



**OPEN SESSION  
AGENDA ITEM O-402  
JANUARY 2023  
COMMITTEE OF BAR EXAMINERS**

**DATE:** January 27, 2023

**TO:** Members, Committee of Bar Examiners

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

**SUBJECT:** Action on Major Change – Add Online JD Program – Thomas Jefferson School of Law

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**EXECUTIVE SUMMARY**

Thomas Jefferson School of Law (Thomas Jefferson) is an accredited law school that has filed a request seeking prior approval for a major change pursuant to Rule 4.165(A)(9). Specifically, the Law School is seeking approval to offer its JD degree in an additional, 100 percent online modality, beginning in fall 2023. The Law School is also seeking approval to increase the number of distance education units a student enrolled in the current classroom in-person JD program (“residential program”) may take. (Attachment A).

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**BACKGROUND**

Thomas Jefferson School of Law, formerly Western State University College of Law San Diego, has been recognized as accredited by the State Bar of California since 1972. On December 29, 1995, the Law School separated from its sibling school, Western State University Orange County, now Western State College of Law. After a period of ABA accreditation, Thomas Jefferson returned to exclusive California accreditation confirmed by a Committee inspection visit in April 2021. Its campus continues to be in San Diego, California. The law school’s most recent 2022 Minimum, Cumulative Five-Year Bar Exam Pass Rate was 65.7 percent, and the school currently enrolls 271 students according to its 2022 Annual Report.

Under Rules 4.164 and 4.165, “[an] accredited law school contemplating a major change requiring advance approval must notify the Committee and obtain that approval at least 180 days before making the change. The notice must explain in detail any effect the change might

have on the law school's compliance with these rules" including any major change to the JD curriculum.

## **DISCUSSION**

Thomas Jefferson's timely major change request describes the program and explains how the law school will maintain compliance with the Rules and Guidelines for Accredited Law Schools.

Upon approval, the law school will offer two options for students – an in-person residential JD program and a fully online JD program. The two programs will operate on the same schedules and course curricula. Students in the online program are expected to be able to access nearly all the scholastic and extracurricular opportunities offered by the law school. Students will apply to one program or the other but may later transfer from one program to the other. Students in one JD program may petition to take classes in the other program, which will generally be capped at 15 units, or 19-21 units if the student has also enrolled in the Early Start summer program, but that cap can be exceeded with a showing of extraordinary circumstances that establish a compelling reason to exceed the cap.

The residential program will continue as it does now, including live classes, with the option to include more online versions of courses, subject to the flexible cap or petition discussed above.

The online JD program will be asynchronous. While students can watch and attend live lectures, this is not a requirement. Integrated software will track viewing completion, as well as completion of interactive polls. The online curriculum will require the viewing of taped lectures, as well as exercises designed specifically for online learning. The lectures must be viewed within their scheduled week. Some of the law school's faculty already has experience teaching online courses outside of the pandemic emergency, including creating a course for an ABA approved law school, as well as content for commercial study guides.

Thomas Jefferson will be assessing the learning outcomes for both JD programs on a multi-year cycle with the help of a task force that would pay special attention to possible comparative analysis.

Because the law school is utilizing the same approved curriculum and course progression, as well as similarly robust tracking, it appears that both of the law school's JD programs contain compliant content.

In addition, the law school's major change request details how it will maintain compliance with all aspects of the Accredited Rules and Guidelines.

## **RECOMMENDATIONS**

It is recommended that the Committee of Bar Examiners receive, file and grant Thomas Jefferson School of Law's major change requests to undertake the following program changes starting in fall 2023: 1) increase the flexible cap for the total number of online courses in the

law school's residential JD program to 15 units, or 19-21 units for those students participating in Early Start, with the option for students to petition to take additional online courses as described in the law school's request; and 2) add a fully online JD program using the same course curriculum and course progression as the residential JD program, but with an asynchronous format.

It is also recommended that the law school provide a progress report as to the progress of these two changes along with the law school's 2023 Annual Report, including enrollment, syllabi, measurement efforts taken to date and planned, and program successes and challenges.

## **PROPOSED MOTION**

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

**MOVE,** that the Committee of Bar Examiners receive and file and grant Thomas Jefferson School of Law's requests to make the following major changes effective fall 2023 as set forth in Attachment A: 1) increase the flexible cap for the total number of online courses that can be integrated into the law school's residential JD program to 15 units, or 19-21 units for those participating in Early Start, with the option for students to petition to take additional online courses as described in the law school's request; and 2) add a fully online JD program using the same course curriculum and course progression as the residential JD program, but with an asynchronous format.

**FURTHER MOVE,** that the law school provide a progress report as to the progress of these two changes along with the law school's 2023 Annual Report, including enrollment, syllabi, measurement efforts taken to date and planned, and program successes and challenges.

## **ATTACHMENT LIST**

A. Application for Major Change – Thomas Jefferson School of Law

## **Thomas Jefferson School of Law**

### **Application for Major Change – Online JD Program**

#### **Rule 4.165(A)(9)**

##### **I. Overview**

Thomas Jefferson School of Law (the “Law School”) seeks prior approval for a major change pursuant to Rule 4.165(A)(9). Specifically, the Law School is seeking approval to offer its JD degree in an additional, 100% online modality, beginning in the Fall 2023. The Law School is also seeking approval to increase the number of distance education units a student enrolled in the residential program may take. The Law School seeks expedited review at the January 2023 Committee of Bar Examiners meeting.

Thomas Jefferson School of Law, formerly Western State University College of Law San Diego, has been educating future lawyers in its Juris Doctor (JD) program since 1969, and has been accredited by the State Bar of California Committee of Bar Examiners (CBE) since 1972. On December 29, 1995, the Law School separated from its sibling school, Western State University Orange County. After a period of ABA accreditation, the Law School has returned to its roots as a small, community-oriented, California-accredited law school. The CBE affirmed the Law School’s accreditation on April 23, 2021 after a site visit.

##### **A. Alignment with the Law School’s Mission**

The Law School is a free-standing law school, now in its fifty-first year of operation, with over 7,000 graduates. The addition of an online option for the core JD program furthers the Law School’s mission to provide an outstanding legal education for a diverse student body. The Law School’s faculty, staff, administration, and Board of Trustees are committed to this mission, and to expanding opportunity to those who cannot move to San Diego for its residential program.

The online modality furthers the Law School’s mission to provide access and to offer the foundation for students to pursue law-related employment. The online modality will increase opportunity for students across the State to enhance their current position through a law degree or to enter the profession and provide access to justice for others in their under-served communities.

##### **B. Alignment with State Bar Mission & Goals**

The Law School is committed to furthering diversity and inclusion, and its residential program attracts a highly diverse student body (currently 70% identify as students of color). This is an important part of the Law School’s mission given that the diversity of California attorneys lags far behind the diversity of the population. See <https://www.calbar.ca.gov/Portals/0/documents/reports/State-Bar-Annual-Diversity-Report.pdf>.

An online JD program will further its reach in providing an excellent legal education to students from underrepresented groups. The Law School will be able to open the JD program to students unable to move to San Diego for financial or other reasons. Students with work, family, or other responsibilities will be able to pursue a legal career via a flexible, rigorous, asynchronous distance education program.

This will contribute to diversifying the legal profession and providing access to justice, particularly in rural areas and small towns that do not have sufficient legal resources.

The Law School's proposed online JD program also furthers the State Bar's mission, including the identified top priorities of advancing access to the legal system and promoting diversity and inclusion in the legal system. Indeed, per the report published by the California Commission on Access to Justice, the demand for attorneys is greatest in rural and frontier areas. See <https://www.calbar.ca.gov/Portals/0/documents/accessJustice/Attorney-Desert-Policy-Brief.pdf>. The average number of residents per attorney in urban areas is 175, while the average number of residents per attorney in rural areas is 626, more than 3.5 times the number in urban areas. *Id.* The average number of residents per attorney in frontier areas is 738, more than 4 times the number in urban areas. *Id.*

Thus, the proposed online JD program is not only a benefit to the Law School, but also to many underserved communities in the State of California.

### **C. Curricular Design Summary**

The Law School's proposed online JD program will offer the same program of study and progression as in the residential JD program. It will offer an asynchronous program, utilizing reading and case briefing assignments, interactive video lectures, online quizzes and discussions, weekly synchronous Lab sessions (which students must attend or watch on video), and other testing including midterms and final exams for bar-tested courses.

The proposed online JD program will have the same curriculum and degree requirements as the residential degree program. Both programs will be of equal rigor. The Law School's extra-curricular programs, such as law review, moot court, mock trial, and its clinics, will be available to online students as well as to residential students. Opportunities to enroll in 15 units of practice skills will also be made available to online students. The online program will be supported by compliant infrastructure, finance, library, faculty and institutional capacity for assessment of outcomes. Graduates of the proposed online JD degree program will earn the same valued degree as graduates of its residential program.

### **D. Distance Education Units in Both JD Programs**

The program is designed to be a 100% online degree. It does not require students to take any courses or parts of courses on campus. It is anticipated that the vast majority of students will not be able to take in-person courses.<sup>1</sup> However, students in the online program who are interested in taking residential courses may petition to transfer to the residential program or to take a semester (maximum of 15 units) of in-person courses. If online students wish to take occasional courses in the residential program, the Law School will use a process that requires students to petition and explain their compelling reasons for taking less than a semester in residence and show its educational efficacy for their personal circumstances.

The online JD program is designed for online students. Students in the residential program, however, may petition to enroll in courses in the asynchronous online JD program upon a showing of

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<sup>1</sup> It is anticipated that due to the costs associated with living in San Diego County, there will not be many students who are able to live in San Diego and who choose to enroll in the online JD program rather than the residential.

extraordinary circumstances. They may also petition to transfer to the online program. Students enrolled in the residential program are currently capped at twelve units of distance learning. With approval of the online JD program, the Law School will increase the typical cap to fifteen units of distance learning in courses offered either in the residential program (as distance courses) or in the online program, or 19-21 units if enrolled in a remote version of the Early Start Program. If residential students wish to take more units in the online JD program short of transferring to the program, the Law School process will require such students to petition and explain their compelling reasons and show its educational efficacy for their personal circumstances.

## **II. The Online JD Program Will Comply with the Accredited Law School Rules and Guidelines**

### **A. Rule 4.160 Consumer Protection and Transparency**

The Law School takes great efforts to ensure that both prospective and current students are timely informed of their rights, responsibilities, and limitations of attending the Law School, as well as the resources and requirements needed to earn a JD degree. This commitment will be the same for the online JD students. The Law School will also ensure that its public communications with respect to student outcomes remain timely and accurate.

#### **1. Location of Physical Premises Will Remain the Same**

The physical presence of the Law School will not change with the introduction of an online JD program.

#### **2. The Law School Will Remain Compliant with All Laws**

The Law School will continue to remain compliant with all applicable state and federal laws. As it specifically relates to the online JD program, the Law School is aware of 34 C.F.R. §600.9(c), requiring all schools offering distance education in states other than their own to receive and maintain authorization from each state. For the first year of the program, the Law School will offer its online JD program only to those prospective students who will reside in California. During the first year of the program, the Law School will evaluate interest and, if warranted, apply for authorization, licensure, or exemption (as applicable) in other states. The Law School's present agreement with the California Bureau for Private Postsecondary Education runs through June 30, 2024, and renews every three years.

#### **3. The Law School's Annual Disclosure Will Include the Online Program**

The Law School will begin including the students from its online JD program in the Annual Disclosure Report posted on its website beginning with the January 2024 posting.

#### **4. The Law School Will Ensure Publication of a Statement of Limitation on Bar Examination Eligibility**

The Law School will provide the necessary disclosures in the same way that it does for the residential JD program. Students from either program will graduate with the same degree credential, allowing them to be academically eligible to sit for the bar exam in California. The Law School discloses on the website and in communications with prospective, admitted, and deposited students the following:

### **Practice Outside of California**

Study at, or graduation from, this law school may not qualify a student to take the bar examination or be licensed to practice law in jurisdictions other than California. A student who intends to seek licensure to practice law outside of California at any time during their career should contact the admitting authority for information regarding its education and licensure requirements prior to enrolling at this law school.

### **5. The Law School Will Use the Refund Policy Consistently Between the Residential and Online JD Program**

The Law School's written refund policy will be the same for its online students. It is available on the Law School's website under the CA Accreditation tab at:

[https://www.tjssl.edu/sites/default/files/tjssl\\_refund\\_policy\\_0.pdf](https://www.tjssl.edu/sites/default/files/tjssl_refund_policy_0.pdf)

Additionally, the tuition and refund information is published and distributed multiple times each year. Refunds are processed frequently, so students will have a maximum of 15 days wait for the refund after withdrawal or request.

### **6. All Public Communication Will be Accurate**

The Law School consistently ensures all communications it publicizes or distributes is accurate. It will continue to do this with respect to its online JD program. Specifically, the Law School has an entire website page with a direct link from its homepage called "CA Accreditation" that details the Law School's degree-granting authority and specifies that students' qualifications to take the California Bar Examination and obtain admission to practice law in California are based upon the Law School's accreditation by the Committee of Bar Examiners. The Law School's cost requirements and financial aid information are also clearly laid out on the Law School's website and will be the same for online students. See <https://www.tjssl.edu/admissions/financial-aid> and <https://www.tjssl.edu/admissions/financial-aid/tuition>.

### **7. The Law School Will Ensure Protection of Student Privacy**

The Law School will continue to ensure protection of student privacy of its online students including through its Anonymous Grading Policy, Student Records Policy, and Notification of Rights under FERPA.

### **8. The Written Academic Standards will be Timely Adopted and Published**

The Law School's academic standards will be the same for the online JD program and are published in the Student Handbook. See [https://www.tjssl.edu/sites/default/files/student\\_handbook\\_jd\\_program\\_-\\_cals\\_-\\_november\\_23\\_2022.pdf](https://www.tjssl.edu/sites/default/files/student_handbook_jd_program_-_cals_-_november_23_2022.pdf).

### **9. The Written Policy for Student Discipline is Fair**

The Law School's written policy for student discipline is stated in the Student Code of Conduct found at Appendix G of the Student Handbook available on the Law School's website. The Law School will implement this policy for its online students as well.

The policy was established to preserve the academic integrity of the Law School and facilitate an enriched learning environment. To summarize the policy, the following conduct is prohibited by students: cheating; providing or receiving unauthorized assistance in assignments for academic credit; compromising anonymous work and grading; plagiarism; submitting the same or substantially the same work for credit in more than one course; providing false information to the Law School; and interfering

with the educational process (harassment, bullying, destruction of school equipment, carrying a weapon, disruption of class). The process for addressing student discipline is also detailed in the policy and includes: notification; investigation; findings and informal resolution. The policy further details the process for proper notice, hearing (in-person, including an option for remote attendance, or in writing), final written decision, and Dean's review when necessary. The policy specifies that actions that can be taken include cancellation of a score on an exam or assignment, denial of course credit, suspension, and dismissal.

**10. No Compensation is Based on the Number of Applicants or Enrollees**

At no time has the Law School based an employee's compensation on the number of persons applying for admission or registering to enroll at the Law School. This will remain the practice as it relates to the online JD program.

**11. The Law School Will Continue to Maintain Accurate and Complete Records**

The Law School will compliantly maintain records for the online JD program in the same way as the residential JD program.

**12. All Notice to Changes in Policy will Be Timely Delivered in Writing**

Any changes to policies will be done via written notice to applicants, students, and faculty affected by the change.

**B. Rule 4.160 Student Success**

The Law School's online JD curriculum and teaching is designed to promote student success. The online JD program is a professional degree for those who want to practice law or work in law-adjacent fields. The online JD program will follow the same rigorous program of study as the residential JD program, both offering the degree of Juris Doctor.

Students will be required to complete 80 units of study, including 67 units of required courses, 6 units of experiential learning, and an Upper Level Writing Requirement. Online students will have the opportunity to take 15 units of practice skills. Although the required courses will not change, they will be transformed from in-person delivery to asynchronous modality in line with best practices.

The program will be an asynchronous program of study, with weekly synchronous sessions for each course. The online JD program will require the same number of units and the same program of study as the residential JD program, and will follow the same academic calendar. The required courses will also be the same. The online JD program Learning Outcomes will be consistent with the residential JD Program outcomes. This consistency across the residential and online JD programs reflects that the online students will need the same knowledge and skills to sit for the bar and practice law. All online courses will follow a best-practices model to translate in-person classes into effective, engaging, and interactive asynchronous classes.

Asynchronous courses will utilize interactive video via Echo360 and its accompanying analytics to track video completion and responses to integrated polling (i.e., quizzes of various types). Echo360 will be integrated into the Learning Management System (LMS), NEO (by Cypher Learning). NEO (known at the Law School as TJSJ Courtyard) will be used to house each course, including a variety of formative assessments through its Assignment feature (in addition to those built into video content) as well as discussion forums for students.



Zoom will be utilized for synchronous weekly sessions, which students must either attend live or watch on video. During these sessions, instructors will take questions, work through additional review exercises, or reinforce concepts as indicated by student performance on formative assessments. Students will interact with other students and the instructor in a variety of ways, such as attending weekly synchronous sessions, posting exchanges on discussion forums, via assignments and feedback, or by one-on-one virtual office hour appointments.

In addition to the formative feedback built into the asynchronous class model, required, bar-tested courses will utilize ExamSoft for remote-proctored midterm and final exams. ExamSoft's test-taker portal (Exemplify) allows students to receive scores and feedback directly through the portal.

In line with Department of Education regulations, the program will ensure that there is ample academic engagement as well as faculty-initiated regular and substantive interaction:

#### Academic Engagement

Students will actively participate in instructional activity including:

- Weekly interactive videos, requiring students to answer "polls" (i.e., various forms of quizzes) to complete the video
- Submitting assignments such as practice essays, writing assignments, or self-evaluations
- Taking online assessments, including frequent assignments via the TJSJ Courtyard and, in most classes, remotely-proctored midterm and final exams
- Participating in online discussion assignments, including responding to discussion prompts or responding to other students' posts
- Attending virtual office hours

#### Substantive Interaction

The Law School will ensure substantive interaction including:

- Asynchronous video instruction
- Feedback on formative and summative assessments
- Synchronous weekly meetings where students may ask questions about the course and discuss course content
- Facilitated group discussions regarding concepts integral to the course

#### Regular Interaction

The Law School will ensure regular interaction between student and instructor and between students including:

- Synchronous weekly meetings
- Monitoring of group discussions and performance on formative assessments
- Availability of support from the course instructor and/or Academic Success faculty to interact with students based on performance in an individual course or multiple courses, including virtual office hours

### **1. The Organization of the Law School Remains the Same**

The Law School organization will not change with the addition of the online JD program. The Law School will still be structured as a 501(c)(3), California non-profit organization with the goal of providing a sound legal education to prepare students to pass the bar exam and enter the legal profession.

## **2. The Administration of the Law School Remains the Same**

The online JD program will be supervised by the same administration, with a Dean and a President responsible for the operation of the Law School and with extensive experience in educational administration. Both the Dean (who is also a tenured faculty member) and the President have graduated from ABA-approved law schools and are admitted to practice law. The Law School also has a full-time Registrar to address recordkeeping requirements for the online JD program.

## **3. Online JD Program Learning Outcomes**

The online JD program Learning Outcomes will be consistent with the residential JD Program outcomes, which match the depth and breadth of the program and ensure appropriate rigor. This consistency across the residential and online JD programs reflects that the online students will need the same knowledge and skills to sit for the bar and practice law. The Law School has ably utilized assessment of learning outcomes to make improvements to the residential JD program, and it will do the same for the online program.

## **4. The Law School Has Developed Course Learning Outcomes for the Online JD Program**

Each course offered in the online JD program will clearly state the course's learning outcomes on the syllabus, as is done in the residential program.

## **5. The Law School Will Engage in Outcomes Assessment**

The Law School has developed and implemented program learning outcomes assessment. Faculty task forces, led by the Associate Dean for Faculty Development, assess each learning outcome in a multi-year cycle. For each learning outcome, the task force gathers data to assess achievement of the learning outcome and works with the faculty and administration to close the loop by taking steps for improvement. In assessing learning outcomes in the future, both residential and online JD courses would be utilized, with special attention to possible comparative analysis.

## **6. The Law School's Admissions Policies and Practices for the Online JD Program will Mirror Those in the Residential Program**

a. The Law School will use the same compliant, sound admissions policy for the online JD program as it does for the residential program, ensuring it does not admit students who are obviously unqualified or unlikely of completing the degree or those who are unable to meet pre-legal education.

b. As with the residential program, students in the online JD program, within 45 days after the start of the term, must submit their official transcripts to the Law School evidencing completion of the required degree, with a 45-day maximum extension only for exceptional circumstances documented in the student's file.

c. As in the residential JD program, the application for the online program will ask about prior law school experience and require an explanation of why the applicant is better positioned to be successful. The Law School will document the reasons supporting admission, such as a finding that prior academic disqualification resulted from circumstances unlikely to recur (e.g., a severe medical problem, an unaccommodated disability, an emotionally traumatizing event, or an unusual financial or family burden that placed excessive demands on the applicant's time during their previous study at a law school).

d. The Law School does not intend to admit any special students as defined under California Business and Professions Code 6060(c)(2) and Admissions Rule 4.25(B), to the online JD program.

**7. The Law School Will Accept Transfer Credits for its Online JD Program, as Applicable**

The Law School's Transfer Credit Policy for its online JD program will be the same as its residential program, as follows:

In accordance with the California Business and Professions Code and the regulations of the State Bar of California, transfer credit is awarded at the discretion of the Law School. The Associate Dean for Academic Affairs determines which, if any, units will transfer after reviewing the courses for which the applicant is seeking transfer units.

To be eligible for acceptance, the applicant must have (A) earned the credits no more than 36 calendar months prior to the anticipated date of enrollment at the Law School and (B) received a grade at the "good standing" level or higher from the originating law school. Please note that these are minimum requirements. In general, transfer credit will not be accepted if the student earned a grade below 2.7/B- on a standard 4.0 grading scale with a B- mean or the equivalent on the originating law school's grading scale.

The number of transfer units an applicant may receive for a particular course is limited to the number of units for which the applicant had sufficient class room hours per the CBE standards, even if the originating law school awarded more units for that course.

The Law School will not accept transfer units earned at the originating school for externships or clinics.

Applicants may transfer a maximum of forty (40) units if they are in good standing at the originating institution and thirty (30) units if they are not in good standing at the originating institution.

The Law School does not have a transfer or articulation agreement with any other college or university.

**8. The Law School Will Not Grant Credit for Work Completed at Registered or Unaccredited Law Schools Unless the Student Has Passed the First-Year Law Students' Examination**

Similar to the residential program, the Law School will not grant credit for work completed at a registered, unaccredited law school unless the student has passed the First-Year Law Students' Examination. Additionally, no credit will be awarded beyond the first year of study for students prior to passing the FYLSE unless they passed the exam within three administrations of becoming eligible to take it. Finally, the Law School will not accept transfer credits earned more than 36 months prior to enrollment without documenting good cause in the student's file and confirming disclosure to the student that they will have a responsibility to keep their knowledge current to pursue licensure.

**9. The Law School's Published Policies on Retention and Disqualification Will Apply to Students in the Online JD Program**

The Law School will implement the same retention and disqualification policies for its online JD students as those in the residential program. The Law School's policies defining academic standing, academic disqualification, advancement in good standing, probation, retention, and the requirements for

graduation are published in the Student Handbook. As stated in the policy, each student is evaluated annually for satisfactory academic progress.

#### **10. Assessment of Student Learning in the Online JD Program Will Be Evaluated Based on Evidence**

Faculty in every online JD course, like those in the residential program, must use sound formative and summative assessments to evaluate the student's mastery of the course. Asynchronous courses will include frequent formative assessments with feedback as well as other, higher-value assessments. In bar-tested courses, students will take remotely-proctored midterm and final exams. Midterm and final exams must be reviewed by another faculty member prior to use. Students will be provided feedback via the ExamSoft system as well as via the Law School's LMS. Faculty teaching writing courses will craft appropriate written assignments that align with the course learning outcomes.

#### **11. The Grading Standards for the Online JD Program Will Be the Same as the Residential Students**

The Law School will continue to use mandatory curves (first-year and upper-level) to ensure consistency of grading standards among members of the faculty. All grades will be reviewed by the Associate Dean for Academic Affairs, who grants a waiver from the curve only in extraordinary circumstances, upon a compelling showing that application of the curve does not fairly represent the performance of the class. There will be no pass-fail grading on any bar-tested subjects. Pass-fail (Honors, Credit, Low Pass, No Credit) grading in other courses must be approved by the Associate Dean for Academic Affairs and announced to students, typically for performance-based courses such as Trial Practice.

#### **12. The Online JD Program Has Satisfactory Quantitative Academic Requirements**

The online JD program requires the completion of a minimum of 80 semester units, including 67 units of required courses, 6 units of experiential learning, and an Upper Level Writing Requirement. These units are earned during traditional 15-week semesters for the Fall and Spring, and in optional 8-week summer or if offered, in three-week Study Abroad or intersession terms. These terms mirror the Law School's residential JD program.

The typical length of time for completion is three years for full-time students and four years for part-time students. The general maximum time to completion is five years for full-time students and six years for part-time student. There is a minimum time to completion of twenty-four months and maximum of eighty-four months for all students.

Students will follow the Program of Study (Attachment 1). Students are expected to follow the progression of courses laid out in their respective program of study. Students will earn 80 units via asynchronous study, with a cap of 12.5% of units in experiential or clinical programs. Students will be required to complete at least 1200 hours of verifiable academic engagement to graduate. Each online course will follow the credit hour policy, which includes at least 15 hours of verified academic engagement. Students must complete at least 80% of the verified academic engagement in each course.

Students will need to complete coursework through the Law School LMS (NEO) or through Exemplify. Both platforms require unique ID and passwords. Exemplify, used for higher-stakes testing, requires a special identification process ("ExamID") and remote proctoring ("ExamMonitor").

### **13. The Online JD Program Will Have Sufficient Faculty to Maintain a Sound Program of Legal Education**

At present, nearly 100% of the Law School's JD faculty is licensed to practice law in a United States jurisdiction, and 100% are graduates of a law school approved by the Council or accredited by the Committee. The Law School will primarily draw from this same group for its online program.

Additionally, several faculty have experience with online education. Several faculty members have supervised or participated in the Law School's online non-JD programs and/or taught distance learning courses (excluding emergency remote teaching during the pandemic). For example, Professor Kenneth Vandavelde has three years' experience supervising three online degree programs at the Law School – a J.S.D. degree program, an LL.M. degree program, and an M.S.L. degree program. He has been responsible for supervising all aspects of these programs, from faculty selection, to content creation, to delivery via the online platform. Professor Vandavelde is also creating an asynchronous online course in international investment law to be offered in spring 2023 by Golden Gate University School of Law as part of an LL.M. program in International Business and Finance Law.

The Associate Dean for Academic Affairs, Professor Steve Semeraro, has twice taught a remote, 50% asynchronous and 50% synchronous law school course as well as a fully synchronous course pre-Covid. Professor Ben Ally Templin created interactive video and quizzing content for an asynchronous contracts study guide (*Practice Perfect Contracts*) for Aspen Publishing Co. and twice taught *Contracts Drafting* as a synchronous distance learning course during the Summer 2014 and Fall 2015 semesters using Lexis Blackboard Web Course technology. Professor Templin produced electronic content for a spaced repetition study aid (*Law in a Flash-Contracts*) and an interactive quizzing tool (*Connected Quizzing - Contracts*).

Faculty will be trained in asynchronous course design and have an extensive guide to follow. Faculty will have the support of an Instructional Designer in designing and teaching the courses. Faculty will also be provided additional training by NEO and Echo360 to build on the faculty's current familiarity using these platforms and to ensure understanding of the features best suited for asynchronous classes. Although most faculty are well-versed in using Zoom and Zoom features such as polling, chat, and break-out rooms for synchronous meetings due to several semesters of Covid-related synchronous instruction, additional training will be available as a refresher or for new instructors.

### **14. The Law School is Committed to Faculty Development in its Online JD Program**

Since its inception, the Law School has invested heavily in developing faculty teaching skills and expertise. It is committed to doing the same for its online JD program.

In addition to the training mentioned above, the Law School's Associate Dean for Faculty Development ("ADFD") is also tasked with encouraging and supporting faculty pedagogical development. In doing this work, the ADFD draws on the ADFD's own substantial experience to facilitate skill development and continued improvement in teaching. When the Law School hires a new professor, they are paired with an experienced professor to help them develop their syllabus and prepare lessons and examinations. The Law School maintains professor support pages on the LMS, for general faculty and department specific for those who teach the legal writing curriculum. Teaching skills are also developed by provision of teaching notes and sample assignments and assessments; class visits; and workshops.

In both the faculty and adjunct faculty handbooks, it is stated that the primary responsibility of the faculty member is to guide the students to a level of intellectual and skill development within a framework of ethical responsibility, which will merit the confidence of the community. Indeed, the faculty's core teaching responsibilities include keeping abreast of developments in the area of the law in which they are assigned to teach, and striving for continued improvement in teaching technique. The Law School will adopt these same principles for its online JD program.

#### **15. The Law School Has a Written Process for Evaluating Faculty**

The Law School will follow the same compliant faculty evaluation process for faculty teaching in the online JD program. The evaluators will pay special attention to whether the course materials and activities are consistent with best practices in online education and are well-tailored to ensure appropriate student engagement.

#### **16. The Law School's Academic Freedom Policies Will Apply Equally to Its Online JD Program**

The Law School is committed to preserving academic freedom. The Faculty & Adjunct handbooks provide:

- "A teacher is entitled to full freedom in research in academic areas and in the publication of the results, subject to the adequate performance of his or her other academic duties"; "When speaking or writing as a citizen outside of the law school, he or she should be free from institutional censorship or discipline";
- "a faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates his or her unfitness as a teacher and a scholar";
- "extramural utterances may not be considered in determining any question of retention, promotion or discipline" "[u]nless charged as an express ground for discipline or dismissal"; and
- "[n]either the non-renewal of appointments, nor the denial of promotion or other discipline may be imposed for exercising academic freedom either in the performance of a teacher's duties as a scholar or as a citizen."

The Law School's success in preserving academic freedom is amply demonstrated by the faculty's diverse academic work and diverse participation in public discourse (through, e.g., participation in interest groups, law reform work, political journalism, media commentary, and political activism).

#### **17. The Law School has Sufficient Academic Support for its Online JD Program Students**

The Law School will provide the same compliant and substantial academic support to online students via its Academic Success & Bar Preparation Department. In addition to academic success courses like Learning Skills, the academic success faculty will provide workshops, counseling, and one-on-one support for online students. It will use remote technology for workshops and counseling as well as post recorded workshops and videos and other materials in the LMS. The Law School recently added another member to this department, positioning itself to serve potential online students as well as residential students.

#### **18. The Law School Has Sufficient Library Resources to Support an Online JD Program**

The Law School's Library has the necessary legal materials for students to complete their coursework and learn to conduct legal research, including all California and federal case law and statutes. These materials are provided through subscriptions to Westlaw, Lexis, and CEB OnLaw.

The Library offers access to its homepage on the Law School's website from any location. It provides access to:

- "ThomCat" online catalog: ThomCat is an online map and cataloging system used for locating various internet resources via the library, including books, research and study materials.
- Research Guides: An online database accessing LibGuides; legal content information sharing guides designed specifically for legal study and law practice.
- E-Resources: Law Journals articles and Legal Databases, i.e. Lexis+, Westlaw, CALI and CEB OnLaw, are easily accessible via drop-down search.

The Library also maintains a relationship with Legal Books Distributors--an independent book warehouse, stocking titles and study materials for law school students. Students order online and books are shipped directly to them.

The Library staff is available to provide on-site and remote reference and research support for the student body. This support includes training for all research platforms in use through the Library.

Additionally, the Law School maintains ample provisions for students to access course materials via electronic resources such as the NEO LMS online database. Through this network, students are afforded access to course materials including syllabi, assignments and quizzes, supplemental materials including handouts, and past exams and sample answers. The Courtyard is available to students 24/7, and can be visited via the website, as well as through a phone app for those that wish to use that platform.

#### **19. The Online JD Students Will Experience the Same Student Services Offered to Residential Learners**

The same student services available to residential JD students will be provided to online JD students. This includes both student organization activities as well as co-curricular programs such as Trial Team, Moot Court, Alternative Dispute Resolution, and Law Review. These are detailed online (<https://www.tjssl.edu/student-life/organizations-teams>), as well as in the Student Handbook.

Direct student services will be provided to online students remotely in multiple formats: digital information and forms housed on the Law School's LMS; email or calls; and dedicated Zoom or phone hours. For both the online and residential JD programs, the LMS will be used as a one-stop place containing information about different aspects of student services, such as the Registrar's Office, Financial Aid, Career Services, Student Services, Academic Success & Bar Preparation, and Academic Administration. Staff will be provided training to ensure effective delivery of services through that platform. Initially, the same staff members currently serving a much smaller residential student body than in prior years will also lend their expertise to the online student body. As the program grows, and based on feedback and experience from the initial period, additional staff will be added as needed.

#### **C. Rule 4.160 Diversity, Equity & Inclusion**

The Law School has comprehensive diversity, equity, and inclusion policies. It is strongly committed to fostering a diverse and inclusive environment where everyone is valued and supported so that everyone has the opportunity to thrive. The Law School respects all types of diversity and also recognizes the particular history of traditionally marginalized groups. Diversity, of course, includes many dimensions:

race, ethnicity, gender, gender identity and expression, national origin, religion, ancestry, age, marital status, veteran status, disability and more. The Law School strives to be a place where all types of diversity are respected, and discrimination on these bases is not tolerated.

**1. The Law School Has Published Policies Against Discrimination, Sexual Harassment and Sexual Assault Consistent with California and Federal Law**

The Law School's policies are all found in the Student Handbook and published on the Law School's website: Anti-Discrimination Policy (Appendix D), Policy Against Harassment (Appendix E), and Title IX Nondiscrimination Policy (Appendix J). These policies would apply equally to participants in the online JD program.

**2. The Law School is Committed to Creating an Inclusive and Diverse Law School Environment and Experience**

The Law School has a dynamic and vibrant community in part due to its tremendous diversity. It will continue outreach to diverse applicants. Indeed, the availability of an online JD program will enable it to enroll students who add diversity to the community. Online students will have access to student organizations, including affinity organizations.

Students will also have the opportunity to participate in broader community events remotely and will have substantial interaction with other online students during class discussions of important issues. The Law School's Diversity and Inclusion policy sets the expectation that all community members will embrace inclusion and help to promote an environment of mutual respect. The study of law, particularly in a time of division across the country, benefits from a truly collegial and supportive environment, where all types of diversity are embraced and welcomed.

**3. The Law School Has an Effective DEI Plan with Metrics and Assessments**

Please see Attachment 2 for the Law School's Diversity, Equity and Inclusion Plan.

**D. Rule 4.160 Preparation for Licensure & Professionalism**

The online program will follow the same rigorous program of study to prepare its online JD students for licensure and professionalism.

**1. The Law School Will Ensure its Online JD Students Have Access to Faculty**

Faculty teaching in the online JD program will be accessible in weekly synchronous sessions and in virtual office hours, as well as via the LMS or email. The Law School already maintains a license with Zoom to allow for face to face virtual interactions between students and faculty.

**2. The Law School Will Offer at Least 15 Units of Practice-Based Skills and Competencies in its Online JD Program**

The Law School's online JD program will require that each student satisfactorily complete a minimum of six semester units of course work designed to teach practice-based skills and competency training. The two required legal writing courses, Legal Writing I and Legal Writing II, are each 3-unit courses, together totaling six units. Additionally, online JD students will also have the opportunity to take fifteen units of practical skills courses, including externships, clinical programs, and simulation courses.



**3. The Law School Will Continue to Use its Assets and Funds to Provide a Sound Program of Legal Education**

The Law School will invest the necessary resources to provide a sound program of legal education to prepare online students for the bar exam and legal practice. The Law School will apply the same rigorous safeguards against fraud and other financial improprieties in both the online and residential JD programs.

**4. The Law School Has a Balanced and Comprehensive Curriculum for its Online JD Program**

The Law School's curriculum is designed to ensure students graduate with a broad legal education preparing its students to take and pass the California Bar Exam and learning the skills necessary to be a successful practitioner. All students must take courses in every subject tested on the California Bar and must successfully complete Professional Responsibility. Required courses also include rigorous first-year legal writing courses, plus an Upper-Level Writing Requirement that ensures additional training in legal research and writing. In and out of class experiences foster an ethos of service, ethics, and professionalism. The Law School also offers a diverse array of elective courses to support many different career aspirations. The list of both required and anticipated elective courses for the online program is attached as Attachment 3.

**5. The Law School's Academic Program Plan Will be the Same for its Online JD Program**

The Law School's detailed Academic Program Plan will maintain an academic plan for the remote program similar to the one created for its residential program, which was attached to the 2022 Annual Report. The above proposal describes the online academic program, its proposed curriculum, learning outcomes, the resources utilized to support the online program, and the learning outcomes assessment plan. To summarize, the online JD program will have the same curriculum, program learning outcomes, and outcomes assessment as the residential JD program. As noted above, the Law School will also ensure regular faculty-student interaction.

**6. The Law School Maintains a Minimum Cumulative Pass Rate above 40 Percent**

The Law School's most recent MPR as published on its Annual Disclosure Form in accordance with Business & Professions Code Section 6061.7(a) is 65.7%. Of course, if the online JD program is approved, future calculations of the MPR will include graduates of that program.

**7. The Law School Will Offer Academic Credit for Bar Examination Review Classes to the Extent They are Part of the Online JD Curriculum**

The Law School will require the same bar preparation courses it offers in the residential program. This includes the required bar preparation classes of MBE Mastery and Bar Exam Fundamentals for academic credit. As an optional course, the Law School also offers for academic credit a class in Mastering the Performance Test.

**8. The Law School Has Already Received Acquiescence for its Other Professional Law Degrees**

The Law School has previously received acquiescence for its other professional degrees including the Masters of Law (LLM), Master of Legal Studies (MLS), and Doctor of Science of Law (JSD). This major change request does not address these degrees.

### **III. Conclusion**

The Law School, with its rich history and rigorous academic programming, is well prepared to serve prospective law students with its asynchronous program of legal education. A significant number of prospective students from disadvantaged backgrounds with financial and family challenges may have no viable options other than an asynchronous program. By allowing the Law School to expand its mission to serve these students, it will contribute to diversity and inclusion of lawyers in California, and will best serve the communities needing greater access to lawyers and equal access to justice.

## **ATTACHMENTS**

Attachment 1 – Program of Study

Attachment 2 – Diversity, Equity and Inclusion Plan

Attachment 3 – Required and Elective Courses

## Attachment 1 – Program of Study

### Full-Time Program of Study

*Students who start in Spring semester as full-time students will take the following sequence of courses over six semesters. They will complete 67 units of required courses and a minimum of 13 units of elective courses. Students must earn at least 6 units in qualifying skills courses.*

#### ***First Semester***

Contracts	5 units
Learning Skills	1 unit
Legal Writing I	3 units
Torts	5 units

#### ***Second Semester***

Civil Procedure	5 units
Criminal Law	3 units
Legal Writing II	3 units
Professional Responsibility	3 units

#### ***Third Semester***

Business Associations	3 units
Constitutional Law I	3 units
Criminal Procedure	3 units
Property	5 units

#### ***Fourth Semester***

Constitutional Law II	3 units
Evidence	4 units
Wills & Trusts	3 units
<i>Elective units</i>	

#### ***Fifth Semester***

California Civil Procedure	2 units
Community Property	2 units
MBE Mastery	3 units
<i>Elective units</i>	

#### ***Sixth Semester***

Bar Exam Fundamentals	3 units
Remedies	3 units
California Evidence	2 units
<i>Elective units</i>	

## Fall Entering Part-Time Four-Year Program of Study

*As applicable, students who start in Spring as part-time evening students will take the following sequence of courses over eight semesters. They will complete 67 units of required courses and a minimum of 13 units of elective courses. Students must earn at least 6 units in qualifying skills courses.*

### ***First Semester***

Torts	5 units
Learning Skills	1 unit
Legal Writing I	3 units

### ***Second Semester***

Civil Procedure	5 units
Legal Writing II	5 units

### ***Third Semester***

Contracts Law	5 units
Property	5 units

### ***Fourth Semester***

Professional Responsibility	3 units
Criminal Law	3 units
Evidence	4 units

### ***Fifth Semester***

Constitutional Law I	3 units
Criminal Procedure	3 units
Business Associations	3 units

### ***Sixth Semester***

Constitutional Law II	3 units
Wills and Trusts	3 units
California Evidence	2 units
<i>Elective units</i>	

### ***Seventh Semester***

California Civil Procedure	2 units
Community Property	2 units
MBE Mastery	3 units
<i>Elective units</i>	

### ***Eighth Semester***

Bar Exam Fundamentals	3 units
Remedies	3 units
<i>Elective units</i>	

## Attachment 2 – Diversity, Equity and Inclusion Plan

### **Diversity, Equity and Inclusion Plan**

(Last Revised, November 2022)

The mission of Thomas Jefferson School of Law includes providing an outstanding legal education for a diverse student body, in a collegial and supporting environment. This long-standing mission of the Law School therefore encompasses the goals of diversity, equity, and inclusion. It has attracted a very diverse student body over the years, with a diverse staff and increasingly diverse faculty. This plan is designed to outline future steps to be taken, to set metrics and benchmarks for assessment of achievement of DEI goals, and to highlight the final recursive step of closing the loop by taking steps in response to findings.

#### **Policies and Practices to Foster DEI**

##### Policies Supporting DEI Goals

The Law School has several relevant policies, found in the Student Handbook as indicated below:

- (a) Accommodations for Students with Disabilities (Appendix C)
- (b) Anti-Discrimination Policy (Appendix D)
- (c) Policy Against Harassment (Appendix E)
- (d) Title IX Nondiscrimination Policy (Appendix J)
- (e) Diversity & Inclusion Policy (Appendix K)

The Law School will continue to update these policies to reflect California and federal law.

##### Recruitment and Retention of a Diverse Student Body

The Law School will maintain its focus on recruiting a diverse student body, including racial, ethnic, gender and gender identity, country of origin, and other bases. A diverse student body is critical to today's legal education. Diversity not only brings enrichment to the classroom, but a diverse student population attracts other diverse students who do not feel the pressure of being the sole representative of their group in an environment dominated by non-diverse students. Instead, they will join a community made up of over 50% students of color.

The Law School will foster retention of diverse students by providing academic support and advising. Academic Success specialists will collaborate with affinity student organization to provide workshops on academic success.

The Law School will continue its mentoring program. Because students from diverse backgrounds are less likely to proactively seek a mentor, the Law School will assign all incoming students a mentor. Mentors will be faculty members or staff members who hold JDs. Mentors will reach out to all mentees to offer advice and support and maintain engagement throughout the academic year.

The Law School will continue to offer experiential learning that contributes to DEI in the San Diego community. It will promote participation in law school clinics, including the Veterans Legal Assistance Clinic, which serves local veterans. It will also encourage students to participate in pro bono programs.

### Recruitment and Retention of Diverse Staff and Faculty

The Law School will seek to recruit and retain diverse staff and faculty. It will reach out to networks of diverse local attorneys, including local affinity bar organizations, to recruit faculty. It will appoint an experienced faculty mentor to each new faculty member to enhance retention.

### DEI-Related Groups at the Law School

*Diversity & Inclusion Committee:* The Law School will continue to support the D&I Committee. The Dean revived and expanded the D&I Committee in recent years, turning a relatively small committee into one comprised of the Dean, Assistant Dean for Enrollment Management, Director of Student Affairs and other staff, faculty, and student members. The goal of the Committee is to foster diversity and inclusion by serving as a resource for the community and providing programming on topics including implicit bias. Typical programming includes speakers and a “diversity week” including panels and a lunch featuring cuisine from affinity-based student organizations.

*Student Organizations:* The Law School will continue to encourage and support student organizations that foster DEI goals. In addition to working with the Student Bar Association (SBA) board to sponsor community-building activities generally, the Law School supports many affinity-based student organizations. These include: Armenian Law Student Association; Asian Pacific American Law Student Association; Black Law Students Association; Immigration Law Society; Jewish Law Students Association; La Raza Student Association; Middle Eastern Students Law Association; Pride Law; and Women's Law Association.

### Training on Implicit Bias and Other DEI-Related Issues

The Law School will continue to engage outside experts to provide training on implicit bias and other issues related to its DEI goals.

Incoming students must attend a two-hour diversity training by an expert in DEI issues who is also a former lawyer, giving her particular insight into the law school setting and issues that might arise there. The session discusses diversity, inclusion, and belonging and provides practice for students to engage in civil discussion of contentious DEI-related issues. Incoming students must also attend Title IX training, taught by an outside expert in the subject.

The Law School provides training by an outside DEI expert to staff and faculty, focusing on ensuring understanding of potential issues, how they might arise in a law school setting, and constructive responses.

The administration will continue to encourage additional discussions among faculty members about integrating diversity into the classroom. Faculty are encouraged to attend conferences and webinars to learn and share techniques to enhance discussion of the racial and other biases inherent in the legal process and decisions.

### Support for Diverse Bar-Takers

The Law School will offer support for graduates taking the bar, free of charge. This will include periodic workshops, scheduling advice, review of essays, and review of past score reports for those repeating the exam. The Law School will disseminate information about the California Bar Exam Strategies and Stories Program and encourage participation.

**Metrics to Assess DEI Goals:****1. CBE Annual Report****Benchmarks:**

Diversity of student body – 50% non-white; 50% female

Retention of diverse students – at or near the total rate of attrition, particularly academic dismissals

Diversity of Faculty – neutral or positive trend year over year

**2. Other Institutional Research****Benchmarks:**

Graduation rates – within 10 points of parity for gender and for represented and under-represented minorities in eventual graduation rates

Bar pass rates – within 15 points of parity for gender and for represented and under-represented minorities in eventual bar pass rates as defined by institutional researcher as 5-year pass rate

Note: students matriculated in the CALS program starting in Fall 2020. Thus, graduation and bar pass rates will start to be assessed in 2024 or 2025 and periodically thereafter.

**3. Periodic Administration of Law School Survey of Student Engagement (LSSSE)**

Benchmark – generally meet or exceed average responses from law schools participating in the nationally-based survey on the Diversity Module

**4. Assessment of Staff Diversity by Administration**

Benchmark – neutral or positive trend over several years, reflecting small size of staff

**Closing the Loop:**

The Law School will assess the above metrics over time to determine trends and statistically significant deviations. It will respond to negative findings by adapting current practices and policies or adopting additional measures. Steps taken in the past include the mentoring program, expansion and re-energizing of the D&I Committee and addition of the training described above.



### Attachment 3 – Required and Elective Courses

Required Courses	Selective Elective Courses
Bar Exam Fundamentals	Adjudicatory Criminal Procedure
Business Association	Advanced Legal Research
California Civil Procedure	Alternative Dispute Resolution
California Evidence	Civil Motions Practice
Civil Procedure	Contracts Drafting
Community Property	Externships & Judicial Externship Seminars
Constitutional Law I	Introduction to Mediation
Constitutional Law II	IP Electives
Contracts	Law Review
Criminal Law	Mastering the Performance Test
Criminal Procedure	Moot Court
Evidence	Negotiation Theory & Skills
Learning Skills	Non-Profit & Small Business Clinic
Legal Writing I	Patent & Trademark Clinic
Legal Writing II	Sports Law Electives
MBE Mastery	Trial Practice
Professional Responsibility	Trial Team
Property Law	Veterans Legal Assistance Clinic
Remedies	Upper-Level Writing Requirement Seminars
Torts	
Wills and Trusts	