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Educational Policy Committee Meeting – Packet 05/14/2020

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HASTINGS
COLLEGE
OF THE LAW

BOARD OF DIRECTORS

-

**EDUCATIONAL POLICY
COMMITTEE**

May 14, 2020



NOTICE OF MEETING

The Educational Policy Committee of the University of California Hastings College of the Law Board of Directors will hold a Meeting on Thursday, May 14, 2020.

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

DATE: Thursday, May 14, 2020

PLACE: Due to the COVID-19 pandemic and the Shelter-in-Place order by the City and County of San Francisco, the meeting will be held virtually, via the Zoom video conferencing platform. Participants and members of the public may join the meeting via the web link or dial-in numbers provided below.

Join Zoom Meeting

<https://uchastings.zoom.us/j/93860165704>

Meeting ID: 938 6016 5704

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Find your local number: <https://uchastings.zoom.us/u/aeKVxMpSXX>

STARTING TIME: 9:00 a.m.

AGENDA: See Attached

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

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Secretary to the Board of Directors John K. DiPaolo at (415) 565-4850 or sending a written request to the Secretary via email to OGC@uchastings.edu. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.



**UNIVERSITY OF CALIFORNIA
HASTINGS COLLEGE OF THE LAW
BOARD OF DIRECTORS
MEETING OF THE EDUCATIONAL POLICY COMMITTEE
AGENDA**

Thursday, May 14, 2020 at 9:00 a.m.

Due to the COVID-19 pandemic and the Shelter-in-Place order by the City and County of San Francisco, the meeting will be held virtually, via the Zoom video conferencing platform. Participants and members of the public may join the meeting via the web link or dial-in numbers listed in the public notice of this meeting linked here: <http://www.uchastings.edu/board>.

1. Roll Call
 - Director Simona Agnolucci, Chair
 - Director Denise Bradley-Tyson
 - Director Tom Gede
 - Director Andrew Giacomini
 - Director Claes Lewenhaupt
 - Director Mary Noel Pepys
 - Director Chip Robertson
2. Public Comment
- *3. Approval of Minutes – February 27, 2020 (Attachment)
4. Report of Provost and Academic Dean Morris Ratner
 - 4.1 COVID-19 and the Academic Program (Attachment)
 - 4.2 COVID-19 and Class of 2020 Professional Success Program (Attachment)
 - 4.3 Class of 2019 Employment Report (Attachment)
 - 4.4 Certificate in Studies in Law (Attachment)
 - 4.5 Public-facing Strategic Plan (Attachment)
 - 4.6 Adjournment to Closed Session Pursuant to Education Code Section 92032(b)(7)(A) to consider the following items:
 - *4.6.1 AY20-21 Sabbaticals
 - *4.6.2 Tenure Votes
 - 4.6.3 Fiscal Health – 2020 Tenured Faculty Retirement Incentive Plan
 - 4.7 February Bar Exam Performance Analysis (Attachment)
- * 5. Adjournment

*Action Item



**UNIVERSITY OF CALIFORNIA
HASTINGS COLLEGE OF THE LAW
BOARD OF DIRECTORS
EDUCATIONAL POLICY COMMITTEE
MINUTES OF FEBRUARY 27, 2020 SPECIAL MEETING**

UC Hastings College of the Law
Office of the General Counsel
A. Frank Bray Board Room
198 McAllister Street, Room M-115
San Francisco, California 94102

1. Roll Call

The Chair called the meeting to order at 9:08 a.m., and the Secretary called the roll.

Committee Members Present

Director Simona Agnolucci, Chair (by telephone, departed at 9:45 a.m.)
Director Tom Gede
Director Claes Lewenhaupt (Acting Chair after 9:45 a.m.)
Director Mary Noel Pepys
Director Chip Robertson (by telephone)

Committee Members Absent

Director Denise Bradley-Tyson

Staff Participating

Chancellor and Dean David Faigman
Provost & Academic Dean Morris Ratner
Chief Financial Officer David Seward
General Counsel and Secretary to the Board John DiPaolo
Professor Alina Ball
Title IX Coordinator Andrea Bing
Associate Dean for Research Scott Dodson
Professor Heather Field
Director of Bar Passage Support Margaret Greer
Chief of Staff to the Chancellor & Dean/Assistant Chancellor & Dean Jenny Kwon

Assistant Dean for Academic Skills Instruction and Support Stefano Moscato
Associate Professor of Law Manoj Viswanathan
Chief Communications Officer Sybil Wyatt

2. Public Comment

The Chair invited public comment. No member of the public offered comment.

*3. Approval of Minutes – November 14, 2019

The Chair called for a motion to approve the minutes. Upon motion made and seconded, the minutes were approved.

4. Report of Provost & Academic Dean Morris Ratner

4.1 Bar Exam Update – Provost & Academic Dean Morris Ratner, Assistant Dean Stefano Moscato, and Director of Bar Passage Support Margaret Greer

Dean Ratner, Assistant Dean Moscato and Ms. Greer reported that the College's California bar pass rate had been steadily climbing from 2016 relative to other ABA-accredited schools, but the July 2019 results were remarkable, with the College exceeding the ABA state average by 9 percentage points.

New information about peer schools showed Hastings tied with Loyola and Irvine for 7th place. LEOP outcomes were on par with comparable non-LEOP students and above the ABA state average.

Dean Ratner noted that the results of the lowest quartile of students are still a problem.

The Committee asked about the sustainability of this progress. Dean Ratner stated that there were challenges. The College continues to have a substantial population whose metrics give them a 50 percent chance of passage, meaning they could go either way in a given year. Also, the incoming metrics of Hastings' students are lower than that of our closest competitors, and that gap is widening. Dean Faigman noted that the class of 2020 will be the first one to have had three years of the College's new measures to support bar passage, which is promising.

Chancellor & Dean Faigman does not believe that the early disclosure of essay question topics across the state influenced the results for the College.

Students repeating the test have a 50% pass rate on their first repeat and an ultimate pass rate above 80 percent within two years.

4.2 Strategic Planning Update – Provost and Academic Dean Morris Ratner and Chief Communications Officer Sybil Wyatt

Ms. Wyatt reported that the creation of a public-facing strategic plan document was well under way. She anticipated a beautiful document of about 36 pages to be published in June in hard copy, and online. It will emphasize existing excellence at the College and its upward trajectory. It will be loosely based on the strategic plan, with a focus on the most important goals. Areas of emphasis will include the following:

- The academic village
- Teaching and learning
- Scholarship
- Community engagement

The target audience will be primarily alumni, secondarily prospective students. It will be mailed to alumni. The Committee discussed the need for a board discussion of the actual strategic plan, and March was suggested for this. Chief Financial Officer Seward stated that there was a need to indicate a strategic plan exists as part of the debt issuance.

4.3 Title IX and Faculty Rules – Provost & Academic Dean Morris Ratner, General Counsel John DiPaolo, Title IX Coordinator Andrea Bing¹

Dean Ratner informed the Committee that the faculty had adopted procedures to address sexual misconduct to come into compliance with Title IX and policies of the College. Ms. Bing explained that significant aspects of the College’s existing Title IX functions would be used in the faculty process, including oversight of investigations, but that the faculty would have a significant role in the adjudication process, as they do for other aspects of faculty discipline. The Committee discussed with the presenters the importance of due process protections. Mr. DiPaolo stated that he believed the faculty’s new procedures comported with due process protections, including those recently articulated in state case law and by the U.S. Department of Education.

4.4 Ladder Faculty Hiring Update – Provost and Academic Dean Morris Ratner²

Dean Ratner reported that public defender and criminal procedure scholar Jonathan Abel will join the College faculty as a tenure-track associate professor on July 1. He will teach criminal law and procedure in the coming academic year.

4.5 Center-Related Faculty Staffing – Provost and Academic Dean Morris Ratner, Professor Alina Ball, Professor Heather Field and Associate Professor Manoj Viswanathan³

Professors Field and Viswanathan, co-directors of the Center on Tax Law, presented on the Center and its new Low Income Taxpayer Clinic. The Center’s mission is to connect students, faculty, and friends of Hastings working or interested in tax law. Its most exciting initiative is the Low Income Taxpayer Clinic. A grant from the IRS will fund a visiting assistant clinical professor to establish and direct the clinic in the coming year. A 2013 College graduate has been hired, and the clinic is already assisting clients with active tax controversies or who

¹ This matter was discussed immediately after item 4.4.

² This matter was discussed immediately after item 4.5.

³ This matter was discussed immediately after item 4.2.

need tax education. The clinic provides students the opportunity to work in tax litigation, which is new at the College.

The Center aims to help students find and develop careers in tax and engage alumni in the field. It includes an in-house tax externship and offers 22 credits in tax, providing students with a broad foundation in tax law and training them in the substance and skills that make them desirable for employers. Our tax concentrators are almost 100% employed already. Employers are coming to the College to hire graduates of the program. Significantly, graduates can go directly into tax positions without a tax LLM.

Alumni have sponsored relationships with various professional and government bodies. This raises the College's profile in the tax community and is allowing us to get scholarship funding to retain our best tax students.

This year 14 students joined the tax concentration. Three students this year also got tax jobs who did not complete certificate.

Dean Ratner stated that this program exemplifies what centers of excellence are supposed to be.

Professor Ball then presented on the Center for Racial and Economic Justice. Its mission is to advance racial and economic equity. It is pursuing three paths:

- Reframing doctrinal courses in context of structural racism and inequality
 - For example, they are developing tools professors can use such as modules and podcasts. These might be released as open sources.
- Convening scholars and practitioners on issues of race and economic justice.
 - Richard Rothstein is presenting on his book the Color of Law.
- Coordinating course offerings that center issues of race inequality and subordination.
 - Visiting scholars will assist with this.

*4.6 Approval of Sabbaticals –Chancellor and Dean David Faigman and Provost and Academic Dean Morris Ratner

Chancellor and Dean Faigman and Dean Ratner presented to the Committee proposed research sabbaticals for Professor Scott Dodson and Professor Jeff Lefstin, for academic year 2020-21.

The Chair called for a motion to recommend that the Board approve the proposed sabbaticals. Upon motion made and seconded, the motion was approved.

* 5. Adjournment

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

Respectfully submitted,

John K. DiPaolo, Secretary

4.1 COVID-19 and the Academic Program

By Academic Dean Morris Ratner

This report describes how the COVID-19 pandemic has required the College to adapt its academic program in the Spring 2020 Term (“SP20”), and describes Fall 2020 Term (“F20”) contingency planning.

Chancellor & Dean David Faigman has overseen a coordinated response to the pandemic, proactively adopting a Pandemic Response Plan, attached as Exhibit A, and constituting a cross-departmental Core Pandemic Response Team that has allowed the College to be focused and nimble in the face of unprecedented challenges. As a result of that coordinated effort, the College has been quick to implement health measures and initiatives described below to protect the community and to support students. In so doing, the College has maintained instructional continuity. All faculty successfully migrated their courses online and concluded their classes, supported by a comprehensive online training program and support infrastructure that we built within a few days. Final exams are being administered remotely now. And the academic program’s infrastructure, including the Academic Dean’s Office/Faculty Support, Career Development Office (“CDO”), Office for Academic Skills Instruction and Support (“OASIS”), the Records Office, and Student Services, have all been operating remotely.

We do not yet know how measures taken to protect the health of students and other community members – including the quick mid-semester pivot to online instruction, shift to open-book take-home exams, and move to a CR/NC grading scale for JD candidates in SP20 – will impact student outcomes. Nor is it clear how economic fallout of the pandemic will affect summer work experience for our current students (rising 2Ls and 3Ls) or Class of 2020 employment outcomes. We are just now learning the effects of the pandemic on retention and admissions. In light of these unknowns, the College has initiated a process of intensive assessment and risk mitigation, including some of the programs described below and in accompanying Report 4.2 pertaining to Class of 2020 support.

As described below, the College is also planning for the year ahead. Summer Legal Institute 2020 starts May 12, and will be offered remotely, and with take-home exams; but the College is reverting to normal grading scales and curves. The shape of the F20 term depends to a significant degree on decisions by accrediting agencies regarding online education and on public health measures the precise contours of which have not yet been determined. Faculty and academic departments are preparing for the most likely scenario, i.e., a significant degree of in-person instruction and programming, but with social distancing combined with distance education options for those who need them. The College is also engaged in contingency planning for other scenarios, including the possibility that instruction may start in-person but may need to be move entirely online at some point during the coming year.

I. COVID-19 Disruption

The College adopted a series of public health measures following guidance provided by local, state, and federal health officials and after consulting with University of California Office of the President and UC campuses. Most importantly, effective Monday, March 16, on the same day the City and County of San Francisco Department of Public Health issued a shelter in place order,¹ the College moved academic and administrative operations of the campus to a substantially virtual environment with the exception of the residential building at 100 McAllister (“the Tower”), and limited access to campus buildings other than the Tower. This move impacted the academic program, which includes the curriculum, academic departments and services, campus events and student life, and faculty research. It also impacted the lives of community members who, since that time, have been working or studying from home while juggling caregiving and other responsibilities.

II. Spring 2020 Pandemic Response

The College quickly adapted its academic program to maintain instructional continuity.

A. From In-Person to Distance Education

1. Timeline

SP20 classes started January 6, 2020. The semester includes 13 weeks of instruction. In light of the pandemic, the College encouraged faculty to offer instruction online starting the week of March 9, and also asked faculty to permit all students to have the option of attending classes online starting that week. The College required all faculty teaching our approximately 225 SP20 courses to do so remotely by the week of March 16, without coming to campus.

2. Support

To support this sudden migration of the curriculum online, Associate Dean for Library and Technology Camilla Tubbs and her team in the Library and IT identified Microsoft Teams as the preferred vehicle for delivering online instruction and implemented a series of group and individual trainings. In addition, Academic Dean’s Office and Faculty Support staff trained on Teams and attended the start of every class to ensure that faculty were able to function in the remote environment. In addition, the College funded “technology TAs” for every faculty member who needed one. Faculty Director of Online Legal Education and Professor of Law Abe Cable spearheaded conversations among faculty about distance education best practices and pedagogy. Other faculty members spontaneously created instructional videos regarding teaching on Teams, shared information about their teaching experiences, and supported each other through the migration. As a result of these and other efforts, including our students’ willingness and ability to adjust to the new learning environment, the College was able to virtually conclude the semester.

¹ See <https://www.sfdph.org/dph/alerts/files/HealthOrderC19-07-%20Shelter-in-Place.pdf>.

3. Accreditation and Compliance

UC Hastings Law is accredited by the American Bar Association (“ABA”) and Accrediting Commission for Schools Western Association of Schools and Colleges (“WASC”). Both accrediting entities have issued guidelines that support the move to online education through the summer term and advise law school administrators to exercise good judgment, within limits, when adapting other elements of the academic program to meet programmatic needs during this public health crisis.

The ABA issued a February 2020 Guidance Memo³ highlighting the opportunity to seek variances from Standards necessary to respond to emergencies, and noting:

[B]y their very nature, many disasters and emergencies require quick decisions and action, and resort to such a process may not be possible. In those cases, a law school must rely on the good common sense of its leadership. While giving priority to the health and safety of the law school community, law schools must also recognize that the J.D. degrees that they award represent to the profession and the public that the graduate has completed a certain rigorous program of legal education. Thus, a law school should not unnecessarily alter its educational program in a way inconsistent with that representation.

The Guidance Memo specifically identifies moving to distance learning as a “good solution to emergencies or disasters that make the law school facilities unavailable or make it difficult or impossible for students to get to the law school.” Otherwise, ABA Standard 306 places caps on the number of units of online coursework students can count toward the JD degree. Since issuing the February Guidance Memo, the ABA has provided informal guidance to the effect that law schools need not seek variances to obtain approval to exceed normal caps on distance education units associated with spring or summer 2020 terms, though we will be asked to report regarding distance education that may have exceed Standard 306 caps. We are awaiting further guidance from the ABA Council on Legal Education and Admissions to the Bar regarding the regulation of distance education in the coming academic year.

WASC similarly highlighted the need to adapt to protect community members’ health. In a March 6 COVID-19 Update, WASC noted:

Human welfare comes first. Follow the advice and guidelines of federal, state, and local health organizations or those of your campus health center.... We know you will honor the achievement of expected learning outcomes insofar as it is reasonable for your institution, and we recognize that you are in the best position to make accommodations so that students and employees can be as safe as possible. The Commission leaves these important decisions to individual campuses, believing that each will adhere to its learning objectives/goals as they can reasonably be achieved in the climate in which you are operating.

³ See https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/20-feb-guidance-on-disasters-and-emergencies.pdf.

B. Spring 2020 Grading Policy

The College has adopted a mandatory credit/no-credit (“CR/NC”) grading scale for JD students in SP20, and has adopted an optional CR/NC scale for non-JD students. Copies of the policies are attached as Exhibits B and C. The College’s approach to JD grading is consistent with the approach taken at the vast majority of peer law schools.

1. Grading Scales

Attached as Exhibit D is an email from Chancellor & Dean David Faigman and Academic Dean Morris Ratner describing the justification for adopting the mandatory CR/NC grading regime for JD students. In short, the faculty, through the Faculty Executive Committee, initially adopted an optional CR/NC policy for students in all degree programs administered by the College, but the full faculty reconsidered in light of rapid developments and adopted a mandatory CR/NC policy for the JD program upon motion of the Chancellor & Dean.

2. JD Conditional Scholarships

Normally, students who received conditional merit scholarships upon admission lose those scholarships if they are not in the top 75 percent of the class at the end of the academic year. Because all JD students are graded on a mandatory CR/NC scale in SP20, the College has deferred the date for evaluating eligibility for merit scholarship. The new Spring 2020 JD Grading Policy states:

All scholarships conditioned upon meeting a minimum LGPA or class rank for renewal will be extended for a third semester in F20, regardless of LGPA or class rank at the end of this academic year. All scholarships that are conditioned upon meeting a minimum LGPA will be renewed in spring 2021 (“SP21”) for only those students whose cumulative LGPA after F20 meets or exceeds the minimum LGPA requirement of their scholarship. Scholarships whose renewal is conditioned upon being ranked in the top 75% of the class will be renewed in SP21 for only those students who are ranked in the top 75% of their class at the end of F20.

3. JD Disqualification Procedures

Normally, the Academic Regulations require disqualification of students whose cumulative GPA falls below 2.5. The College modified its disqualification regulations on a one-time basis, partly to account for pandemic disruption, and partly because students who would normally have had the chance to improve their GPAs in SP20 now are required to receive a CR/NC grade which does not permit as nuanced of an assessment based on grades of student performance or trajectory. As a result, the Spring 2020 JD Grading Policy states in relevant part:

Students will be disqualified at the end of SP20 if they have an LGPA as of the end of the SP20 term below 2.0 and they receive at least two “NC” grades in SP20. The petition for readmission process associated with such disqualifications will give due consideration to

disruptions associated with the pandemic. For the current academic year, all other disqualification determinations normally made at the end of the academic year (Academic Regulations 1501 and 1601) will be made shortly after spring 2021 (“SP21”) grades are posted, and petitions for readmission will be considered in the summer of 2021.

C. Exams

When, by March 8, it appeared likely that illness or public health measures would disrupt in-person exam administration, the College determined that all SP20 exams would be take-home exams. Due in part to the difficulty of policing the take-home environment, those exams are open-book.

D. Employment

Assistant Dean for Career Development Office Amy Kimmel wrote to students April 1, 2020, *noting*:

As many of you know, schools across the country have been postponing their On-Campus Interview (OCI) programs until the winter. After serious consideration of what is best for UC Hastings students, we have decided to follow suit. We have spoken with firms who routinely and reliably recruit and hire Hastings students through our Early Interview Program (EIP) and they overwhelmingly support this change.

Moving our EIP from its current July 29, 2020 start date will benefit our students in a number of ways, including:

- *It will allow employers to consider a deferred start date for Summer 2020 programs. Often, these programs end before EIP begins to accommodate student and firm schedules. A deferred date enables employers to better prepare for Summer 2020 and could result in more in-office time for upcoming summer programs (depending on when the shelter-in-place order is lifted).*
- *It will allow students who elect Credit (instead of letter grade(s)) this semester to have another semester of grades for these employers to consider.*
- *It will allow students who take classes this Summer and/or who have had their summer jobs impacted by COVID-19 an opportunity to gain experience in the Fall through clinical opportunities or part-time work.*
- *It will allow employers to make more informed decisions about their needs for Summer 2021, which gives students more certainty and security in their employment choices.*

There are many details to be determined, including the specific date of our program but it will likely be in mid-January 2021. The majority of employers who participate in EIP are "Big Law" firms (firms with 100+ attorneys) but it has also been the primary recruiting tool for local District Attorney offices. We are working closely with these DA offices to determine if their interviews will go forward at the end of Summer 2020, or if they will be moved as well.

E. Student Support

1. Information

Assistant Dean of Students Grace Hum has ably spearheaded pandemic communications and support for students, collaborating with, among others, Director of Student Services Emily Haan and the rest of the Student Services team. Dean Hum and Director Haan have created information portals for students directing them to relevant resources. Attached as Exhibit E please find an example and excerpt of the student support portal pages.

2. Emergency Fund

Thanks to a \$25,000 grant from AccessLex and generous additional gifts from faculty, staff, and alumni totaling more than \$100,000, UC Hastings Law students in financial need can take advantage of a new Student Emergency Fund announced by Dean Faigman in his April 6, 2020 message to the alumni community attached as Exhibit F. The fund provides individual grants up to \$1000 for students facing emergency needs, including pandemic-related medical costs and unforeseen expenses for shelter, emergency travel, technology, or other necessities required to continue their education. Dean Hum and Director Haan oversee administration of the fund. The College will report regarding funds raised and distributed at the upcoming committee meetings.

3. CARES Act Support

The CARES Act Higher Education Emergency Relief Fund-IHE/Student Aid provides funding to institutions to provide emergency financial aid grants to students whose lives have been disrupted. Each institution receiving funding has the responsibility for determining how grants will be distributed and the amount to be awarded to students. UC Hastings received grant funding. Chief Financial Officer David Seward will address this more fully in his upcoming committee report; we include reference to it here to place this funding the context of a broader effort to support students during this turbulent period.

4. Hire Hastings Campaign

Chancellor & Dean David Faigman wrote to alumni on April 6, 2020, appealing to them to hire Hastings students and grads during this challenging job market. Dean Faigman's email notes:

As the economy wobbles under extraordinary pressure, our students are losing employment opportunities. I beseech you and your firms or other employers to retain the UC Hastings students to whom you have already made offers or look to hire UC Hastings students, even if only for short-term work. Every little bit helps. If you are able to create summer experiences for our students, of any length, please notify our Career Development Office by emailing careers@uchastings.edu with a description of the work, materials needed for vetting candidates, and your hiring timeline. We'll post this information on Hastings Careers Online, where our students go to learn about employment opportunities. Our

Career Development team is also available to help you think through different ways you might engage UC Hastings students in your work.

Few alumni have posted summer work through the CDO, but we are hopeful that the message is nevertheless having an effect as students apply for jobs.

5. Special Community and Wellness Programming

The College has continued to host virtual programming for the community as a whole and for students in particular. Among other things, and as examples:

- Joseph W. Cotchett Professor of Law Rory Little led an event titled “The Supreme Court in Lockdown – An Unprecedented Term”;³
- Student Services and OASIS co-hosted an event entitled “Tips for Thriving in a Remote Environment”;
- The College hosted an Asian Pacific Islander Town Hall with Assistant Dean Grace Hum and William L. Prosser Distinguished Professor of Law Frank Wu to address anti-Asian sentiment and violence based on COVID-19;
- CDO and Student Services co-hosted an “Ask Me Anything” event with Chris Tarbell ‘05, Privacy and Data Security Counsel at Walt Disney Company;
- David Faigman and his grandchildren, Director of Student Service Emily Haan and her son, and 1L Katie Utehs Panzer and her sons co-hosted a story hour for parents and their kids;
- Senior Assistant Dean of Enrollment Management June Sakamoto hosted a well-attended community-wide BINGO game; and
- Student Services and CARE organized a trauma-sensitive mediation workshop by Dominique Cowling, the Healing Justice Program Manager at Community Unite Against Violence in San Francisco.

6. Commencement

Chancellor & Dean Faigman announced on March 17 that commencement would not take place in May of this year. But to celebrate our graduates, Student Services created two virtual platforms: the first for all Hastings community members to post messages of congratulations and encouragement to our graduates on a Community Farewell Wall for the Class of 2020 (<https://uchastings.padlet.org/comms/classof2020wall>); and the second for graduates to communicate privately with one another on a Class of 2020 Wall. Additionally, on May 11, the originally-scheduled Commencement date, the College will release a special video message from members of the community to the graduating class. We also hope to celebrate in person with the Class of 2020 when it is safe to do so.

F. Faculty

1. Research Activity

³ See <https://www.uchastings.edu/event/the-supreme-court-in-lockdown/>.

Faculty members have had research and conference schedules disrupted by COVID-19, due to restrictions on travel, cancellation of conferences, and inability to travel to conduct research. At the same time, faculty have continued to engage in virtual scholarly conferences, and some faculty members have explicitly addressed the pandemic in their work. For example, Arthur J. Goldberg Professor of Law and Director of the UC Hastings Center for Innovation Robin Feldman just launched a pandemic research project to study the flow of information about health care and variations in access to health care during public health crises.⁴ James Edgard Hervey '50 Chair of Litigation Professor Dorit Reiss submitted an article co-authored with Dr. Arthur Caplan that was just accepted for publication in the Journal of Law and the Biosciences titled “Considerations in Mandating New Covid-19 Vaccine for Children and Adults in the USA.” Alfred & Hannah Fromm Professor Chimene Keitner just published a piece in an influential website, Justsecurity.org, titled “Don’t Bother Suing China for Coronavirus.”⁵ Professor Veena Dubal recently published an op-ed raising concerns about contact tracing.⁶ In short, our top scholars are engaged in serious scholarship and important public debates about the most current and pressing issues, even while personally dealing with the effects of the crisis on their own lives.

2. Tenure Clock Presumption

Because the pandemic is negatively impacting faculty members’ research agendas, higher education institutions are highlighting the existence of tolling provisions in tenure rules and declaring that COVID-19 disruptions presumptively trigger them on request.⁷ The College did so, as well. Per [Faculty Rules](#), Document V, Part B, at p. 45, a faculty member may submit a request for tolling of the tenure clock for non-routine personal reasons. In consultation with Chancellor & Dean David Faigman, the Faculty Executive Committee, and the Faculty Rank & Tenure Committee, Academic Dean Morris Ratner determined that SP20 pandemic-related disruptions are a presumptively sufficient basis to justify stopping the tenure clock for up to one year for any faculty member who timely elects it pursuant to the procedures and subject to the limitations set forth in Document V.

3. FEC Emergency Powers; Online Faculty Meetings and Voting

Per UC Hastings Law Board of Directors Standing Order 102.3 (“Powers and Privileges of the Faculty”), the faculty “develop the educational and research policies and academic plans of the College” in consultation with the Chancellor & Dean, reporting on developments to the Board. Faculty exercise that responsibility through faculty committees and votes at faculty meetings. For the first time in living memory, the faculty has not been able to meet in person for an extended period of time. Acting on its emergency powers as set forth in the Faculty Rules and Procedures, the Faculty Executive Committee voted to permit online meetings and voting for the remainder of the SP20 term. Pursuant to that authorization, the faculty resumed normal business after the

⁴ See <https://www.uchastings.edu/2020/04/24/feldman-pandemic-research-project/>.

⁵ See <https://www.justsecurity.org/69460/dont-bother-suing-china-for-coronavirus/>.

⁶ See <https://www.uchastings.edu/2020/04/21/dubal-op-ed-contact-tracing/>.

⁷ See Colleen Flaherty, “[Faculty Home Work](#),” INSIDE HIGHER ED (March 24, 2020); Emma Pettit, “[As Professors Scramble to Adjust to the Coronavirus Crisis, the Tenure Clock Still Ticks](#),” THE CHRONICLE OF HIGHER EDUCATION (March 19, 2020).

shelter-in-place orders were issued. Among other things, the faculty approved new courses, amended Academic Regulations pertaining to the Masters of Science in Law, and approved a new employment law concentration.

4. Faculty Illness Protocol

In anticipation of possible disruptions associated with faculty illness, the College notified faculty of a Faculty Illness Protocol, including taking steps to move course materials and information necessary to grade exams online to shared platforms where substitute faculty could, if needed, help bring courses to an orderly conclusion. Thankfully, as of the date of the writing of this Report, we have not had the need to invoke this Protocol.

G. Risk Identification and Mitigation

Prior statistical analyses of bar outcomes at UC Hastings – previously shared with the Education Policy Committee – suggest a link between the number of upper division bar classes students take and bar outcomes. Also, those studies suggest that CR/NC grading scales are associated with lower probability of bar passage. In addition, our qualitative analyses suggest that students needed closed book exams to learn how to memorize large volumes of material for the bar exam. It is too soon to tell whether changes to the academic program necessitated by COVID-19, including the move to online bar subject classes, graded on a CR/NC basis with open-book exams, will negatively impact bar outcomes. Nevertheless we are assessing and undertaking risk mitigation efforts to support continuing and graduating students.

1. Assessment of Student Engagement

Data regarding student engagement in SP20 are mixed. Some faculty have reported anecdotally that students seem about as engaged if not more engaged in online classes, and that the ability to participate via a “chat” function has drawn normally quiet students out of their shells. Other faculty reported lower levels of in-class participation after classes migrated online due to shelter-in-place orders.

Participation in co-curricular programming is another measure of student engagement. Our academic skills and support program, OASIS, reported continued student demand for 1-1 sessions, group academic skills sessions, and bar preparedness events.⁸ Similarly, Student Services has one main academic advising event for 1Ls that drew only half the number of students online who attended in person the prior year, but 1-1 advising sessions are up this spring term (225, and counting, compared to 185 in SP19), even with virtual meetings.

AdaptiBar utilization by students is another proxy for bar success focus, though other factors affect students’ pre-graduation use of that database of previously-released bar exam multiple choice questions. Utilization dropped substantially among rising 2Ls and 3Ls, though it increased from Fall 2019 to Spring 2020 among 3Ls who are about to graduate.

⁸ Attached as Exhibit G is a memorandum from Director of Bar Passage Support Margaret Greer regarding student participation in bar-related programming in the SP20 term.

2. Assessment of the Quality of Instruction and Programming

The College added special questions this year to end of semester professor and course evaluations pertaining to the mid-semester pivot to online education. We are still analyzing student qualitative feedback, but can share the data now:

- 77.49% of students reported having live/synchronous online classes after we pivoted to online education as a public health measure. 8.41% provided recorded/asynchronous instruction. 14.1% provided hybrid synchronous and asynchronous instruction.
- 76% of students reported receiving instruction on Teams. 8.4% reported receiving instruction on Zoom. Others received instruction on other platforms (Kaplan, Canvas, etc.).
- A slight majority of students reported that student-to-student interactivity online was as good or better than a live classroom experience, but a substantial minority – about 40% – reported a decrease in interactivity after we pivoted online.
- Over 70% of students felt the level of student-to-professor interaction was as high or higher online than it was before the pivot.

Interactivity is one key factor stressed in the ABA Standards pertaining to distance education.

3. Outcomes Assessment

Outcomes assessment uses evidence such as student performance on exams to evaluate the degree to which we achieved our educational goals. Qualitative assessment tends to be relatively intuitive and subjective, but leverages the judgment and expertise of the persons providing the evidence in ways that statistical analysis may not. For example, the College is polling faculty to compare the quality of exam answers in SP20 with exams from prior years, with the aim of assessing the degree to which faculty believe students achieved the learning outcomes for their courses this year compared to last year.

The summer California Bar Exam typically provides an opportunity to undertake quantitative outcomes assessment, using statistical analyses to evaluate the impact of academic program design or student choices on exam performance. Normally, the exam is held in July. On April 27, 2020, the California Supreme Court ordered the July exam be postponed to September 9-10, and that the State Bar make every effort to administer the test online with remote or electronic proctoring.⁹ The College will assess pandemic effects to the extent feasible using September 2020 outcomes data.

4. Class of 2020 Professional Success Program

Report 4.2 describes in more detail specific programmatic initiatives aimed at proactively addressing the effects of COVID-19 and the resulting economic downturn on Class of 2020 graduates.

⁹ See <http://www.calbar.ca.gov/About-Us/News/COVID-19-Updates>.

H. Beyond Emergency Response

Several faculty members have wisely suggested that we take stock of the lessons the College and its faculty are learning in real time and intentionally utilize online platforms and tools to improve our operations, scholarship, and teaching, e.g., by flipping our regular classrooms, creating more online curricular content and marketing it to persons who audit single classes, hosting more guest speakers or conferences with remote guests or audience members, and the like. Even as we focus attention and resources to respond to the current crisis, we are reflecting on how it may end up changing us for the better.

III. Summer Legal Institute and the Coming Academic Year

A. Summer Legal Institute 2020

Summer Legal Institute 2020 classes are all remote with take-home exams.¹⁰ However, the College will revert to regular grading scales and normalization requirements for the summer sessions. Demand for summer courses is up this year. Whereas, in 2019, 139 students enrolled in 493 credits of coursework as part of the Summer Legal Institute, 199 students have enrolled in 981 credits of coursework for Summer Legal Institute 2020, so far.

B. Fall 2020 Contingency Planning

The College is creating a course schedule for F20 that works under any of the most likely scenarios regarding in-person instruction. While it is possible that all classes in F20 will need to be taught online for all or part of the semester, depending on public health guidance and the trajectory of the pandemic, the operating assumption at this time is that the College will offer a substantial portion of the curriculum in person and with proper social distancing. Unknowns include likely public health limits on the number of students who can occupy common spaces or attend class in person. High priority on-campus classes include, without limitation, 1L and LLM classes as well as certain categories of classes with significant active-learning components, such as “Law & Process” versions of bar classes.

The College assumes normal grading scales and curves apply in F20. The College has not yet decided how it will implement F20 exams.

¹⁰ See <https://www.uchastings.edu/admissions/summer-legal-institute/>.

EXHIBIT A



Novel Coronavirus (COVID-19) Resources > Pages > Uncategorized

Pandemic Response Plan



Andrew Scott

Following

Mar 8, 2020

Pandemic Response Plan

UC Hastings Law

The UC Hastings Campus administration is committed to proactive planning in the event of a communicable disease outbreak. Response to a widespread health crisis such as a pandemic flu epidemic will be controlled by federal, state, and local agencies; it is the responsibility of the College to act in accordance with these entities to coordinate preparedness and response activities. In addition, the UCSF Emergency Operations team will support our planning and response efforts.

A disease outbreak may potentially result in widespread office closures or cause a significant reduction in staffing levels if employees are unable to report to work due to the health crisis. It is essential

that well-developed plans are in place to respond to campus concerns, with the goal of minimizing disruption to operations, while ensuring a safe environment for our community.

This document outlines the College's plan and relevant policies when reacting to an emergency health situation such as a pandemic flu. This plan is intended to provide location-specific guidance and is subject to change and will evolve based on feedback, recommendations and directives from government agencies during a critical event.

Guiding Principles

1. The College will, to the extent possible, maintain essential campus operations while preserving the health and safety of community members and protecting College property.
2. Department Heads will be responsible for assessing the condition of their work environments, implementing procedures, and communicating with administration and employees.
3. Department Heads will mobilize and deploy their work force in order to continue normal activities to the maximum extent possible, within the parameters governed by state agencies.

Plan Implementation

This Plan will be implemented and will guide operations upon the declaration of a pandemic by the Centers for Disease Control, Department of Public Health, or other similar authority. The Core Pandemic Response Team shall review the Plan periodically, particularly during a pre-pandemic disease outbreak, to ensure they understand the plan and their responsibilities.

Core Pandemic Response Team

- Chancellor & Dean
- Assistant Chancellor & Dean/Chief of Staff
- Academic Dean
- Chief Financial Officer
- Assistant Dean of Students
- Executive Director of Operations*
- Director of Human Resources*
- Chief Communications Officer
- General Counsel
- Associate Dean for Library and Technology
- Medical Director of Student Health Services
- Director of Auxiliary Operations

*Plan Co-Administrators

Key Decision Owners

1. Campus Closure/Curtailment – Chancellor & Dean
2. Class Schedule, Exams, & Academic Program Modification – Academic Dean
3. Work from Home Allowance and Exceptions to Leave Policies – Director of Human Resources
4. General Redeployment of Personnel – Director of Human Resources
5. Modification to Building Operations, Facilities, and Safety – Executive Director of Operations
6. Augmentation or Curtailment of Auxiliary Operations – Director of Auxiliary Operations

Succession Planning

The College chain of command is as follows:

1. Chancellor & Dean
2. Academic Dean
3. Chief Financial Officer
4. General Counsel

Departmental succession plans are at the discretion of each manager, using the general principle that primary responsibilities should fall to the most experienced staff person.

General Health and Prevention Measures

Employees are expected to follow personal nonpharmacological interventions (NPIs) at all times. This includes staying home when sick, washing hands regularly, and maintaining clean work environments. In the event of a pandemic the additional NPIs will be employed, including modifying work conditions to reduce the frequency or need for close contact between employees, modifying event logistics, postponing or canceling non-essential work-related travel, and other measures described below.

Pay & Benefit Continuation

Pay and benefits will be continued as per usual as long as a staff person is working their regular job. This would include those that are approved to work from home as needed. If a staff person is asked to work out of their regular classification, pay adjustments will be handled on a case-by-case basis, subject to collective bargaining agreements where applicable. Should the Chancellor & Dean determine that a curtailment is appropriate, employees are allowed to use accrued vacation or compensatory time off and up to three days of vacation leave prior to accrual. Employees may also opt to use leave without pay. Up to three days of an unpaid curtailment leave shall be considered time on pay status for the purpose of accruing vacation credits

and sick leave. Pay and benefits for represented employees would be subject to the collective bargaining agreements.

Voluntary Absenteeism

Operational needs will be taken into consideration when granting any type of voluntary leave, and previously approved leaves may be reconsidered. Staff can be directed to come in to work on their usual workdays. If an employee states that s/he cannot or will not come in, the matter will be handled as a leave request. Supervisors should follow their typical protocol in approving or denying the requested leave. Supervisors should handle this on a case-by-case basis and exercise their professional judgment. In this instance, supervisors may have to balance the personal needs of the employee with the needs of the department. It may be that the supervisor and the employee can reach some agreement regarding hours of work or a reduction in time. Any special arrangements should be coordinated with Human Resources. If a supervisor does not grant the employee leave, the employee will be considered absent without approval and will not be paid for the time. The decision whether or not to take formal disciplinary action is a decision to be made on a case-by-case basis in consultation with Human Resources. An employee that requests time off in order to care for a family member, or because a

member of their household is sick, shall be referred to Human Resources.

Remote Work & Laptop Usage

Certain individuals may be allowed to work from home in consultation with Human Resources. Requests for the use of a College laptop or other hardware/equipment must be submitted to helpdesk@uchastings.edu.

Staff Augmentation Plans

Under some circumstances, staff may be redeployed to another department to assist in a staffing shortage. This may involve working out of their regular classification. If the work assigned is at a lower classification, the employee retains her/his current salary. If the work is at a higher level and is performed for 2 weeks or more, the employee should be paid at the higher rate, subject to collective bargaining agreements where applicable. Any administrative stipends or pay adjustments for temporary appointments should be documented to the employee and a copy of the documentation should be placed in the employment file.

Alternate Work Hours

Alternate work schedules may be considered and implemented at either the employee's request or the request of management. Operational needs will be a priority when considering any type of alternate schedule. Supervisors can also require employees to work overtime. Work schedules and overtime for represented employees would be subject to the collective bargaining agreements.

Campus Resource Deployment

The Operations Department will be responsible for securing, maintaining, and deploying infection control supplies (e.g., hand-hygiene products, tissues and receptacles for their disposal) in all business locations. Department Heads are responsible for ensuring employees are aware of the location of these resources, and for contacting the Operations Department if resources are depleted.

Impact on Academic Program

In response to a pandemic, the Academic Dean has the authority to modify the academic program, in consultation with the Chancellor & Dean and the Faculty Executive Committee. The nature of any modification required by the Academic Dean will depend on numerous factors, including the availability of resources and the timing of an

outbreak. Possible modifications may include, but are not limited to:

1. Making lectures available via video recordings or providing classes remotely via video conference;
2. Modifying exam schedules and/or requiring take home/open-book exams;
3. Converting courses to credit/no credit; and
4. Canceling or rescheduling classes, courses, or faculty/student events.

Tracking Ill Employees & Students

Human Resources is responsible for tracking employees that are absent from work. Medical notes may be required for absences due to illness. Department managers shall notify HR of staff illnesses immediately. The Assistant Dean of Students will develop protocols for tracking student illnesses.

Communication Protocols

Human Resources, in conjunction with the Chancellor & Dean's Office, the Academic Dean's Office, and the Operations and Communications Departments, will communicate and advise on all applicable policies as well as prevention and mitigation procedures to employees. The Assistant

Dean of Students will lead communications to the student population.

E-mail and intranet is the primary mode of communication. In the event that these resources become unavailable, we will update the voicemail messages to the extent possible and use telephone as the means of communication.

Communications shall include:

- Information about campus policies and procedures related to work, pay, and benefits
- Information about what to do if symptoms occur; and
- Regular communication about the status of the pandemic, particularly as it relates to College operations.

Page 'not useful'? 

EXHIBIT B



UC Hastings College of the Law Spring 2020 JD Grading Policy

Adopted and effective as of March 24, 2020
[As amended April 19, 2020]

Pursuant to the UC Hastings College of the Law (“UC Hastings Law” or “the College”) Pandemic Response Plan¹ and the Faculty Rules and Procedures, the College hereby amends the Academic Year 2019-2020 Academic Regulations as set forth below, effective immediately. This Spring 2020 JD Grading Policy (“Policy”) is applicable only for the limited periods indicated below and automatically sunsets.

This Policy responds to disruptions caused by the COVID-19 pandemic and updates and replaces the Policy originally announced on March 24, and updated March 27, as applied to JD candidates.² In so doing, it recognizes the seriousness and unexpectedness of challenges students are facing, as well as students’ extraordinary commitment and perseverance in the face of such difficulties. The Policy applies to courses originally designated on WebAdvisor as having a grade type of “LG Letter-Graded” (“LG”). For spring 2020 (“SP20”), the Policy requires all LG courses to be graded credit/no-credit (“CR/NC”) with regard to JD students. The Policy adjusts other Academic Regulations linked to law school cumulative grade point average (“LGPA”), as well.

Please refer to the version of this document available on the Records MyHastings page to be sure you have the most updated Policy. If circumstances warrant, the College may update this Policy.

1. Grading Scales and Normalization Requirements

This Policy covers grades awarded to JD students in all SP20 LG classes for which final grades have not already been submitted as of the effective date of this Policy, as well as year-long classes in academic year 2019-2020 where the grade for both semesters is awarded in SP20. As a general matter, for each SP20 LG class, students will be graded on a CR/NC grading scale, with no normalization requirement. Any student whose work is deemed satisfactory should be given a CR.

This Policy applies to all courses that are letter-graded, including 1L classes, experiential courses, and independent studies, and it applies to students who are satisfying the writing requirement under Academic Regulation 703. Faculty supervising a student who is satisfying the writing requirement under Academic Regulation 703 must still certify that the student is at least “competent” in each category of the AY19-20 Writing Rubric in order for the paper to satisfy the writing requirement.

¹ See https://uch--simpplr.na96.visual.force.com/apex/simpplr_app?u=/site/a0i2M00000UP2IZQA1/page/a0c2M00000oITPrQAO.

² The original March 24 Policy as amended on March 27 applies to non-JD students. The College will post Policy text applicable only to non-JD students. LLM and MSL degree candidates should refer to that Policy.

The Policy covers grading scales and normalization requirements for JD candidates. It does not affect grading for students in other degree programs, who are still governed by the terms of the original March 24 Policy.

2. Incompletes

JD students who are completing classes in SP20 in which they received an incomplete in a prior semester will receive letter grades. JD students who remove an incomplete in any future semester will be governed by the grading policy in effect at the College at the time the incomplete is removed, unless the Academic Dean determines otherwise.

3. Impact of “NC” Grades

A student who receives a grade of “NC” does not receive credit for the course and, if it is a required course for graduation, must retake it. If a student retakes a course, grading in the course will be governed by the grading policies and regulations in effect at the time the course is retaken.

4. Modification of Minimum Grade Requirements for SP20

Academic Regulation provisions for JD students regarding minimum grades in ethics classes (Academic Regulation 702), required upper division bar courses (Academic Regulation 705), and experiential classes that count toward the minimum number of experiential units needed to graduate (Academic Regulation 704), are hereby modified for SP20, only, as follows: a “CR” will satisfy the requirement if the class is taken during the SP20 term.

5. Calculation of Cumulative GPA (LGPA)

Cumulative GPA is calculated based on letter grades. CR/NC grades, including those awarded pursuant to this Policy, do not affect a student’s LGPA. Class rankings are based on the LGPA.

6. GPA-Based Honors and Awards

This Policy does not modify Academic Regulations provisions pertaining to Honors Society membership (Academic Regulation 2004), selection of valedictorian (Academic Regulation 2005), or degree awards (Academic Regulation 2006). Eligibility requirements for Order of the Coif (Academic Regulation 2007) are modified as follows: the 75% graded course requirement is suspended for the current academic year.

7. Pro Bono Recognition

The College is reducing pro bono recognition requirements as follows: JD students (Academic Regulation 2008) need to log 40 hours to become part of the Pro Bono Honor Society, or 135 hours for the Outstanding Achievement in Pro Bono.

The deadline for submitting hours is extended until May 11, 2020.

8. Academic Supervision

This Policy does not modify Academic Regulations pertaining to academic supervision. Students currently on academic supervision will remain on academic supervision. This allows the College to continue to provide appropriate academic support and resources to this cohort of students.

9. Disqualification

Students will be disqualified at the end of SP20 if they have an LGPA as of the end of the SP20 term below 2.0 and they receive at least two “NC” grades in SP20. The petition for readmission process associated with such disqualifications will give due consideration to disruptions associated with the pandemic.

For the current academic year, all other disqualification determinations normally made at the end of the academic year (Academic Regulations 1501 and 1601) will be made shortly after spring 2021 (“SP21”) grades are posted, and petitions for readmission will be considered in the summer of 2021. When considering petitions for readmission, the Committee on Disqualified Students will consider and give weight to the impact on the petitioning student of any articulated health, family, financial, or other challenges resulting from COVID-19 and associated disruptions.

The Academic Dean may waive the requirements of reenrolling in specific courses for readmitted students (Academic Regulation 1505) who receive a grade of “CR” in any first-year course.

Pursuant to the authority under the provisions of the Academic Regulations governing academic supervision, the Assistant Dean of Students may impose conditions on students who would have been subject to disqualification at the end of SP20 based on cumulative GPA. Such conditions may include a requirement that such students retake classes in which they received unsatisfactory grades in AY20-21, or enroll in classes designed to enhance academic performance and bar preparedness, or attend meetings with Career Development Office, OASIS academic support professionals, or Student Services academic planning advisors.

10. Conditional Scholarships

All scholarships conditioned upon meeting a minimum LGPA or class rank for renewal will be extended for a third semester in F20, regardless of LGPA or class rank at the end of this academic year. All scholarships that are conditioned upon meeting a minimum LGPA will be renewed in spring 2021 (“SP21”) for only those students whose cumulative LGPA after F20 meets or exceeds the minimum LGPA requirement of their scholarship. Scholarships whose renewal is conditioned upon being ranked in the top 75% of the class will be renewed in SP21 for only those students who are ranked in the top 75% of their class at the end of F20. *Due to the timing of spring billing and the determination of F20 LGPA and class rankings, students whose scholarships are not renewed in SP21 will receive two billing statements for the SP21 semester*

and further instructions on applying for additional loans and a need-based grant for the spring semester. See the Appendix for examples.

Except as expressly modified above, all other terms and conditions contained in the Financial Aid Fact Sheet attached to the student's offer letter from the Admissions Office remain unchanged.

11. New Withdrawals and Incompletes

Nothing in this policy is intended to limit a student's ability to withdraw from a class or obtain an incomplete pursuant to the existing provisions in the Academic Regulations, except to this extent: faculty members wishing to award incompletes this SP20 term must obtain Assistant Dean of Students Grace Hum's explicit permission before doing so, even in non-examination classes (Academic Regulation 1302). The College is mindful of the health crisis and understands that our students may experience issues preventing them from completing the semester. Assistant Dean Hum has the discretion to approve requests for incompletes if she finds there is good cause, taking into account input from the relevant faculty member and student, and considering the impact on the student's overall schedule.

12. Transcript Notations; Explanation of Grading Regime for Employers

Student transcripts will expressly identify SP20 as the "COVID -19 pandemic semester." There will also be a brief explanation in the published transcript comment notes.

13. Additional Adjustments

The College may adjust this Policy if circumstances warrant.

Appendix – Conditional Scholarship Examples

As noted above, all scholarships conditioned upon meeting a minimum LGPA or class rank for renewal will be extended for a third semester in F20, regardless of LGPA or class rank at the end of this academic year. All scholarships that are conditioned upon meeting a minimum LGPA will be renewed in SP21 for only those students whose cumulative LGPA after F20 meets or exceeds the minimum LGPA requirement of their scholarship. Scholarships whose renewal is conditioned upon being ranked in the top 75% of the class will be renewed in SP21 for only those students who are ranked in the top 75% of their class at the end of F20. Due to the timing of spring billing and the determination of F20 LGPA and class rankings, students whose scholarships are not renewed in SP21 will receive two billing statements for the SP21 semester and further instructions on applying for additional loans and a need-based grant for the spring semester.

Here are two examples:

Example A. If a student is receiving a \$10,000 Conditional Scholarship in this 2019-20 academic year (i.e., \$5,000 each semester), the student would continue to receive a \$5,000 conditional scholarship in F20 regardless of the student's class rank or LGPA at the end of this academic year. If that student does not rank in the top 75% of the class after F20, that student would no longer receive a conditional scholarship in SP21.

Example B. If a student is receiving a \$10,000 scholarship in this 2019-20 academic year (i.e., \$5,000 each semester) that requires a minimum LGPA of 2.5 for renewal, the student would continue to receive a \$5,000 scholarship in F20 regardless of the student's LGPA at the end of this academic year. If that student's cumulative LGPA after F20 is below 2.5, that student would no longer receive that scholarship in SP21.

As noted, and except as expressly modified above, all other terms and conditions contained in the Financial Aid Fact Sheet attached to the student's offer letter from the Admissions Office remain unchanged.

EXHIBIT C



UC Hastings College of the Law Spring 2020 Grading Policy for Non-JD Students

Adopted and effective as of March 24, 2020
[As amended March 27, 2020 and April 14, 2020]

Pursuant to the UC Hastings College of the Law (“UC Hastings Law” or “the College”) Pandemic Response Plan¹ and the Faculty Rules and Procedures, the College hereby amends the Academic Year 2019-2020 Academic Regulations as set forth below, effective immediately. This Spring 2020 Grading Policy for Non-JD Students (“Policy”) is applicable only to the current academic year and automatically sunsets unless extended by the College if conditions warrant. This version of the Policy addresses only LLM, MSL, and foreign exchange (FX) students. For those students, this Policy is not substantially changed from the Policy posted on March 27, except that JD provisions have been removed. For purposes of this Policy, “student” means a non-JD student.

This Policy responds to disruptions caused by the COVID-19 pandemic. In so doing, it recognizes the seriousness and unexpectedness of the challenges students are currently facing, as well as students’ extraordinary commitment and perseverance in the face of such difficulties. The Policy applies to courses originally designated on WebAdvisor as having a grade type of “LG Letter-Graded” (“LG”). The Policy allows students to elect whether to convert letter grades provisionally awarded in spring 2020 (“SP20”) LG courses to credit/no-credit (“CR/NC”) after students have the opportunity to see their posted grades on WebAdvisor but before these grades appear on a transcript.²

Please refer to the version of this document available on the Records MyHastings page to be sure you have the most updated Policy. As noted below, the College may update this Policy as needed and as events unfold over the coming weeks and months.

1. Non-JD Grading Scales and Options

This Policy covers all SP20 LG classes for which final grades have not already been submitted as of the effective date of this Policy, as well as year-long classes in academic year 2019-2020 where the grade for both semesters is awarded in SP20. As a general matter, for each SP20 LG class, students will have the option to have the provisional letter grade posted on WebAdvisor appear on their transcript as their final grade, or instead to have the corresponding CR/NC grade appear on their transcript. This choice will not be available for classes in which the instructor has already submitted a letter grade as of the effective date of this Policy, or in which the Academic Dean has determined, or determines, that the class must be graded exclusively on a CR/NC basis.

¹ See https://uch-simpplr.na96.visual.force.com/apex/simpplr_app?u=/site/a0i2M00000UP2IZQA1/page/a0c2M00000oITPrQAO.

² For ease of reference, we use “letter grade” to refer to the grading system applicable to the particular student population: for LLM and foreign exchange students, Excellent/Very Good/Good, etc.; for MSL students, High Honors/Honors, etc.

a. Grading

The default for SP20 is letter grades, and all grades will be reported as letter grades unless students elect CR/NC as set out in this Policy. In the first instance, faculty will grade LLM, MSL, and FX students in SP20 classes using the existing grading applicable to each student population. After all letter grades are posted to WebAdvisor and after the grade election period has transpired, the Records Office will apply any student elections for CR/NC as described in detail below.

b. Election of Credit/No-Credit

i. Election Process

To be valid, a student's election of a CR/NC grade must be made directly with the Records Office following the procedures and using the links the Registrar will share before the election deadline. Elections cannot be made orally or by email to faculty members or administrators. Students will make the election to receive one or more CR/NC grades after letter grades are posted on WebAdvisor. As specified below, a student may elect to receive a CR/NC grade instead of the provisional letter grade in any or all eligible classes in SP20. The Records Office will apply the students' elections to replace the corresponding provisional letter grades on WebAdvisor.

ii. Minimum Letter Grade for "CR"

If a student chooses the CR/NC option for an eligible class, then any provisional letter grade denoting satisfactory performance will appear as CR and all other grades will appear as "NC."

iii. Default Grading Scale

If a student does not elect to receive a CR/NC grade in an LG course by the deadline and following the procedures established by the Registrar, then the provisional letter grade will appear as the final grade on the student's transcript. For example, an MSL student whose provisional letter grade in a course is an "H" and who does not elect CR/NC by the deadline will receive a final grade of H. However, if the student elects to convert the grade to CR/NC using the procedures and following the deadline specified by Records, then the student's transcript will show a "CR" for that course.

iv. Finality of Election

Once a student elects the CR/NC option for any eligible SP20 course following the specified procedure, that election is final and cannot be changed.

v. Covered Courses

A student may make an election between a provisional letter grade and a CR/NC grade for any or all of the student's SP20 LG classes. A different election may be made for each individual class. For example, an LLM student taking three GPA courses and a seminar this semester may do nothing, and receive a final letter grade in each class, or the student may elect to receive a CR/NC grade in any or all of those classes.

The election is available in all courses that are letter-graded, including 1L classes, experiential courses, and independent studies, and it applies to MSL students who are satisfying the writing requirement under Academic Regulation 703. An MSL student who is satisfying the writing requirement under Academic Regulation 703 may elect to receive the posted letter grade or a CR/NC grade in the class or independent study for which the student is writing the paper, but the supervising faculty member must still certify that the student is at least "competent" in each category of the AY19-20 Writing Rubric in order for the paper to satisfy the writing requirement.

vi. Election Deadlines

A student must make the student's grading elections by the deadline to be established by the Registrar, which will be within a few calendar days of grades being posted. The Records Office will not release a mechanism to collect grade method elections until the month of June. Only requests made pursuant to that mechanism will be deemed valid; elections made by email or orally to Records are not valid.

vii. Incompletes

Students who are completing classes in SP20 in which they received an incomplete in a prior semester do not have a CR/NC grading option in SP20 for the prior-semester class. Students who remove an incomplete in any future semester will be governed by the grading policy in effect at the College at the end of the semester in which they took the incomplete, unless the Academic Dean determines otherwise.

2. Impact of "NC" Grades

A student who receives a grade of "NC" does not receive credit for the course and, if it is a required course for graduation, must retake it. If a student retakes a course, grading in the course will be governed by the grading policies and regulations in effect at the time the course is retaken.

3. Pro Bono Recognition

LLM (Academic Regulation 4026) and MSL (Academic Regulation 5027) students need to log at least 10 hours of pro bono services to be eligible to be recognized as members of the Pro Bono Honor Society, or at least 33 hours to be eligible to be recognized for Outstanding Achievement in Pro Bono.

The deadline for submitting hours is extended until May 11, 2020.

4. New Withdrawals and Incompletes

Nothing in this policy is intended to limit a student's ability to withdraw from a class or obtain an incomplete pursuant to the existing provisions in the Academic Regulations, except to this extent: faculty members wishing to award incompletes this SP20 term must obtain Assistant Dean of Students Grace Hum's explicit permission before doing so, even in non-examination classes (Academic Regulation 1302). The College is mindful of the health crisis and understands that our students may experience issues preventing them from completing the semester. Assistant Dean Hum has the discretion to approve requests for incompletes if she finds there is good cause, taking into account input from the relevant faculty member and student, and considering the impact on the student's overall schedule.

5. Transcript Notations; Explanation of Grading Regime for Employers

Transcripts will record only one grade for each class, either a letter grade or CR/NC. Student transcripts will expressly identify SP20 as the "COVID -19 pandemic semester." There will also be a brief explanation in the published transcript comment notes.

6. Additional Adjustments; Individual Student Issues

The College may adjust this Policy if circumstances warrant. Also, as noted in the Pandemic Response Plan, the Academic Dean retains discretion to make additional grading adjustments as conditions warrant in particular classes in consultation with the Chancellor & Dean and the Faculty Executive Committee. If the Academic Dean designates an entire course that was previously letter-graded as mandatory CR/NC grading, then students may not receive a letter grade in that one class.

The Records Office will administer exams and this Policy and announce procedures that students must follow to make one or more CR/NC elections. However, students should seek advice on their choices under this Policy from Assistant Dean Hum or her designee, not from Records Office staff.

EXHIBIT D

Updated Spring 2020 Grading Policy for JD Students

Chancellor and Dean David Faigman <chancellorfaigman@uchastings.edu>

Tue 4/14/2020 1:39 PM

Cc: Ratner, Morris <ratnerm@uchastings.edu>

 1 attachments (255 KB)

4.14.20 4.14.20 SP20 JD Grading Policy - Amended.pdf;

Dear JD students,

Circumstances have changed since we first announced a pandemic Spring 2020 Grading Policy on March 24. Accordingly, as we detail below, the full faculty today voted to adopt a new Policy. In brief, JD grades in all courses listed on WebAdvisor as “letter graded” (“LG”) will be graded uniformly on a credit/no-credit (“CR/NC”) scale. All scholarships conditioned upon meeting a minimum LGPA or class rank for renewal will be extended for a third semester in fall 2020, and disqualification decisions will be postponed as described more fully in the new Policy, attached.

As one faculty member who originally supported the optional CR/NC policy noted: “the shift in the perspectives of many of us on the grading issue parallels the transitions happening more broadly in society on so many matters related to COVID-19. Every day brings new information and new understandings that we must incorporate into our responses to COVID-19. Flexibility in our responses to new information is critical in just about everything related to COVID-19.” Here are some of the most significant developments to which the new Policy responds:

- Employers’ attitudes toward spring 2020 grades and hiring have changed in the past few weeks. The shift of nearly all top law schools to uniform CR/NC, described below, and the growing recognition of the pandemic’s extreme and disruptive effects have prompted a postponement of Early Interview Program (EIP) to January 2021. Many employers have decided that they will simply not give spring 2020 law school grades weight, regardless of the law school’s grading regime. They will instead wait until they have a chance to receive fall 2020 grades. That does not mean that employers believe the pandemic and its effects will dissipate by the fall term, but they believe that, by fall, law schools, their faculties, and their students will have had time to adjust and will be able to produce letter grades that provide more meaningful measures of students’ academic performance.
- Although the general arc of the pandemic was known weeks ago, researchers have now predicted that the peak of COVID-19 in California may be occurring in May, which could substantially disrupt the exam period. Though no member of our community has yet tested positive for COVID-19, many community members have experienced pandemic-related losses.
- National and state bars have started to expressly recognize that the pandemic requires extraordinary responses that might have been unthinkable even weeks ago.
 - For example, whereas the guidance coming from the ABA to law schools in February highlighted the need to maintain academic standards to the degree feasible, a more recent

ABA [resolution](#) urging state courts to adopt measures to mitigate the effects of delayed bar exams, notes that we're in the midst of a "deadly coronavirus pandemic" and that the "primary focus of virtually all government and business has turned to health and safety."

- Similarly, state courts issuing orders postponing bar exams highlight the extraordinary nature of the current disruptions, including one from the Indiana Supreme Court, issued April 8, that notes "disruptions to personal and professional lives caused by the pandemic" may make sitting for a bar exam in July impossible for some. The California State Bar is still considering this matter.
- Not surprisingly, given the foregoing, the vast majority of peer schools, many of whom were undecided about grading policy as of March 24, have now adopted a uniform CR/NC approach.
 - At the time we adopted the optional CR/NC policy, it seemed to be a middle path, given that a number of schools, including University of Chicago Law School, had declared intentions to maintain normal grading scales and curves despite the pandemic. But Chicago and other schools in that cohort have reversed course and instead adopted uniform CR/NC policies.
 - At the same time, the cohort of peer law schools that considered or adopted optional CR/NC policies has shrunk considerably. Some peer schools that indicated, informally, that their faculties were leaning toward optional CR/NC instead adopted uniform CR/NC, and a few schools that actually adopted optional CR/NC policies a few weeks ago have now reversed course, joining the vast majority of peer ABA schools who have elected to adopt a uniform CR/NC approach to grading during this pandemic semester. For example, in recent days and weeks, Georgetown, Michigan, and Cardozo, among others, have moved to uniform CR/NC after having first favored or adopted an optional CR/NC approach.

In short, the March 24 Policy now makes UC Hastings an outlier among similarly-situated schools.

- Finally, one of the goals of the March 24 Grading Policy was to reduce student anxiety about grades during a public health emergency by giving students control over whether they received a letter or CR/NC grade. However, the policy seems to have had the opposite effect, generating tremendous anxiety about grading elections and tearing at the fabric of our community at a moment when our better instinct is to stand together and with each other.

In light of these developments, last week, Chancellor & Dean David Faigman asked Academic Dean Morris Ratner to move the faculty to reconsider the March 24 Spring 2020 Grading Policy. Academic Dean Ratner scheduled a special meeting of the faculty for today, and the faculty voted in favor of Dean Faigman's motion to move to a mandatory or "uniform" CR/NC grading policy for JD students. In addition, we made the following related changes:

- ***Conditional Scholarships:*** All scholarships conditioned upon meeting a minimum LGPA or class rank for renewal will be extended for a third semester in F20, regardless of LGPA or class rank at the end of this academic year. All scholarships that are conditioned upon meeting a minimum LGPA will be renewed in SP21 for only those students whose cumulative LGPA after

F20 meets or exceeds the minimum LGPA requirement of their scholarship. Scholarships whose renewal is conditioned upon being ranked in the top 75% of the class will be renewed in spring 2021 (“SP21”) for only those students who are ranked in the top 75% of their class at the end of F20. Due to the timing of spring billing and the determination of F20 LGPA and class rankings, students whose scholarships are not renewed in SP21 will receive two billing statements for the SP21 semester and further instructions on applying for additional loans and a need-based grant for the spring semester.

- **Disqualification:** Disqualification decisions will be postponed until after Spring 2021 grades are received. Pursuant to the authority under the provisions of the Academic Regulations governing academic supervision, the Assistant Dean of Students may impose conditions on students who would have been subject to disqualification at the end of SP20 based on cumulative GPA. Such conditions may include, among other things, required classes designed to enhance academic performance and bar preparedness.

The faculty decided to make these changes after much deliberation and upon considering thoughtful reflections shared by members of our law school community and by employers. We particularly appreciated all of the input we received from students. For those students who supported the March 24 Grading Policy, we want to assure you that no single student group’s views were privileged over any others. We looked at the substance of student feedback and did not place special weight on the volume of it – particularly with regard to email campaigns. Personal emails and narrative statements were carefully read and considered by the recipients as we collectively weighed the nature, rather than the volume, of the competing equities. That said, we did poll the student body, and, though academic policy is not decided by vote of the majority of students, it is worth noting that 85% of students responded, and 67% of those students favored uniform CR/NC over the March 24 Grading Policy.

We also recognize that in the past few weeks since we announced the March 24 Grading Policy, a good number of students have prioritized their studies in the hopes of benefitting from that policy, including deciding to stay on campus to be able to better study and allocating time toward studies rather than family care or other pressing matters. Some students have expressed feeling that their resilience and work over the past three weeks is devalued by the change away from a graded option, and we hear that. Phenomenal work will still be acknowledged and vigorously promoted by faculty in the form of recommendations and other avenues, including special recognition awards we will announce in the coming days. And as - first and foremost - an institution of higher education, we place high intrinsic value on learning, whether or not accompanied by a grade.

The faculty also sympathizes with and applauds the efforts of those students who ended the fall 2020 term with lower grades than they had hoped and wished to improve their cumulative GPAs by receiving grades in SP20. For 1Ls and 2Ls, there will be opportunities to do that, building on the foundation of the improvements you made this term in your legal writing and analysis skills. We fully expect that normal grading procedures resume after spring 2020. Summer Legal Institute classes are all online as part of our pandemic response, but the grading scales and curves will revert back to those specified in our Academic Regulations. Even if fall 2020 classes need to start or migrate online, we expect that to be less traumatic for students than was this semester’s sudden and unplanned pivot. We will start the coming academic year with months of online instruction and sheltering-in-place practice under our belts, which has contributed to our ever-evolving and improving delivery of legal education.

Faced with a pandemic, our community has rallied. Our students, faculty, academic program staff, and IT department made jarring mid-semester changes necessary to ensure the continuity and integrity of our academic program. We were early adopters of public health measures that allowed us to move courses quickly online, cancel public events, and otherwise protect the health of our community while keeping classes going. And, while all of this was happening, we endeavored to tailor a grading policy for the spring 2020 semester that similarly met the needs of our students and our academic program. As of March 24, when we announced the Spring 2020 Grading Policy, an optional CR/NC grading policy that gave students discretion to elect between letter and CR/NC grades seemed like the outcome that best balanced the interests involved. But we knew that the course and effects of the pandemic had yet to be fully revealed, and so we indicated in that March 24 Grading Policy that it was subject to change in the coming weeks and months based on changed circumstances.

The COVID-19 pandemic has presented the UC Hastings community, the legal profession, and the public at large with the single greatest public health and, now, economic challenge in the last century. The College and its students have endured past crises together – wildfires; earthquakes; riots; wars; other epidemics, including AIDS, which hit San Francisco and other major metropolitan centers particularly hard; and significant market contractions, including, in recent memory, the Great Recession of 2008, and the stock market crashes of 2001 and 1987. This pandemic is different. None of us recalls an event that in such a short space of time so completely and fully upended our lives or created so much fear and hardship across such a wide swath of our students.

We stand with all of our students and all of those who are impacted by the current crisis. We want you to learn and to be professionally successful. But most of all, we want you to be healthy and safe.

[David L. Faigman](#)

Chancellor and Dean

John F. Digardi Distinguished Professor of Law

[Morris A. Ratner](#)

Academic Dean

Professor of Law

EXHIBIT E

The Office of Student Services > Pages > News

COVID-19 Student Support Portal



Emily Haan

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Mar 30, 2020 (Edited Apr 20, 2020)



This portal page was last updated on April 15, 2020

This COVID-19 support portal links you to key resources across UC Hastings Law departments to help you meet the challenges of the current public health crisis and resulting economic downturn. Being a law student is hard. Being a law student during a global pandemic is even harder. We want to acknowledge that you may be feeling anxiety, fear, anger, and even [grief](#) during this time. Please refer to the [COVID-19 Self Care guide](#) for

some guidance on how to take care of yourself during this stressful time.

We also know that many of you may be confused or worried about obtaining or retaining your summer jobs; planning for classes next semester; maintaining conditional scholarships; looking for alternative sources of funding; preparing for the bar; and looking for post-grad jobs. [Assistant Dean of Student Grace Hum](#), [Student Services](#), [Career Development](#), the [Office of Academic Skills Instruction and Support](#), [Bar Passage Support](#), and [Financial Aid](#) remain open and available to talk to you about any of your concerns or questions.

Where should I go to get my questions answered?

This is a portal page that helps you figure out where to get answers to your questions. Each student-facing department will be creating COVID-19 response pages for ease of access for all students. We recommend that you regularly check the departmental pages for updated information. This table links you to the departments' pages that are going up this week:

Type of Question	Department MyHastings Page for Answers
Career	CDO COVID-19 Resources and Information
Academic Advising and Graduation Requirements	Academic Planning and Advising
Academic Support	Resources for Academic Success in the time of COVID-19
Bar Exam	Bar Support Resources for May 2020 Graduates

Financial Aid	Financial Aid at UC Hastings
Wellness	Resources to Thrive During Virtual Times



+What is the College doing to support me during this difficult time?

The College has a number of initiatives to support students whose needs flow directly from the COVID-19 pandemic and resulting challenges, including:

- An [emergency relief fund](#);
- An alumni “Hire UC Hastings” campaign
Chancellor & Dean David Faigman is leading (visit HCO for results in coming weeks);
- An appeal by Academic Dean Morris Ratner to faculty and centers to hire UC Hastings students as research assistants this summer (visit HCO for postings in the coming weeks);
- Special Career Development Office programming described below;
- Special bar support described below;
- Student Health Services counseling, including trauma counseling.

In addition to these initiatives, each department is building out their webpages so that current information is available to students 24/7. Some of these resources are described more fully below and in the links this portal provides to websites of the departments implementing these initiatives.



+ I'm concerned about cheating. What is the administration doing to prevent students from cheating?

As you know, cheating comes in many forms. Here are a few non-exhaustive examples:

- disclosing the topics being tested on the exam to a classmate after you've downloaded the exam;
- sharing the exam question with a classmate before that person downloads the exam question;
- talking to another person about the exam when you're not supposed to;
- asking another person to write or review your answer;
- contacting your professor during the exam availability period for any reason; and
- engaging in any other activity that violates our [Code of Student Conduct and Discipline](#) (the "Code").

Although we cannot monitor self-scheduled and self-

proctored exams in the same way we can monitor in-class exams, the legal profession is grounded in ethics, candor, and a high standard of moral conduct. We expect that you will adhere to those principles to preserve the integrity of our exam administration.

If we do learn of an alleged incident of cheating, we will investigate the matter according to our Code and impose sanctions as appropriate, which may include notification to the moral character office of the state bar licensing agency about the disciplinary action.



+ What standard do I have to meet to receive a credit (“CR”) in my courses?

To receive a CR, you’ll need to submit work that is "satisfactory." Academic Regulation 1004 states that "[s]tudent performance that is unsatisfactory must be assigned a grade of C- or lower." Though faculty will not assign letter grades in Spring 2020, performance that would have earned a C- or below in prior semesters will receive a grade of NC this semester.



+ What if I live off campus and am worried about being able to take exams in my home environment?

A student experiencing a substantial obstacle making it difficult to complete an exam at home, such as insufficient Internet access or quiet space, or a student with a need for a disability-based accommodation, may submit a petition to request access to on-campus space, consistent with [San Francisco Department of Public Health Order No. C19-07b](#), in which to take one or more exams. To read more about this policy and petition process, please review this [Notice, Petition, and Waiver to Access On-Campus Space for Spring 2020 Final Exams](#) page. To submit a petition, please complete [this Qualtrics link](#).



+ I'm worried that my summer job offer may be rescinded, what are my options?

The CDO is working with the College to ensure that campus options, like Research Assistants for faculty, are available to the fullest extent possible. We are reaching out to employers to encourage flexibility in summer programming and to alums to encourage creating remote or project based opportunities. Remember that amazing and valuable work experience can also be gained during the semester through clinics, externships and other experiential learning opportunities. You may consider summer school and look ahead to the Fall and Spring for work

experience on and off-campus. If your summer job has been rescinded, or is conditional, please [make an appointment with a CDO counselor](#), so we can help you navigate your situation.

Opting for CR/NC does not make you unemployable. On the contrary, for years, UC Hastings allowed students to take up to two classes for CR/NC grades, and we do not have any evidence to suggest that employers looked down on students who selected that option. As has always been the case, different employers put different emphasis on grades. Some employers put no emphasis on grades. We can discuss the potential impact of a decision to elect CR/NC based on your career goals, including sector, setting, practice area and class year. [We also can discuss how to address these issues during interviews](#). The employers we have spoken with have been very empathetic to the challenges that students are currently facing. The most important consideration is doing what is best for your physical, mental and emotional health.



+ I am facing financial challenges due to COVID-19. What financial resources are available to me?

There are resources potentially available to you if you have found yourself in need of additional funding. Some students have, for example, needed to relocate back home or will incur unexpected expenses as a result of our College-wide transition to a remote setting. Please note that each student's situation is unique and not all students will be able to pursue all of the avenues listed below.

- Federal Loans: If have not borrowed the maximum amount of student loans this academic year, you may have additional student loans available to you this semester. If you have borrowed the maximum amount for this academic year, you may still be eligible for a Student Budget Increase. Contact FinancialAid@uchastings.edu if you would like to increase your award package, do not know if you have borrowed the maximum amount this year, or would like to file a Student Budget Increase Appeal.
- Federal Work Study: If you are currently participating in the Federal Work Study Program, but could not work as a result of the COVID-19 pandemic, you have 2 options this semester:
 - 1) You may elect to terminate your Work Study and convert any unearned funds into

an additional federal loan disbursement (ie, a lump sum amount now). We remind students who elect this route that this would be a conversion into loans that are subject to origination fees and the same rules as federal loans borrowed at the beginning of the semester. For students interested in this option, please contact financialaid@uchastings.edu.

- 2) The Department of Education is allowing employers to continue to pay Federal Work Study funds for hours the students were scheduled to work this semester, even if they cannot work as a result of the COVID-19 outbreak. If you would like to continue to earn Federal Work Study wages, please contact your supervisor(s) and ask if this is still an option for them. If it is, please continue to complete and submit your timesheets as you normally would have. If an employer is not able to continue paying you through the Work Study program, please contact Financial Aid if you would like to convert your unearned wages into a federal loan.
- New Student Emergency Fund for Unanticipated Emergency Expenses: Based on the generous donations of AccessLex, our supportive alumni, and our dedicated faculty and staff, we have created the UC Hastings Emergency Fund to provide emergency grants in an amount up to

\$750 per academic year for currently enrolled students. We know that some of you may have greater financial need, but we hope to support as many students as we can with the funds that we have raised. For information about eligibility and a link to the application, please visit our [UC Hastings Emergency Fund MyHastings page](#).



+ What are my summer bar funding options, especially now that the timing of the bar exam is uncertain?

For our graduating students preparing for the Bar Exam, we encourage you to start budgeting for the summer Bar Study period even in light of the uncertainty of when the exam will be administered. Contact financialaid@uchastings.edu with questions or to schedule an appointment.

Students preparing for the Bar Exam may request (before the end of April 2020) an additional \$1,566 increase to their federal loans to offset some Bar-Related Exam Fees (such as the Moral Character application, for example) on top of the maximum Cost of Attendance for the academic year.

If you have already borrowed up to the maximum amount offered in student loans this academic year, including a student budget increase, or are in need

of funding to cover living expense, we recommend looking into Private Bar Study Loans. You can find more information about applying for private loans on [MyHastings - Financial Aid- Bar Study Loans](#). Review the information provided and then apply directly with the lender of your choice.



+ I'm not sure how to study for the bar exam if the July exam is not administered. What should I do?

You should reach out to [Director of Bar Passage Support Margaret Greer](#) to develop a bar study plan tailored to you. In addition, our [Bar Passage Support Program](#) will extend summer bar support programming into the fall. Please see the [Bar Passage Support COVID-19 page](#) for more details when they are available.



+ Are there any updates about administration of the Bar Exam?

The NCBE has announced that in addition to preparing materials for a July bar exam, the **NCBE will make bar exam materials available for two fall administrations in 2020: September 9-10 and**

September 30-October 1. The NCBE website notes that each jurisdiction will determine whether to offer the exam in July, in early September, or in late September.

On April 15, the State Bar Board of Trustees wrote to the California Supreme Court offering options and recommendations for the the July Bar Exam in response to the COVID-19 pandemic. You can [read the letter here](#).

Option 1:

Postpone the July California Bar Examination to September 9-10, 2020.

Option 2:

In lieu of Option 1, the July California Bar Examination could be cancelled. In that event, the next scheduled administration of the California Bar Examination would be February 2021.

New York has rescheduled the July bar exam to September 9-10, 2020.

Please see the [July 2020 Bar Exam - COVID-19 Updates page](#) for updates as they become available.



+ I have strong feelings about the College's response to this pandemic and the decisions the faculty made about


the grading policy. What can I do?

We understand that many of you have strong reactions to the College's Spring 2020 Grading Policy. If you would like to voice further concerns about the policy, you can schedule an appointment with [Director of Student Services, Emily Haan](#) or [Assistant Dean of Students, Grace Hum](#). Although social media can be a useful tool for connection and discussion, we ask you to keep in mind that your classmates may have different opinions than you but that does not mean they are more or less valid. Before hitting post on a Facebook comment or a tweet ask yourself whether you want the comment to be part of your professional reputation and whether could be perceived as harmful to another student.

Topics

covid-19 resources

student services

Page 'not useful?' 

academic advising

financial aid

career

EXHIBIT F

Emergency Relief for Students in Need; Hire Hastings Campaign

Chancellor & Dean David Faigman <chancellorfaigman@uchastings.edu>

Mon 4/6/2020 10:02 AM

To: Ratner, Morris <ratnerm@uchastings.edu>

Supporting Our Students



Dear Cherished Alumni Community,

I write today in a way that I have been reluctant to do in the past. Our students need your help.

The challenges we face today call to mind my wife Lisa's dad, Jack Snyder. Jack was 17 when World War II came to our shores. He soon volunteered to serve and became a pilot of a B-24 Liberator bomber, operating in the European theater. He didn't talk much about his time in the war, except for one detail. He would never tire of telling stories, and sharing pictures, of his 10 flight crew members. They developed an inseparable bond that lasted more than 50 years. They got together every year until,

one by one, because of sickness or death, they could no longer travel to their reunions.

I learned many lessons from Jack, including admiration for what a team can accomplish that no individual could achieve alone, respect for colleagues who excel at what they do and give everything they can to a shared goal, and—not inconsequentially—how to mix a killer martini. Jack and his beloved wife of 55 years, Eleanor, died more than a decade ago. However, the lessons they bestowed and the memories we formed with them tend to get stronger, not weaker, with time.

I am reminded of Jack Snyder for many reasons today. To be sure, the circumstances and immediate dangers that he and his colleagues faced bear little resemblance to the ones we now confront. But there are similarities too. Like the greatest generation that stood together in the 1940s, we are called upon to rise above our individual concerns and to act with society's larger interests in mind.

I know that everyone is confronting uncertainty, anxiety, and profound challenges. The health and financial impacts of COVID-19 present clear dangers for everyone. I, of course, understand that every person's capacity to help is different. I also realize that there are countless worthwhile causes in need of assistance at this time.

For those of you in a position to help, I have two "asks," both reflecting urgent student needs.

First, we have established an Emergency Fund to help students, as best as we can, to meet dire financial needs resulting from the pandemic, including resources for food, shelter, or relocation. I ask that you consider giving to the [Student Emergency Fund](#) or, alternatively, to the [Dean's Discretionary Account](#). Both are important. The former will be used to help students confronting

the immediate financial consequences associated with COVID-19. The latter I will use at my discretion to both supplement the Emergency Fund, as needed, and to support longer-range relief efforts necessitated by the health and financial crises we are facing. These include bridge fellowships for students who have had offers withdrawn and summer grants for students who have had summer associate offers rescinded.

My second ask is more general and, perhaps, more consequential. As the economy wobbles under extraordinary pressure, our students are losing employment opportunities. I beseech you and your firms or other employers to retain the UC Hastings students to whom you have already made offers or look to hire UC Hastings students, even if only for short-term work. Every little bit helps. If you are able to create summer experiences for our students, of any length, please notify our Career Development Office by emailing careers@uchastings.edu with a description of the work, materials needed for vetting candidates, and your hiring timeline. We'll post this information on [Hastings Careers Online](#), where our students go to learn about employment opportunities. Our Career Development team is also available to help you think through different ways you might engage UC Hastings students in your work.

We confront profoundly uncertain circumstances in the weeks and months ahead. Although we need to isolate ourselves physically, none of us is alone. Family, friends, and our respective communities are there. UC Hastings is there. We will emerge from this tunnel and will be stronger—and prouder—for the strength, fortitude, and charity that we brought to these times.

Thank you for being part of the greater UC Hastings family, a community that makes me proud every day.

I wish you and yours well. Please stay safe and healthy.

Warm regards,
David L. Faigman
Chancellor and Dean
UC Hastings Law

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Chancellor & Dean David Faigman
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EXHIBIT G

MEMORANDUM

To: Morris Ratner, Academic Dean; Stefano Moscato, Assistant Dean for Academic Skills Instruction and Support
From: Margaret Greer, Director of Bar Passage Support
Date: May 4, 2020
Re: 2019 – 2020 Bar Prep Engagement

The following memorandum provides a summary of the bar prep events held during the 2019-2020 academic year and information on student engagement at each event. Attendance at the fall events and at the spring events which took place prior to the March 17, 2020, shelter in place order paralleled attendance figures at 2018-2019 academic year bar prep events.

Despite the shelter in place order and the lack of in person communication, messaging to the class of 2020 about the importance of participating in the College's summer support programs appears to be working. For example, as of May 4, 2020, 186 students have signed up to participate in the B.E.S.T. Essay Tutor Program.

Fall 2019 Bar Prep Events

I. Fall Bar Sweeps Week

Event: California State Bar Moral Character Workshop

Description: Representatives from the State Bar provided an overview of the moral character application process and answered questions.

Date: October 21, 2019

Time: 12-1 p.m.

Number of students in attendance: 83

Event: Academic and Bar Expo

Description: Representatives from OASIS, Student Services, Disability Resource Program, Financial Aid, Career Development Office, Records Office, the Clinical Programs, the Library, and Global Programs tabled at the Expo.

Date: October 22, 2019

Time: 12-1 p.m.

Number of students in attendance: 211

Event: Evidence Exam Workshop

Description: During the workshop, students reviewed frequently tested Evidence issues and learned techniques for answering Evidence essay and MBE questions.

Date: October 23, 2019

Time: 12-1 p.m.

Number of students in attendance: 65

Spring 2020 Bar Prep Events

I. Spring Bar Sweeps Week

Event: Bar Talk Panel for 3Ls and LLMS

Description: Panelists from OASIS, Student Services, financial Aid, Disability Resource Program, and the Career Development Office provided an overview of the bar support resources available to graduates.

Date: February 25, 2020

Time: 12-1 p.m.

Number of students in attendance: 73

Event: M.P.R.E. Boot Camp Workshop

Description: The workshop included a review of the material covered on the MPRE, a step by step plan for developing an MPRE study schedule, and the opportunity to learn and practice multiple choice test taking skills.

Date: February 27, 2020

Time: 12-1 p.m.

Number of students in attendance: 84

Event: Uniform Bar Exam Panel

Description: Amy Kimmel, Assistant Dean - Career Development Office and I provided information on the Uniform Bar Exam (UBE) and employment opportunities in UBE states.

Date: February 18, 2020 (the event was held the week before Bar Sweeps Week)

Time: 12-1 p.m.

Number of students in attendance: 25

Event: Rising 2L Bar Panel

Description: Assistant Dean Stefano Moscato, Associate Director Jonathan Myers, and I provided information on bar admission requirements, bar subject classes, and graduation requirements for rising 2Ls.

Date: April 1, 2020 (the event was held after Bar Sweeps Week)

Time: 12-1 p.m.

Number of students who joined Microsoft Teams live event: 71

II. Spring Bar Prep Workshops Series

Event: Wills and Trusts Spring Bar Prep Workshop

Description: During the workshop, students reviewed frequently tested Wills and Trusts issues and practiced strategies for answering Wills and Trusts essay questions.

Date: February 20, 2020

Time: 12-1 p.m.

Number of students in attendance: 68

Event: Civil Procedure Spring Bar Prep Workshop

Description: During the workshop, students reviewed frequently tested Civil Procedure issues and practiced strategies for answering Civil Procedure essay and MBE questions

Date: March 24, 2020

Time: 12-1 p.m.

Number of students who joined Microsoft Teams live event: 30

Event: Professional Responsibility Bar Prep Workshop

Description: During the workshop, students reviewed frequently tested Professional Responsibility issues and practiced strategies for answering Professional Responsibility essay questions.

Date: March 31, 2020

Time: 12-1 p.m.

Number of students who joined Microsoft Teams live event: 15

Event: Performance Test Bar Prep Workshop

Description: During the workshop, students reviewed and practiced strategies for outlining and writing a Performance Test answer.

Date: April 7, 2020

Time: 12-1 p.m.

Number of students who joined Microsoft Teams live event: 17

4.2 COVID-19 and the Class of 2020 Professional Success Program

By Academic Dean Morris Ratner, Assistant Dean Stefano Moscato, Assistant Dean Amy Kimmel, and Director of Bar Passage Support Margaret Greer

The College is adapting and enhancing typical post-graduation bar exam and employment support for Class of 2020 graduates to account for pandemic-related disruptions including postponement of the California Bar Exam and a challenging legal services market. Deans Ratner, Moscato, and Kimmel and Director Greer will report regarding these initiatives at the May 14, 2020 Education Policy meeting.

Bar Exam Support

On April 27, 2020, Director Greer notified graduating 3L and LLM students of the California Supreme Court's decision to postpone the July Bar Exam to September. Director Greer's message, attached as Exhibit A, explained how students should tailor their summer bar study programs to the new schedule and identified new resources to promote success on the exam, including:

- **Virtual Early Prep Program (May 18 – May 31).** The College will administer an Early Prep Program for students planning to take the September 2020 Bar Exam. The program has three main elements:
 - A 50-question MBE diagnostic on AdaptiBar, on May 18, covering four MBE subjects, followed by debrief/review workshops led by UC Hastings faculty;
 - A second 50-question diagnostic, on May 26, covering the three remaining subjects, again followed by debrief/review workshops led by UC Hastings faculty;
 - Special workshops on Professional Responsibility/Ethics and Performance Tests, areas where UC Hastings graduates have underperformed in recent years.
- **Special training for students in late-start commercial bar programs.** Some commercial bar prep companies are delaying the start of their review courses until July and otherwise will offer identically paced programming as in a typical July exam administration. Because we believe most graduates would benefit from extended study with a better balance of review and spaced repetition practice, the College will provide special summer training starting June 1 for those students, running up until their commercial bar review courses begin.
- **Extended BEST summer programming.** BEST is the College's regular summer supplement to commercial bar company courses. Its key features are reviews of areas of the law and regular practice essay tests on which students get individual feedback from tutors. We will begin these programs on June 1 and will run until one week before the September bar exam. [Note: Any graduate taking the bar exam in a jurisdiction still planning to administer a July exam will have access to BEST tutoring beginning May 18.]
- **Extended mentoring.** The Alumni Mentor Program and the Faculty Bar Mentor Program will extend through August to support students' new bar study schedules.

- **Extended individual monitoring and support.** Director Greer normally monitors student progress in their summer bar courses to identify and provide support to students who may be struggling to keep up. She will do that through the end of those courses, all of which have been extended.
- **Waiver of audit fees.** The College will waive audit fees associated with Summer Session 2 and Fall 2020 classes in which Class of 2020 graduates enroll, to give students who want to take bar-subject classes they may have missed. This benefit is primarily for those students who choose to take a February bar exam. Students who take the September exam should follow the suggested study schedule provided by Director Greer in Exhibit A.
- **AdaptiBar Scholarships.** Director Greer invited graduates to apply for an AdaptiBar Scholarship described in Exhibit B. The College's prior studies suggest that AdaptiBar is an effective tool for improving bar outcomes.

Employment Support

The Career Development Office, led by Dean Kimmel, will provide extra support this year to Class of 2020 graduates, with special emphasis on finding meaningful and rewarding employment during a recession.

- **Jumpstart! Program.** Graduates submit their resumes (and practice area/geography preferences) to the CDO through Hastings Careers Online. Each resume is reviewed by a counselor with any eye to the post-grad job search in light of COVID-19. Resumes will be collected in targeted resume books based on practice and geography, and forwarded to alumni and employers. The CDO will also solicit outreach assistance from the UC Hastings Board of Governors.
- **Grad Handbook for the Class of 2020.** The Grad Handbook is a comprehensive guide to common questions and issues facing graduates in their first job search including search strategies and timing, sample materials, networking tips, and more.
- **Board of Governors Mentoring Program.** Graduates who participate in Jumpstart! are eligible to be matched with a Board of Governors mentor. (This is separate than the general Alumni Bar Support Mentor Program serving as sounding boards and advisors.) These mentors will provide more specific and focused job search and career advice, bar tips and support, and opportunities to develop professional contacts and networks.
- **GradLaunch.** GradLaunch is a self-directed online module for grads in the job market. This platform includes worksheets, interviews, videos and more, and is available free and on-demand for Hastings grads. Modules cover job search, applications, tips from alums, time management, networking, JD Advantage, and more, available online and at your own pace .

- **Board of Governors Class of 2020 Job Search Panel.** This panel with alumni from the Board of Governors will feature 2008 grads, alumni with non-traditional career paths and experienced alumni with creative job search advice for grads potentially entering a down market.
- **Bridge Fellowship Program.** The UC Hastings Bridge Program provides competitive fellowships for graduates planning on starting their careers in the government and nonprofit sectors. Last year's program materials can be found on the [CDO's Post-Grad Resources CDO Page on MyHastings](#). Program dates are subject to change in light of new California Bar Exam dates.
- **Class of 2020 Advising.** Counselors, including our dedicated Graduate Class Advisor, Gabriel Bellman, are available all summer and beyond for counseling appointments, resume review, mock interviews and other job search advice. Graduates can sign up for regular check-ins with a counselor every week, every month or any other schedule that works best for them.
- **Tip of The Week Emails.** The CDO team will send weekly emails to graduates with hot jobs and career development tips/coaching advice. Each email includes specific advice on subjects including networking, handling bar results, time management, search strategies, cover letters, mental health support, and professional development.
- **Alumni Outreach.** In addition to the above, the CDO will work with the administration, the Board of Governors and other alumni to identify and promote opportunities for our recent grads, including soliciting potential employers to participate in the AiR Program (a 12-month program designed for smaller firms and/or in-house departments who typically do not hire entry level attorneys).
- **New and Updated Resources.** CDO is updating written resources on the College's intranet, MyHastings, to address the changed legal service market, including materials on JD Advantage careers, advice from recent graduates, and remote work and job search tips.
- **Extended Access to Research Services.** The Law Library will provide graduates with 18 months of free access, starting right after graduation, to Westlaw, Practical Law, Drafting Assistant, Practice Point, Document & Form Builder, and other services. Lexis normally offers seamless Lexis Advance access for 6 months, but has extended that period to 18 months as a pandemic response. HeinOnline's [Law Journal Library for UC Hastings Alumni](#) is available post-graduation indefinitely.

EXHIBIT A

Email to 3Ls & LLMs re. New CA Bar Exam Dates and Support

Greer, Margaret <mgreer@uchastings.edu>

Tue 4/28/2020 3:25 PM

To: Faculty and Staff All (exclude Adjuncts) <FacultyandStaffAllexcludeAdjuncts@uchastings.edu>

Dear All,

I hope that you are doing well. Yesterday, the Bar Passage Support Program sent the following email to 3Ls and LLMs regarding the postponement of the California Bar Exam to September 9-10, 2020. If students have any bar exam related questions, please feel free to refer them to me.

Thank you,
Margaret

From: Greer, Margaret

Sent: Monday, April 27, 2020 7:56 PM

Cc: Moscato, Stefano

Subject: New California Bar Exam Dates; Enhanced Bar Support for Class of 2020 Grads

Dear All,

As you likely have heard, the [California Supreme Court decided today](#) to postpone the July 2020 California Bar Exam to **September 9-10, 2020**. The Court ordered the State Bar to “make every effort possible to administer that examination online with remote and/or electronic proctoring,” including working with the National Conference of Bar Examiners (NCBE) to “facilitate the online administration of the September 2020 Multistate Bar Examination (MBE).” It further ordered the State Bar to submit to the Court a “workplan” for online administration no later than May 11. The Court did not make any mention of diploma privileges or temporary supervised practice provisions to account for the necessary delay in giving May 2020 graduates the opportunity to become licensed to practice in California, other than urging the State Bar to “undertake every effort to speed the grading ... such that results will be disclosed to examinees no later than December 31, 2020.”

The decision to postpone the exam and delay your opportunity to become licensed in California is a shocking (if not unexpected) disruption. ***However, we write to assure that you that the UC Hastings Bar Passage Support Program is here to support you.***

Below, you will find a list of frequently asked questions with important information that you will want to consider as you process this news.

Bar Exam Prep FAQ

Q. When should I begin studying for the exam?

The three major bar review course companies, BARBRI, Themis, and Kaplan, have adjusted

the start dates for their review courses in light of the new exam dates, as follows:

BARBRI: For September bar exam states like California, **BARBRI will begin live lectures the week of June 1** with lecture days spread over June, July, and August. Rather than the traditional five days per week lecture schedule, BARBRI anticipates scheduling **two or three live lectures per week** in those states. The entire content of the course also will be available online, on-demand, if you prefer that (or if live lectures are not possible). If you follow this extended study schedule, the average amount of work per day will be about 5.5 to 6 hours. Though you have the option to wait until early July to begin your course (if you opt for the online, on-demand content), **UC Hastings recommends that BARBRI students start by June 1st (rather than delay the course start to July) regardless of whether you plan on taking the course live or online, so that you can spread out your studying.** Note that the course became active on Monday, April 20th for those students who had planned on (and signed up for) a July 2020 examination, meaning that the entire content of the course will be available online, on-demand, if you want to get even more of a head start on your bar prep.

Themis: According to the Themis website, its summer bar review courses opened, as planned, on Wednesday, March 18, and Themis plans to maintain this full access whether or not a jurisdiction's bar exam is postponed to September or occurs as planned in July. For September jurisdictions like California, Themis will make adjustments to its recommended course schedule, including the recommended start date and graded essay deadlines. The Themis course platform allows you to select a start date that works best for you and arranges your assignments accordingly. **UC Hastings recommends that Themis students start by June 1st (rather than delay the course start to July) so that you can spread out your studying.**

Kaplan: Kaplan has moved its start date to around July 4. We will work with Kaplan students to create study schedules that will allow them to begin preparing on June 1st.

Additionally, we will update students about live vs. online options as soon as the bar companies give us that information.

If you would like to begin studying before your bar review course company's start date and need help developing a bar study schedule, please email mgreer@uchastings.edu or make an appointment [here](#).

NOTE: If you are taking an exam in a jurisdiction still administering its exam this July, your bar review course will begin during the last two weeks of May (i.e., the schedule remains unchanged).

Q. Can I (and should I) consider waiting until February to take the bar exam?

Though we should have more information by the Court's May 11 deadline for the California State Bar to come up with a "workplan" for online administration of the bar exam, that is unlikely to come with any guarantee that there will be no further postponements or delays,

and that uncertainty may add to the anxieties you already may be having about your ability to effectively study for the bar exam during these unprecedented times. We of course don't know at this time whether the COVID-19 pandemic will also interfere with the February bar examination, which makes this all the more complicated, but if you would like to discuss whether waiting until February may be right for you, please email mgreer@uchastings.edu or make an appointment [here](#).

If you do decide to wait until February and have already purchased a commercial bar review course, please contact your bar review course regarding your access privileges. As soon as we have complete information from the bar review courses companies, we will post the information on the [Bar Support for May 2020 Graduates Impacted by COVID-19 MyHastings page](#).

BARBRI: If you plan on waiting until February to take a bar exam, please contact BARBRI. Your course would not go active on April 20th in that case. If you have already ordered your books for the July exam but are delaying until February, BARBRI will transfer your book deposit to its course for February takers.

Themis: If you plan on waiting until February to take a bar exam, please contact Themis. The Summer 2020 course will not remain open until the February 2021 exam. Typically, the February course opens in November.

Kaplan: If you plan on taking the February exam now that your state has postponed or cancelled the July exam, you will be able to move your course to February and keep access until then.

If you plan to take the February exam, please notify us as soon as possible so that we can reset your AdaptiBar subscription for the February 2021 bar exam.

Q. When will the B.E.S.T. Essay Program, the Alumni Bar Mentor Program, and the Faculty Bar Program start? Will UC Hastings provide additional programming for graduates who are preparing for a fall or February bar exam?

If you are taking the bar exam this July, the B.E.S.T. Essay Program, the Alumni Bar Mentor Program, and the Faculty Bar Program will start on May 18th.

If you are taking an exam this fall, the programs will start on June 1st. If you are taking the exam in February, the programs will start in the fall of 2020.

If you have not done so already, you can sign up for the B.E.S.T. Essay Program, the Alumni Bar Mentor Program, and the Faculty Bar Program by clicking [HERE](#).

Graduates who are taking the exam in the fall or in February will have access to early and extended essay and multiple choice programming.

September Early Prep Program

The Early Bar Prep Program will begin on May 18, 2020. On May 18, 2020, graduates will complete a 50 question MBE diagnostic on AdaptiBar that will cover four MBE subjects. UC Hastings professors will provide substantive overviews of the subjects and will debrief the MBE questions throughout the rest of the week.

On May 26, 2020, graduates will complete a second 50 question MBE diagnostic on AdaptiBar that will cover the remaining three MBE subjects. UC Hastings professors will provide substantive overviews of the subjects and will debrief the MBE questions throughout the rest of the week. The diagnostic exams and substantive lectures will offer graduates an opportunity to identify the subjects and issues that they will need to review in more detail during bar review.

The Early Bar Prep Program will also include Professional Responsibility and Performance Test Workshops. The Performance Test is worth two essays and Professional Responsibility is always tested on the essay portion of the exam.

Stay tuned for more details. All programming will be held on Microsoft Teams.

February Early Prep Program

When you begin your bar review course program will depend, in large part, on whether you will be able to study full time starting in December 2020. Graduates who anticipate not being able to start studying full time in December 2020 will need to begin their bar review courses earlier and should make an appointment with me now. February bar exam takers may participate in the early prep programming and extended bar prep programming that we are offering September bar exam takers. Graduates who are taking the February exam will also have the opportunity to audit some bar subject classes during the fall semester.

Please stay tuned for details.

Q. When will access to AdaptiBar begin and end?

You will have access to AdaptiBar starting May 8th, once you have paid the \$175 balance for full access to AdaptiBar.

If you take the exam this July, your access will end after the fall administration of the exam. If your exam has been rescheduled to the fall, your AdaptiBar access will be extended to the rescheduled date that your jurisdiction chooses. Access will end after the fall exam. If you plan on taking the February exam, your access will end February 28th. Please note, if you use AdaptiBar to prepare for a fall exam and for the February exam, you will need to pay the reenrollment rate for the second exam prep period.

Q. When can I apply for the AdaptiBar scholarship?

You will receive an email tomorrow, April 28, 2020, with instructions on how to apply for the

UC Hastings AdaptiBar scholarship.

Q. Should I work and study for the bar exam at the same time if the state where I am taking the bar exam grants applicants provisional work licenses?

Ideally, graduates should not work while studying for the bar exam. Working while studying can interfere significantly with a graduate's ability to adequately prepare for the exam. It is difficult for graduates to find time before and after work to fit in all of the assignments that must be completed in order to stay on pace with the review course. Additionally, graduates who work and study often end up prioritizing work projects and assignments over their studies. However, we understand that for some graduates, the postponed exam date makes it impossible to not work, at least part time, while studying. If you will need to work once your bar review course begins, please make an appointment with me now to discuss scheduling. We can also discuss strategies for taking time off leading up to the exam.

Q. Some UBE jurisdictions still (tentatively) plan on administering exams this summer. Should I study for and take a July exam in one of those jurisdictions instead of (or in addition to) waiting for the California bar exam?

The NCBE has announced that it will make materials available for a July administration and for two fall administrations. Each jurisdiction will decide when to administer the exam. See [July 2020 Bar Exam - COVID-19 Updates](#) for the latest updates.

Some students have inquired about possibly taking an exam this July in a UBE jurisdiction as a sort of "practice" round, and then taking the California exam in the fall or in February. While that may in theory sound like a worthwhile endeavor, there are several downsides you will want to consider, including of course the costs and logistics associated with taking multiple exams in different jurisdictions. Notably, the UBE commercial bar prep essay instruction and materials are different than the California commercial bar prep essay instruction and materials.

On the other hand, getting licensed in a UBE jurisdiction sooner than you could in California might make sense if you are open to exploring working outside of California and/or if you are considering a career path for which a California bar license may not be required. If you are considering this option, please set up an appointment with me and review the information posted on the "[Should I Consider Taking the Bar Exam in Another Jurisdiction](#)" MyHastings page.

Q. How should I negotiate a new start date with my employer or ask for time off to study? What impact will the delayed exam administration have on searching for a job?

For information on how to speak with your employer about the new exam date and for job searching advice and resources, please contact the [Career Development Office](#).

As always, if you have any questions, please email mgreer@uchastings.edu or make an appointment [here](#).

Best,
Margaret

Margaret Greer

Director of Bar Passage Support

Academic Skills Lecturer

UC Hastings College of the Law

200 McAllister Street

San Francisco, CA, 94102

415-581-8806

mgreer@uchastings.edu

[Bar Passage Support Resources](#)

Appointment Link - <https://hastingsoasis.as.me/mgreer>

EXHIBIT B

AdaptiBar Scholarship Application

Greer, Margaret <mgreer@uchastings.edu>

Tue 4/28/2020 4:14 PM

Cc: Moscato, Stefano <moscato@uchastings.edu>; Mason, Katey <masonk@uchastings.edu>

Dear All,

I write to invite those of you who are graduating this May and who are planning to take the bar exam this July (i.e., in a jurisdiction currently planning on going forward with a July exam), in September 2020 (whether in California or one of the many other jurisdictions that have postponed the exam until then), or in February 2021, **to apply for special AdaptiBar funding assistance we have set aside to help those most in need.** We want to make sure that you have access to the resources that you will use to prepare for the bar exam, whenever that may be, as soon as you are ready to begin studying.

May 2020 graduates who are currently enrolled in AdaptiBar as UC Hastings students will get full access to AdaptiBar for an overall cost of \$295, down from the \$360 rate we had previously negotiated for this. Your payment of \$120 at the start of the school year for AdaptiBar counts towards this overall price, which means that you can get full access to AdaptiBar for your bar review studies once you pay **the balance of \$175.** You will be able to unlock your account (by paying this balance) starting May 8, 2020.

Program Overview and Scholarship Application

If you have completed AdaptiBar assignments in MBE-tested courses this year or the problem sets I have made available to you, you already know that AdaptiBar is an excellent online resource designed to help you prepare for the MBE portion of the bar exam, which accounts for half your exam score.

Persistent use of AdaptiBar as a supplemental MBE prep resource translates to successful bar outcomes. Class of 2019 graduates who answered at least **500 questions correctly** achieved a **90% pass rate**. Conversely, for those who attempted fewer than 100 questions (or did not use AdaptiBar at all), the **pass rate was 69%**.

AdaptiBar's database includes almost 2,000 MBE questions, most all of which are actual prior-year MBE questions released by the National Conference of Bar Examiners (the organization that creates the MBE). Once you have been granted unrestricted access to the program, you can use the resource to practice questions by subject or even by issue within a subject. The program tracks your performance, analyzing (and adapting to) your overall strengths and weaknesses. Each question also includes a thorough answer explanation.

[Note: I understand that BarBri and Kaplan have access to a limited number of actual NCBE-released questions, which they "save" for their final simulated MBE exam. Themis has a somewhat broader NCBE license than the other two, but our Themis representative assures us that supplementing their MBE prep program with AdaptiBar is still a very good idea.]

We recognize, of course, that for many of you, tacking on yet another bar prep expense may be quite difficult to manage. The College has created a fund to help defray that cost. In order to reach as many of you as possible and especially those most in need, we invite you to apply for a **scholarship** to offset the cost of your AdaptiBar purchase.

Our funds are limited, so the amount awarded will depend on the number of eligible applicants. We will have to allot these AdaptiBar scholarships based on **demonstrated need**. Factors we will consider in determining eligibility are:

- Whether you have secured full-time, paid post-bar employment;
- Whether you are receiving bar financial support—covering the cost of your commercial bar prep course and/or your bar study living expenses—from someone outside your immediate household (e.g. a future employer, parent, etc.); and
- Anything else demonstrating your need for this funding assistance.

If you believe you meet the above criteria, you can apply for this AdaptiBar scholarship by submitting the application no later than May 29, 2020.

[Access the application by clicking HERE.](#)

NOTE: AdaptiBar scholarship recipients must agree to the following terms:

- **Attend or watch the recording of our AdaptiBar Tutorial Session, which will give you an overview of the program’s functionalities, and our suggestions for how to make the most of this tool. The AdaptiBar Tutorial Session will take place on Microsoft Teams during the week of May 11th.**
- **Participate in our AdaptiBar Mentorship Program. Throughout bar review, we will provide ongoing advice and recommendations based on your usage of and success with AdaptiBar.**
- **Submit at least six essay and/or Performance Test answers to the B.E.S.T. Essay Tutor Program. If you have not done so already, please sign up for the B.E.S.T. Essay Tutor Program by emailing mgreer@uchastings.edu.**

If you are selected for an AdaptiBar scholarship, we will give you instructions for redeeming it at that time.

Please do not hesitate to contact me if you have any questions about this or any of our other bar passage support offerings. We hope that this small gesture can help you on your journey toward bar exam success.

Best,
Margaret

Margaret Greer

Director of Bar Passage Support

Academic Skills Lecturer

UC Hastings College of the Law

200 McAllister Street

San Francisco, CA, 94102

415-581-8806

mgreer@uchastings.edu

[Bar Passage Support Resources](#)

Appointment Link - <https://hastingsoasis.as.me/mgreer>

4.3 Class of 2019 Employment Report

By Assistant Dean Amy Kimmel

The College's employment outcomes improved in 2019 compared to the prior year – the second year in a row of improved results for our graduates. This was all the more impressive given the fact that that the class was larger by 32 students than 2018. The College saw an increase in overall employment from 85% in 2018 to 89%, i.e., 275 graduates. (The total Class of 2018 was 277). Two graduates reported as being Employed-Start Date Deferred, and six graduates were in full-time degree programs, up from three last year. Including the two graduates with a deferred start date and the graduates enrolled in a degree program brings the total to 91%.¹

The year-over-year increases occurred in almost all categories including 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 74% for the Class of 2018 (and 67% for the Class of 2017) to 75.7% for the class of 2019.² The College granted twelve FTLT Bridge Fellowships of \$40,000 each,³ thus increasing the overall FTLT Bar Passage Required/JD Advantage employment rate to 79.6%.

Total Bar Passage Required jobs rose to 74% over 66% in 2018. JD Advantage jobs remained steady at over 12% of graduates. Approximately 12% of 2018 graduates had JD Advantage jobs.

Approximately 100 students obtained employment in San Francisco proper. In 2018 NALP reported only 459 legal jobs in San Francisco. Hastings is populating almost a quarter of the jobs in one of the smallest and most popular legal markets in the country.⁴

Graduates going to law firms increased slightly to 47%, up from 44% in 2018. More graduates chose solo firms - 2.7% up from less than 1% the prior year. Graduates choosing small firms (1-10 attorneys) rose slightly from 25% to 26%. Fewer graduates obtained employment at law firms with 11-50 attorneys - 19% in 2019 compared to 24% in 2018.⁵ The College saw gains in mid-size and smaller big law; 6.7% of our Class of 2019 graduates found employment at firms with 51-100 lawyers, up from 2% in 2018, and over 8% of 2019 graduates found employment at firms 101-250, up from 5%. Larger law firms (250+ attorneys) were slightly lower from 41% to 34%. Smaller and mid-size firms are the areas where growth is most likely; large law firm jobs are increasing at a very slow rate.

¹ Seventeen graduates (5.5%) were seeking as of the reporting date and five unknowns. We know of at least four of the seeking graduates received jobs shortly after the reporting deadline.

² While some may have expected hirer numbers based on bar passage, full-time, long term job tend to be jobs that graduates can keep even if they don't pass. These jobs are less affected by bar passage rates. Additionally, 2018 was truly an extraordinary year in terms of employment in light of the bar passage numbers.

³ We also were able to fund two full-time sort term positions as part of a second round of funding.

⁴ From National Association for Law Placement (NALP), Jobs and JDs, Class of 2018. San Francisco is the 8th largest legal market with roughly one seventh the jobs of New York and one half the jobs of LA.

⁵ We did have four graduates at firm size unknown. These are likely firms with less than 25 lawyers but we could not confirm from the website, which is another 2.7% for that category.

With the increase in law firm jobs, the College saw a corresponding small decrease in business jobs - 11% of Class of 2019 graduates compared to 15% in 2018.

Class of 2019 outcomes varied from 2018 outcomes with regard to government and public interest employment, though largely because of shifts in the way jobs are categorized and reported. Employment in government jobs was 9% from 13% for the Class of 2018. Public interest employment more than doubled from 6% in 2018 to 14% in 2019. These shifts are due in part to a change in the reporting guidelines, public defenders are now counted as public interest rather than government. Public defenders make up 40% (17 graduates) of the public interest positions. If these graduates were counted as government, the government numbers would jump to 17% and the public interest numbers would be up to 8%, which would have thus shown gains from 2018 in both categories (13% and 6% respectively). This is likely due to the continued success of the Bridge Program including our continued partnership with the SF Public Defender. Of our 20 short-term Fellows, 15 were employed by the end of the program and all but two were in government or non-profit organizations. Four graduates withdrew from the long-term application process and/or the program due to full-time employment.

4.4 Certificate of Studies in Law

By Academic Dean Morris Ratner

The faculty voted to approve and the College is now seeking approval from accreditors of a new Certificate of Studies in Law (“CSL”), for non-lawyers. The CSL requires 12 units of coursework and can function as either a standalone credential or the first semester of the Masters of Studies in Law (“MSL”) degree for nonlawyers. The CSL will be offered in online, hybrid, and traditional formats. The CSL will be the College’s first “certificate” program and second online program after the Masters of Science, Health Policy, and Law (“HPL”), which is a joint degree offered with UCSF. The CSL enhances our offerings to nonlawyers by offering a program length and format that accommodates working professionals.

The following table provides additional detail regarding the CSL program:

Program Name	Certificate of Studies in Law (“CSL”)
Credit Hours (Units)	12 units total
Distance Education	As described below under “Required Classes” and “Other Classes,” a number of classes will be offered online or in a hybrid format. This will allow enrollment by working professionals and students residing outside of the Bay Area. CSL students will also have the ability to enroll in other in-residence classes.
Minimum and Maximum Course Load	CSL students may complete the program on a full-time basis in one semester or on a part-time basis. Academic regulations for the CSL will specify maximum and minimum course load requirements similar to the MSL on a per-semester basis.
Maximum Years	CSL students must complete their degree in 3 years.
Required Classes	<ul style="list-style-type: none"> • Introduction to Law (online; 3 units) or equivalent in-residence class offered to LLM or MSL students • Legal Writing and Analysis for Nonlawyers (hybrid format allowing remote participation; 2 units)
Other Classes	CSL students may enroll in any other courses in which MSLs may enroll. The following online courses are available: <ul style="list-style-type: none"> • Business Associations (online; 3 units) • Applied Contracts (online; 3 units) • Legal Research for Nonlawyers (online, 1 unit)
Specializations	The CSL may be offered with or without specialization. It will launch with one specialization – “Business Law.” A student earns a Business Law specialization by completing 5 units in courses approved for the JD business law concentration. Additional specializations may be offered with the approval of the Academic Dean.

	A student who has earned a specialization will receive a certificate title of “Certificate of Studies of Law: [name of specialization].”
Transition to MSL	<p>A student who earns a CSL may elect to continue as an MSL student and will receive 12 units of credit towards the MSL.</p> <p>Academic regulations or admissions policies will specify a time within which a student must elect to continue with the MSL.</p> <p>An MSL student may not transfer credits for MSL coursework towards a CSL.</p>
Admissions Criteria	The admission criteria are based on the criteria for admission to the MSL program.
Tuition	Tuition will be equal, on a per unit basis, to the MSL program. Other elements of MSL fees (such as activity fees, health services fees, insurance, and Adaptibar) may be charged as applicable or required. The program will be structured to be eligible for federal loans.
Learning Outcomes	The learning outcomes for the CSL will be based on the learning outcomes for the MSL program. The outcomes are qualified to reflect the shorter program length.
Personnel	The CSL will rely on the same teaching and administrative personnel as the MSL. Initially, required courses will be taught by Jessica Vapnek and Gregg Cochran. MSL Director Jessica Vapnek will perform advising and administrative functions. Additional regular faculty members with subject matter expertise may provide additional advising.
Non-Personnel Costs	Approximately \$20,000 per year for digital marketing

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4.5 Public Strategic Plan

By Chief Communications Officer Sybil Wyatt

At the May 14, 2020 Educational Policy Committee meeting, Chief Communications Officer Sybil Wyatt will report regarding the public-facing version of the strategic plan.

4.7 February Bar Outcomes

By Academic Dean Morris Ratner, Assistant Dean Stefano Moscato, and Director of Bar Passage Support Margaret Greer

On May 11, 2020, the College received pass/fail data for graduates who sat for the February 2020 administration of the California Bar Exam. This report is preliminary because we are still resolving a question about the pass list with the Bar. Also, the State Bar's aggregate numbers are reported as preliminary,¹ and the College has not received its official Supplemental Statistics Report.

With those important caveats, below please find our preliminary figures, compared to February 2019 outcomes:

Administration	UC Hastings First-Time Pass Rate	CA Overall First-Time Pass Rate	CA ABA First-Time Pass Rate	UC Hastings Repeater Pass Rate	CA ABA Repeater Pass Rate
February 2020	Est. 64% (7/11) for all first-time test takers and 67% (6/9) for Class of 2019 graduates	38%	42%	Overall: 36% (28/77) Class of 2019: 43% (19/44) Prior-year graduates: 27% (9/33)	30%
February 2019	60%	41%	45%	49%	38%

Most of our graduates take the July bar exam, which produces a data set large enough to evaluate using rigorous statistical analyses. Typically, we do more qualitative analyses of the February results because the numbers are small.

Eleven UC Hastings graduates took the California Bar Exam for the first time in February 2020, nine of whom were from the Class of 2019. Seven graduates passed the exam. A review of the graduates' law school GPAs (LGPA) and bar review study habits enables us to identify patterns.

¹ See <http://www.calbar.ca.gov/About-Us/News/News-Releases/state-bar-of-california-releases-results-of-february-2020-bar-exam>.

The graduates and first-time test takers who passed the February exam graduated with LGPAs above 3.00 and four of the seven applicants graduated with LGPAs at or above 3.40. In addition to excelling academically, the graduates completed their bar review course assignments. Six of the seven graduates completed between 69% and 95% of their bar review courses. One graduate (who had previously passed another state's bar exam) did not document course completion. Persistent use of AdaptiBar also appears to correlate with successful bar outcomes. Three of the seven graduates who passed the exam answered over 100 questions on AdaptiBar with accuracy rates ranging from 62% to 72% correct. Finally, five of the seven applicants who passed were in contact with the Bar Passage Support Program during bar review. Class of 2019 graduates who did not pass the February 2020 exam shared certain risk factors the College has identified in prior reporting, pertaining to, among other things, law school grade point average and percentage of completion of commercial bar courses.

The cohort of Class of 2019 graduates who were repeat test takers was smaller than in recent years because 80% of our Class of 2019 graduates who sat for the July 2019 administration passed the exam.

We do not yet have peer school data, other than the aggregate information, above, regarding performance of graduates of California ABA-accredited law schools.