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Educational Policy Committee Meeting - Minutes 02/09/2017

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

**EDUCATIONAL POLICY COMMITTEE
MEETING MINUTES
FEBRUARY 9, 2017**

1. Roll Call

Chair Marci Dragun
Director Simona Agnolucci
Director Claes Lewenhaupt
Director Mary Noel Pepys
Director Chip Robertson

Chair Marci Dragun called the meeting to order and ordered the Secretary of the Board to call the roll for the Educational Policy Committee.

2. Public Comment

None.

*3. Approval of Minutes – November 10, 2016

Chair Dragun called for the approval of the minutes. The minutes were approved.

4. Report on Present and Future of Programs

Presented by Assistant Dean of Legal Writing, Research
and Moot Court Programs Toni Young (To be Distributed)

Moot Court Director Toni Young gave a presentation on the Moot Court program--the Moot Court team and the Moot Court class program.

Moot Court Team: The Moot Court team program was just ranked as the number two Moot Court program of the decade. There exists a dedicated alumni group that coach the moot court teams, along with student coaches. The teams are judged by faculty, staff, students, alumni, and outside guests. Aside from the Moot Court Team, there are other upper division opportunities including an internal appellate advocacy competition which

is in its 52nd year. Many students who were involved in the Moot Court Board are on the alumni board of governors or are trustees.

Everyone is invited to try out for the moot court team and tryouts are a weeklong process. About 150-230 people typically try out for the team. The teams are supported by alumni donations. The teams enter and participate in a number of competitions in the spring and one of these teams will be at the Ninth Circuit for the Lefkowitz Trademark and Copyright Competition.

Moot Court Class Program: Moot Court Director Young briefly discussed legal writing and research (LW&R) program and noted that legal writing and research is the foundational course for the moot court class. LW&R continues to instruct students on the writing basics necessary to become a practicing attorney, including teaching citations. Students meet with their moot court teacher three times a semester in one-on-one conferences to help students improve. This opportunity also provides students with a resource as moot court instructors are adjunct teachers who are still currently working as practicing attorneys.

Students learn about appellate law and the various aspects of a civil case. Both state and federal law are taught in LW&R classes. The instructors focus on teaching three characteristics of writing: accuracy, brevity, and clarity. The instructors also demonstrate examples of bad legal writing and assist students in breaking bad writing habits.

Moot court occurs in the second semester of 1L year and involves persuasive writing. Moot court is also taught by adjunct professors who demonstrate to students how to draft an appellate brief and craft an oral argument. At the end of the course, students are required to argue their cases in a courtroom in front of three people volunteering as judges. The cases are all actual pending cases and students begin their research from a record on appeal and an opinion below.

A lengthy discussion ensued about the writing abilities of students and recent graduates and how to bolster students' writing abilities in order to increase bar passage.

Director Simona Agnolucci asked if adjunct faculty are being guided to help those students with significant writing deficits. Moot Court Director Young responded that a writing center was established in the last couple years to help students who have serious writing deficits, though participation is voluntary. Chancellor & Dean David Faigman noted that one way to address the issues would be to hire a professional, full-time legal writing instructor.

Moot Court Director Young continued her presentation and further discussed the moot court class program. She also mentioned the new Legal Writing Resource Center and the pro bono Hastings Appellate Project program which already won a case this year.

5. Report on Possible Bar Passage Reforms
Presented by Interim Provost & Academic Dean, Evan Lee
(To be Distributed)

Interim Provost & Academic Dean Lee led the discussion on bar passage reforms and bar passage issues. He distributed copies of two documents: a memorandum to the Academic Standards Committee and a memorandum to the Curriculum Committee. These memos proposed various reforms to academics in order to address the critical issue of bar passage rates.

Interim Provost & Academic Dean Lee noted that there are a number of causes for dropping bar passage rates and as such there are several proposed reforms. He gave four areas of concern that can be attributed to bar passage difficulties:

- 1) Allowing students more choice in which courses they can take compared to 30 or 40 years ago;
- 2) Allowing students to take as many as two of their courses, including bar courses, as credit/no credit;
- 3) Cutting down the number of units for critical classes in order to offer them all in the first year of law school; and
- 4) Outsourcing the teaching of legal analysis to LW&R instructors rather than professors teaching it in class.

Interim Provost & Academic Dean Lee proposed a number of reforms.

Required Bar Courses: Interim Provost & Academic Dean Lee suggests requiring all students to take at least six upper division bar courses—not including Professional Responsibility—and that these six courses must include Evidence, Business Associations and Con Law 2.

Disallow Students to Take Bar Courses for Credit/No-Credit: Interim Provost & Academic Dean Lee said that a report commissioned by Dean Morris Ratner evidenced a positive correlation between bar courses taken for a grade and bar passage, thus, students should not be allowed to take these courses for credit/no-credit.

MBE Questions for Students Beginning 1L Year: Interim Provost & Academic Dean Lee highlighted that students do not receive enough practice with MBE questions and thus he is proposing that 1Ls be tested on MBE type questions before beginning their second year. The best way to administer this reform would require 1L instructors to incorporate MBE type questions in their exams—so that 1L exams somewhat mimic the bar exam.

Reduce the Number of Subjects Taught During 1L Year: Interim Provost & Academic Dean Lee discussed that students may be exposed to too many different subject matter areas in their first year. This creates a problem as a student's ability to learn any subject depends in large part on the opportunity to do repetitive analysis. As such, he proposes removing a subject from the first year coursework. He also noted that some classes may benefit from having units added to the course or having the course stretched over two semesters. ASUCH President Sammy Chang offered support of this, noting that in a survey administered to the student body, students especially supported increasing the number of units for Civil Procedure.

Return to Closed Book Exams: Interim Provost & Academic Dean Lee proposed that all examinations—at least in bar courses—be administered as closed book. This will give students more opportunity to work on memorization, which is essential to the bar exam.

Require Professors Teach Legal Analysis During Their Courses: Interim Provost & Academic Dean Lee reported that best practices from law schools show that students best learn the skill of legal analysis within the context of their doctrinal classes. This analysis needs to be taught alongside learning about the various topics in doctrinal classes, rather than just in stand-alone writing courses. Every day during these bar classes, students should be learning how to spot an issue, apply the rules to a set of facts, and build on these legal analytical skills.

Director Agnolucci inquired about the process of passing these proposals. Interim Provost & Academic Dean Lee responded that the proposals have been presented to the Curriculum Committee and the Academic Standards Committee. These committees will review the proposals, cut down or add to them, and hear other ideas from faculty and students. Eventually the proposals will be presented to the full faculty for a vote. A proposal requires a fifty-percent vote of faculty in order to be adopted.

The most time-sensitive proposal is that which seeks to expand Civil Procedures and Contracts during 1L year. In order to be implemented in Fall 2017, the proposal must be passed at the February faculty meeting at the end of the month. All other proposals can be voted on during the April faculty meeting and still be implemented in Fall 2017.

Director Agnolucci asked about the ability to limit Wi-Fi in classrooms and a lengthy discussion ensued about banning laptops from classrooms. Interim Provost & Academic Dean Lee noted that many faculty members support banning laptops from classes.

A lengthy discussion ensued about commercial bar courses. Interim Provost & Academic Dean Lee reported that nearly all students take a commercial bar course. Loan programs are also offered for those who need help paying for commercial bar courses.

Director Pepys asked what objections faculty may have to these proposals. Interim Provost & Academic Dean Lee responded that some faculty may be opposed to the six bar classes requirement, as there are skills and learning that are essential for the actual practice of law that are not similar with the learning necessary to take the bar exam. Professor Karen Musalo echoed this sentiment noting that some professors are not convinced that there is a correlation between taking bar courses and bar passage and believe students will actually learn better and engage more when they have some ability to choose which subjects they want to take.

The matter ended with a discussion on transparency of the correlation with GPAs and bar passage.

6. Search for the New Provost & Academic Dean
Presented by Chancellor & Dean David L. Faigman

Chancellor & Dean Faigman gave a report on the members of the Academic Dean Search Committee which includes Directors Dragun, Pepys, and Lewenhaupt and Professors Richard Boswell and Robin Feldman. He noted that the College would like to have a vote during spring semester so that the new Academic Dean would have time to shadow Interim Provost and Academic Dean Lee. Currently, there is at least one internal candidate. There was further clarification that the search was for the title of “Academic Dean” and not “Provost and Academic Dean.”

*7. Adjournment

There being no further business to come before the Educational Policy Committee, the meeting was adjourned.