



**OPEN SESSION
AGENDA ITEM O-412
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 – Peoples College of Law – Teach Classes Online Temporarily

EXECUTIVE SUMMARY

Peoples College of Law files this waiver request seeking the Committee of Bar Examiners' (Committee) approval to continue to teach classes online through and including August 31, 2022. (Attachment A.)

BACKGROUND

Peoples College of Law is an unaccredited, fixed-facility law school located in Los Angeles California. The law school was last inspected in January 2021 and found to be compliant after the law school made significant improvements to establish compliance subsequent to the inspection. The law school has just filed its most recent progress report related to those improvements and it will next be inspected in 2022.

According to its 2020 Annual Report, the law school enrolls 32 students in its JD program. The law school's most recent pass rates on the First-Year Law Students' Examination were 22.2 percent in October 2020 and 7.1 percent in June 2021. Its most recent cumulative, five-year bar exam pass rate according to its 2021 disclosure pursuant to California Business and Professions Code 6061.7(a) is 28 percent. The law school's most recent July 2021 bar exam pass rate was 12.5 percent.

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

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.

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

DISCUSSION

Peoples College of Law was the first to request a waiver to teach online during the pandemic and it has been doing so since March 2020. When the Committee’s general waiver ends at the end of 2021, the law school seeks a waiver to continue to teach classes fully online through and including August 31, 2022.

Peoples College of Law cites a number of factors in support of its request. Because all of its teachers and staff, other than the administrator, are unpaid, they may be less willing to teach in-person. In addition, the law school’s building does not have updated ventilation, and vaccination rate is a concern in the law school’s neighborhood.

Because the law school is small, and because it installed a new computer system recently, the law school has been able to transition to delivering classes online. It may be appropriate to encourage the law school to review its teaching effectiveness overall, regardless of the modality selected, based on the law school’s current performance on State bar exams.

The law school has also noted that class attendance has improved during the pandemic, which it hopes will result in improved performance overall, including on exams administered by the State Bar.

FISCAL/PERSONNEL IMPACT

None

RECOMMENDATION

It is recommended that the Committee of Bar Examiners receives, files and grants Peoples College of Law’s request for waiver to teach classes online through August 31, 2022.

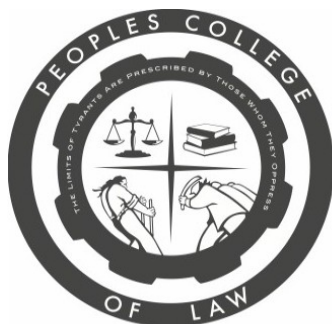
PROPOSED MOTION

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 Peoples College of Law's request for waiver to teach classes online through August 31, 2022.

ATTACHMENT LIST

- A.** Peoples College of Law – Request for Waiver



PEOPLES COLLEGE OF LAW

660 South Bonnie Brae St., Los Angeles, CA 90057
Telephone 213-483-0083

Training Peoples Lawyers Since 1974

September 29, 2021

Committee of Bar Examiners
The State Bar of California
180 Howard St.
San Francisco, CA 94105
By Email

Re: Request for Further Extension of the existing temporary waiver to continue online classes

Dear Committee of Bar Examiners:

In my capacity of Administrator at People's College of Law, and on behalf of our Dean, our Board of Directors, students, faculty, and our entire community of alumni and supporters, I write to ask that the Committee of Bar Examiners extend its existing waiver for online classes for fixed-facility law schools. Currently, our waiver is set to expire on December 31, 2021.

We ask for this further extension to run from January 1, 2022 to August 31st, 2022. Thus, our request is for our temporary extension for a fixed facility to operate remotely until **August 31st, 2022.**

Before the Pandemic, our students, faculty and community members valued in-person classes. A face-to-face classroom environment fosters building a law school community, an important part of education at our school.¹ *Nonetheless, we are still living in a global Pandemic so everyone's health and safety is paramount to the success of our mission: to educate and serve our community, with legal services provided by compassionate, public interest lawyers.*²

Our Executive Committee members and I have had conversations with students who expressed fears about returning to in person classes. At a small school like ours, every student's opinion and voice matters. Each student's tuition is also an important part of our revenue. Our faculty consists of unpaid volunteers. We don't expect that faculty members will volunteer to teach if the Pandemic continues next year, if classes are in person.

¹ Notwithstanding the value of in-person classes, online classes save our students and faculty, from commuting through Los Angeles County during rush hour, and the difficulty & expense of parking.

² Our school provides Legal Clinics to serve our communities with legal education, e.g., housing issues.

Nobody knows with any degree of certainty what the future will be as far as the global Pandemic is concerned. See Exh. A, which depicts the impact of the global Pandemic. A virus has no borders. Therefore, as long as large regions of the world remain without access to vaccines, the virus may continue to mutate and find human hosts to replicate it and continue to spread infectious disease.

Even infectious disease experts and epidemiologists cannot forecast our future. See Exh. F. A novel virus which continues to mutate is hard to predict. As Dr. Kimberly Shriner said during an interview on our local National Public Radio affiliate, KPCC, which aired September 27, 2021, "this type of Pandemic only happens every one thousand years. [The] Delta variant is very efficient in transmission and... outperforms any other virus and causes serious disease and sometimes, death." She's the Director of Infectious Disease and Prevention at Huntington Hospital, in Pasadena, California.³

Even fully vaccinated persons can get infected. According to the Los Angeles County Public Health Department, between June 2021 and September of this year, there were 211 deaths of such "breakthrough cases" in Los Angeles County. See Exh. E in my attached list of Exhibits.

As our Dean Emeritus, Ira Spiro, remarked on our April 14, 2021 waiver request, "as far as our small staff, our prior administrator apparently contracted COVID-19 at the start of the pandemic in 2020." She indicated as much to me when I was hired last June.

Our fears are not unfounded. Following are excerpts from Exhibits A, B and C, from my attached Exhibit List:

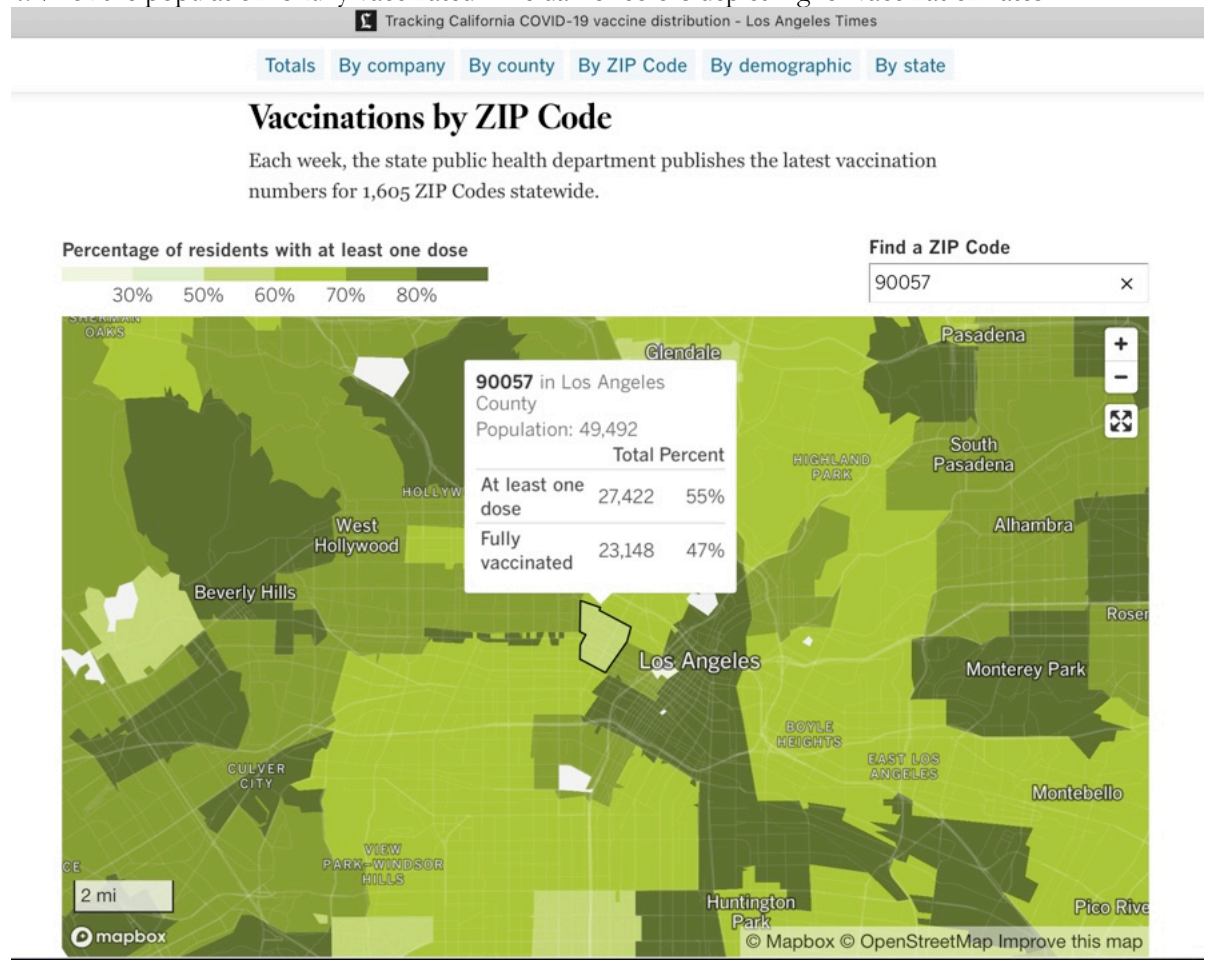
- Exh. A: "The coronavirus pandemic has affected our lives, our economy and nearly every corner of the globe. More than six billion vaccine doses have been given worldwide, or 78 per 100 people, but the gap between rich and poor remains enormous. The U.S. is averaging more than **2,000** newly reported deaths a day and is approaching **700,000⁴ total coronavirus deaths.**" *New York Times Coronavirus Tracker, published 09.29.2021.*
- Exh. B: Internal CDC document urges new messaging, warns delta infections likely more severe. The internal presentation shows that the agency thinks it is struggling to communicate on vaccine efficacy amid increased breakthrough infections. The delta variant of the [coronavirus](#) appears to cause more severe illness than earlier variants and spreads as easily as chickenpox, according to an internal federal health document that argues officials must "acknowledge the war has changed." The document is an internal Centers for Disease Control and Prevention slide presentation, shared within the CDC and obtained by The Washington Post. It captures the struggle of the nation's top public health agency to persuade the public to embrace vaccination and prevention measures, including mask-wearing, as [cases surge across the United States](#) and new research suggests vaccinated people can spread the virus. The

³ Air Talk with Larry Mantle, airs on KPCC every weekday and is available as podcast in their KPCC app.

⁴ As of the date of this writing, the US had nearly 700 thousand deaths, with the majority of deaths under the age of 50.

document strikes an urgent note, revealing the agency knows it must revamp its public messaging to emphasize vaccination as the best defense against a variant so contagious that it acts almost like a different novel virus, leaping from target to target more swiftly than Ebola or the [common cold](#). *Washington Post: Published 07.29.2021*

- "Experts say about [85% of Americans](#) will need to be vaccinated to bring the [COVID-19 pandemic](#) under control. This page tracks California's progress toward that goal using data from state and federal authorities." *Los Angeles Times. Published 09.29.2021*
- The Los Angeles Times tracks vaccination rates by zip code. Our school zip code is 90057. Only 49% of the population is fully vaccinated. The darker colors depict higher vaccination rates.



People's College of Law is located in a densely populated area known as Pico-Union. This community is highly vulnerable, underserved, and comprised of immigrant communities which are most likely essential workers. Additionally, our school is located in a neighborhood with a large population of unhoused persons who are also highly susceptible to COVID-19. Since many of our students and faculty live, work, and reside in the area, they feel much safer continuing with online instruction amid the ongoing pandemic.

As Dean Spiro said when he quoted Dean George Leal (Irvine University College of Law) in our

prior waiver request; *"public and well-endowed private institutions can afford expensive testing and classroom safety precautions to assist re-opening.* People's College of Law cannot. We have a budget of approximately \$120,000 per year and we normally are within about 15% of the break-even point at the end of each year."

Further, I'm the only paid employee. I believe our classrooms are not big enough for sufficient physical distancing. We also don't have sophisticated, modern ventilation systems as some schools do.

One of our faculty members contracted the Sars-Cov2 virus last year and currently is still suffering from the so-called "long haul" effects of Covid disease since 2020.

If we keep our classes online for an additional period of time, we believe it would not be detrimental to our educational program. We are doing well with online classes. In our required Update and Progress Report of August 15, 2021, we reported:

[A]ll classes have been synchronously delivered maintaining regular class times, ensuring our students' engagement with their instructors as well as with other students. Students' attendance records are at the highest levels we've ever consistently seen across the student body. Most students have not missed one class to date."

At this time, our board does not plan to maintain online classes indefinitely.

However, we make this request out of an abundance of caution in order to protect the health and safety of our students, faculty and staff.

If the Pandemic is eradicated in 2022, we can reassess and re-calibrate when it is deemed safe to gather together in small indoor classrooms again.

Sincerely,

Rebecca Hirsch, J.D.
Administrator, People's College of Law

on behalf of Juan Sariñana, Esq.
Interim Dean, People's College of Law

_____/s/_____

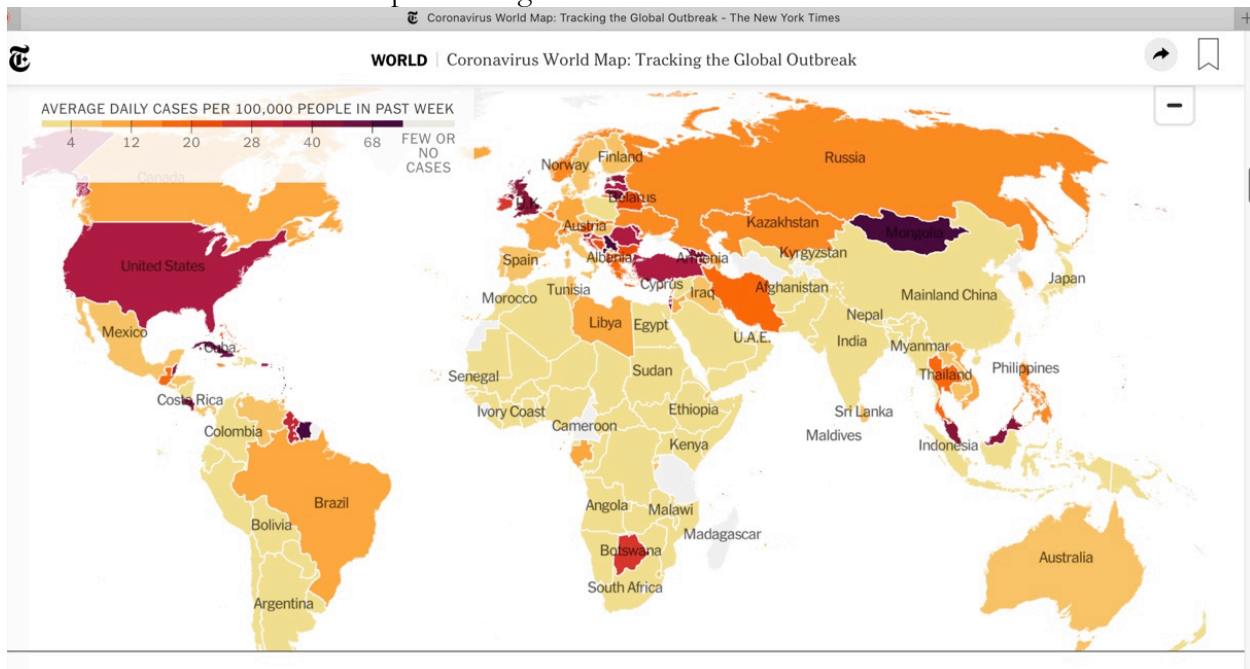
Attachment: List of Exhibits A-F.

Sources of Data: Exhibits A to F:

- **Exhibit A:** From the New York Times. Published 09.29.2021
The Covid-19 Pandemic

The coronavirus pandemic has affected our lives, our economy and nearly every corner of the globe. More than six billion vaccine doses have been given worldwide, or 78 per 100 people, but the gap between rich and poor remains enormous. The U.S. is averaging more than 2,000 newly reported deaths a day and is approaching 700,000 total coronavirus deaths.

1. Coronavirus World Map: Tracking the Global Outbreak



- **Exhibit B :** Washington Post: Regarding Delta Variant. Published 07.29.2021

Internal CDC document urges new messaging, warns delta infections likely more severe

The internal presentation shows that the agency thinks it is struggling to communicate on vaccine efficacy amid increased breakthrough infections

The delta variant of the [coronavirus](#) appears to cause more severe illness than earlier variants and spreads as easily as chickenpox, according to an internal federal health document that argues officials must “acknowledge the war has changed.”

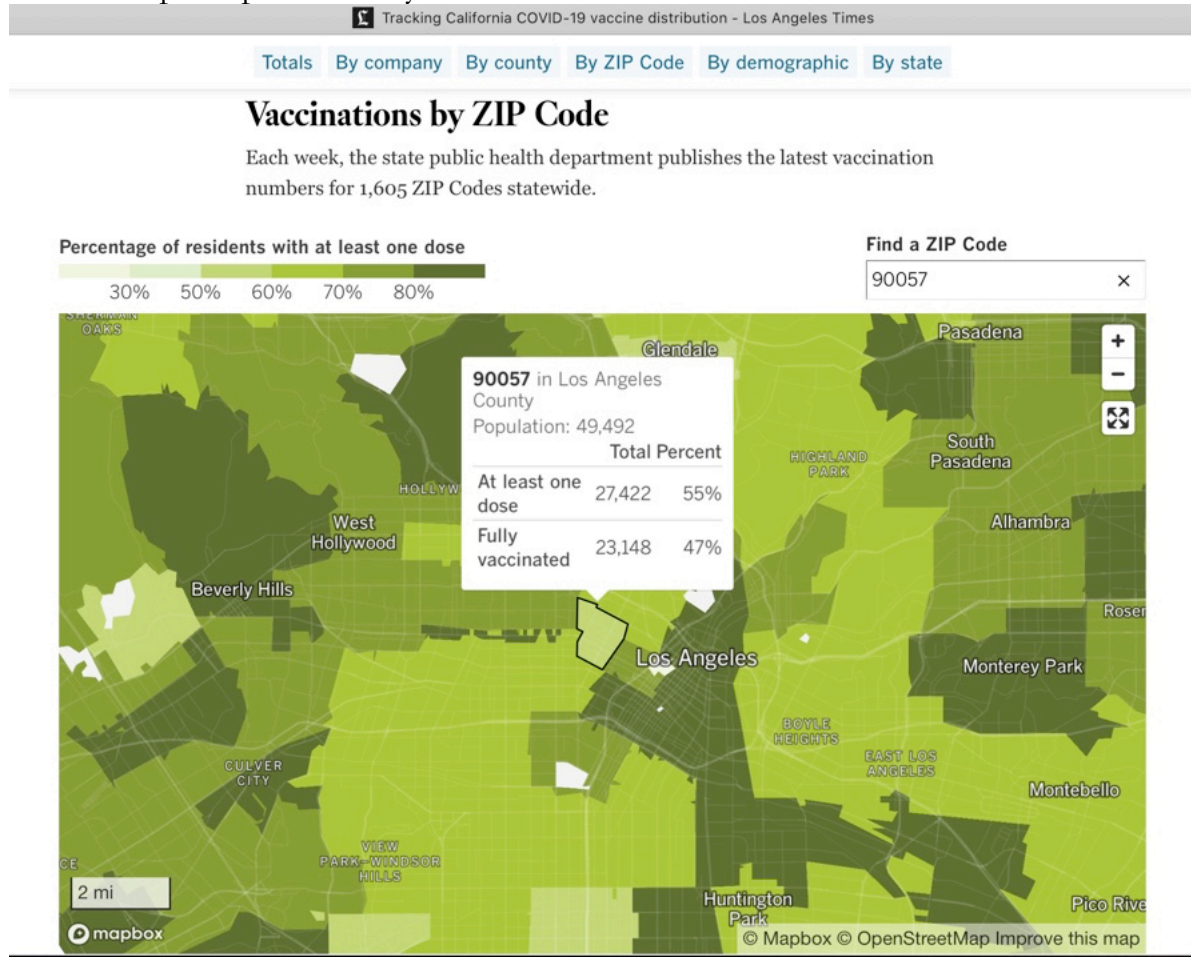
The document is an internal Centers for Disease Control and Prevention slide presentation, shared within the CDC and obtained by The Washington Post. It captures the struggle of the nation’s top public health agency to persuade the public to embrace vaccination and prevention measures, including mask-wearing, as [cases surge across the United States](#) and new research suggests vaccinated people can spread the virus.

The document strikes an urgent note, revealing the agency knows it must revamp its public messaging to emphasize vaccination as the best defense against a variant so contagious that it

acts almost like a different novel virus, leaping from target to target more swiftly than Ebola or the [common cold](#).

- **Exhibit C:** From Los Angeles Times. Published 09.29.2021
- "Experts say about [85% of Americans](#) will need to be vaccinated to bring the [COVID-19 pandemic](#) under control. This page tracks California's progress toward that goal using data from state and federal authorities."

2. Graphics published by LA Times on 09.29.2021

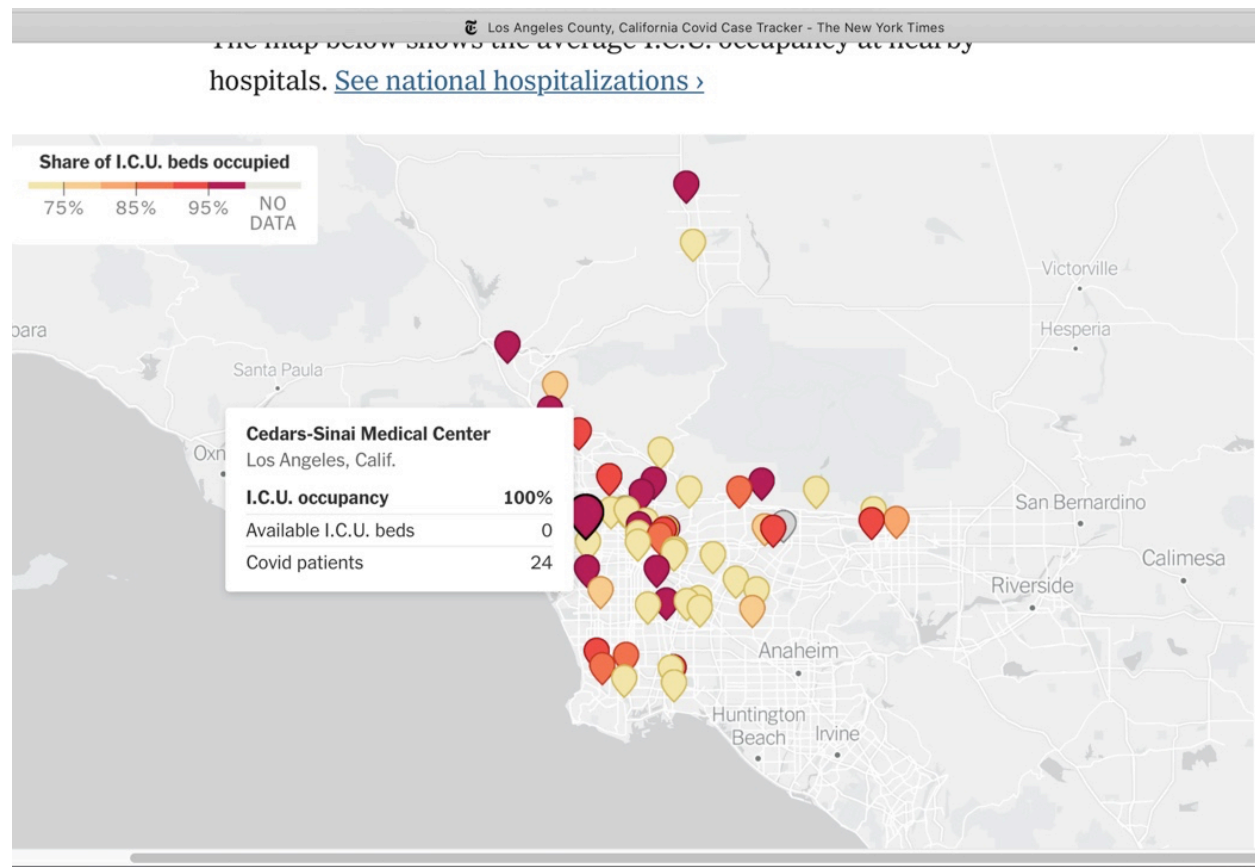


While California has made significant overall strides in its battle against the highly infectious [Delta variant of the coronavirus](#), some experts and officials remain concerned about a potential resurgence later this year. Areas with lower overall vaccine coverage also remain especially exposed to outbreaks. Unvaccinated Californians are eight times more likely to be infected with the coronavirus, 13 times more likely to be hospitalized and 15 times more likely to die from the disease than their vaccinated counterparts, Ghaly said. See below link to the article published 09.23.2021

<https://www.latimes.com/california/story/2021-09-23/california-covid-vaccine-booster-shots-timing-eligibility>

Exhibit D: New York Times tracks Intensive Care Unit Occupancy: Cedars Sinai, one of the largest medical centers in Los Angeles has no ICU beds left. Published 09.29.2021

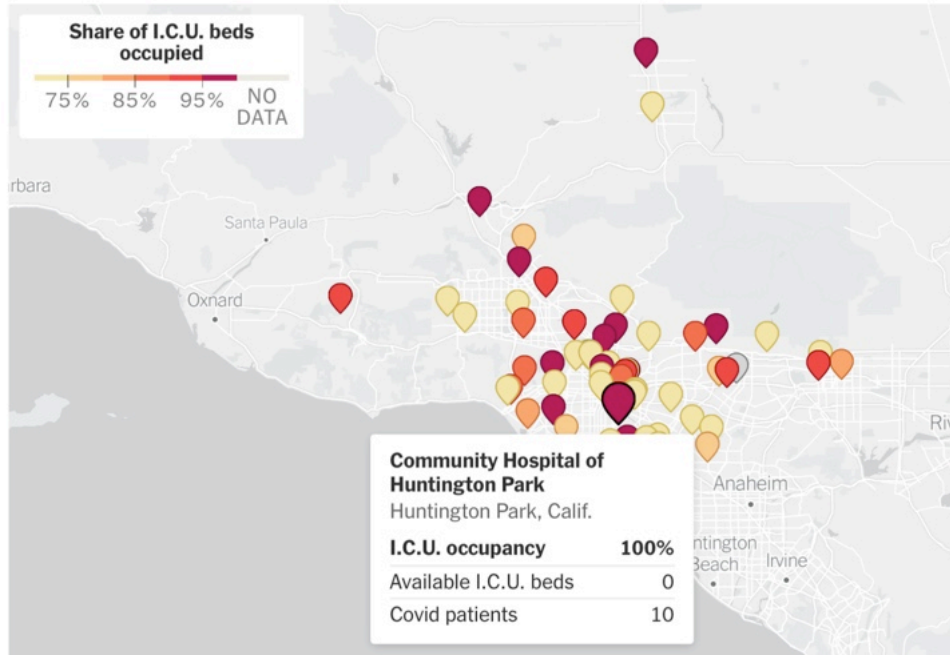
1 of 2 graphs



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U.S. | Los Angeles County, California Covid Case and Risk Tracker

The map below shows the average I.C.U. occupancy at nearby hospitals. [See national hospitalizations >](#)



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Exhibit E: Number of deaths reported between June & September 2021 of fully vaccinated individuals. Published by LA County Dept. of Public Health.

Cumulative Post-Vaccination Cases, Hospitalizations, and Deaths by Report Date				
Report Date	Fully Vaccinated ¹	Cases ² (N, Row %)	Hospitalizations ³ (N, Row %)	Deaths ⁴ (N, Row %)
June 1, 2021	3,736,175	1,351 (0.0362%)	124 (0.0033%)	18 (0.0005%)
June 8, 2021	3,974,335	1,483 (0.0373%)	126 (0.0032%)	18 (0.0005%)
June 15, 2021	4,183,988	1,696 (0.0405%)	139 (0.0033%)	19 (0.0005%)
June 22, 2021	4,328,560	1,891 (0.0437%)	171 (0.0040%)	19 (0.0004%)
June 29, 2021	4,523,863	2,190 (0.0484%)	192 (0.0042%)	20 (0.0004%)
July 6, 2021	4,671,311	2,822 (0.0604%)	195 (0.0042%)	21 (0.0004%)
July 13, 2021	4,769,828	4,122 (0.0864%)	213 (0.0045%)	26 (0.0005%)
July 20, 2021	4,855,839	6,520 (0.1342%)	287 (0.0059%)	30 (0.0006%)
July 27, 2021	4,935,041	10,656 (0.2159%)	410 (0.0083%)	35 (0.0007%)
August 3, 2021	5,018,420	15,628 (0.3114%)	446 (0.0089%)	41 (0.0008%)
August 10, 2021	5,092,592	21,532 (0.4228%)	549 (0.0108%)	55 (0.0011%)
August 17, 2021	5,147,851	27,331 (0.5309%)	742 (0.0144%)	68 (0.0013%)
August 24, 2021	5,209,817	34,007 (0.653%)	881 (0.0169%)	95 (0.0018%)
August 31, 2021	5,279,358	37,614 (0.712%)	1,049 (0.0199%)	118 (0.0022%)
September 7, 2021	5,361,462	43,598 (0.813%)	1,243 (0.0232%)	165 (0.0031%)
September 14, 2021	5,442,728	47,276 (0.869%)	1,359 (0.025%)	199 (0.0037%)
September 21, 2021 ⁵	5,526,751	52,140 (0.943%)	1,732 (0.0313%)	229 (0.0041%)

**Exhibit F: from The New York Times: published 09.01.2021
The return to the office dates keeps changing:**

Google said [on Tuesday](#) that it would delay reopening its offices until Jan. 10. The new date is [a postponement from October](#), which was a [postponement from September](#), which was a postponement from July, which was a postponement from January.

Companies including Amazon, Apple and Starbucks have [rescheduled with similar frequency](#), and it's becoming difficult to take new announcements about [back-to-office plans](#) seriously. **The New York Times, Twitter and others have decided not to set a new date for reopening their offices.**

These shifts, of course, reflect constantly [changing circumstances](#) during the pandemic..

<https://www.nytimes.com/2021/09/01/business/pandemic-return-to-office.html>

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