

WEDNESDAY

THURSDAY

FRIDAY

MONDAY

TODAY

Feedback

Previous

Next

Bookmark Reprints

NEWS

RULINGS

VERDICTS

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Law school defends job statistics

By Sara Randazzo

Attorneys for San Diego's Thomas Jefferson School of Law put forward a self-deprecating argument in court papers last week to rebut claims the school misrepresented graduates' chances of finding gainful employment - that applicants should have known the employment number wasn't as rosy as it looked by comparing it to the school's low bar passage rates.

For the past nine years of reported data, the school's bar passage rate has consistently been lower than the percentage of graduates employed nine months after graduation - often by at least 20 percentage points - which should have told prospective students the employment figure includes more than just lawyers, according to court filings. The percentage employed has ranged from 56 percent to 92 percent, with passage rates consistently below 60 percent.

The law school filed a demurrer and motion to strike July 18 in San Diego County Superior Court in response to a proposed class action brought May 26 by former student Anna Alaburda, who graduated in 2008 and hasn't been able to find a job as a full-time attorney despite sending resumes to more than 150 employers. *Alaburda v. Thomas Jefferson School of Law*, 00091898.

Thomas Jefferson School of Law's bar passage rate has consistently been lower than the percentage of graduates employed nine months after graduation, often by 20 percentage points.

Brian Procel of Miller Barondess LLP, who represents the plaintiff, said in a statement that the school's argument "is neither flattering for Thomas Jefferson nor factually accurate," since many law-related jobs are available to graduates who haven't yet passed the bar. "Regardless, why would a law school include statistics for all jobs in its employment figures - theoretically including part-time employees at fast food restaurants - unless they were intending to deceive the public?"

The school, represented by San Diego law firm Paul, Plevin, Sullivan & Connaughton LLP, also asked the court to strike much of Alaburda's complaint because they say the allegations are irrelevant to the matter at hand.

The list of paragraphs to strike includes examples of other schools admitting to intentionally misrepresenting data to improve their U.S. News & World Report's ranking; quotes from a New York Times article focused on the struggle of one Thomas Jefferson graduate; and details of a new state-of-the-art campus the school built in downtown San Diego.

"The challenged allegations serve the improper purposes of sensationalizing plaintiff's claims to this court, generating publicity for her lawsuit, and unfairly portraying TJSL as part of a broader 'trend' of law schools duping students," the motion argues.

Tuesday, July 26, 2011

Law Practice

O'Melveny races to fill chairmanship

O'Melveny & Myers LLP is attempting to put an end to the infighting and partner defections that have recently plagued the 11-year tenure of current chairman A.B. Culvahouse. It has chosen three litigators as candidates to lead the firm.

Intellectual Property

Patent damages guidelines to get tested

A federal appellate court's efforts to slash large damage awards for patents that infringe a small part of a product is getting a closely-watched test in a San Diego case against Microsoft Corp.

Mergers & Acquisitions

Dealmakers

A roundup of recent M&A and financing activity and the lawyers involved.

Government

Interim director named to AOC

State Administrative Office of the Courts Deputy Director Ronald G. Overholt will move into the agency's top spot when Director William C. Vickrey retires in September, the chief justice announced Monday.

Education

Law school defends job statistics

A San Diego law school argues its low bar passage rate should have tipped prospective students off that the chances of finding a law job weren't as rosy as they seemed.

U.S. Supreme Court

Video game groups seek legal fees from state

Two video game trade associations that convinced the U.S. Supreme Court to overturn California's ban on violent video games want the state to pay their \$1.14 million legal bill following that victory.

Large Firms

Former Irell partner sues firm

A former Irell & Manella LLP partner has sued her former firm for being forced out of her job in 2009 after objecting to sexually inappropriate comments by intellectual property litigation star Morgan Chu.

The school's demurrer further details why the school can't be found guilty of providing false or misleading information. A hearing is scheduled before Judge Joel M. Pressman on Nov. 18.

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[Previous](#) [Next](#)

Intellectual Property

Oracle overreached in damages, judge says

U.S. District Judge William Alsup rejected an Oracle expert's damages report late Friday, calling it an "overreach" on the amount Google Inc. should have to pay for infringing seven Java patents in its Android operating system.

Healthcare/Hospital Law

Fraudulent billing lands doctor in jail

A Corona del Mar cancer doctor was sentenced Monday to 18 months in federal prison and ordered to pay more than \$1 million in restitution for fraudulently billing government and private health plans for cancer drugs.

Antitrust & Trade Reg.

GSI sues Cypress over price fixing

GSI Technology Inc. announced Monday it has sued Cypress Semiconductor Corp. in the Northern District, alleging it conspired to monopolize the market for high-performance static random access memory chips.

Government

California may issue bonds

California's general-obligation bond drought may soon come to an end, as the possibility of short-term notes appears on the horizon.

Law Practice

Locke Lord continues California expansion

Locke Lord Bissell & Liddell LLP picked up former SEC official Michael F. Perlis to lead a new securities litigation and insurance practice group in Los Angeles as part of the firm's efforts to grow a stronger California base.

Obituaries

Charles T. Manatt, founder of Manatt, Phelps & Phillips, has died.

Charles T. Manatt, founder of Manatt, Phelps & Phillips, died Friday of complications from a stroke.

Admin/Regulatory

Orange county courts still in the black

While Superior Courts around the state are closing courtrooms and eliminating key services, Orange County's court is not. It plans no layoffs, no closures and no shutdowns, and it has money in the bank.

Perspective

Your parents' grey divorce: No more Ozzie and Harriet

Older couples ending their lengthy marriages face a complex and unique set of issues. By **Marlo Van Oorschot** of Law Offices of Marlo Van Oorschot APLC

Law Practice**The collapse of civility among lawyers**

Although contrary to human instinct, being civil can lead to better results and less monetary and emotional costs. By **Richard M. Mosk** of the 2nd District Court of Appeal

Government**Hypocrisy in the name of foreign relations**

The Obama administration cozies up to alleged torturers in the name of "foreign relations." By **Roger Clark** of The Clark Law Group

Law Practice**It's time to match lawyers who need work with clients who can most benefit**

California will produce almost twice as many attorneys as the labor market will be able to absorb over the next four years. By **Lincoln Ellis** of UCLA School of Law

Entertainment & Sports**Drama at the diamond: the Donnelly pine tar incident of 2005**

One night in baseball history - a dramatic tale akin to the best legal drama. By **Dan Lawton** of Lawton Law Firm

Corporate Counsel**William Niles**

Executive vice president, general counsel and secretary for Ascent Capital Group, Inc. (Denver, CO)

Judicial Profile**Hugh Walker**

Superior Court Judge, Alameda County (Pleasanton)

California Courts of Appeal**Jury instruction remains murky**

A statewide committee is refusing to change a criminal jury instruction that a federal judge criticized last year as being unconstitutional. Even more frustrating to some is that the committee chair now refuses to talk about the reasons.

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