



The State Bar *of California*

**OPEN SESSION
AGENDA ITEM
JANUARY 2020
COMMITTEE OF BAR EXAMINERS ITEM O-404**

DATE: January 31, 2020

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst

SUBJECT: Action on Request for Major Change – Trinity Law School Online J.D. Program

BACKGROUND

Trinity Law School (Trinity) has filed the attached Major Change Request, in conformity with Rules 4.164 and 4.165, seeking permission from the Committee of Bar Examiners (Committee) to offer a fully online J.D. program in addition to its fixed facility classroom program.

Historically, law schools accredited by the State Bar of California were limited to offering no more than twelve online credits as part of a student's J.D. program. Since 2015, Trinity has offered some of its credits online, but no more than twelve.

In May 2019, the State Bar of California Board of Trustees ratified and released amended Rules and Guidelines allowing accredited law schools to use the Major Change process to seek permission to deliver their J.D. programs fully online, in a hybrid online/classroom format, or via fixed facility classroom.

Pursuant to Rules 4.164 and 4.165 a major change request "must explain in detail any effect the change might have on the law school's compliance with the rules." When a law school increases its online offerings, it must maintain compliance with all of the Rules for Accredited Law Schools (Rules) and Guidelines for Accredited Law School Rules (Guidelines), including those Rules and Guidelines related to Academic and Scholastic Standards, and establish that the law school has the infrastructure and capacity to support the change.

DISCUSSION

History

Trinity is a State Bar accredited law school located in Irvine, California. Trinity is one of four schools that are part of Trinity International University (TIU), whose main campus is located in Deerfield, Illinois. The law school began operation in 1980 as the Simon Greenleaf School of Law. Trinity International University acquired the school in 1996 and the Committee of Bar Examiners first accredited the school in 1998. The school was last inspected in 2015, and the inspection report was positive. The school's Minimum, Cumulative Bar Passage Rate is above forty percent: its 2018 MPR was 44.6 percent, while its most recent MPR in 2019 was 44.7 percent. During the July 2019 California Bar Examination, the school's pass rate for that single examination was seventeen percent, which is sufficient to keep the school on track to report a compliant MPR in July yet again.

Trinity's parent university has significant experience with online education

The TIU system offers online degree programs in other disciplines, and therefore has both technical experience and instructional experience in delivering online education. The school will leverage this experience and infrastructure through a process coordinated by the recently hired Director of Online Programs. In addition, since 2015, Trinity has offered several law school courses online with positive results.

Trinity's proposed online J.D. program

Trinity will offer each core course in both a classroom version and an online version. Each version will have its own professor. At the start of the term, students will choose whether to attend the classroom version or the online version, and they will attend their chosen section for the full term. Online courses will generally alternate one live online lecture with one taped lecture for which participation is tracked.

Trinity's online courses have been created through collaboration between the Director of Online Programs and subject matter experts, and this process will be used in the future as well. The process was guided by the best practices described in a number of key online learning treatises as well as the school's participation in online learning working groups. The online class sections will use a combination of live lectures, recorded lectures that track the time during which the student is engaged with those lectures, interim assessments, and examinations.

The school will introduce the online courses gradually, year by year. Electives will be taught online or in the classroom, depending upon the nature of the course and the interest expressed.

Trinity's online J.D. proposal complies with the Rules and Guidelines

The school's proposed online J.D. program includes the required number of hours, properly verified, as well as the opportunity to take at least fifteen hours of practical skills training.

The school appears capable of implementing its plan because it has been offering several online courses successfully since 2015, and it has access to its parent university's technology and experience with online degrees, an online library, and sufficient financial resources to carry out the program. The school has also taken a number of optional steps to further ensure that the courses use current industry best practices, incorporate more frequent student feedback than would be possible in classroom courses, and include an unusually wide range of practice skills opportunities. Key points of the proposal are summarized below.

The program complies with Guidelines 6 and 7 applicable to the format of online education

Under Division 6, Academic Program Guidelines, Trinity "must maintain a qualitatively and quantitatively sound program of legal education" that includes at least twelve hundred hours of verified academic engagement. This translates to eighty credits, with each credit requiring at least fifteen hours of verified academic engagement plus thirty estimated hours of preparation. (Guideline 6.5 A-B)) Neither preparation nor untracked homework time are included in the twelve hundred hour total. Trinity's J.D. program requires ninety credits and thirteen hundred and fifty verified hours of engagement. The time and effort required for each credit has been evaluated and verified by experienced faculty.

Under Division 7's Scholastic Standards, verification of at least twelve hundred hours of academic engagement must be conducted via reliable means. (Guideline 7.11) Trinity will continue to take attendance to verify classroom attendance for fixed facility students. The school will verify online academic engagement using the standard time tracking functions embedded within their commercial education package. The school currently uses Moodle, but will soon transition to Canvas because it offers more features that the school prefers. These programs record all of a student's time spent attending live or taped online lectures or participating in interactive exercises. Examinations will be proctored on campus for those who live within fifty miles or via electronic monitoring for remote students.

The proposed online J.D. program provides the required opportunity to offer fifteen hours of practice-based skills

As part of the J.D. program's 1200 hours of verified academic engagement, "[a] law school must provide the opportunity for students in the J.D. degree program to complete a minimum of fifteen (15) units of practice-based skills and competency training. (Rule 4.160(F), Guideline 6.9(A)(1))

Trinity's curriculum will offer the required number of units to both its fixed facility students and classroom students. Trinity's required curriculum already includes nine units of practice-based skills.

Students can earn additional credits by selecting from a variety of electives, internships, and clinical experiences to have the opportunity to earn fifteen hours of practice-based skills credits. Options include law review and moot court. Students will also be able to propose internships in their local communities. Currently, classroom students are already required to seek out their own internship opportunities independently, so the procedure will be the same for online students.

Students can also participate in clinics on campus at the school throughout the year or through an intensive clinic experience over the summer. The school is also exploring ways to adapt its civil rights drafting clinic for distance students.

The school will support the program with a compliant library, financing, and infrastructure

The school must also have adequate infrastructure, including an appropriate library, technical infrastructure, and sufficient financial resources, to implement the required changes. Trinity appears to have all three.

Division 8 Library Requirements will be fulfilled by making either physical or electronic volumes available to the students. Here, Trinity has already transitioned to an online library available to all students. Students will still learn research techniques as part of their Legal Research class as required under Guideline 8.3.

Division 9 Physical [and Infrastructure] Resources will also be compliant when the school adds an online J.D. program. The school's educational delivery platform has been used successfully at the law school for a limited number of courses since 2015, and has been used more widely for other degrees outside of the law school. Because the school's parent university already offers other online degree programs, the university is "proficient in dealing with students remotely" for administrative purposes, office hours, and counseling.

The law school has surveyed professors and students involved in its current online classes. Students report equal satisfaction and comprehension in the fixed facility courses and the online courses. Professors report that students' written work and comprehension of statutory analysis in the online sections is stronger and participation in academic support programs is more consistent when offered online.

Division 10 Financial Resources must be "adequate . . . to support [the school's] programs and operations . . . including all services it claims to provide." Here, while the school's projection for enrollment is modest and capped at twenty-five students per class so far, because the school has already invested in the technology platform, there is little additional expenditure required, but there is potential to increase revenue.

The school has taken further optional steps to create a successful online program

The school has also taken a number of optional steps to prepare for the successful delivery of an online J.D. program. First, the school hired a Director of Online Programs last year to coordinate the development of all online J.D. courses in partnership with subject matter experts. This Director has access to the resources used to develop TIU's other online courses, as well as benchmarking studies from the American Bar Association. The school is also phasing in the online sections slowly and limiting enrollment to twenty-five students per section, while live classroom lectures can still enroll up to fifty students, making it likely that "class size [will] be reasonable to ensure teaching effectiveness." (Guideline 6.5(N))

RECOMMENDATION

Because Trinity's proposed online program will comply with all Rules and Guidelines, the school's request to add a fully online J.D. program should be approved. With the school's periodic inspection already proposed to take place in 2020, the Committee will receive a comprehensive update on the school's progress within the year.

The school's carefully constructed program will leverage the current approved curriculum plus the enhanced opportunity to offer students more interim feedback throughout the semester as a result of the ease of adding interim assessments to the online courses. The school's technology platform will leverage its parent university's experience in delivering courses and student services.

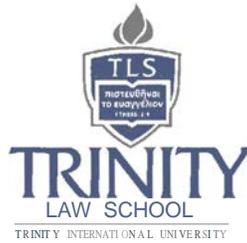
It is recommended that this Major Change request be approved effective immediately. It is further recommended that, within ninety days of Committee approval, the school be required to advise the Committee of the date that it intends to begin offering the online J.D. program and that it provide the Committee with a progress report on the program as part of its 2020 Annual Report.

PROPOSED MOTION

If the Committee agrees with this recommendation, the following motion is suggested:

Move that Trinity Law School's Request for a Major Change allowing a fully online J.D. program be received and filed; that the request be granted effective immediately; that within ninety days of committee approval, the school be required to advise the Committee of the date that it intends to begin offering the online J.D. program; and that as part of the school's 2020 Annual Report, the school should include a progress report regarding the status of the program.

Attachment A: Trinity Law School's Application for Major Change and Addenda – Online J.D. Program



July 22, 2019

Committee of Bar Examiners
State Bar of California
18 Howard Street
San Francisco, CA 94105

RE: Trinity Law School's Notification and Request for Approval of a Major Change Under Rules 4.164 and 4.165-Offering a Fully Online J.D. Degree Program

Dear Committee of Bar Examiners:

Trinity Law School hereby notifies the Committee of Bar Examiners of Trinity's contemplation of a major change, and requests a major change under Rule 4.164 and 4.165 of the Accredited Law School Rules, Title 4, Div. 1. The major change intended is the offering of the entire J.D. curriculum online, that can be completed fully online, in accordance with Guidelines for Accredited Law School Rules, Guideline 7.11. This Guideline was recently amended by the California State Bar to eliminate the prior restriction capping the number of units that could be taught through distance-education to 12 units. Trinity Law School has taught distance-education classes within the 12-unit limit for four years with great effectiveness, and now seeks to offer its entire curriculum through distance-education, in addition to the current in person J.D. program.

Trinity Law School requests approval for offering distance-education for the entire curriculum, commencing in January 2020.

Brief Summary and Background

Trinity Law School has been accredited by the California State Bar since 1998. During that time, the School has demonstrated an ability to provide high quality legal education, which has led to 298 graduates who have become members of the California State Bar.

Trinity has offered online distance-education classes since August 2015. The initial class offered was Property, consisting of six units of instruction offered over two semesters. The class was well received by the students from its initial

offering, and has been offered annually since the initial class offering. Students have had the ability to elect to take the required Property class either through the online program or in person. Students have tended to gravitate to one medium of instruction or the other in roughly equal proportions. Those who enrolled in the online classes have reported that their comprehension of the materials was equal to that of their other in-person classes.

In August 2017, Trinity added an elective class to the curriculum, Nonprofit Organizations. This elective had been offered in person for six years prior to being offered online. This online offering succeeded to the extent that it has been offered exclusively online two times since the initial offering, and is being offered again this Fall. Student feedback has been highly positive to this class, with some students reporting that it was their favorite class in law school. The instructors have reported that there are advantages to distance-education, in that the quality of written work for distance-learning classes appears to generally exceed the written work of in-person classes. We attribute this to the impression by the students that written work is vital to the assessment of their performance in distance-education. In contrast, in-person students may tend to view written assignments as ancillary to in-class performance. Further, instructors report that students' comprehension of statutory analysis is greater in this format than it is in the in-person format, due to the greater amount of time students can spend on detailed critical reading before assessment.

Trinity has offered a program of instruction to students whose applications to the law school demonstrate a need for a strong academic support structure. For these students, a section of classes, called the Flex Program, has provided continuous formative assessment through weekly graded assignments. This approach to instruction was ideally structured for transition to distance-education, and 12 units of these classes, consisting of Contracts I and II, and Torts I and II, were introduced in Fall 2018. These classes have been offered effectively in this format. Student performance, measured by examinations, has demonstrated that the comprehension level of the students in the distance-education classes is equal to that of the in-person classes.

Trinity has been preparing administratively for the offering of a fully online J.D. degree for several years. In mapping the classes taught through distance-education to assure that academic engagement through asynchronous instruction was of the highest quality, care was taken to evaluate the effectiveness of instruction and assessment, with the intent of scaling the program to cover the entire curriculum. In July 2019, Trinity hired a full-time Director of Online Programs, to assure that consistency and high quality are maintained across the entire curriculum.

It is Trinity's desire to prepare online versions of all in-person classes in the entire J.D. curriculum. Notably, the online versions will be additional sections to the classes already offered in multiple sections. All students may take any combination of in-person or distance-education classes, at their option. It is anticipated that most students who consider themselves to be in-person students will take several online classes. At the same time, there are expected to be students who will take all of their classes online.

Program Details

Prior to Fall 2018, Trinity Law School offered nine units of instruction through distance education. These classes were effective from the beginning. Six units were for required classes-Property I and Property II. During all times these classes have been offered, students had the option to take these classes either online or in person. There has been an even mix of enrollment in both formats. Assessment of student performance suggests that the quality of education in both formats is effective, and that they are equivalent to each other.

In Fall 2018, Trinity added online sections of its classes for students needing further academic support. These consisted of 12 units of instruction, in Torts I and II, as well as Contract I and II. Since these were intended to provide further structural support for students, formative assessment was increased, to great effectiveness. This program has been a success. Trinity has also prepared an additional three units of instruction for Criminal Law, although the class has not yet been offered because of the 12-unit cap.

Trinity seeks to introduce 12 units of instruction in the regular J.D. degree program in January 2020, and to introduce an additional such 12 units of instruction in the Summer 2020 term. From that point forward, the school plans on adding 24 units of instruction in required courses in each of the following two years, and adding electives as need and opportunity dictate. Notably, while all required courses will be offered in both online and live versions, that will not be the case for electives. The expectation is that each elective will be offered in one format only, with the proportion of online and live versions dictated primarily by student interest. Electives are an area where the quality of education will be greatly enhanced through increased distance-education opportunities. Several high-quality instructors throughout the US, and even internationally, will be able to teach for the first time once the 12 unit limitation on distance-education has been approved.

Trinity has a robust program of internships and clinics. The internship program is organized in a manner by which the students take the initiative in identifying supervising attorneys for their work in most instances. Our experience has indicated that the student experience has generally been more

effective when students have been involved in connecting with potential supervisors themselves, rather than relying on a panel suggested by the law school administration. As a result, there will be no alteration in the quality of this program by encouraging internships near where distant students reside.

Trinity offers six clinical programs. Thus far, these have required a presence in Orange County by the students, and most of the clinics could not be adapted for students who do not live near the Santa Ana campus. However, accommodations can be made for student participation in intensive clinical experience in the summer, and one of the clinics, which primarily involves civil rights litigation drafting, may be adaptable to students who take classes from a great distance.

Trinity offers both a law review and moot court program. The law review is readily adaptable to distance-education, and will be available to the students who reside far from the campus. The only accommodation needed is the incorporation of videoconferencing to editorial board meetings. Trinity's moot court program has achieved many awards in the past, and we anticipate that we will add to our teams through distance-education. Existing online law schools have participated in inter-school competitions with great success, and we expect that Trinity's very high-quality program can adapt to that readily. Video conferencing addresses the oral competition aspect of moot court, and the drafting component does not require much modification.

Qualitative Issues

Trinity Law School is committed to maintaining a high-quality educational program in all sections of its classes. The addition of an online option for each class will help fulfill this commitment. Online education has a qualitative advantage over the manner in which class content has been traditionally prepared in higher education. Before any class is offered for the first time, a Subject Matter Expert ("SME") is retained to develop the curriculum, culminating in the syllabus used by the ultimate instructor. The SME's work is a collaborative activity, by which all professors teaching a subject have an opportunity to suggest means of enhancing classes. This allows, for example, for the skills and values suggested by the American Bar Association in the Macerate Report to be incorporated into each class. Since the online program is carefully mapped for each part of the class by the administration, minimum requirements for instruction are met with greater assurance than is possible in the in-person class. Lessons learned through the use of SME's thus far in planning online programs has had a very positive effect on the manner of instruction in the in-person program. This effect is expected to continue throughout the course.

The technology for offering distance-education is in place, and experts on administration of online education within the administration are experienced and can meet the needs of all students. No changes in the platform for instruction is anticipated in the next year, although the school is committed to keeping up with technological innovation, and will adopt new technology as available.

The online courses will be fully integrated into the curriculum. The decision regarding how many classes will be taken in either online or live format will rest entirely with the students. We anticipate the addition of many new students who will take classes solely online. While there will be some students who make take in-person classes exclusively, we anticipate that most students who consider themselves to be resident at the Santa Ana campus will chose to take several classes online, particularly electives that may only be offered in the online format.

An issue commonly raised in the transition of legal education from in person to online education is the manner in which oral briefing is addressed. Undeniably, in-person classes simulate the trial experience more closely than the online format. However, online education has advantages over in-person education which makes it difficult to conclude whether one form of instruction is superior to the other. Complex statutory analysis, which is an increasingly greater part of required legal skills, is taught far more effectively online than it can be taught in person.

While most instruction will be through written work and asynchronous lectures, Trinity requires that several hours of instruction be conducted through synchronous live education. This allows for some simulation of the traditional Socratic dialog associated with law school.

Trinity will monitor effective engagement and performance to assure that the quality of instruction, as well as the quantity of time spent, is consistent with the in-person classes. Initially, the school will rely on standard engagement principles as advanced by accrediting associations. However, these will be measured against sampling of actual student work, to assure that each student participates in a minimum of 1200 hours of verified academic engagement as mandated by Guideline 6.5(A). That is, for each unit of credit, 15 hours will be verified as prescribed in the Guidelines, and at least 30 other hours are spent in academic engagement and preparation.

The admissions process will not be changed in any material way by the addition of more online sections of classes. This is the case since the online versions do not constitute a separate track of instruction. The same admissions standards will be in place as are followed currently. However, the availability of

a fully online program is very likely going to attract some students that would otherwise not be able to attend Trinity Law School because of their distance from the campus. The Admissions Department of Trinity will grow to meet that need, and can do so out of additional tuition revenue from this change.

Academic support will be slightly modified. All students must participate in Trinity's "On Course" support system. Currently, all regular students undertake advisements in person, and seminars are live. However, students who are in the program that requires additional support have been able to participate in advisements through video conference since June 2019. Experience thus far indicates that student participation is higher in the video format than in-person. This has given the school an incentive to consider video conferencing for all students, thus eliminating any distinction in academic support for in-person or distance-education dominant students.

Summative assessment will be substantially identical in the in-person and online formats. Trinity has required a minimum of one midterm exam of one hour for each class for over 15 years, as well as a final exam of one hour per unit of credit. This standard will apply to the online curriculum. Formative assessment is increased in the online classes, as additional assignments require further opportunities for the instructor to review student work. The effect of online education at Trinity over the past four years has suggested that there is high value in summative assessment, and the addition of online education has tended to increase the recorded and documented formative assessment in the in-person classes, subject to individual instructor variations.

Impact on the Sustainability of Trinity Law School

This program would have a positive impact on the financial health of the school. While distance-learning requires additional costs in preparing each class for the first time, the total direct cost of this development for each semester is estimated to be \$15,000. This cost would be recaptured in tuition and provide for development of the second semester with just 2-3 students enrolled in the program. Trinity expects that 15 students or more will enroll in this program during its first year.

Because Trinity anticipates that tuition revenue in the distance-education will substantially exceed the cost of preparing the classes, the approval of distance-education classes above the past 12-unit cap will contribute substantially to the financial and organizational health of the school.

Conclusion

Trinity Law School hereby requests that the Committee grant Trinity's request for approval for offering distance-education for more than 12 units. This will allow for building out the entire curriculum online, allowing for completion of the entire program through distance-education, for those students who seek to attend law school in that manner. This advances the interests of consumers who will now see an additional opportunity for starting a career in law for those to whom, time, finances, and community obligations would otherwise make the start of legal studies impossible

Very truly yours,
TRINITY LAW SCHOOL

A stylized, handwritten signature in black ink, appearing to read 'M. Steeves'.

Myron S. Steeves
Interim Dean

November 11, 2019

Committee of Bar Examiners
State Bar of California
18 Howard Street
San Francisco, CA 94105

RE: Addendum to Trinity Law School's Notification and Request for Approval of a Major Change Under Rules 4.164 and 4.165—Offering a Fully Online J.D. Degree Program

Dear Committee of Bar Examiners:

Trinity Law School submitted a Notification and Request for Approval of a Major Change under Rule 4.164 and 4.165, addressing the offering of a Fully Online J.D. Degree Program, on July 22, 2019. Upon discussion with Principal Program Analyst Natalie Leonard, Trinity seeks to supplement its application with further information to assist the Committee in considering the Notification and Request.

An important initial distinction to be made in the online J.D. opportunity is its status within Trinity Law School as a "program." While the addition of online sections of all required courses is undeniably a major change as defined by Rules 4.164 and 4.165, the reality for students is that they will see the online opportunities as separate sections of classes that are already offered in multiple sections.

Trinity has long offered multiple sections of its required classes. This has allowed students to take classes either day or night for fall starts, and a night spring start. Currently all first-year classes are offered in three sections, and all subsequent required courses are offered in two sections. At one time, when Trinity accommodated students who could only attend classes on Saturdays, the school offered five sections of its first-year classes. Due to a desire to have smaller classes for Legal Research and Writing, multiple sections of that class are instituted as needed. With approval of the Request for Major Change, Trinity will add a section of each required class, offered through distance learning.

Trinity has offered Property as an online class for several years. To take that class, students need only register for it, as it is just one of the available sections. There are no further applications or qualifications required to take the online class. The school has also offered an elective, Nonprofit Organizations, by distance learning.

Students who are interested in taking online J.D. classes will be presented with the option to take a few or all of their classes through distance learning. That is, distance learning will not be a separate “program” for purposes of application, admission, or registration for classes. As is currently the case, when a student registers for a class, he or she is required to meet the requirements for that specific section. Each section is taught, generally, by a different professor. There are no opportunities for students to make up class sessions they have missed by attending class sessions in another section. This will also be the case with the online sections. Students must meet all the requirements of their specific section, and only those requirements will be used in assessment.

This additional flexibility leads to a reduced presence of students on campus. As a result, Trinity is instituting programs by which its out of classroom services and requirements will accommodate students who are not geographically close to the school. Notably, increased comfort with technology has led to many of the changes having been instituted already. For example, registration for classes has not required student presence on campus for the last eight years. The library holdings available remotely are adequate for meeting all class requirements with the exception of electives requiring research papers, and law review.

Since the California State Bar has authorized access to electronic versions of the major resources to meet the library holdings requirement, the principal asset of the library is the research librarian. We have a faculty member who is compensated as the research librarian. While he is available on campus for in person meetings, students overwhelmingly contact him by email instead. Library orientation is a part of the first semester Legal Research and Writing class. It involves an introduction to online research, with no physical visit to the library for a tour, as was common many years ago.

The other accommodations provided for students who are geographically distant from the school’s physical facilities are as follows:

Academic Support

Trinity has a robust program of academic support which each student is required to use. The program consists of five specific academic counseling

sessions throughout the program (midway through first semester, at completion of first semester, at completion of 30 units, at completion of 60 units, and at beginning of last semester), and several seminars and practice exams. While the counseling has historically been face-to-face, the school introduced remote counseling in the 2019-20 school year. This has proven to be as effective as face-to-face, and has a lower meeting cancellation rate. The in-person training sessions and practice exams are recorded and can be delivered asynchronously. The quality of these programs is the same, whether taken in person or by video. The practice exams are not graded for credit, so no greater security is needed for these programs.

Examination security

Students who live within 50 miles of the Law School will be required to take all exams on campus. For those who live more than 50 miles away, Trinity will require that students have their exams proctored by a tutorial service such as ExamSoft's remote proctoring tools, which assure that the exam-taker is the actual student, and that no external resources are used during the time the exam is administered.

Extracurricular activities

Law review is generally an individual effort, augmented by regular meetings of the editors and writers for brief collaboration. The meetings can be effectively conducted through video conferencing, and no loss of effectiveness will result.

Moot court creates one of the big challenges for students who are not resident on campus. However, the challenge is entirely directed towards preparation and building a cohesive team, since the competitions are only incidentally local. That is, our teams compete nationally, and rarely are in competitions that are close to the law school's physical facility. While building a unified team seems to be enhanced by two individuals who work face-to-face, teams have competed effectively without both members being in the same city. The experience in California by moot court teams from the distance learning schools has been indistinguishable from those from fixed facilities.

While the opportunity for students to develop relationships through random meeting up on campus is lost for the geographically distant student, the value of this should not be overrated. In reality, most students have busy lives, and rarely spend much downtime on campus. They arrive right when classes begin, and leave shortly afterwards. The online environment does create an opportunity to make connections with other students as classes meet. Each class has a live session component where students learn about each other, and through discussion boards, students learn more about others. Some of these

connections develop into strong relationships, a trait that has been observed in Trinity's current MLS program, where all students are distance learning students.

The business office and registrar's office are already set up to deal with students entirely remotely. Since the school has other, non-J.D. degrees offered entirely online, all administrators are proficient in dealing with students remotely, and in fact do not distinguish the local from the distant students in their daily interactions.

Class capacity is actually superior in the online setting. Trinity caps its in-person classes at 50 students, although it has not had enrollment that high in several years. The online classes require more intense interactions between professor and student, so the classes are capped at 25 students per class.

Electives are one area where the in person and distance learning classes are distinct. That is, there are no multiple sections of electives. Some will be offered solely on campus, while others will be offered exclusively online. However, overall, the quality of offerings and of faculty choices increases with the engagement of distance learning. While the school is currently limited largely to local faculty, for electives it will be possible to retain key faculty members with a high level of expertise to teach electives available to all. It is expected that most of the in-person students will register for online electives in high numbers because of this.

Conclusion

In brief summary of the relative merits of online education compared with in-person classes, there are three distinct advantages to online education, compared with one disadvantage for which accommodation can be made.

Online classes appear to be superior for discussing statutes and regulations, since students have the time to conduct an intricate analysis that is more time-intensive than briefing a case orally in class. Second, the quality of writing by online students is higher, since students are very conscious of the fact that they are being assessed by their written work. Third, participation levels by students who otherwise would not volunteer is much higher than in the in-person environment.

The primary disadvantage is that there is not a high-pressure environment for rigorous oral examination through Socratic dialog, in a manner that compares with arguing a motion before a judge. However, the value of this experience as part of "learning to think like a lawyer" may be overstated. Many lawyers will never argue before a judge, and for those that do, moot court provides the

Committee of Bar Examiners

November 11, 2019

Page 5

experience needed. Further, in-class Socratic instruction involves one student at a time, whereas analytical assignments through distance learning engage every student on every analysis. As a result, overall quality of learning may be greater when measured across a class.

Trinity Law School is a very data-driven school. It engages in measuring outputs on all programs and services. As part of regular self-assessment, Trinity will track the bar passage rate and overall academic success of students who learn entirely online, entirely in-person, and through hybrid training. In doing so, Trinity will assure that the distance learning program maintains a high quality in all aspects of educating future lawyers.

Very truly yours,

TRINITY LAW SCHOOL

A handwritten signature in black ink that reads "Myron S. Steeves". The signature is written in a cursive style with a large, stylized initial "M".

Myron S. Steeves
Interim Dean

January 5, 2020

Hi Ms. Leonard:

I trust you are having a good New Year!

In answer to your questions, I am following your numbering with my responses below.

1. The learning management system that Trinity had used for the past five years was Moodle. However, as the school rolls out a higher volume of distance learning J.D. classes this fall, it will use Canvas, which is a much more user-friendly LMS than Moodle. Trinity will transition over the other J.D. classes that were previously built in Moodle to Canvas in the following year.

2.a. Trinity is planning on using a very conservative approach to measuring time participation by students, with a heavy weighting towards actual time spent in recorded and live video or audio content, and estimated or average time in activities where the time spent is within the students' individual control.

It is estimated that there will be a one-hour live session either every week or every other week for a typical three-unit class. In addition, there are substantial recorded lectures of video content. Each of these will be calculated by actual time incurred. The lectures are interspersed with assessments. Some of these, which may require multiple choice and brief answers, will be timed, and will be counted towards the participation in accordance with the time allotted by the SME.

For other work, such as those that may require more reflective work, Trinity will initially be making estimates based upon experience in writing assignments that have been given during some podium classes in the past, such as the legal research and writing classes. Years of experience in such assignments have given the school confidence in its ability to predict these time values with a high degree of accuracy. However, the LMS allows for measuring the amount of time students spend on written assignments that are completed within the LMS. Trinity will monitor the actual time spent, and make adjustments in the time assigned based upon actual (as opposed to ideal) time spent by the median student.

Discussion board participation will be assigned time in accordance with the estimated complexity of the prompt determined by the SME, under calibration audits by the Director of Online Programs.

The substantial amount of work traditionally assigned to law students that have historically been considered "homework," will not count towards active class time. These activities will consist primarily of reading cases and materials, briefing cases, and research. The distinction between the preparation and actual active participation is ambiguous, and will likely seem more so for students who are coming into legal education from undergraduate programs with heavy or complete distance learning delivery methods.

There appears to be a trend towards advocates of distance learning to veer away from rigid time measures towards concentrating entirely on outputs (and measuring them against the outputs of

students in the podium classes), while some accreditors are more cautious in emphasizing time-measures. There are good reasons to expect that the time investment in distance learning will match and outperform podium classes. This is because it is inevitable in the extemporaneous nature of podium classes that there will be inefficiencies and digressions. In contrast, the carefully curated aspects of recorded lectures in the distance learning classes mean that inefficiencies can be edited out.

Notwithstanding this, Trinity is very much aware of its participation in the earliest efforts of the California Bar Association to offer fully distance learning courses for accredited schools, and does not want to push novelty too far in the early years. As a result, Trinity is placing a heavy emphasis on measuring time involvement by students, with substantial monitoring of the data as being the best way to meet the Guidelines in the next few years.

Significantly, the distance learning classes are not going to be a separate "program" of study from the podium classes. Rather, the major change being instituted is the addition of distance learning sections for every required course. As a result, many students are expected to be enrolled in classes where they take both delivery methods. Trinity will have many opportunities to interact with students on their experience in both types of instruction to determine student perceptions regarding whether one medium is similar, more demanding or less demanding than the other medium. This will be factored into any modifications made to time involvement in future years.

2.b. The primary standard for measuring time participation and quality of outputs from students is the "Managing Director's Guidance Memo" (2016) posted by the Section of Legal Education and Admissions to the Bar of the American Bar Association. Since the ABA has put a great deal of effort into measuring the effectiveness of distance learning in the legal education context, this appears to be the best and highest standard of measuring quality distance learning legal education. This is the primary reference point for Trinity Law School. Further interpretive guidance is provided through the work of the Working Group for Distance Learning in Legal Education, particularly that entity's book, "Distance Learning in Legal Education" Design, Delivery and Recommended Practices." The Working Group remains active. While Trinity is not a member of the Working Group, administrators have attended the Group's meetings, and intends to attend them in the future as well. The regional accreditor that is advancing distance learning the most quickly is the Southern Association of Colleges and Schools. Law Schools within that region participate in an ambitious annual conference with a substantial amount of content on distance learning through the South East Association of Law Schools. Trinity is an active observer of the work of the SEALS conference, which is the best source on trends in distance learning for law schools.

Following the pattern suggested through some of these sources, student engagement will be measured by course design and substantial assessment. While attendance is mandatory, that is not expected to be used as a quality measure of student engagement, as assessments are more revealing than mere attendance. Trinity does not anticipate having students keep a log of time. This is because of the inability to assure reliability of the logs, and the perception that it may convey the wrong priorities for the students, who should be concentrating on effective studying as the input rather than raw time entries.

2.c. The 1200 hour minimum for verified academic engagement is a fairly low threshold. It is expected that all students will exceed this minimum by a significant amount. The LMS used by Trinity compiles data on student engagement of content. Most of the students' time in law school is measured through the LMS (with the exception of reading and briefing cases and independent research). To successfully complete the program, students will exceed 1200 hours in accurately measured programs alone. As a result, data is readily available to the administration on whether students have met this metric.

I trust all of this will be helpful in making a determination of Trinity's preparation for offering the balance of its curriculum through distance learning.

Myron Steeves
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