



OPEN SESSION

AGENDA ITEM O-406

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 – Cal Northern School of Law – Teach Blended Online/Classroom JD Classes and Request Acquiescence to Modify a non-JD Program

EXECUTIVE SUMMARY

Cal Northern School of Law (Cal Northern) filed the attached major change request seeking the Committee of Bar Examiners' (Committee) approval to offer permanent blended instruction teaching classes sessions synchronously online and in-person as set forth in Attachment A. The law school also seeks acquiescence to modify its Master of Legal Studies program to allow blended instruction permanently as well. (Attachment A.)

BACKGROUND

Cal Northern School of Law is a for-profit accredited law school located in Chico, California. The law school was last inspected in 2018 and found to be compliant. The law school teaches both a JD program and a Master of Legal Studies (MLS) program. The purpose of the requests under consideration today is to modify each of these programs so that each of their courses may be taught synchronously online and in-person.

According to its 2021 Annual Report, the law school enrolls 35 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 72.9 percent; 2019 PR 73.9 percent, 2020 MPR 71.1 percent; and 2021 MPR 75.7 percent.

Cal Northern School of Law seeks permanent approval of synchronous instruction “Flex Track” starting Spring 2022 for both the JD and MLS programs. The Flex Track would allow both students and faculty to attend each either in-person or online through synchronous instruction.

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 with respect to the JD program. (Rule 4.165.)

In addition, the law school seeks acquiescence to the modification of its Master of Legal Studies program to allow each class in that program to be taught synchronously online and in-person. The request is made pursuant to Rules 4.105(K), 4.164 and 4.165(E) and Guideline 13 of the Rules for Accredited Law Schools (rules) and Guidelines for California Accredited Law School Rules (guidelines).

When an accredited law school wants to offer a professional degree in addition a JD degree, the law school “must apply for Committee acquiescence to a professional law degree program” under accredited guideline 13.2(A). The application “must demonstrate to the satisfaction of the Committee that [the law school’s] proposal complies with the curriculum and other substantive program requirements adopted by the Committee,” and that “receiving acquiescence to grant a professional law degree in addition to the Juris Doctor will not detract from the law school’s ability to maintain its Juris Doctor Degree program in compliance with the Rules and . . . Guidelines [for California Accredited Law Schools].” The law school must also agree to the required disclosures and compliance terms enumerated in Guideline 13(C), 13.3, and 13.4. The law school has agreed to do so, and has already been doing so as part of its fixed-facility MLS program.

The Committee’s “acquiescence in a law school’s professional law degree programs other than for the Juris Doctor degree is not, and law schools must not represent it to be, approval of the quality of any such program.”

DISCUSSION

Cal Northern filed this major change to permanently change its JD program and Master of Legal Studies program seeking to allow delivery of classes in both programs in blended format, synchronously online and in-person.

The law school has been successfully teaching classes online.

Cal Northern has historically taught JD classes in a fixed facility classroom environment. In March 2020, the law school began teaching remotely due to the pandemic. While many students and faculty will look forward to returning to campus in the new year, the law school has learned that some will want or need to continue to attend classes remotely in the future.

As a result, the law school filed this major change seeking approval to conduct fixed-facility classes that are taught in person and synchronously broadcast interactively to those students attending remotely. The JD program requirements will be the same for all students, whether they attend remotely or in-person. There will not be any other change to the curriculum, last reviewed during the law school's recent inspection in 2018.

The law school has been teaching classes online with positive results. It has invested in responsive cameras that swivel to face in-person speakers to improve the experience for those attending remotely, and classrooms have large monitors in the front of the room for viewing a professor or remote students.

During the pandemic, student services were moved online as well. The law school plans to continue to offer services both online and in-person beginning in the new year. Exams will be administered securely.

Accredited law schools must ensure that their JD curriculum includes six hours of practical skills training and the opportunity to take at least 15 hours of practical skills training. The law school will be able to provide this remotely.

The proposed change to the law school's non-JD program does not appear to have a negative impact on the JD program.

The Committee provided its acquiescence to Cal Northern's MLS program in 2014, and the law school has been following all Committee mandates with respect to that program since then. Now, the law school plans to continue the program in nearly the same format, with the only change being the switch to offer the classes via blended synchronous online delivery and classroom delivery. Based on the law school's success with online delivery and investment in equipment, it appears that it is appropriate for the Committee to continue to offer its continued acquiescence to the Master of Legal Studies program.

FISCAL/PERSONNEL IMPACT

None

RECOMMENDATION

It is recommended that the Committee of Bar Examiners receives, files and grants Cal Northern School of Law's request for major change and acquiescence to a non-JD program. It is further recommended that the Committee grants the request to teach each JD class synchronously online and in the classroom and acquiesces to a change in the law school's Master of Legal Studies program to allow the program to allow each class to be taught synchronously online and in the classroom.

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 and files Cal Northern School of Law's request for Major Change and Acquiescence; and

FURTHER MOVE that the Committee grants the law school's request to teach each JD class synchronously online and in the classroom in blended format; and

FURTHER MOVE that the Committee provides its acquiescence to the law school's Master of Legal Studies program taught synchronously online and in the classroom in blended format for each class.

ATTACHMENT LIST

- A.** Cal Northern School of Law Major Change Request to Offer Blended Learning Post December 31, 2021 in both the JD and MLS Programs

**Cal Northern School of Law
Major Change Request
Online Juris Doctor and MLS Program**

Introduction

Cal Northern School of Law (CNSL) seeks approval of a major change, as required under Rule 4.164 of the Accredited Law School Rules, to continue to offer remote participation in class, by students and faculty (called “the Flex Track”) who may not be comfortable returning in person due to the pandemic beyond the December 31, 2021, State Bar general waiver and permanently as of Fall 2022.

Under the Flex Track, faculty will be given the option to continue to teach their course virtually or come to campus and teach both to those in-person and remote via synchronous online delivery utilizing OwlLabs video conferencing technology and the Zoom platform. Existing and incoming students starting Fall 2022 would also have the option of enrolling in the real time online Flex Track JD or MLS program.

CNSL’s Flex Track is the result of numerous feedback loops with our community, including students, faculty, staff, trustees, and other stakeholders. Our goal is to use the rest of this semester as a transition period from the last 18 months of exclusive virtual delivery to being back on campus by January 4th, 2022. While we anticipate most of our students and faculty will return to campus we have to prepare for those students and faculty who may not feel comfortable in doing so. This will allow us to put our new classroom technology to enhance the online experience to the test and evaluate its potential to further innovate by providing a synchronous online delivery model to students moving forward since according to the latest U.S. Department of Education’s ED COVID -19 HANDBOOK, which can be found [here](#) “the need for high-quality online options is here to stay.” (p. 21)

I. CNSL’s Flex Track for both the JD and MLS Program: Improving Access to Legal Education

What started as a response to the pandemic has made us reevaluate the benefits of online instruction beyond the pandemic. The program’s continual improvement supports our conclusion that our students need additional learning opportunities. The Flex Track’s synchronous online delivery will allow CNSL to engage students in real time and on a regular basis.

Offering the opportunity for students to participate in class remotely or in person continues to advance CNSL’s philosophy as it offers even greater flexibility and accessibility in terms of location to those students who would otherwise struggle to access education necessary to enter the profession.

It will create access to law school for individuals who may not live-in areas near a law school. It will provide the increased affordability of being able to obtain a legal education for those who are unable to move to attend law school. For people caring for children or

other family members having an option of attending an accredited law school program offered synchronously online will allow them to stay in their communities and continue working while pursuing an excellent legal education.

II. Program Overview

CNSL has been accredited since 1982 and was last inspected in 2018 and found to be in substantial compliance with all relevant accreditation standards of the Accredited Law School Rules and Guidelines. For 38 years CNSL has provided an opportunity for students to attend an affordable, quality legal education that stresses practical skills training and sound preparation for the California Bar Examination. As evidenced by CNSL's October 2020 100% First-Time Taker Bar Pass Rate and its Minimum, Cumulative Bar Passage Rate of 75.7% as reported on July 31, 2021, we have met this goal through our part-time evening fixed facility law program.

Under the Flex Track, CNSL's content, curriculum which makes up the degrees, student learning outcomes, faculty and administration and admission standards will not change. All these factors which contribute to CNSL's success will remain the same as it currently exists.

The Flex Track online J.D. and MLS students will have access to the same full suite of student services as the in-person students do. It will also require some limited campus time, such as orientation and in-person professional development activities once every other semester. The benefit to the live class sessions is that students get to practice the very skills they need to succeed as lawyers — including listening to others, responding to what others say, following a line of argumentation as it organically unfolds, and analyzing issues in real time.

We will continue to offer a 15-week cohort model, admitting new students in the fall, as we do in the current model. The students will take the same classes and credit hours whether attending in person or online.

III. The Flex Track Is in Compliance with the Guidelines for Accredited Law Schools

CNSL's Flex Track complies with the rules and guidelines for accredited law schools.

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

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

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

Division 4: Dean, Full-Time Administrator, and Faculty. No changes will be made with respect to our current policies and procedures.

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

Division 6: Academic Program. No changes will be made with respect to our current policies and procedures with the exception that instruction for the JD and MLS programs will now be available through in person and synchronous distance-learning technology pursuant to Guideline 6.5 (B.)

Academic Engagement- Just like students attending in person, students attending online are expected to spend at least three hours per course unit preparing for class. For a three-unit course, students are expected to spend at least nine hours per week in preparation, six hours per week for a two-unit course and at least 3 hours for a one-unit course. Academic engagement includes case book readings, content review and outlining, preparing case briefs and study of the material. Faculty are required to assign readings and other preparatory work to students which in our estimate, takes them the number of hours required to per unit for outside-of-class preparation. This requirement will not change, and all syllabi will continue to be reviewed to ensure adequate preparatory time is required within each course, each week. (Guideline 6.5 [A])

Student Interaction-The online JD and MLS programs will include numerous opportunities for student to faculty interaction and student to student interaction. All faculty are required to hold remote and in person office hours before class where students can interact with one another and their faculty on course content. (Guideline 6.10)

Exams-CNSL will use Examsoft/ExamMonitor an A.I. driven remote proctoring solution that digitally observes exam-takers with video and audio monitoring throughout the entire exam to proctor its online exams which will ensure: 1) authenticity of the student taking the exam, and 2) protect the integrity of the exam against cheating. (Guideline 6.11)

Division 7: Scholastic Standards. No changes will be made with respect to our current policies and procedures with the exception that instruction for the JD and MLS programs will now be available through in person and synchronous distance-learning technology pursuant to Guideline 7.11.

Division 8: Library Requirements. No changes will be made with respect to our current policies and procedures.

Division 9: Physical Resources. No changes will be made with respect to our current policies and procedures with the exception that since CNSL is offering its curriculum by means of distance learning technology it will maintain its administrative office and administer its technology platform in California pursuant to Guideline 9.1.

Instructional Equipment-CNSL synchronous online delivery will utilize OwlLabs video conferencing technology and the Zoom platform. CNSL's faculty have been teaching online via the Zoom platform for the past 18 months so all have received adequate training on its use. In addition, all faculty will have access to

the [Owl for Education Enablement Guide](#) which is a robust document that includes the ins and outs of using the Meeting Owl Pro in their classrooms. (Guideline 9.3)

Division 10: Financial Resources. No changes will be made with respect to our current policies and procedures.

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. CNSL's MPR as reported on July 31, 2021, is 75.7%.

Division 13: Awarding of Professional Degrees in Addition to their Juris Doctor Degree. On April 26, 2014, CNSL obtained the acquiescence of the Committee to award a Master of Legal Studies (MLS.) No changes will be made to the MLS program content, curriculum, student learning outcomes, faculty and administration and admission standards. The required disclosures are included in CNSL's course catalog and on the principal page of its website pursuant to Guideline 13.3.

Division 14: Equal Opportunity and Non-Discrimination. No changes will be made with respect to our current policies and procedures.

Division 15: Opening and Operating a Branch or Satellite Campus. Not Applicable.