



The State Bar *of California*

OPEN SESSION AGENDA ITEM APRIL 2020 COMMITTEE OF BAR EXAMINERS ITEM O-403

DATE: April 24, 2020

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst

SUBJECT: Report on Pilot Hybrid JD and Action on Major Change Requests to Make Pilot Hybrid JD Permanent and to Increase Online JD Offerings – Santa Barbara and Ventura Colleges of Law

BACKGROUND

Santa Barbara and Ventura Colleges of Law (SBVCOL) files this Major Change Request under Accredited Law School Rules 4.164 and 4.165 seeking two requests: first, to make permanent its Hybrid JD online-classroom program that was approved by the Committee as a pilot program in 2018, and, second, permission adjust the school's separate traditional classroom JD program to allow students in that program to increase the maximum number of distance credits that they may earn from the current twelve credits to a new maximum of sixty-four credits, though most students in the fixed facility program will choose far fewer.

SBVCOL enrolls separate cohorts of students in its fixed facility program versus its Hybrid JD program, and they study on separate schedules. Fixed facility students attend traditional classes, while Hybrid students use an online curriculum via Canvas software and meet on campus one per month.

A law school must submit a major change request when "it seeks to institute [or make permanent] a new division" or "offer[] any new program in law study." (Rule 4.165(A), (E)). The request must not only describe the change requested, but also "must explain in detail any effect the change might have on the law school's compliance with the rules." (Rules 4.164, 4.165). In addition, accredited schools offering fixed facility programs must file a major change request to increase the maximum number of distance credits included above twelve. (Committee of Bar Examiners action, Item O-40X, 6/19/19).

DISCUSSION

SBVCOL is a California Accredited Law school operating campuses in both Santa Barbara and Ventura. It was last inspected in 2018 and found to be operating compliantly; its accreditation was renewed through 2023. The school's Minimum, Cumulative Bar Passage Rate is also compliant and exceeds the forty percent minimum. Its 2018 MPR was 58.8 percent, while its 2019 MPR was 57.7 percent.

SVBCOL's Hybrid JD program

First, the school seeks to make permanent its Pilot Hybrid JD program. The Committee approved this program as a pilot program in October 2017 and the first Hybrid JD students enrolled in Fall 2018. As part of the school's request, the school has included a progress report about the program, which the Committee required as an original condition of the approval of the pilot program.

At the time it approved SBVCOL's Pilot Hybrid JD program, the Committee confirmed that the proposed program complied with the Rules for Accredited Law Schools and their accompanying Guidelines, and confirmed that it would not reduce the school's overall compliance. When the school was inspected in Fall 2018, the inspection included a preliminary evaluation of the Hybrid JD program that confirmed this compliance.

Since that time, the Committee has amended its rules and guidelines to allow accredited law schools to incorporate more distance learning into their JD programs. Therefore, staff conducted a review to confirm that the Pilot Hybrid JD program also complies with the accredited rules and guidelines as amended.

Currently, the Hybrid JD program has thirty-eight first-year students and fifteen second-year students enrolled in the program. Students are required to do the same amount of preparation as fixed facility students, but their course lectures are replaced with a series of targeted interactive learning experiences delivered via Canvas learning management software. A number of these assignments are writing assignments that will allow students to graduate with a portfolio of eight to ten pieces of legal writing to show to potential employers. Student assignments are scored weekly, though their grades are based on final examination performance. Hybrid JD students also attend several on-campus weekend residencies, each focused on a different intensive topic. Examinations are uniform across both the fixed facility program and Hybrid JD.

SBVCOL's application demonstrates that its Pilot Hybrid JD not only continues to comply with the Rules and Guidelines as they existed at the time of the initial application, but also complies with the rules and guidelines as amended in 2019.

The key changes related to Guidelines Six and Seven. Under these Guidelines, programs must include 1,200 verified hours of academic engagement, including at least eighty credit hours.

(Guideline 6.5(A)). The Pilot Hybrid JD program requires students to complete 84 credit hours, exceeding this minimum. The program includes a variety of measured academic engagement through synchronous and asynchronous delivery over Canvas software, with attendance tracked through engagement and completion of course assignments using this software. (Guideline 6.5(B)). Each class includes a required course text and syllabus. (Guideline 6.5 (K), (L)). Students in the Pilot Hybrid JD program also complete a pro bono internship in the manner prescribed by Guideline 6.6. The curriculum shares the same framework as that of the hybrid JD program meeting all content requirements specified in Guideline 6.7, and electives are also available as required by Guideline 6.8. Hybrid JD students meet the practical skills requirement of Guideline 6.9 through their internship and clinical writing experiences that are integrated into each semester of the program. At this time, the school uses uniform examinations across the fixed facility and Pilot Hybrid JD Programs and all examinations are administered on-campus, with grades compared to ensure fairness and evaluate achievement accurately. (Guideline 6.11, 6.13, 6.14)

The school carefully verified academic engagement through Canvas learning management software data analytics and class attendance. (Guidelines 6.5(B), 6.5(C), and 7.11(A)-(C)). But it does so through the methods contemplated by the new guidelines. Students have a standard amount of preparation and then replace the standard three hours of lectures per class with three hours of self-guided assignments that are reviewed for feedback by professors. Students must turn in assignments at an acceptable level of completion on time. Ultimately, the student's grade is based on performance on the final examination, but by the time of the final, they have received significant intermediate feedback. Activity and engagement with the software can also be measured through the learning management system's data analytics module.

The types of distance education incorporated into the program are varied, but each type fits within an allowance specified by Guideline 7.11, which enumerates the types of distance credit allowed. (Guideline 7.11 (B)). The students' engagement is verified through a combination of establishing a documented curriculum and also tracking students' interaction with learning exercises. (Guideline 7.11 (C)(2)).

So far, the school has required heightened admissions standards for this program, and all students have earned a bachelor's degree prior to entry. This could change in the future, as the program becomes more established.

Overall, the Pilot Hybrid JD appears fully compliant and has been receiving positive feedback from students and professors.

Incorporation of the Option of Up To Sixty-Four Hours of Distance Education as Part of the Fixed Facility Program

SBVCOL intends to continue to offer a full, fixed facility, JD classroom curriculum that allows students to take all classes onsite. In addition, the school would like to offer these students the opportunity to decide to take some or even of their classes online after the first year, attending

class along with the students in the Pilot Hybrid JD after they successfully complete their first year of study.

The school seeks the flexibility for fixed facility program students to select online classes from time to time in order to manage occasional conflicts due to work or family schedules. Currently, students in the fixed facility JD program attend class on three fixed evenings per week, and State Bar Rules and Guidelines require students to attend at least eighty percent of all sessions.

As a result, during some terms, up to twenty-five percent of students must withdraw from the program due to schedule conflicts. Due to the nature of the program selected by the school, the student needs to wait a full year to return.

SBVCOL believes that if the fixed facility students can take one or more courses online when they are not available to take the fixed facility courses, this would improve retention and reduce the number of leaves of absence that students might require.

The school plans to take several steps to ensure that this additional flexibility offers a successful option to students. As mentioned above, the Pilot Hybrid JD has heightened admissions standards and a different format that requires a significant degree of discipline and self-motivation. Therefore, the school would put in place several safeguards. First, a student would have to complete their first year in good standing. Next, they would have to apply to take one or more classes online, including writing an essay and meeting with administrative staff to ensure that they understand how the online courses differ from the fixed facility courses, and that they are ready to fulfill the requirements for any online class chosen, including attending the residential weekend class sessions.

Because the class topics are similar between the two programs, the student would sign up for an online version of the fixed facility class that they were unable to attend. SBVCOL believes that students would not choose this course often, but some students might appreciate the opportunity to earn or use the flexibility to take some or all of years two, three and four online.

This plan should be approved because it meets the requirements of Guidelines Six and Seven as amended in 2019. Previously, accredited schools were limited to offering no more than twelve credits online, but they can now offer any number of courses online so long as the program contains at least twelve hundred hours of verified engagement. Here, students would be taking the same number of credit hours whether they attended a fixed facility program or a blended program. Engagement would be tracked through attendance for fixed facility classes or engagement with Canvas software through the online program. Students who received permission to take online courses could choose the number of online courses they wanted to take, with any combination that otherwise meets the curriculum requirements also meeting the requirements of Guidelines Six and Seven regarding the number of hours properly tracked.

RECOMMENDATION

It is recommended that the Committee grant permanent approval to SBVCOL's Pilot Hybrid JD Program because it complies with the Rules for Accredited Law Schools and Guidelines for Accredited Law Schools and the school has otherwise demonstrated overall continued compliance.

It is also recommended that the Committee grant SBVCOL's request to increase the number of distance-learning credits allowed as part of the school's fixed facility JD program as described from twelve hours to a maximum of up to sixty-four hours, because the fixed facility JD program as amended will continue to comply with all applicable rules and guidelines as well.

PROPOSED MOTION

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

Move that Santa Barbara & Ventura College of Law's two Requests for Major Changes, one requesting permission for the Pilot Hybrid JD program to become permanent, and the other to allow the school's fixed facility JD program to incorporate up to sixty-four credit hours of distance education, be received and filed; and that both requests be granted immediately.

Attachment A: Santa Barbara & Ventura College of Law's Hybrid JD Program Progress Report and Major Change Requests

Committee of Bar Examiners
State Bar of California
180 Howard St.
San Francisco, CA 94105

March 31, 2020

Re: Santa Barbara and Ventura Colleges of Law Application for a Major Change

Dear Members of the Committee of Bar Examiners:

The Santa Barbara and Ventura Colleges of Law (COL) seeks approval of a major change, as required under Rule 4.164, permitting COL to permanently offer its current pilot hybrid J.D. program that was approved in October 2017 by the Committee of Bar Examiners (CBE) under Rule 4.165(E). (See Addendum 1, COL's Major Change Request, October 2017.) After 18 months of experience, improvements, and assessment, COL seeks to permanently codify the existing pilot hybrid J.D. program. In addition, COL seeks approval to increase the number of distance-education credits an onsite student can take after they complete the first year of law school. The basis for the request is outlined in § V.

In October 2017, the CBE approved the hybrid J.D. program as a pilot program. The program's first cohort matriculated in August 2018. In November 2018, the CBE performed its periodic inspection. During the visit, site inspection team members Dr. Dolores Heisinger, Dean Sandra Brooks, and Sally Perring had the opportunity to meet with students in the inaugural cohort, examine Canvas, the learning management system, and interview the Associate Dean of Hybrid and Online Learning, Andrea Funk. The team found COL to be operating compliantly, reporting that "[e]ach fixed facility campus and the Hybrid J.D. program offers students a sound Juris Doctorate Degree curriculum taught by well-qualified faculty."

The framework of the pilot program originally approved remains the same and is the basis for COL's current major change request to permanently codify the existing program. There have been no major structural changes. The following provides a broad overview of the hybrid J.D. program and its compliance with relevant Guidelines. An in-depth discussion of Guideline 6.5 (Academic Engagement and Attendance) and 7.11 (Distance-Education Credit) is in the attached documents.

Sincerely,

Jackie Gardina
Dean and Chief Academic Officer

Attachments

The Santa Barbara and Ventura Colleges of Law
Major Change Request
January 2020

The Santa Barbara and Ventura Colleges of Law (COL) seeks approval of a major change, as required under Rule 4.164, permitting COL to permanently offer its current pilot hybrid J.D. program that was approved in October 2017 by the Committee of Bar Examiners (CBE) under Rule 4.165(E). (See Addendum 1, COL's Major Change Request, October 2017.) After 18 months of experience, improvements, and assessment, COL seeks to permanently codify the existing pilot hybrid J.D. program as described in detail below.

In addition, COL seeks approval to increase the number of distance-education credits an onsite student can take from twelve to twenty-four units. The basis for the request is outlined in § V.

I. COL's Hybrid J.D. Program: Improving Access to Legal Education

COL matriculated its inaugural hybrid J.D. cohort in fall 2018; that cohort is currently in its second year and one third of those students are halfway through the program. In 2019, the second hybrid J.D. cohort matriculated and those students just completed their first semester of law school. As of today, we have 53 students enrolled in the program (15 second-year students and 38 first-year students).

The hybrid J.D. program was launched for a variety of significant reasons, including improving access to legal education and, ultimately, the legal profession. It has done just that. Here is a snapshot of the 53 students currently enrolled in the program:

- Geography: The students hail from all parts of California, from Auburn and San Francisco in the north, to Bakersfield in the east, and Temecula in the south.
- Gender: The student population is 60% female and 40% male.
- Age: While students enrolled in the program range from 23 to 69 years old, the age of the average hybrid J.D. student is 40.
- Ethnicity: The students enrolled in the program are an ethnically diverse group, including 24.5% White, 28% Latino/Hispanic; 17% Black/African American; and 11% Asian.

The current enrolled students share one significant characteristic: education. The majority of students enrolled have a bachelor's degree (over 85%) and about one third (approximately 34%) have a post-graduate degree (either a master's or doctoral degree).

Each of the students has a different story, and this program is important to them for distinct reasons. Some have no law school within reach of where they live; others have children and

could not be away from their families in the evening; and still others want the flexibility of the online component while maintaining the opportunity to engage with their professors and classmates regularly. After experiencing 16 monthly residency weekends over the past four semesters, in addition to a two-day orientation, the students have had ample opportunity to collaborate and bond. Each cohort works closely with each other, as well as with their professors. Put simply, the learning community is thriving.

II. The Pilot Hybrid J.D. Program: An Overview

In October 2017, the CBE approved the hybrid J.D. program as a pilot program. The program's first cohort matriculated in August 2018. In November 2018, the CBE performed its periodic inspection. During the visit, site inspection team members Dr. Dolores Heisinger, Dean Sandra Brooks, and Sally Perring had the opportunity to meet with students in the inaugural cohort, examine Canvas, the learning management system, and interview the Associate Dean of Hybrid and Online Learning, Andrea Funk. The team found COL to be operating compliantly, reporting that "[e]ach fixed facility campus and the Hybrid J.D. program offers students a sound Juris Doctorate Degree curriculum taught by well-qualified faculty."

The framework of the pilot program originally approved remains the same and is the basis for COL's current major change request to permanently codify the existing program. There have been no major structural changes. The following provides a broad overview of the hybrid J.D. program and its compliance with relevant Guidelines. An in-depth discussion of Guideline 6.5 (Academic Engagement and Attendance) and 7.11 (Distance-Education Credit) follows.

The program is designed as an 84-unit hybrid J.D., with a blend of online and onsite engagement. (Guideline 6.5(A) & (M).)

The hybrid J.D. curriculum tracks the current onsite J.D. curriculum with respect to doctrinal courses. Both programs offer six units of Contracts, Torts, Real Property, Civil Procedure, and Constitutional Law, and three units of Criminal Law, Constitutional Criminal Procedure, Wills and Trusts, Remedies, Community Property, and Business Associations. In addition, students in both programs are required to complete a three-unit Bar Studies course and a one-unit pro bono internship. (Guidelines 6.2, 6.7, 6.8.) All required courses are taught over a 15-week semester. (Guideline 6.5(D).) Hybrid J.D. students have access to elective courses online, as part of the Lawyering Skills residencies, and onsite if they live in commuting distance to one of the campuses. (Guideline 6.8.) Just as in the onsite program, faculty are required to create a syllabus that organizes the course and assign one or more textbooks. (Guidelines 6.5 (K) & (L).)

Consistent with best practices in online learning, students are placed into sections of no more than twenty students. (Guideline 6.5 (N)(2).) The faculty teaching the sections work

collaboratively to ensure consistency and one faculty is identified as the “lead” faculty. (Guideline 6.5(N)(3).)

The final weekend of each semester is dedicated to final exams in the core courses. To ensure fairness across the hybrid and onsite J.D. programs, all students are subject to the same examination format and grading policies. (Guidelines 6.13, 6.14 & 7.9.) To the extent possible, students have similar content as well. This approach allows COL to more accurately assess student outcomes between the two programs. Because the hybrid J.D. students take their final exams onsite, COL can ensure the authenticity of the students’ work as required under Guideline 2.7(C).

Students in both programs are evaluated for advancement and retention every two semesters. A student must be in good standing with a G.P.A. of 2.0 or better to remain in the program. (Guideline 7.4.)

Based on experience with the program over the past 18 months (by the students, the professors, and the administration), as well as additional information that has been gathered and assessments that have been conducted, COL has made several minor modifications and adjustments to improve student learning and the student experience. This section is intended merely to update and refine the initial application for the pilot hybrid J.D. program that was approved.

In addition to providing greater access to legal education and the legal profession, the hybrid J.D program was also created to specifically respond to the long-standing critiques of traditional legal education. The overarching goal was to deliver a high quality affordable legal education more efficiently and effectively.

To that end, the first notable change from a traditional onsite program, including COL’s, is in the delivery itself: 70% online and 30% onsite. Additionally, as described in the original major change request, there are five key differences between COL’s onsite and hybrid J.D. program, as follows:

1. Monthly Residencies. Hybrid J.D. students are required to attend, in person, up to four residencies each semester. Over the course of the program, including the orientation before the program begins, students may attend up to 33-41 in-person weekends on the Ventura campus. The residencies follow a specific cycle or rhythm. They have been fine-tuned over the past 18-months so that the hours spent on campus are maximized for student learning. The first and third residencies of the semester are always spent with professors, both in individual and collaborative sessions across courses. The second residency focuses on lawyering skills, and the fourth residency focuses on final exams. In addition, between residencies and before final exams, professors will often hold virtual meetings and review sessions with students via GoToMeeting.

2. Foundational Semester. The first semester of the hybrid J.D. program requires students to take 8 basic units: Introduction to Legal Fundamentals (3 units); Introduction to Legal Writing and Analysis (3 units); and Introduction to Legal Research (2 units). Collectively, these three courses provide students a foundation in the fundamentals of the law. They leave the semester and enter their doctrinal studies in the spring with a better understanding of the language of the law and the structure of the legal system.
3. Writing Across the Curriculum. Students do not just take legal writing in their first semester; rather, they have a writing assignment every semester of the hybrid J.D. program. The goal is to create a writing portfolio comprised of 8-10 legal documents each student has produced over the course of the program. The student will not just have a single writing sample to share with potential employers, but instead, will have a variety of documents to demonstrate the student's ability to solve legal problems on day one. Each writing assignment is tied to one of the students' doctrinal courses in a particular semester. To date, students have produced an office memorandum in their Torts class, contract recitals and terms in their Contracts course, and a client advice letter in their Community Property course. These assignments take the important skills of legal writing and problem solving (plus research, when appropriate) and use them in a variety of doctrinal contexts to show students "how" to use both substance and skill together as a practicing lawyer.
4. Lawyering Skills Track Weekends. The second residency of every semester is dedicated to lawyering skills. There are four available tracks – Practical Skills, Litigation Skills, Transactional Skills, and Professional Development and Leadership Skills – and students must take at least five tracks (one unit each) over the course of their program. They may also take additional tracks as electives, as well as choose to earn a concentration in a particular track. Several examples of track weekends that have been offered to date include:
 - "Life as a New Associate: Solving a Client's Problem"
 - "Building and Telling the Story from the Complaint to the Motion for Summary Judgment"
 - "Introduction to Transactional Lawyering Skills"
 - "You Have Your J.D. – Now What?"

Topics for upcoming tracks in 2020 include oral advocacy, negotiation, and e-discovery, among others.

5. Capstone Course. The first capstone course will be offered in spring 2021 for COL's first graduating cohort. The course is being designed to allow students to demonstrate that

they will enter the legal profession with the knowledge, skills, and values to be a competent, skilled, and ethical attorney. The course will provide a semester-long simulation in which students will have to navigate and resolve a client's problem from beginning to end.

In sum, the essential components of COL's original hybrid J.D. pilot program have not changed; they have been refined through implementation, but their essence has remained the same.

III. The Hybrid J.D. Program Is in Compliance with Guidelines 6.5 and 7.11 for Accredited Law Schools, as Modified by the 2019 Online Amendments

COL's hybrid J.D. program complies with the rules and guidelines for accredited law schools, with approved amendments effective May 17, 2019. Specifically, the program satisfies Guideline 6.5's quantitative academic requirements and Guideline 7.11's distance-education credit requirements.

The hybrid J.D. program is designed to require 84 units of academic credit to be completed over a period of 32 to 40 months, using a blend of online and onsite engagement. (See Addendum 1, COL's Major Change Request, October 2017.)

Before addressing compliance, however, it is important to understand several underlying facts about the program.

First, the question that all constituencies ask about the hybrid J.D. program – from potential professors to program applicants – is “how” does it work? While the hybrid J.D. program's curriculum tracks the onsite curriculum, it is delivered differently. For example, for each three-unit onsite course, students are expected to spend approximately nine hours (three hours per unit) preparing for class and three hours attending class. In the hybrid J.D. program, students are expected to spend the exact same amount of time per course. Through the learning management system, Canvas, students have access each week to the materials and cases that must be reviewed and read in preparation for their “class.” Instead of attending an actual class, however, students are given three hours of active-learning assignments, exercises, and assessments to practice using the materials they studied that week to test and solidify their understanding. Once the assignments are turned in, the professor reviews the assignments and provides individual and/or global feedback to the students and the class. This process is the same for each course: prepare; actively engage with the material; receive feedback. It is a continual learning loop.

Each week, students work individually and at their own pace, but they have access to each other and – most important – their professors regularly. They may be online, but they are not on their own. In fact, the access to and availability of the professors is one of the strengths of

the hybrid J.D. program. Students do not have to wait until the monthly residency to engage the professors; they can do so any day of the week.

Second, the next question that everyone asks is “how do we know what the students are doing?” In other words, how can we tell whether they are actually doing the work, whether they are engaged, whether they are learning.

The hybrid J.D. program has been designed with an infrastructure to ensure that students both “attend” class and are “engaged” with the material. Students must complete their three-hours of weekly assignments and assessments for each course to constitute class attendance. In the hybrid J.D. program, students do “work” in lieu of attending a live class; if they do not complete their work, they have not attended class. Class attendance is monitored and tracked on three different levels. First, Canvas identifies each and every late and/or missing assignment. Second, the course professor will reach out to any student who is not present in the class or has failed to turn in an assignment. Third, the program manager tracks attendance weekly in each course. If a student is struggling or not participating in a course, the program manager will intervene. If the attendance issue escalates, the Associate Dean will formally advise the student of the consequences of failing to attend class, including possible administrative withdrawal from the course.

It is through this detailed process that the hybrid J.D. program complies with Guideline 6.5(C) regarding attendance.

The companion issue to class attendance is class engagement. A student may turn in work each week, but it might be superficial or lack meaningful participation. To guard against that, the hybrid J.D. program uses three distinct but mutually supportive systems. First, while the weekly assignments receive feedback but are not graded (for purposes of the final course grade), each assignment receives a score from 1-4 (1 is Inadequate; 2 is Developing; 3 is Competent; 4 is Exemplary). A student and professor can look across the semester and see the number of 1’s and 2’s a student has received on assignments and assess both engagement and understanding. Second, the hybrid J.D. program has developed a student engagement policy that is applicable to each course; this policy is discussed at orientation, is posted on the home page of each course in Canvas, and is included in every syllabus. The policy provides as follows:

On the Canvas home page for each course –

Important Grading Information

Your final grade in this course will be based entirely on a final examination. You are required, however, to complete all ungraded assignments and discussions within this online course in a timely fashion.

You will receive a score (not a grade) for these assignments and discussions that will allow you and the COL to assess and track your understanding and mastery of the material over the course of the semester. These specific scores will NOT count toward your final grade; however, your final grade may be lowered by up to two steps based on your preparation for and engagement in this course and timely completion of all required assignments.

See Course Syllabus for additional and important grading information.

In each course syllabus –

Grading

Students will receive a letter grade in this course based on their performance on a final paper/examination. Students are required to complete all ungraded assignments in a timely fashion. Final grades may be lowered by up to two steps based on a student's preparation for and engagement in this course and timely completion of all required assignments. Specifically, this means that a student's course grade may be reduced either one or two steps depending on the number of missing, late, or incomplete assignments a student has accumulated over the course of the semester. (For example, a grade of B may be reduced to either a B- or C+; a grade of C+ may be reduced to either a C or C-.) See "Assignment Information" below for further details.

Assignment Information

Final grades may be lowered by up to two steps based on a student's preparation for and engagement in this course and timely completion of all required assignments. There are numerous weekly assignments, each of which must be completed on time and in good faith. A student's grade may be lowered for any of the following: (1) submitting assignments late (without the professor's prior consent); (2) submitting incomplete assignments; (3) failure to submit assignments; (4) failure to participate in or be engaged in the course on a weekly basis; or (5) failure to attend, participate in, or be engaged in the residency weekends. Whether to adjust a grade under this policy is in the faculty member's discretion.

Third, in addition to this policy that has, thus far, successfully encouraged students to engage in their courses and has held them accountable when they have not, the hybrid J.D. program also utilizes the information available through Canvas to track student engagement. Using the data analytics available for each course and every individual student, student engagement can be tracked daily, weekly, as well as cumulatively over the course of the semester. Addendum 2 and 3 provide examples of how student engagement can be tracked through Canvas. Through the course overview feature, the professor and the program manager can assess how the students in each course are collectively engaging with the course. Information is available regarding the activity per course, including the number of participations and submissions per course, as well

as the number of late and missing assignments. (See Addendum 2, Canvas Data Analytics – Course Overview.) Similarly, for each individual student, Canvas provides the level of activity and engagement in the course, as well as data regarding the timely submission of assignments and the scores received on each. (See Addendum 3, Canvas Data Analytics – Individual Student.)

Through implementation of its internal policies as well as externally documenting student engagement through Canvas data analytics, the hybrid J.D. program complies with Guidelines 6.5(B), 6.5(C), and 7.11(A)-(C) regarding verified academic engagement.

IV. Assessing the Hybrid J.D. Program for Continual Improvement

The hybrid J.D. program is in its infancy, and yet already so much has been learned. To date, both the program and the student experience have been monitored closely through a variety of perspectives. First, the students have provided input at multiple points throughout the past 18 months through targeted surveys, evaluations, and roundtable discussions at residency weekends. As a direct result of their feedback, changes have already been made. For example, the residency hours were revised to improve student learning and the assignment deadlines were changed to better serve working adults. Second, the professors have shared observations about student learning – what is effective, what is not – and the administration has crafted policies (like the academic engagement policy above) to directly address issues as they arise.

Finally, an early assessment was conducted in 2019 across the two onsite J.D. programs, Ventura and Santa Barbara, and the hybrid J.D. program to determine whether there was a difference in students' ability to perform competent legal analysis. The results of our assessment showed that there was a consistent issue observed across campuses and across modalities: a need to improve critical reasoning skills. Moving forward, these results are being discussed with faculty across campuses and programs to inform and modify, where appropriate, their curriculum. COL will continue to work with faculty – and, in turn, students – on legal analysis skills. In September 2019, COL hosted a faculty development symposium to discuss teaching and learning generally and legal analysis specifically. In May 2020, COL is planning a teaching symposium to focus on online teaching and learning methodologies. COL is fortunate to have access to instructional design and educational technology resources to support its hybrid J.D. program and faculty. As the delivery of legal education shifts and evolves, continual faculty development is critical.

Another important area of assessment – and resulting adjustments – has been with respect to COL's admissions protocol. Initially, hybrid J.D. applicants were reviewed using the same process used for onsite students. What we observed, however, was that this type of learning is different, and that students needed to better understand the process and whether the program was a good fit for them. To that end, we instituted a mandatory interview process for each

hybrid J.D. applicant to discuss a number of topics, including the rigor of the program, the expectations (theirs and ours), and the need to be a self-motivated, disciplined learner. This added step was essential to best situate the student to succeed. Anecdotally, the addition of the interview has appeared to make a difference. In fall 2018, five students withdrew during the first semester for a variety of reasons; in fall 2019, no student has withdrawn. We hope to see continued improvement in retention as the program progresses.

V. Onsite Students Taking Hybrid Courses

Under the current Guidelines, students enrolled in a traditional campus-based program are allowed to earn twelve units of distance-education credits. COL seeks to allow students to adopt a blended approach, providing them with the option to take both campus and hybrid J.D. courses as appropriate for their learning and schedule. To ensure the necessary flexibility, COL request that onsite students be allowed to take up to 64 units of distance-education credits. Because students in the campus-based program opted for it over the hybrid program when applying to the school we don't anticipate that any student will take 64 units of distance-education credits. The school doesn't want to limit the students' options, however.

COL serves a working adult population. Most students work full-time and are primary caregivers to children or elderly parents. Each year, twenty-five percent of students voluntarily withdraw from the onsite program due to unforeseen scheduling conflicts that affect their ability to attend class three nights a week. Because of the cohort-based model and the sequential curriculum, students cannot reduce their course schedule to accommodate conflicts. Instead, students must withdraw from the program entirely and wait until the following year to reenter. Allowing students to substitute a hybrid J.D. course for an onsite course would provide critical flexibility to the onsite program.

Onsite students would be allowed to take doctrinal hybrid J.D. courses after the first year with permission from the Dean and Associate Dean of Hybrid and Online Learning. Because both programs have the same required doctrinal courses in the same sequence, the student's learning arc would not be interrupted. To take advantage of this flexibility, students would need to be in good standing, have an excellent attendance record in their campus courses and interview with either the Dean and Associate Dean to ensure that they understand the unique learning environment in the online curriculum. Onsite students enrolled in a hybrid J.D. course would be subject to the hybrid J.D. policies related to attendance and academic engagement described above, including attending all residency sessions related to their course.

VI. Conclusion

COL respectfully requests the CBE to approve its major change request to (1) permanently codify COL's existing pilot hybrid J.D. program and (2) allow COL to increase to 64 units the number of distance-education credits an onsite student can take so they can respond life circumstances.

Committee of Bar Examiners
State Bar of California
180 Howard St.
San Francisco, CA 94105

Re: Santa Barbara and Ventura Colleges of Law Application for a Major Change and
Waiver of Guideline 7.11

Dear Members of the Committee of Bar Examiners:

The Santa Barbara and Ventura Colleges of Law (COL), is seeking approval of a major change as required under Rule 4.164 permitting COL to offer a hybrid JD program starting in August 2018. Because the proposed program includes an asynchronous online component, COL is also seeking a waiver of current Guideline 6.5 and 7.11.

COL is a well-established law school accredited by both the Committee of Bar Examiners and the Western Association of Schools and Colleges. It repeatedly ranks in top quarter of California Accredited Law Schools with a cumulative bar pass rate over 65 percent. Its graduates include respected members of the bench, distinguished practitioners, and community leaders. Since it opened its doors nearly fifty years ago, COL has been dedicated to making a quality legal education both affordable and accessible. The hybrid JD helps further this mission by combining best practices in legal education with advances in technology to deliver a quality JD program at a cost that is one-third of the nearest ABA accredited law school.

Executive Summary

COL's hybrid-JD program will not only alter how students learn but how faculty teach. COL believes that students can graduate from a JD program with the knowledge necessary to succeed on the bar exam and a strong foundation in basic skills and professional values needed to succeed in a competitive job market. (*Addendum § A*) A full description of the program can be found in the attached addendum.

The program is designed as an 84-unit hybrid JD, with a blend of online and onsite engagement.

The hybrid JD curriculum tracks the current onsite JD program curriculum with regards to doctrinal courses. Both programs will offer six units of Contracts, Torts, Real Property, Civil Procedure, and Constitutional Law, and three units of Criminal Law, Constitutional Criminal Procedure, Wills and Trusts, Remedies, Community Property, and Business Associations. In addition, students in both programs will be required to complete a three-unit Bar Studies course and a one-unit pro bono internship. (*Guideline 6.7*)

The proposed program differs from the onsite JD in five significant ways. (*Addendum § D*)

First, students and faculty will engage both online and face-to-face in the hybrid JD program. As currently constructed, the program has a 70/30 percent split between the two modalities. Faculty will engage students online to introduce and explain basic content and to assess the students' understanding of that content. Students will then travel to campus one time per month for a 12-hour intensive residency and face-to-face engagement. COL will use the "flipped classroom" approach, which calls on students to absorb knowledge and content outside the classroom so that in class they can engage in active learning. During the weekend residencies, students will synthesize the material they learned outside of class through in-depth discussions, active problem solving, and collaborative simulations. This model has the added benefit of allowing instructors to incorporate core practice skills directly into the classroom. The flipped classroom method continues to be adopted across higher education as a best-practice approach to improving learning. (*Addendum § C, Guideline 6.5, 7.11*)

Second, the proposed program begins with a "Foundational Semester" to ensure all students start the core program with a baseline of shared knowledge and skills. The Foundational Semester comprises four courses (each two units): American Legal Systems, Legal Fundamentals, Introduction to Legal Writing and Analysis, and Introduction to Legal Research.

Third, the program will weave legal research and legal writing problems and assignments directly into at least one course each semester. The program seeks to create an integrated experience where students see how legal writing and legal research connect directly to their other courses.

Fourth, the program ends with a required capstone course. A capstone course is a culminating project or experience that requires review, synthesis, and application of what has been learned over the course of the JD program. COL's capstone course will require students to demonstrate that they have mastered the basic knowledge, skills and values of a first-year associate.

Fifth, the program incorporates four skill-based lawyering tracks: Practical Skills, Litigation, Transactional, and Professional Development and Leadership. One weekend per semester is dedicated to exposing students to the skills identified as necessary or helpful for new attorneys. (*Addendum § E.3*)

Through the lawyering track units and the capstone course, students will have the opportunity build a solid foundation of necessary skills that will make them immediately valuable to an employer. They also allow the curriculum to adapt to the changing legal services market. While certain skills, such as writing and research, remain constant, other skills, such as those related to emerging technologies and project management, are constantly evolving. Both the lawyering tracks and capstone course allow the curriculum to evolve with these changes, creating needed flexibility within the curriculum. (*Rule 4.160 & Guideline 6.9*)

The program is built to meet both the current Guideline 6.5 and the proposed amendments to Guidelines 6.5 and 7.11. (*Addendum § E*) To verify student academic engagement, COL will rely on methods provided in proposed amendment 7.11(D)(1). COL will establish a compliant curriculum that includes the intended or expected time of engagement. COL will confirm the reliability of these time estimates through externally documented standards, by individual student log, and through research. In addition, COL will build each course to meet Quality Matters

standards. Quality Matters is an international organization that is recognized as a leader in quality assurance for online education. COL also will be required to meet the Western Senior College and University Commission (WASC) *Guidelines for the Evaluation of Distance Education (On-line Learning)*. (Addendum § E.1)

Through TCS Education System (TCS), COL is fortunate to have access to an instructional design and an educational technology team. Both teams are well-versed in best practices in digital teaching and learning, online pedagogy, and the technology resources that can make courses engaging and accessible. They will ensure that COL is building a program that meets the highest standards consistent with current best practices in the field. The two teams will work closely with faculty as they design, build and teach their courses, providing guidance and training as part of the process. (Addendum § F.1)

COL intends to employ a robust assessment protocol. In addition to traditional program assessment, COL will conduct a study comparing student outcomes, student engagement and student motivation in the onsite program and the hybrid JD. Dr. Lord Giddie, a faculty member in the Instructional Design Department at The Chicago School of Psychology, a TCS affiliate, and April Abilez, a Ph.D. student will design and conduct a research study to assess the efficacy of the two programs. (Addendum § C)

The COL's faculty and Board of Trustees have both reviewed and approved the hybrid JD. In addition, TCS has provided seed funding to support the development of the program and COL has built a 5-year pro forma budget that outlines revenue and expenses. (Addendum §§ B & F.4)

For the reasons stated above and those in the attached addendum, COL requests the Committee of Bar Examiners approve the major change and variances requested in this letter. The hybrid JD program is consistent with COL's longstanding mission to provide an affordable and accessible quality legal education that provides students the necessary knowledge, skills and values to succeed in the profession.

Sincerely,



Jackie Gardina

Dean and Chief Academic Officer

Santa Barbara and Ventura Colleges of Law

EXECUTIVE SUMMARY ADDENDUM

A. Development of Hybrid JD

In developing the hybrid JD, COL sought to design a JD program that responded to the critiques of legal education by employing modern pedagogy to both better prepare graduates for the bar exam and provide a foundation in the basic skills needed to enter the practice of law.

For more than 50 years, commentators have critiqued legal education and recommended changes to curricular design and pedagogical approach.¹

The critiques and recommendations echoed a common theme: the need to balance what has been the bedrock of legal education for generations—fundamental legal knowledge and analytical skills—with the practical skills and ethical values necessary to apply theory to practice in law. Seeking this balance has been a source of controversy. In 1967, Dean Phil Neal, from the University of Chicago Law School, articulated the rift: “My proposition is that the aim of the law school, at any rate, of this law school, is not to train lawyers, but to educate men for *becoming* lawyers. There is vast difference.”

Because of this perceived difference, law schools have been slow to adopt wholesale changes to what or how they teach. To be sure, students today are provided with more opportunities to gain practical skills through clinical and externships programs as well as simulation-based classroom experiences. But even with these additions recent studies have found that law schools are not preparing graduates for the practice of law.

Nearly 90 percent of new law school graduates surveyed say law schools must “undergo significant changes to better prepare future attorneys for the changing employment landscape and legal profession.”² Likewise, 95 percent of hiring partners and associates believe recently

¹In 1992, the American Bar Association (ABA) released a report on legal education and professional development—referred to as the “McCrate Report” that provided a series of recommendations for law schools. *See* Legal Educ. & Prof. Dev. – An Educ. Continuum: The Report of the Task Force on Law Schools & The Profession (ABA, July 1992) *available at* https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/2013_legal_education_and_professional_development_maccrate_report.authcheckdam.pdf

Fifteen years later, the Carnegie Foundation issued a report—referred to as the Carnegie Report—on preparing lawyers for the profession. *See* William M. Sullivan, *Education Lawyers: Preparation for the Profession of Law* (Carnegie Foundation 2007) *available at* http://archive.carnegiefoundation.org/pdfs/elibrary/elibrary_pdf_632.pdf

In 2014, faced with a structural crisis in both legal education and the legal services market exacerbated by the Great Recession, the ABA created a “Task Force on the Future of Legal Education” charged “to examine the current problems and conditions in American legal education and present recommendations that are workable.” https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf

²*See* Russell Schaffer, *Kaplan Bar Review Survey: 63% of Law School Graduates from the Class of 2013 Believe that Law School Education Can Be Condensed to Two Years* (2013) *available at* <http://press.kaptest.com/press-releases/kaplan-bar-review-survey-63-of-law-school-graduates-from-the-class-of-2013-believe-that-law-school-education-can-be-condensed-to-two-years>

graduated law students lack key practical skills at the time of hiring.³ These findings are consistent with the American Bar Foundation's "After the J.D." study, in which 50 percent of lawyers after seven years of practice reported that law school did not adequately prepare them for practice.⁴

To address these critiques, COL hosted the "Hack the JD" with a lofty goal: to design the next generation JD program. Built in the tradition of a "hackathon," this event had participants working in teams over a 36-hour period to transform legal education by designing a program that provides graduates the necessary knowledge, skills, and values to best serve future clients and the public good.

The participants included those from within COL and TCS Education System (TCS) community and those who traveled across the county to offer their insights and guidance. Participants were first asked to give a five-minute presentation (i.e., an "elevator speech") that answered the following questions: "What should the next generation JD include?" And "How should the next generation JD be built and delivered?"

With the answers to those two questions in mind, the participants were divided into teams where they performed a "Start, Stop, and Continue" exercise. Using the current legal education model, the teams identified what they would stop doing, what they would start doing, and what they would continue doing. They were asked to consider what was "non-negotiable," i.e. what had to be part of a future JD program. They then came together for a working lunch where the groups presented their conclusions.

From there the teams went back to work designing the next generation JD built on the foundation of the knowledge, skills, and values and design principles identified in the presentations. In addition, the teams incorporated the non-negotiables and innovations into the redesigned JD.

On Sunday morning, the teams presented their designs to two Board members, COL Board Chair Marilyn Anticouni and COL longest serving Board member, Mary Jane Miller, along with the Executive Director, Dr. Nehmer and the Dean Jackie Gardina.

The designs contained common themes. Every team highlighted the need to weave professional development and skills into the core curriculum with two teams suggesting that students do "practice rotations." Every team emphasized the need for frequent assessment with a focus on developing mastery rather than simply obtaining a grade. Every team identified the need to ensure the students start the program with a basic foundation in civics, the legal system, and writing skills before moving into the substantive legal courses. Every team suggested utilizing digital teaching and learning into the program.

³ See Hiring Partners reveal new attorney readiness for real world practice (Lexis Nexis, 2015) *available at* https://www.lexisnexis.com/documents/pdf/20150325064926_large.pdf

⁴ See After the JD: First Results of Nat'l Study of Legal Careers (NALP Foundation and American Bar Association, 2004) *available at* <http://www.americanbarfoundation.org/uploads/cms/documents/ajd.pdf>

COL used these themes as guideposts in developing the hybrid JD curriculum.

B. Governance (Guidelines 3.1, 4.2)

The ideas generated during the Hack the JD weekend provided a solid foundation on which to build the hybrid JD. Using the design principles and themes generated by the teams, an internal working group comprised of administrators and faculty designed a program that incorporated the pedagogical and curricular innovations from the Hack the JD weekend into COL's current core curriculum.

Chief Academic Officers (CAO) within the TCS and COL faculty then vetted the program. On May 11, Dean Jackie Gardina and Executive Director Matt Nehmer presented the program to the TCS New Program Committee comprised of CAOs from TCS affiliates. The Committee responded positively to the presentation and provided feedback on new program development.

On that same day, Dean Gardina hosted an information session for faculty. During the session, she outlined the program and provided an opportunity for discussion and debate. The session was recorded and, with supporting material, distributed to all faculty the next day with an invitation for follow-up comment and discussion.

On May 24, the COL Curriculum Committee met to consider the program. The Committee unanimously voted to recommend it to the full Faculty Council for approval.

On June 14, the Faculty Council met to consider the Curriculum Committee's recommendation. The Faculty Council also unanimously voted to approve the program.

COL's Board of Trustees has been fully supportive of the hybrid JD development. Starting in fall 2016, Dean Gardina has provided regular updates to the Board's Academic Affairs Committee and to the full Board.

In addition, TCS is enthusiastic about the program. Through an innovation fund, TCS provided initial funding for the "Hack the JD" weekend as well as seed funding to create and build the first two semesters of the program. As will be discussed more fully below, TCS is also providing critical expertise and infrastructure necessary to build and maintain the program.

C. Design and Efficacy (Guideline 6.1, 6.2)

The program is designed as a hybrid JD, a blend of online and onsite engagement. Instructors will engage students online to introduce and explain basic content and to assess the student's understanding of that content. The online delivery will be primarily asynchronous with synchronous meetings created as necessary or desired. Students will then travel to campus one time per month and four times over the course of the semester for continued face-to-face instruction and to review and synthesize the material.

COL's decision to create a blended program is consistent with trends in higher education generally. Higher education is employing both fully online and blended learning approaches at

the graduate and undergraduate levels. The number of higher education students taking online courses continues to rise year over year. This trend of increasing online enrollments in the face of declining overall enrollments suggests an important shift in the higher education landscape.⁵ Moreover, the growth is primarily in public universities,⁶ including the university systems within California.⁷

Law schools are also increasingly introducing online options into their programs. Although legal education has been slow to adopt online teaching and learning in JD programs, law schools have created online LL.M programs and law-related master's programs. In 2013, the American Bar Association granted a variance to Mitchell Hamline College of Law to launch a hybrid JD in 2015.⁸ In addition, Loyola University in Chicago has created a part-time weekend JD that incorporates online learning into the core curriculum.⁹ Moreover, law schools are introducing online learning options into their traditional onsite JD programs.¹⁰

As online learning has grown, researchers have been able to study the student outcomes and student engagement in the different modalities. Researchers studying the efficacy of traditional face-to-face, fully online, and blending learning have found that student outcomes improve in a blended learning environment.¹¹

COL intends to add to this research. COL will conduct a study comparing student outcomes, student engagement and student motivation in the onsite program and the hybrid JD. Dr. Lord Giddie, a faculty member in the Instructional Design and Technology Department at The

⁵ See I. Elaine Allen, Ph.D & Jeff Seaman, Ph.D., Online Report Card – Tracking Online Education in the United States, at 4. (Babson Survey Research Group and Quahog Research Group, LLC 2016) *available at* <http://onlinelearningsurvey.com/reports/onlinecard.pdf>

⁶ See *id.* at 9. (“Based on federal data from fall 2014 (the most recent year available), the vast majority of all U.S. higher education students attend public institutions. Public institutions represented nearly three quarters of all fall 2014 enrollments (72%), private non-profits represented 20%, and for-profit institutions enrolled only 8% of all students”).

⁷ Both the University of California System and the California State System have dedicated online degree programs. See uonline.edu and calstateonline.edu.

⁸ You can learn more about the Mitchell Hamline program at <http://mitchellhamline.edu/academics/juris-doctor-program/hybrid-j-d-program/>

⁹ You can read about the Loyola program at <http://www.luc.edu/law/degrees/jurisdoctor-part-time/>

¹⁰ See Jordan Friedman, *Law Schools Experiment with Partially Online Learning*, U.S. News & World Report, (Nov. 7, 2016) *available at* <https://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2016-11-07/law-schools-experiment-with-partially-online-learning>

¹¹ See, e.g., Jacqueline E. McLaughlin, PhD, MS, Nastaran Gharkholonarehe, PharmD, Julia Khanova, PhD, Zach M. Deyo, PharmD, and Jo E. Rodgers, PharmD: *The Impact of Blended Learning on Student Performance in a Cardiovascular Pharmacotherapy Course*, Am. J. Pharm. Educ. v. 79(2):24 (Mar. 25, 2015); Mugenyi Justice Kintu, Chang Zhu and Edmond Kagambe, *Blended learning effectiveness: the relationship between student characteristics, design features and outcomes*, *Inter.J of Educ. Tech. in Higher Educ.*, 14:7 (August 2017).

Chicago School of Psychology, a TCS affiliate, and April Abilez, a Ph.D. student, will design and conduct a research study to assess the efficacy of the two programs.

D. COL Program Design Overview (Guidelines Division 6)

This section provides a broad overview of the program and more explicit details provided in §§ E and F.

The program is designed as an 84-unit hybrid JD, with a blend of online and onsite engagement. (*Guideline 6.5(A)*)

The hybrid JD curriculum tracks the current onsite JD program curriculum with regards to doctrinal courses. Both programs will offer six units of Contract, Torts, Real Property, Civil Procedure, and Constitutional Law, and three units of Criminal Law, Constitutional Criminal Procedure, Wills and Trusts, Remedies, Community Property, and Business Associations. In addition, students in both programs will be required to complete a three-unit Bar Studies course and a one-unit pro bono internship. (*Guideline 6.7*)

The proposed program differs from the onsite JD in five significant ways.

First, students and faculty will engage both online and face-to-face in the hybrid JD program. As currently constructed, the program will be delivered 70 percent online and 30 percent onsite. Faculty will engage students online to introduce and explain basic content and to assess the students' understanding of that content. While the majority of the online engagement will be asynchronous, faculty may opt for synchronous instruction, collaborative engagement, and online "office-hours" during the semester.

Students will then travel to campus one time per month for a 12-hour intensive residency and face-to-face engagement. COL will use the "flipped classroom" approach, which calls on students to absorb knowledge and content outside the classroom so that in class they can engage in active learning.¹² During the weekend residencies, students will synthesize the material they learned outside of class through in-depth discussions, active problem solving, and collaborative simulations. This model has the added benefit of allowing instructors to incorporate core practice skills directly into the classroom. (*Guideline 6.9*)

Second, the proposed program begins with a "Foundational Semester" to ensure all students start the core program with a baseline of shared knowledge and skills. The Foundational Semester comprises four courses (each two units): American Legal Systems, Legal Fundamentals,

¹² Harvard University Extension is incorporating active learning into their courses with very positive results. See Lauren McLaughlin, *Active Learning Challenges Old Education Models*, Harv. Ex. School available at <https://www.extension.harvard.edu/inside-extension/active-learning-challenges-old-education-models> (As Huntington Lambert, dean of the Harvard's Division of Continuing Education, explained. "I can choose to lecture on the elements of a business model canvas. Or I can choose instead to help the students learn by doing," he says. "In the latter scenario, I'm merely the facilitator as the students build a business model canvas using posters and sticky notes. I might take it a step further by first providing a five- to six-minute overview, followed by a group canvas building exercise, team presentations, and a feedback session. *That's* active learning.")

Introduction to Legal Writing and Analysis, and Introduction to Legal Research. (*Guideline 6.1, 6.2*)

Third, the program will weave legal research and legal writing problems and assignments directly into at least one course each semester. The program seeks to create an integrated curriculum where students experience how legal writing and legal research, along with other practical skills, connect directly to their other courses. (*Guideline 6.9*)

Fourth, the program ends with a required capstone course. A capstone is a culminating project or experience that requires review, synthesis, and application of what has been learned over the course of the JD program. COL's capstone course will require students to demonstrate that they have mastered the basic knowledge, skills and values necessary for a first-year associate. (*Guideline 6.9*)

Fifth, the program incorporates four skill-based lawyering tracks: Practical Skills, Litigation, Transactional, and Professional Development and Leadership. One weekend per semester is dedicated to exposing students to the skills identified as necessary or helpful for new attorneys. (*Guideline 6.2 and 6.9*)

Through the lawyering track units and the capstone course, students will have the opportunity build a solid foundation of necessary skills that will make them immediately valuable to an employer. These courses also allow the curriculum to adapt to the changing legal services market. While certain skills, such as writing and research, remain constant, other skills, such as those related to emerging technologies, are constantly evolving. Both the lawyering tracks and Capstone course allow the curriculum to evolve with these changes, creating needed flexibility within the curriculum.

In addition, skill-based lawyering tracks and the Capstone course will be made available to all of our JD students. The addition of these courses to the curriculum will expand the opportunities for COL students to develop critical skills and will allow COL to meet the new mandates imbedded in Rule 4.160 and Guideline 6.9.

E. Academic Engagement (Guideline 6.5 and 7.11)

The program is designed to meet both the current Guideline 6.5 and the proposed amendments to Guideline 6.5 and 7.11. As Guideline 6.5 requires, the program includes at least 1200 hours of study and more than 80 semester units.

Proposed Guideline 6.5 identifies the minimum requirements for the J.D. degree as:

satisfactory completion of a course of study requiring 1,200 hours of verified academic engagement with a law school's faculty and its curriculum. The 1,200 hours of academic engagement must be earned through completion of no fewer [] eighty semester units, or there equivalent, with each semester unit requiring a minimum of 45 hours of student work, including both academic engagement and

preparation, of which a minimum of 15 hours must be academic engagement verified as prescribed by these Guidelines.

Proposed Guideline 7.11(C) defines “verified academic engagement.”

Students may earn credit hours toward the 1,200 hours of verified “academic engagement” as defined and required by Guideline 6.5(A) via distance learning technology through any of the following: (1) participating in a synchronous class session; (2) viewing and listening to video-taped classes or lectures; (3) participating in a live or video-taped webinar prepared and offered by the faculty of the law school; (4) participating in any synchronous or asynchronous academic discussion assigned in any class and monitored by a faculty member; (5) taking an exam, quiz or timed writing assignment; (6) completing an interactive tutorial or computer-assisted instruction (7) conducting legal research assigned as part of the curriculum in any class; and (8) participating in any portion of an approved clinical or experiential class or activity offered through distance-learning technology.”

Over the course of the COL hybrid JD program, students will be onsite for approximately 400 hours with the remaining 860 hours of verified academic engagement in the virtual classroom.

Students will take between six and nine units per semester with courses occurring simultaneously. For example, in the second semester, students will take Torts I, Contracts I, and Criminal Law for a total of nine units. To meet the proposed guidelines, the students must be academically engaged at least 135 hours per course. Over the course of the semester, the students will have at least 12 hours of face-to-face interaction related directly to each course and at least 125 hours of online engagement.

COL has developed a “carousel” model for the semester. With this model, the students will be engaged in each course each week, although the time and intensity of the verified academic engagement will differ from week to week. The model was adopted to meet a variety of concerns. First, COL wanted to develop a model that did not result in “cognitive overload.”¹³ Second, COL wanted to ensure that the faculty had sufficient time to deliver the necessary content. Finally, the model needed to provide for sufficient interaction to meet regulatory requirements.

In a traditional onsite program, students are deemed to be “academically engaged” when they attend class. In the COL onsite JD program, the students are in class for nine hours each week with each class allotted three hours. In the carousel model, the students will also be “academically engaged” for nine hours each week but those hours will be divided differently. Instead of three three-hour classes, the students will have the equivalent of one four-hour class and two two and a half hour classes.

¹³ Cognitive overload occurs when the instructors gives too much information or too many tasks to learners simultaneously, resulting in the learner being unable to process this information.

Using the table below as a guide, in Week 1 students will have more reading and assignment length in Course 1 than in Course 2 or Course 3. For example, in Course 1, students may have 60 pages of reading, a discussion forum that requires them to engage in an in-depth discussion related to the course material, and a quiz or written assignment due. In Course 2 and 3 they may have 35 pages of reading plus a video or written brief, responses to a hypothetical, or a quiz to assess their understanding of the material.

Carousel Model and Engagement Hours

Weeks	Course 1	Course 2	Course 3	Weekend Residency	Hours
Week 1	4	2.5	2.5		9
Week 2	2.5	4	2.5		9
Week 3	2.5	2.5	4		9
Week 4	4	2.5	2.5	12	21

1. Online Engagement

Faculty will engage students online to introduce and explain basic content and to assess the students' understanding of that content. While the majority of the online engagement will be asynchronous, faculty may opt for synchronous instruction, collaborative engagement, and office-hours during the semester.

Faculty will use many of the same assignments and techniques employed in the traditional fixed-facility program. Faculty will assign readings, just as in a traditional ground classroom. Depending on the course, faculty may choose a traditional casebook or develop course material specifically for their class. Faculty will guide the students' learning through podcasts, video lectures, PowerPoint presentations, or other multi-media resources such as CALI exercises or BarBri exercises. Faculty will then assess the students' engagement with and understanding of the material through a variety of mechanisms. Just as in a traditional ground course, students will be deconstructing statutes and case law, providing either written or video "case briefs," engaging in asynchronous discussions, submitting written assignments, taking quizzes, or collaborating with colleagues on a group project.

For each assignment, students will earn a badge that corresponds to the underlying assignment rubric. For example, if a student struggles with a particular assignment, she may receive a "Needs Improvement" badge. When a student performs well on an assignment, she may receive

a “Proficient” badge. The badging system serves multiple purposes. It allows students to receive immediate feedback on their understanding and mastery of the material. It allows faculty to identify where the students are struggling and address gaps. It tracks students’ engagement and acts as a proxy for online “attendance.” Finally, it sparks student motivation because final grades will be negatively or positively affected by the students’ engagement and performance over the course of the semester.

In addition to the badging system, COL will rely on the methods provided in proposed amendment 7.11(D)(1) to verify academic engagement. COL will establish a curriculum that includes the intended or expected time of engagement and will confirm the reliability of these time estimates through externally documented standards, by individual student log, and through research. To ensure best practices are employed, COL will build each course to meet Quality Matters standards. Quality Matters is an international organization that is recognized as a leader in quality assurance for online education.¹⁴ COL also will be required to meet the Western Senior College and University Commission (WASC) *Guidelines for the Evaluation of Distance Education (On-line Learning)*.¹⁵

2. Onsite Engagement

The students will be onsite for at least 400 hours of verified academic engagement over the course of the JD program. The program includes four 12-hours residencies per semester. In addition, students will be on campus for a 15-hour “Legal Boot Camp” before the program begins.

The Legal Boot Camp course will parallel the one designed to enhance the success of 1L students in our traditional JD program.¹⁶ The COL grounded the program, in part, in a literature review regarding adult learners and the benefits of the cohort model to retention and student success. Participants will be introduced to their classmates, the law school, the program learning outcomes and program structure, and the online environment. They will engage with core faculty on foundational skill development around reading and briefing cases, basic legal writing skills, and expectations.

¹⁴The Committee can learn more about QM at <https://www.qualitymatters.org/why-quality-matters/about-qm>

¹⁵ The *Guidelines* comprise nine hallmarks of quality for distance education. The Guidelines can be found at <https://www.wscuc.org/content/distance-education-evaluation-guidelines>

¹⁶ Colleges of Law introduced a new approach to on-boarding 1L students starting fall 2016 in our traditional JD program. Admitted students were invited to participate in a Law School Success Workshop one month before the start of school. The first week of class was dedicated to Legal Boot Camp to introduce students to basic foundational skills. We also revised our Legal Analysis and Writing course to provide students with eight-formative writing assessments over the course of the first semester. Using grades and final GPA as a metric, the COL saw a dramatic improvement in student performance. Students also reported feeling more confident and less anxious at the start of the semester.

Every semester the students will return to campus four times. The first two residencies in the semester are dedicated to synthesizing course content, the third weekend is devoted to the Lawyering Skills Track, and the fourth weekend is reserved for exams.

The first two weekends will be divided into four three-hour segments. Students will emerge from the residencies with a deeper understanding of the course content already covered. The residencies will employ a flipped classroom or active learning model to engage students. Each faculty will have three hours to ensure students have synthesized the material covered online in the previous weeks. During this time, faculty will employ problem-solving exercises and simulations to allow students to take the abstract constructs introduced online and apply them to real-world problems. In at least one doctrinal class, the students will engage in a legal research and writing exercise. By integrating these skills into every semester, COL ensures that by the end of the program, students understand how these skills are necessary to an effective practice regardless of subject area and students have developed basic proficiency in these skills.

The fourth three-hour segment in a weekend will be used for cross-course collaboration. Faculty will design an exercise that allows students to experience how the substantive courses within a semester are interconnected. For example, the Torts and Criminal Law professors may build an exercise that involves the civil and criminal concepts behind assault and battery. Students will emerge from this segment sensitized to how one set of facts can lead to multiple causes of action and a variety of legal remedies.

3. Lawyering Skills Tracks (Guideline 6.9)

The program incorporates four lawyering skill tracks: Practical Skills, Litigation, Transactional and Professional Development and Leadership. One weekend per semester is dedicated to exposing students to the skills identified as necessary or helpful for new attorneys. Using the National Conference of Bar Examiners Job Analysis,¹⁷ the Institute for the Advancement of the American Legal System Survey,¹⁸ and data gathered from alumni and the local bar, COL will identify 5 skills or competencies for each track. Students are required to take two Practical Skills units and at least one unit of the remaining tracks. The students can opt to take additional track units as electives.¹⁹ Students who are in the onsite program will be eligible to take the lawyering skills units as electives.

¹⁷The survey results can be found at <http://www.ncbex.org/publications/ncbe-job-analysis/>.

¹⁸ The full report can be found at http://iaals.du.edu/sites/default/files/reports/foundations_for_practice_whole_lawyer_character_quotient.pdf.

¹⁹ The Practical Skills Track will be dedicated to skills that new lawyers will need regardless of practice area, such as client interviewing, fact investigation, and using technology effectively. The Litigation Track will focus on the foundational skills for a trial attorney, such as the request and production of written discovery, drafting pleadings, motions and briefs, and oral advocacy. The Transactional Track will target basic skills related to a transaction practice such as drafting contracts and agreements, preparing client responses and negotiation. The Professional Development and Leadership Track will highlight issues related to ethics, such as confidentiality, the practice requirements, such as billing practices, and professional identity and roles, such as project management and community leader.

Through the lawyering skills tracks, COL will introduce students to basic skills necessary to enter the profession. Practicing attorneys will develop the courses so that they reflect the realities of practice. After being introduced to basic concepts, students will then have the opportunity to practice the skill or skills presented. The attorneys will assess the students' performance based on a simple rubric associated with the skillset and level of competency expected of a new lawyer. As students progress in the program, they should move from "developing" to "proficient" in their skills assessment. By the time they finish the Capstone course, students should be assessed as "competent" if not "proficient" in most foundational skills.

For example, the Litigation Track will focus on the foundational skills necessary for a trial attorney. Relying on material from organizations like the American Board of Trial Attorneys (ABOTA) and the National Institute of Trial Attorneys (NITA) as well as faculty, over the course of the JD program, students will move from opening statements, to introducing evidence and accompanying objections, to direct and cross examinations, to closing statements. During each semester, the students choosing the Litigation Skills Track will be exposed to a new concept with the opportunity to practice the associated skills. Students will be assessed in three ways. First, faculty will provide the students immediate verbal feedback on their performance as well as a written assessment identifying their progression from developing to proficient. Second, using a rubric, peers will assess the student. Finally, the students will do a self-assessment, including identifying areas in need of additional work. The semester long Capstone course will then require these students to work a litigation project from initial filings through a mini-trial.

The Lawyering Skills Tracks will allow COL to easily meet the mandates in new Rule 4.160 and amended Guideline 6.9.

4. Final Exams

The final weekend of each semester is dedicated to final exams in the core courses. Because the exams will be taken onsite, COL can verify the authenticity of the student's work.

F. Assessment

1. Formative Assessment

Throughout each course, the students in the hybrid program will have multiple formative assessments directly related to the coursework in a given week online. The assessments will take the form of discussion forums, written or video case briefs, quizzes, or written assignments. These assessments serve three primary purposes. It allows students to receive immediate feedback on their understanding and mastery of the material. It allows faculty to identify where the students are struggling and address gaps. It tracks students' engagement and acts as a proxy for online "attendance." Finally, it sparks student motivation because final grades will be negatively or positively affected by the students' engagement and performance over the course of the semester.

2. Final Exams (Guidelines 2.7, 6.14 & 7.9)

As stated above, the final weekend of each semester is dedicated to final exams in the core courses. To ensure fairness across the two JD programs, all students will be subject to the same examination and grading policies. To the extent possible, students will also have similar exams in both format and content. This approach will also allow COL to more accurately assess student outcomes between the two programs. Because the hybrid JD students will take the final exams onsite, COL can ensure the authenticity of the student's work as required under Guideline 2.7(C).

3. Program Assessment

COL will conduct a study comparing student outcomes, student engagement, and student motivation in the onsite program and the hybrid JD. Dr. Lord Giddie, a faculty member in the Instructional Design and Technology Department at The Chicago School of Psychology, a TCS affiliate, and April Abilez, a Ph.D. student, will design and conduct a research study to assess the efficacy of the two programs.

G. Miscellaneous

1. Infrastructure

Through COL affiliation with TCS, it has access to a learning management system, an instructional design team and an education technology team.

TCS affiliated partners use Canvas, a learning management system that provides a comprehensive platform for digital teaching and learning.²⁰ There are several reasons why TCS originally selected Canvas:

- **Newer and simpler UI/UX.** Created in 2011, Canvas does not suffer from legacy issues confronting older learning management systems. Canvas is more intuitive and user-friendly (simple navigation, fewer clicks, open APIs), and extensible (easier integration of third-party tools).
- **Industry leader.** Canvas is the fastest-growing LMS in the space, with over 1,100 institutions and 16M unique users having adopted the system. Consequently, TCS Education System had a wealth of case studies to consult before making a decision to adopt Canvas.
- **Tool for student engagement.** Curriculum that incorporates various media *and* simplicity of navigation is more engaging than curriculum that does not. Canvas is a powerful and easy-to-learn tool for personnel who design curriculum with an eye toward student engagement.

COL already uses Canvas for the Masters in Legal Studies program and several online JD courses.

²⁰ The Committee can see what Canvas offers at <https://www.instructure.com/>

COL is fortunate to have access to an instructional design and an educational technology team. Both teams are well-versed in best practices in digital teaching and learning, online pedagogy, and the technology resources that can make courses engaging and accessible. They will ensure that COL is building a program that meets the highest standards consistent with current best practices in the field. The two teams will work closely with faculty as they design, build and teach their courses, providing guidance and training as part of the process.

2. Faculty (Guideline 4.4., 4.5, 4.6 and 4.7)

COL intends to hire a full-time faculty program director for the hybrid JD program. The person will be an experienced legal educator who is well-versed in digital teaching and learning. The program director will be responsible for developing and implementing the hybrid JD as well as working with faculty to effectively use technology to enhance learning in the onsite JD program.

In addition, COL will need to add faculty to create and implement the hybrid JD program. COL faculty is largely drawn from the local bench and bar. The school is fortunate to have such dedicated people willing to prepare their future colleagues; it would be difficult, however, for our current faculty to teach in both programs. Moreover, not all faculty are interested in or prepared to teach in the “virtual” classroom.

3. Admissions (Division 5)

COL does not intend to substantially alter its admissions standards for the hybrid JD. Because of the unique nature of the program, however, the Academic Standards and Admissions Committee is considering precluding special students as defined under Rule 4.25 and requiring that the Committee or its delegate interview all applicants.

4. Financial Resources (Guideline 2)

COL created a five-year pro forma for the hybrid JD that included estimated revenue and expenses from the fiscal year 2017 through fiscal year 2021. The pro forma accounted for initial enrollment targets for the program coupled with investments in program development and other expenses such as additional marketing, staffing, and investments in CALI and additional software.

COL intentionally began with modest enrollment assumptions. The pro forma accounts for eight incoming students in Fall 2018, 14 for Fall 2019, and 22 for Fall 2020. The revenue model was built on the same tuition rate as for the traditional weeknight program, although COL is currently considering a modest “residency” fee for hybrid JD students. Given these considerations, the current projection is \$116,000 of revenue for FY19, \$274,500 for FY20, and \$459,000 for FY21.

Program development is the primary expense driver. It can be separated into two categories for budget planning. The first is the costs associated with building the courses in Canvas, COL’s learning management system. Currently, the pro forma accounts for 25 courses being built into Canvas at a cost of \$4,000 per course. The second category is “curriculum development,” which

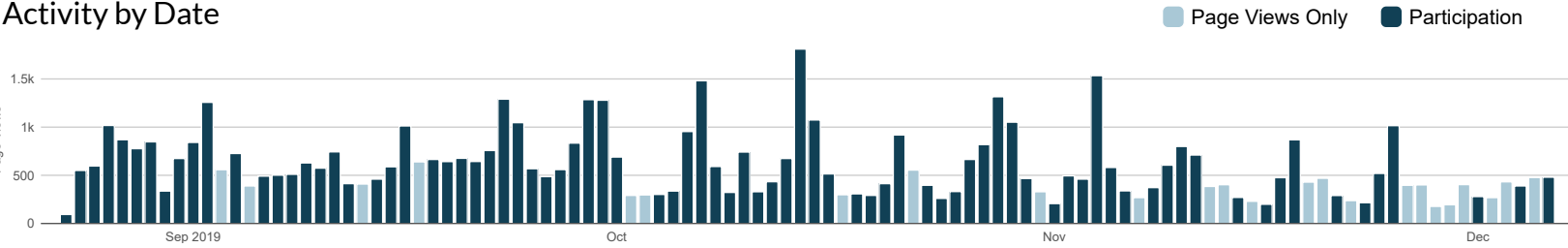
accounts for faculty, or “subject matter expert,” time to develop individual courses into the hybrid format.

To help COL with these startup costs, TCS Education System, of which COL is an affiliate, is providing a \$50,000 grant, which will help keep hybrid JD program development efforts budget neutral for FY18. Overall, program development costs are to be extended through FY21.

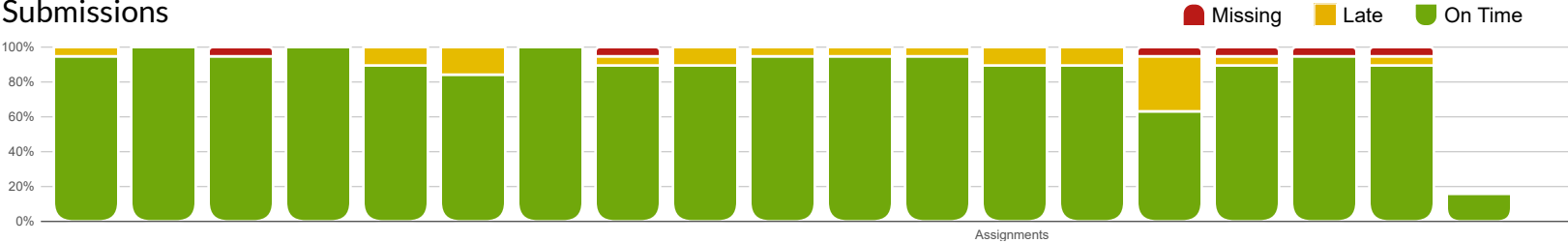
The pro forma also accounts for other miscellaneous other expenses such as increase adjunct costs, full-time faculty costs, software related expenses, and marketing. Such expenses are modest as the project will leverage fixed-costs already in place for the onsite program, e.g., facilities, staffing, library, and IT.

COL affiliation with TCS allows the project to leverage numerous economies of scale which will help control costs. As noted earlier, COL already works with a dedicated instructional design team, marketing team, financial planning and analysis team, and a student enrollment and retention team. These teams will expand their efforts to include the hybrid JD program.

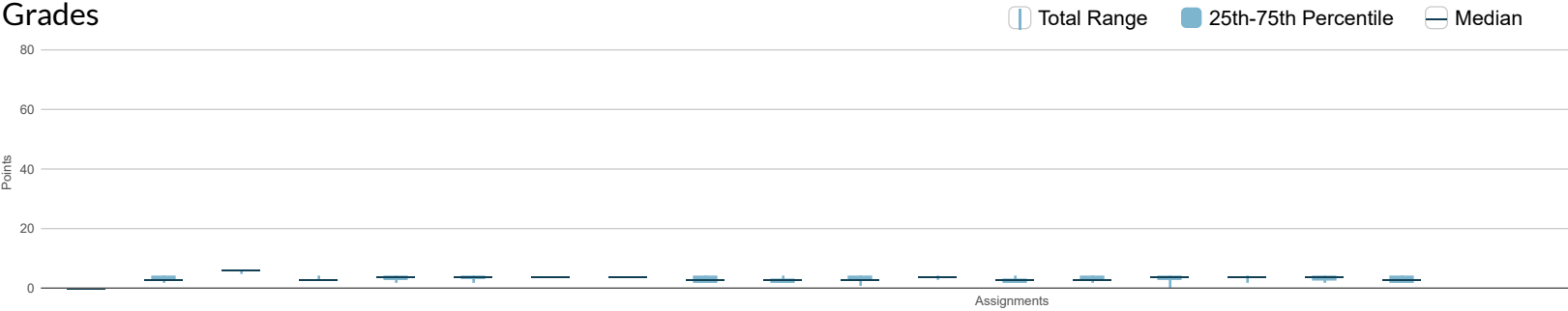
Activity by Date



Submissions



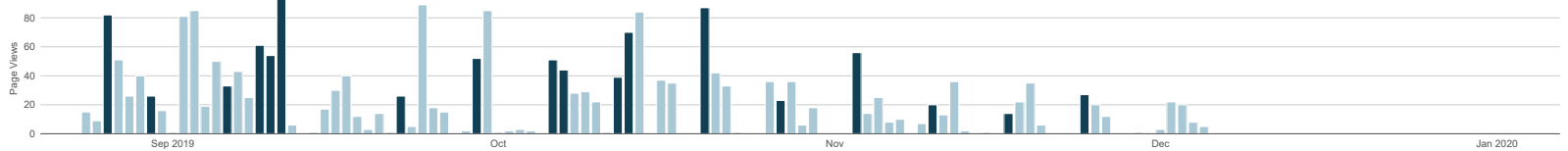
Grades



Student ^	Page Views	Participations	Submissions	On Time	Late	Missing
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	1844	21	17	15	2	1
	854	22	18	17	1	0
	2642	22	18	17	1	0
	2574	20	18	18	0	0
	3224	22	18	18	0	0
	4165	20	19	19	0	0
	1449	21	17	9	8	1
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Activity by Date

Page Views Only Participation



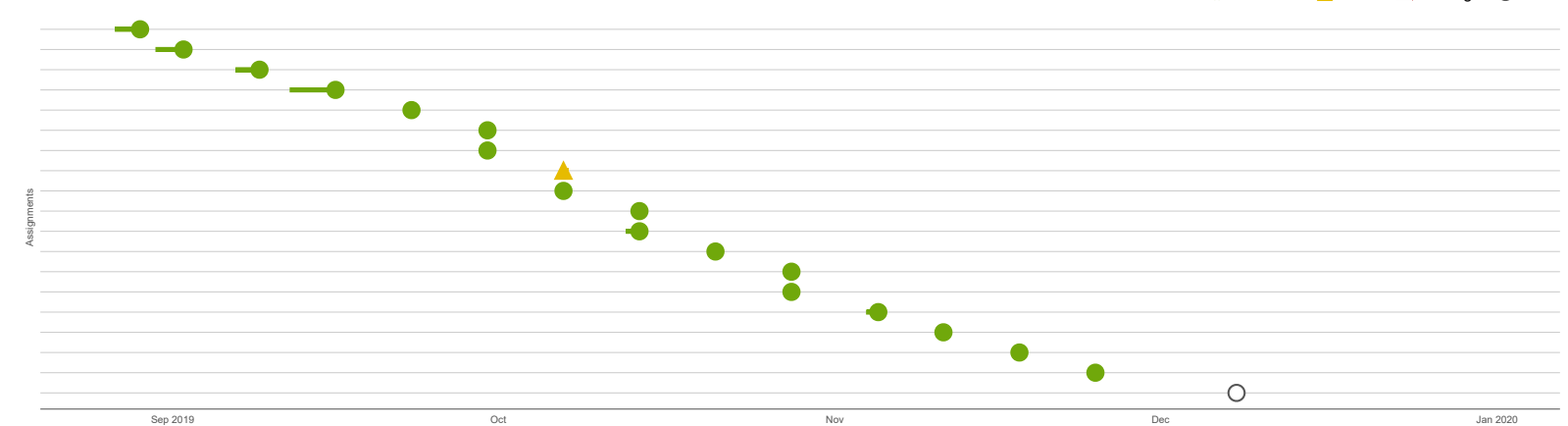
Communication

Student Instructors



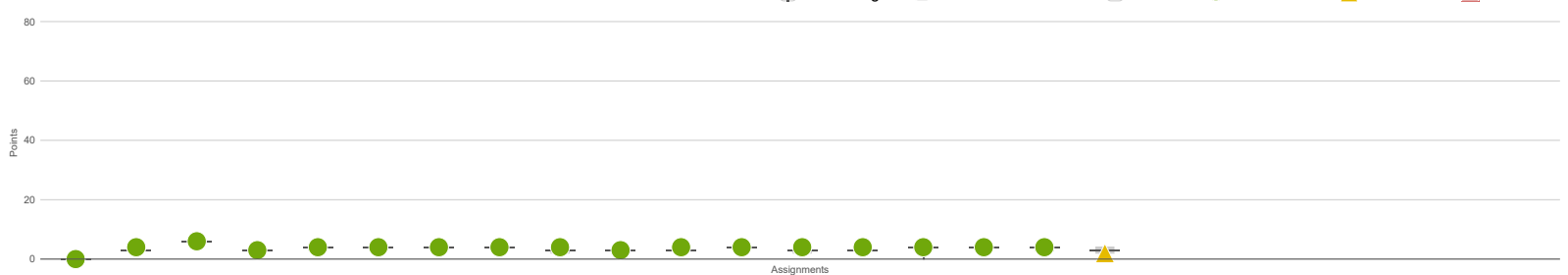
Submissions


On Time Late Missing Future



Grades

Total Range 25th-75th Percentile Median Good Score Fair Score Poor Score



Student ^	Page Views	Participations	Submissions	On Time	Late	Missing
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	2046	22	17	17	0	1
	2757	27	19	19	0	0
	3970	21	18	17	1	0
	3227	19	18	16	2	0
	158	0	0	0	0	18
 Test Student	4875	23	18	18	0	0
	2555	21	17	15	2	1
	1740	23	19	19	0	0