



# The State Bar of California

---

## **OPEN SESSION**

### **AGENDA ITEM IV.D.**

**JUNE 2023**

### **COMMITTEE OF BAR EXAMINERS**

**DATE:** June 23, 2023

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

**FROM:** Natalie Leonard, Principal Program Analyst

**SUBJECT:** Action on Inspection Report and Major Change to Deliver Classes via Physical Classroom and Distance Delivery in the Fixed-Facility Category – Western Sierra Law School

---

## **EXECUTIVE SUMMARY**

The Committee of Bar Examiners (committee) must consider two items related to Western Sierra Law School (Western Sierra): 1) the law school's periodic inspection report based on the visit that took place on October 19-20, 2021 and law school response (Attachment A, B); and 2) Western Sierra's major change request seeking to remain in the fixed-facility category, but permit, at its discretion and the discretion of its instructors, to offer its classes primarily in its fixed-facility classroom(s), but with an integrated synchronous online extension via meeting room software, such as Zoom or other similar platforms." (Attachments C, D). It is recommended that Western Sierra's registration as a fixed-facility law school be renewed, with the next inspection to be set in 2024, and that the major change be denied.

---

## **BACKGROUND**

Western Sierra Law School is a registered, unaccredited fixed-facility law school that had been operating in San Diego since 1979. After one of the law school's prior owners passed away, the law school was sold to an entity owned by two Western Sierra alumni. Those graduates serve as the dean and registrar. They had prior experience in business and advised that they were and are eager to ensure the continued operation and success of Western Sierra.

The law school underwent its first State Bar inspection since the purchase on October 19-20, 2021, and the report from that inspection is attached. (Attachment A). Western Sierra received

a copy of the report shortly after the inspection and provided the response set forth in Attachment B, accepting some recommendations and rejecting others. (Attachment B).

In addition to its response to the inspection report, Western Sierra has also submitted a major change request seeking to remain in the fixed-facility category but, at its discretion and the discretion of its instructors, offer its classes primarily in its fixed-facility classrooms, but with an integrated synchronous online extension via meeting room software, such as Zoom or other similar platforms such that some or all students could participate remotely and/or the instructor could attend remotely.

The inspection report and the major change request were held while schools were granted a temporary waiver to conduct classes remotely and so that staff could research specific issues that arose during the inspection regarding: 1) the definition of a credit hour in a fixed-facility law school; and 2) the nature and amount of distance learning classes that could be offered by a fixed-facility law school. These are foundational issues that were affected by the pandemic and the law school was also interested to know if they would be affected by the unaccredited law school rules review. In the meantime, however, the law school was provided with a copy of the report so that they could continue to work toward resolution of the recommendations included without delay.

During that time, though Western Sierra has remained in the fixed-facility category, it delivered classes via distance learning through the emergency waiver in place due to the pandemic.

Pandemic waivers are ending for all schools in August 2023, and the law school must prepare for class delivery this fall. The inspection report will be presented with the major change because they are related.

## **DISCUSSION**

The discussion will first consider the inspection report, and then move to Western Sierra's request for major change. It is recommended that the law school's registration as a fixed-facility law school be renewed, with an inspection set in 2024, and that the law school's major change be denied, but the law school be given the opportunity to file a major change to operate in the distance category if it so chooses.

## **INSPECTION REPORT**

### **Inspection Procedure**

State Bar consultant Heather Georgakis conducted Western Sierra's inspection remotely. Shortly before the inspection, the law school had moved from its prior location in San Diego to its current location in Oceanside as part of a move approved by the committee, so the inspection included a video tour of that space. As expected, classes were not yet taking place in the new space because the law school was operating under an approved emergency waiver to teach its fixed-facility classes online on an emergency basis due to COVID. What was not expected or disclosed in the law school's original filing was the observation that a law business

appeared to be operating in the space, as discussed further below and in the inspection report, and the expansion suite for the law school has been used for storage.

As part of the inspection, the consultant and staff met with Western Sierra's leadership, reviewed the law school's self-study prepared for the inspection, and its annual reports, through and including the most recent 2022 Annual Report. Staff also met with the law school on June 8, 2023 to discuss the nature of the law school's current headquarters, as well as its current thoughts related to its major change request. Due to the passage of time since the inspection report was initially drafted, staff updated one recommendation based on a change that now allows law schools to offer credit for bar exam preparation classes, and also it was recently updated to address a recommendation that had changed due to an amendment of the unaccredited guidelines which now allows credit to be offered for bar exam preparation and also added the most recent State Bar exam outcomes.

## **Inspection Report**

The inspection report summarizes recommendations, and then discusses them in further detail.

The law school enrolled 18 students as of the 52 weeks ending September 15, 2022, according to its 2022 annual report (10 1L's 5 2L's 2 3L's and 1 4L). In June 2023, the law school advised that 13 students are enrolled currently. Its five-year cumulative bar passage rate calculated using the formula in place for unaccredited law schools is 40 percent. The law school's pass rate on the most recent First-Year Law Students' Examinations was 13 percent in June 2021 and zero percent in October 2021. The law school's individual bar exam pass rates have been as follows: February 21, zero percent (4 takers); July 2021, 18 percent (11 takers); February 2022, 50 percent (4 takers); July 2022, 20 percent (5 takers); and February 2023, 25 percent (4 takers).

The current leadership are alumni of the law school. As allowed under the rules, the dean participates in other legal jobs while leading the law school. He also recently earned a biotechnology graduate degree. A dean is allowed to participate in other pursuits so long as he devotes sufficient time to the dean role; given these additional responsibilities, it will be important to ensure that the dean remains sufficiently available to discharge his duties. The registrar indicates that she devotes significant time each week to her duties, and she has been consistently responsive to staff questions and regulatory requests.

The following recommendations were included in the inspection report and are proposed for adoption. The law school's responses are summarized below each inspection recommendation, and the law school's full response is attached (Attachment B).

## **Proposed Mandatory Actions**

1. Guideline 1.9, Rule 4.246: While the law school did not have the required business license from the City of Oceanside at the time of the inspection, it did secure the license subsequent to the inspection report. The law school must take affirmative steps to maintain its license.

Subsequent Response from Law School: Objected, on the basis that the delay was due to extended closures related to COVID.

2. Guideline 1.9: The law school must revise its policy on requests for disability accommodations to address disability accommodations of all types and to inform students those accommodations granted by Western Sierra and the State Bar may differ. (Guideline 1.9.)

Subsequent Response from Western Sierra: Accepted.

3. Guideline 1.9: The law school must review and, as necessary revise, its faculty payment practices to comply with federal and California law, take steps necessary to rectify errors, if any, and provide the Committee with a report as to its findings and actions.

Subsequent Response from Western Sierra: Accepted.

4. Guideline 2.3: The law school must clearly state on the website when students may be required to attend class or perform externship duties.

Subsequent Response from Western Sierra: Objected, on the basis of its assertion that this item was already complete at the time of the inspection.

5. Guidelines 2.3 and 2.12: The law school must revise its publications to describe its courses and student services and activities or provide links to publications where that information can be found.

Subsequent Response from Western Sierra: Objected, on the basis of its assertion that the recommendation was already complete at the time of the inspection.

6. Guideline 2.9(B): The law school must revise the Student Handbook to state examination policies and procedures more completely, define the parameters of the numerical grading system, and indicate the level of achievement represented by grade increments, (e.g., “inadequate but passing,” “failing,” etc.), as required by Guideline 2.9(B)(1).

Subsequent Response from Western Sierra: Accepted.

7. Guideline 2.9(B)(3) and Guideline 5.24: The law school must revise the course repetition policy to address all elements required by Guideline 5.24, such as the effect of repetition on the student’s GPA, amount of credit earned, and course grade.

Subsequent Response from Western Sierra: Accepted.

8. Guidelines 2.4(B)(4), 5.19, and 5.20: The law school must adopt, publish, and implement a clear policy on advancement, probation, and disqualification, including a time frame within which a student on probation must achieve a GPA of 2.0 or be disqualified, consistent with Guideline 5.20.

Subsequent Response from Western Sierra: Accepted.

9. Guideline 2.9(C): The law school must ensure that syllabi contain information about course units, class times, and due dates for assignments. A standardized template may help to achieve this result.

Subsequent Response from Western Sierra: Accepted. Guideline 2.9(D): The law school must revise its policy on authentication of student work to address the school’s procedures and must maintain records to show that the policy is followed.

Subsequent Response from Western Sierra: Accepted.

11. Guideline 2.9(F): The law school must revise its policy on exam review to make clear that students have a right to review their own exam answers.

Subsequent Response from Western Sierra: Accepted.

12. Guideline 2.9(G): The law school must revise its policy on grade review to include a complete process for handling grade review requests.

Subsequent Response from Western Sierra: Accepted.

13. Guideline 1.10 and 6.4: The law school must submit to the Committee, as soon as possible and no later than 30 days prior to the reopening of campus, a final plan for operations, including a staffing schedule for the office and library, information about when the dean and registrar will be on campus, and details about how students and staff will gain secure access to the building, office, and library, as appropriate.

Subsequent Response from Western Sierra: Objected, on the basis of its assertion that the law school asserts that its current use of space was approved by the committee.

14. Guidelines 4.8, 4.9, and 9.1(H): The law school must conduct regular peer evaluation of instructors according to guideline standards and maintain a report of each evaluation in the instructor's file.

Subsequent Response from Western Sierra: Accepted.

15. Guidelines 5.3, 5.9, and 2.3: The law school must revise its publications to clearly and consistently state that all students must take at least 27 units during each year of the four-year program.

Subsequent Response from Western Sierra: Accepted.

16. Guideline 5.3(A)(1): The law school must require faculty to report attendance regularly to the registrar, give timely warnings to students with absences, and disallow students from making up absences.

Subsequent Response from Western Sierra: Accepted.

17. Guideline 1.11: If the law school requires completion of Legal Analysis I, II, and III and Advanced Legal Problems as part of the credit requirements for the JD degree, it must note use of the waiver to allow this as part of its annual report filing and it must amend its most recent 2021 Annual Report filing. Subsequent to the inspection, this recommendation was mooted as a result of an amendment to the guideline allowing bar preparation courses.

Subsequent Response from Western Sierra: Objected, on the basis of its assertion that the law school asserts that the courses identified are not bar courses, and staff notes that the recommendation is moot based on a subsequent amendment to the guideline.

18. Guidelines 5.11 and 2.3: The law school must make efforts to develop elective courses on a variety of topics and to publish an elective schedule that gives prospective and current students reasonable notice of their options, including when electives will be given, and the number of courses, by unit, which will be offered. Notice must also be given if students must enroll in Clinical Education to complete their elective units without paying for excess units.

Subsequent Response from Western Sierra: Objected, on the basis of its assertion that this recommendation was complete at the time of the inspection.

19. Guideline 5.8: The law school must revise the credit policy for Clinical Education to more closely align with the student effort required in other courses and the educational benefit received by students, revise the Catalog to clearly describe all course requirements, and revise procedures to ensure that student files include records of externships that meet all guideline requirements.

Subsequent Response from Western Sierra: Objected, based on the law school's assertion that a credit hour is a single hour without a requirement for out-of-class preparation (or

additional internship hours in this case). Staff notes that this interpretation differs than what has been in practice generally at all other law schools.

20. Guideline 5.12: The law school must make efforts to offer instruction in the skills listed in the guideline but not yet offered.

Subsequent Response from Western Sierra: Objected, on the basis of its assertion that this recommendation was complete at the time of the inspection.

21. Guideline 5.14: The law school must require that final exams be given in all courses except those in which the written work required of students is substantial.

Subsequent Response from Western Sierra: Objected, on the basis of its assertion that this recommendation was complete at the time of the inspection.

22. Guideline 5.15: The law school must adopt, implement, and publish in the Faculty Manual a policy on the use of past exam questions consistent with the guideline.

Subsequent Response from Western Sierra: Accepted.

23. Guidelines 5.16-5.17: The law school must require all exams to consist of unpublished questions, preferably drafted by course instructors, and must investigate and implement options for proctoring or otherwise maintaining security whether exams are delivered remotely or in person.

Subsequent Response from Western Sierra: Accepted, in part, and objected in part, on the basis of its assertion that it may use published exam questions when exams are proctored.

24. Guidelines 5.16 through 5.18 and 2.9(5): The law school must adopt, publish, and implement a policy that sets clear standards as to the circumstances, if any, under which participation points may be awarded, including a requirement that instructors contemporaneously record such points during each class session and report them regularly to the administration.

Subsequent Response from Western Sierra: Objected, on the basis that the law school asserts an alternative interpretation of the guideline.

25. Guideline 5.23: the law school must revise the Catalog to show that Advanced Legal Problems is 3-unit course and must cease granting students duplicate credit for repeating that course or any other. The law school must also review transcripts and be sure that, where duplicate credit has been awarded in the past, that credit is removed, and the student replaces it with a new course.

26. Subsequent Response from Western Sierra: Objected, on the basis of its assertion that the courses are not duplicative. Guideline 5.35: The law school must adopt procedures to ensure that all guideline requirements are followed when awarding transfer credit and amend any transcripts or student plans where outdated credit was awarded or credit was awarded for a course not taken. Each student file must document how transfer credit was calculated.

Subsequent Response from Western Sierra: Accepted.

27. Guideline 6.3: The law school must offer instruction in both print- and electronic-based legal research.

Subsequent Response from Western Sierra: Objected, on the basis of its assertion that this recommendation was complete at the time of the inspection.

28. An administration suite, of 1,427 square feet, includes a reception area, small conference room, equipment room, and three offices. Two of the offices are occupied by outside businesses of the dean and a family member. This is inconsistent with Guideline

7.1, which provides that a fixed-facility law school must have exclusive occupancy of “office and library” facilities “at all times,” and the shared occupancy was not disclosed in the law school’s application to change locations. The law school must take steps to comply with the guideline and amend and refile its application fully and accurately describing the law school’s headquarters.

Subsequent Response from Western Sierra: Objected, on the basis of its assertion that its law school space was approved through a major change.

29. To comply more fully with Guideline 9.1(D), Western Sierra must adopt the required written policy and procedures addressing when transcript entries may be changed and revise its transcript preparation procedures to ensure that transcripts, including those of transfer students, are accurate and meet all guideline requirements.

Subsequent Response from Western Sierra: Accepted.

30. Pursuant to Guideline 3.1, the law school must appoint a Board of Advisors, with at least some members experienced in legal and higher education administration, to provide counsel, advice, and support, particularly in areas related to the educational program and scholastic standards.

Subsequent Response from Western Sierra: Objected, on the basis of its assertion that this recommendation was complete at the time of the inspection.

Western Sierra indicates that it has made progress toward completion of many of these recommendations, but objects to others. Ultimately, if the committee adopts the consultant’s recommendations, staff will work with the law school to effectuate the recommendations or confirm whether they are already complete, which was the basis for the majority of the objections.

While the number of recommendations is numerous, the consultant recommended continuation of registration, with an inspection to take place in 2023. Staff suggests that the timeline be modified to 2024, allowing the law school to submit an update with the 2023 Annual Report before the next inspection, and to confirm its compliant operation within its chosen and approved category for registered law schools as noted in the proposed motion below. The law school objects and seeks a five-year renewal through 2026, which does not appear reasonable given the number and nature of some of the recommendations.

Instead, the continued registration offers the new owners a grace period to address the recommendations after their first inspection. A follow up inspection is then the appropriate means of determining completion, given the number of detailed recommendations, including the foundational nature of some of the requests, such as the accuracy of the description of the law school, the content of credit hours for internships, and final exam format and security.

## **MAJOR CHANGE REQUEST – REMOTE CLASSES IN FIXED-FACILITY CATEGORY**

### **Western Sierra’s Major Change Request**

In 2021, the law school filed a major change seeking either confirmation that no major change is needed, or that the following change be approved. The law school requests to remain in the fixed-facility category, but “permit, at its discretion and the discretion of its instructors, to offer

its classes primarily in its fixed facility classroom(s), but with an integrated synchronous online extension via meeting room software, such as Zoom or other similar platforms.” (Attachment C). This request has been held during the time that the law school has been teaching classes largely remotely using an approved pandemic emergency waiver that expires permanently in August 2023. Now, the law school’s category and format must be confirmed for its fall 2023 term.

While the State Bar’s rules consider remote classes to be distance learning even when they are interactive, the law school asserts that classes taking place over zoom or other interactive videocall platform should be considered as fixed-facility classes.

### **Applicable Authority**

When a student graduates from a registered law school, it is not the JD that establishes eligibility to take the bar exam, but rather whether the student’s study meets the qualifications set forth for the category of unaccredited law school that they attended. This framework is drawn from California Business and Professions Code section 6060 and further described above in the Rules and Guidelines for Unaccredited Law Schools.

An “unaccredited law school” is a correspondence, distance-learning, or fixed-facility law school operating in California that is not accredited by the committee. (Rule 4.204(J)). Each registered, unaccredited law school must select a category. In order to change its category, the law school must receive approval from the committee.

A registered law school must follow the requirements that apply to the category in which it is approved to operate in order for its graduates to meet the legal education requirements to take the bar exam. These requirements differ by format and are tailored to the format. A law school may only change its category “on application to and approval by the committee pursuant to Unaccredited Law School Rule 4.245 [Prior Approval of Major Changes].” (Guideline 1.5).

Under guideline 1.15, “[l]aw schools in each category may provide educational programming in either or both of the other two categories so long as the principal method of instruction remains the category in which the law school is registered.” Historically, this provision has been used to allow students at a correspondence or distance law school to attend classes in-person occasionally.

Under unaccredited rule 4.204(J)(3), a “‘fixed-facility law school’ is a law school that conducts its instruction principally in physical classroom facilities” for a minimum of 270 hours per year for four years. Schools in this category are not required to record the time that students spend engaging in study and preparation outside of class.

A “‘distance-learning law school’ is a law school that conducts instruction and provides interactive classes principally by technological means.” Schools in this category must require and track at least 864 hours of study per year for four years for each student. (Rule 4.204(J)(4). Interactive learning via technological means, such as via Zoom, is classified in the distance



learning category. In fact, distance learning requires that “[n]ot less than 135 hours of the 864 hours each year must be interactive classes.” (Guideline 5.9(C)).

Here, the law school would be subject to different requirements depending on whether the classes were taught in a fixed-facility or taught via distance learning.

The law school urges that the applicable rules and statutes be reviewed for revision, and those comments will be shared with those currently reviewing the rules to determine whether any modifications would be proposed for the future or not, after study and gathering of feedback from the Committee of State Bar Accredited and Registered Schools.

### **Request for Broad Discretion to Implement Distance Learning**

Western Sierra indicates that it will conduct its classes principally in a classroom and is committed to that model. Other information provided appears to conflict with this assertion.

The text of Western Sierra’s proposal provides broad exceptions to allow distance learning at the discretion of not only the law school, but also individual instructors. Circumstances allowing remote attendance include “someone who is ill, or traveling or participating in an event of significant inter-human contact (e.g., flights, conventions and the like).” Western Sierra also indicates that “we further seek to permit instructors, at their discretion and in consideration of others, to preside over and deliver one or more classes for a given course exclusively online when necessary to protect other from potential spread of disease” . . . including when they “may have been in contact with someone who may be ill.” (Attachment C, p. 3). The law school ‘may [but not must] require from the student reasonable evidence of illness or potential contact with another who is or may be ill in exchange for permission to attend a class remotely.’ (Attachment C, p. 4). This level of exception would appear to allow nearly all classes to be held online, with or without notice to students prior to enrolling. Therefore, even those who enroll and attend the fixed-facility format may find that they are not in class with other students as they expected. Moreover, those who receive their education principally by distance learning would not have their education delivered or tracked in the manner required as described above.

### **Geographic Location of Current and Planned Students**

The law school advises that it prioritizes in-person fixed-facility instruction. However, Western Sierra also advises that a significant number of its 13 students have moved beyond reasonable commuting distance, and therefore, presumably wish to attend principally via distance learning. The law school advised that they have students enrolled as far away as Fresno, five hours away, and the State Bar received a proposed study plan for a prospective student who lived outside of California. This appears inconsistent with a program that is principally taught in a fixed-facility. Also, if the law school is representing that its education relies upon direct interaction in the classroom, it does not appear that this will generally be available, which may be an issue of transparency.

## **Status of Facilities for Fixed-Facility Classes**

It is unclear whether the law school is prepared to principally offer classes in a compliant fixed-facility location.

To date, under the current ownership and leadership, the law school has not been required to teach courses in person, as a result of operating under a committee-approved emergency waiver to teach fixed-facility classes online due to the pandemic that is scheduled to expire in August 2023.

While the law school's move to its current location was approved by the committee, the motion did not advise that the space would be shared with a law business, or that one of the two suites would be a storage area, as was observed during the law school's inspection. Instead, the committee was informed that the law school would have its own space, with occasional use of a nearby community college for overflow, such as meetings of the full study body.

In addition, the law school does not receive mail at the facility, does not appear to have regular staffing at the facility, and objected to the consultant's request to advise as to staffing hours.

The inspection report includes a recommendation that the law school submit an amended motion for major change to disclose and explain the nature of the facilities of the law school more fully.

The law school did not submit that motion. Instead, it advised in its response that "[o]ne office is used for storage. The other office was briefly used by an alumnus of the school during the pandemic closures and is a flexible office space available to current students and alumni. The [Western Sierra Law School] has exclusive occupancy of office library facilities at all times." (Attachment B). At the June 2023 meeting, the law school further advised that the law business has now vacated the space. Staff requested the law school to submit documentation of the change to its facilities, and it will be provided to the committee if received.

The nature of the facilities observed further suggests that the law school will principally be teaching via distance learning.

## **Meeting the Hours Requirement for Distance Learning**

Unaccredited law schools in the distance learning category require a different number of hours of study, and require that all study hours must be tracked, whether interactive classroom hours or homework hours.

The law school should be required to track hours and to include the required number of hours, as would other law schools offering education via the distance learning category modality.

If the law school moves to the distance learning, it will likely need to add additional study to its program to meet the full 864 hours per year, especially in the case of those who are participating in internships, as described in the inspection report.

## **Staff Evaluation**

At the time the major change application was filed (insert date), staff reviewed it, as well as other facts provided by the law school that appeared to relate to the proposal. On June 8, 2023, staff also met with the law school to determine whether there were updates to the proposal, and the law school was encouraged to provide pictures of its current fixed-facility law school.

Because the proposal, taken in context, appeared to raise a compliance issue, the law school was informed that it could re-file the major change to request a move to the distance category. This was reiterated, most recently at the meeting on June 8. They were also advised that staff would not recommend approval of the major change. Staff advised that it appeared that the law school was planning to offer what the State Bar would classify as a distance learning category program, for reasons described below. Staff contacted Western Sierra, explained the circumstances, and indicated that the law school could apply to change to the distance learning category in order to implement its program.

The law school declined, and recently confirmed that it has not changed its position. The law school asserts that it prefers to remain in the fixed-facility category, that its proposal should be approved without modification via the motion set forth in Attachment D, and that its proposal is already allowed under the current rules. Western Sierra indicated that they still filed the major change in an abundance of caution in the event that the committee determined that the change would be “offering a new program in law study, either a non-degree or non-professional degree program, or a degree program beyond the first professional degree in law,” which requires approval through a major change. (Rule 4.246(F)).

Western Sierra argues that law school classes taught in an interactive zoom format should be considered fixed-facility classes. Under the current rules, however, the classes are not treated this way, so to do so would affect the operation of all registered law schools, as well as the way that bar exam eligibility is evaluated. This would be inconsistent with the way that the admissions and law school rules have been applied to determine law school eligibility for graduates.

While the law school disagreed with the staff interpretation for reasons set forth in its petition, it did properly seek and receive the required emergency waiver to teach fixed-facility classes online through August 2023. It has been complying with the terms of that waiver.

## **Additional Alternatives**

While the law school’s proposal does not appear compliant, there may be other options that the law school will find suitable.

These options are consistent with applicable authority and may provide more transparency to prospective and current students as to the educational experience the law school will provide.

### **Consider Operation in the Distance Learning Category**

The law school may submit a major change request to operate as an unaccredited law school in the distance category. Alternatively, the law school may wish to split into two and to offer a fixed-facility law school and a distance law school.

### **Consider Applying for Accreditation**

Since 2019, accredited law schools may apply to teach hybrid programs or have both distance and fixed-facility programs. There are a number of options available to accredited law schools that are not available to unaccredited law schools, though accredited law schools also have additional responsibilities. Graduates of these law schools meet the bar exam eligibility requirements by earning a JD degree.

Western Sierra may apply for accreditation and, upon earning accreditation, begin to operate in the format approved, including a mixed-modality format, so long as the law school agrees to the rights and responsibilities of accredited law schools. This process takes time, and would not be possible for fall 2023, but it may be an option for the future.

## **RECOMMENDATIONS**

It is recommended that the committee receive and file the 2021 Periodic Inspection Report of Western Sierra Law School and adopt all recommendations in the report.

It is further recommended that the school be directed to provide an update as to the status of each recommendation in the inspection, with supporting documentation, as part of the law school's 2023 Annual Report, including those that the law school identified as complete in their response.

It is also recommended that the committee renew the law school's registered, unaccredited fixed-facility status, and set the law school's next inspection for spring 2024, unless the committee determines that one is required sooner.

It is further recommended that the law school's major change be received, filed, and denied, that the law school be directed to return to teaching its program in its fixed-facility in fall 2023 unless the law school receives approval from the committee for a major change, and that the law school refile its major change of administrative headquarters by July 24, 2023, describing the facilities that will be available at the start of the fall 2023 term.

## **PROPOSED MOTION**

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

**MOVE**, that the Committee of Bar Examiners receive and file the 2021 Periodic Inspection Report of Western Sierra Law School and adopt all recommendations in the report.

**FURTHER MOVE**, that the law school be directed to provide an update as to the status of each recommendation in the inspection, with supporting documentation, as part of the law school's 2023 Annual Report, including those that the law school identified as complete in their response.

**FURTHER MOVE**, that the committee renew the law school's registered, unaccredited fixed-facility status, and set the law school's next inspection for spring 2024, unless the committee determines that one is required sooner.

**FURTHER MOVE**, that the law school's major change be received, filed, and denied, that the law school be directed to return to teaching its program in its fixed-facility in fall 2023 unless the law school receives approval from the committee for a major change, and that the law school refile its major change of administrative headquarters by July 24, 2023 describing the facilities that will be available at the start of the fall 2023 term.

## **ATTACHMENTS LIST**

- A.** Inspection Report – Western Sierra Law School
- B.** Response to Inspection Report from Western Sierra Law School
- C.** Western Sierra Law School Request for Major Change
- D.** Western Sierra Law School Proposed Order Regarding Major Change



# The State Bar of California

## **Western Sierra Law School Periodic Inspection Report Conducted Pursuant to Rule 4.244(A)**

**October 19-20, 2021**

# **REPORT ON THE PERIODIC INSPECTION OF WESTERN SIERRA LAW SCHOOL**

**3548 Seagate Way, Suite 250, Oceanside, CA 92056**

## **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

### **Introduction**

A remote inspection of the Western Sierra Law School (Western Sierra) was conducted on October 19 and 20, 2021 by Heather Georgakis, Educational Standards Consultant (educational consultant) to the Committee of Bar Examiners (Committee).

Western Sierra was founded in 1979 to offer a Juris Doctor (JD) degree and has been registered by the Committee since 1980 as an unaccredited, fixed-facility law school. Between 2000 and 2020, the law school was operated as a sole proprietorship by Angela Saldarriaga, but in May 2020 it was sold to a new for-profit corporation, Western Sierra Law School, LLC. The new entity was created by two of the law school's graduates, Joshua Schoonover and Erika Schoonover, who now serve as Western Sierra's dean and registrar, respectively.

When last inspected in February 2016 under prior ownership, Western Sierra was found to be operating in compliance with the Unaccredited Law School Rules (Rules) and Guidelines for Unaccredited Law School Rules (Guidelines). The law school is not accredited by or affiliated with any other entity, and is not required to be, but as a result, students do not have access to federal student loan programs or veterans' benefits.

The law school offers a four-year, part-time, evening program leading to the JD degree and eligibility to take the California bar exam. Its mission is: "We believe law school should be affordable, accessible, challenging, inspiring, growth-promoting, and community-serving."

Total enrollment was 19 JD students at the time of inspection in 2021, and now enrolls 18 students according to its 2022 Annual Report. Prior to the COVID-19 pandemic, all courses were taught on campus at a San Diego facility. Since spring 2020 classes have been held by Zoom videoconference and all other operations have been conducted remotely. In August 2020, the law school was relocated to the City of Oceanside in northern San Diego County. Classes were projected to be held there beginning in fall 2022, but the law school later filed a waiver to continue to operate remotely through August 2023, which the Committee approved.

Dean Joshua Schoonover oversees the law school part-time. A registered patent attorney and licensee of the State Bar of California (State Bar), he works as in-house counsel for a biomedical technology company. Assistant Dean, Registrar, and Administrator (Registrar) Erika Schoonover works full-time.

The faculty includes the dean and eleven adjunct instructors. All instructors are graduates of law schools approved by the American Bar Association (ABA) or registered by the Committee and, with one exception, all instructors are licensed to practice law, including 10 who are State Bar licensees.

The academic year consists of four quarters, each with 10 instructional weeks. Students must complete 120 quarter units, including 110 units of required courses. Required courses include all subjects tested on the bar exam and practical skills courses. Elective courses are limited, and most students earn at least some elective credits working as externs in law firms or law departments.

As of fall 2022, 50 percent of enrolled students were women. Fifty percent of students self-identified as White, one student declined to state, and all other students identified as people of color.

Total program tuition is \$42,000, based on the current tuition of \$350 per unit, and total program fees are \$3,250 according to the law school's 2022 Annual Report.

The law school's five-year cumulative bar exam pass rate as reported on its disclosures is 40 percent.

Under the current ownership, the pass rate for the June 2021 FYLSX was 13 percent, while the law school's October 2021 pass rate was zero percent.

On the bar exam, the five-year cumulative bar exam pass rate was 38.5 percent according to the 2021 Annual Report, and increased to 40 percent according to the 2022 Annual Report. Individual bar exam pass rates have been as follows under the current ownership: February 21, zero percent (4 takers); July 2021, 18 percent (11 takers); February 2022, 50 percent (4 takers); July 2022, 20 percent (5 takers); February 2023 25 percent (4 takers). Therefore, approximately six graduates have passed the bar exam under the new leadership.

Western Sierra Law School was found to be compliant with the Unaccredited Law School Rules and Guidelines for Unaccredited Law School Rules after a review of the curriculum, learning platform, admissions, academic standards, faculty, legal research resources, facilities, records, dean, registrar, and faculty.

### **Recommended Action by the Committee**

It is recommended that the Committee receive and file this Periodic Inspection Report, approve the recommended and suggested actions, continue the registration of Western Sierra Law School, and schedule the next periodic inspection for the fall of 2023 unless it deems an earlier visitation necessary. The recommendation is shorter than the most common five-year terms, as the law school is under new ownership without prior experience in the educational field and there are a number of significant recommendations that must be undertaken below.

### **Recommended Mandatory Actions**

1. Guideline 1.9, Rule 4.246: While the law school did not have the required business license from



the City of Oceanside at the time of the inspection, it did secure the license subsequent to the inspection report. The law school must take affirmative steps to maintain its license.

2. Guideline 1.9: The law school must revise its policy on requests for disability accommodations to address disability accommodations of all types and to inform students those accommodations granted by Western Sierra and the State Bar may differ. (Guideline 1.9.)
3. Guideline 1.9: The law school must review and, as necessary revise, its faculty payment practices to comply with federal and California law, take steps necessary to rectify errors, if any, and provide the Committee with a report as to its findings and actions.
4. Guideline 2.3: The law school must clearly state on the website when students may be required to attend class or perform externship duties.
5. Guidelines 2.3 and 2.12: The law school must revise its publications to describe its courses and student services and activities or provide links to publications where that information can be found.
6. Guideline 2.9(B): The law school must revise the Student Handbook to state examination policies and procedures more completely, define the parameters of the numerical grading system, and indicate the level of achievement represented by grade increments, (e.g., “inadequate but passing,” “failing,” etc.), as required by Guideline 2.9(B)(1).
7. Guideline 2.9(B)(3) and Guideline 5.24: The law school must revise the course repetition policy to address all elements required by Guideline 5.24, such as the effect of repetition on the student’s GPA, amount of credit earned, and course grade.
8. Guidelines 2.4(B)(4), 5.19, and 5.20: The law school must adopt, publish, and implement a clear policy on advancement, probation, and disqualification, including a time frame within which a student on probation must achieve a GPA of 2.0 or be disqualified, consistent with Guideline 5.20.
9. Guideline 2.9(C): The law school must ensure that syllabi contain information about course units, class times, and due dates for assignments. A standardized template may help to achieve this result.
10. Guideline 2.9(D): The law school must revise its policy on authentication of student work to address the school’s procedures and must maintain records to show that the policy is followed.
11. Guideline 2.9(F): The law school must revise its policy on exam review to make clear that students have a right to review their own exam answers.
12. Guideline 2.9(G): The law school must revise its policy on grade review to include a complete process for handling grade review requests.

13. Guideline 1.10 and 6.4: The law school must submit to the Committee, as soon as possible and no later than 30 days prior to the reopening of campus, a final plan for operations, including a staffing schedule for the office and library, information about when the dean and registrar will be on campus, and details about how students and staff will gain secure access to the building, office, and library, as appropriate.
14. Guidelines 4.8, 4.9, and 9.1(H): The law school must conduct regular peer evaluation of instructors according to guideline standards and maintain a report of each evaluation in the instructor's file.
15. Guidelines 5.3, 5.9, and 2.3: The law school must revise its publications to clearly and consistently state that all students must take at least 27 units during each year of the four-year program.
16. Guideline 5.3(A)(1): The law school must require faculty to report attendance regularly to the registrar, give timely warnings to students with absences, and disallow students from making up absences.
17. Guideline 1.11: If the law school requires completion of Legal Analysis I, II, and III and Advanced Legal Problems as part of the credit requirements for the JD degree, it must note use of the waiver to allow this as part of its annual report filing and it must amend its most recent 2021 Annual Report filing. Subsequent to the inspection, this recommendation was mooted as a result of an amendment to the guideline allowing bar preparation courses.
18. Guidelines 5.11 and 2.3: The law school must make efforts to develop elective courses on a variety of topics and to publish an elective schedule that gives prospective and current students reasonable notice of their options, including when electives will be given, and the number of courses, by unit, which will be offered. Notice must also be given if students must enroll in Clinical Education to complete their elective units without paying for excess units.
19. Guideline 5.8: The law school must revise the credit policy for Clinical Education to more closely align with the student effort required in other courses and the educational benefit received by students, revise the Catalog to clearly describe all course requirements, and revise procedures to ensure that student files include records of externships that meet all guideline requirements.
20. Guideline 5.12: The law school must make efforts to offer instruction in the skills listed in the guideline but not yet offered.
21. Guideline 5.14: The law school must require that final exams be given in all courses except those in which the written work required of students is substantial.
22. Guideline 5.15: The law school must adopt, implement, and publish in the Faculty Manual a policy on the use of past exam questions consistent with the guideline.

23. Guidelines 5.16-5.17: The law school must require all exams to consist of unpublished questions, preferably drafted by course instructors, and must investigate and implement options for proctoring or otherwise maintaining security whether exams are delivered remotely or in person.
24. Guidelines 5.16 through 5.18 and 2.9(5): The law school must adopt, publish, and implement a policy that sets clear standards as to the circumstances, if any, under which participation points may be awarded, including a requirement that instructors contemporaneously record such points during each class session and report them regularly to the administration.
25. Guideline 5.23: the law school must revise the Catalog to show that Advanced Legal Problems is 3-unit course and must cease granting students duplicate credit for repeating that course or any other. The law school must also review transcripts and be sure that, where duplicate credit has been awarded in the past, that credit is removed, and the student replaces it with a new course.
26. Guideline 5.35: The law school must adopt procedures to ensure that all guideline requirements are followed when awarding transfer credit and amend any transcripts or student plans where outdated credit was awarded or credit was awarded for a course not taken. Each student file must document how transfer credit was calculated. (Guidelines 5.35).
27. Guideline 6.3: The law school must offer instruction in both print- and electronic-based legal research.
28. An administration suite, of 1,427 square feet, includes a reception area, small conference room, equipment room, and three offices. Two of the offices are occupied by outside businesses of the dean and a family member. This is inconsistent with Guideline 7.1, which provides that a fixed-facility law school must have exclusive occupancy of “office and library” facilities “at all times,” and the shared occupancy was not disclosed in the law school’s application to change locations. The law school must take steps to comply with the guideline and amend and refile its application fully and accurately describing the law school’s headquarters.
29. To comply more fully with Guideline 9.1(D), Western Sierra must adopt the required written policy and procedures addressing when transcript entries may be changed and revise its transcript preparation procedures to ensure that transcripts, including those of transfer students, are accurate and meet all guideline requirements.
30. Pursuant to Guideline 3.1, the law school must appoint a Board of Advisors, with at least some members experienced in legal and higher education administration, to provide counsel, advice, and support, particularly in areas related to the educational program and scholastic standards.

### **Submission of Self-study**

Western Sierra submitted a self-study to assist in the assessment of the law school's compliance with the Rules and Guidelines. Administrators responded to requests for additional information, and the information they provided was considered when drafting this report.

### **Conduct of Site Visit**

A site visit was conducted on October 19 - 20, 2021. Western Sierra was given the option to undergo a remote visit based on the same standards as an in-person visit, and the law school agreed. Before the visit, the consultant reviewed the law school's self-study and website.

To conduct the inspection, the consultant met by videoconference with Dean Joshua Schoonover, Registrar Erika Schoonover, and Director of Operations Patrick Schoonover, and held group meetings with students and faculty. To conclude the site visit, she discussed her observations with the dean and registrar in an exit interview.

The consultant also observed online class sessions and reviewed a sample of records and course materials, including student and administrative files, class records, syllabi, examinations and answers, and Annual Compliance Reports. At the consultant's request, the law school invited students to email the consultant with comments about the school but no comments were received.

### **SPECIFIC FINDINGS AS TO THE COMMITTEE'S RULES AND GUIDELINES**

Below are the findings, conclusions, and recommendations, as to the law school's compliance with the Rules and Guidelines.

#### **Rule 4.240(A): Lawful Operation. The law school must operate in compliance with all applicable federal, state, and local laws and regulations. (Guideline 1.9.)**

Since May 2020, the law school has been operated by Western Sierra Law School LLC, a limited liability company registered and in good standing with California's Secretary of State.

In August 2020, the law school was relocated to leased suites in an office building in the City of Oceanside and applications were filed with the city for a business license and a conditional use permit (CUP) to allow the suites to be used for classroom purposes. Both applications were pending at the time of inspection, but the city later gave notice that the Planning Commission would hear the CUP application in January 2022. Since the inspection, the law school has received its business license and determined that a CUP was unnecessary. The law school must affirmatively keep up with the legal requirements of the City of Oceanside. (Guideline 1.9, Rule 4.246.)

The Student Handbook states a policy as to requests for testing accommodations, pursuant to the federal Americans with Disabilities Act and similar laws. The new facility appears to be accessible. The law school must revise its policy to address requests for disability accommodations of all types and to inform students that the accommodations granted by Western Sierra and the State Bar may differ. (Guideline 1.9.)

Pursuant to the Family Educational Rights and Privacy Act (FERPA) and similar laws, students are informed of privacy and confidentiality policies in the Student Handbook. Precautions are taken to avoid unauthorized disclosure of physical and digital student records.

Instructors are paid as independent contractors, not as employees, raising concerns about whether federal and California employment and tax laws have been followed. The law school must review and, as necessary revise, its faculty payment practices to comply with federal and California law, make any adjustments needed, if any, and provide the Committee with a report as to its findings and actions. (Guideline 1.9.)

**Rule 4.240(B): Integrity. The law school must demonstrate integrity in all of its programs, operations, and other affairs. (Guidelines 2.1 - 2.3, 2.8 - 2.12.)**

The law school must be honest and forthright in its affairs, including communications with the Committee, prospective and current students, and others. (Guidelines 2.1-2.3.) Tuition and fees are set forth consistently in the Student Handbook, institutional webpage, and Enrollment Agreement.

The law school's refund policy fulfills Guideline 2.2(B). The Student Handbook, website, and new Enrollment Agreement provide that pro rata refunds are given through week 2 of a 10-week quarter, up to 80 percent. Refunds are paid within 30 days after withdrawal.

Adequate safeguards appear to be in place to protect the integrity of financial operations. Registrar Erika Schoonover handles all bookkeeping and preparation of financial reports. (Guideline 2.2(C).)

Western Sierra communicates information about the JD program through its website, an 8-page Catalog, and an 11-page Student Handbook. According to the dean, these publications were revised in haste after the ownership change and revisions were planned in 2022 to provide additional information. Except as noted, these publications are minimally adequate to satisfy the requirements of Guidelines 2.1-2.3 for honesty and forthrightness in communications.

To comply more fully with Guideline 2.3, the law school must clearly state on the website when students may be required to attend class or perform externship duties. The website states that the JD program serves working professionals and students attend classes two nights a week, but users must be informed of potential exceptions, including Saturday classes and externship hours during the business day.

The website explains the structure of the JD program but does not describe the courses or, as Guideline 2.12 requires, the services and activities are available to students. The Catalog and Student Handbook provide some of this information, but these are routinely available only to students. To comply more fully with Guidelines 2.3 and 2.12, Western Sierra must revise its publications to describe its courses and student services and activities or provide links to publications with that information.

Disclosures and statements required by Business and Professions Code section 6061.7(a), Rule 4.241, and Guideline 2.3(D)(1-4) have been provided.

Western Sierra does not appear to compensate its employees based on the enrollment of applicants or students. (Guidelines 2.5 and 2.6.) The law school has properly notified the Committee of changes to operations, sought advance permission for major changes, and provided timely notice of personnel changes. (Guideline 2.7.) A policy on student discipline, found in the Student Handbook, provides for all sanctions and due process protections required by Guideline 2.8.

Examination and grading policies, published in the Student Handbook, meet some but not all requirements of Guideline 2.9. The Student Handbook provides limited information on exams and students must inform of other policies, such as policies on midterm exams, exam rescheduling, and exam room security precautions to prevent cheating. (Guideline 2.9(B).)

Numerical grading is used for most required courses, including bar-tested subjects. Grading scale parameters are not labeled but, for example, achievement of “93-100” (apparently exam or assignment scores) equates to a “4.0” (apparently grade points). Courses using Pass/Fail grading are listed and include externships and courses on legal analysis, litigation skills, and bar exam writing. (Guideline 2.9(B)(2).)

The law school must revise the Student Handbook to state examination policies and procedures more completely, define the parameters of the numerical grading system, and indicate the level of achievement represented by grade increments, (e.g., “inadequate but passing,” “failing”), as required by Guideline 2.9(B)(1).

Course repetition is allowed only if the student receives a “failing grade,” a term that must be defined. The course repetition policy must be revised to address all elements required by Guideline 5.24, such as the effect of repetition on the student’s GPA, amount of credit earned, and course grade. (Guideline 2.9(B)(3).)

To graduate, students must pass the First-Year Law Students’ Examination unless exempt, complete the 120-quarter-unit curriculum with a minimum 2.0 GPA, and meet financial obligations to the law school (Guideline 2.9(B)(4)). Administrators were reminded that student transcripts cannot be withheld based on debt owed. (California Civil Code section 1788.93.)

The policy on probation and disqualification provides that a student who has passed the FYLSX but failed to maintain a 2.0 GPA will be placed on academic probation. The law school has not set a clear deadline by which the student must achieve the minimum GPA or face disqualification. Although the Student Handbook states ambiguously that disqualification “occurs when a student fails to meet the standards for academic performance and progress,” the only circumstance that clearly results in disqualification is the receipt of two failing grades in any two quarters.

Guideline 5.20 requires that academic standing must be calculated, at minimum, at the end of each academic year, and students who “have not maintained the grade average required for

advancement or graduation” within the required time frame must be promptly disqualified. To comply more fully with Guidelines 2.4(B)(4), 5.19, and 5.20, The law school must adopt, publish, and implement a clear policy on advancement, probation, and disqualification, including a time frame within which a student on probation must achieve a GPA of 2.0 or be disqualified, consistent with Guideline 5.20.

Western Sierra has adopted anonymous grading to protect against bias or favoritism in grading, according to its Student Handbook. (Guideline 2.9(B)(5).)

A standard syllabus template has not been adopted and some syllabi lacked information about course units, class times, and due dates for assignments, and this must be corrected. As mandated by Guideline 2.9(C), syllabi explain the relative weight of each component in the course grade.

Guideline 2.9(D) requires a law school to publish the procedures used to authenticate the identity of a student submitting work and to ensure that the work is the student’s own. Western Sierra’s policy covers the consequences of plagiarism but does not address authentication procedures the school employs, for example, to detect plagiarism and prevent cheating on examinations. The law school must revise its policy on authentication of student work to address the school’s procedures and must maintain records to show that the policy is followed.

Grades are returned to students promptly according to the registrar’s deadlines. (Guideline 2.9(E).)

The Student Handbook informs students that they have the right to inspect and copy exam questions and answers (Guideline 2.9(F)), while the Faculty Handbook requires that faculty members provide an answer key or model answer for students to review, inspect, and copy. The law school must revise its policy to make clear that students have a right to review their own answers, as required by the guideline, in addition to any instructor-drafted answers the law school provides.

The law school must revise its policy on grade review to include a complete process for handling grade review requests. (Guideline 2.9(G).)

The policy on student privacy and confidentiality meets Guideline 2.10 requirements. The law school takes steps to protect computer systems, electronic records, and communication systems against interruption, corruption, loss, or destruction. (Guideline 2.11.)

**Rule 4.240(C): Governance. The law school must be governed, organized, and administered so as to provide a sound educational program. (Guideline 3.1.)**

Since May 2020, the law school has been operated by Western Sierra Law School, LLC, a for-profit limited liability corporation founded by Dean Schoonover and Registrar Schoonover, prior graduates of the law school. Previously, Angela Saldarriaga had operated the law school as a sole proprietorship since 2000.

The Schoonovers now administer Western Sierra without a governing board or a Board of Advisors (Guideline 3.3.) At the time of inspection, both administrators worked remotely, and the only operations being conducted at the new Oceanside facility were improvements needed to open the campus, and this model was continued through an approved waiver from the Committee set to expire in August 2023, as a result of the pandemic.

Before purchasing the law school, neither of the new owners had experience as legal educators or administrators. At the time of the purchase, they indicated that the prior owner would remain on as an advisor. She did so briefly, and remains available to answer questions about school records. Judge Robert Schneider (retired), a 27-year veteran of the faculty, provides guidance on academic matters.

Dean Schoonover indicates that he works about 10 hours per week on school administration in addition to another outside full-time job. His primary duties include student and faculty recruitment and counseling, marketing, technology oversight, Committee correspondence, and compliance matters, including document review. He works with the registrar to set policies. Since becoming dean, he has taught two courses per term but plans to reduce his teaching load to one course per year in the future.

Registrar Schoonover indicates that she works full-time about 50 to 60 hours per week on a flexible schedule. (Guidelines 1.10 and 3.1.) Her duties include maintaining law school records, counseling students, and managing day-to-day operations, including bookkeeping and financial reports. Although she has taught several courses, she is no longer on the faculty.

Additional part-time support has been provided by Director of Operations Patrick Schoonover, the dean's father, and a faculty member. Director Schoonover, a retired law enforcement officer and law graduate, was an unpaid volunteer at the time of the inspection.

Administrators addressed challenges in the 19 months before the site visit, including assisting with the transition to temporary distance learning instruction in March 2020, investing in technology to improve online learning, and relocating the campus to Oceanside. They also digitized law school records, adopted processes to remedy inefficient recordkeeping, brought library holdings up to date, and revised school publications.

Plans for opening the new facility were not complete at the time of inspection. Decisions had not been made about when the office and library would be open, who would staff the facility, and whether the dean and registrar would maintain regular office hours on campus. Arrangements remained to be completed for students and faculty to gain access to the law school suite and building when no staff were present. These matters bear upon compliance because a law school must maintain reasonable office hours so administrators are available to students (Guideline 1.10), and the library at a fixed-facility school must be accessible at times convenient for students. (Guideline 6.4.)



To comply with these guidelines, the law school must submit to the Committee a final plan for law school operations including a staffing schedule for the office and library, information about when the dean and registrar will be on campus, and details about how students and faculty will gain secure access to the building, office, and library, as appropriate for their needs. The law school must forward this timeline to the State Bar at least 30 days before it returns to in person classes.

The new administration is eager to ensure the success of their law school and to sustain compliance with the Committee's standards. However, the law school must consider appointing a Board of Advisors, with at least some members experienced in legal and higher education administration, to provide counsel, advice, and support, particularly in the areas related to the educational program and scholastic standards.

**Rule 4.240(D): Dean and Faculty. The law school must have a competent dean or other administrative head and a competent faculty that devotes adequate time to administration, instruction, and student counseling. (Guidelines 4.1- 4.10.)**

Dean Schoonover is a graduate of the law school and a State Bar licensee. He earned his undergraduate degree in chemical physics and is pursuing a master's degree in biotechnology. A registered patent attorney, Dean Schoonover now works as in-house counsel for a biomedical technology firm. Before earning his JD, he worked as a biomedical engineer and patent agent. He is the co-founder of a sportswear and equipment company and has served as president of the National Association of Patent Practitioners.

The dean taught eight courses in civil and criminal law subjects last year and was the faculty advisor for Clinical Education. He is qualified to serve as dean by virtue of his education and background and he appears to devote adequate time to his law school duties. (Guideline 4.2.)

Registrar Erika Schoonover holds a Master of Science in Accountancy with a specialization in taxation and a JD from Western Sierra. Formerly, she handled regulatory matters for a biotechnology firm and was a law firm paralegal. She is a JD graduate of a registered law school, which meets a requirement for serving as under Guideline 4.1 as Western Sierra's administrator.

Faculty credentials satisfy Guideline 4.6. The 12-member part-time faculty includes ten instructors who are State Bar licensees, a retired judge who is licensed elsewhere, and one instructor who is unlicensed. Two are Western Sierra graduates, but other instructors earned their JD degrees at various institutions now approved by the American Bar Association (ABA), including the law schools at Washington University, University of San Diego, and Northeastern University.

The faculty is relatively new to law teaching. Several instructors began teaching in summer 2020 without prior experience, although two have substantial experience. Faculty members were observed teaching classes and the quality of instruction ranged from competent to excellent. The dean advised that he plans to consider ways to facilitate mentoring of new faculty by more experienced instructors.

Instructors contribute to governance primarily through regular informal discussions with administrators. (Guideline 4.3.) The law school does not have standing faculty committees, although instructors are appointed to a Grade Review Committees as needed. Policy matters are handled by the dean and registrar, with occasional counsel from Judge Schneider.

Class sizes and teaching loads give instructors adequate time for effective preparation, teaching, and student counseling. (Guidelines 4.4-4.5.) The faculty-student ratio has averaged 1:8 in the past five years and teaching loads are within limits as most instructors teach only one course per term.

Faculty development occurs during orientation sessions, conversations with administrators, and annual all-faculty meetings. A Faculty Handbook informs instructors of their duties to support students and to improve their teaching and subject matter expertise. (Guidelines 4.5 and 4.7).

Standards for faculty evaluation echo Guideline 4.8 requirements but do not address Guideline 4.9 related to faculty evaluations. According to the dean, instructors are evaluated by administrators when they begin teaching and occasionally thereafter. Written records of these activities have not been created and so are not held in faculty files as required. (Guideline 9.1.) Student evaluations are solicited after each course. These are held on file but standing alone they do not fulfill evaluation requirements.

To comply more fully with Guidelines 4.8, 4.9, and 9.1(H), the law school must conduct regular peer evaluation of instructors according to guideline standards and maintain a report of each evaluation in the instructor's file. This is particularly important for this school, due to the relative inexperience of its faculty.

Academic freedom policies are published (Guideline 4.10). Consistent with Guideline 4.11(A)-(B), the law school has promptly reported institutional changes to the Committee.

**Rule 4.240(E): Educational Program. The law school must maintain a sound program of legal education (Guidelines 5.1-5.16.).**

An unaccredited, fixed-facility law school is permitted to issue the JD to students who have completed a course of study requiring at least 270 hours of classroom attendance each year for four years, achieved the school's minimum GPA standard, and passed the First-Year Law Students' Examination unless exempt.

Western Sierra students must complete 120 quarter units and each unit includes 10 classroom hours (Guideline 5.9(A)(3)), so the JD program requires a total of 1,200 classroom hours (120 units x 10 hours). All students appear to take at least 27 units each year under ordinary circumstances, the units required to complete the annual minimum of 270 hours. However, the website and Student Handbook include a curriculum chart that could be read to indicate that fourth year students may take as few as 24 units. The law school must revise its publications to clearly and consistently state that all students must take at least 27 units during each year of the four-year program. (Guidelines 5.3, 5.9, and 2.3.)

Each academic year consists of four quarters, each with a 10-week instruction period. (Guideline 5.9(A)(4).) Final examination time is not counted as classroom study. (Guideline 5.3(A).) Students attend classes 2 to 3 evenings each week, from 6:30 pm to 9:30 or 10:30 pm, or on Saturdays.

Students are required to attend at least 80 percent of regularly scheduled classes in each course (Guideline 5.3(A)(1).) Instructors record attendance and return an attendance sheet to the registrar after each term, but this does not permit the registrar to issue timely warnings to students with absences. It appears that on occasion instructors may hold special sessions to permit students to make up individual absences, although the law school and State Bar rules do not authorize this practice.

To comply more fully with Guideline 5.3(A)(1), the law school must require attendance to be reported regularly to the registrar, give timely warnings to students with absences, and disallow students from making up absences.

The required curriculum includes courses in all bar exam-tested subjects, including Professional Responsibility. (Guideline 5.10.) First-year students complete the three subjects tested on the First-Year Law Students' Examination, Legal Research, and three Legal Analysis courses. Each analysis course is a review of one subject tested on the First-Year Law Students' Examination and is designed to help students strengthen their "test-taking skills for the Multistate Bar Examination" and fundamental writing skills. Upper-level students take bar-tested doctrinal subjects, Civil Litigation Skills, Criminal Litigation Skills, and Advanced Legal Problems, a required course that is "geared to basic bar writing skills," including essay and performance test writing.

The three Legal Analysis courses and Advanced Legal Problems did not comply with Guideline 1.11, which bars a law school from making a bar review course part of the credit requirements for the JD degree. Instead, they utilize the current waiver of that guideline, and the law school was required to note this in its Annual Report, including amending the 2021 Annual Report. Subsequent to the inspection, however, this guideline was amended, allowing this type of course. Further the law school asserted that it does not consider these courses to be bar review courses, which can be further reviewed by staff or in a future inspection.

Under Guideline 5.11, elective courses must be offered in a "variety of topics." Students must take 10 elective units as upper-level students and options include taking the 4-unit elective course offered each year, typically in the summer, and completing up to 10 units in Clinical Education, an externship course. The lack of 2-unit options appears to force students to take some externship units to avoid paying for excess units. The Catalog lists one 4-unit elective, Intellectual Property, but unlisted courses may be given based on interest and First Amendment was recently given for 4 units. The summer 2022 elective was unknown at the time of inspection.

To comply more fully with Guidelines 5.11 and 2.3, the law school must make efforts to develop elective courses on a variety of topics and to publish an elective schedule that gives prospective and current students reasonable notice of their options, including when electives will be given, and

the number of courses, by unit, which will be offered. Notice must also be given if students must enroll in Clinical Education to complete their elective units without paying for excess units.

Western Sierra's Clinical Education course allows students to earn up to 10 units of credit by working in a private law firm or law department of a business entity. About 90 percent of students take the course, typically for 2 to 3 units. The Catalog states that the course consists of "a work component and a class component" but the dean confirmed that there is no class component. The law school must assess whether there is sufficient supervision and adjust the Catalog for accuracy. The law school's catalog must be updated to inform students that must be certified as law student practitioners under the State Bar's Practical Training of Law Students program to participate. Externship records must be kept, and these were not found, or were incomplete, in some reviewed files.

Guideline 5.8 allows externship time to be counted toward Guideline 5.3 hours requirements in narrow circumstances. As mandated, Western Sierra externships require advance approval, total credit does not exceed guideline limits, and the dean reviews the supervisor's final report. The course, however, does not satisfy the requirement that the credit allowed "must be commensurate with the time and effort expended by, and the educational benefits to, the participating student" (Guideline 5.8(A)). Western Sierra awards 1 unit of credit for 10 hours of externship work, a fraction of the time students must spend to earn the same credit in a standard classroom course.

In a fixed-facility program on a quarter system, one unit is defined as 10 hours of classroom instruction, but courses are assumed to require substantial work outside of class, such as reading, studying, and completing assignments. Thus, to earn the same JD degree, students in fixed-facility schools must account for 270 class hours each year, while students in correspondence and distance learning schools must account for 864 hours. The difference of 594 hours represents an additional 2.2 hours of outside work for each of the 270 hours a fixed-facility student must complete ( $594 \div 270 = 2.2$ ). This formula, that for each hour in class a student must spend at least two additional hours in study and preparation, is the higher education standard, known as the credit hour, derived from the Carnegie hour. In a quarter system, one unit equates to 30 work hours.

Applying the standard formula, externship programs in Committee-regulated schools typically require externs to work at least three times the number of required classroom hours to earn one unit of credit. Some schools require more hours because the work is not academic or overseen by faculty.

To comply more fully with Guideline 5.8, the law school must revise the credit policy for Clinical Education to more closely align with the student effort required in other courses and the educational benefit received by students, revise the Catalog to clearly describe all course requirements, and revise procedures to ensure that student files include records of externships that meet all guideline requirements.

Guideline 5.12 provides that instruction must be available in certain skills. The law school offers instruction in some of these, but to comply more fully with Guideline 5.12, the law school must make efforts to offer instruction in the skills listed in the guideline but not yet offered.

Instructors have a duty to support students and the Canvas learning management system simplifies student-faculty interaction. Students expressed satisfaction with the availability of instructors and administrators (Guideline 5.13).

Guideline 5.14 requires that a written examination be given, as a “test of student knowledge and eligibility for advancement,” in all courses except those requiring “substantial written or oral work.” According to the syllabi in several classes, students earn grades of Pass merely by attending class and completing assignments, the quality of which is not evaluated for grading purposes. In some of these classes, such as Criminal Litigation, students do substantial oral and written work, creating numerous trial documents outside of class on a near-weekly basis, but in others work is minimal, such as the Legal Analysis courses and Advanced Legal Problems.

To comply more fully with Guideline 5.14, the law school must require that final exams be administered in all courses except those in which the written work required of students is substantial. Further, as noted below sound educational practice requires that exams and assignments must be evaluated to determine student ability and knowledge, and grades must be assigned on that basis.

Guideline 5.15 prohibits the use of First-Year Law Students’ Examination and bar exam past questions for any purpose that affects a student’s grade since selected answers are readily available. It was unclear whether the law school has complied with this guideline. Exams from the prior administration were not available and the Faculty Handbook includes no policies or guidance on the required contents of exams. The law school must adopt, implement, and publish in the Faculty Manual a policy on the use of past exam questions consistent with Guideline 5.15.

The registrar reviews examination questions prior to their administration. The law school has not conducted an overall assessment of the effectiveness of its exam questions in testing student ability and knowledge of fundamental principles. (Guideline 5.16.)

Prior to March 2020, students took exams on campus under proctored conditions but since then students have taken exams online, without remote proctoring. Instructors have chosen whether their exams would be open or closed book, timed or untimed, and graded numerically or Pass/Fail.

The law school has not adopted a standard format or allotted time for exams. In a sample review of exams, the type and number of test items varied widely, with no apparent relationship to time allocated for completion or course credit value. Each of the three first-year courses used a different format, ranging from one exam with one essay chosen by the student from two prompts and 30 multiple-choice questions in an 8-unit Contracts course, to another exam with two essays, 58 multiple-choice, and two true-false questions in a 4-unit Criminal Law course. One upper-level doctrinal course featured 25 multiple-choice questions and no essays. (Guideline 5.16.)

Instructors provide students with model exam answers to help them assess and improve their exam performance and some instructors also hold post-exam review sessions (Guideline 5.16)

Generally, exam questions appeared to test student knowledge, although some required only limited analysis. For at least two exams, answers to the multiple-choice questions were widely available on commercial websites through a quick Google search, raising serious concerns about potential for cheating under the law school's current unproctored test conditions. The law school must reinstitute proctored exams immediately. All exams must consist of unpublished questions, preferably drafted by course instructors. (Guidelines 5.16-5.17.)

**Rule 4.240(F) Competency Training. The law school must require that each student enrolled in its Juris Doctor Degree program satisfactorily complete a minimum of six semester units (or their equivalent) of course work designated to teach practice-based skills and competency training. Such competency training must teach and develop those skills needed by a licensed attorney to practice law in an ethical and competent manner (Rule 4.240(F)).**

Western Sierra meets the minimum requirement for practical skills and competency training under Rule 4.240(F) by requiring students to take more than 9 quarter units of practical skills training courses, the equivalent of the required 6 semester units.

First-year students complete Legal Research (3 quarter units) while upper-level students take Civil Litigation Skills (3), Criminal Litigation Skills (3), and Professional Responsibility (4). A review of materials for these courses, including textbooks, syllabi, and other materials, confirmed the practice-oriented focus of each course.

**Rule 4.240(G) Scholastic Standards. The law school must maintain sound scholastic standards and must as soon as possible identify and exclude those students who have demonstrated they are not qualified to continue (Guidelines 5.17-5.25).**

Western Sierra has an obligation to evaluate students' "ability and knowledge of fundamental principles" (Guideline 5.16). The school must award grades "honestly and realistically" according to standards that "ensure accuracy, validity, reliability, and consistency in the evaluation of students" (Guideline 5.17). Unqualified students must be identified promptly and excluded (Guideline 5.18).

The structure of most courses at Western Sierra reflects the academic rigor that is the hallmark of a sound legal education, with required textbooks, substantial readings, and evaluation based on exams, assignments, and performance tasks. Some courses lack these features and appear to demand little of students other than to show up and submit ungraded work. These courses do not meet guideline standards for performance evaluation and appear to provide at least some students with inadequate motivation for serious, sustained effort, and must be restructured to achieve compliance.

Another concern is the award, in almost all courses, of “participation points” accounting for 20 to 40 percent of course grades. The law school has set no standards for this practice to ensure that participation grades will be awarded accurately and consistently. (Guideline 5.17.) The award of points tends to inflate grades, potentially misleading students as to their understanding of course material, and injects the potential for subjectivity and bias into an otherwise anonymous grading system. Many instructors give points for attendance, which is already compelled by the 80 percent rule. (Guideline 5.3(A)(1).) Sound practice suggests that, if allowed, such points must be sharply limited and must be based on demonstrated performance, not attendance or subjective class participation.

To ensure fairness and accuracy in grading and to comply more fully with Guidelines 5.16 through 5.18 and 2.9(5), the law school must adopt, publish, and implement a policy that sets clear standards as to the circumstances, if any, under which participation points may be awarded, including a requirement that instructors contemporaneously record such points during each class session and report them regularly to the administration, keeping them to a modest level.

During the 2020-2021 academic year, the school issued 81 grades, including A’s (21 percent), B’s (43 percent), C’s (21 percent), D’s (9 percent), and F’s (2 percent). Western Sierra has not defined “average” performance except insofar as a 2.0 GPA is required, but in a larger program where C or 2.0 is “average,” these percentages would signal grade inflation and the possible retention of unqualified students.

According to Registrar Schoonover, most attrition results from the failure of students to pass the First-Year Law Students’ Examination, although some students leave voluntarily or are dismissed for other reasons, including low grades. Attrition averaged 33 percent over the five-year period ending in 2020, ranging from 9 percent in 2016 to 74 percent in 2018, according to the fall 2021 Rule 4.241 Disclosure Statement.

As noted above, policies governing advancement, probation, and disqualification require revision. (Guidelines 2.4(B)(4), 5.19, and 5.20.)

Students are properly informed of the rules and requirements related to taking and passing the First-Year Law Students’ Examination and are promptly dismissed or not permitted to re-enroll if they do not pass within three administrations of becoming eligible to take an exam. Pursuant to policy, upon passing the exam, a student would be given credit only for the first year of study, as stated in the Student Handbook, if passing after the third opportunity. (Guidelines 5.21 and 5.22.)

Guideline 5.23 prohibits the award of duplicate academic credit for repetition of “the same or substantially the same course, whether at the same law school or different law schools.” Western Sierra offers a 3-unit course in Advanced Legal Problems each term, but the Catalog lists the course as offering 3 to 6 credits. Students have been permitted to take the same course twice for a total of 6 units of credit. To comply more fully with Guideline 5.23, the law school must revise the Catalog to show that Advanced Legal Problems is a 3-unit course and must cease granting students duplicate credit for repeating that course or any other. The law school must also review transcripts and be

sure that, where duplicate credit has been awarded in the past, that credit is removed, and the student replaces it with a new course.

**Rule 4.240(H) Admissions. The law school must maintain a sound admissions policy. The law school must not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the degree program (Guidelines 5.26-5.35).**

The law school admits first-year students in fall and spring and advanced students are admitted in all four terms. Applicants are considered for admission in all permitted categories, but most admitted applicants have earned an associate's degree or bachelor's degree. In the past three years, the law school has accepted only one special student, who was selected based on college-level equivalency test scores. Individuals with prior law school studies are eligible for admission, including those who were disqualified.

Admissions requirements are described on the website. Applicants must submit an online application and fee, personal statement, two letters of recommendation, and official transcripts. As required by Guideline 5.31, the application asks about prior law school attendance and exit status. Law School Admissions Test (LSAT) scores are not required. (Guideline 5.29.)

Registrar Schoonover evaluates applicants' pre-legal educational qualifications. (Guideline 5.28.) The law school has established effective processes to ensure that official transcripts or other documents showing qualification for law study, are on file within 45 days of a student's first term (Guideline 5.30), and that all transcripts are maintained on file as required. (Guideline 9.1(B)-(C).)

The dean makes admissions decisions in consultation with the registrar. Any applicant who meets the minimum educational requirements will be admitted unless disqualifying moral character issues are identified, and in the past two years all applicants with complete files have been admitted. All factors bearing upon capacity to successfully study law are considered, such as grades, rigor of prior studies, and writing ability. (Guidelines 5.26 and 5.27.)

According to the 2022 Annual Disclosure required by Business and Professions Code 6061.7, of students who enrolled in the first year, their 75th, 50th, and 25th percentile undergraduate GPAs were 3.73, 3.45, and 3.12, respectively.

A sample file review confirmed that student files contain most required documents, although some files created during the prior administration were deficient, as noted below. The current administration is aware of past recordkeeping issues and committed to improving current practice.

Western Sierra admits transfer students, including those disqualified from a prior law school, and generally admits one to two transfer students. The law school has not stated a limit on the transfer units it will accept but the dean and registrar make decisions on the award of transfer credit.

A sample review of student files showed that in the past the school had awarded some transfer credit not authorized by Guideline 5.35. In one file, a student was given credit for work done more



than 27 months prior to enrolling at Western Sierra, contrary to Guideline 5.35(B). Another student received credit for a course not taken. Neither file included documentation of how transfer credit had been calculated. The law school must adopt procedures to ensure that all guideline requirements are followed when awarding transfer credit and amend any transcripts or student plans where outdated credit was awarded or credit was awarded for a course not taken. Each student file must document how transfer credit was calculated. (Guidelines 5.35.)

The law school does not have a leave of absence policy requiring a student to apply for readmission if the student fails to return within a certain period. Although not required, such a policy would allow the school to determine whether the student's ability to study law had been affected by the circumstances that prompted the leave or arose during an extended absence. (Guideline 5.27.)

Western Sierra has a visiting student policy that allows a student from another law school to enroll in individual classes if the student has passed, or is exempt from, the First-Year Law Students' Examination. (Guideline 5.36.)

**Rule 4.240(I) Library. The law school must maintain a library consistent with the minimum requirements set by the Committee. (Guidelines 6.1-6.6.)**

The library occupies a room of about 600 square feet in the second-floor academic suite. In addition to bookshelves housing the print collection, the library includes an area with a counter and cabinets for book processing and storage. Seating is limited to two people at small tables and would be inadequate except that the library opens onto the main classroom, with tables and chairs that seat up to 12 students. (Guideline 6.1.) Director of Operations Patrick Schoonover will oversee the library when students return after the conclusion of the waiver period in August 2023.

A printer/scanner is not available in the library, but students may use the printer/scanner in the first-floor administration suite, but it is unclear whether that suite will be staffed when students need to make copies. This issue must be addressed when staffing and access plans are submitted to the Committee.

The library collection had not been updated since 2016 when the law school was last inspected, but recently has been brought into compliance with Guideline 6.2. All required resources are now available in the library except textbooks and treatises, which are housed in the main classroom. Without exception, all materials are non-circulating.

Students are provided with access to LexisNexis, an electronic database that provides users with digital access to all Committee-required resources except textbooks. Access is available without time restriction except for brief periods of site maintenance. (Guidelines 6.1.)

To comply more fully with Guideline 6.3, the law school must offer instruction in both print- and electronic-based legal research. Instruction in print-based research has not been offered at least since the shift to distance learning via waiver.

Under Guideline 6.4, a fixed-facility law school must ensure that each student has access to Committee-required library materials at times convenient for the students. At this time, it is unclear when the library will be open, because different plans were suggested in the self-study and during the inspection, including the use of keypads to allow access when staff are not present. This issue, too, must be addressed when staffing and access plans are submitted to the Committee.

Records of library expenditures have been properly maintained. (Guideline 6.6.)

**Rule 4.240(J) Physical Resources. The law school must have physical resources and an infrastructure adequate for its programs and operations. The law school must, at a minimum, maintain its primary administrative office in the State of California (Guidelines 7.1-7.2).**

Western Sierra leases two suites, with 2,650 square feet of space, in a two-story Oceanside business condominium under a 10-year agreement that expires in May 2030. The building is modern, accessible, and surrounded by free parking. Restroom facilities are located on both floors.

At the time of inspection, administrators were planning to open the facility to students in spring 2022 and installation of furniture, fixtures, and library books was almost complete. Security cameras will be installed soon in both suites. Ultimately, the law school delayed this transition and received Committee approval for a waiver to utilize distance learning due to the pandemic through August 2023.

An administration suite, of 1,427 square feet includes a reception area, small conference room, equipment room, and three offices. Two of the offices are occupied by outside businesses of the dean and a family member. This is inconsistent with Guideline 7.1, which provides that a fixed-facility law school must have exclusive occupancy of “office and library” facilities “at all times,” and this shared circumstance was not disclosed in the law school’s application to change its administrative headquarters and location. The law school must take steps to comply with the guideline and amend and refile its application fully and accurately describing the law school’s headquarters.

Neither the dean nor the registrar maintain an office on campus. The school’s office is equipped with a desk and chair and will accommodate two people for meetings; it will be available for any administrator or instructor to use on an as-needed basis. The conference room will seat up to six people around a table and will be used for classes, instructor preparation, and counseling. Features include a wall-mounted TV and printer/scanner. This brings into question whether the dean and registrar will be spending sufficient time at the space or be sufficiently available to law students.

In a second-floor suite of 1,223 square feet, the library and main classroom are housed in adjacent rooms of roughly equal size. A small storage room adjoins the classroom. As noted, the library includes shelving, seating for two at small tables, and a book-processing counter. The classroom now provides seating at two-person tables for 12 students, an instructor’s table and chair, and a bookcase and soon it will be equipped with a digital projector and whiteboard. Student tables are powered to facilitate laptop charging and can be moved easily into the adjacent library, as needed.

The two classroom spaces are adequate for current enrollment and limited growth because class sizes are small and only two classrooms are needed during each class time slot through at least Fall 2023. According to the dean, if more space were needed classes could be held in the building's boardroom, which seats 10, and Mira Costa Community College is also available to provide space if needed. Because the nearest Mira Costa campus is more than two miles away, this option would be inconsistent with the Guideline 7.1 requirement that all facilities must be in reasonable proximity to one another; when the Committee approved the law school's change of address, it was unaware of the distance or the plan to use that space consistently for classroom purposes. The dean indicated willingness to explore the potential purchase of a third suite for a dual-purpose courtroom and classroom. Any change of current facility will require advance approval of a major change.

Except as noted, Western Sierra has adequate technology infrastructure to support its educational program and maintain the integrity of its records, in satisfaction of Guideline 7.2. During the temporary transition to online classes, the law school has delivered instruction through programs that are up-to-date, secure, and adequate to meet JD program needs. Students view live class sessions through Zoom and access course materials through Canvas, a well-recognized learning management program recently adopted by the law school. Registrar Schoonover is available by phone during regular business hours and live lecture sessions to address technology-related issues.

Wireless high-speed Internet access is available throughout the facility. Classroom technology appears to be adequate to allow digital projection in both classrooms. As noted above, the library has no printer/scanner and when the law school reports to the Committee its plan to provide appropriate access to the facility and library, student access to the printer/scanner in the administration must be addressed.

Administrators have digitized all law school files and physical files are no longer maintained. The accuracy of transcripts has been improved by the adoption of the Transcript Maker application. Academic records are maintained on Dropbox, a program designed with multiple layers of security protection. Western Sierra has enabled two-step verification for an extra layer of security at login and documents are backed up quarterly to an external hard drive.

At the Oceanside facility, a file-free laptop will be available for loan to students and server hardware will be housed in the lockable equipment room, but otherwise law school computers and records will not be stored at the facility. Before on-campus classes begin, security cameras will be installed.

**Rule 4.240(K) Financial Resources. The law school must have adequate present and anticipated financial resources to support its programs and operations. (Guidelines 8.1-8.3.)**

The law school appears to have the financial resources necessary to support the JD program as required by the Guidelines. With the self-study, the law school submitted profit and loss statements for the period between January 1, 2020 and July 7, 2021; balance sheet summary as of July 7, 2021;

budget for 2021; and financial projections for 2022 through 2024 and projections were updated in the 2022 Annual Report.

Registrar Schoonover handles the law school's financial affairs using QuickBooks. Western Sierra is a tuition-dependent institution and derives negligible income from interest. Net income was modest in fiscal year 2020 but exceeded expectations for the first half of fiscal year 2021. Projections for each of the next three years estimate annual net income in the range of \$40,000 based on fall 2021 enrollment of 19 students. These projections appear reasonable in view of mid-year results for 2021. The law school has cash assets in the same range.

Total tuition for the 120-quarter-unit JD program is \$42,000, based on current tuition of \$350 per unit, and total program fees are about \$3,250. Tuition had been increased by 17 percent since 2016, but no increases are planned for the next three years. As noted, financial records indicate that faculty members have been paid as subcontractors rather than employees, and the law school should ensure that it is in compliance with federal and California laws related to employment and taxation.

Western Sierra's new owners hope to restore enrollment to previous levels under the prior ownership. Total enrollment was 32 students when the school was inspected in 2016 and has fluctuated between 14 and 19 students since 2018. Dean Schoonover expects that the new Oceanside campus will attract students, because it is centrally located in the fast-growing region served by the law school and close to several highways.

**Rule 4.240(L) Records and Reports. The law school must maintain adequate records of its programs and operations. (Guidelines 9.1.)**

Based upon review of representative records and except as noted below, Western Sierra has maintained its records as required by Guideline 9.1 during the current administration. A few records created during the prior administration were not available for inspection, including exams. Records reviewed included student-related records, (Guidelines 9.1(A)-(D)); class records, exams, and grade tabulations. (Guidelines 9.1(E)-(F)); faculty files (Guideline 9.1(H)); faculty meeting minutes (Guideline 9.1(I)); and Annual Compliance Reports (Guideline 9.1(O).)

Registrar Erika Schoonover oversees all records and is responsible for updating records, including transcripts, and producing copies when requested. All records are now stored electronically on Dropbox. Historical print records were recently scanned and then destroyed.

Student-related files were found to be complete except as noted. Records created by the new administration appeared to be accurate and complete. Hard-copy records held under prior administration have been incorporated into digital files in an orderly, accessible manner. Some historical documents for current students were found to be inaccurate or missing administrative notations but original transcripts, disclosure statements, and other required documents were on file as required. (Rule 4.241 and Guidelines 5.31 and 9.1(A-C).)

Sample transcripts were reviewed. Generally, transcripts for students whose law study began at Western Sierra were found to contain the information required by Guideline 9.1(D). Transcripts for transfer students contained some required details about courses for which transfer credit was awarded but did not always report accurately which courses were taken, what grades were earned, and when each course in a series was taken. (Guideline 9.1(D)(5).)

To comply more fully with Guideline 9.1(D), Western Sierra must adopt the required written policy and procedures addressing when transcript entries may be changed and revise its transcript preparation procedures to ensure that transcripts, including those of transfer students, are accurate and meet all guideline requirements.

Except as noted, recordkeeping requirements appear to have been met for permanent transcripts, official class records, and records of examinations and grades. (Guideline 9.1(D)-(F).) Faculty minutes and files have been properly maintained except that, as noted, written peer evaluations of faculty have not been prepared (Guidelines 9.1(H)-(I)). Recent Annual Compliance Reports were found to be compliant (Guideline 9.1(O)).

**Rule 4.240(M) Equal Opportunity and Non-Discrimination. Consistent with sound educational policy and these rules, the law school should demonstrate a commitment to providing equal opportunity to study law and in the hiring, retention and promotion of faculty without regard to sex, race, color, ancestry, religious creed, national origin, disability, medical condition, age, marital status, political affiliation, sexual orientation, or veteran status. (Guideline 10.1.)**

Western Sierra has adopted a written policy on equal opportunity and non-discrimination as required by Guideline 10.1. The policy applies to the study of law, hiring, retention, and promotion without regard to “sex, race, color, ancestry, religious creed, national origin, disability, medical condition, age, marital status, political affiliation, sexual orientation, or veteran status.”

As of fall 2022, 47 percent of enrolled students were women. Students self-identified as White (50 percent), one declined to state, and the remainder identified as people of color. Of the 12 faculty members listed in 2021 Rule 4.241 Disclosure Form, 4 are women, and most decided not to disclose race. Given the importance of diverse viewpoints in educational and legal environments, the law school is encouraged continue to recruit widely as vacancies arise.

**Rule 4.240(N) Compliance with Committee Requirements. The law school must demonstrate its compliance with these rules by submitting the required annual reports and otherwise complying the rules. (Guidelines 9.1(M)-9.1(Q).)**

Western Sierra timely submits its Annual Compliance Reports and all other required submissions and responses to requests by the State Bar have been timely addressed by the school. It must be sure that the law school’s disclosure pursuant to Business and Professions Code 6061.7(a) is posted in the required location on the website and easily available to prospective students.

## **CONCLUSION AND RECOMMENDATION**

It is recommended that the Committee receive and file this Periodic Inspection Report, approve the recommended actions, continue the registration of the Western Sierra Law School, and schedule its next periodic inspection in fall of 2023, unless an earlier visitation is deemed necessary by the Committee. Except as otherwise recommended, the school must provide an update on its progress toward the recommendations noted as part of its 2023 Annual Report.

**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 (CBE)

State Bar of California

180 Howard Street

San Francisco, CA 94105-1639

**May 9, 2022**  
**VIA EMAIL ONLY**

*RE: Response to Periodic Inspection Report of Western Sierra Law School dated April 25, 2022*

In response to the Periodic Inspection Report of Western Sierra Law School dated April 25, 2022, please find the following identification of clerical errors, objections, and remarks:

Clerical Errors

- Pg. 2 – 5<sup>th</sup> paragraph – last sentence: Classes are expected to be held there beginning in **Fall 2022 per the CBE’s waiver granted December 2, 2021** (not “spring 2022”)
- Pg. 2 – 6<sup>th</sup> paragraph, 2<sup>nd</sup> to last sentence & pg. 10 - 1<sup>st</sup> paragraph, 3<sup>rd</sup> sentence: biomedical technology **company** (not “firm”)
- Pg. 3 – 3<sup>rd</sup> paragraph – total program fees are **\$3,250 per WSL’s 2021 Annual Report – Annual Disclosure** (not “about \$6,000”)
- Pg. 3 – 5<sup>th</sup> paragraph – On the bar exam, the 2022 five-year pass rate is **40.91%** (per Fall 2021 Rule 4.241 Disclosure) (not “38.5 percent”)
- Pg. 3 – Recommended Action by the Committee – second sentence stating “The recommendation is shorter than the most common five-year terms, as the law school is new, state bar exam scores have been falling, and there are a number of significant recommendations that must be undertaken below.” **The law school is not new, state bar exam scores have not been falling and the law school is in full compliance with the Rules and Guidelines.** Please note that the State Bar does not publish statistics for bar exam administrations where a law school has a small sample size, presumably because statistics with such small sample sizes are statistically unreliable. Accordingly, one cannot make such allegations and inferences without proper statistical support. We therefore object to any such statements attempting to infer information concerning bar examination performance for any given test administration. In fact, of the three students who graduated from WSL in 2021, and sat for the CA Bar examination, all three, or 100%, have passed! We are very proud of the performance of our students on the bar examinations.
- Pg. 10 – 1<sup>st</sup> paragraph, second sentence: pursuing **a Master’s degree in Biotechnology from Harvard** (not “online master’s degree in biotechnology”)

## Western Sierra Law School

P.O. Box 748, Bonsall, CA 92003

Phone: 760-855-3137

Email: Registrar@wslawschool.com

Web: wslawschool.com



- Pg. 10 – 1st paragraph, last sentence: sportswear and equipment **company** (not “firm”)
- Pg. 10 – 3<sup>rd</sup> paragraph – 1<sup>st</sup> sentence: **Master of Science in Accountancy with a specialization in Taxation** (not “master’s degree in Taxation Accounting”)
- Pg. 21 – 4<sup>th</sup> paragraph beginning with “The two classroom spaces” – should be deleted in its entirety. Please note that the CBE has previously approved use of Mira Costa College facilities as an additional option for expansion, should additional classroom space be required. WSLs previously disclosed this to the CBE in its initial Request for Major Change (see Supplemental Response and Plan for Continued Compliance dated June 29, 2020), which was approved by the CBE on August 21, 2020.

### Response to Recommended Mandatory Actions

1. **Object** – WSLs has always held a current business license; however during the inspection, WSLs was in the process of obtaining a business license from the City of Oceanside which was closed, and unable to process the application. WSLs has always been in compliance with Guideline 1.9, Rule 4.246.
2. Accept – WSLs will add a section to the Student Handbook to address requests for disability accommodations of all types and informing students that the accommodations granted by WSLs and the State Bar may differ.
3. Accept – WSLs will review and as necessary revise its faculty payment practices.
4. **Object** – WSLs’s 2022-2023 Course Schedule on its website (found on wslawschool.com > Prospective Students > 2022-2023 Course Schedule) clearly states when students may be required to attend class or perform externship duties (Clinical Education). “Class location” is displayed at top and immediately below it, the statement that “Clinical Education is done in a law office under the supervision of an attorney.” Furthermore, every Quarter’s heading has the location clarified in parentheses (e.g. Zoom, Classroom). In addition to the location, the quarter dates and class days and times are listed. For additional clarification, WSLs has a “Recommended Class Plan for Students” on its website (found on wslawschool.com > Prospective Students > Curriculum & Recommended Class Plan) to help students plan the courses they should take every quarter to satisfy both the State Bar’s 27 units/year requirement and the J.D. Program’s 120 unit requirement. There are no Saturday classes offered.
5. **Object** – WSLs’s Course Catalog describes its courses and the Student Handbook describes student services and activities. These documents are on our website and accessible to all current students.
6. Accept in part & **Object in part** – Accept: WSLs will revise its Student Handbook to state examination policies and procedures more clearly and indicate the level of achievement represented by grade increments. **Object:** The Student Handbook defines the parameters of the numerical grading system on page 5 under the heading titled “Examinations and Grading Policy”.



**Western Sierra Law School**

P.O. Box 748, Bonsall, CA 92003

**Phone:** 760-855-3137

**Email:** Registrar@wslawschool.com

**Web:** wslawschool.com



7. **Object** – Per WSLs’s Course Repetition Policy on page 6 of the Student Handbook, “Students may repeat a course only if the student receives a failing grade in the course. Duplicate credit for course repetition will not be granted for the same or substantially the same course, whether in the same law school or different law schools.” All elements required by Guideline 5.24 are addressed including the effect of repetition on the student’s GPA, amount of credit earned and course grade. Per the numerical grading system on pg. 5 of the Student Handbook, the repeated course’s grade adds grade points/credit to a student’s GPA if passed (grade of 60 and above) and the failing grade (grade of 0-59) does not. Per Recommendation #6 above, when WSLs revises its Student Handbook to clarify that a grade of 0-59 (0 grade points) represents a failing grade, students can understand the course repetition policy better - that no grade points will be given for a failing grade (0-59) and the repeated course, if passed (grade of 60 and above), will have the requisite grade points factored into a student’s GPA.
8. Accept – WSLs will revise its Academic Probation Policy in its Student Handbook to give a student on probation four quarters to raise their GPA to a 2.0 or be disqualified.
9. Accept – Since the inspection, a standardized syllabus template has been created and has been distributed to all faculty.
10. Accept in part & **Object in part**– WSLs will revise its policy on authentication of student work to clarify that students submit their work and participate in educational and other law school activities through their Canvas account which is linked to their email address. Students’ exclusive use of Canvas and faculty’s plagiarism checks upon work submission ensures that the work submitted is their own. **Object:** Object to the extent that no such records are required to be maintained under Guideline 2.9(D).
11. **Object** – WSLs’s policy on exam review is consistent with Guideline 2.9 (F) – see pg. 7 of the Student Handbook, section titled “Right to Inspect and Copy Examination Questions and Answers”.
12. **Object** – WSLs’s policy on Grade Review, including a complete process for handling grade review requests, is set forth in the Student Handbook, pg. 7, section titled “Grade Review”.
13. **Object** – Nothing in Guideline 1.10 and 6.4 requires such staffing schedule for the office and library. In addition, this information is communicated to the students in the Student Handbook, pg. 2, sections titles “Academic counseling” and “Access to Law Library”.
14. Accept – WSLs currently conducts regular peer evaluations of its instructors and reports will be maintained.
15. Accept – WSLs will revise its publications to clearly and consistently state that all students must take at least 27 units/year for four years.
16. Accept – Since the inspection, faculty now records attendance in Canvas after every class session, informing the registrar of student attendance on a real-time basis. The registrar gives timely warnings to students with absences. Faculty and students have been advised that they cannot make up individual absences unless a makeup class is

**Western Sierra Law School**

P.O. Box 748, Bonsall, CA 92003

**Phone:** 760-855-3137

**Email:** Registrar@wslawschool.com

**Web:** wslawschool.com



offered to all students for a previously cancelled class so all the required class hours have been offered.

17. **Object** – Legal Analysis I-Contracts, Legal Analysis II-Torts & Legal Analysis III - Criminal and Advanced Legal Problems are not bar exam preparation courses, therefore WSL does not need to utilize the waiver. The course descriptions will be updated to reflect the material covered in the course which is not merely Bar focused.
18. **Object** – WSL's curriculum offers students the opportunity to take elective courses in a variety of legal topics, consistent with Guideline 5.11. The elective course is typically offered in the Summer Quarter and the legal topic is determined after polling 2L/3L students to determine their interests. Per pg. 8 of the Course Catalog under the heading "Elective Courses", "The law school may offer other elective courses not listed in this course catalog as per the needs and interests of the students." This communication is honest and forthright, consistent with Guideline 2.3. It is not necessary for students to complete Clinical Education to avoid paying for excess units. The elective is typically 4 units, however if all students interested in the Summer elective only need 2 units to satisfy their elective requirement, the elective course offered will only be 2 units so they won't need to take excess units beyond the 10 elective units required. The registrar continually assesses the curriculum needs of its students based on their class plans and courses taken to date.
19. **Object** – WSL's requirements for Clinical Education are consistent with Guideline 5.8. As a fixed-facility law school, we reference the quantitative academic requirements of Guideline 5.9 (A)(2) which state "One quarter unit is defined as ten (10) hours of classroom instruction. Generally, one hour of instruction per week for ten (10) weeks equals one quarter unit of credit." As a fixed-facility law school relying on this quantitative academic requirement, the clinical education credit allowed is commensurate with the time and effort expended by, and the educational benefits to, the participating student. In fact, in most cases, students work and study the area of law in which they are working in excess of 10 hours for every 1 unit of clinical education credit earned.
20. **Object** – WSL offers instruction in all skills listed in Guideline 5.12 including the practical skills of legal research (Legal Research), drafting legal documents (Advanced Legal Problems), trial and appellate advocacy (Civil Litigation Skills, Criminal Litigation Skills), and in professional skills such as law office management, counseling, and negotiation (Professional Responsibility).
21. **Object** – WSL currently requires that final exams be given in all courses except those in which the written work required of students is substantial (Legal Analysis I-Contracts, Legal Analysis II - Torts & Legal Analysis III – Criminal Law [each of which is part of the corresponding substantive course], Civil Litigation Skills, Criminal Litigation Skills, Advanced Legal Problems).

**Western Sierra Law School**

P.O. Box 748, Bonsall, CA 92003

**Phone:** 760-855-3137

**Email:** Registrar@wslawschool.com

**Web:** wslawschool.com



22. Accept – WSLS will publish in its Faculty Handbook a policy on the restriction of use of past exam questions consistent with Guideline 5.15. WSLS has adopted and implemented this policy and it is stated on the Faculty Canvas page, however it will also be published in the Faculty Handbook. We note that Guideline 5.15 does not require this policy be published in the faculty manual; however, to be in further compliance we will do so accordingly.
23. Accept – WSLS will require all exams to consist of unpublished questions until proctored exams resume.
24. **Object** – Nothing in the cited Guidelines require that a law school adopt, publish and implement a policy that sets clear standards as to the circumstances under which participation points may be awarded. When applicable, grade points issued for participation are stated in the syllabi. Faculty currently records attendance and participation in Canvas after every class session, informing the registrar of student attendance and participation on a real-time basis.
25. Accept – WSLS will revise its Course Catalog and Curriculum to make clear that Advanced Legal Problems I and Advanced Legal Problems II are each a distinct 3 unit course. WSLS does not currently grant duplicate credit for repeating these courses or any other. All WSLS's current students have not been granted duplicate credit in the past.
26. Accept – WSLS will adopt procedures to ensure that all requirements of awarding transfer credit per Guideline 5.35 are followed. All student files are documented with how transfer credit was calculated.
27. **Object** - WSLS offers instruction in both print and electronic-based legal research. The COVID-19 pandemic hindered students from physically meeting in the law school's library in Summer 2020 and Summer 2021 to participate in print-based legal research as we were operating online via Zoom utilizing the State Bar's waiver, however they were taught how to research legal issues in hard copy format. As many public law libraries have now reopened, WSLS will continue offering print-based legal research instruction this Summer 2022 and in the law school's law library once we resume in-person classroom instruction.
28. **Object** – One office is used for storage. The other office was briefly used by an alumni of the school during the pandemic closure and is a flexible office space available to current students and alumni. The WSLS has exclusive occupancy of office library facilities at all times.
29. Accept – WSLS will adopt a written policy that provides that transcript entries may be changed only upon a showing of good cause. The policy will set forth the procedure to be followed to apply for and approve a transcript change.
30. **Object** – WSLS complies with Guideline 3.1 in that it is governed, organized and administered so as to maintain a sound program of legal education. WSLS continues to

**Western Sierra Law School**

P.O. Box 748, Bonsall, CA 92003

**Phone:** 760-855-3137

**Email:** Registrar@wslawschool.com

**Web:** wslawschool.com



retain prior faculty and administration for the purpose of providing counsel, advice and support in areas relating to the educational program and scholastic standards.

**ADDITIONAL RELIEF REQUESTED:**

The Recommended Action by the Committee should properly be revised to approve registration for five (5) years, and not two (2) years, as the law school is NOT new, was established in 1979, has retained prior faculty and administration, and continues to operate in substantial compliance with the Rules and Guidelines. Moreover, many of the Mandatory Recommended Actions as cited in the initial Inspection Report are moot in view of the remarks presented herein. Please note that the two-year approval is for NEW applications to register a law school (See Rule 4.223); whereas Rule 2.44, which applies to Inspections for renewal of a law school's registration, expressly states "[a] registered law school must be inspected every five years or more frequently if the Committee determines that an inspection is required to assess compliance with these rules." Because WSLS is in substantial compliance with the Rules and Guidelines, a five (5)-year renewal of its registration is appropriate.

Should the Committee of Bar Examiners or State Bar staff require any additional information, please do not hesitate to contact us.

Respectfully,

A handwritten signature in blue ink, appearing to read "Joshua S. Schoonover", with a long horizontal flourish extending to the right.

Joshua S. Schoonover, Esq.  
Dean  
Western Sierra Law School

**Western Sierra Law School**  
P.O. Box 748, Bonsall, CA 92003  
**Phone:** 760-855-3137  
**Email:** Registrar@wslawschool.com  
**Web:** wslawschool.com



### **APPENDIX III**

#### **Proposed Motion for the CBE**

If Recommended and Approved, the following are proposed motions for adoption or modification by the CBE:

**MOVE**, that Western Sierra Law School shall be permitted, at its discretion and the discretion of its instructors, to offer its classes primarily in its fixed-facility classroom(s), but with the addition of an integrated synchronous online extension via meeting room software, such as Zoom or other similar platform(s), whereby the physical classroom and the synchronous online classroom extension shall be considered as one hybrid classroom. For purposes of the Rules for Unaccredited Law Schools and the Guidelines for the Rules of Unaccredited Law Schools, as they apply to Western Sierra Law School and its students and affiliates, the term “classroom” shall include a physical classroom with a synchronous online classroom extension generated by electronic means.

**MOVE**, that the CBE does approve, for a limited time, an extension of its Previous Waivers, according to the CA Executive Order N-33-20, the waiver granted by the CA State Bar Committee of Bar Examiners on March 30, 2020, and the Committee’s extensions of the waiver on June 19, 2020 and April 23, 2021, collectively the “Previous Waivers”, as to Western Sierra Law School, continuing from January 1, 2022 through August 31, 2022<sup>i</sup>.

---

<sup>i</sup> WSLs’s original motion dated September 23, 2021 requested an extension through May 20, 2022; however, we now seek an extension through August 31, 2022.

**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

**September 23, 2021**  
**VIA EMAIL ONLY**

*Re: REQUEST FOR CONTINUED WAIVER UNDER RULE 4.208 & APPROVAL OF CHANGE OR  
MAJOR CHANGE UNDER RULE 4.246(F) OF THE UNACCREDITED LAW SCHOOL RULES*

Dear Chair Lin et al.:

I write as Dean of Western Sierra Law School (“WSLS”), hereby requesting approval from the Committee of Bar Examiners (“CBE”) of the State Bar of California concerning: (i) a proposed change, or major change, under Rule 4.246(f) of the Unaccredited Law School Rules, and further requesting (ii) an extension of the CBE’s current COVID-19 waiver under Rule 4.208.

**1. Rule 4.246(f) Major Change**

Under Rule 4.246(f), “providing law study credit for a fixed-facility law school program or class offered more than ten miles from the site of the law school, outside California, or in multiple locations” is a major change.

**Proposed Change**

WSLS hereby proposes **to continue to conduct its instruction primarily in WSLS’s fixed-facility classroom(s), but with an integrated synchronous online extension classroom via meeting room software, such as Zoom or other similar platform(s).** See the enclosed concept photograph, attached and labeled as “**Appendix I**”.

**Background & Discussion**

The COVID-19 Pandemic has induced an evolution in learning and administration of educational programs. Specifically, over the past year or so, nearly every educational institution in the country, and many throughout the world, were forced to transition to an online-based instruction model. Systems such as Zoom, Skype, MS Teams, WebEx, and others have become

**Western Sierra Law School**

P.O. Box 748, Bonsall, CA 92003

**Phone:** 760-855-3137**Email:** Registrar@wslawschool.com**Web:** wslawschool.com

the norm for accessing educational content during the present viral pandemic. While this transition was not easy, many learned how to participate in online synchronous education and overcame the struggles of acquiring proper internet connection, cameras, microphones, headsets, lighting devices, and skills necessary to utilize these assets in an online classroom. In this regard, like most academic institutions, WSLS has significantly enhanced its ability to provide synchronous online educational content to its students, and its students have adapted to use of computerized equipment to access synchronous classes online.

The pandemic remains a significant concern to our faculty, staff and students at WSLS. We recently learned that more deaths have been attributed to COVID-19 than the Spanish Flu of 1918<sup>1</sup>. We also know that the SARS-CoV-2 virus continues to mutate into variants, such as the “delta variant,” and it is only a matter of time before a mutant variant could present itself capable of escaping current vaccines<sup>2</sup>. There continues to be much anxiety regarding infectious diseases and the health of those connected to WSLS. Indeed, many of our faculty, staff and students are at elevated risk of developing severe complications of COVID-19 due to factors such as age and other health comorbidities<sup>3</sup>. We continue to remain concerned as we enter this upcoming winter, where the spread of infectious disease typically reaches a peak.

We therefore seek to implement a policy that encourages students to stay home and attend classes remotely if becoming ill, being in contact with someone who is ill, or traveling or participating in an event of significant inter-human contact (e.g. flights, conventions and the like). Our current policy, and the Unaccredited Law School Rules, require that students attend 80% of classes to receive credit for a particular course. However, this can serve to encourage students to attend in-person classes even if one is ill, for example, if that student already missed one or two prior classes and is in apprehension of losing credit for non-attendance. It is obvious the current policy needs adjustment, but its underlying purpose of ensuring sufficient participation and learning must be preserved. To this end, we hope to enhance the current classroom with the addition of sufficient audio/video equipment and software to synchronously extend the classroom from the physical fixed-facility to an online classroom extension. Based on our experiences to date, we believe that an online classroom extension can be integrated with a physical fixed-facility classroom, and participants can cross-communicate in such a hybrid learning environment. WSLS would not be the first institution to provide a hybrid physical-and-

---

<sup>1</sup> <https://www.msn.com/en-us/health/medical/covid-death-toll-in-us-reached-675000-as-many-deaths-as-spanish-flu-epidemic/ar-AAODZ6j>

<sup>2</sup> <https://pubmed.ncbi.nlm.nih.gov/33743213/>

<sup>3</sup> [https://www.cdc.gov/pcd/issues/2021/21\\_0123.htm](https://www.cdc.gov/pcd/issues/2021/21_0123.htm)



**Western Sierra Law School**

P.O. Box 748, Bonsall, CA 92003

**Phone:** 760-855-3137**Email:** Registrar@wslawschool.com**Web:** wslawschool.com

online classroom, as Harvard University and others are already doing this<sup>4</sup>. To this end, we intend to purchase, install, and integrate one or more monitors, speakers, microphones, headsets, and software platforms (e.g., Zoom) to the physical classroom(s), such that the instructor can synchronously conduct instruction in the live classroom and an online classroom extension. We believe that our experience with such systems, and details and descriptions from other institutions such as those published by Harvard (*supra*), coupled with access to commercially available platforms (e.g. Zoom), will enable us to successfully integrate online and physical classrooms to form a hybrid learning environment. Indeed, we believe this is the way of the future for education in general. Such an integrated classroom, having physical and online (remote) access, will accomplish our goal of encouraging self-isolation for students who are ill or may have been in contact with someone who is ill, thereby protecting others, while concurrently solving the ill-student's attendance dilemma as described above.

We have contemplated this issue at length, and realize it is not only students who may become ill or in contact with someone who may be ill, but also our instructors, many of whom are practicing attorneys attending public buildings and hearings on a regular basis and at relatively high risk of exposure to infectious disease. Accordingly, we further seek to permit instructors, at their discretion and in consideration of others, to preside over and deliver one or more classes for a given course exclusively online when necessary to protect others from potential spread of disease. In the situation where an instructor has or may have been in contact with someone who may be ill, the instructor should not attend class at our physical facility, but instead should be permitted to communicate to the students, with as much advanced notice as possible, indicating that the class for that night will be exclusively held online. Sufficient notice to the students is necessary to prevent any unnecessary travel where it can be reasonably mitigated. However, even where the instructor elects to provide a given class online, healthy students will have access to the law school's fixed-facilities for purposes of participating in the class, including to utilize the law school's internet connection. Our instructors are now well-experienced with delivering classes online, and we believe the proposed change can be accomplished in a seamless manner.

In any event, if all students are present in the physical classroom, the instructor may simply abstain from activating (connecting) the synchronous online classroom extension, i.e. not 'turn on' the a/v equipment and/or Zoom software.

---

<sup>4</sup> <https://www.hbs.edu/news/articles/Pages/creating-hybrid-classrooms.aspx>



**Western Sierra Law School**

P.O. Box 748, Bonsall, CA 92003

**Phone:** 760-855-3137**Email:** Registrar@wslawschool.com**Web:** wslawschool.com

To encourage students who are otherwise healthy to attend the physical fixed-facility classroom during a given class, WSLs may require from the student reasonable evidence of illness or potential contact with another who is or may be ill in exchange for permission to attend a class remotely (an “excusal”). In this regard, with respect to classes offered in a physical classroom, we propose to require attendance at the physical fixed-facility classroom as the default requirement absent an excusal obtained from the instructor or the administration. We think a variety of situations may warrant an excusal and permission from the instructor or the law school’s administration to attend the online classroom extension, such as, among other things, present manifestation of illness, recent contact with someone who is ill or reasonably believed to be ill, recent travel, or recent participation in an event of significant inter-human contact. Therefore, permission to attend the online classroom extension will be granted where reasonably necessary to accommodate a legitimate student need. We have drafted a policy, subject to amendment and approval of the law school’s governing committee, a copy of which is attached herewith and labeled “Appendix II”.

Finally, as we continue to add new faculty, WSLs intends to offer training to each faculty, once per quarter and additionally as necessary, with the goal of preparing the faculty to utilize the audio/video equipment and extend instruction via the proposed synchronous online classroom extension. We are in the process of creating a document with screenshots and instructions for extending instruction via the proposed online classroom extension.

We note that the Unaccredited Law School Rules (the “Rules”) were adopted at a time prior to the pandemic and prior to the advent of Zoom classrooms, and therefore the Rules do not contemplate the same. For example, language such as: “conducts its instruction principally in physical classroom facilities” (Rule 4.204(J)(3)), “[a] fixed-facility law school must require classroom attendance of its students for a minimum of 270 hours a year for four years” (Rule 4.204(J)(3)), and “providing law study credit for a fixed-facility law school program or class offered ... in multiple locations” (Rule 4.246(F)) is ambiguous in view of current technology. For example, does “principally in physical classroom facilities” include, as proposed, conducting instruction mainly from the physical classroom and extending to an online classroom extension? Does “classroom attendance” include student attendance in an online classroom extension of a physical classroom, particularly where the online classroom enables student cross communication and participation with those in the physical classroom? By extending the instruction from the physical classroom to an online classroom extension, is the instruction being provided “in multiple locations” (physical and online)? It appears none of these questions were contemplated at the time the Rules were adopted, and for good reason as there was no pandemic at the time bringing these things to light.

**Western Sierra Law School**

P.O. Box 748, Bonsall, CA 92003

**Phone:** 760-855-3137

**Email:** Registrar@wslawschool.com

**Web:** wslawschool.com



Here, WSLS is proposing the use of an online classroom extension, effectively synchronously integrating remote students with those in physical classroom attendance. To the extent this may be considered “providing law study credit for a fixed-facility law school program or class offered ... in multiple locations,” approval for a major change is required (see Rule 4.246(F), WSLS does not believe this to be the situation, *infra*).

Please note that the proposed offering of a hybrid, physical and online classroom for provision of instruction has no effect on the law school’s existing compliance with the Rules, except perhaps with respect to Rule 4.204(J)(3) and Rule 4.246(F) as discussed herein. For this reason, and for information detailing how the law school remains in compliance with the other Rules and Guidelines, WSLS refers the CBE to its Annual Report mailed November 9, 2020; the entire contents of which are hereby incorporated by reference. With respect to Rule 4.204(J)(3) and Rule 4.246(F), and the potential impact by the proposed change, as bolded and provided above, we present the following remarks:

We believe the proposed change does not substantially deviate from the Rules, since, the primary method of instruction will continue to be offered principally via WSLS’s physical classroom facilities (see Rule 4.204(J)(3)), albeit with the addition of a synchronous online classroom extension. We also believe this request for major change is necessary to overcome a compelling and ongoing health concern related to the current and future pandemic(s).

***Rule 4.204(J)(3): A “fixed-facility law school” is a law school that conducts its instruction principally in physical classroom facilities. A fixed-facility law school must require classroom attendance of its students for a minimum of 270 hours a year for four years.***

A review of Rule 4.204(J)(3), first sentence, indicates that the law school must conduct its instruction principally in physical classroom facilities. According to the proposed change, the law school will continue to conduct its instruction principally (more than 50%) in physical classroom facilities. This rule appears to focus on the conduct of instruction, not the method through which the instruction is received by students. Even though one or more students may receive the instruction remotely, via the proposed synchronous online classroom extension, the conducting of instruction will continue to originate and be managed from an instructor located in the law school’s physical fixed-facilities. As such, we believe the proposed change will not affect the law school’s ability to remain compliant with the instant Rule.

A review of Rule 4.204(J)(3), second sentence, indicates that the law school must require classroom attendance as stated. According to the proposed change, the law school will both (i) require physical classroom attendance unless an excusal is first obtained, and (ii) require students

**Western Sierra Law School**

P.O. Box 748, Bonsall, CA 92003

**Phone:** 760-855-3137

**Email:** Registrar@wslawschool.com

**Web:** wslawschool.com



obtaining an excusal and permission to attend one or more classes via the proposed online classroom extension to attend as-if the student were in the physical classroom, including preparation, personal presentation, and participation in discussions, and for the required time and duration. Moreover, the online classroom extension, generally a “Zoom room”, is a classroom. While the Rules explicitly use “physical” in other locations, the second sentence of Rule 4.204(J)(3) merely uses “classroom attendance” and not “physical classroom attendance”. Taking a step back and looking more broadly at the proposed change, students attending a class via the proposed online classroom extension will gain a very similar experience as those attending in physical person, and as such, we believe the proposed change is substantially in compliance with 4.204(J)(3), second sentence.

**Rule 4.246(F): The following are major changes ... providing law study credit for a fixed-facility law school program or class offered more than ten miles from the site of the law school, outside California, or in multiple locations.**

WSLS believes the proposed change, namely, offering a synchronous online classroom extension of its physical classroom to accommodate students in need thereof and to mitigate spread of infectious disease, does not impact Rule 4.246(F). It can be suggested that the physical classroom may constitute a first location, and the online classroom extension may constitute a second location (or multiple locations depending on the number and location of students receiving the instruction). However, it is our position that even if these could be considered multiple locations, the technology being used effectively integrates the physical classroom and all remote locations where instruction is being received via the online classroom extension, such that only one well-integrated classroom is being provided. Under the proposed change, the instructor and the students meet synchronously at the scheduled time and for the scheduled duration, they cross-communicate together to discuss the law, cases and class materials, they review the same material, discuss the same questions, and view each other at the same time, just as if all participants are in a common physical location. Students attending both remotely and in-person are utilizing laptop computers and audio/video equipment. For these reasons, we believe the hybrid physical classroom and its online classroom extension should be considered as one unified classroom where common learning is achieved. However, we see how a different view of the instant Rule can be made, and we therefore ask the CBE to either confirm the change is not a major change, or treat it as a major change and approve the major change.

Nothing in the proposed change will affect the amount or substance of the instruction received by students who attend one or more classes via the proposed online classroom extension, neither will it affect those attending in-person.



Additionally, it is noted that under the Guidelines for Unaccredited Law School Rules ("Guidelines"), Division 1.5: *"Unaccredited law schools are fixed-facility, correspondence or distance-learning law schools. Law schools in each category may provide educational programming in either or both of the other two categories so long as the principal method of instruction remains the category in which the law school is registered."* Accordingly, WSLS is permitted to offer other forms of instruction to the extent the primary method of instruction remains as a physical fixed-facility law school. We believe the proposed change is within the spirit of Guidelines Division 1.5.

Therefore, WSLS respectfully requests the CBE to indicate that the proposed change is not a major change, or in the alternative, to accept and approve the proposed change as request for major change, and to affirm by written confirmation that the law school is permitted, at its discretion and the discretion of its instructors, to offer its classes primarily in its fixed facility classroom(s), but with an integrated synchronous online extension via meeting room software, such as Zoom or other similar platform(s). We are providing draft motions for consideration, amendment and/or adoption by the CBE (see the attached **Appendix III**).

## **COMPLIANCE WITH GUIDELINES**

### **Division 1: General Provisions**

WSLS has reviewed its policies and procedures pertaining to Division 1. Other than the guidelines noted below, no other changes are necessary to maintain compliance with the Guidelines.

1.5 The proposed change will extend the physical fixed-facility classroom to a hybrid physical fixed-facility classroom with a synchronous online classroom extension; however, the law school will continue to conduct instruction principally in physical fixed-facilities, albeit with the added online classroom extension. The principal method of instruction will remain as a physical fixed-facility law school.

1.8 WSLS does not believe the addition of an online classroom extension according to the proposed change will trigger the Separate Locations requirement of Guidelines, Division 1.8. The plain language of Division 1.8, namely "more than 10 miles", indicates the intent of this Guideline is to regulate satellite physical classrooms and not virtual classrooms such as the proposed synchronous online classroom extension.

### **Division 2: Honesty and Integrity**

**Western Sierra Law School**

P.O. Box 748, Bonsall, CA 92003

**Phone:** 760-855-3137

**Email:** Registrar@wslawschool.com

**Web:** wslawschool.com



WSLS has reviewed its policies, procedures, and services pertaining to Division 2. Other than the guidelines noted below, no other changes are necessary to maintain compliance with the Guidelines.

2.12 WSLS will provide a written policy concerning physical attendance and excusals according to the proposed change (see Appendix II, attached). In addition, WSLS will provide adequate support and resources, including access to required software and training directed to student-access of the online classroom extension being proposed.

**Division 3: Governance**

WSLS has reviewed its policies and procedures pertaining to Division 3 and determined no changes are necessary to maintain compliance with the Guidelines.

**Division 4: Administrator, Dean, and Faculty**

WSLS has reviewed its policies, and procedures pertaining to Division 4 and determined no changes are necessary to maintain compliance with the Guidelines.

**Division 5: Academic Program and Scholastic Standards**

WSLS has reviewed its policies and procedures pertaining to Division 5. Other than the guidelines noted below, no other changes are necessary to maintain compliance with the Guidelines.

5.3 Satisfactory completion of a course of classroom study requires a minimum of 270 hours of classroom attendance a year for four (4) years. The term “classroom attendance” is not defined in the Rules or the Guidelines. There does not appear to be a distinction between a physical classroom, an online classroom, or a hybrid physical classroom with an online classroom extension as is proposed. We believe the proposed change, which combines the physical classroom with a synchronous online classroom extension to form a hybrid classroom, meets the requirements of Guideline 5.3.

5.9(A) The Guidelines use the term “classroom instruction” without differentiating between a physical classroom, an online classroom, or a hybrid physical classroom with an online classroom extension as is proposed. We believe the hybrid physical classroom with a synchronous online classroom extension as is proposed herein meets both the explicit requirements of the Rules and Guidelines, as well as the inherent purpose of the same. No matter where the student receives the instruction, whether in a physical classroom or the synchronous online classroom extension, the instructional content in terms of time, format, substance, collaboration, and discussion remains the same. In addition, the law school will continue to require a minimum of 270 hours



of classroom attendance, albeit we intend to satisfy the 270 hours with any combination of a student's attendance in the physical classroom and/or the synchronous online classroom extension as-proposed. We believe the proposed change, which combines the physical classroom with an online classroom extension to form a hybrid classroom, meets the requirements of Guideline 5.9(A).

#### **Division 6: Library Requirements**

WSLS has reviewed its policies, procedures, and services pertaining to Division 6 and determined no changes are necessary to maintain compliance with the Guidelines.

#### **Division 7: Physical Resources**

WSLS has reviewed its policies and procedures pertaining to Division 7. Other than the guidelines noted below, no other changes are necessary to maintain compliance with the Guidelines.

7.2 Pending a written determination that the proposed change is not a major change, or alternatively, a written determination that the proposed change is a major change and is approved, WSLS will procure sufficient equipment, including monitors, headsets, laptop computers, cameras, and other software and equipment as may be required to integrate the physical classroom with Zoom or other platform for creating a hybrid physical classroom with a synchronous online classroom extension as-proposed. WSLS will budget sufficient resources to the maintenance and replacement of equipment as needed. In addition, WSLS will provide adequate training to instructors and/or technical personnel for operating and maintaining the equipment.

#### **Division 8: Financial Resources**

WSLS has reviewed its policies, procedures, and services pertaining to Division 8 and determined no changes are necessary to maintain compliance with the Guidelines.

#### **Division 9: Records and Reports**

WSLS has reviewed its policies, procedures, and services pertaining to Division 9 and determined no changes are necessary to maintain compliance with the Guidelines.

#### **Division 10: Equal Opportunity and Non-Discrimination**

WSLS has reviewed its policies, procedures, and services pertaining to Division 10 and determined no changes are necessary to maintain compliance with the Guidelines.

#### **Division 11: Issuance of Professional Laws Degrees in Addition to the Juris Doctor Degree**



**Western Sierra Law School**  
P.O. Box 748, Bonsall, CA 92003  
**Phone:** 760-855-3137  
**Email:** Registrar@wslawschool.com  
**Web:** wslawschool.com



WSLS does not award degrees other than the Juris Doctor Degree.

## **2. Rule 4.208 Waiver**

**WSLS further seeks an extension of the CBEs prior waivers, according to the CA Executive Order N-33-20, the waiver granted by the CA State Bar Committee of Bar Examiners on March 30, 2020, and the Committee's extensions of the waiver on June 19, 2020 and April 23, 2021, respectively, continuing from January 1, 2022 through May 20, 2022.**

### **Background & Discussion**

WSLS is requesting an extension of the pandemic waivers detailed above for several reasons:

First, we are entering the peak season for the spread of infectious disease (historically, this has been approximately November through April). Scientists are unable to predict whether the pandemic will fade, or whether the number of infections and hospitalizations/deaths will increase as a result of cold temperatures, wet weather, and emergence of highly infectious SARS-CoV-2 variants. We believe it is unwise to resume inter-person contact in a physical classroom during this time, that is, the peak season for spread of infectious disease.

Second, our winter quarter begins on November 29, 2021 and ends on February 25, 2022. The current extension of the pandemic waivers will end December 31, 2021, in the middle of our Winter term. The Winter classes are being offered online via Zoom, and it would be disruptive to the students and faculty to change mid-session to require in-person meetings.

While we have given notice to both students and faculty that WSLS will soon resume classes in person at its physical fixed-facility classrooms, we have also learned that the pandemic has geographically displaced many students and faculty of WSLS. Therefore, at present, it has come to our attention that both students and some key faculty need additional time to prepare for and complete relocation of their residence to be nearby the law school in order to regularly attend classes in-person.

To mitigate the potential spread of disease at WSLS during the peak season, and so that the current students and faculty will have sufficient time to adjust their personal living situation to prepare for physical attendance, we ask that the CBE please approve a limited extension of the current pandemic waivers as to WSLS through end of our Spring term (i.e., May 20, 2022).

**Western Sierra Law School**

P.O. Box 748, Bonsall, CA 92003

**Phone:** 760-855-3137

**Email:** Registrar@wslawschool.com

**Web:** wslawschool.com



whereby during this period classes may continue to be offered by the law school via synchronous online classroom instruction using Zoom or a similar platform.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joshua S. Schoonover', with a long horizontal flourish extending to the right.

Joshua S. Schoonover, Esq.

Dean

[dean@wslawschool.com](mailto:dean@wslawschool.com)



**Western Sierra Law School**  
P.O. Box 748, Bonsall, CA 92003  
**Phone:** 760-855-3137  
**Email:** Registrar@wslawschool.com  
**Web:** wslawschool.com



## APPENDIX I

### IMAGE CONCEPT OF THE PROPOSED "ONLINE CLASSROOM EXTENSION"



Source: [Harvard Business School](#)



## **APPENDIX II – DRAFT ONLY SUBJECT TO AMENDMENT & APPROVAL**

### **WSLS EXCUSAL POLICY FOR REQUESTING ATTENDANCE VIA ONLINE CLASSROOM EXTENSION**

#### **Physical Attendance Requirement**

A majority of courses required for completion of the JD program at Western Sierra Law School are held in a physical fixed-facility classroom (hereinafter, “On-Campus Course(s)”). Each student is required to attend all classes for a given On-Campus Course by attendance at a classroom of the law school’s physical fixed-facilities unless the student receives, prior to the beginning of class, an excusal from the Instructor, Dean, or the law school Administrator, excusing the student from in-person attendance and authorizing attendance via the online classroom extension.

#### **Excusal**

It is the policy of the law school to promote a safe and healthy learning environment at our physical fixed-facilities, including the library and classrooms. Therefore, in order to protect each other, we encourage students and faculty who are or may be ill, in recent contact with someone that is or may be ill, or that have recently traveled or participated in an event of significant inter-human contact (e.g. flights, conventions and the like), to abstain from visiting the law school at its fixed-facilities.

Please note that students are required to attend at least 80% of classes in order to receive credit for a given course. Accordingly, the law school has established an online classroom extension via Zoom, and students in need of access to attend class by remote means may do so by first obtaining an excusal from the Instructor, Dean, or the law school Administrator.

To request an excusal, the student must contact the Instructor, Dean, or the law school Administrator, prior to the beginning of class, and provide sufficient evidence justifying the requested excusal. An excusal may be granted for multiple classes upon good cause.

Upon receiving an excusal, the student shall receive a hyperlink and access information for attending the subject class(es) remotely. The student is required to participate in the class even though attendance is being satisfied remotely. To this end, the student should come to class prepared, mic muted unless speaking, with video camera enabled at all times except during breaks. Proper attire should be worn as if attending the class session in-person. The student should be self-aware and respectful of the Instructor and their classmates.

Faculty may cancel a class or remove a class to the online classroom extension for purposes of illness or other reason requiring similar accommodation. Faculty shall offer the students a makeup class session in the event a class is cancelled. If able to conduct instruction

**Western Sierra Law School**

P.O. Box 748, Bonsall, CA 92003

**Phone:** 760-855-3137

**Email:** Registrar@wslawschool.com

**Web:** wslawschool.com



for a given class, but necessary to conduct the class online, faculty shall provide as much advanced notice as possible under the circumstances of a change to online class instruction, and shall communicate the details for accessing the class to all students enrolled in the Course.

**Western Sierra Law School**  
P.O. Box 748, Bonsall, CA 92003  
**Phone:** 760-855-3137  
**Email:** Registrar@wslawschool.com  
**Web:** wslawschool.com



### **APPENDIX III**

#### **Proposed Motion for the CBE**

If Recommended and Approved, the following are proposed motions for adoption or modification by the CBE:

**MOVE**, that Western Sierra Law School shall be permitted, at its discretion and the discretion of its instructors, to offer its classes primarily in its fixed-facility classroom(s), but with the addition of an integrated synchronous online extension via meeting room software, such as Zoom or other similar platform(s), whereby the physical classroom and the synchronous online classroom extension shall be considered as one hybrid classroom. For purposes of the Rules for Unaccredited Law Schools and the Guidelines for the Rules of Unaccredited Law Schools, as they apply to Western Sierra Law School and its students and affiliates, the term “classroom” shall include a physical classroom with a synchronous online classroom extension generated by electronic means.

**MOVE**, that the CBE does approve, for a limited time, an extension of its Previous Waivers, according to the CA Executive Order N-33-20, the waiver granted by the CA State Bar Committee of Bar Examiners on March 30, 2020, and the Committee’s extensions of the waiver on June 19, 2020 and April 23, 2021, collectively the “Previous Waivers”, as to Western Sierra Law School, continuing from January 1, 2022 through May 20, 2022.