



**OPEN SESSION  
AGENDA ITEM O-414  
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– Santa Barbara and Ventura Colleges of Law – Teach Online Temporarily

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**EXECUTIVE SUMMARY**

Santa Barbara and Ventura Colleges of Law (The Colleges of Law) seeks the Committee of Bar Examiners' (CBE) approval of a waiver to teach classes online as needed to first-year law students through August 31, 2022. (Attachment A.)

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**BACKGROUND**

Santa Barbara and Ventura Colleges of Law is an accredited law school with campuses in Santa Barbara and Ventura, California. The law school was last inspected in 2018 and found to be compliant.

According to its 2021 Annual Report, the law school enrolls 129 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 58.9 percent; 2019 PR 57.7 percent, 2020 MPR 58 percent; and 2021 MPR 65.4 percent.

The law school seeks permission to teach classes online as needed through August 31, 2022.

Here, 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**

Santa Barbara and Ventura Colleges of Law hopes to teach classes online to the fullest extent possible starting in January 2022. The law school requests the option to teach online as needed to address student special circumstances such as COVID infection or infection risk, or changes in public health conditions through August 31, 2022.

The law school offers two JD programs. The school’s longstanding fixed-facility program is a teaches JD classes primarily in-person, but allows students to take up to 64 credits of required classes online after the first year, if they so choose. While the law school seeks to have its first-year students return to campus in January 2022, it seeks a waiver to allow first-year students to take classes online through August 31, 2022 as needed or faculty to teach online as needed

The second program is a hybrid JD program in which classes are taught online and each class cohort meets for monthly in-person weekend sessions. Those sessions would be offered in-person when possible, but online when necessary through August 31, 2022.

Here, because the law school already had a hybrid JD program in place, it has established its ability to deliver a compliant JD program online.

## **FISCAL/PERSONNEL IMPACT**

None

## **RECOMMENDATION**

It is recommended that the Committee of Bar Examiners receives, files and grants Santa Barbara and Ventura Colleges of Law’s request for waiver to teach classes online or in blended format teaching simultaneously synchronously online and in-person in blended format 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 Santa Barbara and Ventura Colleges of Law’s request for waiver to teach classes online or

simultaneously synchronously online and in-person in blended format through August 31, 2022.

## **ATTACHMENT LIST**

- A. Santa Barbara and Ventura Colleges of Law – Request for Waiver**

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

September 22, 2021

Re: Santa Barbara and Ventura Colleges of Law Application for Waiver

Dear Members of the Committee of Bar Examiners:

The Santa Barbara and Ventura Colleges of Law (COL) seeks approval of a waiver, as required under Rule 4.109, permitting COL to increase the number of distance-education credits for students in the fixed-facility program.

In April 2020, the Committee of Bar Examiners (CBE) approved a major change that allowed the school's fixed facility JD program to incorporate up to sixty-four units of distance education into the program after the first year of law school. Under the request and approval, the fixed-facility campus would require 1L students to attend on campus but give students in the upper level the option to take remaining courses in through distance education.

The public health outlook continues to be uncertain. While COL is requiring all fixed-facility students to return to campus in January, the school anticipates that there may be circumstances where the school may have to teach remotely, or a student may need to be remote due to exposure or an infection. The school may also receive requests for a remote option under the Americans with Disabilities Act (ADA) from students with unique health circumstances.

To address the uncertainty, COL seeks a waiver under Guideline 7.11 to allow 1L students affected by the COVID pandemic to attend class remotely through August 2022. The school is compliant with all other Rules and Guidelines.

Sincerely,

Jackie Gardina  
Dean and Chief Academic Officer