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ANNA ALABURDA

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

ANNA ALABURDA, an individual, on behalf of herself and all others similarly situated,

Plaintiffs,

v.

THOMAS JEFFERSON SCHOOL OF LAW, and DOES 1 through 100,

Defendants.

CASE NO.

COMPLAINT FOR:

(1) UNFAIR BUSINESS PRACTICES (BUS. & PROF. CODE § 17200 ET SEQ.);

(2) VIOLATION OF THE FALSE ADVERTISING ACT (BUS. & PROF. CODE § 17500 ET. SEQ.);

(3) INTENTIONAL FRAUD

(4) VIOLATION OF THE CONSUMER LEGAL REMEDIES ACT (CIV. CODE § 1750 ET. SEQ.); AND

(5) NEGLIGENT MISREPRESENTATION

DEMAND FOR JURY TRIAL

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NATURE OF THE ACTION

1. This dispute arises out of the fraudulent and deceptive business practices of Defendant Thomas Jefferson School of Law ("TJSL"). For more than 15 years, TJSL has churned out law school graduates, many of whom have little or no hope of working as attorneys at any point in their careers.

2. TJSL's average student indebtedness, more than $135,000, is among the highest in the nation. And its bar passage is consistently lower than 50 percent, well below the average in California.

3. In order to attract students despite these dismal figures, TJSL has adopted a practice of misrepresenting its post-graduation employment statistics. For instance, during a deep economic recession affecting the legal industry on a widespread basis, TJSL reports that the median salary of its graduates has remained constant between 2006 and 2011 (even though the average salary of attorneys nationwide has seen a dramatic decline in recent years).

4. Moreover, TJSL misleads students by advertising post-graduation employment rates that typically exceed 70 percent, and that topped 90 percent in 2010. TJSL, though, conceals the fact that these figures include part time employment, as well as non law-related positions (i.e., a TJSL student will be considered employed after graduation if he works as a part time waiter or convenience store clerk). Prospective students are led to believe that they will be hired as full time attorneys when they graduate, even though that is frequently not the case.

5. There is no reason for TJSL to present a figure concerning the percentage of graduates who are employed *in any position* (including part time and non law-related positions) other than to mislead prospective students.

6. TJSL knows that these statistics are widely reported by U.S. News & World Report's "Best Graduate Schools" annual edition, which is reviewed by the bulk of prospective law school students and is considered to be the authority on law school rankings. TJSL also reports these misleading figures in one form or another on its website and in its marketing brochures.

7. Plaintiff Anna Alaburda ("Plaintiff") graduated from TJSL in 2008 with more than

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$150,000 in student loan debt. Since then, Plaintiff has been unable to secure a full time job as an attorney that pays more than non-legal jobs that are available to her, even though she graduated with honors from TJSL. Plaintiff would not have attended TJSL and incurred more than $150,000 in school loans if she knew the truth about her job prospects upon graduation.

8. At the end of the day, TJSL is more concerned with raking in millions of dollars in tuition and fees than educating and training its students. The disservice TJSL is doing to its students and society generally is readily apparent. Many TJSL graduates will never be offered work as attorneys or otherwise be in a position to profit from their law school education. And they will be forced to repay hundreds of thousands of dollars in school loans that are nearly impossible to discharge, even in bankruptcy.

9. This lawsuit seeks damages and restitution exceeding $50,000,000 and injunctive relief stemming from TJSL's fraudulent and unlawful conduct.

PARTIES AND JURISDICTION

10. As used herein, the term "Plaintiff" includes Anna Alaburda, who is the named Plaintiff Class Representative.

11. The term "the Class" includes Plaintiff and all class members.

12. Plaintiff is an individual residing in California. Each of the other members of the Class is an individual.

13. TJSL is a privately-held educational institution with its principal place of business in San Diego, California.

14. The jurisdiction and venue of this action within the Superior Court of the State of California for the County of San Diego is proper because the causes of action alleged herein, and many of the activities and conduct giving rise to the ensuing causes of action, substantially occurred in San Diego County, California.

15. The Plaintiff and the Class are all identifiable, similarly situated persons who are or were law students at TJSL.

16. Plaintiffs are ignorant of the true names, capacities, relationships and extent of participation in the conduct herein alleged, of the Defendants sued herein as DOES 1 through 100,

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inclusive, but on information and belief allege that said Defendants are legally responsible to reimburse Plaintiff and the Class for expenditures or losses they incurred and therefore sue the Defendants by such fictitious names. Plaintiff will amend this complaint to allege the true names and capacities of the DOE Defendants when ascertained.

FACTUAL BACKGROUND

Recent Increases in Law School Attendance and Future Competition for Jobs

17. Law schools are cranking out graduates at an unprecedented rate. The number of students taking the law school entrance examination (LSAT) increased 20.5 percent between 2007 and 2009.[1] And the total number of law schools has increased nine percent from a decade earlier.[2]

18. Law schools awarded more than 43,000 law school degrees last year, an increase of 11 percent from a decade earlier.[3]

19. Meanwhile, since 2008, 15,000 attorney and staff jobs have disappeared.[4]

Misreporting Statistics Has Become the Norm at Many Law Schools Nationwide

20. In order to attract larger numbers of prospective students, law schools nationwide have adopted the practice of inflating statistics and presenting misleading figures to U.S. News & World Report, as well as the American Bar Association ("ABA"). Students are unaware that these statistics are false and misleading, and they frequently rely on the false statistics in deciding which law school to attend.

21. The pressure to maintain or boost a given law school's ranking in U.S. News & World Report is substantial. Indeed, "striving for a high U.S. News ranking consumes the bulk of the marketing budget of a vast number of schools."[5]

22. The Dean at Villanova Law School recently admitted that the law school "knowingly

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[1] Anna Stolley Persky, *Law School? Bag It, Bloggers Say*, ABA JOURNAL, Feb. 1, 2011, http://www.abajournal.com/magazine/article/law_school_bag_it_bloggers_say/.

[2] *Id.*

[3] *Id.*

[4] David Segal, *Is Law School a Losing Game*, N.Y. TIMES, Jan. 8, 2011, http://www.nytimes.com/2011/01/09/business/09law.html.

[5] David Segal, *Law Students Lose the Grant Game as Schools Win*, N.Y. TIMES, Apr. 30, 2011, http://www.nytimes.com/2011/05/01/business/law-school-grants.html.

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reported" false and inaccurate information to the American Bar Association, which may have included false LSAT scores and median grade point averages of entering students.

23. In 2011, the Dean of Emory Law School immediately stepped down after the school fell in the U.S. News & World Report rankings by eight slots (he has denied any correlation between the rankings and his resignation).[6]

24. Indeed, there have been reports of law schools: (1) hiring unemployed students around the time that the law school needs to report its employment statistics; (2) strategically shifting students from full time to part time in order to avoid reporting their grades and entrance examination scores; and (3) accepting students late in the academic year (after the law schools have reported the grades and examination scores of their incoming class). These practices are undertaken in order to manipulate the law school's statistics and to artificially bolster the law school's rankings.[7]

25. Law schools are also believed to be manipulating post-graduation employment statistics, as well as median salary information for their graduates.

26. "This salary data is being manipulated to provide a much rosier employment picture to prospective law students, which in turn may contribute to the increase in law school enrollment."[8]

27. William Henderson, a law professor at Indiana University stated, with respect to the reporting of law school statistics, that "Enron-type accounting standards have become the norm."[9]

28. According to David N. Yellen, Dean of Loyola University Chicago School of Law, "[e]ven if no one is lying, those statistics are hopelessly misleading to students."[10]

29. Law schools have also come under fire for failing to report statistics regarding the

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[6] Jordan Friedman, *Law School Dean to Step Down After June*, THE EMORY WHEEL, May 5, 2011, http://www.emorywheel.com/detail.php?n=29812.

[7] *Id.*

[8] Molly McDonough, *ABA Young Lawyers Want Law School to Provide Better Jobs, Salary Data Up Front*, ABA JOURNAL, Feb. 13, 2011, http://www.abajournal.com/news/article/aba_young_lawyers_seek_transparency_in_law_school_employment_info/.

[9] Segal, *supra* note 4.

[10] Don DeBenedictis, *ABA Seeks More Law School Transparency*, LA DAILY JOURNAL, Dec. 30, 2010.

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number of students receiving scholarships that are not renewed.[11] Law schools have an incentive to provide scholarships in order to attract students with high grade point averages and high entrance examination scores (factors that are considered by U.S. News & World Report in ranking the law schools), only to withdraw those scholarships after the first year when the students have few options other than to take out thousands of dollars in student loans. This method has been described as a "bait and swtich" as to prospective law students.[12]

Thomas Jefferson School of Law

30. TJSL is a private institution that was established in 1995. It was granted ABA accreditation six years later, in August 2001. TJSL enrolls more than 680 full time students and approximately 270 part time students annually.

31. Tuition at TJSL for the 2010-2011 academic year is $38,700, and room and board is $27,740, bringing the total cost for the academic year to $66,440 (just shy of $200,000 for three years). The total amount of money TJSL receives in tuition each year and/or provides in scholarships is not known at this time. However, if all students enrolled at TJSL paid full tuition in 2011, TJSL would receive more than $34 million for the 2010-2011 academic year.

32. What should students expect in exchange for the hundreds of thousands of dollars of debt they incur in student loans in order to receive a diploma from TJSL? In 2007, TJSL's bar passage was 35.6 percent, among the lowest in the country; and the most recent figures reveal that TJSL's passage rate remains under 50 percent, well below the state average.

33. Despite one of the worst recessions in the legal industry in recent history, TJSL's purported median salary figures have remained nearly constant over the last five years (it is unclear at this time whether these figures are falsified or whether they are simply misleading because so few of TJSL graduates actually work in the legal industry). And enrollment has actually increased

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[11] Segal, *supra* note 6.

[12] *Id.*; Debra Cassens Weiss, *Bait and Switch? Law Schools Gain in US News with Merit Scholarships Conditioned on High Grades*, ABA JOURNAL, May 2, 2011, http://www.abajournal.com/news/article/bait_and_switch_law_schools_gain_in_us_news_with_merit_scholarships_conditi/.

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substantially despite fewer available jobs, from 580 full time students in 2007-2008 to 687 students in 2010-2011. Indeed, TJSL currently accepts almost twice as many students in order to fill its seats than it did five years ago—its acceptance rate in 2007 was 24.1 percent, and in 2010-2011 TJSL accepted 49 percent of its applicants. TJSL is taking on more students every year in order to line its own pockets, without regard to whether those students will benefit in any way from their law school education or otherwise have an opportunity to work as attorneys.

34. TJSL's average student indebtedness in 2010-2011 was $137,352, which is among the highest in the nation (by comparison, Stanford Law School graduates had, on average, $104,424 in indebtedness for the same year). The amount of indebtedness of TJSL students is particularly troubling in light of the fact that—in the vast majority of cases—it is not dischargeable in bankruptcy. TJSL graduates will need to repay their student loans even if they are unable to find employment and become insolvent. It is often the case that TJSL graduates will need to earn more than the average starting salary in order to cover their loan payments.[13]

35. On January 8, 2011, the New York Times published an article entitled "Is Law School A Losing Game?" by David Segal. The article reported that TJSL leads the nation's law schools with 95 percent of students graduating with debt.[14] Additionally, the article focused on a former TJSL student, Michael Wallerstein, who graduated with more than $250,000 in schools loans and has since been forced to accept employment at $10 per hour.[15] Mr. Wallerstein's experience—graduating with tremendous debt and being forced to accept low-wage employment—is common among TJSL students. There is a glaring disparity between the expectations of entering first year law students and recent graduates: students enter law school hoping to work as full time attorneys who will enjoy financial and professional success. Instead, many end up working low-wage jobs while struggling to repay their student loans.

36. TJSL attracts students by making grandiose representations about the campus and

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[13] Jeff Mictabor, *Law School Graduates Awash in Student Loan Debt*, GO ARTICLES.COM (Jan. 28, 2011), http://goarticles.com/article/Law-School-Graduates-Awash-in-Student-Loan-Debt/4092710/.

[14] Segal, *supra* note 4.

[15] *Id.*

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local community like: "San Diego is not only paradise, but offers unmatched legal and economic opportunities in addition to its cultural and recreational advantages"; and "we offer unique, innovative academic success programs and our campus is among the most technologically advanced in the world." These claims are a deliberate effort to distract attention from TJSL's bleak academic and employment statistics.

Thomas Jefferson School of Law Grows While The Market for Attorneys Shrinks

37. Experts and practitioners have been warning students to analyze the current economic conditions before deciding to enroll in law school. "Those considering law school might want to reconsider," said Allen Tanenbaum, chairman of the American Bar Association commission studying the impact of the economic crisis on the legal profession.[16] The Dean of Boston University Law School recently apologized to students for the abysmal job market during a graduation speech.[17]

38. Law schools have reported that on-campus interviews are down by one-third to one-half.[18]

39. One example of the dire market for lawyers involves the Ohio Supreme Court. On January 11, 2011, the Ohio Supreme Court denied a state bar application—i.e., a license to practice law—from a law school graduate on the ground that he lacked a "feasible plan" to satisfy his financial obligation to repay the $170,000 he incurred in law school debt.

40. Richard Matasar, Dean of New York Law School, assailed law schools for "exploiting" students by taking their money knowing that the odds of obtaining a high-paying job in the legal field is a "lottery shot."[19]

41. Unfortunately, prospective law students do not receive the warnings from experts and practitioners in the field. Instead, what they see are the false and misleading statistics that are

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[16] Nathan Koppel, *Bar Raised for Law-Grad Jobs*, WALL ST. J., May 5, 2010, http://www.online.wsj.com/article/SB10001424052748704866204575224350917718446.html.

[17] Peter Lattman, *Law Blog Q&A: Kristin Wolf, Law School Naysayer*, WALL ST. J. L. BLOG (Jan. 16, 2008, 12:03 PM ET), http://blogs.wsj.com/law/2008/01/16/law-blog-qa-kirsten-wolf-law-school-naysayer/.

[18] Gerry Shih, *Downturn Dims Prospects Even at Top Law Schools,* N.Y. TIMES, Aug. 25, 2009, http://www.nytimes.com/2009/08/26/business/26lawyers.html.

[19] Charlotte Allen, *Overselling Law School*, MINDING THE CAMPUS (Feb. 2, 2009), http://www.mindingthecampus.com/forum/2009/02/here_at_minding_the_campus.html.

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disseminated by TJSL and U.S. News & World Report.

42. Notwithstanding the economic recession that has crippled the job market for lawyers in the past years, TJSL has embarked on a campaign to expand its student body. Within the last three years (in the middle of the recession), TJSL increased its enrollment by 17 percent, with more than 680 students enrolled in 2011 (up from 580 students in 2008).

43. TJSL's growth is achieved by saddling its students with debt that many will not be in a position to repay. In fact, in January 2011, TJSL opened its new campus, located in Downtown San Diego. TJSL advertises its 305,000 square foot campus as including an eight story state-of-the art building, 12 classrooms, two recording studios, a student lounge and a "sophisticatedly designed" moot court room. TJSL broke ground on its multi-million dollar new campus at a time when experts were cautioning students to think twice about attending law school.

U.S. News & World Report's "Best Graduate Schools"

44. U.S. News & World Report's "Best Graduate Schools" edition is the nation's leading publication concerning law school rankings. U.S. News & World Report advertises its annual publication as containing "Exclusive Rankings" and it purports to be a "#1 Bestseller." It is marketed to students interested in "finding the right school" and determining "where the jobs are."

45. It has been reported that "unlike other graduate programs, like those for business or medicine, U.S. News' list offers the only comprehensive look at law schools."[20] Law Schools ignore the U.S. News & World Report ranking at their own peril: "Any school that dares to ignore the [U.S. News & World Report] rankings risks a death spiral of rapidly departing employers, students and faculty, leadings to lower ranking and even more problems."[21]

46. On information and belief, U.S. News & World Report obtains its information by sending surveys directly to the law schools, as well as from figures provided by the ABA and the National Association for Law Placement ("NALP"). On information and belief, TJSL provides false

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[20] Sandra Randazzo, *UC Hastings Reveals Rankings Tactics*, LA DAILY JOURNAL, Jan. 5, 2011.

[21] Daniel J. H. Grenwood, *Market Irrationality in the Law School 'Arms Race'*, HUFFINGTON POST (May 6, 2011), http://www.huffingtonpost.com/daniel-j-h-greenwood/market-irrationality-in-t_b_856400.html.

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and inaccurate information directly to U.S. News & World Report with the understanding that the false and inaccurate information will be disseminated to the public.

Thomas Jefferson School of Law's Employment Statistics

47. U.S. News & World Report includes statistics in each of their "Best Graduate School" publications regarding the number of students "employed nine months after graduation." This figure—along with other statistics that purportedly reflect "placement success"—accounts for 20 percent of a law school's ranking in U.S. News & World Report.

48. The figures reported in U.S. News & World Report concerning students "employed nine months after graduation" are false and misleading. In 2006-2007, TJSL reported that 82.9 percent of their graduates were "employed nine months after graduation"; and in the 2011 issue, in the midst of a deep recession in the legal industry, that figure was reported to be 92.1 percent. TJSL has an incentive to misreport its post-graduation employment statistics because inflated figures will result in a higher overall ranking in U.S. News & World Report.

49. TJSL provides these statistics to U.S. News & World Report each year knowing that they will be published and knowing that they are false and misleading. Specifically, these figures suggest that 82.9 percent of graduates were employed in full time, law-related positions in the 2005-2006 academic year; and that 92.1 percent of graduates worked in full time, law-related positions in 2009-2010. In fact, the foregoing figures include part time employment, as well as non law-related employment. In other words, if graduates accept part time employment working as a waiter or a clerk at a convenience store, they are considered to be "employed nine months after graduation." These figures are particularly misleading in light of the fact that 25 percent of graduates from law schools nationwide in 2009 said their jobs were temporary.[22]

50. This trend has been recognized and frowned upon by legislators, including Senator Barbara Boxer, who recently expressed concern that law schools "are not distinguishing between graduates practicing full-time from those working part-time or in non-legal fields."[23]

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[22] Segal, *supra* note 4.

[23] Letter from Barbara Boxer, U.S. Senator, to Stephen N. Zack, American Bar Association

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51. Each year, TJSL provides statistical information to U.S. News & World Report knowing that the information is false and misleading. TJSL benefits from these misrepresentations, as students agree to pay exorbitant fees after they are led to believe they will receive lucrative offers to work at law firms when they graduate (when that is clearly not the case for most TJSL students).

Anna Alaburda, Graduate of TJSL

52. In 2002, Plaintiff graduated with a bachelor's degree from New York University, one of the top undergraduate universities in the country.

53. After reviewing the 2003 edition of U.S. News & World Report "Best Graduate Schools," among others, as well as TJSL's marketing brochures and website, she decided to enroll at TJSL. Plaintiff relied on representations made by TJSL concerning is post-graduation employment rates, including a representation made in the 2003 edition of U.S. News & World Report "Best Graduate Schools," indicating that 80.1 percent of students were "employed nine months after graduation." Plaintiff reasonably interpreted these figures to mean that the vast majority of TJSL graduates would find employment as full time attorneys.

54. Plaintiff passed the bar examination on her first attempt.

55. Plaintiff sent out more than 150 resumes to law firms and practicing attorneys in an effort to obtain full time employment. She received only one job offer—one which was less favorable than non-law related jobs that were available to her.

56. Plaintiff graduated from TJSL in 2008 with more than $150,000 in school loans, some of which require repayment at interest rates exceeding eight percent.

57. Plaintiff has never been employed as a full time, salaried attorney since graduating from TJSL.

58. Instead, Plaintiff has been forced to seek part time and contract work reviewing documents for law firms. Plaintiff's employment has been inconsistent since graduation, and she has been employed on a project-by-project basis. She has spent considerable time working with

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President (Mar. 31, 2011), *available at* http://abovethelaw.com/2011/03/watch-out-law-schools-united-states-senators-want-you-to-stop-lying/.

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recruiters and headhunters while attempting to locate new projects.

59. Plaintiff has spent weeks and sometimes months looking for employment, notwithstanding the fact that she graduated with honors from TJSL.

60. On many occasions, Plaintiff was informed by employers that they do not hire graduates of TJSL and that the law school's reputation in the legal industry is well below average. Plaintiff's experience is typical of many graduates of TJSL.

61. Plaintiff has been forced to accept work in non-legal positions, a situation common to many TJSL graduates. Plaintiff is not optimistic that she will work as a full time attorney at any point in her career.

CLASS ACTION ALLEGATIONS

62. Plaintiff brings this action on behalf of herself and all others similarly situated as a class action pursuant to section 382 of the Code of Civil Procedure. Plaintiff seeks to represent a class composed of and defined as follows:

All persons who attended TJSL within the statutory period.

63. Plaintiff reserves the right under Rule 3.674, California Rules of Court, to amend or modify the class description with greater specificity or further division into subclasses or limitation to particular issues.

64. This action has been brought and may properly be maintained as a class action under the provisions of section 382 of the Code of Civil Procedure because there is a well-defined community of interest in the litigation and the proposed Class is easily ascertainable.

A. Numerosity

65. The potential members of the Class as defined are so numerous that joinder of all of the members of the Class is impracticable. The precise number of Class Members has not been determined at this time, but is believed to be in excess of 2,300 individuals.

66. Upon information and belief, Plaintiff alleges Defendant's internal records will provide information as to the number and location of all Class Members. Joinder of all members of the proposed Class is not practicable.

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B. **Commonality**

67. Plaintiff's claims are typical of claims of the Class in that:

(a) Plaintiff was enrolled in law school at TJSL;

(b) Plaintiff was induced to enroll at TJSL by uniform affirmative misrepresentations and acts of concealment concerning TJSL's post-graduation employment rates;

(c) Plaintiff and the Class Members were damaged by the same wrongful conduct of TJSL; and

(d) The relief sought is common to the Class.

68. Questions of law and fact common to the Class that predominate over any questions affecting only individual Class Members. These common questions of law and fact include, among others:

(a) Whether TJSL misrepresented material information to Plaintiff and the Class;

(b) Whether TJSL had a duty to disclose and failed to disclose material facts to Plaintiff and the Class;

(c) Whether TJSL violated section 17200 et seq. of the Business and Professions Code, by engaging in unlawful business practices;

(d) Whether TJSL engaged in deceptive and/or false marketing practices and advertising in violation of section 17500 et seq. of the Business and Professions Code;

(e) Whether Class-wide damages, declaratory and/or injunctive relief is appropriate and, if so, the proper measure of damages, declaratory and/or injunctive relief; and

(f) Whether Plaintiff and the Class are entitled to equitable relief pursuant to Business and Professions Code section 17200 et seq.

These questions of law or fact are common to the Class and predominate over any other questions affecting only individual Class Members.

69. Plaintiff will fairly and adequately represent the interests of the Class in that:

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(a) Plaintiff is a typical former student of a law degree program offered by TJSL;

(b) Plaintiff was induced to enroll in a law degree program offered by TJSL through deceptive marketing and/or unfair business practices; and

(c) Plaintiff has no conflicts with any other member of the Class.

70. Plaintiff has retained competent counsel experienced in class action litigation.

71. A class is superior to the alternatives, if any, for the fair and efficient adjudication of this controversy.

72. Prosecution of separate actions by individual members of the Class would create the risk of inconsistent or varying adjudications, establishing incompatible standards of conduct for the TJSL.

73. Injunctive relief is appropriate as to the Class as a whole because TJSL has acted or refused to act on grounds generally applicable to the Classes.

FIRST CAUSE OF ACTION

(Against TJSL for Violation of Business & Professions Code § 17200 et seq.)

74. Plaintiff incorporates by reference each and every previous and subsequent paragraph as though set forth fully herein.

75. The Unfair Competition Law ("UCL") prohibits "unfair competition," which is defined by Business and Professions Code section 17200 as including "any unlawful, unfair or fraudulent business act or practice. . . ." The UCL also provides for injunctive relief and restitution for violations.

76. The material misrepresentations and acts of concealment by TJSL are unlawful, unfair and fraudulent business practices prohibited by the UCL.

77. The harm to Plaintiff and the Class outweighs the utility of TJSL's practices.

78. TJSL's deceptive conduct has misled the public in the past and will continue to mislead the public in the future. TJSL's practices constitute a fraudulent business practice within the meaning of the UCL.

79. As a direct and proximate result of the acts and practices alleged above, Plaintiff and members of the Class and the general public who enrolled in TJSL have been injured.

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80. TJSL's unlawful, fraudulent and unfair business practices, as described above, present a continuing threat to members of the Class and of the general public, in that TJSL is continuing, and will continue, unless enjoined, to commit violations of Business and Professions Code section 17200 et seq.

81. Under this cause of action and pursuant to Business and Professions Code section 17200 et seq., Plaintiff and members of the Class seek restitution and are entitled to restitution in an amount according to proof, as well as preliminary and permanent injunctive relief against TJSL's acts and practices. Plaintiff further seeks reimbursement of her attorney's fees pursuant to Civil Procedure Code section 1021.5.

SECOND CAUSE OF ACTION

(Against TJSL for Violation of Business & Professions Code § 17500 et seq.)

82. Plaintiff incorporates by reference each and every previous and subsequent paragraph as though set forth fully herein.

83. The False Advertising Act makes it is unlawful to "make or disseminate or cause to be made or disseminated before the public [a statement] which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading" with the intent to "induce the public to enter into any obligation relating thereto." Such statements include statements made through "any advertising device," including "over the Internet."

84. Under Business & Professions Code section 17500 et seq., Plaintiff is entitled to enjoin TJSL's wrongful practices and to obtain restitution for the monies paid to TJSL by reason of TJSL's unlawful, unfair, and/or deceptive acts and practices.

85. TJSL violated Business & Professions Code section 17500 et seq. by making or disseminating or causing to be made or disseminated false and misleading statements in U.S. News & World Report's "Best Graduate Schools" publication, on its website, and in its marketing brochures.

86. These misleading statements concerned post-graduation employment statistics, among others. These false and misleading statements were made with the intent to induce the general public, including Plaintiff and the Class, to enroll at TJSL.

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87. Plaintiff and the Classes did in fact rely on these false and misleading statements when deciding to enroll in TJSL. These false misleading statements would and did mislead members of the public.

88. As a direct and proximate result of the acts and practices alleged above, members of the Class and the general public who enrolled in and/or attended classes at TJSL have been injured. This Court is empowered to, and should, order restitution to all persons from whom TJSL unfairly and/or unlawfully took money.

89. TJSL's unlawful and false and misleading advertising, as described above, presents a continuing threat to members of the Class and the general public, in that TJSL is continuing, and will continue, unless enjoined, to commit violations of Business & Professions Code section 17500 et seq. This Court is empowered to, and should, grant preliminary and permanent injunctive relief against such acts and practices. Plaintiff further seeks reimbursement of her attorney's fees pursuant to Civil Procedure Code section 1021.5.

THIRD CAUSE OF ACTION

(Against TJSL for Fraud)

90. Plaintiff incorporates by reference each and every previous and subsequent paragraph as though set forth fully herein.

91. As part of its fraudulent marketing program, TJSL engaged in a pattern and practice of knowingly and intentionally making numerous false representations of material fact, and material omissions, with the intent to deceive and/or induce reliance by Plaintiff and the Class.

92. Plaintiff and the Class did in fact justifiably rely on these misrepresentations and omissions, resulting in substantial damage to Plaintiff and the Class. Specifically, Plaintiff reviewed and relied on the post-graduation employment statistics reflected in the 2003 U.S. News & World Report "Best Graduate Schools" edition, among others, before deciding to enroll at TJSL. Plaintiff relied on subsequent editions of U.S. News & World Report "Best Graduate Schools" in deciding to continue with her studies at TJSL.

93. TJSL induced Plaintiff and the Class to enroll at TJSL by making one or more, or in many cases all, of the following false and fraudulent misrepresentations of fact to Plaintiff and the

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Class:

(a) that between 72 and 92 percent of TJSL graduates would find work as full time attorneys; and

(b) that between 72 and 92 percent of TJSL graduates would find work in the legal industry.

94. TJSL also induced Plaintiff and the Class to enroll by making the following uniform false and fraudulent misrepresentations regarding its employment statistics to U.S. World News & Report, knowing that U.S. World News & Report would repeat the false and misleading information and that Plaintiff and the Class would rely on and act on it:

(a) in the 2003 edition of U.S. World News & Report, 80.1 percent of TJSL students were also employed within nine months of graduation;

(b) in the 2004 edition of U.S. World News & Report, 80.1 percent of TJSL students were employed within nine months of graduation;

(c) in the 2005 edition of U.S. World News & Report, 56.4 percent of TJSL students were employed within nine months of graduation;

(d) in the 2006 edition of U.S. World News & Report, 77.0 percent of TJSL students were employed within nine months of graduation;

(e) in the 2007 edition of U.S. World News & Report, 82.9 percent of TJSL students were employed within nine months of graduation;

(f) in the 2008 edition of U.S. World News & Report, 64.7 percent of TJSL students were employed within nine months of graduation; and

(g) in the 2009 edition of U.S. World News & Report, 80.0 percent of TJSL students were employed within nine months of graduation;

(h) in the 2010 edition of U.S. World News & Report, 86.7 percent of TJSL students were employed within nine months of graduation;

(i) in the 2011 edition of U.S. World News & Report, 92.1 percent of TJSL students were employed within nine months of graduation; and

(j) in the 2012 edition of U.S. World News & Report, 72.7 percent of TJSL

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students were employed within nine months of graduation.

95. Plaintiff reasonably relied on the 2003 edition of U.S. World News & World Report "Best Graduates Schools," among others, in deciding whether to enroll at TJSL.

96. In addition, Plaintiff and the Class have reasonably relied on consumer information located on TJSL's school website, including, but not limited to the following representation made by TJSL:

(a) 86.4 percent of law students from TJSL's Class of 2008 are employed;

(b) 84.7 percent of law students from TJSL's Class of 2009 are employed; and

(c) Although TJSL's website currently contains information for 2008 and 2009 exclusively, the website contained similarly false and inaccurate information in previous years as well.

97. Plaintiff continued to rely on subsequent editions of U.S. News & World Report "Best Graduate Schools" in deciding to continue with her studies at TJSL, including those specified in Paragraph 94, above.

98. The foregoing statistics were false, misleading, and intentionally designed to deceive all who read them.

99. The representations set forth above were part of a common scheme or plan and a pattern or practice conceived and executed by TJSL over the course of the entire statutory period.

100. TJSL knew that these misrepresentations were false when made, and made them with the intent to induce Plaintiffs and the Class to rely upon them.

101. In addition, TJSL occupied a fiduciary position as educators, and owed a heightened duty to Plaintiffs and the Class to act in good faith and with full candor and honesty. Plaintiff is also informed and believes that many of the staff and faculty members of TJSL are attorneys and/or members of the California State Bar and therefore have ethical responsibilities as to students at TJSL. TJSL breached these fiduciary duties and duties of good faith, candor, and disclosure by omitting to disclose material facts alleged above to Plaintiff and the Class.

102. Plaintiff and the Class were, at all relevant times, ignorant of the true facts. Plaintiff and the Class only discovered that TJSL had a policy and practice of misrepresenting its post-

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graduation employment statistics on or after January 2011 when the New York Times published an article disclosing TJSL's fraudulent practices.

103. Accordingly, Plaintiff and each member of the Class have been damaged. Plaintiff would not have enrolled at TJSL—and consequently would not have incurred $150,000 in school loans—but for TJSL's false and misleading statements. Plaintiff has been damaged in the amount of at least $150,000. The Class has been damaged in an amount that exceeds $50,000,000, which represents tuition and other fees that were paid in reliance on TJSL's false and misleading statements.

104. TJSL's herein-alleged wrongful acts and omissions, and each of them, were knowingly, willfully, intentionally, maliciously, oppressively, and fraudulently undertaken with the express purpose and intention of defrauding Plaintiff and the Class, and each of them, all to the substantial financial benefit of TJSL. As a result, Plaintiff and the Classes are entitled to punitive damages.

FOURTH CAUSE OF ACTION

(Against TJSL for Violation of the Consumer Legal Remedies Act)

105. Plaintiff incorporates by reference each and every previous and subsequent paragraph as though set forth fully herein.

106. Under California Civil Code section 1750 et seq., Plaintiff is entitled to enjoin TJSL's wrongful practices by reason of TJSL's unlawful, unfair, and/or deceptive acts and practices.

107. The Consumer Legal Remedies Act prohibits unfair methods of competition and unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or which results in the sale of goods and services.

108. TJSL violated the Consumer Legal Remedies Act by misrepresenting to Plaintiff and members of the Class TJSL's post-graduation employment rates.

109. TJSL's unlawful and unfair business acts and practices, and unfair, deceptive, untrue, and misleading advertising, as described above, present a continuing threat to Plaintiff, members of the Class and members of the general public, in that TJSL continues to mislead prospective students into enrolling in law school in violation of the Consumer Legal Remedies Act. This Court is

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empowered to, and should, grant preliminary and permanent injunctive relief against such acts and practices.

110. By reason of the above-described violations of the Consumer Legal Remedies Act, Plaintiff and each member of the Class has suffered damages in an amount to be proven at trial.

111. This Complaint constitutes written notice, as required by Civil Code section 1782, to Defendants regarding the above-described violations of the Consumer Legal Remedies Act. By this notice, Plaintiff and the Class demand that TJS remedy the above-referenced violations within 30 from receipt of this Complaint.

112. If TJSL fails to cure the above-referenced violations within 30 days from receipt of the Complaint, it will be amended to reflect that fact.

FIFTH CAUSE OF ACTION

(Against TJSL for Negligent Misrepresentation)

113. Plaintiff incorporates each every previous and subsequent paragraph as though set forth fully herein.

114. TJSL made uniform and identical material written representations regarding students' post-graduation employment rates. TJSL also omitted to disclose the material facts alleged herein. When TJSL made these representations and omissions, TJSL had no reasonable grounds for believing them to be true.

115. Plaintiff and each member of the Class relied on these negligent representations before enrolling at TJSL and relied on these misrepresentations in deciding to so enroll.

116. At the time TJSL made the misrepresentations discussed above, Plaintiff and the members of the Class were ignorant of the true facts. Had they known the true facts, Plaintiff and the members of the Class would not have enrolled at TJSL.

117. As a proximate result of TJSL's negligent conduct, Plaintiff and members of the Class have been damaged in an amount in excess of this Court's jurisdiction, the exact amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against TJSL and the DOES 1-100 as follows:

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1. For compensatory damages in an amount to be proven at trial, but believed to be in excess of $50,000,000;
2. For restitution in an amount to be proven at trial, but believed to be in excess of $50,000,000;
3. For disgorgement of all profits obtained by TJSL as a result of its unfair and fraudulent business practices;
4. For punitive damages;
5. For injunctive relief enjoining, preliminarily and permanently, TJSL from continuing the unlawful conduct alleged herein;
6. For attorney's fees and costs of suit herein incurred pursuant Code of Civil Procedure section 1021.5;
7. For prejudgment interest pursuant to section 3287 of the Civil Code; and
8. For such other and further relief as the Court may deem proper.

DATED: May 26, 2011 MILLER BARONDESS, LLP

By: _____
Brian Procel
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

By its undersigned attorney, Plaintiff hereby demands trial by jury.

DATED: May 26, 2011 MILLER BARONDESS, LLP

By: _____
Brian Procel
Attorneys for Plaintiff
Anna Alaburda

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