

5-16-2019

Educational Policy Committee Meeting – Packet 05/16/2019

UC Hastings Board of Directors



HASTINGS
COLLEGE
OF THE LAW

**EDUCATIONAL POLICY
COMMITTEE MEETING**

May 16, 2019



NOTICE OF MEETING

The Educational Policy Committee of the University of California Hastings College of the Law Board of Directors will hold an Open Meeting on Thursday, May 16, 2019.

EVENT: Meeting of the University of California
Hastings College of the Law Board of Directors
Educational Policy Committee

DATE: Thursday, May 16, 2019

PLACE: UC Hastings College of the Law
A. Frank Bray Board Room
198 McAllister Street, 1-Mezzanine
San Francisco, CA 94102

STARTING TIME: 9:00 a.m.

This notice is available at the following University of California, Hastings College of the Law website address: <http://www.uchastings.edu/board>

For further information please contact John DiPaolo, Secretary of the Board of Directors, 198 McAllister Street, San Francisco, CA 94102, (415) 565-4850. You are encouraged to inform Mr. DiPaolo of your intent to speak during the public comment period 72 hours in advance of the meeting.

The University of California, Hastings College of the Law subscribes to the Americans with Disabilities Act. If you need reasonable accommodations, please contact the Secretary's Office by 10 a.m. on Tuesday, May 14, 2019.



**UNIVERSITY OF CALIFORNIA
HASTINGS COLLEGE OF THE LAW**

**EDUCATIONAL POLICY COMMITTEE
MEETING AGENDA**

Thursday, May 16, 2019 at 9:00 a.m.
UC Hastings College of the Law
A. Frank Bray Board Room
198 McAllister Street, 1-Mezzanine
San Francisco, California 94102

1. Roll Call

Chair Simona Agnolucci
Director Tom Gede
Director Claes Lewenhaupt
Director Christian Osmeña
Director Mary Noel Pepys
Director Chip Robertson

2. Public Comment (Oral)
- *3. Approval of Minutes – February 21, 2019 (Written)
- 4.1 Employment Update (Written)
- 4.2 Bar Exam Update (Written)
- 4.3 Faculty Staffing (Written)
- 4.4 Strategic Planning Update (Written)
- *5. Adjournment (Oral)

EDUCATIONAL POLICY COMMITTEE MEETING

ROLL CALL

May 16, 2018

Meeting Start Time: ____:____ am

| Present | Call-In | Absent | |
|--------------------------|--------------------------|--------------------------|---------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Chair Simona Agnolucci |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Director Thomas Gede |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Director Claes Lewenhaupt |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Director Christian Osmeña |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Director Mary Noel Pepys |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Director Chip Robertson |

EDUCATIONAL POLICY COMMITTEE MEETING

Public Comment Period

This item is reserved for members of the public to comment on non-agenda and agenda items.

EDUCATIONAL POLICY COMMITTEE MEETING

ACTION ITEM: Approval of Minutes: February 21, 2018



**UNIVERSITY OF CALIFORNIA
HASTINGS COLLEGE OF THE LAW**

**EDUCATIONAL POLICY COMMITTEE
MEETING MINUTES**

FEBRUARY 21, 2019

1. Roll Call

Chair Agnolucci called the meeting to order at 9:08 am and the Secretary called the roll.

Directors present:

Director Simona Agnolucci, Chair
Director Tom Gede
Director Claes Lewenhaupt
Director Christian Osmeña
Director Mary Noel Pepys
Director Chip Robertson

Staff present:

Anne Marie Helm, Chief of Staff
Academic Dean Morris Ratner
Chancellor & Dean David Faigman

2. Public Comment (Oral)

Director Agnolucci opened the Public Comment period. Hearing no requests from the public to speak, Director Agnolucci closed the Public Comment period

***3. Approval of Minutes – November 8, 2018** (Written)

Director Agnolucci called for the approval of the November 8, 2018 minutes. The minutes were approved as distributed.

4.1 Strategic Planning Update (Written)

Dean Ratner provided an update on strategic planning by summarizing work done so far in Phase I by the subcommittees, each of which is focused on one of five key areas of the strategic plan.

4.2 Bar Exam Update

(Written)

Dean Ratner presented new information from the July 2018 CA Bar Exam, including UC Hastings' performance relative to other CA ABA law schools. Dean Ratner identified ethics questions and performance tests as specific growth opportunities.

4.3 Employment Update

(Written)

Dean Ratner presented an employment update from himself and Senior Assistant Dean Sari Zimmerman. Improved employment outcomes are a top institutional priority, and there has been an effort to identify resources across the College that could be used to support the Career Development Office's efforts.

***5. Adjournment**

The meeting was adjourned at approximately 10:20 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Leo Martinez". The signature is written in black ink and includes a stylized flourish at the end.

Leo P. Martinez, Secretary

REPORT ITEM

1. **REPORT BY:** Academic Dean Morris Ratner

2. **SUBJECT:** Employment Update

3. **REPORT:** Written

Attachments:

- Class of 2018: Analysis of Employment Statistics

4.1 Employment Update

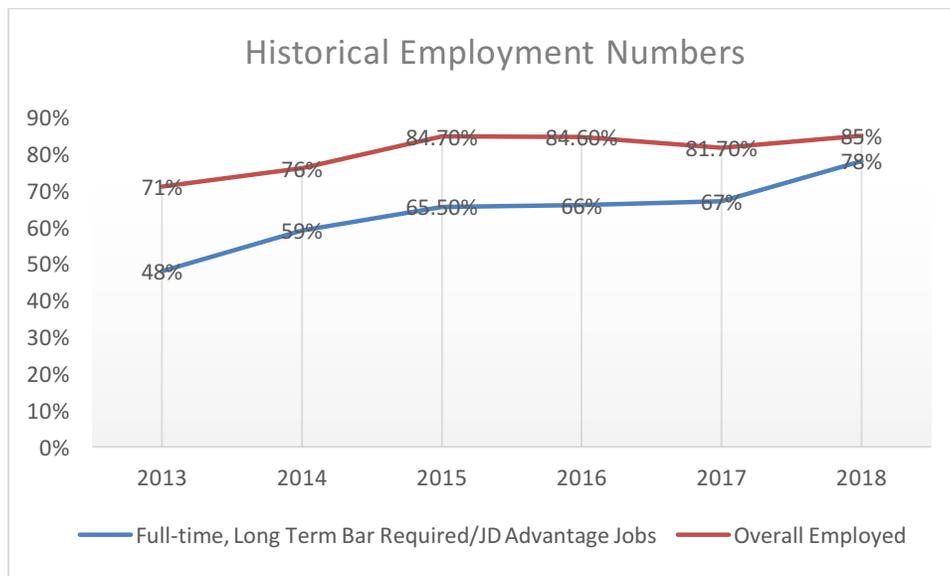
By Morris Ratner, Academic Dean

At the February 2019 Educational Policy Committee meeting, we reported regarding efforts to improve employment outcomes undertaken by the College even as we consider additional initiatives for implementation in the coming year(s). Attached please find a report prepared by Senior Assistant Dean Sari Zimmerman reporting and analyzing outcomes for the Class of 2018.

Class of 2018: Analysis of Employment Statistics

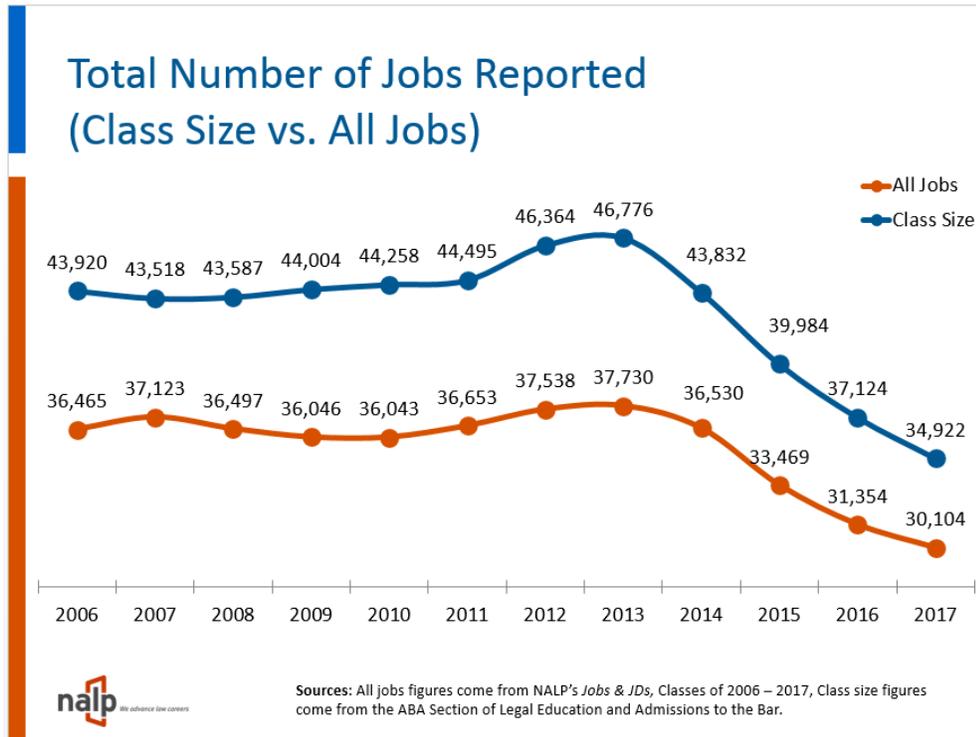
We saw a significant increase in our employment rates for the Class of 2018. This was all the more impressive given the fact that bar passage actually took a slight dip. Perhaps most importantly, the most significant increase was in the number of our graduates going into full-time, long-term (FTLT) Bar Passage Required or JD Advantage jobs that are not law school funded (the category to which US News gives the highest weight). That number increased from 67% for the Class of 2017 (and 65.5% for the Class of 2016) to 74% for the class of 2018. Thanks to significant funding from the Dean, we were also, for the first time ever, able to grant twelve FTLT Bridge Fellowships of \$40,000 each. All the fellowships went to graduates who either did not take the Bar or were retaking the Bar exam; as a result, they had low prospects for landing full-time, long-term employment by the reporting deadline. This boosted our overall FTLT Bar Passage Required/JD Advantage numbers to 78.7%.

In addition to the good news for the FTLT numbers, we also saw an increase in overall employment from 81.7% in 2017 to 85% in 2018. We also had two graduates reported as Employed-Start Date Deferred and three graduates in full-time degree programs. Our historical employment numbers are presented in the chart below:



Key Trends: We attribute these improved employment numbers to a variety of factors, some of which are spelled out in more detail below: (1) increased financial support for Full-Time, Long-Term Bridge Fellowships to support public service employment, and (2) an increase in Tax Concentrators boosting our Business jobs. In addition (3), in terms of the overall increase in full-time work compared to part-time employment, this class of graduates had even more support and outreach from Career Development Office counselors through our cohort program. Our hypothesis is that the increased outreach from multiple counselors was instrumental in inspiring job search activity and helping graduates move forward in job searches from situations where they had some comfort (long-term, part-time contract work) towards a more intentional full-time job through coaching and counseling. The challenge with these graduates is that they have a “bird in the hand” with part-time employment. Getting these graduates to view their job search with accountability is one benefit of increased

counselor outreach through the assigned cohort. Finally, (4) law school class sizes across the country have been falling for the past few years and are more in line with market demand. Our graduating class size of 277 was one of the lowest we have had in many years.¹ The NALP chart below highlights the connection between class size and employment rates. In fact, at the recent NALP conference, Jim Leipold, the Executive Director, made a plea to keep class sizes stable.



Bar Passage and Academic Performance:

The connection between bar passage and employment continues to be strong, particularly in terms of FTLT employment. The vast majority--95% of those graduates who passed the July Bar-- were employed or start date deferred by reporting time. 89% of those graduates who passed the July Bar were in FTLT positions or Start Date Deferred FTLT jobs. The bulk of those graduates still seeking employment at the time of reporting (78%) did not pass the July bar. We also saw a strong connection between academic

¹ In 2011 and 2012 we had very large class sizes of 411 and 443 respectively. Class size in successive years is as follows:

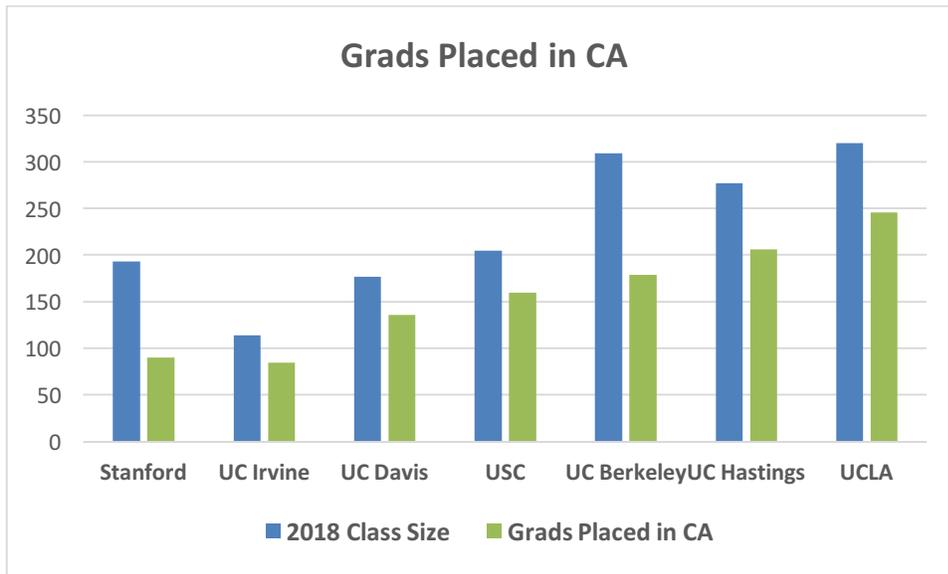
| | | | |
|------|-----|------|-----|
| 2013 | 373 | 2018 | 277 |
| 2014 | 402 | 2019 | 310 |
| 2015 | 308 | 2020 | 309 |
| 2016 | 300 | 2021 | 313 |
| 2017 | 280 | 2022 | 325 |

performance and employment status. Of the 27 graduates still seeking employment 85% (23) were in the bottom half of the class and 59% (16) were in the bottom quarter.

Geography and Employment:

87% of our employed grads (206/236) stayed in California. Seventy percent of those employed graduates (165) stayed in Northern California. We continue to keep the bulk of our graduates (107) in San Francisco.

Hastings gets more jobs for graduates in CA than any other top 50 US News school except for UCLA:



This is striking given the relatively small size of the Northern California job market that our graduates are entering (UCLA sends the bulk of its graduates to Southern California-a much larger legal market).

Financial Support for Bridge Fellowships:

This year's numbers also highlighted the importance full-time, post-graduate Bridge Fellowships, which, for the first time this year, we funded at a level that made us competitive with our UC peers. Beginning last year, Dean Faigman also increased the amount of funds allocated to support summer PI/PS grants. We believe both these avenues of financial support enhance post graduated FTLT employment. The Bridge Fellowship support provides the most immediate impact-raising our 2018 FTLT employment from 74% to 78.7%, and the summer grants allow students to gain marketable experience and cultivate professional relationships that make them more competitive in the long run for these FTLT positions.

Every California school ranked higher than Hastings on U.S. News funded large numbers of their graduates to work in full-time long term public service positions:

| | 2019 US News Rank | 2017 Class Size | 2017 Law School Funded FTLT Jobs | 2018 Class Size ² | 2018 Law School Funded FTLT Jobs |
|-------------|-------------------|-----------------|----------------------------------|------------------------------|----------------------------------|
| UC Berkeley | 10 | 305 | 14 | 309 | 16 |
| UCLA | 15 | 358 | 31 | 320 | 20 |
| USC | 17 | 209 | 5 | 205 | 6 |
| UC Irvine | 23 | 96 | 7 | 114 | 11 |
| UC Davis | 31 | 167 | 12 | 177 | 13 |
| UC Hastings | 62 | 280 | 1 | 277 | 13 |

In addition to the 12 long-term fellowships, the CDO was also able to award *short-term* grants to the Class of 2018 that lasted from September through December 2018. Of the 22 graduates who received short-term grants in the fall, 18 had employment as of the reporting deadline, of whom 17 had full-time, long-term work. Seven of those were law school funded (i.e. where students received a LT Bridge Fellowship after their ST bridge grant); the rest were funded externally. The bottom line here is that the bulk of the graduates in short-term Bridge Fellowships converted to full-time, long-term work.

U.S. News Methodology: While U.S. News does not always follow ABA and NALP classifications, they broadly rely on those categories in determining their weighting methodology. U.S. News updates its placement methodology almost every year. The excerpt below explains their current weighting system:

Placement Success (weighted by 0.20)

Success is determined by calculating employment rates for 2017 graduates at graduation (0.04 weight) and 10 months after (0.14 weight), as well as the bar passage rate, explained below...

For the third year in a row, the ABA mandated that schools report law school and university positions separately from all other nonuniversity funded positions to make the difference between the two types of jobs very clear. U.S. News continued to use this standard for data collection for the class of 2017 at graduation and 10 months later.

These ABA standards require the law schools to go into a great deal of detail by reporting 45 different job types, as well as employment status and duration. That includes, for example, whether each graduate's employment was long term – defined as lasting at least a year – or short term; was full or part time; and whether it required passage of a bar exam...

U.S. News has incorporated this rich data into its computation of the employment measure for the class of 2017 at graduation and 10 months later. Placement success was calculated by assigning various weights to the number of graduates employed in 45 of these different types of post-J.D. jobs, employment statuses and durations.

² The Class of 2018 numbers will be reflected in the 2020 US News edition.

Full weight was given for graduates who had two types of jobs. The 100 percent weighted jobs were those who had a full-time job not funded by the law school or university that lasted at least a year and for which bar passage was required, or a full-time job not funded by the law school or university that lasted at least a year where a J.D. degree was an advantage. Many experts in legal education consider these real law jobs.

Less weight went to full-time, long-term jobs that were professional or nonprofessional and did not require bar passage; to pursuit of an additional advanced degree; and to positions whose start dates were deferred. The lowest weight applied to jobs categorized as both part-time and short-term and those jobs for which a law school was unable to determine length of employment or whether they were full time.

Nevertheless, in terms of all law school and university positions, U.S. News continues to apply a greater discount in our rankings calculations to the value of jobs graduates held that the law school or university funded compared with the weight used for positions in the same category that were not funded by the law school or university.

What this means is that full-time jobs lasting at least a year for which bar passage was required or a J.D. degree was an advantage did not receive full weight in the calculations if they were school- or university-funded. All other types of jobs, which already receive less weight in the rankings calculations, were further discounted if they were funded by the law school or university.

All these weighted employment figures were divided by the total number of 2017 J.D. graduates. They were used in the ranking formula only and are not published.

The analysis below discusses many of the core categories which we track for our graduates.

EMPLOYED:

Employed Full-Time, Long-Term in Bar Admission Required or JD Advantage work that is not Law School Funded: This is the “gold standard” for purposes of US News accounting. It gives full weight to this category. We had 206 graduates in this category-74% of the class.

Employed Full-Time, Long-Term in Bar Admission Required or JD Advantage work that is Law School Funded: Last year, we had one graduate in this group-our Abascal Fellow. Thanks to Dean Faigman, this year we had funding for 12 FTLT Bridge Fellows, which added an additional 4.7% to the total of those in FTLT Bar Admission/JD Advantage jobs.

A complete breakdown by employment type is as follows:

Full-time, long-term:

| | |
|-------------|-------------------|
| Law firm: | 118 (122 in 2017) |
| Government: | 33 (23 in 2017) |
| Clerkship: | 15 (13 in 2017) |
| Business: | 33 (15 in 2017) |

Public interest: 16 (12 in 2017)
Education: 3 (1 in 2017)

Full-time, short-term:

Government: 2 (5 in 2017)
Law firm: 2 (3 in 2017)
Business: 2 (3 in 2017)
Public Interest: 1 (5 in 2017)

As we noted last year, this is an intriguing category; if we could convert more short term work to long term our employment ranking could go up significantly. Interestingly, we saw the most significant change in this category in government and public service positions (i.e., this could be where we are experiencing the impact of the FTLT Bridge Fellowships).

Part-time, long-term:

Business: 1
Law Firm: 2
Education: 1

We saw a real decline in this category; down from 12 last year to 4 this year. Three out of the four in this category had passed the Bar. We discussed above the possible role of not just enhanced Bridge Funding, but also enhanced engagement with the Career Development Office through our cohort program, that may have played a part in the decline in part-time employment.

Part-time, short-term:

Business: 2
Education: 1

We also saw a decline in this category; from 10 last year to three this year. A large portion of this group last year did not pass the Bar and were in the bottom half of the class. As with the FTST, seven graduates in this group last year were in government and public interest jobs-the types of positions for which we had more funding this year through the FTLT Bridge program. Only one graduate in this category did not pass the Bar; the other two did pass and were both highly ranked. Their relative underemployment was based more on personal reasons.

EMPLOYER TYPE:

Law firms: Interestingly, we saw fewer graduates go into law firms this year-122 compared to 136 last year. Once again this year, more graduates went to firms with fewer than 50 attorneys compared to firms with 501+ attorneys. This is the trend we have been seeing since 2008/2009 when large law firms significantly reduced their class sizes. These numbers are consistent with national trends which highlight that large firm hiring is down significantly from 2008/2009 and that hiring at the smallest firms has actually increased.

Class of 2018 graduates at law firms:

2-10 attorneys: 30 (41 in 2017)
11-25 attorneys: 16 (19 in 2017)
26-50 attorneys: 14 (8 in 2017)
51-100 attorneys: 3 (9 in 2017)
101-250 attorneys: 6 (10 in 2017)
251-500 attorneys: 2 (1 in 2017)
501+ attorneys: 49 (44 in 2017)
Solo practice: 2 (4 in 2017)

Small firm practice is a highly promising path for our graduates.

Business: To balance out the decline in law firm jobs, we saw a resurgence of graduates pursuing business jobs after a dip last year; 38 this year as compared with 20 in 2017. Just as we witnessed in 2016, we again saw a large number of graduates (14) taking Tax Associate/Consulting positions. We had anticipated this trend because the number of Tax Concentrators was back up. It also highlights one possible way to encourage students to pursue the Tax Concentration - greater demand for this field than we are currently filling. A conversation with Prof. Jaime King also revealed a similar possibility for marketing the Health Law Concentration.

Government: We continued to see strong numbers of graduates pursuing government careers – 51 in total. The significant difference this year is that the vast bulk (48) were FTLT and eight received FTLT Bridge Fellowships. Continuing the last few years' trend, the largest contingent by far fell into the local government category. As a public school with a longstanding tradition of public service, the number of our graduates going into public service is something that defines our identity and of which we should be proud.

Class of 2018 graduates in government:

Local: 25 (primarily prosecutors and public defenders)
Federal: 10 including 5 JAGs (up from 1 total in 2017 who was a JAG)
State: 1
Judicial Clerks: 15 (9 federal, 3 state and 3 local)

Public Interest: We witnessed a decline in the overall number of public interest jobs; 17 down from 25 the prior year. Of those 17, four received FTLT Bridge Fellowships, two held Lawyers for America (LfA) positions and one was an Equal Justice Works (EJW) Fellow. Interestingly, all except for one were FTLT and that one was short term with a possibility of an extension.

EMPLOYED AND START DATE DEFERRED: This year we had just two graduates in this category. Last year's high of 10 could be attributed to the fact that the employment reporting deadline fell on a Thursday and we had a large number of graduates start employment that Friday or the following Monday. Up through last year, this category was designated "Unemployed and Start Date Deferred" and it has been renamed by the ABA to better capture a graduate's status.

UNEMPLOYED AND NOT SEEKING: We have four graduates in this category-down from seven the year before and five in 2016. They shared a variety of personal and health reasons for not seeking. For example, one had been out of the country after a parent passed away, and another was settling the estate of a recently deceased parent.

UNEMPLOYED AND SEEKING: We had 27 graduates in this category. Out of that total 21 (77%) did not pass the bar and were re-taking it.

REPORT ITEM

1. **REPORT BY:** Academic Dean Morris Ratner

2. **SUBJECT:** Bar Update

3. **REPORT:** Written

Attachments:

- EXHIBIT A:
 - Memorandum Re: Bar Support Programs and Resources for Summer 2019
- EXHIBIT B:
 - Memorandum Re: Student Fee for Adaptibar – Bar Preparation Resource and Learning Tool

4.2 Bar Update

By Morris Ratner, Academic Dean

The College is gearing up to support our May 2019 graduates as they study for the Bar Exam. Attached as Exhibit A please find a memorandum from Director of Bar Passage Support Margaret Greer describing our summer bar support initiatives. These include (a) greater emphasis on ethics and the performance test, two areas where our graduates struggled on the California Bar Exam last year, (b) even more intensive individual monitoring of student course progress and proactive and individualized coaching, and (c) a much-expanded Bar Exam Supplemental Training program, including up to 13 professionally reviewed practice essays per participating graduate.

Separately, we are seeking approval from the Finance Committee to impose a special fee to support use of a tool that our research suggests will likely improve bar outcomes for future cohorts of students, i.e., access to a complete database of Multistate Bar Exam multiple choice questions released by the National Committee of Bar Examiners. Because the request is central to our efforts to improve the quality of the academic program, we are submitting the memorandum explaining it and attached as Exhibit B to both the Educational Policy Committee and the Finance Committee. In short, an online service called Adaptibar.com can license to us use of over 1,700 actual MBE questions, which our faculty can use in MBE-tested subjects as practice questions. This has several benefits:

- It ensures that faculty have access to actual bar questions for use in formative assessment;
- It embeds those questions in an online platform (Adaptibar) that helps students train for bar success by analyzing strengths and weaknesses and by explaining correct answers and distractors;
- It gives students a three-year exposure to a form of doctrinal and skills instruction that would otherwise only be available to them after graduation;
- It gives the College a rich data set for tracking student challenges and development over time; and
- Students can then use Adaptibar as a bar prep supplement post-graduation, something we currently recommend, after having had access to it for in-class assessment for three years.

Adaptibar is an effective tool. As indicated in Exhibit B, our statistical modeling suggests that UC Hastings graduates who used Adaptibar were more likely to pass the bar exam in both 2017 and 2018. The effect seems to be consistent across both years and across a variety of control variables, and across all quartiles. For example, when controlling for entering metrics and number of bar courses, we see Adaptibar predict an increase in likelihood of passing the bar on first attempt

of 20.7% overall, which is significant. By quartile, the effect from the first to fourth quartiles is also substantial: 9.7% for Q1, 17.7% for Q2, 38.5% for Q3, and 23.4% for Q4.

The cost would be \$120 per student per year, as explained more fully in the attached memorandum and proposal. This is less than the typical price of a casebook and would provide a resource that could be used during the 1L, 2L, and 3L years, and post-graduation during bar study. Because of copyright issues, the only way to use the service as intended, with practice problems provided to all students, is to ensure that all students purchase such access via a fee.

Other law schools incorporate Adaptibar into their curriculum, normally as part of a 3L sixth semester for-credit bar prep class. For approximately the same cost per student, we are spreading access across three years, making the resource more useful for faculty, students, and administrators engaged in curricular assessment and design. California law schools using Adaptibar include UC Irvine, Pepperdine, and McGeorge. Nationally, law schools using Adaptibar include, among others, Albany Law School, New York Law School, and University of Miami.

EXHIBIT A

MEMORANDUM

To: Morris Ratner, Academic Dean
CC: Stefano Moscato, Assistant Dean for Academic Skills Instruction and Support
From: Margaret Greer, Director of Bar Passage Support
Date: April 22, 2019
Re: Bar Support Programs and Resources for Summer 2019

Below is an overview of the bar exam prep programs and resources that the OASIS bar passage support program will offer May 2019 graduates who are preparing for the July 2019 bar exam.

Resources for May 2019 Graduates

B.E.S.T. Essay Tutor Program

May 2019 graduates who participate in the B.E.S.T. Essay Tutor Program will have the opportunity to submit up to 13 bar exam essay or Performance Test answers for review and feedback. Tutors will return the answers to the graduates within 72 business hours. The tutors will have access to a variety of grading resources. Examples of the resources include essay answer rubrics, State Bar of California selected essay answers, and a copy of *Essay Exam Writing for the California Bar Exam* by Mary Basick and Tina Schindler. If graduates have questions about their answers or the feedback, they may meet with me.

LEOP May 2019 graduates who participate in the program will have the opportunity to meet with designated tutors during the bar review period for tutoring sessions. The LEOP tutors, who are familiar with the needs of this cohort, will read and grade most of the LEOP answers. During the tutoring sessions, the graduates will receive oral feedback on their essay answers and will complete exercises that will help the graduates improve their essay writing skills.

178 May 2019 graduates have signed up for the B.E.S.T. program.

B.E.S.T. Group Sessions

The B.E.S.T. Group Sessions will take place on campus during bar review and will be tailored to commercial bar review courses to track their coverage. During the B.E.S.T. Group Session, graduates will answer an essay or Performance Test question under timed conditions. The graduates will be able to submit their answers for review and feedback. Graduates will also have the option of staying for a group debrief. Lunch will be served during the sessions. The sessions are designed to encourage graduates to start writing bar exam essays and Performance Test answers under simulated exam conditions from the beginning of the bar review period. The sessions will emphasize Professional Responsibility and the Performance Test, areas where our graduates struggled on the July 2018 exam. Professor Michael Zamperini, who has drafted California Bar Exam essay questions, has offered to lead additional group sessions that will cover Torts and Wills and Trusts.

Alumni Bar Passage Mentor Program

Graduates who participate in the program will be matched with alumni mentors. The alumni provide the graduates with support as they are studying for the bar exam. The graduates and alumni determine how interactive the mentoring will be. Some graduates and alumni exchange emails and phone calls, some meet for coffee or lunch, and some alumni even offer to read graduates' essay answers. Alumni mentors will be provided with a mentoring guide and will be encouraged to contact me during the bar review period if they have any questions about advising their mentees. 81 graduates have signed up for the program.

Faculty Bar Passage Mentor Program

May 2019 graduates who sign up for the Faculty Bar Passage Mentor Program will be matched with a faculty mentor. The mentors provide emotional support and check in with their mentees throughout the summer. Some mentors also offer to read essays or answer substantive questions. 76 graduates have signed up for the program.

Monitoring Bar Review Course Completion

During summer bar review, the bar passage support program will monitor the graduates' bar review course completion data. We will reach out to graduates who fall behind in their courses and will let them know that I am available to help them develop study schedules. Prior to the start of bar review, I will notify students that the College has access to the course completion data and that the College uses that information to reach out to graduates who fall behind during bar review. We will advise students that they can opt out of the program.

During the spring semester, OASIS messaged students about the importance of staying on pace with the bar review course schedules. We shared May 2018 bar review course completion statistics with students during Bar Sweeps Week and we posted flyers around campus that shared the same course completion statistics. We will message graduates throughout bar review about the importance of completing the bar review course assignments.

This summer, we will also monitor graduates who use Adaptibar. We will be able to use the data to provide even more targeted outreach and support.

Remedial Measures re Kaplan Bar Review

Based on data from 2017 and 2018, we know that graduates who use Kaplan Bar Review do not pass the bar exam at the same rate as do graduates who use Barbri or Themis. This year, we are working with Kaplan to provide graduates who are using the course even more support and guidance. Examples of the support include weekly check-ins and additional on-campus workshops for Kaplan students. I am also working with Kaplan to open up the course before the official May 30th start date so that graduates who are using the course can begin the review process earlier.

Multiple Choice Resources

Before bar review begins, we will remind graduates about the available multiple choice resources. Examples of the resources include Adaptibar, the NCBE released questions available for purchase through the NCBE's website, and *Strategies and Tactics for the MBE*. Additionally, each graduate who has taken Critical Studies II: MBE, will receive a final exam score report. The score reports will give the graduates an indication of how they are performing on a simulated MBE exam and will help them decide whether they should purchase a multiple choice supplemental resource such as Adaptibar. We will also use the final exam reports to identify students graduates who may need additional coaching and guidance on multiple choice test taking skills.

Study Rooms

Several large classrooms and several seminar rooms in the 198 McAllister building will be reserved for graduates to use as study spaces during summer bar review. We we also reserve online lecture viewing rooms for graduates who are watching their bar review course lectures online.

Discount Codes

Before bar review begins, we will remind graduates that the College has discount codes for BarEssays.com, Adaptibar, and Critical Pass flashcards.

Library and Online Resources

The Library maintains a database of prior California Bar Exam essays and the selected answers. The essays are password protected and are sorted by subject.

The Library also has on reserve a number of supplemental bar essay and MBE resources. Examples of the resources include copies of the MBE Critical Pass flashcards, *Essay Exam Writing for the California Bar Exam*, and *Strategies and Tactics for the MBE*.

The Prior Bar Lectures and Workshops Canvas page contains recordings of bar subject refresher lectures and prior bar prep workshops and events. Graduates will also be able to view the B.E.S.T. Group Sessions through the Prior Bar Lectures and Workshops Canvas page.

Graduates will also have access to the Bar Passage Support intranet page. The page provides up to date information on admissions requirements and the College's bar support programs.

Student Services Bar Coffee Wednesdays

Every Wednesday of bar review, graduates can stop by Student Services for coffee, donuts, and snacks. OASIS will supplement the donuts and coffee with snacks. I will attend the sessions and will be available to provide informal or drop in advising.

Social Events

Last summer, Student Services and OASIS hosted a bar study pizza social that was received well by graduates. We plan to host at least one social during summer 2019 bar review.

1:1 Advising – Margaret Greer, Director of Bar Passage Support

I will be available throughout bar review to provide 1:1 bar advising.

Bar Exam Lunch Program

OASIS plans to organize the Bar Exam Lunch Program. The program provides free lunches to graduates who are taking the bar exam in Oakland and Santa Clara.

EXHIBIT B

MEMORANDUM

To: David Faigman and David Seward
From: Morris Ratner, Stefano Moscato, and Margaret Greer
Date: April 23, 2019
Re: Student Fee for Adaptibar – Bar Preparation Resource and Learning Tool

After evaluating likely efficacy and conferring with and surveying faculty who teach subjects tested on the Multistate Bar Exam (MBE), and after conferring informally with students, we recommend that the College require all students to purchase access to the full database of previously-released National Association of Bar Examiners questions for use as exercises in all MBE-tested subjects, starting with the 2019-20 academic year. We can do so via a student fee that would pay for a service we already recommend that our graduates use for bar prep called Adaptibar.com. This resource not only includes 1,700-plus actual prior MBE questions, but also allows us to search the database by subject and issue to create practice exams, and allows faculty and students to assess how individual students are doing and how we are doing across categories of classes to prepare our students for the Bar Exam, in real time, without having to wait until students graduate to see how we are doing. The fee would be \$120 per student for each year the student is enrolled at UC Hastings, and would entitle our graduates to have access to the service after graduation as they study for the July Bar Exam.

Section I, below, describes the Adaptibar.com resource and explains how we would use it as a learning and assessment tool. Section II summarizes the data we have so far regarding the efficacy of this tool. Section III describes why all students need to pay the fee in order for us to use this tool in our classes. Section IV describes how we will address nuances such as transfer students, students in non-JD degree programs, and current rising 2Ls and 3Ls who will not have access to the service on the normal three-year cycle.

I. The Resource

Adaptibar.com is an online tool that includes the full database of more than 1,700 previously-released NCBE MBE questions. The database can be searched by faculty by subject and issue in order to create practice tests for students in MBE-tested subjects, including required 1L and upper division courses (Civil Procedure, Torts, Criminal Law and Procedure, Constitutional Law, Contracts & Sales, Evidence, and Real Property). Students would also be able to use the database in 3L for-credit bar prep classes, which other schools, including UC Irvine and Pepperdine, already require. Payment is a flat fee that Adaptibar has agreed to allow us to spread over three years, so students pay only \$120 per year, rather than a much larger fee. That is roughly equivalent to the price of a single textbook per year. The \$120/year access fee, which includes access in the summer after graduation from the three-year JD program, is roughly equal to the

\$350 cost of purchasing the service for use in the summer after graduation, but students get more time with it and have it integrated into their classes throughout their law school training.

In the 2016-17 academic year, after we received news that our Class of 2016's July 2016 pass rate was 51%, the faculty voted that all faculty who teach MBE tested subjects are required to offer final exams that are a mix of essay and multiple choice. That requirement has been fully implemented, but faculty have struggled to develop questions to use in class that precisely track questions actually prepared by the NCBE, despite training sessions and other support provided by the administration. In addition, faculty efforts have led to creation of exam banks, but have not led to creation of sufficient numbers of practice exercises for students to practice MBE test taking throughout their law school experience. Relatedly, students regularly ask faculty for practice MBE questions to take before final exams; while we have some resources in the library, our experience is that sample questions meant to simulate the MBE often vary in format or difficulty level.

Access to Adaptibar solves these problems of access and reliability. Director of Bar Passage Support Margaret Greer can work with faculty to create practice exams in MBE-tested subjects throughout the semester, and the online tool provides explanations and self-assessment tools. It also allows us to track how often faculty are assigning and students are taking practice exams, and allows us to evaluate where our faculty and students are struggling in terms of substantive coverage and knowledge.

To determine whether faculty would use the service, we administered a survey. 35 faculty members completed it, including 28 who teach MBE-tested subjects in which the tool would be directly relevant. Nearly all respondents said they were willing to use the service in their classes. About 90 percent of MBE faculty said they would generate practice MBE questions weekly or monthly, and would devote class time to reviewing them, and 10% said they would use it daily.

We have also started doing informal outreach to students. So far, the reception has been positive, although we have not broadly surveyed students. (Faculty assigning textbooks or other study aids in their courses do not normally canvas students to evaluate their preferences before doing so.)

II. Efficacy

Our qualitative surveys of students after the July 2016 Bar Exam revealed that they found that the simulated MBE questions in their commercial bar review courses did not adequately prepare them for the Bar Exam because they were insufficiently difficult. As a result, we started recommending that students subscribe to Adaptibar.com, the same service we now seek to incorporate into our curriculum. On an extraordinary basis, the College provided this service to May 2016 graduates who failed the July 2016 Bar Exam, but, for all other graduates, we simply recommend that they use the service at their own expense.

Our experience with the Adaptibar resource, so far, has been positive. Whereas our overall Bar Exam pass rate for the July 2019 administration of the California Bar Exam was 60%, the pass rate of the 61 graduates who used Adaptibar was approximately 90%.

Often, such descriptive information is hard to verify using regression analyses that hold constant the effects of variables such as entering metrics, law school GPA, and course selection (e.g., number of bar courses). However, in this case, our statistical analysis suggests that Adaptibar is indeed a significant factor in student success even controlling for other possible variables. Our modeling reveals that UC Hastings graduates who used Adaptibar were more likely to pass the bar exam in both 2017 and 2018. The effect seems to be consistent across both years and across a variety of control variables. For example, when controlling for entering metrics and number of bar courses, we see Adaptibar predict an increase in likelihood of passing the bar on first attempt of 20.7% overall. By quartile, the effect from the first to fourth quartiles is also substantial: 9.7% for Q1, 17.7% for Q2, 38.5% for Q3, and 23.4% for Q4. Of course, some of this bounce could be the result of selection bias; for example, it may be that voluntary use of Adaptibar, now, is a proxy for initiative and effort. Still we see a positive and robust relationship with bar passage across all four quartiles.

We also know that, as previously reported, our performance overall on the MBE, which is 50% of the Bar Exam score, has been on an upward trajectory since 2016. In July 2016, the average scaled MBE score for UC Hastings graduates was 1433, 43 points below the state average for ABA accredited schools in California. In July 2017, the scaled score was 1457, 35 points below the state average. In July 2018, the scaled score was 1467, 8 points below the state average. We do not know exactly why our MBE scores are steadily improving relative to peer law schools in California. It could be any combination of reforms that are contributing to this outcome, including greater faculty attention to bar tested issues, closed book exams, required MBE-style exams, emphasis on taking bar-tested subjects, or other efforts we have described in prior reporting. But we do see that improvement is possible.

III. Pervasive Use

The main cost that Adaptibar fee covers is the licensing fee for NCBE. For faculty to use the previously released questions in their classes, all students in those classes must have access to the database. The best way to ensure such access is through a fee charged to all students. The fee has the added benefit of giving students access to a service we think they should be using post-graduation when they are studying for the Bar Exam.

Though we believe using it has the potential to significantly improve bar outcomes, we are concerned about the cost of the Adaptibar service. As a result, we will continue to be on the lookout

for cheaper alternatives in the coming years. For now, we do not believe there is a perfect substitute for the Adaptibar service that justifies the lower price that some other services that have access to some previously-released NCBE questions charge.

IV. Nuances

For incoming fall 2019 1Ls, and for students who matriculate in the JD program thereafter, the \$120/year fee will give them full access to Adaptibar upon graduation. That means they have access to this resource as a tool in their MBE-tested subjects during their 1L-3L years, as well as in the summer when they study for the Bar Exam. We have discussed the following nuances with Adaptibar:

- Students who are 2Ls and 3Ls in AY19-20 will have to pay the \$120 licensing fee, but will not have to pay the remainder of the full \$350 access fee for the service upon graduating. Instead, they will have the option of paying the difference between the amounts they paid while in law school and the full access fee, in their discretion, meaning that, if they choose to follow our recommendation to use Adaptibar after graduating, the cost will be reduced by the amounts they paid while in law school.
- Students who transfer to Hastings after a 1L year at another law school will be treated the same way we are treating AY19-20 2Ls and 3Ls.
- LLM students, who are here for only one year but who take classes with JD students, will need to pay the \$120/year access fee for Adaptibar, and, like current rising 2Ls, have the option of reducing cost for the full service post-graduation by that amount if they decide to take our advice and use the service when they study for a bar exam.
- MSL students who are by definition non-lawyers and who will never take a Bar Exam must still pay the \$120/year fee for access to Adaptibar because they take some MBE-tested subjects. But they will not have to pay additional amounts at any time.

4.3 Faculty Staffing

By Morris Ratner, Academic Dean

In academic year 2017-18, the faculty voted to adopt the recommendations of an ad hoc committee on 1L writing to shift from a staffing model in 1L legal writing that was almost exclusively adjunct-based to one that relies more heavily on full-time writing lecturers, consistent with our capacity to support the new hires. We currently aim to hire a cohort of six full-time writing lecturers by 2022. This year, we hired two new full-time writing lecturers, bringing our total cohort to three.

The faculty recently lost two full-time long-term contract clinical faculty, one of whom retired and another of whom was appointed to serve as a state court judge. We are in the middle of a process to hire a new clinical faculty member who can expand our externship programming, including our new Corporate Counsel Externship Program, which we started this year. That process may result in the hiring of one new long-term contract faculty member this year.

Our ladder (tenure-track or tenured) hiring process this year did not produce a hire. We are currently budgeting to hire one new ladder faculty member per year, on average. In academic year 2019-20, we expect to make two ladder faculty hires.

REPORT ITEM

1. **REPORT BY:** Academic Dean Morris Ratner

2. **SUBJECT:** Faculty Staffing Update

3. **REPORT:** Written

REPORT ITEM

1. **REPORT BY:** Academic Dean Morris Ratner

2. **SUBJECT:** Strategic Planning Update

3. **REPORT:** Written

4.4 Strategic Planning

By Morris Ratner, Academic Dean

We circulated a strategic planning survey to students last month. With over 400 student respondents, the report with narrative feedback is hundreds of pages long. Each of the five strategic planning subcommittees is pouring through the narrative student comments, as are Placements & Clerkships and the Diversity, Equity, and Inclusion Working Group. Dean Ratner will orally present a high-level summary of the students' survey responses at the Educational Policy Committee meeting.

EDUCATIONAL POLICY COMMITTEE MEETING

ACTION ITEM: Adjournment

Meeting adjourned at ____:____ a.m.