



OPEN SESSION
AGENDA ITEM O-404
APRIL 2022
COMMITTEE OF BAR EXAMINERS

DATE: April 22, 2022

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst

SUBJECT: Action on Major Change - Acquiescence to Amended Non-JD Program- Santa Barbara and Ventura Colleges of Law

EXECUTIVE SUMMARY

Santa Barbara and Ventura Colleges of Law (SBVCL) has submitted this application to the Committee of Bar Examiners (Committee) seeking the Committee's continued acquiescence to its non-JD master's degree program as it transitions the program from a Master of Science in Law to a Master of Art in Laws and moves the program to a fully online format. (Attachment A).

Staff recommends that the proposal be approved, because the law school has demonstrated the ability to carry out the program without detracting from its JD program, and has also demonstrated the capacity to effectively deliver an online program through its hybrid JD program, suggesting that the Master of Art in Laws program can also be delivered successfully online without detracting from the law school's JD program.

BACKGROUND

Santa Barbara and Ventura Colleges of Law is an accredited law school with two fixed-facility campuses located in Santa Barbara and Ventura. SBVCL also offers a hybrid JD program with online classes and occasional weekend residencies; this program draws students from a wide range of locations.

The law school was last inspected in 2018 and found to be compliant. It enrolls 300 JD students, and its most recent 2021 Five-Year, Minimum, Cumulative Bar Examination Passage Rate was 65.4 percent, well above the 40 percent minimum.

Santa Barbara and Ventura Colleges of Law submitted a complete Application for Continuing Acquiescence to a professional law degree program, its part-time, non-bar qualifying JD program pursuant to rule 4.160(D)(8).

To offer a professional degree in addition to a JD degree, an accredited law school must apply for Committee acquiescence of a professional law degree program and provide the Committee any other information it requests to assist it in evaluating whether the proposed non-JD professional program will detract from the professional law degree program.

In order to be approved, the request must demonstrate to the satisfaction of the Committee that its proposal complies with the curriculum and other substantive program requirements adopted by the Committee, and that receiving acquiescence to grant a professional law degree in addition to the Juris Doctor will not detract from the law school's ability to maintain its Juris Doctor Degree program in compliance with the Rules for Accredited Law Schools. The school must also agree to disclosures that clearly communicate the nature and limitations of the program. Here, the law school has agreed to adopt clear disclosures and compliance terms as detailed in its application.

The Committee's acquiescence in a law school's professional law degree programs other than for the Juris Doctor degree is not, and law schools must not represent it to be, approval of the quality of any such program.

DISCUSSION

Santa Barbara and Ventura Colleges of Law is an accredited law school offering its JD program through distance learning. The law school was last inspected in fall 2018 and found to be in compliance with all Committee rules and guidelines.

SBVCL is already offering a Master of Science in Law JD program. The law school began reviewing the contents of the program and updating the program. The proposed amendments were adopted for submission to the Committee after also conferring with the law school's institutional accreditor, the Western Association of Schools and Colleges (WASC).

Currently, the law school enrolls 300 students in the JD program and expects that 15 students will enroll in the new Master of Arts in Law program. As the program grows, the law school is prepared to increase both dedicated and shared support. Already, an Associate Dean is assigned to the program and the law school is prepared to hire at least five additional faculty to support the program.

The updates to the program will incorporate modern topics such as privacy law, data breach, eLawyering, and compliance. The program will be conducted fully online.

SBVCL appears to have sufficient resources to operate these programs without detracting from its JD program. The law school's online class delivery platform is sufficiently robust to accommodate these additional classes.

Students in this program will not be jointly enrolled in the JD program, though some classes will be jointly taught. To ensure productive discussion, the Master of Art in Laws students will have their own academic advisor and support. Grading is not expected to be affected. Because the law school affirmatively evaluates student performance at each of its campuses and in its hybrid JD program, which would give notice of any issue.

Finally, SBVCL agrees to provide clear, complete, informative, and transparent communication to prospective and current students in the non-JD program. They agree operate the degree programs in compliance with any terms, conditions and restrictions set by the Committee and plan to include a specific statement in the course catalog and on the website confirming that these programs do not qualify a student to take any bar examination. The law school is also aware that this non-JD program does not contain the courses needed for those who have earned a foreign first degree in law to establish eligibility to take the California bar exam.

The online format is familiar to SBVCL, as it was one of the first law schools to offer a hybrid JD program.

It appears that the current non-JD program has not detracted from the JD program or the law school's history of full compliance, and the new program will be sufficiently resourced to maintain these results.

RECOMMENDATION

It is recommended that the Committee provide its continuing acquiescence to allow SBVCL to transform its current non-JD program from a fixed-facility traditional class format to an online format focused on modern lawyering skills.

PROPOSED MOTION

Should the Committee of Bar Examiners agree with staff recommendations, the following motion should be made:

MOVE, that Santa Barbara and Ventura College of Law's Application for Acquiescence to its proposed Master of Arts in Law program be received and filed, and the request for acquiescence be granted.

ATTACHMENT

Attachment A: Santa Barbara and Ventura College of Law Application for Acquiescence to a non-JD Program