



**OPEN SESSION**  
**AGENDA ITEM O-411**  
**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 Waiver – Pacific Coast University School of Law – Teach Classes Online Temporarily

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**EXECUTIVE SUMMARY**

Pacific Coast University School of Law seeks a waiver from the Committee of Bar Examiners (Committee) to teach classes online through and including August 31, 2022 due to factors related to current public health circumstances. (Attachment A.)

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**BACKGROUND**

Pacific Coast University School of Law is an unaccredited, fixed-facility law school located in Long Beach, California. The law school transition to this category from registered status in August 2020.

According to its 2021 Annual Report, the law school enrolls 56 students in its JD program. The law school's most recent pass rate on the First-Year Law Students' Examination was 25 percent in June 2021, slightly above average for an unaccredited law school. Its most recent cumulative five-year bar pass rate calculated using the formula applicable to unaccredited law schools, according to its 2021 disclosure pursuant to California Business and Professions Code 6061.7(a), is 33.3 percent.

Pacific Coast University School of Law seeks a waiver to continue to teach classes online through and including August 31, 2022.

The Committee of Bar Examiners has had in place a waiver to allow fixed-facility schools to teach classes online from March 30, 2020 through December 31, 2021. The Committee requested that fixed-facility schools who saw a pandemic-related need to teach classes online beyond that date should file individual waiver requests.

Under Rule 4.208, “[a] law school may request that the Committee waive any rule or guideline [though] . . . a waiver is temporary.”

The law school has filed a waiver request set forth in Attachment A seeking to teach classes online through August 31, 2022.

## **DISCUSSION**

Pacific Coast University School of Law seeks a waiver to continue to teach its JD program synchronously online, and not in the classroom, through August 31, 2022. The school had initially requested a waiver through May 21, 2022, but later amended the expiration date through August 31, 2022, confirmed in writing.

The law school seeks an extension to teach online for a number of reasons. First, because its facility is an older building, the windows do not open and ventilation may be an issue. Next, the law school is concerned about the disruption that its students may face if they are affected by the pandemic personally or through their families or a student or faculty member is infected.

The law school has also found that teaching online has reduced stress since commuting has been eliminated and, anecdotally, several professors believe it increases student engagement.

The law school indicates that its transition to temporary online classes has been smooth and requests permission to continue to delivery classes this way through August 31, 2022.

This waiver will not otherwise affect the law school’s compliance.

## **FISCAL/PERSONNEL IMPACT**

None

## **RECOMMENDATION**

It is recommended that the Committee of Bar Examiners receives, files and grants Pacific Coast University School of Law’s request for waiver to teach classes online via synchronous delivery through August 31, 2022.

## **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 Pacific Coast University School of Law's waiver request to teach classes online via synchronous delivery through August 31, 2022.

## **ATTACHMENT LIST**

- A.** Pacific Coast University School of Law – Request for Waiver

**PACIFIC COAST UNIVERSITY  
SCHOOL OF LAW**

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September 7, 2021

***Via Electronic Transmission Only***

Natalie Leonard, Esq.  
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**Re: Request of Pacific Coast University, School of Law, for Approval of Major Change in the Form of Leave to Temporarily Continue Distance-Learning Delivery of Curriculum Beyond the December 31, 2021, Expiration of the Currently Operative General Waiver**

Dear Ms. Leonard:

Pursuant to Rule 4.245 of the *Unaccredited Law School Rules*, this will serve as the formal request of Pacific Coast University, School of Law ("PCU") for approval of a Major Change in the form of leave granted by the Committee of Bar Examiners to temporarily continue delivery of its curriculum via the distance-learning format – that is, fully online -- beyond December 31, 2021, the date upon which the currently effective waiver of the requirement that a fixed-facility law school conduct its instruction principally in physical classroom facilities is set to expire by its terms.

This request is based upon the following two grounds:

Natalie Leonard, Esq.  
State Bar of California  
September 7, 2021

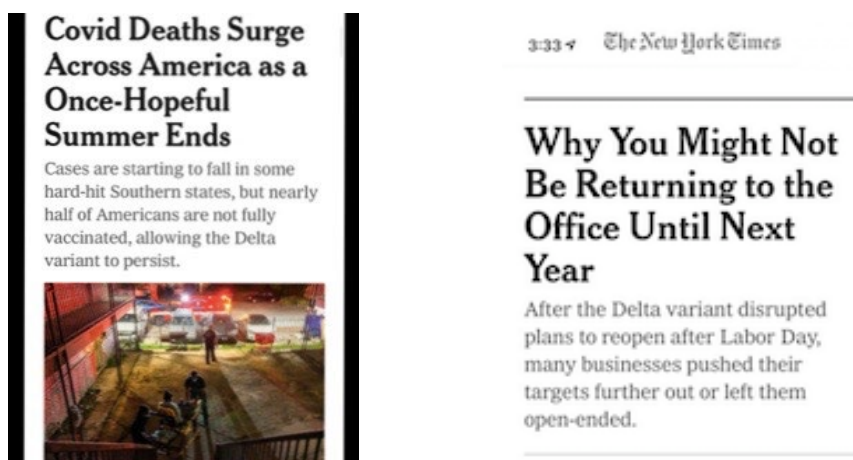
## I.

### **In View of the Known and Unknown Present and Future Risks to the Health and Safety of PCU's Students, Faculty and Staff Posed by the Ongoing Covid-19 Pandemic, Prudence Dictates the Temporary Continuation of the Law School's Currently In-Place Regime of Conducting Its Instruction via Interactive-Online Means.**

To be sure, a great deal of progress has been made in the ongoing effort to minimize the dangers to the public's health and safety posed by the Covid-19 virus. In light of the development of highly efficacious and safe vaccines -- along with implementation of the basic risk-mitigation protocols of physical distancing and mask-wearing -- there is reason to hope that the country, in general, and California, in particular, may be on the road back to comparative normalcy.

That said, however, there yet remain troubling uncertainties and contingencies associated with the extent and timing of the recovery from the pandemic. Among those sobering contingencies and uncertainties, of course, is the presence and spread of highly communicable and lethal variants of the "wild" Covid-19 virus -- including, of course, the so-called Delta Variant. It is precisely because of the virus's vagaries and unpredictability -- combined with the logistical difficulties on the part of small institutions such as PCU to make drastic, last-minute changes in their curriculum-delivery methodology and the expressed discomfort on the part of several faculty members and students with the prospect of returning to campus in the spring -- that, from an abundance of caution, we have no realistic alternative but to plan to continue teaching classes online through at least the spring of 2022.

Indeed, one need only briefly glance at the mainstream news media in order to grasp a sense of the continuing health risks posed by the pandemic -- as typified by the following headlines appearing in the September 4, 2021, edition of *The New York Times*:



Moreover, PCU's return to the physical classroom for the spring term amid the currently prevailing health risks, both known and unknown, would unavoidably necessitate implementation of the following logistically challenging disease-mitigation protocols and initiatives:

1. Ensuring proper ventilation in all classrooms, the law library and the administrative suite in an effort to check the airborne transmission of the virus. (As in the case with

respect to many modern buildings, none of the windows in PCU's classrooms or elsewhere on campus is capable of being opened);

2. Enforcing physical-distancing and mask-wearing requirements at all times;
3. Devising and implementing special protocols and procedures necessitated by students and/or or faculty members who may claim legal exemption from a vaccination requirement for medical, religious, or other reasons; and
4. Planning and preparing for the disruption that unavoidably will result if and when there occurs a (virtually inevitable) Covid exposure in one or more of our classes — including the necessity to suspend the holding of all in-person class meetings for at least 14 days following any such exposure.

## II.

### **In that the Law School's Synchronous Distance-Learning Method of Conducting Instruction During the Covid Crisis Has Proved to Be Altogether Administratively Workable and Academically Sound, PCU's Students Will Not Be Adversely Affected by the Proposed Continuation of the Online Regime.**

As has been described in PCU's previously submitted quarterly status reports on its plans, progress and issues relating to the delivery of interactive online classes during the Covid-19 crisis, the changeover to the distance-learning format has proved successful and, indeed, essentially uneventful. As such, we respectfully submit that there exists no reason to believe that the proposed temporary continuation of the online delivery of instruction pending resolution of the Covid pandemic will in any manner adversely impact our students.

More specifically, PCU continues to deliver its curriculum entirely online via the Zoom virtual-meeting platform, consistent with the current practice of many other institutions of higher learning and graduate/professional programs. As previously reported, PCU's faculty made the changeover smoothly for the most part, and they appear to be increasingly comfortable with the technology as each continues to adapt their teaching approach to this new *modus vivendi* in his or her own way. Likewise, our students have adjusted well to learning in the all-digital environment. We continue to provide basic and advanced training to faculty, as required or desired, in order to assist them in more effectively navigating this modality of course-content delivery. During class meetings held via Zoom, our staff -- namely, PCU's registrar and I -- remain always available to assist with any technological issues or glitches that may arise. All Zoom class meetings continue to be password-protected and waiting room-enabled in order to ensure that only our students are present and that the class does not experience disruption or interruption. In addition, we, of course, continue to monitor student attendance by requiring all instructors to take and submit attendance for each class meeting.

Regarding examinations and grading, PCU is still utilizing the Examplify program for testing purposes. We continue to report no significant issues with the process. In order to verify their identities, students must log in to Zoom on their smartphones, focusing the phone's camera lens on themselves. Each exam is proctored and the proctor is required to verify the student's identity remotely. The proctor then observes the student for the entirety of the examination period via Zoom. We administer both essay and MBE-style multiple-choice exams remotely. All

exam materials must be photographed and emailed to the registrar immediately following administration of an exam. We also ensure that students afforded special testing accommodations are tested in a separate environment so that they may receive the full benefit of all accommodations to which they are entitled.

Finally -- and by way of an anecdotal observation based on feedback received from several professors and upon my own first-hand experience teaching online in the Covid era (Contracts, Professional Responsibility and twice-weekly academic-support sessions in Contracts and Evidence) -- I have concluded (to my own surprise) that the methodology of teaching the law online is not only manifestly "do-able"; it also has about it its own set of distinct advantages. The practical, logistical benefits of synchronous distance learning -- such as affording students and faculty the opportunity to learn and teach in the comfort, convenience and safety of their own homes, thereby dispensing with the need to undergo the anxiety of rushed, often stressful after-work commutes to campus and returning home late at night after class -- are axiomatic, of course. Additionally, however, I have heard several professors' accounts, matching my own experience, of how the up-close and personal, albeit virtual, "face-to-face" interaction between student and teacher on Zoom can be, on certain levels, even *more* pedagogically effective than the physical in-the-classroom setting in teasing-out the issues and principles then under discussion.

\* \* \*

Based on the foregoing, therefore, I respectfully request that the Committee grant the within request of PCU for approval of a major change in the form of leave to temporarily continue its distance-learning delivery of the curriculum beyond the December 31, 2021, expiration of the currently operative general waiver until May 31, 2022.

Of course, should you have any questions or comments, please do not hesitate to contact me at any time.

Respectfully submitted,  
Pacific Coast University, School of Law  
**B. G. Dezes**  
Basil G. Dezes,  
Dean and Professor of Law