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## Educational Policy Committee Meeting - Minutes 11/09/2017

UC Hastings Board of Directors

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

**BOARD OF DIRECTORS  
EDUCATIONAL POLICY COMMITTEE MEETING MINUTES  
NOVEMBER 9, 2017**

**1. ROLL CALL**

Board of Directors Present:

Director Simona Agnolucci  
Director Claes Lewenhaupt  
Director Mary Noel Pepys  
Director Tom Gede (Ex-Oficio)

Directors Absent:

Director Marci Dragun

Staff Present:

Chancellor & Dean David Faigman  
General Counsel Elise Traynum  
Chief Financial Officer David Seward  
Academic Dean Morris Ratner  
Director of Accreditation and Assessment Andrea Bing

Other Participants:

**2. PUBLIC COMMENT**

None

**3. APPROVAL OF MINUTES:** August 10, 2017

Director Agnolucci called for the approval of the August 10, 2017 minutes. The minutes were approved as distributed.

#### **4. ACADEMIC PROGRAM ISSUES**

##### **4.1 LEOP Director – Hiring Update**

(Written and Oral)

Presented by Academic Dean Morris Ratner

Academic Dean Morris Ratner provided an update regarding the hiring process to fill the vacant position of LEOP Director. A national candidate search produced 25 applicants. From that pool, the search team selected six candidates to attend day-long campus interviews. Dean Ratner reported that the campus interviews were structured to be as inclusive as possible; therefore, in addition to meeting with Assistant Dean of Academic and Professional Success Stefano Moscato, Chancellor & Dean David Faigman Dean Ratner, the finalist candidates also met with a panel of LEOP students, faculty advisors to the LEOP program, and LEOP alumni. After aggregating the data from those interviews, the search team extended a job offer to Elizabeth McGriff.

Ms. McGriff, a UC Hastings alumna, currently serves as the Interim Director of Law Student Support at Golden Gate University. She previously served as Director of Diversity Pipeline Programs at the Bar Association of San Francisco. While studying at UC Hastings, she was a student leader, and she has been a speaker at the UC Hastings black law students' graduation. While she has worked primarily in the education field, Ms. McGriff has had three stints working in the private sector as well. She will begin her new position on December 1, 2017.

Dean Ratner reported that in the fall semester, the College has made progress in aligning the academic support function of LEOP with the bolstered academic support and academic skills programming for all students. In addition, the LEOP Admissions Committee has had an opportunity to reflect more on the LEOP admissions process, both in terms of the standards applied by the College and the processes that have been in place.

Dean Ratner reported that approximately 15 percent of the IL incoming class were LEOP admissions. Director Simona Agnolucci asked whether LEOP admits tend to remain at the College for the full three years of law school. Dean Ratner stated that the College has a difficult time retaining LEOP students who place in the top quartile, or even the top two quartiles because, usually, they are poached by higher-ranked law schools. He noted that one of the side benefits of having faculty advisors engaging with LEOP students is that there could be retention benefits as the students will feel more integrated. Dean Ratner added that in addition to hiring Elizabeth McGriff as Director of LEOP, the College added to her title Equity and Inclusion Advisor with the idea that she would be instrumental in identifying initiatives that would help with retention efforts. Also, she will reexamine the College's experience with pipeline programs.

Dean Ratner also observed that the College has a great LEOP alumni group. He noted that this group has been largely informal; however this year, the College endeavored to formalize this group by creating a panel of LEOP alumni advisors. This panel is meant to be a professional networking component.

#### 4.2 LexLab – Vision and Update

(Written and Oral)

Presented by Academic Dean Morris Ratner and Chancellor & Dean David Faigman

Dean Ratner provided a brief explanation of LexLab, an online hub that coalesces co-curricular or not-for-credit educational opportunities and a co-curricular or not-for-credit speaker series. He noted the overlapping LexLab components: (Incubator, Curriculum, Speaker Series, and Online Resources and Special Projects).

The LexLab website memorializes the LexLab activities on campus, special projects that allow students to engage with both the persons within UC Hastings that have a particular interest here, legal tech, and persons externally who are engaged in that same project of legal technology, and UC Hastings curriculum. Students will have opportunities to network with the startup community in San Francisco, to acquire entrepreneurial, design, and technical skills necessary to envision and implement advancements in legal services and to promote access to justice via the delivery of more affordable legal services. Vehicles for achieving these aims include the establishment of a legal tech incubator at UC Hastings.

Dean Ratner observed that the concept of LexLab addresses four key problems that UC Hastings has struggled with. First, there is a natural wall between the College and the external world because what is happening at UC Hastings is not always visible from the outside. A second aspect is a lack of connectivity between the many people on campus who are working on interesting projects, such as people in the legal technologies space and professors who are teaching classes like artificial intelligence and data privacy, student groups that are focused on law and technology, and speakers who come to campus who are not aware of this rich campus life that is taking place under the surface.

A third challenge is that UC Hastings students are studying law in a time of rapidly changing technology. UC Hastings graduates will need to have technical skills, such as eDiscovery skills, an essential component of civil procedure.

Dean Ratner continued, that a fourth challenge to which LexLab responds is that a lot of the College's programming is ephemeral, meaning that when a speaker comes to campus, if that event is not recorded and posted online, the record of that event disappears and future students do not benefit from that effort. He emphasized that LexLab should address each of these challenges in the legal technology space. Dean Ratner reported that the College recently hired a new program manager, Kali Ilunga, who has worked in this area for a long time. Dean Ratner explained that LexLab is still in a flexible "idea phase." The College is still exploring the best way to get this incubator off the ground (i.e. a standalone incubator or partner with existing entities that provides incubator-like resources).

Chancellor & Dean David Faigman commented that LexLab was intended to complement the Startup Legal Garage. Whereas the Startup Legal Garage has UC Hastings students working with attorneys to represent early startup companies, the College has not yet fostered a path for students to gain experience deep in legal tech itself or the startup world that surrounds the College. Thus, the LexLab is part of a greater vision of taking advantage of the geographical benefits of San Francisco and Silicon Valley to enhance students' employability upon graduation. Dean Faigman believes that this strategy will help UC Hastings to become known as

the legal tech center of the Bay Area and the strategy also fits with the College's other collaborations (i.e. UCSF and UC Davis's Graduate School of Management) which are working with big data analytics. Chancellor & Dean David Faigman mentioned that he would like to develop relationships with law firms, with legal research companies such as LexisNexis, Thompson Reuters, Bloomberg, as well as connections to VC Angel Investors. Justice Tino Cuellar, who is interested in artificial intelligence, has already committed to the LexLab speaker series.

ASUCH President Samuel Chang suggested that the College consider offering a summertime LexLab certification for incoming students or students who may be considering studying law. Mr. Chang reflected on his experience with Professor Robin Feldman, who offered a non-GPA one-unit seminar legal writing specific to Intellectual Property law. From Mr. Chang's experience as a student, such a certification could make the UC Hastings brand more prominent while also drawing in students who are considering studying law. Mr. Chang also suggested that if LexLab Speaker Series offered MCLE credits, this could be a compelling way to attract the attention of local attorneys working in the legal tech field, as well as promote the UC Hastings brand.

#### **4.3 ABA Standard 303 – Implementation of New Experiential Learning Requirements**

(Written and Oral)

Presented by Academic Dean Morris Ratner

Dean Ratner explained that ABA Standard 303 requires that the College provide 6 hours of experiential learning to students as a standalone course. This can be a simulation course (i.e. a simulated, client-like experience; a law clinic, which is legal practice within a law firm, where lawyers are supervising the cases; or a field placement where students are sent to law firms or legal service organizations outside UC Hastings. The students would be closely supervised and a UC Hastings faculty member would monitor the student placement. Dean Ratner explained that this new requirement will not be a burden on the College as the institution has already begun to incorporate the elements as it developed its recent experiential learning courses.

Dean Ratner noted that the College considers an experiential course to be a course where at least 51% of the course is experiential. In an experiential course, doctrine must be integrated with theory, skills and legal ethics. The primary change for UC Hastings was to ensure that the experiential courses explicitly cover Ethics and that students develop core lawyering skills, such as oral communications, interviewing, and negotiation. One of the biggest conceptual pieces of the experiential curriculum is getting students to think about their *professional identity formation* or the skills they will need in practice and the steps they have to take to develop those skills). Dean Ratner referred everyone to the memorandum by Associate Dean Ascanio Piomelli, which explains how the College prepared for the new requirement as distributed.

Dean Ratner spoke about the impact that the experiential requirement has on students. He said that 2L and 3L students have 11 percent of their coursework set as experiential learning. When one considers the College's existing ethics requirement and the new upper-division bar course requirement (which is a minimum of 9 units of required education) and the writing

requirement, approximately one-third of students' upper division coursework is “guided,” meaning that students do not have much curricular choice, apart from which courses to take within the experiential requirement. Dean Ratner suggested that College administrators should be sensitive to the lack of space in students’ schedules once they finish their 1L year.

#### **4.4 Adjunct Faculty – Diversity Status Report**

(Written and Oral)

Presented by Academic Dean Morris Ratner

Academic Dean Ratner informed everyone that College administration has committed to adjunct faculty diversity. He sent an email in October 2017, to all faculty, students, and alumni in an effort to recruit a diverse adjunct faculty bench. Dean Ratner referred to a self-reflection report to WASC for the '16-'17 academic year. That report showed that 15.7% of adjunct faculty were minorities in 2016, and there were few female adjunct faculty members. Dean Ratner observed that one of the reasons why adjunct faculty may have lacked diversity, is that past adjunct faculty recruitments were by word of mouth as opposed to the more open process that has now been initiated.

The College has already received 30 applications from promising potential adjuncts, many of who are UC Hastings alumni. For all new adjunct faculty, Dean Ratner has initiated an informal mentoring program where new adjunct faculty will be paired with existing full-time faculty by subject matter area.

In addition, adjunct faculty candidates will be encouraged to give a guest lecture in a class hosted by a full-time faculty member. Dean Ratner will visit the guest lecture as well. This process will provide an opportunity to evaluate the candidate in the classroom setting, to provide feedback, and provide more mentoring than the College may have done in the past.

#### **4.5 Non-JD Degree Programs – Update on LLM/MSL**

(Written and Oral)

Presented by Academic Dean Morris Ratner and Chancellor & Dean David Faigman

Dean Ratner began by describing some of the efforts throughout 2017 by the Enrollment Management Department and by Chancellor & Dean David Faigman to recruit students for the LLM and MSL programs. Chancellor & Dean David Faigman Enrollment Management plan to travel throughout the world and connect with potential students and partner institutions. Chancellor & Dean David Faigman will be going to Latin America, Europe, and Asia. Some of the schools he will visit have requested that he deliver speeches and other presentations during his visit.

Also discussed was the possibility of creating distance education platforms for both the LLM and MSL programs. With regards to China in particular, fraud is a concern; therefore, if the College does choose to extend the distance education platform to China, it may be preferable to have a Chinese university oversee the examination procedure for students that are enrolled in the LLM program. This is an item that Chancellor & Dean Faigman will continue to discuss with Chinese university partners. Professor Keith Hand, Associate Dean for Global Programs, Professor of Law, and Director of the East Asian Legal Studies Program will accompany Chancellor & Dean David Faigman on his trip to China.

In response to a question, Chancellor & Dean David Faigman clarified that with regards to the Italian universities, the students who would come to UC Hastings to complete an LLM will have already completed their undergraduate degrees and passed the local exam to practice law. These students will be proficient English speakers.

#### **4.6 WASC Site Visit Team – Update**

(Written and Oral)

Presented by Academic Dean Morris Ratner

Dean Ratner introduced Director of Accreditation and Assessment Andrea Bing. Dean Ratner explained that while some people might think that accreditation and assessment are the same thing, in actuality assessment is a requirement where the College defines what it hopes to achieve in its programs and then use evidence to determine whether those outcomes have been achieved. Additionally, assessment assumes that the College will subsequently change its programs in response to those evidence-based determinations. Dean Ratner noted that the College has undertaken this process instinctively as a result of its bar pass struggles; however now, that the ABA requires assessment, this reflection process has taken on a new level of meaning. Dean Ratner explained that when administrators could not determine how the bar pass rate dropped so precipitously, the College consulted a statistician.

Dean Ratner informed everyone that the WASC site visit team provided oral commendations and some recommendations. The program learning outcomes are on the UC Hastings website. The WASC site visit team commended the College for its commitment to its mission and its exciting new leadership. Dean Ratner reported the WASC site visit team specifically mentioned Chancellor & Dean Faigman and the College's committed Board of Directors. The site visit team also noted that the College is successfully capitalizing on partnerships with UCSF and other institutions. In terms of the College's internal operations, the WASC site visit team praised the Career Development Office for some of their assessment efforts that administrators plan to try to replicate across the College.

In terms of areas for improvement, the WASC site visit team recommended that the College update its 2011 Strategic Plan to include elements of the current Long-Range Campus Plan. The WASC team also wants to see UC Hastings scale up its assessment efforts that are in the early phases given that these requirements are all relatively new. The WASC team would especially see UC Hastings apply these evidence-based assessment techniques to its non-JD programs like the LLM program and the MSL program.

The WASC team asked the College to build additional assessment capacity. Dean Ratner explained that larger institutions that are not standalone law schools have institutional research departments comprised of teams which collect and analyze evidence and make programmatic recommendations. UC Hastings relies on Andrea Bing and a statistician for this type of analysis, currently. The College cannot afford to have an institutional research department; however, it can afford to make what has been an ad hoc faculty committee — the faculty Educational Effectiveness Committee — a standing committee.

A lengthy discussion ensued about the External Evaluator Report for WASC Accreditation Visit authored by Deanell Reece Tacha, former Dean of the Pepperdine University Law School and

Chair of the site accreditation team. Deanell Reece Tacha recommended that UC Hastings implement a 2.4 % academic dismissal rate. Director of Accreditation and Assessment Andrea Bing explained that the accrediting bodies are concerned with ensuring that retention rates are not too high. The team, however, was satisfied with UC Hastings' low academic attrition rate which is attributed to students transferring out in their second year.

Dean Ratner reported that the College has charged the Academic Standards Committee with reviewing whether the College can and should increase the GPA DQ – disqualification threshold as mentioned in the evaluation report. He voiced agreement with Dean Tacha's assessment and reiterated that the College's focus should be on how to proceed gradually toward increasing the dismissal rate. He noted that the questions are how do we get there and how do we compare to other institutions. The 2.0% two figure is comparable to Irvine, Davis, Loyola, Los Angeles, and San Diego.

**\*5. Adjournment**

(Oral)

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