



The State Bar *of California*

**OPEN SESSION
O-401 ATTACHMENT
JUNE 2020
COMMITTEE OF BAR EXAMINERS**

DATE: June 19, 2020

TO: All California Accredited and Unaccredited Law Schools

FROM: The Committee of Bar Examiners

SUBJECT: Extension of Waiver Allowing Temporary Transition to Online Classes at Accredited and Unaccredited Law Schools to Address Circumstances Related to COVID-19

At its meeting on June 19, 2020, the Committee of Bar Examiners extended the general waiver allowing both accredited and unaccredited law schools to transfer classes to online delivery through August 31, 2021, due to the circumstances related to COVID-19.

The State Bar is aware that the State of [California has declared a state of emergency with respect to COVID-19](#), and the [Centers for Disease Control](#) and the [World Health Organization](#) continue to update their communications with pertinent information. Effective March 20, 2020, [California Governor Gavin Newsom ordered all people in California to stay at home to the extent possible, and to practice social distancing in all outings. The Governor and various cities and counties have also banned or limited gatherings to prevent the risk of exposure to COVID-19.](#)

The Committee encourages law schools to safeguard the health and safety of students, faculty, staff, and community, while making best efforts to avoid disruption to their JD programs.

[Accredited Law School Rule 4.109 and Unaccredited Law School Rule 4.208](#) allow schools to apply for waivers to temporarily alter or suspend compliance with a Rule or Guideline on a temporary basis. Certain fast-evolving and serious emergencies such as the one before us, however, may require quick decisions, and resort to such a process may not be possible. To assist the schools, the Committee grants permission to accredited and unaccredited law schools through August 31, 2021 to transition fixed facility classes to online delivery, encouraging synchronous delivery when possible, coupled with appropriate academic and technical support.

Such changes may require a school to make reasonable alteration of syllabi to adapt to online delivery, including adding, changing, or deleting assignments, reconfiguring examinations, and, at the discretion of the school, potentially changing the weighting of grading components, while continuing to provide meaningful feedback to students. These changes must be made in compliance with the Rules and Guidelines applicable to the school including limitations on the use of pass-fail grading.

When taking action under this waiver, unaccredited law schools must also ensure that their JD programs continue to comply with all aspects of [California Business & Professions Code section 6060\(e\)](#) in order to qualify their students to take the Bar Examination.

Law schools must provide clear, written notice to affected students and staff as to their rights, expectations and responsibilities under any changed policy, procedure or syllabus. This guidance should be provided in advance whenever possible, or as soon as possible after implementation. Any changes should be made in compliance with the Rules and Guidelines applicable to the school.

While schools are not required to file waiver or major change requests to transition to online class delivery during this period, they are directed to provide notice via letter to the State Bar as soon as possible of action taken, as well as copies of communications to students regarding the changes and should do so quarterly by August 15, 2020, November 15, 2020, February 15, 2021 and May 15, 2021.

The Committee, through staff, is available to address questions regarding this guidance. Schools may also seek additional waiver or change requests under standard process and timing, which the Committee will consider under its standard process.

The Committee acknowledges and appreciates the efforts of each accredited and registered law school to protect its students, staff, and community while delivering an effective, affordable JD curriculum in challenging times.