



**OPEN SESSION
AGENDA ITEM O-415
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 – Thomas Jefferson School of Law – Teach Classes Online Temporarily

EXECUTIVE SUMMARY

Thomas Jefferson School of Law seeks the Committee of Bar Examiners' (Committee) approval of a waiver to teach classes online as circumstances require through August 2022. (Attachment A.)

BACKGROUND

Thomas Jefferson School of Law is an accredited law school located in San Diego. The law school was last inspected in 2020 and found to be compliant.

According to its 2021 Annual Report, the law school enrolls 274 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 70.5 percent; 2019 PR 67.4 percent, 2020 MPR 61.7 percent; and 2021 MPR 65.6 percent.

Thomas Jefferson School of Law returned to in-person teaching for the majority of its student body starting in fall 2021. About 10 percent of students are attending remotely under the Committee's general waiver due to conditions related to the pandemic. While the law school has already returned to in-person teaches and plans to continue to do so to the extent possible, it seeks a waiver to teach online in blended format through August 31, 2022, or to be able to

pivot fully to online teaching if emergency health circumstances require this. It is expected that this waiver would be used for a small percentage of students who have health reasons to continue learning remotely, unless the pandemic took a significant turn for the worse requiring a return to online classes.

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

Thomas Jefferson School of Law has had a successful return to campus this fall, largely teaching classes in person. Ten percent of students are learning remotely due to circumstances related to the pandemic.

When the Committee’s general waiver to teach classes online ends on December 31, 2021, the law school seeks a waiver to continue to teach classes online as needed through August 2022. The law school plans to teach in-person to the extent possible, accommodating individual students as needed to take remote synchronous classes, and turning to fully online teaching only if that is a necessity due to public health conditions.

The law school demonstrated during the pandemic that it can successfully teach classes fully online or in a blended format as needed while maintaining compliance. It would utilize those same skills as needed during the waiver period, if needed.

FISCAL/PERSONNEL IMPACT

None

RECOMMENDATION

It is recommended that the Committee of Bar Examiners receives, files and grants Thomas Jefferson School of Law’s request for waiver and major change to teach JD classes online through August 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 and files Thomas Jefferson School of Law's Request for Waiver to teach classes online through August 2022, and grants the request.

ATTACHMENT LIST

- A.** Thomas Jefferson School of Law – Request for Waiver

Natalie Leonard
Principal Program Analyst, Office of Admissions
The State Bar of California
180 Howard St.
San Francisco, CA 94105
natalie.leonard@calbar.ca.gov

November 8, 2021

Dear Ms. Leonard,

I am writing to request a temporary waiver of limits on distance education for the Spring 2022 through Summer 2022 terms (January – August, 2022), as required due to the Covid-19 pandemic.

As you may recall, the Law School operated online for classes and exam administration from March 2020 through the Summer 2021 term. The Law School effectively provided its academic program and student services remotely.

The Law School is currently offering all JD classes in person for the Fall semester, but has approved a small number of students (less than 10%) to continue remote, synchronous class attendance via Zoom and remote proctored testing, based on medical accommodations related to Covid-19. Student services are provided to these students remotely as well.

For the Spring through Summer 2022 terms, the Law School requests the ability, if it is necessary based on the course of the pandemic, to continue to offer medical accommodations to students who provide documentation indicating that they cannot attend in person due Covid-19. Remote students may be offered synchronous or asynchronous classes.

As a contingency plan if it is deemed necessary due to a resurging pandemic, the Law School requests the ability to alter in-person classes for the entire student body to blended classes (meaning some students in person, others via Zoom) or to entirely remote synchronous or asynchronous classes and student services. Although it is not anticipated that it will be necessary, the Law School is prepared to pivot to a remote environment again if required to do so.

Regardless of the modality of classes, the Law School will continue to offer students the ability to take the courses necessary to progress toward their degree. In the event of a deviation from the typical in-person term, it will inform all students via email. As it did for the Fall 2021 semester, it will provide notice of the plans for the relevant term and provide counseling for students with questions about the Covid-19 medical accommodations request process and, if necessary, about blended class formats or online courses for the student body.

The Law School is not seeking approval to offer an online JD program in the immediate future and does not intend to file a substantive change request at this time. Because of the uncertainty related to significant worsening of the pandemic or new variants that evade vaccine protection, it seeks a temporary waiver to employ increased remote delivery of classes and services due to the Covid-19 pandemic for the Spring - Summer 2022 terms if necessary due to health and safety considerations.

If you have any questions or need further information, I can be reached at lkeller@tjssl.edu or 619-961-4282.

Sincerely,

A handwritten signature in black ink that reads "Linda M. Keller". The signature is fluid and cursive, with the first name "Linda" being the most prominent.

Linda M. Keller
Dean
Professor of Law