



OPEN SESSION

AGENDA ITEM O-401

AUGUST 2022

COMMITTEE OF BAR EXAMINERS

DATE: August 19, 2022

TO: Members, Committee of Bar Examiners

FROM: Natalie Leonard, Principal Program Analyst, Office of Admissions

SUBJECT: Action on Extension of Waiver to Teach Classes Online Due to COVID – Western Sierra Law School

EXECUTIVE SUMMARY

Western Sierra Law School (Western Sierra) is a registered, unaccredited fixed-facility law school that has filed a request to the Committee of Bar Examiners' (Committee) to extend the law school's waiver to teach classes online temporarily due to COVID from the current deadline of August 31, 2022 to August 31, 2023. (Attachment A).

BACKGROUND

Western Sierra Law School is an unaccredited, fixed facility law school located in Oceanside, California. The current owners have operated the law school since 2020. The law school is currently undergoing a standard periodic inspection; the resulting report will be presented to the Committee later this year.

According to the law school's 2022 disclosure pursuant to California Business and Professions Code section 6061.7(a), the law school enrolled 19 students its JD program as of September 15, 2021; its most recent cumulative five-year bar exam pass rate is 38.5 percent.

Western Sierra Law School seeks to continue using the classroom as the primary mode of instruction; however, they wish to add an integrated synchronous online extension classroom.

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 instituted a waiver that allowed all fixed-facility law schools regulated by the Committee to teach classes online from March 30, 2020 through December 31, 2021. ([O-400, Committee of Bar Examiners Meeting, Mar. 30, 2020](#)) Fixed-facility law schools that wished to continue to operate under a pandemic-related need to teach classes online beyond that date were directed to file individual waiver requests.

Western Sierra requested and received a waiver through August 31, 2022. ([Item O-416, Committee of Bar Examiners Meeting, Dec. 3, 2021](#)).

The law school requests to extend that temporary waiver through August 31, 2023 as set forth in Attachment A.

DISCUSSION

Western Sierra has been temporarily teaching its classes online due to COVID since March 2020, first under a general waiver granted by the Committee to request a waiver to teach online during the pandemic, and later via a waiver provided directly to the law school through August 31, 2022. ([Item O-412, Committee of Bar Examiners Meeting, Dec. 3, 2021](#)). The law school seeks to extend this waiver for an additional school year through August 31, 2023.

The law school intends to return eventually to full-time in-person teaching or a blended format in the future, as public health circumstances evolve. The law school has been advised by staff of the option to permanently switch categories to the distance category. The law school is also evaluating options to remain in the fixed-facility category.

The law school refers to the public health concerns cited in its original petition for waiver. Public health data show spikes in positivity rates during the holidays last year as well as over the summer (See e.g. California Department of Public Health Dashboard <https://covid19.ca.gov/state-dashboard/>).

Western Sierra has also observed that several of its students have moved over 30 miles from the campus, and the law school believes this is due to collateral economic, family and health issues that continue to be present due to the pandemic.

The law school has been delivering classes online throughout the pandemic.

RECOMMENDATION

It is recommended that the Committee of Bar Examiners receive, file, and grant Western Sierra Law School's request for waiver to teach classes simultaneously in-person and online via synchronous remote delivery in blended format through August 31, 2023.

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 receive, file, and grant Western Sierra Law School's request to extend its temporary waiver to teach classes synchronously online and in the classroom, in blended format, through August 31, 2023.

ATTACHMENT LIST

- A.** Western Sierra Law School – Request for Waiver

Western Sierra Law School

P.O. Box 748, Bonsall, CA 92003

Phone: 760-855-3137

Email: Registrar@wslawschool.com

Web: wslawschool.com



Committee of Bar Examiners
State Bar of California
180 Howard Street
San Francisco, CA 94105-1639

July 28, 2022
VIA EMAIL ONLY

Re: REQUEST FOR CONTINUED WAIVER UNDER RULE 4.208

Dear Committee of Bar Examiners (CBE):

Per the reasons stated in our original COVID-19 waiver request dated September 23, 2021 and amended on November 5, 2021, as well as the continuing uncertainties surrounding COVID-19, and, more recently, prolonged displacement of our students and faculty due to recession, inflation, and other economic consequences of the pandemic, **we hereby request a one-year extension of the CBE's current COVID-19 waiver through August 31, 2023.** Our current COVID-19 waiver is set to expire August 31, 2022.

We have several students who have been displaced both economically and due to the pandemic and now reside more than 30 miles from the school. As we approach registration for the Fall quarter, we are learning of additional difficulties that our students and faculty are facing presenting difficulties in returning to physical classroom instruction. Due to these factors and uncertainties, we must request a one-year extension of the pandemic waiver, or at least until the CBE can resolve our pending September 2021 petition seeking authorization to provide hybrid synchronous in-person/online classes (blended format), effectively allowing for the law school's classes to be conducted electronically via Zoom during the requested extension.

Western Sierra Law School

P.O. Box 748, Bonsall, CA 92003

Phone: 760-855-3137

Email: Registrar@wslawschool.com

Web: wslawschool.com



Should the CBE require any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'J' followed by a long, sweeping horizontal line.

Joshua S. Schoonover, Esq.

Dean

dean@wslawschool.com