



## TABLE OF CONTENTS

JURISDICTION *page 1*

INTRODUCTORY STATEMENT *page 1*

STATEMENT OF FACTS *page 3*

PETITION FOR REVIEW *page 4*

MEMORANDUM OF POINTS AND AUTHORITIES *page 6*

I. ADMISSION TO THE BAR BY ANYONE OTHERWISE QUALIFIED WHO PASSES THE BAR EXAMINATION IS A MATTER OF RIGHT *page 6*

II. ADMISSION TO THE BAR CANNOT BE DENIED ON A BASIS THAT VIOLATES DUE PROCESS OF LAW OR IS OTHERWISE UNLAWFUL *page 7*

A. Federal Due Process Standard for Wealth Criteria *page 7*

B. State Due Process Standard for Wealth Criteria *page 8*

III. THE DEBT COLLECTION ‘SCAM’ BY PRIVATE LAW SCHOOLS OF WITHHOLDING PROOF OF GRADUATION AND DEGREES AS A DEVICE FOR COLLECTING STUDENT DEBT IS AN UNFAIR BUSINESS PRACTICE *page 9*

IV. IN THE PENDING STATE CASE AFTER OBTAINING ADVICE OF COUNSEL PETITIONER CANCELLED THE STUDENT LOAN IN DISPUTE FOR FAILURE TO COMPLY WITH THE TRUTH IN LENDING ACT AND REGULATION Z *page 10*

CONCLUSION *page 12*

CERTIFICATE OF WORD COUNT *page 13*

VERIFICATION *page 13*

Exhibit PR-1 *page 14*

Exhibit PR-2 *page 15*

## TABLE OF AUTHORITIES

Cases:

Bib'le v. Committee of Bar Examiners (1980) 26 Cal.3d 548 *page 8*

Boddie v. Connecticut (1971) 401 U.S. 371 *page 7*

Brydonjack v. State Bar (1929) 208 Cal. 439, 443, 446 *page 1, 6*

Conway v. State Bar (1989) 47 Cal.3d 1107, 1113 *page 8*

Davidson v. Seterus, Inc. (2018) 21 Cal.App.5th 283, 295 *page 9*

Douglas v. California (1963) 372 U.S. 353, 355 *page 7*

Gardner v. California (1969) 393 U.S. 367 (1969) *page 7*

Greene v. Zank (1984) 158 Cal.App.3d 497, 504-506, 512 *page 6*

Hallinan v. Committee of Bar Examiners (1966) 65 Cal.2d 447, 542 *page 6,7*

Harper v. Virginia State Board of Elections (1965) 383 U.S. at 668, 670 *page 7*

In re Attorney Discipline System (1998) 19 Cal.4th 582, 592-593 *page 1*  
In re Chang (2015) 60 Cal.4th 1169, 1174 *page 6*  
In re Garcia (2014) 58 Cal.4th 440, 466 *page 6*  
In re Rose (2000) 22 Cal.4th 430, 447 *page 1*  
Konigsberg v. State Bar (1959) 52 Cal.2d 769, 770 *page 1*  
Meyer v. Nebraska (1923) 262 U.S. 390, 399 *page 8*  
O'Connell v. Superior Court (Valenzuela) (2006) 141 Cal.App.4th 1452, 1478 *page 2*  
People v. Brown (1960 ) 55 Cal. 2d 64, 71 *page 7*  
Raffaelli v. Committee of Bar Examiners (1972) 7 Cal.3d 288, 300-301 *page 7,9*  
Sander v. State Bar of California (2013) 58 Cal.4th 300, 304-305 *page 1*  
Schware v. Board of Bar Examiners (1957) 353 U.S. 232, 239 *page 7*  
Serrano v. Priest (1971) 5 Cal.3d 584, 597 *page 8,9*  
Serrano v. Priest (1976) 18 Cal.3d 728, 765-766 *page 8,9*  
United States v. Kras (1973) 409 U.S. 434 *page 7*  
Warden v. State Bar (1999) 21 Cal.4th 628 *page 8*

Statutes:

Federal

15 U.S.C. 1692(f) *page 9,10*

15 USC 1692g(1) *page 11*

State:

Cal. Const. Art. 1, § 7(b) *page 9*

Civil Code

1689(b)(1) *page 11*

1692(b) *page 11*

1788.1 *page 9, 10*

1788.17 *page 9*

1788.2(b) *page 10*

1788.13(d) *page 9,11*

1788.93 *page 10*

//

Regulations:

Federal

12 CFR 1026 *page 11*

12 CFR 1026.46 *page 11*

12 CFR 1026.47 *page 11*

State:

State Bar Rules

Admissions Rule 4.26 *page 2*

Other Authorities:

Hansen & Shaw, Solving the Student Debt Crisis, p. 2 {Aspen Institute 2020) *page 11*

State Bar Committee of Bar Examiners, General Statistics Report, p. 2, p. 5 *page 12*

## JURISDICTION

This court has original jurisdiction of this admissions dispute. Sander v. State Bar of California (2013) 58 Cal.4th 300, 304-305; see also In re Rose (2000) 22 Cal.4th 430, 447 (CSC has exclusive jurisdiction of original petitions for relief concerning the practice of law); In re Attorney Discipline System (1998) 19 Cal.4th 582, 592-593.

Generally, a petition for review is the correct procedure for reconsideration of admissions disputes with the State Bar. Konigsberg v. State Bar (1959) 52 Cal.2d 769, 770; Brydonjack v. State Bar (1929) 208 Cal. 439, 443, 446. However, in Brydonjack the court treated the petition for review “as a written motion for an order of admission” and granted it. Therefor, petitioner similarly asks for a direct order, or mandate, to issue to the Committee of Bar Examiners, to admit him to take the February 2023 bar examination, if there is time, and otherwise to take the July 2023 examination, despite the fact real party in interest, Monterey College of Law, refuses to issue a diploma or law degree to him as a debt collection device, because he still owes for tuition, despite otherwise qualifying for graduation and the award of a law degree.

## INTRODUCTORY STATEMENT

Petitioner was a law student at Monterey College of Law, a non-profit private law school which self-funded petitioner’s tuition and fees. Although petitioner agreed to repay his tuition and fees, due to poverty and lack of adequate employment, he was unable to repay the loan before graduation. He did complete the course of instruction and pass all courses, but the law school refused to issue a diploma and award a Juris Doctor decree, which were withheld as a debt collection device to compel payment. But for the delivery of transcripts to the State Bar that omitted references to graduation or qualification for a decree, he would have been qualified to sit for the July 2022 Bar Examination, or the pending February 2023 Bar Examination. He was notified in Spring 2022 he would not be allowed to take the July bar exam. Petitioner then appealed the denial of the Admissions Office to the State Bar Committee

of Bar Examiners. That also prompted petitioner to file Monterey Superior Court Action 22CV000535 pro per, in which inter alia he sought injunctive relief to compel Monterey College of Law to issue a diploma and degree. The lawsuit is still pending; his State Bar appeal was denied on January 31, 2023 based on Admissions Rule 4.26. A copy of the letter denying the appeal is attached hereto as Exhibit PR-1.

Petitioner contends it is against public policy for the State Bar, generally, and the Committee of Bar Examiners in particular, to become involved in debt collection disputes over tuition between students and law schools. Present counsel's experience with student loans was different and uneventful, since he paid off his student loans over time after earning a law degree and passing the bar examination. However, checking on this, both law schools where present counsel attended and obtained degrees (Santa Clara and McGeorge-UOP-- and as a 'cross-check' Stanford) continue to publish on their websites a policy of withholding diplomas and degrees if a student's account is unpaid prior to graduation. The difference appears to be counsel's degrees were awarded in the 1970's or early 1980's and did not involve the once widespread Federal Family Education Loan Program (FFEL), a program discontinued in 2010, that in past authorized withholding diplomas if a student was in default of a FFEL loan. However withholding diplomas was by no means authorized for all federal loan programs, and in any case, the practice is now an obsolete 'holdover' collection device, and contrary to public policy-- and not least, contrary to the federal and California versions of the Fair Debt Collection Practices Act.

It is a debt collection practice that is unfair to the consumer, inter alia, by denying to the student loan consumer the 'fruits' of the work effort of attending college in order to secure the diploma and degree that allow the student to advance his or her career and obtain better paying employment. See O'Connell v. Superior Court (Valenzuela) (2006) 141 Cal.App.4th 1452, 1478 (diploma 'final fruits' of attending college). By denying a student the 'fruits' of college study effort he or she incurred debt to obtain, a collegiate debt collection practice of withholding diplomas and degrees as 'leverage' to coerce payments thereby oppresses students

too poor to attend college without student aid. And petitioner is poor; he is the child of Nigerian immigrants who lack family wealth, and works short hours as a security attendant at minimum wage and qualifies for a fee waiver in this court.

Besides the ‘technical’ issues of interpreting recent amendments to the Rosenthal Fair Debt Collection Practices Act under the Educational Debt Collection Practices Act, this court is charged with implementing the overall public policy against commercial oppression of student debtors, and Petitioner thus raises the additional issues on appeal:

Does the State Bar aid and abet unfair debt collection by refusing entry to the bar exam to students of law schools that withhold diplomas as a device for collecting student loans, after a student completes the course of instruction?

Does thus denying entry to the bar examination create a wealth based barrier to admission to the bar?

#### STATEMENT OF FACTS

Petitioner was a student at Monterey College of Law, which according to its Handbook (see excerpt, Ex. PR-2), is not ABA accredited but has some form of State Bar accreditation. It is a private school that, also per its handbook, does not receive any form of federal loan money. Instead it relies on self-financed students, but will advance or ‘front’ tuition and fee costs to a student based on need. Petitioner was too poor to pay tuition at Monterey College of Law, and (keeping the story short), in May 2021 (near the end of the course of instruction) petitioner signed a promissory note for a total of \$24 599.34, for tuition and fees. Neither that note nor a later note denominated a settlement comply with the Truth in Lending Act. After retaining counsel, petitioner gave notice of cancellation and rescinded the notes as well. The status of the debt amount, rate, & term are indeterminate as a result.

Notably, the Student Handbook contains misleading information that implies that failure to pay student loans can result in “inability to sit for examinations” and inter alia, by implying an ‘official’ state consequence, thereby violates the California and Federal Fair Debt Collection Practices Acts. Further, this ‘note’ did not actually memorialize a money transfer.

Petitioner did not receive any money; the debt was entirely a ‘ledger entry’ debt for tuition and fees. Thus petitioner’s lawsuit against Monterey College of Law is still pending. Petitioner will seek to amend to state additional causes of action against Monterey College of Law.

But, because petitioner was unable to take the July Bar Examination in 2022, he Appealed from the State Bar refusal to accept his alternative attempts to comply with Rule 4.26 (i.e., by requesting that transcripts be accepted in lieu of a diploma), but that Appeal was denied on January 31, 2023. The effect is that Petitioner cannot now sit for the February Bar Examination in 2023-- unless this court will act within a few days with a temporary or provisional order, that would enable Petitioner to take the February Bar Examination. Assuming he passes, then admission can be deferred as necessary until this petition is decided on the merits.

#### PETITION FOR REVIEW

1. Petitioner seeks review of the decision of the State Bar Committee of Bar Examiners denying his appeal from a determination of ineligibility to sit for the California Bar Exam based on Admissions Rule 4.26, dated January 31, 2023. Exhibit PR-1.

2. Petitioner has no plain speedy or adequate remedy from the adverse decision of the Committee of Bar Examiners in that a dispute over admission to the bar involves the original jurisdiction of this court.

3. Petitioner seeks issuance of an Order or other relief mandating that the Committee of Bar Examiners allow petitioner to sit for the February 2023 bar examination if time allows and otherwise sit for the July 2023 exam.

4. Although petitioner successfully completed the course of instruction at Monterey College of Law and is otherwise qualified to take the bar examination and be admitted to practice in California if he passed, the sole reason he has been refused permission to sit for the bar examination is because Monterey College of Law has refused to report graduation to the State Bar Admissions Office and to provide a diploma or degree to the State Bar.



5. Monterey College of Law is refusing to report graduation to the State Bar Admissions Office or to issue a diploma or degree as a debt collection device to compel petitioner to pay the above debt for tuition and fees, even though Monterey College of Law is aware petitioner does not have the means to repay his student loan at this time, and the State Bar was made aware of these circumstances by the appeal and direct communication with the Admissions Office.

6. The Committee of Bar Examiners was well aware of these facts but denied petitioner's appeal anyway, thereby colluding in and aiding and abetting Monterey College of Law's debt collection practice of withholding evidence of graduation and qualification for a degree as 'leverage' (coercion), to force petitioner to pay his student loan debt.

7. Aiding and abetting an unfair debt collection practice is contrary to public policy and refusing to seat a law student to take the bar examination based on whether the student has paid his student loan or not, constitutes disparate treatment and a form of wealth based barrier to taking the exam and thus to admission to practice law in California.

8. Petitioner is poor and cannot at present repay his student loan at Monterey College of Law because his income is too limited even to afford payments. Monterey College of Law was aware of petitioner's poverty before it extended credit to him for tuition and fees, and assumed thereby the risk he might not be able to repay his student loan by the time of graduation, as indeed proved the case in this dispute.

9. Petitioner is willing to repay the lawful elements of his student loan at Monterey College of Law, but is presently unable to do so, and without a degree and ability to take the bar exam, is unlikely to be able to do so for the foreseeable future.

10. Petitioner has been denied the benefits of the student loan contract as well as the benefits of the work effort he made to earn the right to graduate and obtain the juris doctor degree awarded by Monterey College of Law, by the bad faith and unfair dealing of Monterey College of Law in refusing to report graduation and at least qualification for a juris doctor degree to the State Bar. And by purporting to report petitioner is not graduated or qualified for

a decree, has disseminated misleading or untrue information to the State Bar, constituting a unfair debt collection practice under both California and federal law; and by denying petitioner admission to the bar examination, the State Bar and the Committee of Bar Examiners have engaged in aiding and abetting said unfair debt collection practice by denying petitioner entry to take the bar examination despite notice of Monterey College of Law's unlawful conduct.

WHEREFOR, petitioner asks for a direct order, or mandate, to issue to the Committee of Bar Examiners, to admit him to take the February 2023 bar examination, if there is time, and otherwise to take the July 2023 examination.

Dated: February 7, 2023

*William B Look, Jr*  
\_\_\_\_\_  
Attorney for Petitioner

#### MEMORANDUM OF POINTS AND AUTHORITIES

#### I. ADMISSION TO THE BAR BY ANYONE OTHERWISE QUALIFIED WHO PASSES THE BAR EXAMINATION IS A MATTER OF RIGHT

Admission to the bar is a matter of right for anyone who completes law school, passes the bar and meets the requirements of good moral character. In re Chang (2015) 60 Cal.4th 1169, 1174; In re Garcia (2014) 58 Cal.4th 440, 466; Hallinan v. Committee of Bar Examiners (1966) 65 Cal.2d 447, 542. Although generally the process of qualifying for and taking the bar examination is delegated to the State Bar and its Committee of Bar Examiners, this court has the ultimate authority to either admit or deny admission to practice law to a candidate for admission. Brydonjack v. State Bar, supra, 208 Cal. at 443, 446; Greene v. Zank (1984) 158 Cal.App.3d 497, 504-506, 512.

#### II. ADMISSION TO THE BAR CANNOT BE DENIED ON A BASIS THAT VIOLATES DUE PROCESS OF LAW OR IS OTHERWISE UNLAWFUL

Admission to the bar cannot be denied on a basis that violates due process of law. Schwartz v. Board of Bar Examiners (1957) 353 U.S. 232, 239 (rational basis test applies to conditions for admission to bar); Hallinan v. Committee of Bar Examiners, supra, 65 Cal.2d at 542, fn. 3 (“a claim for admission to the bar as a claim of a right entitled to the protections of procedural due process”); but see Raffaelli v. Committee of Bar Examiners (1972) 7 Cal.3d 288, 300-301 (applying ‘suspect class’ strict scrutiny standard to denial of bar admission to class ‘aliens’).

#### A. Federal Due Process Standard for Wealth Criteria

A wealth based criterion for admission to take the bar examination violates the federal due process guarantee, and is unconstitutional by singling out an identifiable class (here poor or poor black law students) for disparate treatment in taking the bar examination. See Douglas v. California (1963) 372 U.S. 353, 355, citing People v. Brown (1960 ) 55 Cal. 2d 64, 71. The latter cases involve due process in criminal prosecutions, and there indigent defendants must be provided with transcripts, adequate counsel, and otherwise cannot be disadvantaged by lack money to pay for procedural necessities such as attorneys, filing fees, copy costs, and so on. See, e.g., Gardner v. California (1969) 393 U.S. 367 (1969). And where a wealth criterion affects a basic right such as voting, it is subject to strict scrutiny. Harper v. Virginia State Board of Elections (1965) 383 U.S. at 668, 670.

Where an optional legal procedure requires payment of a fee, however, the failure to waive a fee is not a violation of due process. United States v. Kras (1973) 409 U.S. 434 (filing fee for Ch. 7 bankruptcy). However, that conclusion was made by distinguishing the rule of Boddie v. Connecticut (1971) 401 U.S. 371 (see 409 U.S. at 444-445), which held (at 401 U.S. at 382-383):

“The requirement that these appellants resort to the judicial process [for divorce] is entirely a state-created matter. Thus we hold only that a State may not, consistent with the obligations imposed on it by the Due Process Clause of the Fourteenth Amendment, pre-empt the right to dissolve this legal relationship without affording all citizens access to the means it has prescribed for doing so.”

While becoming a lawyer may not be the only way to earn a living, the only way to become a lawyer is to take the bar examination. Thus a de facto wealth based criterion (i.e., having the means to pay off a student loan before graduation) for admission to the bar examination, and refusing to seat a poor law student who can't pay off a student loan before graduation, is a wealth based barrier to taking the bar examination that violates the federal standard for due process of law.

B. State Due Process Standard for Wealth Criteria:

California has a more 'liberal' approach to wealth based criteria. Wealth is a suspect classification under California law. Serrano v. Priest (1971) 5 Cal.3d 584, 597 (Serrano I); and see Serrano v. Priest (1976) 18 Cal.3d 728, 765-766 (Serrano II), which held:

“Wealth classifications introduce a capricious and arbitrary factor into the distribution of educational services. Moreover, to the extent that such classifications further disadvantage economically needy students or further advantage wealthy students, they have a pernicious effect on the constitutionally recognized role of education in preparing all members of society for effective participation in the political, economic, and social ‘mainstream of American Society’.”

In Warden v. State Bar (1999) 21 Cal.4th 628, which involved an equal protection challenge to the mandatory continuing education obligation of admitted attorneys, citing Bible v. Committee of Bar Examiners (1980) 26 Cal.3d 548 (a challenge to differentiation in treatment of accredited vs. non-accredited law schools in admissions policies), the court held the rational basis and not strict scrutiny test applied to the CLE obligation of licensees (Warden, 21 Cal.4th at 442) even though the practice of law does involve a fundamental right. 21 Cal. 4<sup>th</sup> at 441-442, citing inter alia Meyer v. Nebraska (1923) 262 U.S. 390, 399; Conway v. State Bar (1989) 47 Cal.3d 1107, 1113 (“We note at the outset that petitioner plainly has a property interest in the right to practice his profession that cannot be taken from him without due process.”).

But even if it would be hard to justify ability to pay off a tuition loan before graduation as a 'rational' criterion for determining fitness to practice law (i.e., because the 'panoply' of

causes for inability to pay are too disparate), for purposes of applying the Rational Basis Test, petitioner contends the issue is simpler. As established in Raffaelli v. Committee of Bar Examiners, supra, 7 Cal.3d at 300-301, creating a suspect class in context of admission to practice (as opposed to regulating practice) is subject to strict scrutiny. And wealth based classifications are suspect under California law. See Cal. Const. Art. 1, § 7(b); and see Serrano I and Serrano II, supra.

Thus, the California State Bar practice of aiding and abetting private colleges in the unfair debt collection practice of withholding graduation and degrees as a device to compel payment, if subjected to strict scrutiny, is unconstitutional as disparate treatment, because it is an irrational barrier to bar admission of otherwise qualified students based on wealth. It therefor violates the equal protection as well as due process liberty interests of candidates for the California bar examination.

### III. THE DEBT COLLECTION ‘SCAM’ BY PRIVATE LAW SCHOOLS OF WITHHOLDING PROOF OF GRADUATION AND DEGREES AS A DEVICE FOR COLLECTING STUDENT DEBT IS AN UNFAIR BUSINESS PRACTICE

As pointed out in Davidson v. Seterus, Inc. (2018) 21 Cal.App.5th 283, 295:

“The Rosenthal Act was enacted "to prohibit debt collectors from engaging in unfair or deceptive acts or practices in the collection of consumer debts." (§ 1788.1, subd. (b).) The Rosenthal Act is " 'a remedial statute [that] should be interpreted broadly in order to effectuate its purpose.' " (Komarova v. National Credit Acceptance, Inc. (2009) 175 Cal.App.4th 324, 340) []. It was enacted in 1977, the same year that its federal counterpart, the FDCPA, was enacted. (In re Landry (Bankr. E.D.Cal. 2013) 493 B.R. 541, 570 []). In addition to its other requirements and prohibitions, the Rosenthal Act generally requires debt collectors to comply with the provisions of the FDCPA. (§ 1788.17.) “ (Punct., fn. omitted.)

The policy of ‘liberal’ interpretation brings the practice of using release of college records as ‘leverage’ to compel payment of student loans within the § 1788.1(b) “ballpark.” And the implication in the student Handbook that failure to pay a Monterey College of Law student loan will result in ‘official’ disqualification to take examinations (i.e., in context of a law

school handbook, bar examinations), is a misrepresentation within 15 USC 1692f(9) and Cal. Civ. Code 1788.13(d).

Further, both the California and Federal Fair Debt Collection Statutes make it clear that the itemization of particular practices does not validate any similar practice, but instead both statutes are a bar to any practice that constitutes an unfair method of debt collection, including the practices listed in the statutes. E.g., 15 U.S.C. 1692(f) (“ A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . . .”). This section is ‘borrowed’ by the California statute under Cal. Civ. Code § 1788.17. And under the California statute, in a similar way, what is prohibited is any “ unfair or deceptive acts or practices in the collection of consumer debts” whether specifically enumerated or not. In short, the enumeration of various varieties of abusive actions by debt collectors does not create a safe harbor for the ingenuity of unscrupulous creditors creating new variants of listed abuses; instead, the listed practices are examples and not exclusive. Thus any unfair or deceptive collection ‘scam’ that arguably is not a listed unfair practice is not ipso facto ‘fair.’ Rather, “[t]he term “debt collection” means any act or practice in connection with the collection of consumer debts” (Cal. Civ. Code § 1788.2(b) {emphasis added}), and if it is abusive it is unlawful.

Without a doubt the withholding of transcripts is an unlawful debt collection practice because it was recently outlawed in specific terms by Cal. Civ. Code § 1788.93.

And petitioner contends that selective inclusion and exclusion of information from academic records using transcripts is a deceptive debt collection practice under §1788.1, especially if it is used as ‘leverage’ to compel payment, including excluding or misrepresenting the facts of qualifying for graduation and meeting the criteria for ‘earning’ a diploma, if that information is withheld from or dissembled in a transcript in order compel payment of student debt.

The foregoing would be a simple argument but for the ‘legacy’ of the long term and widely used Federal Family Education Loan Program (FFEL), which once had regulations which allowed the practice of withholding diplomas. The program was repealed in 2020, and the regulations were not reinstated. Humane income based loan management and debt forgiveness regulations apply today.

Further, unlike the federal or state Fair Debt Collection Practices Acts, the FFEL regulations did not have general application outside that federal program— assuming the regulations displaced the FDCPA for old FFEL loans. And all such federal loan programs involved actual cash transfers of the debt amount, often directly to the student. The dispute in this case is over a ‘ledger entry’ debt and not a cash payment to petitioner or by a third party lender to the law school, that if unpaid is a ‘windfall.’

#### IV. IN THE PENDING STATE CASE AFTER OBTAINING ADVICE OF COUNSEL PETITIONER CANCELLED THE STUDENT LOAN IN DISPUTE FOR FAILURE TO COMPLY WITH THE TRUTH IN LENDING ACT AND REGULATION Z

Although it is outside the merits of this petition in one sense, the debt obligation of the petitioner to Monterey College of Law has been rendered uncertain in amount and terms as a consequent of cancelling the loan(s) based on non-compliance with Regulation Z enforcing the federal Truth in Lending Act (TILA) as applicable to student loans, principally for failure to provide all necessary disclosure and tabular material, as well as failure to disclose cancellation rights. In a nutshell, a private educational lender (PEL) is subject to the special disclosure requirements applicable under Regulation Z, 12 Code of Federal Regulations (CFR) 1026, that implements the Truth in Lending Act (TILA). 12 CFR 1026.46(b)(1),(5). Monterey College of Law was obliged to provide timely disclosures (specified in § 1026.47) relating to principal, term, interest and other financial charges complying with Regulation Z, and the right of cancellation, before lending or refinancing or restructuring the loans made to plaintiff. 12 CFR 1026.46(c)&(d). Thus, after retaining counsel, petitioner gave notice of cancellation of the non-compliant loan (see Jesinoski v. Countrywide Home Loans, Inc. (2015) 574 U.S. 259

(non- TILA compliant loan rescission may be declared by simple writing) and, at the same time, petitioner rescinded the note as well. See Cal. Civ. Code §§1689(b)(1) & 1692(b). The result of cancelling the original debt under Regulation Z renders the debt uncertain in amount, rate and terms. See 15 USC 1692g(1). This is a significant new fact affecting the bona fides of any ongoing persistence of Monterey College of Law in withholding a diploma or petitioner’s JD degree– which petitioner has earned even if the amount he owes Monterey College of Law is disputed.

## CONCLUSION

Present counsel is concerned about the racial aspects of both the national student loan ‘crisis’ as well as the potential for exploitation of black students by ‘second tier’ law schools. According to a report published on line by Hansen & Shaw, Solving the Student Debt Crisis, p. 2 (Aspen Institute 2020): “Within communities of color, the burden of taking on and paying back this debt is uniquely devastating. 20 years after enrollment, a typical black student still owes 95% of their debt, compared to 6% for white students.”<sup>1</sup>

According to the State Bar’s own published pass rate statistics, in 2021 only 7.1% at CA accredited schools, and 0% at unaccredited CA schools, of those self-reporting as black, passed the July bar exam. At Monterey College of law only 4 of 19 total passed the July 2021 exam. (General Statistics Report, p. 2, p. 5.<sup>2</sup>) These (incomplete here by necessity<sup>3</sup>) statistics suggest that black students may be more vulnerable than others to the ‘allure’ of an easy ‘full ride’ via student loans to ‘easy street,’ at schools offering degrees of dubious academic value,

---

<sup>1</sup>At:  
<https://assets.aspeninstitute.org/wp-content/uploads/2020/03/SolvingStudentDebtCrisis.pdf> .

<sup>2</sup>At:  
<https://www.calbar.ca.gov/Portals/0/documents/admissions/Examinations/July-2022-CBX-Statistics.pdf>

<sup>3</sup>

If the alternative writ issues, present counsel will brief the issue and provide a more comprehensive and detailed report in support.



that leave students who were disadvantage to begin with, ‘buried’ in debt they will never be able to pay– even with a diploma.

For each of the foregoing reasons, petitioner submits he is entitled to an order obliging the Committee of Bar Examiners to qualify him to sit for the February 2023 Bar Examination if time permits, and otherwise for the July Bar Examination.

Dated: February 7, 2023

*William B Look, Jr*  
\_\_\_\_\_  
Attorney for Petitioner

#### CERTIFICATE OF WORD COUNT

The undersigned hereby certifies that the foregoing petition consists of less than 4600 words.

Dated: February 7, 2023

*William B Look, Jr*  
\_\_\_\_\_  
Attorney for Petitioners

#### VERIFICATION

I am petitioner in this action. The matters stated in the foregoing pleading are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 7th day of February 2023 at Los Angeles, California.

*James Camper III*  
\_\_\_\_\_  
James Camper III



# The State Bar of California

845 S. Figueroa Street, Los Angeles, CA 90017

Tel: 213-765-1500

January 31, 2023

James L. Camper III  
2892 N. Bellflower Blvd. #239  
Long Beach, CA 90815

File # 482869

Dear James L. Camper III:

During its meeting on January 27, 2023, the Committee of Bar Examiners considered your appeal seeking the review of staff's determination of ineligibility to sit for the California Bar Exam due to not satisfying the legal education requirements set forth in Admissions Rule 4.26.

Each appeal the Committee receives is reviewed on a case-by-case basis. After careful review of the rules and circumstances, and while sympathetic to your situation, the Committee's determination was to deny your appeal to sit for the California Bar Examination.

This is the Committee's final decision on this matter, and it is not subject to further administrative review. If you wish to pursue an appeal of the Committee's decision, you may elect to have the action of the Committee reviewed by the Supreme Court of California in accordance with its procedures.

Sincerely,

Tammy Campbell  
Program Manager  
Office of Admissions

**Monterey College of Law  
San Luis Obispo College of Law  
Kern County College of Law**



**Student Handbook  
2020-2021**

eligible to complete the J.D. program.

The M.L.S. degree is not a replacement for a law degree, does not entitle an individual to practice law or hold themselves out as a lawyer, and does not qualify the holder to sit for a bar exam.

### **Financial Information**

The Law Schools are independent, 501(c) 3 non-profit educational institutions that receive no support from taxes or other public funds. The primary source of revenue comes directly from student tuition. Because The Law Schools do not meet the criteria for the U.S Department of Education Title IV, students do not qualify for either federal or state insured educational loans. However, other educational loans may be available to students based on personal credit status. Students are urged to plan their budgets carefully before entering law school. At the current time, new enrollees at California Accredited Law Schools (including MCL and its branch locations) are not eligible to participate in the GI Bill Educational Benefits program. Due to a recent policy change by the Department of Veterans Affairs, participation in the federal GI Bill Educational Benefits program is limited to ABA approved law schools only.

### **Tuition and Fees**

Tuition and fees for the current school year is set forth in the Tuition and Fee Schedule, Appendix 7. There are additional costs for textbooks and instructor-prepared materials. Tuition and fees are due and payable at registration or according to the Tuition Installment Plan (TIP) agreement. Failure to make timely payments of tuition, fees or other amounts owed the law school may result in the assessment of late fees, the inability to sit for examinations, denial of registration for the subsequent semester, and the withholding of grades, transcripts, and degrees or dismissal. Tuition and fees are subject to change at the discretion of The Law Schools.

Payment may be made by check, cashier's check, money order, debit or credit card. To assure approval, please make sure that your credit card limit will accommodate the amount that you will be charging. Please note: For security reasons, The Law Schools do not accept cash payments. Please plan an appropriate payment method in advance. See Appendix 7 for the Tuition and Fees Schedule.

### **Returned Check Policy**

Any student whose check is returned for nonpayment (NSF) will be subject to a returned check fee (see Appendix 7). Returned checks will not be resubmitted. A cashier's check or money order payable to The Law Schools will be required to cover any current amount due, including incurred fees.

## **REGISTRATION AND FINANCIAL INFORMATION**

### **Registration**

Students must register online at the beginning of each academic year for the Fall, Spring, and Summer semester courses. Each semester's courses may be adjusted during the add/drop period of that

**S278539**

Case No. \_\_\_\_\_

SUPREME COURT OF THE STATE OF CALIFORNIA  
SAN FRANCISCO VENUE

IN RE THE MATTER OF  
James Camper III,  
A Law Student Candidate for Admission  
to the Bar and Student Loan Debtor,  
petitioner  
\_\_\_\_\_  
James Camper III,  
petitioner,  
vs.  
State Bar of California, a public  
corporation, Committee of Bar  
Examiners, Does 1-100,  
respondents,  
Monterey College of Law,  
real party in interest.  
\_\_\_\_\_

CASE NO.:  
PROOF OF SERVICE  
PETITION FOR REVIEW

Petition from a Decision of the California State Bar Committee of Bar Examiners

WILLIAM B. LOOK, JR.  
Attorney at Law  
PO BOX 1381  
Monterey, CA 93942  
831-372-1371  
email: look\_mtr@yahoo.com  
#66631  
Attorney for Petitioner

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**PROOF OF SERVICE BY ELECTRONIC DELIVERY**

I declare that I am employed in the County of Monterey, California. I am over the age of eighteen years and not a party to the action herein. My business address is P. O. Box 1381, Monterey, California 93942.

On Feb. 7, 2023, I caused the pleading entitled **PETITION FOR WRIT OF REVIEW** on counsel for REAL PARTY by automated electronic email service via a certified digital filing service provider, to wit, Green Legal File, to the electronic email address of:

**CHRISTOPHER E. PANETTA (SBN 175127)**  
**FENTON & KELLER**  
**2801 Monterey-Salinas Highway**  
**Post Office Box 791**  
**Monterey, California 93942-0791**  
**Email: [cpanetta@fentonkeller.com](mailto:cpanetta@fentonkeller.com)**

And on Feb. 7, 2023, I caused the pleading entitled **PETITION FOR WRIT OF REVIEW** on RESPONDENT STATE BAR by MAIL by depositing a copy thereof, postage prepaid, into the United States Mail at Monterey CA, to the following address:

**Committee of Bar Examiners**  
**State Bar of California**  
**845 S. Figueroa St.**  
**Los Angeles CA 90017**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on Feb. 7, 2023 at Monterey, California.

*William B Look, Jr*  
\_\_\_\_\_  
W B Look, Jr.