



**OPEN SESSION  
AGENDA ITEM O-413  
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 – San Francisco Law School – Teach Classes Online Temporarily

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**EXECUTIVE SUMMARY**

San Francisco Law School seeks the Committee of Bar Examiners' (Committee) approval of a waiver to deliver JD classes online as needed in a blended synchronous online and in-person blended format through May 31, 2022 in response to public health conditions. (Attachment A.)

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**BACKGROUND**

San Francisco Law School is an accredited law school located in Emeryville, California and San Diego, California.

San Francisco Law School was last inspected in 2020 and found to be compliant in many aspects, but was placed on probation due to its Minimum, Cumulative Five-Year Bar Exam Pass Rate (MPR) being below the minimum value of 40 percent.

According to its 2020 Annual Report, San Francisco Law School enrolls 63 students in its JD program. Its MPR trend for the most recent four years is: 2018 MPR 46.2 percent; 2019 PR 41.7 percent, 2020 MPR 36 percent; and 2021 MPR 39 percent. The law school's most recent pass rate for the July 2021 bar exam was 12.5 percent.

While San Francisco Law School hopes to return to in-person class delivery to the extent possible beginning in January 2022, the law school would like the flexibility to offer those faculty and students who need it to have the opportunity to participate in class remotely through May 31, 2022 as needed.

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 4.109, “[a] law school may request that the Committee waive any rule. The request must clearly show that the law school otherwise complies with these rules . . . and a waiver is temporary.”

## **DISCUSSION**

The law school has been teaching classes online since Spring 2020. While the law school intends to return to teaching in-person as much as possible when the Committee’s general waiver ends on December 31, 2021, the law school is concerned that some faculty and students will be unable or unwilling to attend class in-person due to factors related to the pandemic. Therefore it filed the attached waiver request to teach online through May 31, 2022.

Because the law school shares facilities across two campuses, and because the law school’s current cumulative pass rate on the bar exam is noncompliant, the law school should take care to ensure that its choice of teaching modality is monitored to ensure maximum effectiveness. The law school’s responsibilities and obligations under its probationary order are clear, and the law school indicates that this is the method that will best help it carry out its mission.

The law school is, however, taking steps to act appropriately depending upon public health conditions, and it has shown that it has the technical capacity to do so if needed. As a result, it appears appropriate to allow the school to respond to those conditions.

## **FISCAL/PERSONNEL IMPACT**

None

## **RECOMMENDATION**

It is recommended that the Committee of Bar Examiners receives, files and grants San Francisco Law School’s request for waiver to teach JD classes using a blended format, teaching classes sessions synchronously online and in-person, through May 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 San Francisco Law School's Request for Waiver to teach JD classes using a blended format, teaching classes sessions synchronously online and in-person, through May 31, 2022.

## **ATTACHMENT LIST**

- A.** San Francisco Law School – Request for Waiver

October 21, 2021

State Bar of California  
Committee of Bar Examiners  
180 Howard Street  
San Francisco, CA 94105

Dear Committee Members,

I am writing to request a Waiver of Guideline for Accredited Law School Rules 6.5(D)(2), (the limit to 12 credit distant learning units) for San Francisco Law School (SFLS) for the Spring 2022 semester.

In other words, we are requesting an extension to the distance learning waiver that has been in effect by the State Bar for all law schools during the COVID-19 pandemic and which expires December 31, 2021. We are requesting the waiver for an extension for SFLS through spring 2022 (expiring May 31, 2022).

Currently, SFLS is planning to hold all core courses on ground at our campus locations in Emeryville and San Diego starting January 10, 2022. However, we are requesting the waiver/extension as a precautionary measure. While we do not expect any students or faculty to outright refuse to return to campus, we wish to offer a hybrid on ground/distance learning option in case we encounter residual issues related to COVID-19, such as; a student that requests an accommodation to join classes online due to a severe susceptibility to COVID. Or, in the event that a Professor or student is exposed to COVID and is unable to come to campus for the mandatory 14-day quarantine period.

Granting this Waiver request will give SFLS the flexibility it needs to respond to specific issues related to the ongoing COVID-19 pandemic while continuing to offer our courses during the spring semester uninterrupted.

Please feel free to contact me if you have any additional questions or require any additional information.

Sincerely,  
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San Francisco Law School  
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