



The State Bar *of California*

OPEN SESSION
AGENDA ITEM O-405
DECEMBER 2020
COMMITTEE OF BAR EXAMINERS

DATE: December 4, 2020

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst

SUBJECT: Request for One-Time Waiver of 84-month Time Limit to Complete JD Requirements under Guideline 6.5(A) – Pacific Coast University School of Law

EXECUTIVE SUMMARY

Pacific Coast University School of Law (PCU) requests a one-time retroactive waiver of Guideline 6.5(A) of the Guidelines for Accredited Law School Rules. This guideline requires students to complete their JD requirements within 84 months after commencing law study. Here, a specific student required 108 months to complete their JD requirements due to a personal hardship, and the school seeks a waiver to ratify the grant of a JD degree to this student.

BACKGROUND

Though PCU is now a registered, unaccredited law school, during the time that the student was enrolled, the law school was an accredited law school operating under the Rules for Accredited Law Schools and their interpretive guidelines.

As an accredited law school, PCU was subject to accredited law school guideline 6.5(A), which states that “[a] law school must require the course of study for the JD degree to be completed no earlier than thirty months and no later than eighty-four months after a student has commenced law study at the law school.”

Here, the student completed their requirements over a 108-month period from September 2010 through August 2019, after which the school awarded the student a JD degree. PCU seeks a retroactive waiver of guideline 6.5(A) and ratification of its award of a JD to that student.

In September 2010, the student began their law study in PCU's accredited JD program, and they were projected to complete their study in August 2014.

In August 2012, however, the student withdrew after failing a class. At that time, the student was also grieving from the recent loss of a minor child and was a single parent caring for their surviving child.

In 2016, the PCU readmitted the student, who then completed all JD requirements in August 2019 and was awarded a JD degree.

In 2020, the student applied to take the bar examination for the first time. During the certification process for bar exam applicants, the school noticed that the student's file lacked the required waiver, so it contacted the State Bar to seek waiver and retroactive ratification of the school's action. If the Committee approves of this request, the student will be able to register for the February 2021 bar exam, so long as they meet all other requirements.

Research showed that the school should have filed a waiver with the State Bar in 2016 prior to re-admitting the student because it was foreseeable, according to the student's study plan, that they could not complete their JD degree requirements before the 84-month period expired in August 2017, leaving the school unable to issue a JD without a waiver.

Instead, the law school enrolled the student and submitted a waiver request to the State Bar in November 2018, after the 84-month period had elapsed, but nine months before the student completed their degree requirements. Unfortunately, the State Bar did not forward the request to the Committee due to a clerical error. The school did not follow up to inquire about the status of the waiver, and proceeded to award the student a JD degree in August 2019 after the student had otherwise completed all requirements for the JD program.

Because the school has experienced several administrative issues recently, the school has hired an experienced registrar to review all student files and recordkeeping procedures to ensure full compliance and timely submission and return of all required documents. The Committee will be able to verify PCU's progress as part of the law school's upcoming periodic inspection in 2021. Similarly, the State Bar has adjusted its acknowledgment process to provide schools with clear notice when a request is received and status as the request proceeds.

DISCUSSION

In the past, the Committee has considered and granted waivers of guideline 6.5(A) for periods of time of up to three years in length when unexpected hardships arose. Currently, the Board of Trustees has posted for public comment a proposed rule change recommended by the Committee that would allow law schools, rather than the Committee, the discretion to

determine whether to extend the time to complete JD requirements beyond the standard 84-month time limit in extraordinary circumstances for individual students.

Here, the student required an extension of 24 months, which is within the time period range approved by the Committee in the past. In addition, the student experienced an unexpected hardship when losing a child and continuing responsibilities as a single parent to a surviving child. The student returned when their circumstances allowed and completed the JD requirements in full.

With the passage of time and the changing of personnel at the school, the exact circumstances surrounding the school's decision to award the degree can no longer be ascertained, but it does not appear that PCU had an intent to conceal its actions, since it did file a waiver request prior to the student's graduation, though filed after the 84-month period had elapsed, and PCU brought the matter to the State Bar's attention during the bar exam application process when PCU discovered that the student's file lacked the required waiver.

If the waiver is not granted, the student will need to duplicate a significant portion of their study and will be presented with the further complication that their school has now transitioned from accredited to unaccredited status, changing the character of the degree awarded.

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 Committee of Bar Examiners grant a one-time waiver of guideline 6.5(A) to PCU as to this student and ratify PCU's award of a JD from an accredited law school to this particular student retroactive to August 2019.

PROPOSED MOTION

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

MOVE, that this petition submitted by Pacific Coast University School of Law on behalf of a specific student seeking a one-time waiver of guideline 6.5(A) be received, and that the petition be granted as to this specific student, ratifying the law school's awarding of a JD degree from an accredited law school to the student in August 2019.