

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.: S278539

PETITION FOR REVIEW

REPLY BRIEF

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

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REPLY BRIEF

In response to the State Bar's Answer, petitioner replies that the true issue in this matter is what standard this court will set for accredited law schools that engage in the collection practice of withholding transcripts and/or diplomas from students who graduate owing money to the law school. The State Bar takes an obvious position that the amendment to the Rosenthal Fair Debt Collection Practices Act (C.C. § 1788.23) only bars withholding of transcripts and did not include diplomas. This however begs the issue that 'collaborating' with the law school creditor in an unfair business practice includes any violation of federal law, and not just California law. C.C. § 1788.17 expressly incorporates the federal Fair Debt Collection Act into state law, with it the federal law (which is 'copious') interpreting and applying the act, inter alia to oppressive creditor collection activity. E.g., bar to oppressive collection activity under 15 U.S.C. §§ 1692d & 1692e. Petitioner contends the withholding of diplomas to try to compel payment of a student loan is just as oppressive and unfair as debt collection 'tactic' as withholding a transcript. That is, the clear and obvious purpose is to force the student to pay up by withholding the 'fruits' of the student's academic work effort—a coercive act in aid of the commercial aspect of the private college business activity.

In short, if federal law applies under the Rosenthal Act, then inter alia Regulation F of 12 CFR 1006 applies to the law school and the State Bar. E.g., see §§ 1006.6(d) (prohibited 3d party communications in connection with debt collection); 1006.14(a) ("A debt collector must not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt, including, but not limited to, the conduct described in paragraphs (b) through (h) of this section."); 1006.18a ("A debt collector must not use any false, deceptive, or misleading representation or means in connection with the collection of any debt, including, but not limited to, the conduct described in paragraphs (b) through (d) of this section.").

And the State Bar ignores the issue that although the State Bar, as this court's agent.

enjoys the benefit of sovereign immunity, the latter is not ‘free reign’ to do as it pleases in matters that are outside its core mission (here in this context, determining who qualified to take and administering the bar examination for candidates to admission to the bar). To keep this point simple, if the Continuing Education section engages in collection of accounts incurred to buy practice materials, that commercial activity is not within the immunity, and the State Bar can be sued for violation of the state or federal Fair Debt Collection statutes. Del Campo v. Kennedy (9th Cir. 2008) 517 F.3d 1070, 1075-1078; People v. Superior Court (1947) 29 Cal.2d 754, 762 (proprietary activity not immune); and see Brannon v. United States Aid Funds (9th Cir. 1996) 94 F.3d 1260,1263; Chae v. SLM Corp. (9th Cir. 2010) 593 F.3d 936, 941-942 (federal law pre-emption of state law in student loan ‘field’).

Petitioner contends that is also the case where the State Bar is ‘used’ by a law school as leverage for debt collection by withholding transcripts or diplomas from the State Bar intending that the student be refused entry to the exam to create ‘leverage’ to compel payment of a student loan. The State Bar’s response to this point, contending in effect, “That’s not our concern. We have our rules to follow.”, would in context of other areas of law, come under the rubric of ‘willful ignorance,’ say applied to transport of a controlled substance, and the excuse, “Its not our concern. We don’t open our customers’ boxes [wrapped in plastic and tape leaking a white crystalline substance].” In short, that excuse is greatly unconvincing the State Bar is not aware of the practice of withholding diplomas for debt collection, and de facto tolerates it, if not encourages it by ‘going along’ and disqualifying students from taking the bar who otherwise would qualify but for the withheld diploma; in this dispute, a ‘J.D.’

Because of this Court’s past decisions asserting its sovereignty over admissions and for purposes of argument conceding this Court’s plenary control over admissions (subject to individuals’ rights of personal liberty), the issue becomes in the end a matter of public policy and what business practices this court will or will not tolerate from accredited law

schools— or any other law school— in their dealings with their students. In short, this petition seeks in light of the State Bar’s arguments, instead of or in addition to the relief requested in the brief, that the Court exercise its supervisory powers and ban the unsavory business practice of withholding diplomas from candidates for the California bar exam as a debt collection device by law schools doing business in California- at least, those schools who wish to qualify their students to take this state’s bar exam- so that Mr. Campter can take the July 2023 examination.

Dated: March 24, 2023

William B Look, Jr

Attorney for Petitioner

Certificate of Word Count

The undersigned certifies that the foregoing pleading consists of 1000 words or less.

Dated: March 24, 2023

William B Look, Jr

Attorney for Petitioner

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

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ADMISSION**

Case Number: **S278539**

Lower Court Case Number:

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