



The State Bar of California

OPEN SESSION

AGENDA ITEM

APRIL 2020

COMMITTEE OF BAR EXAMINERS ITEM O-402

DATE: April 24, 2020

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst

SUBJECT: Action on Application for Waiver of Time Limit to Complete JD Degree Pursuant to Guideline 6.5(A) - San Francisco Law School

BACKGROUND

San Francisco Law School (SFLS) petitions the Committee of Bar Examiners (Committee) for a waiver of Guideline 6.5(A) of the *Guidelines for Accredited Law School Rules* (Guidelines) as to a particular student to allow them additional time to complete their JD degree. SFLS operates campuses in Emeryville and San Diego. The law school was inspected this winter and the results will be presented at an upcoming meeting.

As an accredited law school, SFLS is subject to Guideline 6.5(A), which states that “[a] law school must require the course of study for the JD degree to be completed no earlier than thirty-two months and no later than eighty-four months after a student has commenced law study at the law school or a law school from which the law school has accepted transfer credit.” Absent a waiver, SFLS lacks the authority to award a student a JD degree if the student is unable to complete the entire course of study within eighty-four months (seven years) of beginning law study.

SFLS seeks permission for the student identified its petition to graduate in May 2020, which is 118 months after the student commenced law study. The delay is requested as a result of a series of clerical errors on the part of the student and the school, which are summarized here.

The student began law study in 2011 at another law school and transferred to SFLS in 2013 where they continued their law study. Both the student and the school believed that the student had completed all degree requirements within 84 months and school awarded the student a JD dated May 2018. The student did not attempt to take the Bar Examination until

July 2019. He registered timely, the school certified that he had received his degree and he took the examination.

Later, in Fall 2019, the school conducted a routine file audit and discovered it had awarded the student's JD in error. The student had not, in fact, completed their degree requirements. The school contacted the student and rescinded the degree, and the student's bar responses were not graded.

The problem related to transfer credit awarded improperly for a course taken during the student's final year of school. The student took one required course at a neighboring law school. He presented the transcript for credit at SFLS and credit was awarded.

Unfortunately, however, credit should not have been awarded. This is because the student received a grade that was not in good standing at the visiting law school, and therefore the credit should not have been accepted by SFLS. The student believed they could request credit because while the grade was not in good standing at the visiting law school, that grade would have been in good standing at SFLS.

When the school discovered the error, it promptly informed the student of the error and rescinded the student's degree, and affirmatively informed the State Bar that the student's graduation should not have been certified, and his bar examination was not graded.

The student took action as quickly as possible to repeat the final course. They started the class in January 2020, the earliest possible time, and expect to complete the course in May 2020.

DISCUSSION

The 84-month (seven year) limitation found in Guideline 6.5(A) is intended to ensure that a student earning a J.D. does so within a reasonable amount of time so that the student is more likely to take and pass the California Bar Examination.

The Committee has approved waivers allowing students to take more than eighty-four months to complete their J.D. requirements when students have experienced serious medical, personal or financial hardship of limited duration that was unexpected and could not reasonably have been prevented. These waivers have varied in length from just a few months to up to 36 months.

Here, both the student and the school intended for the student to graduate within the stated time period. In addition, the student's knowledge is current and they have already recently prepared for the bar examination, having taken that examination last summer. Both the student and the school also acted promptly to correct the error once it was discovered.

The school has also affirmatively recognized the serious nature of this error on its part and has taken significant steps to change policies to prevent this from happening again. First, the school has implemented a shorter timeline by which all documentation for credit must be submitted,

and the school must be afforded more time to review the request. Next, the students' responsibilities have also been further clarified. Finally, The school has offered financial assistance to the student to defray the cost of taking the upcoming bar examination.

If Committee denies this waiver petition, the student will need to repeat a significant number of courses that the student completed during 2011 and 2012 for which he had previously claimed credit.

RECOMMENDATION

It is recommended that SFLS's petition to waive the requirements of Guideline 6.5(A) with respect to the student in the petition be granted. The student's knowledge of the law is current, the student recently prepared for the bar examination and is ready to prepare again, and he will not be prejudiced by the award of his degree in May 2020. In addition, the delay was a result of a series of mistakes for which all parties took responsibility with candor, and the school took significant steps to prevent such errors in the future.

PROPOSED MOTION

Should the Committee accept this recommendation, the following motion is suggested:

Move, that the petition submitted by the San Francisco Law School on behalf of the JD candidate cited in its petition seeking a waiver of the 84-month limitation for the completion of law study to earn a Juris Doctor degree under Guideline 6.5(A) of the *Guidelines for Accredited Law School Rules* be received and filed; that the Petition be granted, and that the school be granted the authority to confer a degree to the student in May 2020 if the student properly completes all requirements.

Attachment A: San Francisco Law School Redacted Application for Waiver of Guideline 6.5(A)



SAN FRANCISCO LAW SCHOOL
ALLIANT INTERNATIONAL UNIVERSITY
1475 66th Street, Suite 104, Emeryville, CA 94608
415-626-5550

March 19, 2020

State Bar of California
Attn: Committee of Bar Examiners
180 Howard Street
San Francisco, CA 94105

Re: Waiver Request for Mr. [REDACTED]

To Whom It May Concern,

I would like to file a Petition of Waiver Request for Mr. [REDACTED].

Mr. [REDACTED] is a student at San Francisco Law School (SFLS). He started attending law school at John F. Kennedy University in the fall of 2011. In fall 2013 he transferred to SFLS. He was scheduled to graduate in May 2018. That would have placed his graduation within the 84 months as allowed under rule 6.5(a) Quantitative Academic Requirements.

I started work in June 2018. At the time there was a letter on file from the previous Dean granting Mr. [REDACTED] approval to take a required course at another law school as a visiting student and then transfer that credit to SFLS. Mr. [REDACTED] was given a friendly time limit in which to deliver an official transcript from the other law school to prove his completion of the course. Upon receipt of the transcript Mr. [REDACTED] would have been listed as having graduated in May 2018, within the time period allowed by the rules. However, due to administrative confusion he will finish his J.D. requirements just outside of the required time period.

Mr. [REDACTED] delivered an official transcript by hand 30 minutes before the deadline for certification by SFLS of his degree to the State Bar, so he could sit for the July 2019 Bar exam. At the time Mr. [REDACTED] delivered the official transcript to SFLS, Dean Katharine Van Tassel had just resigned and I had been appointed Interim Dean. A temporary Interim Registrar was moved to SFLS from another department within the University. In an effort to be service oriented to the student, the interim Registrar made a very technical error in recording the transfer credit. The Head Registrar for Alliant International University (AIU) caught the error in an audit a few months later and informed us that Mr. [REDACTED] could not be listed as having completed his requirements for receiving his Juris Doctorate.

We immediately reported this error to the State Bar Admissions office and worked with them to correct the misreported certification of graduation for Mr. [REDACTED]. Since we were in the middle of the fall semester Mr. [REDACTED] was unable to register for the class he needed until the spring. Mr. [REDACTED] registered for the required course as a visiting student at another law school as soon as he could do so. Mr. [REDACTED] is currently completing the required course this semester.

Under the circumstances at the time the error was discovered, I did what I could do to correct it using the resources that were available. Since that time, and as part of our ongoing changes to ensure compliance with the State Bar's rules, we have made a number of policy and procedure changes to make sure that this does not happen again in the future.

First, all transcripts will be reviewed by the SFLS Registrar, then by SFLS Dean, and finally by AIU Head Registrar prior to the transfer credit being accepted. This will ensure a triple check of the document before any transfer credits are approved.

Second, all official transcripts for transfer credit must be submitted at least one month before the certification deadline. As mentioned above Mr. [REDACTED] did not submit the transcript until 30 minutes before the deadline for certification of his degree to the State Bar. This new policy will avoid a rushed review of the documents and ensure everything is reviewed and recorded properly.

Third, SFSL has appointed a new Dean (Timothy P. Weimer) and has posted a job listing for a new Registrar. Once the new Registrar is hired, there will be one person who will coordinate and review these types of documents. Once the Registrar has thoroughly reviewed the documents, they will be submitted to the Dean for review before being forwarded to the Head Registrar of the University for a final review and recording in the student's record.

I am asking the CBE to grant a waiver of the 84 months and allow Mr. [REDACTED] to receive his Juris Doctorate degree and apply for the California Bar, including sitting for the next scheduled bar exam after his degree is awarded.

If you have any questions regarding this matter, please contact me.

Sincerely,

Timothy P. Weimer

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