

March 6, 2024

Mr. Kenneth Vandavelde  
Interim President and CEO  
Thomas Jefferson School of Law  
701 B. Street, Ste 110  
San Diego, CA 92101

Dear President Vandavelde:

This letter serves as formal notification and official record of action taken concerning Thomas Jefferson School of Law (TJSL) by the WASC Senior College and University Commission (WSCUC) at its meeting February 16, 2024. This action was taken after consideration of the report of the review team that conducted the Special Visit to Thomas Jefferson School of Law October 10-12, 2023 using the 2013 Standards of Accreditation. The Commission also reviewed the institutional report and exhibits submitted by Thomas Jefferson School of Law prior to the Special Visit, and the institution's November 27, 2023 response to the team report. The Commission appreciated the opportunity to discuss the visit with you and your colleagues Linda Keller, Dean and Professor of Law; Karin Sherr, Vice President; and Anders Kaye, Associate Dean for Faculty Development and Professor of Law. Your comments were very helpful in informing the Commission's deliberations. The date of this action constitutes the effective date of the institution's status with WSCUC.

### **Actions**

1. Receive the Special Visit team report that focused on: (1) monitoring and adjusting finances; (2) monitoring goals and objectives in the revised strategic plan; (3) ensuring good student outcomes and bar passage rates; and (4) continuing to collect and use data from institutional research and program reviews.
2. Schedule an Interim Report to be submitted March 1, 2025 to address all areas for development in this letter.
3. Schedule a Progress Report to be submitted December 1, 2024 to address: a) fall 2024 planned vs actual enrollment, b) budget vs actuals for FY2024, and c) California Bar pass rates for 2023 and 2024.

### **Commendations**

The Commission commends the institution for:

1. The dedication and adherence to mission of the board, faculty, and administrative staff.
2. The active and informed engagement of the board of trustees in support of the law school's leadership during transition to an online JD program, and the board's commitment to managing and monitoring the institution's finances.
3. The comprehensive academic support and bar examination preparation programs that are well-integrated into the program of legal education, enjoy broad-based faculty participation, and are designed to support students from law school orientation through the bar examination.
4. The faculty's dedication to the institution and commitment to its students which has allowed the institution to make challenging and important transitions.

### **Areas for Development**

The Commission requires the institution to respond to the following areas for development:

1. Re-examine the mission and strategic plan given the significant changes the institution has undergone. (CFR 4.6)
2. Ensure that assumptions and parameters used to create the budget continue to be applicable; conduct rigorous monitoring of the actual results as compared to the budget; and share those results with key stakeholders. (CFR 3.4)
3. Given recent enrollment experience and the addition of the new online program, ensure adequate planning and analysis of potential scenarios that could lead to significant disruption in operations or threaten financial sustainability. (CFR 3.4)
4. Link, integrate, and act upon multiple lines of evidence that draw from data sources across the institution to better understand and improve student achievement and success, including bar passage performance and other indicators. (CFRs 2.10, 4.1 and 4.3)
5. Document and formalize the procedures for assessment and program review. (CFRs 2.4, 2.7 and 4.1)

In accordance with Commission policy, a copy of this letter is being sent to the chair of Thomas Jefferson School of Law's governing board. The Commission expects that the team report and this action letter will be posted in a readily accessible location on the Thomas Jefferson School of Law website and widely distributed throughout the institution to promote further engagement and improvement and to support the institution's response to the specific issues identified in these documents. The team report and the Commission's action letter will also be posted on the WSCUC website. If the institution wishes to respond to the Commission action on its own website, WSCUC will post a link to that response on the WSCUC website.

Finally, the Commission wishes to express its appreciation for the extensive work that Thomas Jefferson School of Law undertook in preparing for and supporting this accreditation review. WSCUC is committed to an accreditation process that adds value to institutions while contributing to public accountability, and we thank you for your

continued support of this process. Please contact me if you have any questions about this letter or the action of the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamienne S. Studley". The signature is fluid and cursive, with the first name being the most prominent.

Jamienne S. Studley  
President

JSS/so

Cc: Tracy Poon Tambascia, Commission Chair  
Anders Kaye, ALO  
Randy Grossman, Board Chair  
Members of the Accreditation Visit Team  
Susan Opp, Vice President

REPORT OF THE WSCUC TEAM  
SPECIAL VISIT

To: Thomas Jefferson School of Law

October 10-12, 2023

Team Roster

Maureen O'Connor, Team Chair  
President, Palo Alto University

Maryann Jones, Team Assistant Chair  
Dean Emerita, Western State College of Law

Stephen Yandle  
Dean Emeritus, Peking University School of International Law

Richard Kido  
Professor, Chaminade University of Honolulu

Susan Opp  
WSCUC Vice President

The team evaluated the institution under the 2013 Standards of Accreditation and prepared this report containing its collective evaluation for consideration and action by the institution and by the WASC Senior College and University Commission (WSCUC). The formal action concerning the institution's status is taken by the Commission and is described in a letter from the Commission to the institution. This report and the Commission letter are made available to the public by publication on the WSCUC website.

## Table of Contents

|  |                                     |
|--|-------------------------------------|
| SECTION I – OVERVIEW AND CONTEXT.....  | <b>Error! Bookmark not defined.</b> |
| A. Description of the Institution, its Accreditation History, as Relevant, and the Visit .....   | <b>Error! Bookmark not defined.</b> |
| B. Description of Team’s Review Process .....  | 6                                   |
| C. Institution’s Special Report: Quality and Rigor of the Report and Supporting Evidence.....  | 7                                   |
| SECTION II – EVALUATION OF ISSUES UNDER THE STANDARDS .....  | 7                                   |
| A. Carefully monitor and adjust finances as needed to meet the new realities as a California State Bar-accredited law school. (CFR 3.4) .....  | 7                                   |
| B. Monitor the detailed goals and objectives in the revised strategic plan, revisiting and revising that plan as more data are collected over time. (CFR 4.6) .....  | 9                                   |
| C. Continue to ensure good student outcomes and bar pass rates by providing academic and bar preparation support for students to meet the goals of the strategic plan and in support of the new vision for TJSJ as a California State Bar-accredited law school. (CFRs 2.5, 2.10 and 2.13) ..... | 14                                  |
| D. Continue to collect and use data from institutional research and program reviews for planning and improvement, for the assessment of student learning, and to improve learning outcome results. (CFRs 4.3 and 4.4) .....  | 17                                  |
| SECTION III – OTHER ISSUES FACING THE INSTITUTION .....  | 19                                  |
| SECTION IV – FINDINGS, COMMENDATIONS, AND RECOMMENDATIONS .....  | 19                                  |

## **SECTION I – OVERVIEW AND CONTEXT**

### **A. Description of the Institution, its Accreditation History, as Relevant, and the Visit**

The mission of Thomas Jefferson School of Law is to provide an outstanding legal education for a nationally-based, diverse student body in a collegial and supportive environment with attention to newly emerging areas of law, particularly related to technological development, globalization and the quest for social justice. Thomas Jefferson School of Law was formerly known as Western State University College of Law San Diego and has offered its Juris Doctor (JD) program since 1969. The institution has been accredited by the State Bar of California Committee of Bar Examiners since 1972. After a period of time as an ABA approved law school, the institution has returned to its roots as a small, community-oriented school.

The institution is a free-standing law school, now in its fifty-third year of operation. The core program of legal education has always been the JD program. The Law School launched its online JD program in fall 2023, in addition to its residential JD program. (The modality substantive change was approved by WSCUC on March 22, 2023). The law school continues to actively recruit and enroll students in two residential LLM programs: American Legal Studies and Practical Skills. The law school offered online LLM and MSL programs, but they are now inactive. The institution's online JSD program is being phased out as students in the dissertation phase complete their degrees. The law school has completed an ABA approved teach-out plan.

As of the beginning of the fall 2023 term, there are 240 JD students, of whom 201 are residential, with one student on leave, and 30 online students. There are 5 non-JD students. The law school has 20 full-time staff employees, 9 full-time faculty members including 6 tenured faculty (of whom one is on leave from teaching but still performing other duties), two long-term contract faculty members, and one faculty members eligible to apply for a long-term contract, in addition to approximately 40-50 adjunct faculty members who teach over the course of the academic year. The faculty resources have shifted,

with attrition decreasing the number of full-time tenured faculty while adding a third position in Academic Success and Bar Preparation.

The law school has been in continuous operation in San Diego since its inception, and now has more than 7,000 graduates. The law school's JD graduates are eligible upon graduation to sit for the California bar exam (and, for those earning their JD degrees from the period of ABA approval, for any bar exam in the United States). Graduates of the LLM ALS program are also eligible to sit for the California bar exam provided they complete the bar-required classes. JD and ALS graduates may sit for the bar exam in some other jurisdictions after practicing a number of years in California, as per the rules of each jurisdiction.

The institution's alumni can be found in private practice, in government practice, in non-profit public interest groups throughout the U.S., and on the state and federal bench. In San Diego County they have included a member of the U.S. Congress, the previous District Attorney and the two previous Public Defenders, and the first Filipina-American judge in the United States. The law school has a very diverse student body, with approximately 70% of students enrolled in May 2023 identifying as students of color. The law school prides itself as a school of opportunity educating lawyers from underrepresented groups who often provide critical access to justice for their communities, citing the lack of diversity among California attorneys in comparison to the population. (See <https://www.calbar.ca.gov/Portals/0/documents/reports/State-Bar-Annual-Diversity-Report.pdf>).

On December 29, 1995, the institution separated from its sibling school, Western State University Orange County, and was subsequently approved by the Section on Legal Education and Admissions to the Bar of the American Bar Association (ABA). The ABA Council of the Section of Legal Education and Admissions to the Bar of the ABA (the Council) placed the law school on probation in November 2017. The ABA's concerns focused on noncompliance with standards related to finances, admissions, and the program of legal education. The institution took several significant steps to address the ABA's concerns, but the Council determined these changes were insufficient and

subsequently removed the law school from the list of approved law schools. This decision was affirmed by the Appeals Panel on November 21, 2019.

On January 8, 2020, the Council approved the Law School's teach-out plan for students enrolled prior to December, 2019. Under the plan, the Council effectively continued ABA accreditation for the purpose of teaching out and issuing JD degrees to continuing students who meet the graduation requirements by the end of the spring 2023 semester. The institution has now completed the ABA teach-out.

The law school is accredited by the State Bar of California Committee of Bar Examiners (CBE), as affirmed on October 19, 2018. At that time, the CBE approved the JD program and also acquiesced in the law school's LLM, MSL, and JSD programs. The institution enrolled students for a JD accredited by the CBE in fall 2020 (with optional Summer Early Start program). After a site visit, its accreditation was re-affirmed by the CBE on April 23, 2021.

The institution first became accredited by the Western Association of Schools and Colleges (WASC) in 1976, and retained that accreditation until August 2006, when the then dean allowed it to lapse given the institution's status as an ABA approved law school. The law school subsequently sought eligibility status under a new dean in 2015. The law school completed its first WSCUC Seeking Accreditation Visit in April 2016. The Commission, in its action letter of July 18, 2016, granted Candidacy and set the date for the second Seeking Accreditation Visit in September 2017. That visit led to the Commission Action Letter of March 9, 2018, which maintained Candidacy status, and set forth recommendations for the third Seeking Accreditation Visit, which took place virtually September 9 – 11, 2020. In its action letter of November 17, 2020, the Commission found that the institution demonstrated evidence of compliance at a level sufficient for Initial Accreditation for Standards 1, 2, and 4 and set a visit for May 2021 to evaluate compliance with Standard 3.



On July 12, 2021, the Commission granted initial accreditation for a period of six years, with a reaffirmation visit in spring 2027, and this special visit in fall 2023. The Commission sought responses for the following issues:

1. Carefully monitor and adjust finances as needed to meet the new realities as a California State Bar-accredited law school. (CFR 3.4)
2. Monitor the detailed goals and objectives in the revised strategic plan, revisiting and revising that plan as more data are collected over time. (CFR 4.6)
3. Continue to ensure good student outcomes and bar pass rates by providing academic and bar preparation support for students to meet the goals of the strategic plan and in support of the new vision for TJSJ as a California State Bar-accredited law school. (CFRs 2.5, 2.10 and 2.13)
4. Continue to collect and use data from institutional research and program reviews for planning and improvement, for the assessment of student learning, and to improve learning outcome results. (CFRs 4.3 and 4.4)

## **B. Description of Team's Review Process**

The team reviewed the institution's special report as well as appendices and requested additional information to be provided both before and during the visit. The visit commenced with a team meeting on October 10, 2023 and ended with the exit interview at 3:30 pm on October 12, 2023.

During the visit, the team met with several senior administrators, including the president, dean, CFO, ALO, as well as associate and assistant deans. Additional meetings were held with the board of trustees, full-time faculty members, two adjunct faculty members, directors of academic support and bar preparation, as well as institutional research and instructional design.

During the course of the visit, the team toured the facility. This was the first on-site review of the current facility, as previous visits were conducted virtually.

### **C. Institution's Special Report: Quality and Rigor of the Report and Supporting Evidence**

The team found the institution's report to be comprehensive and clearly written and presented. There appeared to be widespread involvement in the preparation of the report and each of the issues listed in the Commission's action letter were discussed in a forthcoming manner. The president and general counsel, two deans who also hold faculty appointments, the CFO, the director of IR, and the Director of Academic Support and Bar Preparation all collaborated in the preparation of the report. The report was reviewed by the faculty as well as the Board of Trustees. In addition to reviewing the report, relevant issues raised in the report were discussed during monthly faculty meetings.

The report's discussion and analysis of the four issues identified in the Commission's action letter contained adequate citations to supporting evidence. The report contained several appendices with data supporting statements and conclusions in the report. Given the fact that the institution is still in the process of fully transitioning from an ABA approved law school to one accredited by the California Committee of Bar Examiners, and further given the commencement of the new online JD program, the report contains several key areas describing processes for future evaluation and action. Furthermore, the team found that the section of the report addressing assessment of student learning and program review was general and could have benefited from additional concrete examples.

## **SECTION II – EVALUATION OF ISSUES UNDER THE STANDARDS**

### **A. Carefully monitor and adjust finances as needed to meet the new realities as a California State Bar-accredited law school. (CFR 3.4)**

The complicating factor in determining the financial sustainability of Thomas Jefferson School of Law is the pivoting of their teaching modality from an exclusively residential JD program to the addition of an asynchronous online JD program. Additionally, the change from operating an ABA approved JD program to one accredited by the California Committee of Bar Examiners has resulted in significant changes in both tuition pricing as well as required expenditures. Prior to the current academic

term (fall 2023), enrollments had been gradually eroding, which precipitated the addition of the online program.

The aforementioned changes make utilizing trend analysis in the evaluation of the long-term financial sustainability of the institution difficult. In essence, these changes have resulted in an almost a brand new school with respect to reviewing and analyzing financial information. Essentially, using prior financial history does not allow a meaningful comparison with the current financial status. The team could not meaningfully use prior period financial statements and other reports to determine the direction of the school's finances.

The most meaningful report that provides current data about the financial strength of the Thomas Jefferson School of Law is the annual budget for the upcoming academic year and two years beyond. The projected operating budget for all three academic years indicates relative break-even for each year with little room for actual variances from the budgeted numbers. The budgets are based on projected assumptions that, if even slightly off, could result in negative consequences to the projected outcome of break-even each year. The team also learned during its visit that the institution had just completed a clean financial audit with no findings. (CFR 3.4)

It is imperative that the Thomas Jefferson School of Law engage in close monitoring of the assumptions made during the budget process as well as the budget to actual financial reports. Furthermore, proper adjustments should be made to subsequent budgetary reporting in order to ensure that the institution has current and accurate budgetary reporting, which has an impact on future planning. While this method of financial planning is sustainable up to a point, it is not a long-term strategy for assuring financial sustainability. (CFR 3.4)

Given the substantial challenges and transitions experienced at the law school over the last few years, fundraising had not been a viable strategy. After significant friend-raising activities and efforts to build back trust, the Board of Trustees of the law school is taking the lead in running a Giving Tuesday

campaign this year, its first direct ask in 6-7 years. Going forward, fundraising appears to be an aspect of the institution's financial strategy.

**B. Monitor the detailed goals and objectives in the revised strategic plan, revisiting and revising that plan as more data are collected over time. (CFR 4.6)**

The law school adopted a three-year Strategic Plan in April 2021 and is now well into the second year of that plan. In the July 12, 2021, WSCUC Commission Action Letter, the institution was asked to "monitor" the strategic plan, "revisiting and revising that plan" as data were collected. The law school plans to focus next year on how to revise the plan.

The mission of the law school articulated in the plan is "to provide an outstanding legal education for a nationally-based, diverse student body in a collegial and supportive environment with attention to newly emerging areas of law, particularly those related to technological development, globalization and the question for social justice." One concern noted is that the mission statement produced in the 2021 strategic plan seems out of alignment with the current direction of the law school as a California accredited law school (CALS). The mission focuses on a "nationally-based diverse student body," and it is unclear how to achieve that mission having given up ABA accreditation. Those graduating now will be eligible to take the California bar, and it is unclear whether or to what extent the law school would still be recruiting nationally. (CFR 1.2)

The 2021 Strategic Plan had an overarching goal of providing a "pre-eminent CALS program, focused on the JD degree program, with additional non-JD degrees both in residence and online," that rested on four pillars: an excellent JD academic program; an excellent faculty and staff; an excellent facility; and, additionally, self-sustaining non-JD programs. In its strategic plan summary in the Special Visit Report, the law school refers frequently to its goal to be a pre-eminent CALS program and talks about its "innovative" CALS JD curriculum. These adjectives are difficult to assess and do not have

direct metrics in the current plan. It would be helpful to consider what the law school now means by pre-eminent, by innovative, and as compared with whom and with what standards?

The 2021 Strategic Plan also detailed eight additional goals that focused on key aspects of running a successful institution, namely stabilizing enrollment; raising bar pass rates; keeping finances on sound footing; improving grad employment placement; continue assessing and improving programs of study; maintaining library and IT infrastructures; maintaining IR capabilities; and, maintaining the tradition of scholarship excellence.

As evidence of its efforts to monitor these goals, the law school reviewed recruitment and enrollment data in the non-JD programs and determined that a non-ABA accredited school could not be competitive in a crowded field in a sustainable way. It also reviewed trends related to the residential JD program and found that enrollment was smaller than expected, that post-covid students were not returning to San Diego, and that inquiries about a remote JD program were being received. Based on the data and these trends, the law school adjusted its overall program offerings plan to phase out under-performing online non-JD programs and instead to focus on developing an online, asynchronous JD program.

The first 30 students matriculated in the online JD this fall (15 full-time and 15 part-time). Faculty and administrators are keeping close watch on their progress and engagement with ongoing tracking of videos viewed, discussion board posts, attendance at optional virtual office hours, for example.

The law school also reported other curricular changes as well in the process of monitoring its plan. It moved from requiring 80 units to requiring 85 units for graduation and to semesterizing many required courses that had been spread over two semesters into one semester. It is a bit unclear which data and specific feedback from students led to the unit increase and semesterizing decision, but the law school stated that the "expectation is that students will be better able to focus with fewer courses in one semester and better able to integrate the material if it is not spread out over two semesters." A question

this raises is whether the law school had sufficient data/analysis to suggest that student focus was the underlying issue and, moreover, whether the changes will improve that focus. With ongoing concerns about bar passage, reducing the units and semesterizing heavily bar-tested courses could support better results. Yet, it is also possible that the data were identifying overall effects on students' learning strategies and attention spans coming out of the pandemic. Students are facing so many challenges (economic, mental health, health), it would be important to continue to monitor these curricular changes vs. other student support services that could be needed to address the issues shown in their data.

Regarding the new online JD, the law school re-allocated or invested resources differently to expedite plans to develop an online JD, culminating in CBE and WSCUC substantive change approval to add the distance modality in August 2023. Once approved, it shifted additional resources into instructional design and marketing expertise to support the new remote degree. It engaged in some financial modeling and projections to allow for tracking of the online JD revenue and expenses separately from the residential program to measure its success as a new revenue stream. (CFR 3.4)

In terms of continuous monitoring and updating of the strategic plan, the law school needs to consider how the other eight goals in the current plan fit with the new online JD and the current size and staffing structures in the current situation. There appears to be an assumption that existing metrics will be applicable to both modalities, and that no changes are needed in data gathered, data gathering strategies, or measurement strategies for pedagogical effectiveness.

For example, the WSCUC substantive change report supporting the law school's request for the online JD makes note that "no ABA-approved law school anywhere offers a primarily asynchronous program leading to the JD degree." While the law school suggests this provides them with an opportunity, it is worth close review as to what it is about asynchronous learning that has caused concern for those ABA-approved schools. There could be lessons learned in terms of how best to deliver and support an asynchronous degree.

As another example of how the remaining goals may need to be adjusted, the law school indicates in its substantive change report that "all online courses will follow a best-practices model to translate in-person classes into effective, engaging, and interactive asynchronous classes." Determining "effective, engaging, and interactive" classes in an asynchronous environment requires significantly different metrics and approaches than in-person classes, and it is not clear what the law school considers best practice and/or on what was that determination based. The faculty indicate they have received strong and effective support and professional development from an instructional designer.

As for specific goal-related concerns that should require additions or revisions to the strategic plan, in Goal 2 related to *Admissions and Enrollment Management*, the law school strives to maintain a diverse study body. It supports the success of these groups with "academic support, assigned mentors, the Diversity & Inclusion Committee and other Student Affairs programming, and many student organizations." Will these continue to be effective supports for diverse students in an asynchronous, online format? How might these supports and groups need to adjust to reach the new online students?

Additionally, based on its transition to a CALS institution and after reviewing admissions data and national research, the law school will now accept the GRE in addition to the LSAT for applicants. The GRE is more readily available and more economical in support of the law school's efforts to diversify the profession.

One consideration in the ongoing monitoring of this *Admissions and Enrollment Management* goal is whether overall enrollment is not expanding but instead the online program is simply taking potential applicants away from the residential program. There was recognition that this had occurred in this first year to a certain extent, so it needs to be monitored closely over time.

Regarding the *financial* goal, what consideration has been given to the library needs of online, asynchronous students? With the increased attention to online students, does the library continue to need its current level of resources and space?

And, if fundraising appeals are continuing to be part of the solution, what is the track record, in general, for online alum giving?

Regarding the *Employment Rates* goal, the law school may need to consider additional detail on how placements and externships will be identified and monitored for online students. If participation in the local legal community continues to be a part of this goal, what does the law school now mean by "the local community?"

Regarding the *Ongoing Review of the JD and Non-JD Programs*, there is no evidence of any adjustments or modifications to the existing program review process for the online JD. The assumption seems to be that the same metrics will be used for both residential and online degrees, and a comparison of those outcomes will provide insight into the effectiveness of the online degree. This seems to suggest that the residential program provides the standard by which the online program would be evaluated. If that is the intention, then the law school should consider whether there are any learning or assessment distinctions that should be incorporated into their ongoing learning outcomes and program review processes. The substantive change report reference to "best practices" suggests it is not sufficient to simply transfer what is done residually and expect it to work the same way in an online program especially in an asynchronous modality. The law school might consider establishing those best practices as the target learning goals for the online program. And how will they determine that the online students are gaining the same skills that come from the "give and take" of an in-person law school class? While most law schools no longer rely on the so-called Socratic method as heavily as in the past, that interaction between the faculty member and student as well as between students is still hugely important. The law school will need to assess the efficacy and sufficiency of the optional weekly/periodic synchronous engagement opportunity for students to meet with their faculty member and of the use of discussion boards for developing critical thinking and legal analytic skills.

Regarding the *Scholarship and Intellectual Life* goal, it is clear that the additional workload for traditionally residential faculty to add asynchronous courses to their workload (especially in the initial



phases of development) and additional administrative responsibilities is impacting the scholarly environment at the law school. This goal should be reviewed given the changing circumstances to ensure it is still achievable given faculty census and workload.

In the ongoing review of the plan and moving into the next plan development, it might be useful to develop a finite set of metrics associated with each goal to allow for year-over-year review, and to consider whether the more operational goals could be subsumed under a broader strategic goal, e.g., is the current "employment" goal more effectively considered with the "bar pass" rate goal as strategies designed to support a broader goal of ensuring substantial and effective preparation for a legal career or student success. This is especially critical in being able to compare the residential and online JD enrollments, pass rates, and learning outcomes and is within the law school's control as opposed to distal events that can affect employment rates.

**C. Continue to ensure good student outcomes and bar pass rates by providing academic and bar preparation support for students to meet the goals of the strategic plan and in support of the new vision for TJSL as a California State Bar-accredited law school. (CFRs 2.5, 2.10 and 2.13)**

The institution recognized that the shift from an ABA approved law school to one accredited by the California Committee of Bar Examiners necessitated changes in academic support and bar preparation programs. Students at CBE accredited institutions tend to enter with less developed skills and generally have lower credentials at admission than their counterparts at ABA approved institutions. The national median LSAT score is 152, while the law school's fall 2023 entering class had a 75<sup>th</sup> percentile score of 147, a 50<sup>th</sup> percentile score of 143, and a 25<sup>th</sup> percentile score of 140. Additionally, the law school has a very diverse student body and students of color statistically tend to have lower first-time bar pass rates. Accordingly, the law school revamped its approach to academic support and bar passage, adopting an integrated approach that includes an agreement with BarBri, the national leader in bar exam preparation. The institution also revamped its curriculum and degree requirements in light of

the changing nature of its student body, to include requiring 85 units to graduate, as opposed to 80, requiring more bar-tested courses, and semesterizing some core courses.

While requiring more units for graduation and more bar-tested courses appears to be prudent given the changing nature of the student body, the team recommends that the institution carefully monitor the impact of semesterizing key courses such as Torts, which resulted in heavily bar-tested subjects being reduced from six to five units. Further, the institution may wish to review its academic policies pertaining to required grades in core courses as well as overall grade point average in light of data as to which students are unlikely to pass the bar examination.

Academic support and bar examination preparation are thoroughly embedded in the law school's program of legal education, from the Week One orientation program, to the required First Year Learning Skills course, workshops for second year students, and third year MBE Mastery and Bar Exam Fundamentals, and also includes post-graduation assistance. Academic support begins prior to the beginning of law school with an extensive orientation program focusing on law school skills. There is also an Early Start option where students take one course and an academic support course called Introduction to Law. There are workshops for first-year students in midterm and final examination preparation. (CFR 2.10)

After graduation, the law school has achieved 100% participation in a bar preparation program. The law school has partnered with BarBri to prepare students to take the California bar examination. There are also resources available for repeat takers, to include a partnership with a commercial bar preparation program focused on repeat takers. These efforts are being tracked as the second group to have this additional assistance sat for the July 2023 bar examination. (CFR 2.10)

The institution receives some data on bar performance for the California Committee of Bar Examiners and also surveys bar-takers. This information is used by the faculty in informing curricular changes as well as changes in the academic support and bar preparation programs.

The law school has 9 full-time faculty members. Academic support and bar preparation faculty also teach other courses in the curriculum. The goal is to have ten full-time faculty members, with three focusing on academic support and bar preparation. All faculty members are engaged in the academic support and bar passage efforts. The faculty is engaged in teaching, contributing to the academic support and bar passage programs, assessing existing as well as new programs, redesigning pedagogy for the new online program, as well as service and scholarship obligations. Scholarly productivity, even broadly defined, has diminished as the institution goes through the transition from an ABA approved school to a CBE accredited one and as the new online program is initiated. Some full-time faculty members are still actively engaged in producing scholarship. (CFR 2.5)

In terms of bar passage, the California Committee of Bar Examiners requires an ultimate pass rate of 40%. The law school has consistently exceeded this standard, with ultimate bar pass rates over the last for reporting periods of between 64.6% and 67.4%. However, the law school's first time pass rate for the July 2022 California bar examination was 32%, which is lower than the 36% average for CBE accredited schools. The law school's pass rate for repeat takers on the July 2022 bar was 17%. While meeting the standards of its programmatic accreditor, the low first-time pass rate indicates that a large number of graduates must incur paying for additional bar examinations as well as delay their entry into the profession.

The law school may wish to further investigate the profile of the students who are not successful on the bar examination. While better data tracking is going on for certain variables, there is still little in the way of integrated institutional research analysis that would link outcomes to a broader set of variables beyond demographics, and, going forward, modality. Additional inquiry into exactly what factors predict bar passage, particularly on the first few attempts, would help inform decision making about the curriculum as well as current academic support and bar passage programs. Factors such as law school GPA, grades in core bar-tested courses, grades in writing courses, entrance credentials, and

strength of undergraduate record and rigor of undergraduate program may also inform further curricular changes and well as requirements for retention and graduation.

**D. Continue to collect and use data from institutional research and program reviews for planning and improvement, for the assessment of student learning, and to improve learning outcome results. (CFRs 4.3 and 4.4)**

While the law school has made significant progress is adjusting to the WSCUC Standards and procedures for assessment of student learning, this follows years of accreditation by the American Bar Association which was historically less focused on assessment than WSCUC. WSCUC Standards, especially the 2023 standards revisions, which will be applied in the school's next reaffirmation review, require evidence-based responses from schools detailing what they are doing to ensure student success, not just what they plan to do. In preparation for that review the school should ensure that its program for institutional research and assessment is designed to demonstrate what the school is actually doing rather than outlining a general plan for future review. While there is substantial evidence that "the school continues to collect and use data from institutional research for planning and improvement" observations of that effort suggest room for improvement and refinement to be in compliance with WSCUC Standards.

There does not appear to be a systematic approach to research design, but instead a general approach that collects data and reviews it. In particular there does not appear to be a detailed research plan to address the impact of the decline in credentials of the classes that have entered since the loss of ABA accreditation and the concomitant decline in the passage rate on the California bar examination. While the overall results remain in the acceptable range for the California Committee of Bar Examiners, these initial post-ABA results raise concerns. The bar passage drop, which mirrors a drop in LSAT scores for entering classes, is particularly worrisome as there is a growing percentage of the Thomas Jefferson students who fall in a portion of the LSAT distribution curve where there is a sharp drop off in

the percentage projected to successfully complete the program of legal education and pass the bar examination. While the most recent results are based on first time bar passage rates, which historically improve with retaking, this initial data should accelerate research on bar success to inform corrective or remedial action that might be indicated. (CFR 4.4)

In light of the significant programmatic changes that have been made - in particular the creation of the new on-line program which appears will become an increasing portion of the class - there should be a sense of urgency to gather feedback on the new and revised programs to inform changes that might be necessary in time to reverse unfavorable bar outcomes before they are perceived to be enduring. In addition, since adjunct faculty are now delivering much more of the content, including core bar courses, the law school needs to continue its efforts in professional development of adjunct faculty in learning assessment.

While it is clear that the Law School is serious about assessment, it is not clear if the various initiatives are sufficiently coordinated across the school. The school is small enough that informal mechanisms could effectively inform one another, yet having a plan and more formal process/structure for coordination and integration with some central oversight would be a useful way to make sure that the various efforts are working in concert. This would facilitate communication to future site teams in the school's upcoming reaccreditation review. The team observed that interesting data are being collected and discussed in various phases of enrollment management (e.g., admissions, instructional design/online data, requests for tutoring and support), but the silo'd nature of these conversations is perhaps a missed opportunity for a more systematic and nuanced assessment of student learning and student progress. (CFR 4.1)

### **SECTION III – OTHER ISSUES FACING THE INSTITUTION**

The launch of the new online JD program is significant and will require multiple assessment tools to gauge the viability of the program, the effectiveness of its curriculum and course delivery methods, as well as student outcomes.

Additionally, the California bar examination is in a state of considerable flux, which will require nimble responses by the law school to ensure that the program of legal education adequately prepares its graduates for passing the bar and entering the profession.

Finally, the team was informed during the site visit that the institution's President and General Counsel is stepping from that position for personal reasons but will remain and become Vice President and General Counsel. An interim President, a former president/dean and long-time faculty member, has been appointed by the board.

### **SECTION IV – FINDINGS, COMMENDATIONS, AND RECOMMENDATIONS**

The team commends the law school for the following:

1. The dedication and adherence to mission of the board, faculty, and administrative staff.
2. The active and informed engagement of its Board of Trustees in supporting the law school's leadership in transitioning to an online JD program and its commitment to managing and monitoring the institution's finances.
3. The comprehensive academic support and bar examination preparation programs that are well-integrated into the program of legal education, enjoy broad-based faculty participation, and support student success from law school orientation through the bar examination.
4. The faculty's dedication to the institution and commitment to its students which has allowed the institution to make challenging and important transitions.

The team recommends that the law school:

1. Re-examine the mission and strategic plan given the significant changes the institution has undergone. (CFR 4.6)
2. Ensure that assumptions and parameters used to create the budget continue to be applicable; Conduct ongoing vigorous monitoring of the actual results as compared to the budget, and share those results with key stakeholders. (CFR 3.4)
3. Given recent enrollment trends, ensure adequate planning and analysis of potential scenarios that could lead to significant disruption in operations or threaten financial sustainability. (CFR 3.4)
4. Link, integrate, and act upon multiple lines of evidence that draw from data sources across the institution to better understand and improve student achievement and success. (CFRs 2.10, 4.1 and 4.3)
5. Document and formalize the procedures for assessment and program review. (CFRs 2.4, 2.7 and 4.1)