



# The State Bar *of California*

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## **OPEN SESSION AGENDA ITEM O-408 AUGUST 2020 COMMITTEE OF BAR EXAMINERS**

**DATE:** August 21, 2020

**TO:** Members, Committee of Bar Examiners

**FROM:** Natalie Leonard, Principal Program Analyst

**SUBJECT:** Action on Major Change Adding or Changing JD Programs to Expand Online Offerings and Closing Santa Cruz Satellite Campus; Progress Update on Pilot Hybrid JD Program - Monterey College of Law

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### **EXECUTIVE SUMMARY**

Monterey College of Law (MCL) seeks Committee of Bar Examiners (CBE) approval of this Major Change Request on four topics: 1) file an acceptable progress report as to its pilot, hybrid JD program approved by the CBE in spring 2018; 2) request approval of a permanent online hybrid JD program; 3) request permission to increase the number of online credits available to students in MCL's fixed facility JD program; and 4) advise that MCL has permanently closed its Santa Cruz satellite campus.

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### **BACKGROUND**

A law school must submit a major change request seeking the CBE's prior approval when the law school "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) Accredited law schools offering fixed facility programs must file and secure approval of a major change request to increase the maximum number of distance credits in the JD program to more than twelve. (Committee of Bar Examiners action, Item O-402, 6/19/19).

The CBE should review each request to determine whether it complies with the Rules and Guidelines for Accredited Law Schools, and to determine the effect that each request may have on the school's overall compliance.

MCL filed this Major Change Request pursuant Accredited Law School Rules 4.164 and 4.165 seeking several requests: providing the CBE with a progress report on the first two years of operation of its pilot, hybrid JD program; requesting permission to offer a permanent and more flexible version of the hybrid JD program; requesting permission to adjust the school's separate traditional classroom JD program to allow its students to take any number of online courses as part of their JD education; and advising the CBE the MCL is closing the Santa Cruz satellite.

## **DISCUSSION**

MCL is a California Accredited Law school operating campuses in Bakersfield, San Luis Obispo, and Seaside. The school was last inspected in 2018 and found to be operating compliantly; its accreditation was renewed through 2023. The school's Minimum, Cumulative Bar Exam Passage Rate is also compliant and exceeds the forty percent minimum. Its 2018 MPR was 47.9 percent, while its 2019 MPR was 54.3 percent, and its 2020 MPR is 53.7 percent.

### **MCL HAS IMPLEMENTED A COMPLIANT PILOT HYBRID JD PROGRAM**

In 2018, the CBE approved MCL's request to offer a pilot, hybrid JD program, and asked the school to provide a progress report after one year. Students enrolled in the pilot, hybrid JD program take their first-year classes in fixed facility classrooms, while the final three years of law school are conducted largely or fully online. During the 2018-2019 academic year, MCL enrolled its first hybrid JD cohort; after completing one year of fixed facility classes, that cohort began taking online courses during the 2019-2020 academic year. Therefore, this is the appropriate time for the school to submit its one-year progress report after the school offered its first full year of online classes.

When the CBE initially approved MCL's pilot, hybrid program, the CBE concluded that the proposed program complied with the Rules and Guidelines for Accredited Law Schools that were in effect at that time in 2018, and confirmed that the implementation of the pilot program would not reduce the school's overall compliance.

Since that time, the Committee amended its rules and guidelines to allow accredited law schools to incorporate more distance learning into their JD programs. Therefore, staff conducted a review and confirmed that the pilot, hybrid JD program also complies with the Rules and Guidelines for Accredited Law School as amended in 2019. Under this amended authority, all accredited JD programs must include at least 1,200 verified hours of academic engagement, which equates to at least eighty semester credit hours. (Guideline 6.5(A)) MCL's pilot hybrid JD program's 90 credits and 1,350 hours of academic engagement exceed this minimum. The school properly verifies academic engagement through a combination of taking attendance, and tracking engagement with the school's learning management software. (Guidelines 6.5(B), 6.5(C), and 7.11(A)-(C)) Each class includes a required course text and syllabus. (Guideline 6.5 (K), (L)) Students in the pilot JD program may also complete an

internship in the manner prescribed by Guideline 6.6. The curriculum meets 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 a combination of required classes and electives. (Guideline 6.11, 6.13, 6.14)

The pilot, hybrid JD program's online courses are designed by a team of instructors experienced in delivery of online courses who can devote significant time to this task. While similar in course title and content, the online courses have also involved a variety of interactive assignments, discussion boards and quizzes offering more intermediate feedback to students than might otherwise be possible in a traditional classroom. Students are assigned material to complete prior to weekly synchronous meetings as well as after the meetings but before the week's end.

Because the pilot, hybrid JD program is just two years old, the class cohort is under 10, and the online portion has been offered for just one year, the school will not be able to evaluate these students' bar examination performance for some time.

It is hoped that the school will evaluate the program, and also compare and contrast it with the school's fixed facility program, making any adjustments that are appropriate based on the data.

MCL'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 CBE's initial approval, but also complies with the rules and guidelines as amended in 2019.

MCL has operated a compliant hybrid JD program within the bounds of approval granted by the CBE. Below, the school seeks permission to continue with an expanded version of this program.

#### **MCL SEEKS TO OFFER A PERMANENT HYBRID ONLINE JD PROGRAM WITH EXPANDED FLEXIBILITY TO INCORPORATE ANY NUMBER OF DISTANCE COURSES IN ANY ORDER**

MCL seeks permission to offer a permanent, expanded, hybrid JD program. Students in this expanded program would not be limited to a fixed structure of taking courses in-person for the first year and online thereafter; rather, they would be able to select which of their courses would be taken in person and which courses would be taken online over the four-year course of their education. While the school would recommend that the students should take approximately 30 percent of classes in the fixed facility format, students would be able to petition to adjust the proportion, through and including allowing students to complete the JD program full online.

This extreme flexibility would be possible and practical because the course progression is the same in the fixed facility program versus the online program. MCL's pilot, hybrid JD program uses the same course titles, credit structure and order of classes as the school's traditional fixed facility JD program, allowing students to move easily between the formats. Hybrid students would still need to attend a colloquia program that allows hybrid students to connect in person on campus, when it is safe to do so.

This program would otherwise be conducted identically to the pilot program and would also be compliant for the same reasons and in the same manner.

### **MCL ALSO SEEKS PERMISSION TO ALLOW STUDENTS IN THE FIXED FACILITY JD PROGRAM TO INCORPORATE UNLIMITED ONLINE CLASSES**

While MCL intends to continue to offer a fixed-facility JD curriculum that allows students to take all classes onsite, the school seeks the discretion to allow the students to take any number of online courses as well. This would allow students to manage occasional conflicts due to work or family schedules.

This plan would also be compliant, for the reasons discussed above. The school's fixed facility program is compliant, as confirmed by an inspection in 2018, and that compliance would be maintained as students traded certain fixed facility courses for certain online courses on identical topics for identical credit.

### **MCL'S SATELLITE CAMPUS IN SANTA CRUZ HAS CLOSED PERMANENTLY**

In 2018, the CBE approved MCL's request to transform its Santa Cruz campus from a two-year satellite program to a full branch campus offering the school's four-year JD curriculum, but ultimately, the school did not ever operate the campus as a branch offering a full four years of classes. Instead, on July 15, 2020, the MCL's board voted to close the Santa Cruz campus permanently.

No students were harmed in the closure, as the school has offered all students enrolled at the Santa Cruz campus the option to either transfer to the Seaside campus about forty miles away or to transfer to the online, hybrid program.

In the future, if the school decides to open a campus in Santa Cruz or any other location, the school will apply for advance approval to do so.

### **MCL HAS ESTABLISHED THAT ITS REQUESTS ARE COMPLIANT AND WILL NOT ADVERSELY AFFECT THE SCHOOL'S OVERALL COMPLIANCE**

MCL has established that it has the infrastructure to maintain a successful hybrid JD program. It has further carefully designed its current and proposed JD programs to allow students to transfer freely between online and classroom courses as need be. It is hoped that this flexibility will improve attendance and retention, and allow students to choose courses offered via the most effective modality for them.

The school is encouraged to continue to evaluate the programs as they are implemented, adjusting as necessary, in order to continue to maintain or enhance compliance.

### **FISCAL/PERSONNEL IMPACT**

None

## **AMENDMENTS TO RULES OF THE STATE BAR**

None

## **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

## **STRATEGIC PLAN GOALS & OBJECTIVES**

Goal: None - core business operations

## **RECOMMENDATIONS**

It is recommended that the CBE receives and files the school's application for major changes and progress report. It is further recommended that the CBE accept the hybrid pilot program, approve the school's requests to offer an expanded hybrid JD program as well as a fixed-facility JD program that would also allow a student to incorporate an unlimited number of online courses, and that the CBE grant those motions effective immediately.

## **PROPOSED MOTION**

Should the Committee of Bar Examiners agree with staff recommendations, the following motion should be made:

**MOVE**, that the Committee of Bar Examiners receives and files Monterey College of Law's reports regarding its pilot hybrid JD program and the closing of its Santa Cruz campus, and accepts those reports in full.

**FURTHER MOVE**, that the Committee receive and file the law school's request to offer an expanded hybrid JD curriculum as well as to allow students in the fixed facility JD program to incorporate an unlimited number of online classes into their JD programs, and that these requests be granted effective immediately.

## **ATTACHMENT(S) LIST**

- A. Monterey College of Law Application for Major Change



**Monterey College of Law**  
**100 Col. Durham Street**  
**Seaside, California 93955**

## **Major Change Request**

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### **Hybrid JD Degree Curriculum**

Submitted: May 19, 2020

#### **A. INTRODUCTION**

Pursuant to Rule 4.165(E) of the Accredited Law School Rules, on March 23, 2018, Monterey College of Law (MCL) was granted a major change “ . . . offering any new program in law study, whether a degree program, non-professional degree program, or non-degree program.”

Under Rule 4.165(E), in March 2018, MCL received approval from the Committee to add a pilot program of law study - a hybrid JD curriculum - to its traditional residential JD program. The law school was also granted a waiver of the Guideline 7.11 12-unit limitation for the use of distance education. As implemented, the pilot curriculum utilizes a hybrid combination of online, synchronous and asynchronous courses, activities, and assignments.

At its meeting on March 23, 2018, the Committee of Bar Examiners (Committee) considered the Major Change and Waiver Request for a Hybrid J.D. Degree Program from Monterey College of Law. I am pleased to inform you that the Committee took the following action:

It was moved, seconded and duly carried that pursuant to Rules 4.105(J), 4.109, 4.164 and 4.165(E) of the Accredited Law School Rules, the Request for a Major Change and the Waiver Petition of MCL allow it to offer a “hybrid” J.D. degree program, incorporating distance-learning technology in course content of up to 63 units (70%) of its 90-unit curriculum, be approved as a pilot program; that its Petition for a waiver of the 12-unit limitation as to the use of such technology under Guideline 7.11 of the Guidelines for Accredited Law School Rules be granted, subject to annual renewal; and that the law school be required to submit to the Committee of Bar Examiners a detailed assessment report on the new program within one year of when students first start attending classes in said program.

In the initial pilot program, students enrolled in regular residential first-year courses for the 2018-2019 academic year. This past year, 2019-2020, as second-year students, they enrolled in the new hybrid online courses.

The following is the detailed assessment report required by the Committee to be submitted within one year of when students first started attending the hybrid online courses.

The law school requests that subject to review and approval of this detailed report and Major Change request that the pilot hybrid JD program be approved as a permanent program. No further waiver is required under Guideline 7.11 because the current hybrid JD program is fully compliant with the current Rules and Guidelines related to distance education that allows up to 100% of distance education curriculum.

## B. PROGRAM SUMMARY

Subsequent to the approval of this pilot program, the Committee has approved specific guidelines for distance education in amendments to Guidelines 6.5, 7.11, and 8.1. The hybrid online JD program meets all of the standards and criteria of the amended rules and guidelines.

6.5(A) Minimum Requirements for the Juris Doctor Degree; Time Requirements for Completion of Course of Study The minimum requirement for the J.D. degree is the satisfactory completion of a course of study requiring 1,200 hours of verified academic engagement with a law school's facility and curriculum. The 1,200 hours of academic engagement must be earned through completion of no fewer than eighty semester units or their 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.

The hybrid JD curriculum meets the same 1,200 hours of verified academic engagement as the existing residential JD program. It does not change the number of units required for the JD program (90 units), the number of required courses, the substantive topics for required courses, the curriculum sequence of courses, the required research and writing requirements, the clinical and practical skills training requirements, the grading standards, the requirement for mediation certification, or the requirement for verified student engagement. The admission requirements for students accepted into the hybrid JD cohort remained unchanged, as did the academic standards and performance measures required for eligibility to progress through the hybrid JD course of study.

Students will apply specifically to either the hybrid JD or specific residential campus programs. However, because the hybrid JD curriculum tracks the residential JD curriculum, students in the hybrid online JD program may transfer to the residential JD program at any of the MCL locations if at any point in time they believe that the residential program is a better educational format for them. Residential students are also eligible to enroll in combinations of residential and online courses at all MCL locations and in all MCL degree programs.

6.5(B) Academic Engagement For purposes of this section, "academic engagement" includes instruction in a compliant Juris Doctor degree curriculum offered through any of the following means: (a) student attendance in a physical classroom; (b) student participation in a synchronous or asynchronous curriculum offered through distance-learning technology; (c) a combination of academic engagement offered through (a) and (b). Academic engagement may include up to 120 hours of student participation in an experiential or clinical program approved under Guideline 6.6.

Final examination time, not exceeding ten percent of the total number of hours of academic engagement, may be included as academic engagement hours, and counted toward the 1,200-hour requirement.

The approved hybrid degree curriculum allows completion of the equivalent of 63 semester units of distance education courses or classes out of the 90-unit JD program. This represents 70% of the JD curriculum. A minimum of the equivalent of up to 27 units (30%) in the hybrid JD curriculum are to be completed in non-hybrid courses, assignments, or activities.

When compared to the residential JD, the hybrid JD has the same: (1) number of required courses; (2) substantive topics for required courses; (3) curriculum sequence of courses; (4) required research and writing requirements; (5) clinical and practical skills training requirements; (6) examination and the grading standards; (7) requirement for mediation certification; and (8) requirement for 1,200 hours of verified student engagement.

Initially, as part of the pilot program, eighteen (18) units of the hybrid online JD were completed as part of the required 1L residential program, six (6) units were completed as practical skills and Moot Court training, and three (3) units were completed as other non-hybrid activities, including internships and externships.

As a result of analyzing the first-year pilot program, including seeking student, faculty, and academic design team feedback, it was recommended and adopted that going forward, the program be structured to allow students greater flexibility in deciding when to take the 30% of the non-hybrid courses, assignments, or activities and not restrict it to first-year courses. In addition, the 30% of non-hybrid courses will be used as a strongly recommended academic guideline, but students will be allowed to submit an academic petition at any time during their program requesting approval to take greater or fewer number of non-hybrid courses if it better fits their academic plan.

6.5(C) Attendance Regular and punctual attendance in academic engagement is required. A law school must have a written policy that requires the verifiable academic engagement of each of its students. The policy must require completion of not less than eighty percent of the academic engagement in regularly scheduled class hours or not less than eighty percent of the minimum number of hours of other types of academic engagement required in each course in which the student is enrolled. The policy must also include requirements to verify student participation in an approved experiential or clinical program.

The Populi course management system provides verifiable student engagement records related to attendance in Zoom video sessions, access to course materials, written discussion board participation, submission of written essays, quizzes, and exams. The Populi course management system also specifically identifies which courses are hybrid JD and how many units in both the hybrid JD and residential courses are designated as clinical, skills, or experiential credits.

6.5(D)(2) For students earning credit for academic engagement through participation in an approved synchronous or asynchronous curriculum taught through distance-learning technology or by participation in an experiential or clinical program approved under Guideline 6.6, or a combination thereof, semester or their equivalent quarter units of credit may be earned during an entire calendar year as authorized by Guideline



6.5(A).

and

6.9 Practical Skills (A) (1) A law school must provide the opportunity for students in the J.D. degree program to complete a minimum of fifteen (15) units of practice-based skills and competency training.

Students in the hybrid JD complete at least six (6) units of required practical skills and Moot Court training in the same format as the residential program during years 2, 3, and 4. These courses include courses such as advanced trial practice courses taught at the courthouse by local judges, a required moot court program, required participation in supervised law school sponsored community law clinics, and individual supervised internships and externships at law firms, public law departments, and public service law agencies. The law school curriculum provides the opportunity for hybrid JD students to complete more than (15) units of practice-based skills in writing courses, practice skills courses, and regular substantive subjects.

### C. PROGRAM DESCRIPTION

6.7 Content of Curriculum A law school must design its curriculum offerings, units per course, and requirements for graduation in a manner consistent with Rule 4.160(E) and Guideline 6.1. The curriculum must include the subjects tested in the California Bar Examination, although they do not have to be offered every year, and students must complete and pass a course in Professional Responsibility.

One of the distinctions of MCL's hybrid JD curriculum is that it follows the exact same 90-unit curriculum plan as the law school's residential JD programs. The curriculum includes the same bar-tested courses in the same sequence, as well as the same requirements for legal research and writing, professional responsibility, practice-based skills training, and mediation certification. The only difference for the hybrid curriculum is that up to 70% of the courses, assignments, or activities will be taught using a combined asynchronous/synchronous hybrid methodology and up to 30% of the courses, assignments, or activities will be taught using a non-hybrid methodology.

The second important distinction of MCL's hybrid curriculum is that it does not require separate course mapping that would prohibit students from exercising the option of transferring between hybrid and residential JD programs. Because the hybrid curriculum tracks the same curriculum schedule as the residential JD curriculum, if a student enrolls in the hybrid JD program and subsequently determines that a residential learning environment is a better fit for their learning style, the student is eligible to transfer to a residential JD degree program without disruption of their degree plan. Likewise, residential students will be eligible to take hybrid JD courses if they better fit their schedule and/or learning style for certain topics.

In order to develop, enhance, and continue faculty and student relationship-building during the hybrid JD curriculum, students are required to attend at least one residential "colloquium" per year. The colloquium will be a credit-based program that will have academic credits assigned based on the same student engagement requirements as regular courses. The mandatory colloquia will include

substantive, interactive student/faculty discussions related to professionalism, legal ethics, the rule of law, individual practice skills, and the practice of law. The interactive sessions will be developed and facilitated by faculty members and practicing lawyers and judges. Although the colloquia will be mandatory for the hybrid JD students, the program will be available on a space-available basis for students who are enrolled in the residential program. It is anticipated that that based on the response/results of the initial programs that they may be added to the regular residential program curriculum at some point.

#### D. COMPLIANCE WITH APPLICABLE RULES AND GUIDELINES

The online curriculum is designed to meet the requirements of Guidelines 6.5 and 7.11. The hybrid JD courses specifically meet all of the requirements of Guideline 7.11 (A) through (C) related to student engagement, student monitoring, course design, course content, examinations, and grading.

7.11 Distance-Education Credit A law school may offer any amount of academic engagement entitled to earn credit under Guideline 6.5(A) and may do so through the use of any form of distance-learning technology approved by this Guideline.

(See Attachment A for Course Design Methodology.)

As part of the ongoing design and development of the hybrid JD curriculum, the law school is working with instructional design and educational technology experts from California State University Monterey Bay (CSUMB). The current development team includes Denise Castro, Instructional Designer at the Center for Academic Technologies at CSUMB. Ms. Castro is QM Certified (<https://www.qualitymatters.org>) for online course development. She is well versed in best practices in digital teaching and learning, online pedagogy, and the technology resources required to make courses engaging and accessible.

The technical design team works under the direction of Academic Dean Elizabeth Xyr and Director of Online Education Chelsea Wright. Ms. Wright is a JD graduate of MCL and UC Davis where she was the author of “Using Literacy Strategies and Discussion to Improve Scores on Short Answer Tests”. Ms. Wright has been working with MCL faculty for the past seven years in developing our existing online MBE-formatted quiz program for bar-tested subjects. Dean Xyr and Director Wright are assisted on the design technical team by Professor Philip J. Candreva, a JD honor graduate from MCL who has designed and taught more than 80 distance education courses using multiple modalities over the past decade at the highly regarded Naval Postgraduate School of Business and Public Policy in Monterey.

An additional member of the technical design team is Professor Andrew Blomquist, an MCL JD graduate, who prior to law school worked as a QA Analyst for Atari Games. For the past four years, Mr. Blomquist has been developing and converting traditional online course content for law classes utilizing programs such as Go Animate and Camtasia.

The law school utilizes several established digital education platforms for hosting the online courses and developing academic presentations and content. The law school has utilized Populi

(<http://populiweb.com>) as its course management platform for more than six years. It is specifically designed for small colleges and provides a platform for online course pages, admissions enrollment data, course registration, course grade books, transcripts, secure faculty/student communications, and student invoicing. In addition, over the past three years, the law school has been using programs such as Zoom (<http://www.zoom.us>), Prezi (<http://www.prezi.com>), Camtasia (<https://discover.techsmith.com>), Vyond (<https://www.vyond.com/>), and Peerceptive (<https://www.peerceptiv.com/>) for course materials.

All students in the hybrid JD program will be provided with online Lexis Nexis accounts that meet the library requirements of Guideline 8.1.

#### E. STUDENT SUPPORT AND SERVICES

The same categories of academic and administrative support services are provided to hybrid JD students as are provided to students in the residential JD program.

The academic support program is coordinated by Elizabeth Xyr, Dean of Academics. Dean Xyr has served as an academic advisor at the law school since 2008. She previously served the law school as Assistant Dean of Academic Support, Associate Dean of Student Success, and Dean of Academics. Dean Xyr also developed the law school's unique bar skills program that is integrated into the law school's primary curriculum. Dean Xyr is available to hybrid JD students by telephone, text, and e-mail during regular business and classroom hours, Monday through Thursday, 9:00 a.m. to 9:30 p.m.

Heather English serves as the law school's full-time Business Manager and is located at the primary administrative office. Students at all of the law school's locations manage their student financial accounts on-line through Populi, the law school's course management system. Ms. English is available to all students by telephone, e-mail, and through the Populi system during regular business hours, Monday through Thursday, 9:00 a.m. to 6:30 p.m.

Assistant Dean Wendy LaRiviere has served as MCL's Dean of Admissions for more than 20 years. Dean LaRiviere also manages the law school's marketing and recruiting program and the web-based admissions portal that serves as one of the primary methods of inquiry for prospective law students. Dean LaRiviere is also available to prospective students for all MCL locations by telephone and e-mail during regular business hours, Monday through Thursday, 9:00 a.m. to 6:30 p.m. Admissions files for prospective hybrid students will be compiled and maintained at the law school's primary administrative offices. All enrollment decisions for students applying for the hybrid curriculum are made by the law school's Admissions Committee at the main campus and follow the same standards, policies, and procedures that are utilized for all MCL locations.

Mitchel L. Winick has served as the full-time dean of the law school since August 2005. He previously served as the Assistant Dean at Texas Tech University School of Law, an ABA approved law school, and has more than three-decades of experience in law, legal education, and business.

Dean Winick received his J.D. from the University of Houston Law Center and B.A. (with emphasis in economics and political science) from the University of the Pacific. Dean Winick was an early adopter of law school distance education, having developed and taught one of the earliest ABA synchronous distance education courses as a pilot program in 2000. The course, Courtrooms of the Future, was taught simultaneously at Texas Tech University Law School in Lubbock, Texas and the University of New Mexico School of Law in Albuquerque, New Mexico. Dean Winick also produced several of the earliest bar-certified, web-based, MCLE programs in 2003 while serving as Education Director for the Texas Center for Legal Ethics and Professionalism. Dean Winick is active in higher education leadership, previously serving as chair of the CBE Rules Advisory Committee (RAC) and as the chair of the Law School Council. He also previously served on the State Bar's Presidential Task Force on Admissions Regulatory Reform (TFARR) and on the Standing Committee for the Delivery of Legal Services. Locally he has served on the higher education advisory committees of the Monterey County Business Council, the Panetta Institute for Public Policy, and Leadership Monterey Peninsula.

Shashi Chand is the law school's full-time Registrar and is located at the primary administrative offices in Seaside. Ms. Chand has served as Registrar for the law school for more than two decades. Ms. Chand is responsible for recording grades, maintaining all permanent student records, and registering students through Populi, the law school's on-line course management system. The vast majority of all information related to registration and student records, including transcripts, grades, and formal student notifications are provided to students through the web based Populi system. Ms. Chand is available by telephone, e-mail, and through the Populi system during regular business hours to students at all MCL locations.

#### F. FACULTY

Following the successful model that MCL has employed for the past 48 years, the adjunct law faculty for the hybrid JD curriculum are practicing lawyers and judges. MCL does not employ any full-time law faculty. Adjunct faculty members for hybrid JD courses are selected using the same rigorous selection criteria as used for traditional onsite courses and are licensed attorney practitioners and judges with experience in the topics they teach.

#### G. ACADEMIC PROGRAM

Hybrid Curriculum: MCL offers the same required course curriculum for the hybrid JD program as is offered at the law school's residential locations.

- Professional Responsibility
- Legal Writing I and II
- Legal Research
- Contracts
- Torts
- Criminal Law

Criminal Procedure !  
Civil Procedure !  
Evidence !  
Real Property !  
Appellate Writing !  
Constitutional Law !  
Community Property !  
Business Organizations !  
Wills and Trusts !  
Remedies !  
Mediation Certification !

Practical Skills Training and Moot Court: MCL offers a minimum of six (6) units of required practical skills training courses, Moot Court, internships, externships, and clinical programs that will be provided to hybrid JD students during the second, third, and fourth years. Additional practical skills units are imbedded within the hybrid curriculum to meet the 15-unit requirement of Guideline 6.9.

Academic Policies: MCL follows all of the same academic policies for hybrid courses that are currently in place at all MCL locations related to grading, attendance, academic honesty, equal opportunity, anti-harassment, faculty evaluations, course syllabi, examinations, academic probation, course repetition, and disqualification.

Bar Review Resources: MCL has a special license agreement with BarBri and Kaplan to provide a comprehensive bar review programs and skills courses that are included in the law school's tuition and fees. Students taking hybrid courses have access to the same programs, many of which are already offered online.

Student Handbook: All policies and procedures are the same for all MCL locations, including the hybrid JD, with the exception of the definition of attendance and student engagement for the online courses.

Faculty Handbook: All faculty policies and procedures are the same for all MCL locations, including the hybrid JD.

#### H. COMPLIANCE WITH MINIMUM PASS RATE

12.1 Criteria for Determining Compliance with Accredited Law School Rule 4.160(M) In evaluating the compliance of a law school with the accreditation standard set forth in Accredited Law School Rule 4.160(N), a law school must maintain a minimum, cumulative bar examination pass rate (MPR) of at least 40 percent for the most recent five-year reporting period. The rate will be

calculated and reported annually to the Committee on or before July 1st of the year following each reporting period.

MCL's most recent Minimum Pass Rate is currently 54.3% as reported to the CBE in its most recent report to the CBE.

#### I. SUMMARY

MCL requests that the Committee accept this detailed report on its pilot hybrid JD program as required by the March 23, 2018 Committee action and approve its Major Change Request to approve the hybrid JD program as a permanent program of the law school. No waiver is required under the current Guideline 7.11 because the program is in full compliance with the current rules for distance education. The hybrid JD curriculum will be in addition to, not as a replacement of, its existing traditional residential JD curriculum.

MCL requests the Committee to take action at the June 19, 2020 meeting of the Committee of Bar Examiners.

Submitted by:



Mitchel L. Winick  
President and Dean

## **Appendix A**

### **MCL HYBRID JD PROGRAM - OPERATIONS SUMMARY**

#### How our Team Supports the Professor and Students

- Denise Castro – Instructional Designer, QM Certified Reviewer
  - Works with professors on their individual matrix to ensure we are meeting QM standards for learning
  - Designs the courses within Populi for the professors or provides as much support within Populi as the professors' need
  - Suggests and provides tutorials for using Google tools (such as surveys and presentations)
  - Provides tutorials for students and professors on features of Zoom, Populi and YouTube
  - Assists professors with their Zoom meetings where needed
- Dennis Meffort – Assistant Dean Faculty Support
  - Works with professors to communicate with their students on Populi
  - Posts resources for the students within Populi as needed
  - Creates Zoom meetings and posts those meetings to Populi for the students
  - Attends Zoom meetings and assists professors with sharing their screen, breakout rooms, polling, etc.
  - Assists students with any technology issues they experience in joining a Zoom call or within Populi
- Chelsea Wright – Director of Online Education
  - Meets with professors to explore hybrid courses, what they can look like, what the professors have in mind for their courses and what resources can be used
  - Guides professors through the learning matrix to ensure appropriate learning outcomes are identified and being met
  - Researches and implements learning resources and assessment activities for professors to help them deliver innovative curriculum to their students (such as Chartacourse and Peerceptiv)
  - Advises the hybrid students, checking in with the students individually and reviewing their progress, discussing learning strategies and study skills, addressing any questions or concerns the students have, making sure students have access to study resources such as Kaplan, BarBri, MCL exam packs, etc.
  - Advises professors on Zoom, Populi, course structures, school requirements and best practices

- Currently enrolled in WASC Senior College and University Commission Assessment Leadership Academy to develop expertise on best practice for assessing postgraduate students

### STEP I: Planning the Course

- The hybrid academic design team meets with new hybrid professors to discuss how we plan a course and show them examples of what can be done. These meetings are scheduled early on in the planning process.
- Once the professor is familiar with our course design process, planning matrix, and software options, we begin to discuss the professor's ideas. For example, "I want students to do presentations," "I would like students to do some peer grading," "How can we encourage group work?"
- Professors identify their text/materials based on the subject, course format, and available published options (textbooks, databases like Harvard Law School's PON, articles, videos, Chartacourse, etc.).
- Professors are mentored step-by-step throughout the process by the academic design team as they experiment with what they can do on the Populi course management system and Zoom. We have created "playrooms" on Populi for them to learn how to create/edit assignments without their contributions being visible to the students.
- Professors complete their learning matrix (please see attached example from Evidence Fall 2019-2020) and establish learning outcomes: what should the students be mastering each week? The learning outcomes are the constant touchstone throughout the process to make sure we are providing ample learning resources and opportunities to practice identified concepts as well as providing assessment activities to evaluate whether the students are mastering the concepts outlined in the learning outcomes.
- Once we have solid learning outcomes planned, we review the matrix to ensure we are providing the students with access to the material they need to master each week. Are they learning these concepts from the textbook? Lecture? Videos? Articles? Presentations? Research?
- After it is determined that the academic resources are adequate, we examine how to assess whether the students are meeting the learning outcomes for each week. Do we quiz them? Have them create a presentation? Do they write a reflection or essay? Do they participate in an asynchronous discussion and respond to one another there?
- Once the learning outcomes, resources and assessment activities are completed within the matrix, we work with an instructional designer to put all of these materials into Populi in a clear, organized way with predictable outlines that are accessible and straightforward for students.
- Once the professor's Populi page is created, the academic design team reviews to check for clarity of expectations and deadlines. We make sure the links that work properly, and student directions are clear.

### Step II: Executing the Course on Populi

- When a student signs into Populi, they see the dashboard, which is where the professor posts announcements, Zoom meeting links, etc. The students can click on "Syllabus" to see their professor's information, the course syllabus, and the day/time the course meets.



Monterey College of Law

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230A HYB: Evidence I HYB LAB 2019-2020 Fall Section 1

Alerts: No alerts available.

Bulletin Board: Share something with the class... Formatting guide Post

My Discussions: There are no recent discussion updates.

Schedule: There are no scheduled events in the next seven days.

Dashboard: Syllabus, Files, Assignments, Lessons, Discussions, Tests, Calendar, Roster, Gradebook, Attendance, Reporting, Chat, Settings

Chelsea Wright: Dear Students, The extra credit essay has been posted. Once you click the assignment link, you will have exactly 75 minutes to complete the essay. Please do not click on the assignment link until you are ready to begin. The essay is due by 6pm on 12/2. Read more

Dennis Meffert: Here is the zoom link again. Dennis Meffert is inviting you to a scheduled Zoom meeting. Topic: Evidence I Hybrid Zoom Time: Aug 22, 2019 06:30 PM Pacific Time (US and Canada)

Monterey College of Law

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230A HYB: Evidence I HYB LAB 2019-2020 Fall Section 1

Info: Course Number: 230A HYB, Term: 2019-2020: Fall, Dates: Aug 19, 2019 - Dec 12, 2019, Campus: Hybrid, Units: Credits: 0.00, Hours: 0.00

Meeting Times: Thursday 6:30pm-9:30pm Room 1BA

Reading List: Evidence, Cases and Materials (University Casebook Series), Examples & Explanations: California Evidence

Faculty: Sharon Litardo, Andrew Blomquist, Chelsea Wright, Denise Castro

Dashboard: Syllabus, Files, Assignments, Lessons, Discussions, Tests, Calendar, Roster, Gradebook, Attendance, Reporting, Chat, Settings

- The courses are developed within the “Lessons” tab of Populi. We have the very first lesson include introductory resources, such as a course syllabus, the student guidelines (which include netiquette and expectations for participating in hybrid courses), and may include other documents the professor provides, such as a course narrative, separate class schedule, and information on how to navigate their individual courses. Examples of these documents are attached.

Monterey College of Law

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230A HYB: Evidence I HYB LAB 2019-2020 Fall

Lessons Student Progress

Introductory Resources

How to Navigate in Evidence Course

Week One (August 19-25): Making the Record

Week Two (August 26-September 1): Relevance

Week Three (September 2-8): Character Evidence #1

Week Four (September 9-15): Character Evidence #2

Week Five (September 16-22): Character Evidence #3

Week Six (September 23-29): Policy Exclusions

Week Seven (September 30-October 6): Hearsay #1

Week Eight (October 7-13): Hearsay #2

Week Nine (October 14-20): Hearsay #3

Week Ten (October 21-27): Hearsay #4

Week Eleven (October 28-November 3): Hearsay #5

Week Twelve (November 4-10): Hearsay #6


Week Thirteen (November 11-17): Impeachment #1

Dashboard: Syllabus, Files, Assignments, Lessons, Discussions, Tests, Calendar, Roster, Gradebook, Attendance, Reporting, Chat, Settings

- The first week’s lesson explains where things are and how to access them. We always list the learning objectives for each week at the top of the weekly lesson page.

Dashboard  
Syllabus  
Files  
Assignments  
**Lessons**  
Discussions  
Tests  
Calendar  
Roster  
Gradebook  
Attendance  
Reporting  
Chat  
Settings

## Week One (August 19-25): Making the Record > 1: On the Docket



### Welcome to our Evidence Course!

**Page 1 (On the Docket)** always includes Learning Objectives, Instructions and Activities to complete BEFORE Synchronous Zoom Meeting.

**Page 2 (Gavel Time)** always has Instructions for preparation for the Synchronous Zoom Meeting

**Page 3 (Behind the Gavel)** always has follow up activities to wrap up the concepts of the week

The pages navigation is over to your right. Click on Page 1: On the Docket first, then just before the Zoom session click on Page 2: Gavel Time to prepare for the Zoom Meeting. Lastly click on Page 3: Behind the Gavel to wrap up a few items to finish out the week's activities. Scroll down on each page to see materials and activities to read and complete.

**Learning Objectives.** By the end of the week students will be able to:

1. Identify the components that make up the court record
2. Identify common objections and responses to objections
3. Define the responsibilities of the trial court judge and representing attorneys.

**On the Docket (ahead of Zoom session) complete the following:**

1. Read: Textbook pages 1-77, CEC Common Objections
2. Evidence Overview Checklist (see file)
3. On the Docket (see file) Study: Outline & 4 /W's of Admissibility, "Who, What, Where & Why?"
4. General Trial Overview (see file)
5. Read Objections at Trial S 1 (see file)
6. Watch Justices' File Video (Basic Breyer Objections) below

### Pages

**1: On the Docket**  
2: Gavel Time  
3: Behind the Gavel

Assignments Links Files

- Week 1: Making the Record T/F Sidebar Quiz
  - 1: On the Docket
- Week 1 Sidebar Quiz: Rosa's Restaurant Scenario
  - 1: On the Docket
- Week 1 The Verdict Activity 'Moon Door Murder' (Reading, Video, Quiz)
  - 3: Behind the Gavel

- Lessons are broken up into weeks and include dates, so students know exactly where they are in the course. To keep deadlines consistent across all of our hybrid courses, the hybrid week begins on Monday and ends on Sunday. Within each week's lesson, there are three deadlines: (1) what the students need to have completed prior to their Zoom meeting, (2) what the students need to have prepared to participate in their Zoom meeting and (3) what the students need to complete after their Zoom meeting but before the end of the week.
- The learning resources are listed and/or provided within the lesson, such as textbook pages to read, articles to read, videos to watch, presentations to review, etc.
- The assessment activities are also listed/uploaded and include quizzes to take, essays to write and upload, discussions to participate in, presentations to prepare, etc. The assessment activities are an integral part to student learning and the course itself – everything we ask the students to do builds on the course's learning resources and student learning, achieving greater learning and more meaningful connections for the students with the material, their classmates and their professors.
- We work closely with our professors to develop innovative assessment activities that allow for different types of learning.
- Our week-long lessons facilitate higher rates of retention of the material, helping our students consistently meet the weekly learning outcomes. Adults capitalize and build on what they know. Breaking the course up throughout the week using different activities allows for this natural type of adult learning to take place.
- We are also able to avoid learning fatigue where students essentially tune out when sitting through long lectures instead of interacting and grappling with the material throughout the week.
- The regular assessment activities help us adjust the course as we go and allow the professors to identify where students are struggling to support them with more resources in those areas.

## Hybrid Course Examples

- Case study - Bar Tested Subject: Evidence
  - We have worked with our Hybrid Evidence professor to deliver a varied and engaging curriculum to her students. She uses learning resources such as the textbook, detailed handouts created by the professor (“On the Docket” – Example attached), videos (including videos she has written and we have created for her starring one Supreme Court Justice and one Evidence topic per video using VYOND; the example of Basic Breyer Objections is attached) and articles we post or link to on Populi.

The screenshot shows a Populi LMS interface. On the left is a sidebar menu with options: Dashboard, Syllabus, Files, Assignments, Lessons (highlighted), Discussions, Tests, Calendar, Roster, Gradebook, Attendance, Reporting, Chat, and Settings. The main content area is titled 'Week One (August 19-25): Making the Record > 1: On the Docket'. It features a 'Welcome to our Evidence Course!' message and a 'Page 1 (On the Docket)' section. Below this, there are three numbered sections: 'Page 1 (On the Docket)', 'Page 2 (Gavel Time)', and 'Page 3 (Behind the Gavel)'. Each section contains instructions for students. To the right of the main content, there is a 'Pages' section with links to '1: On the Docket', '2: Gavel Time', and '3: Behind the Gavel'. Below this, there are tabs for 'Assignments', 'Links', and 'Files'. The 'Assignments' tab is active, showing a list of assignments: 'Week 1: Making the Record I/F Sidebar Quiz', 'Week 1 Sidebar Quiz: Rosa's Restaurant Scenario', and 'Week 1 The Verdict Activity 'Moon Door Murder' (Reading, Video, Quiz)'. At the bottom, there is a 'Learning Objectives' section with three bullet points: '1. Identify the components that make up the court record', '2. Identify common objections and responses to objections', and '3. Define the responsibilities of the trial court judge and representing attorneys.' Below this, there is a section titled 'On the Docket (ahead of Zoom session) complete the following:' with a list of seven tasks: '1. Read: Textbook pages 1-77, CEC Common Objections', '2. Evidence Overview Checklist (see file)', '3. On the Docket (see file) Study: Outline & 4 /W's of Admissibility, "Who, What, Where & Why?"', '4. General Trial Overview (see file)', '5. Read Objections at Trial S 1 (see file)', '6. Watch Justices' File Video (Basic Breyer Objections) below', and '7. Complete the Making the Record I/F Quiz'.

**Week One (August 19-25): Making the Record > 1: On the Docket**

**Welcome to our Evidence Course!**

**Page 1 (On the Docket)** always includes Learning Objectives, Instructions and Activities to complete BEFORE Synchronous Zoom Meeting.

**Page 2 (Gavel Time)** always has Instructions for preparation for the Synchronous Zoom Meeting

**Page 3 (Behind the Gavel)** always has follow up activities to wrap up the concepts of the week

The pages navigation is over to your right. Click on Page 1: On the Docket first, then just before the Zoom session click on Page 2: Gavel Time to prepare for the Zoom Meeting. Lastly click on Page 3: Behind the Gavel to wrap up a few items to finish out the week's activities. Scroll down on each page to see materials and activities to read and complete.


**Learning Objectives.** By the end of the week students will be able to:


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2. Identify common objections and responses to objections
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**On the Docket (ahead of Zoom session) complete the following:**

1. Read: Textbook pages 1-77, CEC Common Objections
2. Evidence Overview Checklist (see file)
3. On the Docket (see file) Study: Outline & 4 /W's of Admissibility, "Who, What, Where & Why?"
4. General Trial Overview (see file)
5. Read Objections at Trial S 1 (see file)
6. Watch Justices' File Video (Basic Breyer Objections) below
7. Complete the Making the Record I/F Quiz



 **Week 1: Making the Record T/F Sidebar Quiz**  
Due Sep 8, 2019 6:00pm

 **Rosa's Restaurant**  
<https://youtu.be/UVAJmb3KL34>

 **Week 1 Sidebar Quiz: Rosa's Restaurant Scenario**  
Due Sep 8, 2019 6:00pm

- The students complete a number of assessment activities for her each week, such as “The Verdict Activities,” which typically include a pop culture video clip or song, black letter law the students needs to study and a quiz. For example, “The Moon Door Murder” activity:

Dashboard

Class

Assignments

Discussions

**Quizzes**

Calendar

Library

Gradebook

Tenancy

Reporting

Help

Settings

### Week 1 The Verdict Activity 'Moon Door Murder' (Reading, Video, Quiz)

Preview

History

Analysis

#### Week 1 The Verdict Activity 'Moon Door Murder' (Reading, Video, Quiz)

Please complete all four components of the assignment.

1. Please read the textbook, Evidence by Roger Park and Richard Friedman (12th Edition), Chapter 1, page 77.
2. Please look up the following terms in Black's Law Dictionary online:
  - (1) Demonstrative evidence
  - (2) Real evidence
  - (3) Stipulation (also see pgs. 9-10, Textbook: Evidence by Roger Park, Chap. 1)
  - (4) Expert witness and expert testimony (also see pg. 16-17 of text)
  - (5) Eyewitness testimony
  - (6) Relevant evidence (also see California Evidence Code 350, 351)
  - (7) Objections (also see pgs. 68-77, text)
  - (8) Exhibits
3. Please view the YouTube video (<https://youtu.be/JM0-VD95mw>). The parties are as follows:
  - (1) Sansa, the red-haired princess
  - (2) Petyr, the man
  - (3) Lysa, the homicide victim
4. Finally, please take the three-question quiz.
  - 1) In the Kingdom of Westeros v. Petyr murder trial, the prosecution introduces Sansa as its first witness. Sansa testifies that Lysa said to her, "I know what you did. You Kissed Petyr... I saw you." Sansa's testimony is:
 

1 Point

☒ Stipulated evidence

- Students respond within Populi to writing prompts, such as the following examples:

## Week 3 Sergio Behind the Gavel Essay Question

Dashboard  
Syllabus  
Files  
Assignments  
Lessons  
Discussions  
**Tests**  
Calendar  
Roster  
Gradebook  
Attendance  
Reporting  
Chat  
Settings

Preview History Analysis

### Week 3 Sergio Behind the Gavel Essay Question

Law Professor Sergio sues Scales of Justice Law School for breach of an employment contract and wrongful termination. Sergio seeks to exclude the testimony of Professor Perez and some student's testimony. How should the trial court rule? • In Plaintiff's case-in-chief, Sergio's evidence is that: Sergio taught Evidence class every week and that he held regular office hours between 1:00-5:00 PM every Tuesday. He gave prompt feedback to his students and was timely in his grading. • In Defense's case (the law school) the testimony was: Testimony by Professor Perez that he had the office next door to Sergio. Professor Perez is the Chairman of the Evidence Department at the law school. Perez maintained office hours on Tuesdays from 10:00 AM to 6:00 PM and he never saw Sergio in his office. Also, Perez testified that he saw long lines of students waiting to see Sergio on Tuesdays, but Sergio was never available for office hours. Perez reviewed Sergio's last five final exams drafts and advised Sergio that there were glaring omissions and massive typographical errors. Perez informed Sergio of these errors which Sergio acknowledged, but never corrected. Testimony from Sergio's students, Sheldon, Penny and Amy That Professor Sergio was never available during the posted office hours. Also, the same students have not received their Evidence grade and the final examination was seven months ago.

1) IS THIS EVIDENCE CHARACTER EVIDENCE AT ALL? IF IT IS, WHAT IS THE PURPOSE? Discuss how should the court rule?

1 Point

○ Students complete peer review essays through *Peerceptiv*.

- Students are provided with detailed instructions, clear deadlines, as well as helpful video tutorials and articles prior to completing the peer review assignments.

Syllabus  
Files  
Assignments  
**Lessons**  
Discussions  
Tests  
Calendar  
Roster  
Gradebook  
Attendance  
Reporting  
Chat  
Settings

### Instructions for Peer Review Assignments

You will be completing at least one peer review assignment this semester. The software we are using to do so is called Peerceptiv. **Prior to submitting any work for peer review, please read the following instructions carefully.** Additionally, *please click on all five links below. Please watch the four videos and read the article.*

#### About Peerceptiv

Peerceptiv is an anonymous peer-review tool that increases collaboration, provides learners with more feedback more quickly on assignments, and has been shown to help you improve students' critical analysis and writing skills.

#### Logging in to Peerceptiv

Not following the log-in information below may mean you do not join the correct class or your Peerceptiv grades will not pass back to your instructor's grade book. If you have problems logging in or joining the correct class, please contact support@peerceptiv.com.

**You should always go through this Populi page to get to your Peerceptiv assignment.** Please do **NOT** attempt to log in to Peerceptiv directly.

1. Please use Chrome or Firefox as your browser. Your browser needs to be set to accept cookies, and you may need to clear your browser cache.
2. Log into Populi and access your course's site.
3. Click on the assignment link within the appropriate lesson. This will register your account, place you in the correct course, and give you access to all published Peerceptiv assignments.
4. For each assignment, you will need to click on that specific assignment link within Populi, which will take you to the current assignment. Once in Peerceptiv, you can view your grades or review your submissions, reviews, and feedback for any published assignment.

*Again, please do not log into the Peerceptiv website for any activities relating to courses that are using Peerceptiv within a course website.*

#### Peer Review Information

- ✓ Student Introduction and Overview
- ✓ How to Review Peer Documents
- ✓ Peerceptiv Login and Submission
- ✓ How to be a Helpful Reviewer
- ✓ Reviewing "How-To" Video

#### Links

- Student Introduction and Overview
- How to Review Peer Documents
- Peerceptiv Login and Submission
- How to be a Helpful Reviewer
- Reviewing "How-To" Video

- Students upload their response to an essay prompt to Peerceptiv. Students then anonymously grade three of their classmates' essays using a model answer, a detailed

rubric, and a checklist provided by the professor. After students have scored and commented on three of their classmates' essays, their classmates provide feedback on the comments they received on their essays.

- Students take a number of reading and black letter law quizzes (T/F, Multiple Choice) throughout the semester.

#### Week Eleven Sidebar Quiz

##### United v. Scop case Questions

- 1) In United States v. Scop, the Government's case was based partly on the testimony of a co-conspirator.  
1 Point  
☐ True  
☐ False
- 2) Over defense objection, Stanley Whitten, the chief investigator for the SEC was asked: Whether there was a scheme to defraud investors in stock from 1979 to 1982?  
1 Point  
☐ True  
☐ False
- 3) The Government's theory was that investors and traders were involved in inflating the price of stock.  
1 Point  
☐ True  
☐ False
- 4) The appellate court affirmed the trial court's treatment of Whitten's expert testimony.  
1 Point  
☐ True  
☐ False

##### Ingram v. McCuiston Questions

- 5) The case involved issues of negligence and contributory negligence in a traffic collision.  
1 Point  
☐ True  
☐ False
- 6) Dr. Robert Miller, was an orthopedic specialist who treated the Plaintiff for disability to the neck and back.  
1 Point  
☐ True  
☐ False
- 7) The Supreme Court of North Carolina upheld the hypothetical question asked by plaintiff's counsel to Dr. Miller concerning the plaintiff's nervous and psychiatric treatment.  
1 Point  
☐ True  
☐ False
- 8) A new trial was ordered due to the improper hypothetical.  
1 Point  
☐ True  
☐ False

##### People v. Gardeley Questions

- 9) The case involves an appeal by the Attorney General regarding the STEP Act, that involves violent street gangs.  
1 Point  
☐ True  
☐ False
- 10) The trial court held a hearing before the jury to determine if Detective Boyd could testify as an expert in the Family Crip gang activities.  
1 Point  
☐ True  
☐ False
- 11) California Evidence Code 801 allows for expert opinion testimony to be premised on material that is not admitted into evidence so long as the material is reasonably relied upon by experts in a particular field.  
1 Point  
☐ True  
☐ False

##### United States v. Moore Questions

- 12) The case involved a murder in furtherance of a drug conspiracy.  
1 Point  
☐ True  
☐ False

- Across all of our MBE tested subjects, our students take approximately four MBE Quizzes per semester. In Hybrid Evidence, the students also take four MBE quizzes per semester, with about 15 questions per quiz. We have organized the questions by sub-topics and give the MBE quizzes as benchmark exams to assess where the students are at with the material, as well as give the students plenty of practice and experience taking MBE-style questions before California Bar Exam preparation begins. After the students complete the MBE quizzes, we provide the professor with a report that identifies how the students did individually as well as overall, highlighting performance statistics and the most commonly missed questions.

- Case Study - Bar Tested Subject: Hybrid Real Property

AB


## Week 13, Murr v. Wisconsin

by Andrew Blomquist · 27 days ago

Murr v. Wisconsin (p. 1088) involved two plots of land that could not be further developed or sold independently.


1. Which factors analyzed by the court did you find most persuasive? Are there any additional factors that you think the court should have analyzed? Discuss in a post below.
2. Provide a thoughtful response to at least two of your peers.

Sort by Newest ▾

 · 13 days ago Past due time


The most persuasive factor is factor #3 where the court assessed the financial burden on the lot owner. Given that the value would not be considerably depreciated, the court ruled in favor of the state.

♡ | Reply

 · 8 days ago

The treatment of land under state and local laws, physical characteristics of the land and prospective value were all persuasive in my opinion. There arent any other things that jump to my mind right away, it was a pretty broad net the court had cast.

♡ | Reply

 · 18 days ago

Some persuasive points which led me to believe that petitioners have not suffered a taking was that they were not deprived of all economically beneficial use of their property. The property can still be used for residential purposes, the property has not lost all economic value. Under the state & local regulations, lot E & F were in fact merged. This merging occurred upon transfer of the lots to petitioners. Also, petitioners could have anticipated that because the Lower St. Croix was a regulated area under federal,

**Graded Discussion** [Assignment page >](#)

3 points

Due Mar 30, 2020 11:59pm

### Requirements

- Post at least 2 replies 2 points
- Post at least one comment 1 point

[Edit requirements](#)


### Settings

Published	Yes
Available	Jan 6, 2020 12:00am
Comments Closed	No
Peer Rating	No
Post First	Yes
Max Comments	Unlimited
Max Replies	Unlimited
Comment Editing	Enabled
Grade Comments	No
Grade Replies	No
Auto Grade	No

- Discussions – Many of our professors pose thoughtful questions on current events, legal principles, and/or cases the students are studying on Populi where the students post comments and reply to one another. An example of a full discussion is attached.
- Recorded Lectures with Lecture Handouts – Some of our professors record themselves lecturing on the black letter law and provide handouts for the students to fill in as they listen. An example of one of these lectures is attached. The Lesson for one of the weeks that includes this learning resource is pictured below.

## Week Eight (October 7-13): Deeds > 1

ViewDesign



**Learning Objectives:**

1. Identify the formalities required for a valid Deed.
2. Differentiate between a Quitclaim Deed, a Special Warranty Deed, and a Grant Deed
3. Analyze the covenants inherent in different types of deeds

**Assignment**


**Pre-Class Assignment:**

1. Read pp. 553-617
2. Review Week 8 Class Notes (file below)
3. Review Week 8 Lecture Handout (file below)
4. Participate in General Warranty Deed and Wonderwood Assignments.
5. Participate in Brownacre Discussion

**In-Class Agenda. (Linked to the Right)**

**Post-Class Assignment:**

1. Complete the peer-review portion of the writing assignment.
2. Revisit the discussions.
3. Study as needed to master the learning objectives.

 **MBE Quiz 1**  
Due Oct 7, 2019 8:30pm

100%

Required

**Pages**

1

- ✓ MBE Quiz 1
- ✓ Week 8 Lecture.mp3
- ✓ Week 8 Lecture Handout.pdf
- ✓ Week 8 Luhmeyer v. Bower Discussion
- ✓ Week 8 - Rosencrants Discussion
- ✓ Week 8 Writing Assignment 1
- ✓ Week 8 Writing Assignment 2
- ✓ Week 8 Writing Assignment 3

**In-Class Agenda**

AssignmentsDiscussionsFiles

- o MBE Quiz 1 1
- o Week 8 Luhmeyer v. Bower Discussion 1
- o Week 8 - Rosencrants Discussion 1
- o Week 8 Writing Assignment 1 1
- o Week 8 Writing Assignment 2 1
- o Week 8 Writing Assignment 3 1

## Lecture

Week 8 Lecture.mp3

40%

Required

1:37

23:06

Page 1 of 4

Search

Print

Copy

**Week 8 - Deeds**

**Deeds**

**Definition:** A \_\_\_\_\_ that transfers \_\_\_\_\_

The \_\_\_\_\_ requires that all \_\_\_\_\_ of real property be in \_\_\_\_\_

Example: I give you Blackacre for no consideration. What type of deed is this?

\_\_\_\_\_

**Deed Requirements:** 1. \_\_\_\_\_

2. \_\_\_\_\_

Example of notice and search descriptions:

Starting at the southwest corner of Woodhill, South 1000 feet to the east boundary of Section 16, cornered along the east to Father's 1/4 Section 16, and back to the point of beginning.

3. \_\_\_\_\_

4. \_\_\_\_\_

A deed is in an \_\_\_\_\_ that demonstrates a \_\_\_\_\_ to transfer property.

Example: A deed that is signed in \_\_\_\_\_

Example: Where there is an \_\_\_\_\_ promise to transfer land, the grantee may enforce the promise if they \_\_\_\_\_ in \_\_\_\_\_ on the promise, and \_\_\_\_\_ can only be \_\_\_\_\_ with \_\_\_\_\_

### ▪ Case Study – Bar Tested Subject: Civil Procedure

- Our Hybrid Civil Procedure professor created a Civil Hearing Assignment for the students to complete. Please find an example of a completed assignment attached.

- Instructions for the assignment:

Attend a civil hearing or administrative proceeding. These might be: '

-A civil trial '

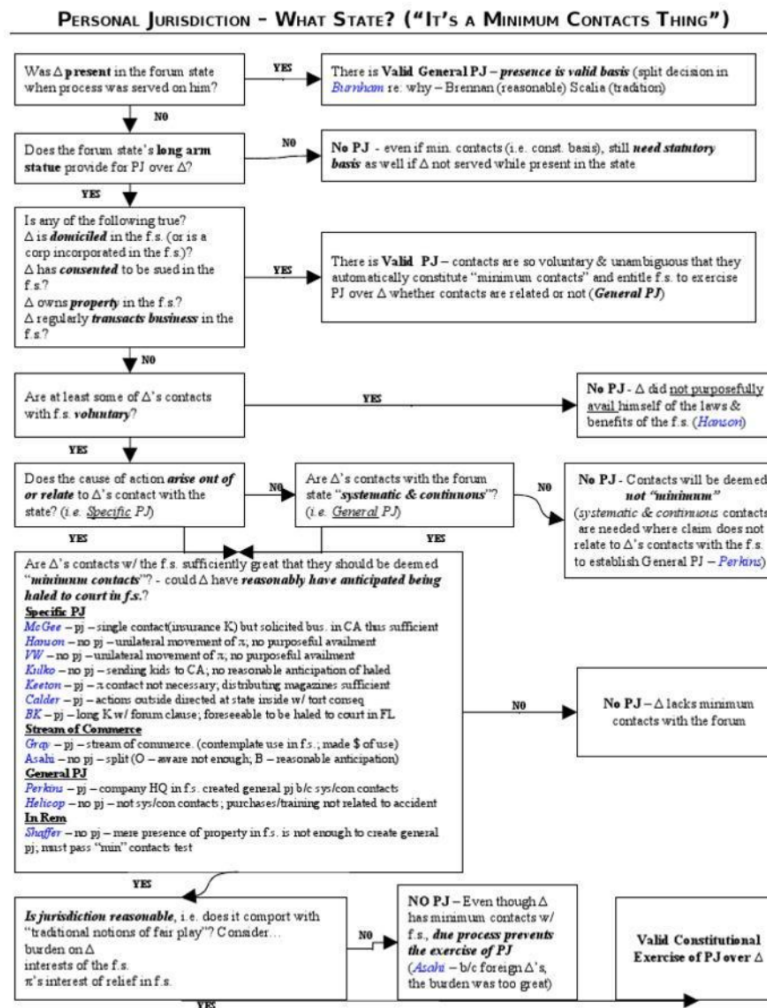
-A "law and motion" hearing. '

-An administrative hearing. '

Write up a two-page summary of your experience. Include the details of the ' proceeding – the parties, the venue and the issues being decided. Describe the ' issues of fact or law being considered. In particular, what procedural issues are ' considered. Identify the fact-finder and whether they made a decision at the ' conclusion of the proceeding. '

- The same professor used a variety of videos each week on various Civil Procedure topics. The videos were created by different individuals and the presentation of the material covered varied, but all were concise and informative videos about the topics being covered that week ([for example](#)).
- Diagrams were posted as learning resources:





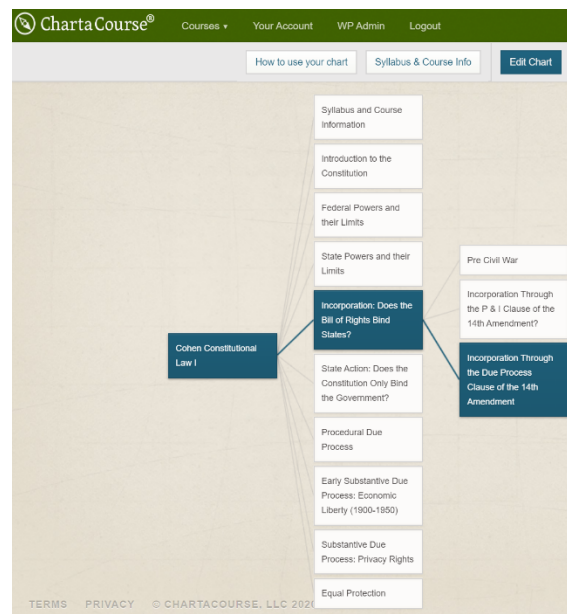
- Power Point Presentations were also used in this course. An example of one of the PPTs used is attached.
- The Hybrid Civil Procedure professor met individually with each student throughout the course of each semester to discuss the assignment project as well as how the students were doing. The students greatly appreciated these meetings.
- Case Study – Elective: Introduction to Negotiations
  - This course used five negotiations from the Program on Negotiation from Harvard Law School. Every other week, students met in pairs (a different partner each negotiation) on Zoom to negotiate their scenarios (sample negotiation scenario attached). We provided students with tutorials for participating, and the students completed the following for each negotiation: created a Zoom meeting and sent their partner the Zoom link, met via Zoom to conduct their negotiation, completed a Google survey with the results of their negotiations, reviewed the completed surveys

of their classmates, reflected on how their negotiation went and how they utilized negotiation skills learned in the course, then wrote a reflection that the professor reviewed on what they would do differently next time.

- This course includes a guest lecture from Justice Richard McAdams and used a number of very valuable and engaging [videos](#) used throughout the course.
- Students were asked to do research on various topics and share what they found with their classmates.
- Students completed the following assignment, building on what they learned from their Zoom sessions, readings, videos and negotiations and using that knowledge to think critically about what they would do:
  - “You have been given the assignment of preparing a small team for a negotiation in Tokyo, Japan. Your role is strictly to advise your teammates on how to interact with their Japanese counterparts. Write a short (no more than 500-word essay, 2 pages double spaced) summarizing your key points and sources.”

- Additional Examples

- Constitutional Law: We are using Chartacourse in lieu of a textbook for this course. Our professor is located in Washington, DC and has developed engaging videos and Zoom sessions where he can be on location at places such as the Library of Congress and have fascinating guest speakers engage with the students.



- Legal Research: In addition to some of the learning resources and assessment activities mentioned above, the professor is pre-recording lectures before the Zoom session for the students to watch.

During the Zoom sessions, the professor models researching topics for the students to see how it is done and that it does not always go as it should. Student then complete their own legal research.

- Business Law: The professor is incorporating student presentations (we are providing the students with tutorials on how to do use each piece of the technology necessary) and also participate in a guest speaker project where the students research potential guest speakers, draft three questions they'd like to ask that guest speaker.

## APPENDIX B



### Committee of Bar Examiners

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## THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA

OFFICE OF ADMISSIONS

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March 26, 2018

Mitchel L. Winick, Dean  
Monterey College of Law  
100 Col. Durham Street  
Seaside, CA 93955

Re: Major Change and Waiver Request for Approval of a Hybrid J.D.  
Degree Program

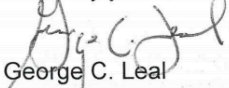
Dear Dean Winick:

At its meeting on March 23, 2018, the Committee of Bar Examiners (Committee) considered the Major Change and Waiver Request for a Hybrid J.D. Degree Program from Monterey College of Law. I am pleased to inform you that the Committee took the following action:

It was moved, seconded and duly carried that pursuant to Rules 4.105(J), 4.109, 4.164 and 4.165(E) of the Accredited Law School Rules, the Request for a Major Change and the Waiver Petition of MCL allow it to offer a "hybrid" J.D. degree program, incorporating distance-learning technology in course content of up to 63 units (70%) of its 90-unit curriculum, be approved as a pilot program; that its Petition for a waiver of the 12-unit limitation as to the use of such technology under Guideline 7.11 of the Guidelines for Accredited Law School Rules be granted, subject to annual renewal; and that the law school be required to submit to the Committee of Bar Examiners a detailed assessment report on the new program within one year of when students first start attending classes in said program.

I know the Committee's action is good news to you and the law school. As always, please feel free to contact me to discuss any questions you may have. Best wishes for the success of the new program.

Sincerely yours,

  
George C. Leal  
Program Manager, Educational Standards

cc: Amy C Nuñez, Interim Director III, Admissions