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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF ARIZONA

6

7 Angela Patton,)	Case No.: CV-11-00748-PHX-GMS
8 Plaintiff,)	Amended Complaint
9 vs.)	Hon. G. Murray Snow
10 Phoenix School of Law,)	
11 Defendant)	

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13 INTRODUCTION

- 14 1. In this civil action, Plaintiff alleges that she entered Defendant School of Law as a
15 student with high risk indicators, but entered Plaintiff school without receiving assistance
16 or direction from the Academic Success Group which was geared toward students already
17 on probation or academic alert. There was no program designed to help keep students
18 such as Plaintiff from actually going on probation.
- 19 2. Plaintiff also alleges that while she was unaware of her disability; Phoenix School of
20 Law, due to their targeting of students with lower LSAT's and GPA's, knew or should
21 have known of Plaintiff's learning impairment after requiring her to engage with Phoenix
22 School of Law's Academic Success program on an individual assessment basis for a
23 substantial period of time.
- 24 3. In the alternative, Under the ABA Standards for law schools, standard 303(b) states a
25 law school shall monitor students' academic progress and achievement from the
26

1 beginning of and periodically throughout their studies. Additionally, under interpretation
2 of the ABA 303-3, a law school shall provide the academic support necessary to assure
3 each student a satisfactory opportunity to complete the program, graduate, and become a
4 member of the legal profession. This obligation may require a school to create and
5 maintain a formal academic support program.

- 6 4. Defendant's lack of trained counselors and adequate resources is a clear violation of the
7 duty they assumed by entering into a contract with Plaintiff to provide her with adequate
8 resources to successfully complete the Law School program.
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11 **PARTIES**

12 **Plaintiff**

- 13 5. Plaintiff, is a former student at Defendant School of Law. Plaintiff was academically
14 dismissed for allegedly not being able to achieve a cumulative 2.0 GPA, after requesting
15 accommodations for ADHD.
16

17 **Defendants**

- 18 6. Phoenix School of Law LLC, an Arizona limited liability company and subsidiary of
19 Infilaw Law School.

20 **JURISDICTION**

- 21 7. Pursuant to 28 U.S.C. §1441 (a)-(b), and removal of this civil action from Superior Court,
22 this court has jurisdiction over federal law claims under the rules set forth by the
23 Americans with Disabilities Act.
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ALLEGATIONS

- 1
2 8. Defendant School of Law failed to monitor plaintiff's progress at the beginning of and
3 periodically throughout her studies. If Defendant School of Law had properly monitored
4 Plaintiff as required by the ABA, Defendant would have been able to reasonably identify
5 Plaintiff's learning impairment or provide Plaintiff with substantial feedback to seek out a
6 diagnosis on her own.
- 7
8 9. Defendant School of Law failed to provide the academic support necessary to assure
9 Plaintiff a satisfactory opportunity to complete the program, even when Plaintiff was
10 made aware of a learning impairment.
- 11 10. Defendant Law School was put on notice by a report prepared by the Former Chair, for
12 the Section on Academic Support Programs, for the American Association of Law
13 Schools, Rodney O. Fong titled "Academic Success and Bar Passage Programs at Infilaw
14 Law Schools," where Mr. Fong indicated in the report prepared specifically for Phoenix
15 School of Law, that the Academic Success Counselors, should "look for cues and clues as
16 to why the student did not understand it (concepts) in the first place."
- 17
18 11. Defendant School of Law was placed on a heightened sense of awareness when in the
19 report prepared by Mr. Fong, he recommended in a separate heading in all caps titled
20 "STUDENTS WITH DISABILITIES," that Defendant School of Law "provide training
21 on identifying when students may need to get tested for disabilities." After working with
22 the Plaintiff for a year, the Acting Director of Academic Success, Kim Erikson, who was
23 plaintiff's assigned academic success counselor, should have reasonably known of
24 Plaintiff's learning impairment, or in the least recommended Plaintiff get testing.
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12. Defendant School of Law was also placed on notice in the report created by Mr. Fong, that their Academic Success Program would not be able to “maintain the quality of services” if based off the anticipated growth of the student body, the Academic Success team did not “expand accordingly.” The Defendant School of Law did not nor do they currently have enough academic counselors in place to adequately support the student body.

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13. Defendant School of Law commonly hires counselors who have no experience, education or training, providing academic success counseling or services to learning impaired, minority or at-risk students.

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14. Defendant School of Law was placed on notice as a result of Mr. Fong’s report, (upon information and belief was prepared in 2009), the Fall Semester Plaintiff entered Defendant Law School, that “ 7% of 1L’s on probation,” and “38% o f the probationary students were minority.” Mr. Fong’s report also indicated that “the institution is not conducive to minority students performing well.” Plaintiff is a learning impaired, minority student, with high risk indicators and should have received individualized assessments upon acceptance to law school. The report further indicated that the “ASP team should work with the faculty to find ways to identify “at risk” students early, possibly using formative assessment. Waiting for the release of first semester grades may be too late for some students.” Upon completion of her first semester of law school and being placed on probation, Plaintiff should have also received individualized assessments, as such assessments, according to the same report are key to the “ability to accurately and quickly diagnose a student’s problem is key to ASP/BPP.”

- 1 15. Instead, at the start of her law school career, Plaintiff was placed in a Lawyering Process
2 I. Course, designed to help students learn to do legal writing, with a Professor the school
3 had already received complaints about from other students. Plaintiff received a "D" in
4 the Lawyering Process I. course . After more complaints came in regarding the professor,
5 Plaintiff was called into a meeting by the Acting Dean, (Woodley) to discuss the
6 effectiveness of the professor's teaching. Plaintiff requested to be removed from the
7 class but was placed back in the class for part II of the course. Defendant was aware of
8 the low risk indicators of Plaintiff and should have placed her in a Lawyering Process I &
9 II course with a strong Legal Writing Professor, not someone whom they were already
10 having concerns about, in particular, her treatment of minority students and her
11 competence as a professor. After Plaintiff was forced to remain with the same professor
12 in the Lawyering Process II course, the professor was demoted to the status of writing
13 coach at the completion of the course.
- 14
- 15 16. Defendant failed in their duty to insure the success of the Plaintiff by requiring her to
16 participate in an Academic Success Program of which the Defendant School of Law
17 knew was incompetent and operated ineffectively. By doing so, this required Plaintiff to
18 spend a substantial amount of unfruitful time.
- 19
- 20 17. Defendant was obligated under ADA to provide Plaintiff with accommodations, because
21 they knew or should have known of her disability after requiring her to have a substantial
22 number of weekly meetings within their own Academic Success Program.
- 23
- 24 18. Defendant School of Law was under a duty to ensure the quality of the substantial
25 number of weekly meetings Plaintiff was required to attend, and to perform intensive
26 assessments that would have led to the identification of Plaintiff's learning impairment.

1 19. Defendant's failure to provide Plaintiff with accommodations resulted in her being
2 excluded, denied services, and treated differently than similarly situated students without
3 her disability.

4 20. The Defendant's discriminatory acts taken against Plaintiff constitute a continuing
5 violation of the ADA; this discrimination has continued against Plaintiff to the present
6 day by continuing to deny her access to a legal education at Defendant School of Law.
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8 **CLAIM FOR RELIEF**
9 **VIOLATION OF THE ADA**

10 21. Plaintiffs re-allege and incorporate all of the allegations contained in the previous
11 paragraphs of this complaint as though fully set forth herein.

12 22. Defendant School of Law violated the ADA 42 U.S.C. § 12101 et seq., by
13 discriminating against Plaintiff due to her disability. Defendant School of Law
14 discriminated against Plaintiff by denying her reasonable accommodations, and
15 modifications to the academic policy, thereby entitling Plaintiff to injunctive relief
16 pursuant to 42 U.S.C. §121888(a)(1).
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18 **PRAYER FOR RELIEF**

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20 WHEREFORE, Plaintiff respectfully request the following relief:

- 21 A. Permanent Injunctive relief prohibiting Defendant and its officials, employees, and agents
22 from denying her the opportunity to complete her studies;
- 23 B. Reinstatement under her classification as a 2nd year law school student and,
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25 C. Any such other and further relief as the Court deems equitable, just, and proper.
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1 Respectfully submitted,

2 Dated this 20th day of June 2011.

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5 Angela Patton Pro Per

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8 I hereby certify I delivered the ORIGINAL on the 20th day of June 2011,

9 TO:

10
11 United States District Court

12 District of Arizona

13 Filing Counter - CLERK OF THE COURT

14 401 West Washington St., STE. 130

15 Phoenix, AZ 85003

16
17 I further certify a copy was sent via First Class mail, postage prepaid to :

18 David Schwartz
19 30 West First Street
20 Mesa, Arizona, 85201

21 Attorney for Defendant's
22
23
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