



**OPEN SESSION  
AGENDA ITEM O-404  
DECEMBER 2021  
COMMITTEE OF BAR EXAMINERS**

**DATE:** December 3, 2021

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

**FROM:** Natalie Leonard, Principal Program Analyst, Office of Admissions

**SUBJECT:** Action on Major Change – Humphreys University Drivon School of Law – Teach Using Blended Online/Classroom JD Classes

---

**EXECUTIVE SUMMARY**

Humphreys University Drivon School of Law (Drivon) has filed a major change request for the Committee of Bar Examiners' (Committee) approval to offer its JD program via permanent blended simultaneous online and in-person instruction. (Attachment A.)

---

**BACKGROUND**

Humphreys University was founded in 1896. The law school, located in Stockton, was founded in 1950 and earned accreditation by the Committee of Bar Examiners in 1983. Its parent institution, Humphreys University, is institutionally accredited by the Western Association of Schools and Colleges (WASC). The law school is concurrently submitting approval for this request to both the State Bar of California and WASC.

According to its 2021 Annual Report, the law school enrolls 70 students in its JD program. Its Minimum, Cumulative, Five-Year Bar Exam Pass Rate (MPR) trend for the most recent four years is: 2018 MPR 45.6 percent; 2019 PR 41.9 percent, 2020 MPR 46 percent; and 2021 MPR 52.3 percent.

Under Rules 4.164 and 4.165, "[a]n accredited law school contemplating a major change must notify the Committee . . . [and t]he notice must explain in detail any effect the change might

have on the law school's compliance with the rules." (Rule 4.164) Such changes include "instituting a new division," and "offering any new program in law study, whether a degree program, non-professional degree program, or non-degree program," as is contemplated here. (Rule 4.165).

Here, Drivon seeks to offer students the convenience of a permanent choice between attending in-person or attending online as to each class, depending upon what is best for each student.

## **DISCUSSION**

Drivon seeks permission to permanently change its JD program to offer a program in which each class is conducted simultaneously online and in-person.

### **Proposed online JD program curriculum and procedures**

Drivon has historically taught JD classes in a fixed facility classroom environment. The law school was inspected in 2020 and found to be compliant.

In March 2020, the law school began teaching remotely due to the pandemic. Many students have expressed a preference to continue taking at least some of their classes online. The school would like to allow professors to teach remotely if necessary due to an extenuating circumstance.

As a result, the law school filed this major change seeking approval to conduct fixed-facility classes that are simultaneously broadcast to those students attending remotely. The JD program requirements will be the same for all students, whether or not they choose to attend any classes remotely. There will not be any change from the curriculum reviewed during the law school's recent inspection in 2020, during which compliance was confirmed.

The law school understands that it has an affirmative duty to clearly communicate with prospective and current students, and understands its need to inform them that certain clinical programs and requirements are offered only in-person. The law school has, however, created the curriculum in a manner such that a student can fulfill all requirements online.

## **FISCAL/PERSONNEL IMPACT**

None

## **RECOMMENDATION**

It is recommended that the Committee of Bar Examiners receives, files and grants Humphreys University Drivon School of Law's request for major change seeking permission to add the option to deliver JD classes using synchronous online and in-person instruction.

## **PROPOSED MOTION**

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

**MOVE**, that the Committee of Bar Examiners receives, files and grants Humphreys University Drivon School of Law's request for major change to deliver JD classes in blended format, offering synchronous online and in-person instruction.

## **ATTACHMENT LIST**

- A. Humphreys University Drivon School of Law Major Change Request to Offer Blended Learning Post-December 31, 2021

## Humphreys University Drivon School of Law

### Major Change Request

**Re: Use of Zoom video-conferencing technology to provide synchronous “blended” education to law students for all courses**

**Subject of this request:** During the COVID-19 pandemic, pursuant to waivers and extensions from the Committee of Bar Examiners (“CBE”), Humphreys University Drivon School of Law (“Humphreys”) has been using Zoom technology to provide synchronous online education to its students. Humphreys would like to continue to do so by providing education to its students in a “blended” format, meaning students are permitted to attend classes in the classroom with the instructor (following appropriate COVID-19 protocols) or attend synchronously via Zoom, at the student’s discretion. Cameras and microphones in the classroom permit all students, whether in class or on Zoom, to participate and interact with one another and the instructor.

Thus, pursuant to Rule 4.165 of the Accredited Law School Rules, and pursuant to the CBE’s recent request for major change requests in regards to online instruction, Humphreys seeks a major change to allow it to continue the use of Zoom in a blended modality for all courses indefinitely.

**Reason for this request:** The CBE has waived certain rules and guidelines governing California Accredited Law Schools to allow our schools to provide instruction through distance learning modalities during the COVID-19 pandemic. The present extension of the CBE’s waiver expires on December 31, 2021. The CBE has advised California Accredited Law Schools to provide a major change request should the school desire to continue using distance learning modalities beyond December 31, 2021.

**The aspect of the program subject to change:** Humphreys wishes to continue to provide to its students the option of online synchronous instruction via Zoom, as it has done since March 2020. The curriculum that makes up the degree, the faculty and administration, admission standards, and course scaffolding will be unchanged.

Humphreys recently underwent a periodic inspection performed by the CBE, which approved of Humphreys’ curriculum, admission standards, and course scaffolding, among other things. The periodic inspection was conducted while synchronous online education via Zoom was the only available modality due to the COVID-19 pandemic, and therefore the inspectors were aware of Humphreys’ successful use of Zoom technology. Humphreys’ periodic inspection report and continued accreditation was approved by the CBE on April 23, 2021.

**Discussion:** Humphreys began teaching online synchronously using Zoom in March 2020, as the COVID-19 pandemic began and pursuant to the CBE’s waiver. During the pandemic, Humphreys University (“University”), the larger university of which the law school is a part, equipped its campus classrooms with cameras and microphones, augmenting the existing touchscreen, internet-connected smart-boards already present to allow for live, synchronous instruction in a blended modality. The University has been experimenting and

using blended modalities for several quarters in its undergraduate and graduate divisions. These experiments have proven successful, and the University (including law school) intends to provide all synchronous Fall 2021 courses in a blended modality. Humphreys Fall 2021 quarter begins in October.

Humphreys is an accredited WASC Senior College and University Commission (“WSCUC”) institution. The University is concurrently seeking approval from WSCUC to grant accreditation to permanent online instruction for Humphreys’ law school program. Many of the University’s programs have recently been approved by WSCUC for permanent online instruction.

The blended format is advantageous, as it permits students to pick the option that works best for them as individuals and makes them the most comfortable, while providing the same level of education regardless of the student’s choice. In student surveys conducted during the COVID-19 pandemic, Humphreys’ students have shown a noticeable, but not overwhelming, preference for online instruction, with 58% preferring Zoom-based classes, although those preferring on-ground instruction often expressed strong feelings in favor of an on-ground modality. These data indicate a blended format – where students can choose online or on-ground – is an effective modality for serving both communities of students.

Further, while in mid-2021 it seemed the COVID-19 pandemic may be waning in San Joaquin County, where Humphreys is located, this no longer appears to be the case. ([http://www.sjcphs.org/Disease/Epidemiology\\_Archive.aspx#covid](http://www.sjcphs.org/Disease/Epidemiology_Archive.aspx#covid); [https://covid19.ca.gov/state-dashboard/#location-san\\_joaquin](https://covid19.ca.gov/state-dashboard/#location-san_joaquin).) As the pandemic is likely to linger in our area until at least late-2021, students’ safety concerns regarding the pandemic should be considered, and an online option should be available to those who are vulnerable or uncomfortable while the COVID-19 pandemic remains a concern.

Further, the U.S. Department of Education has indicated its approval for modalities such as the blended modality being pursued by the University. (U.S. Department of Education, *ED COVID-19 HANDBOOK: Strategies for Safe Operation and Addressing the Impact of COVID-19 on Higher Education Students, Faculty and Staff*, p. 19 [“Though many (institutions of higher learning) are working to safely bring students back to in-person learning, the need for high-quality online options is here to stay. Given this reality, it is essential that (such institutions) invest in professional learning opportunities tailored to the digital context.”].)

**Current status of classroom preparation:** Humphreys’ classrooms are fully-equipped and have been tested in a classroom environment by the University. Humphreys is prepared for an immediate and continued use of Zoom technology in a blended modality.

**Alignment with State Bar mission and goals:** Humphreys’ request for approval to provide a synchronous online option as part of a blended modality aligns with and advances the mission of the State Bar, particularly in regards to increasing the diversity of the profession and serving underserved populations within the State. (<https://www.calbar.ca.gov/About-Us/Our-Mission>; <http://www.calbar.ca.gov/Portals/0/documents/reports/Diversity-Inclusion-PlanReport.pdf>; <http://www.calbar.ca.gov/Access-to-Justice>).

By providing a synchronous online option as part of a blended modality, access to Humphreys is extended to people in areas not well-served by on-ground law schools, particularly those residing in the foothill counties of Central California. Increasing access to qualified applicants in these areas will increase access to justice in those areas and improve the diversity of the legal profession.

Related, presently, synchronous online learning allows many of our students living significant distance from Humphreys' campus, particularly those students living in South Stanislaus County, to save as much as eight hours per week driving to our Stockton campus. This saved time can be dedicated to additional study.

### **Compliance with the Guidelines for Accredited Law School Rules:**

#### **Division 1: General Provisions.**

No changes will be made with respect to our current policies and procedures under Division 1.

#### **Division 2: Honesty and Integrity**

No changes will be made with respect to our current policies and procedures under Division 2.

#### **Division 3: Governance**

No changes will be made with respect to our current policies and procedures under Division 3.

#### **Division 4: Dean, Full-Time Administrator, and Faculty**

No changes will be made with respect to our current policies and procedures under Division 4.

#### **Division 5: Admissions**

No changes will be made with respect to our current policies and procedures under Division 5.

#### **Division 6: Academics**

No changes will be made with respect to our current policies and procedures under Division 6, sections 6.1-6.4.

#### **Guideline 6.5 Quantitative Academic Requirements**

Pursuant to Guideline 6.5 (A), the minimum requirement for the Juris Doctor degree is the satisfactory completion of a course of study requiring 1,200 hours of verified academic

engagement. In pertinent part, Guideline 6.5 (B) states that “academic engagement” includes instruction in a compliant Juris Doctor degree curriculum offered through any of the following means: “...(b) student participation in a synchronous or asynchronous curriculum offered through distance learning technology.”

Under Humphreys’ proposal, no change will be made to the hours of academic engagement required under the program. However, some students may engage academically, in whole or in part, by participating synchronously online using distance learning technology. Both on-ground and online students will be participating in the same classes at the same time.

Guidelines 6.5 (D – N), 6.6-6.9: No changes will be made with respect to our current policies and procedures.

#### Guideline 6.10 Student Interaction

The blended modality includes numerous opportunities for student-to-student interaction. All students, whether on-ground or via Zoom, attend the same classes synchronously, and Humphreys’ technology permits those students to see, hear, and engage with one another and the instructor during class.

#### Guideline 6.11 Required Examinations

No changes will be made with respect to our current policies and examination practices, other than continued use of ExamSoft’s Examplify software to administer and aid in proctoring some online examinations. Examplify ensures the authenticity of the student taking the exam, and protects the integrity of the exam against cheating. Pursuant to and Guideline 2.7 (5), grading of all exams will continue to be anonymous.

#### Guidelines 6.12, 6.13, 6.14

No changes will be made with respect to our current policies and procedures.

#### Division 7: Scholastic Standards

No changes will be made with respect to our current policies and procedures.

#### Division 8: Library Requirements

No changes will be made with respect to our current policies and procedures.

#### Division 9: Physical Resources

The Guidelines contained in Division 9 require that a law school have physical and technological resources in an infrastructure adequate for its programs and operations. The technology the University uses to support its blended modality courses is discussed at length in the attachment to this major change request.

#### Division 10 Financial Resources

No changes will be made with respect to our current policies and practices governing financial resources.

#### Division 11 Records and Reports

No changes will be made with respect to our current policies and procedures.

#### Division 12 Minimum, Cumulative Bar Examination Pass Rate

No changes will be made with respect to our current policies and procedures. Humphreys remain in compliance.

#### Division 13 Awarding of Professional Degrees in Addition to the JD Degree

No changes will be made with respect to our current policies and procedures.

#### Division 14 Equal Opportunity and Non-Discrimination

No changes will be made with respect to our current policies and procedures.

**Conclusion:** Use of blended modality courses will increase access to the law school without sacrificing the integrity or quality of the program. Thus, continued use of synchronous online instruction through incorporation of a blended modality for all Humphreys' courses is appropriate.

**Requested Approval:** Humphreys requests approval to indefinitely provide instruction in a synchronous, blended format.



## **Attachment**

### **Description of classroom technology used in synchronous, blended instruction**

With the advancement of educational technology and the concomitant rise in technology-assisted instruction in higher education, Humphreys University has steadily upgraded its classroom technology on both its campuses since 2019. Due to the COVID pandemic and the need to deliver all instruction virtually, during 2020-21, the University augmented its classroom technology in order to facilitate live digital instruction. Currently, every classroom contains the following technology resources to support in-class instruction:

- **Campus-wide wireless connectivity:** The University has equipped its campuses since the early 2000's with wireless internet access. Students, faculty, and staff can access internet and Humphreys network resources while on campus.
- **65 inch web-enabled "smart boards":** These boards essentially replace computer/projector setups and to a large extent whiteboards as well. Boards are capable of accessing internet resources, including audio/video content, video streaming services, including Zoom, and can serve to project instructor resources such as powerpoints, pdfs, etc. Boards are also touch-screen enabled and come standard with a whiteboard function, on which instructors and class participants can write/draw as they would on a physical whiteboard. Further writings/drawing can be captured electronically and saved/distributed as needed. Smartboards also function as the classroom speaker, projecting audio from digital resources as well as from virtually attending students. Typically, instructors project the Zoom attendees on the smartboard, so that classroom-based attendees can see virtual attendees.
- **High-definition cameras:** Mounted in each classroom is an instructor-facing high definition video camera. When delivering virtual/blended instruction, this is the method by which the instructor is visible to students who are not located in the classroom. The cameras are controllable by the instructor, who can zoom/pan on themselves or the whiteboard, and are equipped to automatically follow the instructor if he/she moves around the room.
- **Instructor podium computer:** Each classroom has a monitor set up on the instructor podium that presents to the instructor the virtual attendees, if using videoconferencing such as Zoom, or a mirror of the smartboard that is usually behind them. This allows the instructor to face the classroom attendees as well as see those attending virtually without having to rely on the wall-mounted smartboard
- **Classroom-facing camera:** Mounted on each smartboard is a classroom-facing high-definition web camera. This camera presents video of the classroom and its attendees to those who are attending virtually, allowing them to see and interact with classroom-based attendees.
- **High-definition microphones:** Classrooms are equipped with ceiling-mounted microphones, as well as a dedicated podium microphone, to capture audio from classroom-based attendees and the instructor.
- **Table-based electrical outlets:** Almost all rooms provide power outlets on the tables in the classrooms. Students can plug in their devices to ensure adequate power during class time.

- Populi: While not classroom-based technology, the University's student information system – Populi – is cloud-based and accessible to students anywhere. The student service functionality of Populi includes transcript viewing, degree audit, and course materials such as the syllabus. Students can also see their account balances, account activity, and make payment electronically through Populi's credit card gateway.