May 1, 2024

REPORT ON INSPECTION OF CALIFORNIA DESERT TRIAL ACADEMY

INTRODUCTION

A State Bar inspection team conducted a periodic inspection of California Desert Trial Academy (CDTA) on April 30 and May 1, 2024, pursuant to Unaccredited Law School Rule 4.244(A). The team consisted of Heather Georgakis, Educational Standards Consultant to the Committee of Bar Examiners (committee), and James Efting, member, Committee of Bar Examiners.

The purpose of this inspection was for the law school to demonstrate compliance with the [Unaccredited Law School Rules](#) (rules) and all relevant [Guidelines for Unaccredited Law School Rules](#) (guidelines).

The inspection team made the following observations related to the status of compliance with the rules and guidelines representing status at the time of the inspection. Since that time, the law school has begun addressing many of these observations and met with the State Bar on three occasions to address questions and demonstrate progress. Two meetings focused on the Saturday course and enrichment offerings, while a third meeting focused on the remaining draft recommendations.

The law school will have the opportunity to demonstrate and document progress in its response.

BACKGROUND

CDTA is a for-profit entity registered as an unaccredited, fixed-facility law school. The school is owned by CDTA College of Law, Inc. (CDTA Corp), a California Corporation whose directors are the law school's founders, Dean John Patrick Dolan, and Registrar Irene Garcia Dolan. CDTA Corp was founded in 1992 as LawTalk MCLE, Inc. and adopted its current name in 2018. The law school portion of the corporation has been operating since 2012. The corporation also provides continuing legal education programs to California attorneys.

The school offers a part-time evening Juris Doctor (JD) program that also requires students to participate weekly in an all-day Saturday Enrichment Program (SEP). CDTA has been registered with the committee since 2012 and was last inspected by the State Bar on February 13-14, 2018, when it was found to be in substantial compliance with the rules and guidelines. The committee renewed CDTA's registration in its August 8, 2018, meeting and set the next inspection for fall 2022.

Over two 15-week semesters each year, the school offers weekday class sessions simultaneously to students who attend class in-person at CDTA's Indio facility and a small number who attend class remotely, via Zoom distance learning technology. Students who live more than 50 miles from the school may request permission for remote attendance

during the weekday portion of class, while other students are granted occasional permission to attend class remotely for reasons such as illness or work-related travel. All students are required to take their exams on campus and must participate, in person, in the Saturday Enrichment Program held each Saturday. The majority of students attend the program in person and all students receive instruction primarily in person.

All CDTA class sessions are recorded and archived for students who may wish to replay them later for study purposes. Viewing recordings does not count toward attendance credit, and students are required to attend at least 80 percent of the class sessions for each class to earn credit.

According to 2024 Annual Report, as of fall 2024, the school enrolled 19 students, including five first-year students, seven second-year students, five third-year students, and two fourth-year students.

Students enrolled at CDTA for the 2023-2024 academic year are and will continue to be charged annual tuition of \$15,000, for a total of \$60,000 to earn the JD degree.

CDTA is governed by an administrative team of five individuals who meet regularly to oversee governance, operations, and academic policy-making processes. The team includes Registrar Irene Garcia Dolan, who works full-time, and four experienced legal professionals who work part-time and teach courses. They include Dean John Patrick Dolan (Western State College of Law, 1977); Dean of Students Sue Steding (University of San Diego School of Law, 1975); Dean of Academic Excellence Hon. John G. Evans (Retired), (Citrus Belt Law School, 1979); and Administrator Andrea Dolan Bouchard (Trinity Law School, 2012).

Under Guideline 4.1, Dean Dolan is qualified to serve as CDTA's part-time administrator. He maintains a law practice in the building that also houses the law school, is present on campus three nights each week, and is available regularly to meet with students, faculty, and other administrators.

CDTA's 18 faculty members hold law degrees from a variety of schools approved by the ABA or accredited or registered by the State Bar of California, and all are California licensees. Most have taught at the law school for several years or more. Students reported satisfaction with their access to academic and program counseling by administrators and faculty.

Between February 2021 and July 2024, thirteen CDTA graduates have passed the bar exam. Pass results were as follows: February 2021 – REDACTED; July 2021 – REDACTED; February 2022 – REDACTED; July 2022 – 18.2 percent of 11 takers; February 2023 – REDACTED; July 2023 – REDACTED; February 2024 – REDACTED; July 2024 – 21 percent of 14 takers. The law school's most recent cumulative five-year bar exam pass rate (2024) is 64.7 percent.

Between June 2021 and October 2024, 17 students have passed the First-Year Law Students' exam (FYLTX). Pass results were as follows: June 2021 – 38.9 percent of 18 takers; October 2021 – REDACTED; June 2022 – 9.1 percent of 11 takers; October 2022 – REDACTED; June 2023 – 41.7 percent of 12 takers; October 2023 – REDACTED; June 2024 – 41.1 percent of 17 takers; October 2024—REDACTED.

Submission of Self-Study Materials

CDTA submitted a self-study in April 2024 and provided other documents needed for the inspection upon request by the State Bar, after inspection dates were selected in March 2024, and again after the inspection took place.

At the State Bar's request, the law school invited all current students to submit confidential comments via email and the team reviewed all nine comments received.

Conduct of Site Visit

To prepare for the inspection, members of the inspection team reviewed the law school's self-study, 2023 and 2024 Annual Compliance reports, website, Catalog, Student Handbook and Faculty Handbook, student results on State Bar exams, and records requested by the State Bar, including syllabi, course examinations, faculty evaluations, and minutes of meetings by the administrative team. Prior to the inspection, the inspection team reviewed a video tour of the CDTA facility and met virtually with administrators to review technology needed for the inspection.

Virtual inspection meetings took place from 9:00 a.m. until about 5:00 p.m. on April 30 and May 1, 2024. Inspection team members attended evening classes virtually on both days and later reviewed archived classes. During the inspection, the team conferred with the administrative team, including Dean John Patrick Dolan, Registrar Irene Garcia Dolan, Dean of Students Sue Steding, Dean of Academic Excellence Hon. John G. Evans (Retired), Administrator Andrea Dolan Bouchard; faculty members Alanna Blalock, Daniel Caliendo, Danielle Dye, Alexander Reed, Anyse Smith, Isabel Torres, Francine Ward, and Sheila Williams; CDTA's contractor for data security, Dave Cornwell; a group of alumni; and students representing all four class years.

After the initial inspection dates, staff reviewed more recent State Bar exam results and met with the law school on multiple occasions to support the law school's efforts to address the compliance issues noted in this report.

Under Unaccredited Rules 4.201, 4.240(N), and 4.244, CDTA must demonstrate compliance with the rules and guidelines. The findings below list compliance issues observed during the April-May 2024 inspection.

INSPECTION OBSERVATIONS AND STATUS UPDATES

COMPLIANCE ISSUES WITH THE UNACCREDITED LAW SCHOOL RULES AND GUIDELINES OBSERVED IN APRIL/MAY 2024

1. Business and Professions Code section 6061.7, Rule 4.240(A), and Guidelines 1.9 and 2.3(D)(2): The law school is required to publish a standardized report on its website, with an active link on its website homepage under the Admissions tab.

The report required by California Business and Professions Code section 6061.7 could not be readily located or accessed from the required location. To bring itself into compliance, the school must provide an active link to the report required by Business and Professions Code section 6061.7 report in the required location and readily accessible. In addition, the school should remove the text above the disclosure that references the 2018 version of the report, rather than the 2025 version of the report currently required.

After the inspection, the law school corrected the text and location of the disclosure, demonstrating compliance.

2. Rule 4.240(B); Guideline 2.9(B)(2) and (B)(4): The law school is not in compliance with the guidelines, which require a school to adopt and publish fair academic standards including the courses and units required for graduation and the circumstances under which courses may be graded Pass/Fail.

The required courses needed to graduate and complete CDTA's 84-unit JD program are not clearly defined in the Catalog, Student Handbook, or the Comprehensive Four-Year Academic/Skills Curriculum (curriculum chart) on the website. The academic program is sometimes stated to include courses in all subjects tested on the bar exam, but the curriculum chart shows a calendar of 25 weekday evening courses, for a total of 84 units over eight terms. These include courses in bar-tested subjects, skills courses, and courses that can be characterized as required electives because students must take them when offered. The curriculum chart also lists CDTA's all-day Saturday Enrichment Program (SEP). Most publications state that students must attend all SEP courses, but Catalog course descriptions suggest that third- and fourth-year students may elect not to take them. At least one reference suggests that students need only participate in the morning SEP sessions. The law school advised verbally that all students in all years must take the Saturday Enrichment Program appropriate for their year of JD study.

Administrators stated verbally that to graduate with a JD, students must complete all courses listed on the curriculum chart and, and each term, an all-day, two-unit SEP course for their class level. While CDTA may require that students attend SEP courses each term, with or without academic credit, the school has not clearly defined how the 84 units of coursework outlined in the curriculum chart relate to the additional 16 units in required SEP courses, within CDTA's 84-unit program.

Further, the school has not clearly communicated which courses are graded on a Pass/Fail basis. For example, Catalog course descriptions note Pass/Fail grading for only two of the eight SEP courses, and the grading format for both Immigration Law and Bankruptcy Law is stated only in an unrelated Catalog paragraph on grade point averages.

To bring itself into compliance, the law school must clearly and consistently state, in its student publications, all requirements for graduation from the JD program including the number of total units, which courses must be completed, and which courses are graded on a Pass/No Pass basis. The law school should make these changes and submit them to the State Bar prior to the start of the Fall 2025 semester.

3. Rule 4.240(B); Guidelines 2.9(B)(3) and 5.24: The law school is not in compliance with guideline 2.9(B)(3) and guideline 5.24, which require the school to have a written policy on course repetition that includes specific information.

While course repetition appears rare, the guideline requires the law school to publish a course repetition policy. To bring itself into compliance, the law school must implement a policy on course repetition that meets guideline requirements.

4. Rule 4.240(B); Guideline 2.9(F): The law school is not in compliance with this guideline, which requires that a school must allow students to compare their exam answer sheets to the answer keys for multiple-choice and other non-essay examination questions.

The exam review policy, stated in the Student Handbook on page 14, allows students to review essay exam questions and their own answers, as the guideline requires, but does not provide that students may review multiple-choice and other non-essay materials as the guideline requires.

To bring itself into compliance, the law school must publish and implement a compliant exam review policy as to both essay and multiple-choice and other non-essay exam materials.

5. Rule 4.240(B); Guidelines 2.9(G) and 9.1(D): The law school is not in compliance with these guidelines, which require that a school establish a faculty committee to handle student requests for grade review, and that transcript entries may be changed only upon a showing of good cause.

The Student Handbook states on page 16 that grade review requests are finally decided at a meeting of the Dean of Students, the instructor who issued the challenged grade, and student challenging the grade. This section does not state a deadline for filing a grade appeal or who has final authority to decide the appeal. Later, the section on transcript changes provides that a student seeking grade review must appeal in writing within five days to the professor, the instructor may unilaterally direct a transcript change to remedy

a clerical error, and the instructor has final authority over whether good cause exists for such a change.

These procedures, taken together, do not provide for review of all challenged grades by a committee of unbiased faculty members as required by Guideline 2.9(G) or appropriate oversight of changes to the transcript under Guideline 9.1(D).

To bring itself into compliance, the law school must implement a policy providing for review of challenged grades by a faculty committee, in connection with transcript changes or otherwise.

6. Rule 4.240(D); Guidelines 4.7, 4.8 and 4.9: The law school is not in compliance with guideline 4.8, which requires the school to implement written procedures and regular evaluation of instructors based on listed criteria, guideline 4.9, which defines factors and materials to be examined in the evaluation process, and guideline 4.7, which requires law school faculty to engage in continual efforts to improve their teaching skills.

CDTA has not adopted compliant written procedures or implemented the regular and comprehensive review process required by the guidelines. In 2018 and again in 2024, the inspection teams observed that the CDTA's written procedures and implemented do not provide for peer evaluations as required by guideline 4.8 but address only student evaluations. Students must complete a one-page, eight-question form at the end of each course or two-semester course series; administrators share these survey results with individual instructors.

Prior to the COVID pandemic, some peer evaluations were conducted using upon a one-page, four-question form based on classroom observation. This form addressed few of the guideline 4.8 evaluation requirements and the school has now adopted a new one-page form that seeks peer evaluator input on the guideline 4.8 criteria. The new form is an improvement but is not sufficiently detailed to constitute the comprehensive evaluation required by both guidelines 4.8 and 4.9. Moreover, since the COVID pandemic, the school has not attempted to conduct peer evaluation of faculty except as to new instructors in their first year.

Under Guideline 4.7, faculty have an obligation to continually strive to improve their teaching skills. Faculty members are invited to discuss their concerns at monthly faculty meetings generally attended by instructors currently teaching but the law school has not conducted faculty development activities to ensure the teaching competency of instructors.

To bring itself into compliance, the school must implement a program of regular and comprehensive peer evaluation of instructor competence that addresses all guideline requirements and initiate faculty development activities to ensure continuous improvement of instructors' teaching skills.

7. Rule 4.240(E); Guideline 5.3(A): The law school is not in compliance with this guideline, which requires that a law school must have a written attendance policy requiring regular and punctual attendance of not less than 80 percent of regularly scheduled class hours in each course.

Although the Student Handbook states on page 18 the 80 percent attendance rule, it mistakenly suggests that the rule is not mandatory as to each course but merely a guideline to ensure that students complete a program requiring a minimum of 270 classroom hours. The handbook does not clearly state how the attendance rule applies, requires instructors to report attendance based on the 270-hour rule, and states no clear consequences for rule violation. In fact, students who do not attend at least 80 percent of the class sessions will not be awarded credit for the course. These concerns about the written attendance policy are significant, although the school provided evidence that student attendance is carefully tracked, and class absences are rare.

To bring itself into compliance, the law school must amend its attendance policy to make clear that students must attend, punctually, 80 percent of the scheduled class hours in each course and inform students of the consequences for failure to do so.

8. Rule 4.240(E); Guideline 5.15: The law school is not in compliance with this guideline, which prohibits the use of the committee's past bar exam and FYLSX questions for any purpose affecting a student's grade, since questions and selected answers are readily available on the internet.

Both the Student Handbook and Faculty Handbook state, in sections entitled "Required Examinations", that "in some instances" past bar exam and FYLSX questions are used. Several of the exam questions submitted with the self-study were bar exam essay and performance exam questions.

To bring itself into compliance, the school must ensure that instructors do not use the committee's past bar exam and FYLSX questions for any purpose affecting a student's grade; clearly state the guideline prohibition, at minimum, in the Faculty Handbook; and delete from all publications all statements contrary to the prohibition.

9. Rule 4.240(E); Guideline 5.16: The law school is not in compliance with this guideline, which requires a law school to evaluate course examinations to determine the extent to which they test student ability and knowledge.

Although faculty-submitted examinations are reviewed for typographical errors, the law school has no administrative process for substantive oversight and evaluation of examinations as required by Guideline 5.16.

To bring itself into compliance, the school must implement a process for evaluation of course examinations for effectiveness.

10. Rule 4.240(G) Guideline 5.17 and 5.18: The law school is not in compliance with these guidelines, which state that a school must adopt sound scholastic standards and grading standards that ensure that students are evaluated honestly and realistically and that grades of different instructors teaching the same students are reasonably correlated.

The school has not implemented adequate policies and practices to ensure reasonable correlation of grades among instructors teaching the same students. CDTA has a policy of holding regular meetings with instructors “to ensure that grading practices are consistent as between each of the teachers in all of the subject matters” and, as to first-year students only, of conducting reviews with the team of instructors for those students. However, the Faculty Manual indicates on page 3, and administrators confirmed, that CDTA’s concern in reviewing grades was whether any individual student’s exam performance differed from that same student’s class performance or results in other courses, not on whether there is reasonable consistency in the overall grading patterns of instructors teaching the same students in all class levels.

The Dean of Academic Excellence has reviewed grades on this individualized basis. Grade correlations have not been evaluated mathematically or with regularity for cohorts of students, nor have instructors been convened for grade correlation meetings. Data submitted with the self-study were limited and inadequate to show reasonable correlation of grades over time.

To inform instructors of grading expectations, faculty receive a Grade Calibration Workshop document, created several years ago by the prior Dean of Academic Excellence, and grading is a topic at some monthly faculty meetings. Neither the workshop document nor the Faculty Manual discuss the need to control grade inflation. Data submitted with CDTA’s 2023 and 2024 Annual Compliance Reports show a tendency toward grade inflation and indicate that the school has relied on the FYLSX, rather than its own admissions, communication, and grading practices, to identify students who lack the intent or ability to continue in the JD program. Of all grades issued in the 2022-23 academic year, no grades of Fail were given and only 13 per cent of grades fell below the Satisfactory level of 65, the minimum GPA required to graduate. Fully 54 percent of grades fell in the higher ranges from Very Good (75-74) to Stellar (90-100), compared to 33 percent in the Satisfactory (65-69) to Good (70-74) ranges. In the past two years, only one student earned grades low enough to be placed on probation and no students were excluded based on grades.

One grading practice that raises concern, particularly with respect to grade accuracy and inflation, is CDTA’s policy of basing 10 percent of the grade in each course on participation. Historically, law schools accredited or registered by the State Bar have been urged to limit participation points to no more than 3 percent of course grades.

Results on the bar exam and FYLSX also suggest that grades could be calibrated more accurately to better inform students of their academic progress. In the self-study materials, CDTA stated that a higher GPA does not guarantee a better chance to pass the bar exam, but results show that, for CDTA bar takers through the July 2023 administration, 82 percent (18/22) of students with a GPA at or above the equivalent of a 2.52 passed the bar, while only 36 percent (5/14) of those with a GPA below that level passed. Further, passers at the higher GPA level passed after an average of 2.4 tries while the others passed after an average of 5 tries. The average GPA of CDTA graduates passing the bar exam was 2.69 and the average GPA of those not passing was 2.45.

Under Guideline 5.25, the degree of correlation between the grades received in first-year courses is one measure of the quality and reliability of grading. FYLSX results in the 2023 Annual Compliance Report show that, for the October 2022 and July 2023 administrations, no student with a GPA in the Satisfactory level of 65-69, the minimum range for good academic standing, passed the bar exam; all passers had GPAs above or well above a 73, in the Good range of 70-74. According to the 2024 Annual Report, three of eight of the students who passed the FYLSX has grades at the Satisfactory level of 65-69. It should be noted that the State Bar implemented a modest reduction in the pass score for the FYLSX in 2024.

A review of the school's grading standards and practices is warranted by these concerns and adequacy of preparation for the FYLSX should be a part of this review.

To bring itself into compliance, the school must take steps to ensure that grades are reasonably correlated and review its grading standards and practices to determine what changes, if any, are needed to give students a more realistic assessment of their likely success on State Bar exams.

11.Rule 4.240(G); Guidelines 5.18, 5.20, and 5.27: The law school is not in compliance with guidelines 5.18, 5.20, and 5.27. These guidelines require a school to set sound standards for academic standing, probation, disqualification, and graduation and to promptly identify and disqualify, through adequate screening procedures, those students who show an inability to meet those standards.

CDTA's probation policy allows students to advance on probation after having completed one year on probation without achieving good standing. The policy includes the problematic statement that a student who completed the second year with a grade point average below 65 in courses beyond the summer after the second year, shall enter the third year on probation; thus, a student who completed the second year on probation can advance to the third year on probation for a second time. The advancement policy violates guideline 5.18, which states that, as soon as possible, the law school must disqualify students who have demonstrated they are not qualified to continue, and the similar directives of guidelines 5.20 and 5.27.

A sound academic screening process provides timely and effective academic support and eliminates most unqualified students promptly before the second or third year. In contrast, CDTA's policy would allow students with low GPAs to advance into their third and fourth years with inaccurate evaluation of their progress and questionable prospects of licensure. CDTA has not conducted studies to show that students with GPAs below good standing, or who repeatedly fail to meet expectations, eventually earn the JD or licensure. Further, although CDTA's policy states that remedial plans for improvement will be developed for students on probation, no such plans have been documented.

Without evidence showing that their advancement policy as to probationary students provides students with a reasonable opportunity to graduate or achieve licensure, the policy appears unsound. CDTA is required by guideline 5.21 to disqualify students who fail to pass the FYLSX within three administrations, but the school must have its own effective screening procedures to exclude students who do not demonstrate the intent or capacity to continue.

To bring itself into compliance, the school must amend its policies to ensure that students who show an inability to meet academic standards are promptly identified and disqualified. In particular, the school must amend its policies to require the disqualification of students who fail to achieve academic good standing after no more than one year on probation and must eliminate problematic language. Further, the school must adhere to its own policy regarding the preparation of remedial plans for students on probation.

12. Rule 4.240(I); Guideline 6.3: The law school is not in compliance with this guideline, which requires that the school provide its students with instruction in both physical publication and electronic-based legal research.

The law school offers legal research instruction in electronic-based legal research as part of the curriculum in one course but does not provide instruction in physical publication legal research.

To bring itself into compliance, the school must revise its curriculum to provide for research instruction in both physical publication and electronic-based legal research.

13. Rule 4.240(L); Guideline 9.1(D): The law school is not in compliance with this guideline, which requires the law school to maintain a permanent transcript for each student that contains information sufficient to establish the student's admission status as regular or special, and the date or dates on which the student took the FYLSX and whether the student passed or failed each examination.

CDTA's transcripts do not include the required information about student status on admission or FYLSX status. After the inspection, the law school began working with its software vendor to amend its transcript program to include the required information.

To bring itself into compliance, the law school must ensure and demonstrate to the State Bar that student transcripts for all current, returning, and future students include all information required by the guideline, including admissions status and students' FYLSX history and results.

14. Rules 4.240(N), 4.242, 4.243: The law school is not in compliance with these rules, which requires a school to submit required annual reports, including an Annual Compliance Report and self-study prior to a periodic inspection, in the format required by the committee.

The school has not met filing deadlines for various reports, including Annual Compliance Reports over a period of years. This calls into question the adequacy of the total staff hours dedicated to ensuring compliance with the requirements of State Bar rules. The self-study and inspection were also delivered late, advising the State Bar close to the deadline. The law school should be able to continue to operate as typical events occur, including staff illness or vacation, without impacting compliance.

To bring itself into compliance, the school must ensure that reports to the committee are timely filed in a complete manner, taking an affirmative review of the rules to ensure compliance.

CONCLUSION

CDTA is not compliant with eight standards set by Unaccredited Rule 4.240, the key rule that sets forth the responsibilities of unaccredited law schools, as further described by the guidelines:

(A) Lawful Operation, due to the Business and Professions Code section 6061.7 report not being posted in the required location and in an accessible manner

(B) Integrity, based on the incomplete and inconsistent statement of academic standards across publications, lack of policies for course repetition and review of non-essay exam materials, lack of review of student grade change requests by a committee of unbiased faculty members

(D) Dean and Faculty, based on lack of faculty development training and evaluation to ensure faculty competence

(E) Educational Program, based on lack of clarity as to attendance policy, use of past bar examination and FYLSX questions, and lack of procedures to evaluate the adequacy of course exams

(G) Scholastic Standards, based on lack of sound policies and procedures to ensure reasonable grade correlation, control grade inflation, and limit advancement of students

on probation, which undermines the school's ability to identify and exclude students who have demonstrated they are not qualified to continue

(I) Library, based on the absence within the required curriculum of instruction in physical publication legal research

(L) Records and Reports, based on the lack of required information in permanent student transcripts, including students' status on admission and, for the FYLSX, dates and results for each exam taken, and a grade review policy that allows grade changes on transcripts without approval of a faculty committee

The school is also not compliant with Rules 4.242 and 4.243 that address requirements for filing documents with the committee, and 15 of the Unaccredited Guidelines: 1.9, 2.3, 2.9, 4.7, 4.8, 5.3, 5.15, 5.16, 5.17, 5.18, 5.20, 5.24 5.27, 6.3, and 9.1. It must act in all these areas to achieve compliance with the Unaccredited Rules and Guidelines.

California Desert Trial Academy response to inspection, 2025

California Desert Trial Academy

Periodic Inspection Report

Inspection conducted
pursuant to Rule 4.244(A) of the
Unaccredited Law School Rules on:

April 30 and May 1, 2024

REPORT ON INSPECTION OF CALIFORNIA DESERT TRIAL ACADEMY

INTRODUCTION

A State Bar inspection team conducted a periodic inspection of California Desert Trial Academy (CDTA) on April 30 and May 1, 2024, pursuant to Unaccredited Law School Rule 4.244(A). The team consisted of Heather Georgakis, Educational Standards Consultant to the Committee of Bar Examiners (committee), and James Efting, member, Committee of Bar Examiners.

BACKGROUND

CDTA is a for-profit entity registered as an unaccredited, fixed-facility law school. The school is owned by CDTA College of Law, Inc. (CDTA Corp), a California Corporation whose directors are the law school's founders, Dean John Patrick Dolan, and Registrar Irene Garcia Dolan.

CDTA Corp was founded in 1992 as LawTalk MCLE, Inc. and adopted its current name in 2018. The law school portion of the corporation has been operating since 2012. The corporation also provides continuing legal education programs to California attorneys.

The school offers a part-time evening Juris Doctor (JD) program that also requires students to participate weekly in an all-day Saturday Enrichment Program (SEP). CDTA has been registered with the committee since 2012 and was last inspected by the State Bar on February 13-14, 2018, when it was found to be in substantial compliance with the rules and guidelines. The committee renewed CDTA's registration in its August 8, 2018, meeting and set the next inspection for fall 2022.

Over two 15-week semesters each year, the school offers weekday class sessions simultaneously to students who attend class in-person at CDTA's Indio facility and a small number who attend class remotely, via Zoom distance learning technology. Students who live more than 50 miles from the school may request permission for remote attendance

during the weekday portion of class, while other students are granted occasional permission to attend class remotely for reasons such as illness or work-related travel. All students are required to take their exams on campus and must participate, in person, in the Saturday Enrichment Program held each Saturday. The majority of students attend the program in person and all students receive instruction primarily in person.

All CDTA class sessions are recorded and archived for students who may wish to replay them later for study purposes. Viewing recordings does not count toward attendance credit, and students are required to attend at least 80 percent of the class sessions for each class to earn credit.

According to 2024 Annual Report, as of fall 2024, the school enrolled 19 students, including five first-year students, seven second-year students, five third-year students, and two fourth-year students.

At the conclusion of our academic year 2024-2025 our present student population decreased to 17 students (four first-year students, six second-year students, five third-year students, and two fourth-year students).

Students enrolled at CDTA for the 2023-2024 academic year are and will continue to be charged annual tuition of \$15,000, for a total of \$60,000 to earn the JD degree.

CDTA is governed by an administrative team of five individuals who meet regularly to oversee governance, operations, and academic policy-making processes. The team includes Registrar Irene Garcia Dolan, who works full-time, and four experienced legal professionals who work part-time and teach courses. They include Dean John Patrick Dolan (Western State College of Law, 1977); Dean of Students Sue Steding (University of San Diego School of Law, 1975); Dean of Academic Excellence Hon. John G. Evans (Retired), (Citrus Belt Law School, 1979); and Administrator Andrea Dolan Bouchard (Trinity Law School, 2012).

Between February 2021 and July 2024, thirteen CDTA graduates have passed the bar exam. Pass results were as follows: February 2021 – REDACTED; July 2021 – REDACTED; February 2022 – REDACTED; July 2022 – 18.2 percent of 11 takers; February 2023 – REDACTED; July 2023 – REDACTED; February 2024 – REDACTED; July 2024 – 21 percent of 14 takers. The law school's most recent cumulative five-year bar exam pass rate (2024) is 64.7 percent.

Our 2021-2024 cumulative bar pass rate is noted at 64.7. Please note that for the February 2025 bar exam, CDTA had REDACTED

Submission of Self-Study Materials

CDTA submitted a self-study in April 2024 and provided other documents needed for the inspection upon request by the State Bar, after inspection dates were selected in March 2024, and again after the inspection took place.

At the State Bar's request, the law school invited all current students to submit confidential comments via email and the team reviewed all nine comments received.

INSPECTION OBSERVATIONS AND STATUS UPDATES

COMPLIANCE ISSUES WITH THE UNACCREDITED LAW SCHOOL RULES AND GUIDELINES OBSERVED IN APRIL/MAY 2024

1. Business and Professions Code section 6061.7, Rule 4.240(A), and Guidelines 1.9 and 2.3(D)(2): The law school is required to publish a standardized report on its website, with an active link on its website homepage under the Admissions tab.

The report required by California Business and Professions Code section 6061.7 could not be readily located or accessed from the required location. To bring itself into compliance, the school must provide an active link to the report required by Business and Professions Code section 6061.7 report in the required location and readily accessible. In addition, the school should remove the text above the disclosure that references the 2018 version of the report, rather than the 2025 version of the report currently required.

Immediately after the inspection, the law school corrected the Business and Professions Code section 6061.7 form and location of the disclosure online, demonstrating compliance.

2. Rule 4.240(B); Guideline 2.9(B)(2) and (B)(4): The law school is not in compliance with the guidelines, which require a school to adopt and publish fair academic standards including the courses and units required for graduation and the circumstances under which courses may be graded Pass/Fail.

The required courses needed to graduate and complete CDTA's 84-unit JD program are not clearly defined in the Catalog, Student Handbook, or the Comprehensive Four-Year Academic/Skills Curriculum (curriculum chart) on the website. The academic program is sometimes stated to include courses in all subjects tested on the bar exam, but the curriculum chart shows a calendar of 25 weekday evening courses, for a total of 84 units over eight terms. These include courses in bar-tested subjects, skills courses, and courses that can be characterized as required electives because students must take them when offered. The curriculum chart also lists CDTA's all-day Saturday Enrichment Program (SEP). Most publications state that students must attend all SEP courses, ~~but Catalog course descriptions suggest that third- and fourth-year students may elect not to take them.~~ At least one reference suggests that students need only participate in the morning

SEP sessions. The law school advised verbally that all students in all years must take the Saturday Enrichment Program appropriate for their year of JD study and attend the entire class.

Administrators stated verbally that to graduate with a JD, students must complete all courses listed on the curriculum chart and, each term, an all-day, two-unit SEP course for their class level. While CDTA may require that students attend SEP courses each term, with or without academic credit, the school has not clearly defined how the 84 units of coursework outlined in the curriculum chart relate to the additional 16 units in required SEP courses, within CDTA's 84-unit program.

Further, the school has not clearly communicated which courses are graded on a Pass/Fail basis. For example, Catalog course descriptions note Pass/Fail grading for only two of the eight SEP courses, and the grading format for both Immigration Law and Bankruptcy Law is stated only in an unrelated Catalog paragraph on grade point averages.

To bring itself into compliance, the law school must clearly and consistently state, in its student publications, all requirements for graduation from the JD program including the number of total units, which courses must be completed, and which courses are graded on a Pass/No Pass basis. The law school should make these changes and submit them to the State Bar prior to the start of the Fall 2025 semester.

Our 4-year academic substantive curriculum consists of 84 credits. Additionally, our students earn 16 P/F credits if they attend all Saturday classes. Revisions are being made to the student and faculty handbook, curriculum, website, and catalog to reflect that the student must earn 84 academic credits to graduate.

Each of the items identified in this response are complete and will be demonstrated in our student and faculty handbooks which can be made available beginning Fall semester 2025.

Our course catalog will clearly outline the courses (Bankruptcy, Immigration (when offered)) will all receive letter grades beginning Fall 2025. Effective Fall 2025 CDTA will only offer one course on a P/F basis.

3. Rule 4.240(B); Guidelines 2.9(B)(3) and 5.24: The law school is not in compliance with guideline 2.9(B)(3) and guideline 5.24, which require the school to have a written policy on course repetition that includes specific information.

While course repetition appears rare, the guideline requires the law school to publish a course repetition policy. To bring itself into compliance, the law school must implement a policy on course repetition that meets guideline requirements.

The following is our COURSE REPETITION guideline as it will appear in our 2025-2026 student handbook.

If a student achieves a grade below 60, that course must be repeated for the student to achieve course credit. The subsequent grade will be the final grade. This grade will result in the student being placed on academic probation. A subsequent grade of 65 or better will result in the student being taken off academic probation. A failure to achieve a grade over 60 will result in the termination of the student's continued admission.

If a student achieves a grade between 60 and 70, the student will receive course credit. The student has the option of repeating the course, but additional credits would not be awarded. The repeated course grade will be the final grade in that course.

The student understands that due to repeating a course the student's graduation date will be put off for an additional 1-2 years and the student will not receive credit hours for the original course.

4. Rule 4.240(B); Guideline 2.9(F): The law school is not in compliance with this guideline, which requires that a school must allow students to compare their exam answer sheets to the answer keys for multiple-choice and other non-essay examination questions.

The exam review policy, stated in the Student Handbook on page 14, allows students to review essay exam questions and their own answers, as the guideline requires, but does not provide that students may review multiple-choice and other non-essay materials as the guideline requires.

To bring itself into compliance, the law school must publish and implement a compliant exam review policy as to both essay and multiple-choice and other non-essay exam materials.

The Student Handbook for academic year 2025-2026 is being modified to invite students to compare their exam answer sheets to answer keys for MBE questions. It should be noted that each midterm set of MBE questions is reviewed in class to assist students to understand the intent of the question. Students are welcomed to come in and inspect their answers, grades, MBEs anytime after scheduling an appointment with the Registrar.

5. Rule 4.240(B); Guidelines 2.9(G) and 9.1(D): The law school is not in compliance with these guidelines, which require that a school establish a faculty committee to handle student requests for grade review, and that transcript entries may be changed only upon a showing of good cause.

The Student Handbook states on page 16 that grade review requests are finally decided at a meeting of the Dean of Students, the instructor who issued the challenged grade, and student challenging the grade. This section does not state a deadline for filing a grade appeal or who has final authority to decide the appeal. Later, the section on

transcript changes provides that a student seeking grade review must appeal in writing within five days to the professor, the instructor may unilaterally direct a transcript change to remedy a clerical error, and the instructor has final authority over whether good cause exists for such a change.

These procedures, taken together, do not provide for review of all challenged grades by a committee of unbiased faculty members as required by Guideline 2.9(G) or appropriate oversight of changes to the transcript under Guideline 9.1(D).

To bring itself into compliance, the law school must implement a policy providing for review of challenged grades by a faculty committee, in connection with transcript changes or otherwise.

Since our last meeting with Natalie Leonard and the State Bar committee, CDTA has implemented the following changes into the student handbook beginning 2025-2026 Academic year.

Within 10 school days of an exam, the Professor shall, during class time, handout essay question and answers and multi-state questions, answers, and grid answers to each student. Class time will be used to review the multi-states individually as requested by any one student. All originals will be collected and returned to the Registrar, immediately after class for recordkeeping purposes.

Students Right to Review Grades

Anytime afterf the Professor has reviewed essays and MBEs with the students in class, any student may request copies of their work from the Registrar including the answer key to the multistate questions. Students may request to meet with a Professor to discuss the merits of their work and grade. That meeting must be held within 10 school days of receipt of the grade. If the Professor determines there is good cause to change the grade, or the Professor notes the grade was clearly a Professor mistake, the Professor will notify the Registrar immediately and direct the change to be made.

If a student challenges that a specific grade may be unfair, or departs from established grading policy, and presents credible evidence in support of the claim, the claim shall be considered and determined by the Grade Review Committee.

The Grade Review Committee

The Grade Review Committee will be convened by the Dean of Academic Excellence. It shall consist of the Dean of Academic Excellence, Dean of Students, the faculty member or members determining the challenged grade, and may include one or more members of the administrative staff or one or more students.

The grade review committee shall make a finding only upon a showing of good cause before a transcript entry may be changed.

A student challenging a grade must submit the challenge in writing to the Registrar within 10 days of receipt of the grade or in the alternative within 5 days of the classroom review.

6. Rule 4.240(D); Guidelines 4.7, 4.8 and 4.9: The law school is not in compliance with guideline 4.8, which requires the school to implement written procedures and regular evaluation of instructors based on listed criteria, guideline 4.9, which defines factors and materials to be examined in the evaluation process, and guideline 4.7, which requires law school faculty to engage in continual efforts to improve their teaching skills.

CDTA has not adopted compliant written procedures or implemented the regular and comprehensive review process required by the guidelines. In 2018 and again in 2024, the inspection teams observed that the CDTA's written procedures and implemented do not provide for peer evaluations as required by guideline 4.8 but address only student evaluations. Students must complete a one-page, eight-question form at the end of each course or two-semester course series; administrators share these survey results with individual instructors.

Prior to the COVID pandemic, some peer evaluations were conducted using upon a one-page, four-question form based on classroom observation. This form addressed few of the guideline 4.8 evaluation requirements and the school has now adopted a new one-page form that seeks peer evaluator input on the guideline 4.8 criteria. The new form is an improvement but is not sufficiently detailed to constitute the comprehensive evaluation required by both guidelines 4.8 and 4.9. Moreover, since the COVID pandemic, the school has not attempted to conduct peer evaluation of faculty except as to new instructors in their first year.

Under Guideline 4.7, faculty have an obligation to continually strive to improve their teaching skills. Faculty members are invited to discuss their concerns at monthly faculty meetings generally attended by instructors currently teaching but the law school has not conducted faculty development activities to ensure the teaching competency of instructors.

To bring itself into compliance, the school must implement a program of regular and comprehensive peer evaluation of instructor competence that addresses all guideline requirements and initiate faculty development activities to ensure continuous improvement of instructors' teaching skills.

Since our last meeting with Ms. Leonard, we have been working on revising our faculty handbook. Our draft currently reads:

4.7 Duty of Instructors to Continuously Improve Teaching Skills and Substantive Expertise
Instructors must continually strive to improve their teaching skills and expertise in the subject(s) they teach. Instructors are expected to keep informed of changes in the law and include in their course(s) a discussion of recent significant statutory changes and case developments in law.

Before the commencement of the Fall Semester, a one-day in-service session will take place, and professors will share best-practice techniques with one another and an education and training expert will be invited to explain contemporary developments in educational teaching techniques.

Additionally, at each Faculty Meeting held once per month, Dean of Academic Excellence, John Evans will ask a faculty member to share successful techniques used in their classroom sessions.

4.8 Evaluation of Instructors: A law school must adopt written procedures for the regular evaluation of instructor competence. In evaluating the competency of an instructor, the factors to be considered are:

- (A) The instructor's education, knowledge, and experience in the subject matter;
- (B) The instructor's competence in the classroom or in other instructional activities;
- (C) The instructor's teaching skills given the technology and methodology used in instruction, and the quality of participatory experiences employed;
- (D) The instructor's organization of the course as demonstrated by outlines or syllabi;
- (E) The quality, nature, and type of examinations, and other assignments and the quality of grading;
- (F) The relation between the field of instruction and the area of specialization, if any, of the instructor in private practice; and
- (G) The years of experience, both in teaching and in practice.

A law school may utilize its dean(s) or other academic administrators, its faculty, the faculty of other law schools, alumni of the law school, and members of the judiciary and legal profession as evaluators and may also provide for student participation. A law school must not rely solely on the Committee or other accrediting agency for the evaluation of faculty competence.

4.9 Basis of Instructor Evaluations The evaluation of instructor competence is generally determined by observation in the classroom or other instructional activities, which may include, for distance-learning law schools, monitoring both synchronous and asynchronous activities. Evaluation also includes review of the materials used in the course, examinations given, and the extent to which examinations and grading standards provide a reasonably accurate appraisal of each student's ability. A comparison of course grades with examination scores in like subjects

and the relation between the two are regarded as some indication of the quality of instruction, examinations, and grading standards.

Faculty Improvement of Teaching Skills

CDTA recognizes that its instructors/professors have a duty to continuously improve their teaching skills and substantive experience and expertise in the subjects they teach including changes in the law and include in their course(s) a discussion of recent significant statutory changes and case law developments.

Prior to each academic year, every instructor shall submit to the Dean of Excellence a written report containing detailed information including:

- (1) The instructor's education, knowledge, and experience in the subject matter;
- (2) The instructor's competence in the classroom or in other instructional activities;
- (3) The instructor's teaching skills given the technology and methodology used in instruction, and the quality of participatory experience employed;
- (4) The instructor's organization of the course as demonstrated by outlines or syllabi;
- (5) The quality, nature, and type of examinations, and other assignments and the quality of grading;
- (6) The relation between the field of instruction and the area of specialization, if any, of the instructors actively practicing law; and
- (7) The years of experience, both in teaching and in practice.

Faculty Meetings

The CDTA agenda for the regular monthly faculty meetings shall include a 10-minute period (or longer when appropriate) for an instructor or instructors to discuss teaching techniques, review their teaching materials, share insights on instruction and to take questions. The instructors will rotate through the year.

Faculty Evaluations

Faculty shall be evaluated a minimum of one time per year by a peer who will submit a written report to the Dean of Academic Excellence. The Dean of Academic Excellence shall promptly review the report with the instructor as necessary.

With respect to grading, the Dean of Academic Excellence will review and compare the exam grades for each year's students to determine if the grading across the board is consistent between classes and instructors and discuss the results with the identified instructors.

With respect to the multistate exams, each instructor will receive a detailed report identifying the correct answer, how many students correctly responded and the breakdown of how many

students chose an incorrect response. This is done to allow each instructor the opportunity to determine if any questions were not fair or ambiguous.

At the end of each semester, every student is required to fill out and submit a student evaluation of each Professor for each of their respective classes.

The Dean of Academic Excellence will review the student evaluations and the instructor's competence with the Dean of the Law School and the CDTA College of Law's Administrative Committee. The Dean of Academic Excellence will provide written feedback to the instructor with copies of all reviews.

The faculty evaluations will be kept in each instructor's personnel file and maintained for a minimum of two years.

7. Rule 4.240(E); Guideline 5.3(A): The law school is not in compliance with this guideline, which requires that a law school must have a written attendance policy requiring regular and punctual attendance of not less than 80 percent of regularly scheduled class hours in each course.

Although the Student Handbook states on page 18 the 80 percent attendance rule, it mistakenly suggests that the rule is not mandatory as to each course but merely a guideline to ensure that students complete a program requiring a minimum of 270 classroom hours. The handbook does not clearly state how the attendance rule applies, requires instructors to report attendance based on the 270-hour rule, and states no clear consequences for rule violation. In fact, students who do not attend at least 80 percent of the class sessions will not be awarded credit for the course. These concerns about the written attendance policy are significant, although the school provided evidence that student attendance is carefully tracked, and class absences are rare.

To bring itself into compliance, the law school must amend its attendance policy to make clear that students must attend, punctually, 80 percent of the scheduled class hours in each course and inform students of the consequences for failure to do so.

After our meeting with Ms. Leonard CDTA has developed new language in the student handbook with a clearly expressed guideline in the attendance requirement for students. Each professor will make note of the students in attendance and track their participation in each class session.

ATTENDANCE REQUIREMENTS

In order to earn a Juris Doctor degree and be eligible to take the California State Bar Examination, a student graduating from a fixed-facility unaccredited law school registered with the State Bar, must have studied law diligently and in good faith for at least four years. To receive credit for each year of study, a student must receive passing grades in courses requiring

classroom attendance by its students for a minimum of 270 hours. A student **must** regularly and punctually attend not less than **eighty (80) percent** of the regularly scheduled class hours in each course.

"Not less than eighty (80) percent of the regularly scheduled class hours in each class" means that a student **risks not graduating** and not being certified to take the First Year Law Student's Exam and the California General Bar Exam. Student may not miss more than three classes in any given full semester class, two classes in any given half semester class, or miss more than three Saturday classes in a given semester. Classes begin promptly at 6:00 PM and conclude at 9:30 PM. Saturday classes begin promptly at 8:30 AM and conclude at 3:00 PM. Failing to arrive on time or leaving early may result in jeopardizing the minimum attendance requirements to achieve credit.

Each student and Professor will sign an attendance/sign-in sheet upon arrival to each class. The professor will verify that all have complied and return the attendance/sign-in sheet to the Registrar or Registrar's assistant after each class. The Professor will mark any student attending via Zoom in attendance.

If a student drops in attendance during any given semester in any given class and becomes at risk of dropping below the minimum of 270 hours per year, it is the responsibility of the Professor to bring that to the attention of the student and the Dean of Students.

8. Rule 4.240(E); Guideline 5.15: The law school is not in compliance with this guideline, which prohibits the use of the committee's past bar exam and FYLSX questions for any purpose affecting a student's grade, since questions and selected answers are readily available on the internet.

Both the Student Handbook and Faculty Handbook state, in sections entitled "Required Examinations", that "in some instances" past bar exam and FYLSX questions are used. Several of the exam questions submitted with the self-study were bar exam essay and performance exam questions.

To bring itself into compliance, the school must ensure that instructors do not use the committee's past bar exam and FYLSX questions for any purpose affecting a student's grade; clearly state the guideline prohibition, at minimum, in the Faculty Handbook; and delete from all publications all statements contrary to the prohibition.

After our meeting with Ms. Leonard, we discussed this issue about past bar questions. We are in the process of revising the faculty handbook and in the current draft 11-4-24 page 13, it reads, "No past state bar essay questions or MBEs may be used for exam testing purposes."

Further, at our Faculty Meeting of October 9, 2024, the Dean of Academic Excellence

reminded the faculty that no past bar exam or MBEs, or FYLSX questions or MBEs could be used for our graded mid-term or final exams. Each Faculty member received a copy of the minutes from that meeting.

9. Rule 4.240(E); Guideline 5.16: The law school is not in compliance with this guideline, which requires a law school to evaluate course examinations to determine the extent to which they test student ability and knowledge.

Although faculty-submitted examinations are reviewed for typographical errors, the law school has no administrative process for substantive oversight and evaluation of examinations as required by Guideline 5.16.

To bring itself into compliance, the school must implement a process for evaluation of course examinations for effectiveness.

The Dean of CDTA and the Dean of Academic Excellence will review all examination questions (essay and MBEs) before examinations are administered. Within 30 days after exams are administered, the Dean of CDTA and the Dean of Academic Excellence will review results for effectiveness in teaching the fundamental principles that encompass the subject matter of the course.

10. Rule 4.240(G) Guideline 5.17 and 5.18: The law school is not in compliance with these guidelines, which state that a school must adopt sound scholastic standards and grading standards that ensure that students are evaluated honestly and realistically and that grades of different instructors teaching the same students are reasonably correlated.

The school has not implemented adequate policies and practices to ensure reasonable correlation of grades among instructors teaching the same students.

CDTA has a policy of holding regular meetings with instructors “to ensure that grading practices are consistent as between each of the teachers in all of the subject matters” and, as to first-year students only, of conducting reviews with the team of instructors for those students.

However, the Faculty Manual indicates on page 3, and administrators confirmed, that CDTA’s concern in reviewing grades was whether any individual student’s exam performance differed from that same student’s class performance or results in other courses, not on whether there is reasonable consistency in the overall grading patterns of instructors teaching the same students in all class levels.

The Dean of Academic Excellence has reviewed grades on this individualized basis. Grade correlations have not been evaluated mathematically or with regularity for cohorts of students, nor have instructors been convened for grade correlation

meetings. Data submitted with the self-study were limited and inadequate to show reasonable correlation of grades over time.

To inform instructors of grading expectations, faculty receive a Grade Calibration Workshop document, created several years ago by the prior Dean of Academic Excellence, and grading is a topic at some monthly faculty meetings. Neither the workshop document nor the Faculty Manual discuss the need to control grade inflation. Data submitted with CDTA's 2023 and 2024 Annual Compliance Reports show a tendency toward grade inflation and indicate that the school has relied on the FYLSX, rather than its own admissions, communication, and grading practices, to identify students who lack the intent or ability to continue in the JD program. Of all grades issued in the 2022-23 academic year, no grades of Fail were given and only 13 per cent of grades fell below the Satisfactory level of 65, the minimum GPA required to graduate. Fully 54 percent of grades fell in the higher ranges from Very Good (75-74) to Stellar (90-100), compared to 33 percent in the Satisfactory (65-69) to Good (70-74) ranges. In the past two years, only one student earned grades low enough to be placed on probation and no students were excluded based on grades.

One grading practice that raises concern, particularly with respect to grade accuracy and inflation, is CDTA's policy of basing 10 percent of the grade in each course on participation. Historically, law schools accredited or registered by the State Bar have been urged to limit participation points to no more than 3 percent of course grades.

Results on the bar exam and FYLSX also suggest that grades could be calibrated more accurately to better inform students of their academic progress. In the self-study materials, CDTA stated that a higher GPA does not guarantee a better chance to pass the bar exam, but results show that, for CDTA bar takers through the July 2023 administration, 82 percent (18/22) of students with a GPA at or above the equivalent of a 2.52 passed the bar, while only 36 percent (5/14) of those with a GPA below that level passed. Further, passers at the higher GPA level passed after an average of 2.4 tries while the others passed after an average of 5 tries. The average GPA of CDTA graduates passing the bar exam was 2.69 and the average GPA of those not passing was 2.45.

Under Guideline 5.25, the degree of correlation between the grades received in first-year courses is one measure of the quality and reliability of grading. FYLSX results in the 2023 Annual Compliance Report show that, for the October 2022 and July 2023 administrations, no student with a GPA in the Satisfactory level of 65-69, the minimum range for good academic standing, passed the bar exam; all passers had GPAs above or well above a 73, in the Good range of 70-74. According to the 2024 Annual Report, three of eight of the students who passed the FYLSX has grades at the Satisfactory level of 65-69. It should be noted that the State Bar implemented a modest reduction in the pass score for the FYLSX in 2024.

A review of the school's grading standards and practices is warranted by these concerns and adequacy of preparation for the FYLSX should be a part of this review.

To bring itself into compliance, the school must take steps to ensure that grades are reasonably correlated and review its grading standards and practices to determine what changes, if any, are needed to give students a more realistic assessment of their likely success on State Bar exams.

CDTA asks professors on all subjects to seek to verify with their co-professors in the subject matter in which they teach and also evaluate and advise professors on the subjects they do not teach. Teachers who teach in the same curriculum year will meet and confer about the consistency in grading among those classes. If one class's grading is inconsistent with the others, the professor of that class must bring it to the attention of the Dean of Academic Excellence for examination of consistency in grading.

The Dean of Academic Excellence will take necessary measures to have faculty and student feedback on the inconsistencies in grading results. The Dean of Academic Excellence will then take appropriate steps to rectify any relevant issues in this regard.

CDTA understands the Committee of concern of grade inflation and agrees that 10% was perhaps too high for participation in calculating the students' grades. CDTA has implemented as of Spring Semester-2025 giving students a maximum of 3 points for participation.

11. Rule 4.240(G); Guidelines 5.18, 5.20, and 5.27: The law school is not in compliance with guidelines 5.18, 5.20, and 5.27. These guidelines require a school to set sound standards for academic standing, probation, disqualification, and graduation and to promptly identify and disqualify, through adequate screening procedures, those students who show an inability to meet those standards.

CDTA's probation policy allows students to advance on probation after having completed one year on probation without achieving good standing. The policy includes the problematic statement that a student who completed the second year with a grade point average below 65 in courses beyond the summer after the second year, shall enter the third year on probation; thus, a student who completed the second year on probation can advance to the third year on probation for a second time. The advancement policy violates guideline 5.18, which states that, as soon as possible, the law school must disqualify students who have demonstrated they are not qualified to continue, and the similar directives of guidelines 5.20 and 5.27.

A sound academic screening process provides timely and effective academic support

and eliminates most unqualified students promptly before the second or third year. In contrast, CDTA's policy would allow students with low GPAs to advance into their third and fourth years with inaccurate evaluation of their progress and questionable prospects of licensure. CDTA has not conducted studies to show that students with GPAs below good standing, or who repeatedly fail to meet expectations, eventually earn the JD or licensure. Further, although CDTA's policy states that remedial plans for improvement will be developed for students on probation, no such plans have been documented.

Without evidence showing that their advancement policy as to probationary students provides students with a reasonable opportunity to graduate or achieve licensure, the policy appears unsound. CDTA is required by guideline 5.21 to disqualify students who fail to pass the FYLSX within three administrations, but the school must have its own effective screening procedures to exclude students who do not demonstrate the intent or capacity to continue.

To bring itself into compliance, the school must amend its policies to ensure that students who show an inability to meet academic standards are promptly identified and disqualified. In particular, the school must amend its policies to require the disqualification of students who fail to achieve academic good standing after no more than one year on probation and must eliminate problematic language. Further, the school must adhere to its own policy regarding the preparation of remedial plans for students on probation.

We agree with your assessment, we agree that scholastic standards must be clear, must be closely monitored, must be carefully communicated. We are committed to improving our policy and standards and communicating the changes prior to the commencement of school year 2025-2026. Our current policy has given the students a promise of adequate notice prior to changing the standards.

ACADEMIC GOOD STANDING (Effective Immediately -Fall 2025 Classes beginning 9-2-2025)

First Year Students

A first-year student may be disqualified from continued study at the California Desert Trial Academy College of Law if the student's:

- first semester grade in more than one course falls below 60, or**
- overall average grade for their first semester courses falls below 60, or**
- second semester grade in more than one course falls below 60, or**

- overall average grade for their second semester courses falls below 60, or
- their overall average grade for their first-year courses falls below 60.

No credit will be given to a student for any class whose final grade for the course is less than 60. In the one-year courses, the final grade in a class is determined by taking the average of the first and second semester final grades.

A student who finishes the first academic year with an average below 60 will be dismissed.

CDTA cannot certify a student to sit for the First Year Law Students' Exam who has not received a grade of 60 or higher in any first-year course.

Any student who has been certified by CDTA to sit for the First Year Law Students' Examination may register for the second-year courses, provided the student has registered for the next offering of the First Year Law Students' Exam following completion of the first-year courses.

If a first-year student's grade point average in any class is below 60 the student will be placed on academic probation.

First Year Law Student's Exam

Students successfully completing their first year of law study at CDTA must take and pass the First-Year Law Students' Exam (FYLSX) within three (3) consecutive administrations after first becoming eligible to take the exam. A student who passes the First-Year Law Students' Exam within three (3) consecutive administrations after first becoming eligible to take the exam shall receive full credit for the first-year courses and full credit for any second-year courses passed and completed.

Any student who has not passed the First-Year Law Students' Exam within three (3) consecutive administrations after first becoming eligible to take the examination is disqualified from continuing their education at CDTA College of Law. However, a student who subsequently passes the First-Year Law Students' Exam is eligible for re-enrollment in the law school's Juris Doctor program and will only receive credit for the first-year courses.

CDTA Faculty may assist any student, should it be requested, who fails the First-Year Law Students' Examination by facilitating a remedial program of study to assist in future attempts at the examination up to and until the results of the third time taking of the examination.

Any student who is on academic probation for more than one-year will be academically dismissed.

Second, Third- and Fourth-Year Students

A second, third or fourth-year student may be disqualified from continued study at the

California Desert Trial Academy College of Law or placed on academic probation if the student's:

- second, third- or fourth-year semester grade in more than one course falls below 60, or
- overall average grade for their second, third or fourth-year semester courses falls below 60, or
- second, third- or fourth-year semester grade in more than one course falls below 60, or
- overall second, third- or fourth-year average grade for their second semester courses falls below 60, or
- overall average grade for their second, third- or fourth-year courses falls below 60.

No credit will be given to a student for any class whose final grade for the course is less than 60. In the one-year courses, the final grade in a class is determined by taking the average of the first and second semester final grades.

A second, third- or fourth-year student having an overall grade point average of less than 65 at the end of any semester shall be placed on probation.

Any student who is on academic probation for more than one-year will be academically dismissed.

12. Rule 4.240(I); Guideline 6.3: The law school is not in compliance with this guideline, which requires that the school provide its students with instruction in both physical publication and electronic-based legal research.

The law school offers legal research instruction in electronic-based legal research as part of the curriculum in one course but does not provide instruction in physical publication legal research.

To bring itself into compliance, the school must revise its curriculum to provide for research instruction in both physical publication and electronic-based legal research.

The Legal Memo and Brief Drafting course has incorporated research instruction in physical publication into this class. The electronic-based legal research activity is presently offered in this class.

Additionally, we will be offering research instruction in both physical publication and electronic-based legal research as one of our Saturday Enrichment classes for our first-year students. We are working with a former Riverside County law librarian who will teach this course.

13. Rule 4.240(L); Guideline 9.1(D): The law school is not in compliance with this

guideline, which requires the law school to maintain a permanent transcript for each student that contains information sufficient to establish the student's admission status as regular or special, and the date or dates on which the student took the FYLSX and whether the student passed or failed each examination.

CDTA's transcripts do not include the required information about student status on admission or FYLSX status. After the inspection, the law school began working with its software vendor to amend its transcript program to include the required information.

To bring itself into compliance, the law school must ensure and demonstrate to the State Bar that student transcripts for all current, returning, and future students include all information required by the guideline, including admissions status and students' FYLSX history and results.

All required entries have been made on the CDTA transcripts for all current and returning students. The template provides for all entries as requested, i.e., student's admission status as regular or special, and the date or dates on which the student took the FYLSX and whether the student passed or failed each examination.

14. Rules 4.240(N), 4.242, 4.243: The law school is not in compliance with these rules, which requires a school to submit required annual reports, including an Annual Compliance Report and self-study prior to a periodic inspection, in the format required by the committee.

The school has not met filing deadlines for various reports, including Annual Compliance Reports over a period of years. This calls into question the adequacy of the total staff hours dedicated to ensuring compliance with the requirements of State Bar rules. The self-study and inspection were also delivered late, advising the State Bar close to the deadline. The law school should be able to continue to operate as typical events occur, including staff illness or vacation, without impacting compliance.

To bring itself into compliance, the school must ensure that reports to the committee are timely filed in a complete manner, taking an affirmative review of the rules to ensure compliance.

After our meeting with Ms. Leonard during early 2024, it was brought to my attention that I had not submitted timely annual reports, I made a very conscious effort to file prior to the deadline. You will note that my report was filed and paid timely in fall 2024.

CONCLUSION

CDTA is not compliant with eight standards set by Unaccredited Rule 4.240, the key rule that sets forth the responsibilities of unaccredited law schools, as further described by the

guidelines:

(A) Lawful Operation, due to the Business and Professions Code section 6061.7 report not being posted in the required location and in an accessible manner

(B) Integrity, based on the incomplete and inconsistent statement of academic standards across publications, lack of policies for course repetition and review of non-essay exam materials, lack of review of student grade change requests by a committee of unbiased faculty members

(D) Dean and Faculty, based on lack of faculty development training and evaluation to ensure faculty competence

(E) Educational Program, based on lack of clarity as to attendance policy, use of past bar examination and FYLSX questions, and lack of procedures to evaluate the adequacy of course exams

(G) Scholastic Standards, based on lack of sound policies and procedures to ensure reasonable grade correlation, control grade inflation, and limit advancement of students on probation, which undermines the school's ability to identify and exclude students who have demonstrated they are not qualified to continue

(I) Library, based on the absence within the required curriculum of instruction in physical publication legal research

(L) Records and Reports, based on the lack of required information in permanent student transcripts, including students' status on admission and, for the FYLSX, dates and results for each exam taken, and a grade review policy that allows grade changes on transcripts without approval of a faculty committee.

The school is also not compliant with Rules 4.242 and 4.243 that address requirements for filing documents with the committee, and 15 of the Unaccredited Guidelines: 1.9, 2.3, 2.9, 4.7, 4.8, 5.3, 5.15, 5.16, 5.17, 5.18, 5.20, 5.24 5.27, 6.3, and 9.1. It must act in all these areas to achieve compliance with the Unaccredited Rules and Guidelines.