

UCH BoD Educational Policy Committee Meeting (OPEN SESSION)

Aug 20, 2020 9:00 AM - 10:15 AM PDT

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**UNIVERSITY OF CALIFORNIA
HASTINGS COLLEGE OF THE LAW
BOARD OF DIRECTORS
MINUTES OF MAY 14, 2020 EDUCATIONAL POLICY COMMITTEE MEETING – OPEN
SESSION**

Due to the COVID-19 pandemic and the Shelter-in-Place order by the City and County of San Francisco, the meeting was held virtually, via the Zoom video conferencing platform. Participants and members of the public were able to join the meeting via the web link or dial-in numbers listed in the public notice of this meeting. The public notice of this meeting is available at: https://repository.uchastings.edu/board_materials_2020/30/.

1. Roll Call

The Chair called the meeting to order at 9:02 a.m., and the Secretary called the roll.

Directors Present

Director Simona Agnolucci, Chair
Director Tom Gede
Director Andrew Giacomini (joined at approximately 9:20 a.m.)
Director Claes Lewenhaupt
Director Mary Noel Pepys
Director Chip Robertson

Directors Absent

Director Denise Bradley-Tyson

Staff Participating

Chancellor & Dean David Faigman
Provost & Academic Dean Morris Ratner
Chief Financial Officer David Seward
General Counsel & Secretary to the Board John DiPaolo
Executive Director of Operations Rhiannon Bailard
Director of Bar Passage Support Margaret Greer
Assistant Dean of Students Grace Hum
Assistant Dean of Career Development Amy Kimmel
Assistant Chancellor & Dean/Chief of Staff to the Chancellor & Dean Jenny Kwon
Assistant Dean for Academic and Professional Success Stefano Moscato
Associate General Counsel Laura Wilson-Youngblood
Chief Communications Officer Sybil Wyatt

2. Public Comment

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

*3. Approval of Minutes – February 27, 2020

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

4. Report of Academic Dean Morris Ratner

4.1 COVID-19 and the Academic Program

Provost & Academic Dean Morris Ratner updated the Committee on the status of the academic program in light of the COVID-19 pandemic. He stated that the 2020 class has graduated, and all summer courses are fully online with regular grading reinstated. He indicated that Hastings is currently planning for fall 2020, with consideration of things like how many students can be accommodated in hallways, classrooms, and other areas on campus. He presented three options for the fall semester – a fully online curriculum, a fully in-person curriculum, or a mix of each. He indicated that Hastings is currently prioritizing certain courses for in person instruction, namely 1L and LLM courses. For 2L or 3L courses, Hastings is trying to create a mix, so that those students can choose the nature of their curriculum. Orientation in early August will be a mix of in-person and online programming. The Committee asked whether the administration had insight into what the California State system is doing, and Dean Ratner stated that UC peers are all in roughly the same boat as Hastings. He noted that Hastings' current plan is very similar to UC Berkeley's in creating homerooms for 1L students such that students will stay in one room for classes all day and faculty will come in and out. The Committee asked how much flexibility Hastings has to do something differently than UC, and Dean Ratner responded that Hastings can tailor differently, with the only limitation being that the institutions are subject to the same public health regulations. Chief Financial Officer David Seward noted that the Tower is not considered congregate housing and currently has about 100 residents.

4.2 COVID-19 and Class of 2020 Professional Success Program

Dean Ratner provided an overview of the program, indicating that the written materials describe what Hastings is doing to support the class of 2020 in this difficult job market and with the Bar exam. Director of Bar Passage Support Margaret Greer and Assistant Dean for Academic and Professional Success Stefano Moscato are working on adapting Bar support for the September Bar exam timing and online format. Assistant Dean of Career Development Amy Kimmel is working on support in employment.

4.3 Class of 2019 Employment Report

Assistant Dean of Career Development Amy Kimmel provided an overview of staff in the Career Development Office, indicating that there are four other counselors in the office, each with a different primary focus, and that one additional counselor will be hired this summer. The Career Development Office surveys students a month before graduation. Those who are not employed at that time are split between counselors for focused advising both pre- and post-Bar exam. Employment numbers improved again this year, with an increase in overall employment from 85% to 89% employment. Ms. Kimmel stated that two graduates were start date deferred, and six graduates enrolled in another degree program. She noted an increase from 74% to 75.7% of graduates in JD-required or preferred full-time employment. She stated that Bar passage results this year had an impact, as well as an increase in activity in the smaller

firm market. She informed the Committee that 95% of graduates who passed the Bar exam were employed. She also indicated a need to continue connecting with the bottom quartile of each class because that group is the most likely to be unemployed. Ms. Kimmel stated that 83% of graduates stayed in California, and about 70% stayed in San Francisco. She stated that the Bridge Program funded twelve full-time positions, and that four of those fellows either did not take or pass the Bar exam, while eight did. She said that twenty short-term fellowships, eighteen of which were in full-time JD required programs, were also offered. The Committee asked why clerkship numbers are down and for documentation on the average salary that graduates are making. Ms. Kimmel will provide that information to the Committee. She also noted that U.S. News looks at data in November, while the ABA looks at data in March. She indicated that there was a slight decrease in employment in business jobs and an increase in law firm employment. She also indicated that the classification of public defender positions changed from government to public interest, which is one reason why those numbers look different this year.

Chancellor & Dean Faigman provided an update on current enrollment statistics for the incoming JD class, which is projected to be about 360 students. Hastings has 447 depositors and expects a melt of 90-100. Hastings is maintaining a larger wait list this year in case there is more melt than expected. The current incoming class has average numbers of a 3.4 to 3.5 GPA with a 158 LSAT. Among depositors, 49% identified as diverse. There are three California scholars, with one more potentially, and 65 LEOP depositors. The admission rate so far this year is 40%. There are currently 12 LLM depositors for Fall, which is slightly lower than last year's fifteen. There are currently seven MSL depositors, and Hastings expects five to 10 more. The Committee asked when the next decision point for incoming students is, and Chancellor & Dean Faigman stated that it is in July. The Committee asked what the amount of the first deposit was, how many students double-deposited, and the process for deferrals. Hastings typically has not required anything but a request for deferral, and expects that final enrollment numbers will be set around the second to third week of law school. Thirty of the 447 depositors have double-deposited on the \$500 initial deposit. The Committee asked that Senior Assistant Dean of Enrollment Management June Sakamoto present at next full Board meeting.

4.4 Certificate in Studies in Law

This item was addressed in the meeting materials.

4.5 Public-facing Strategic Plan

This item was addressed in the meeting materials.

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

The Committee adjourned the open session to move into closed session at 10:14 a.m.

The open session was called back to order at 10:29 a.m. Chancellor & Dean Faigman reported that in the closed session, the Committee voted to recommend the Board approve sabbaticals for Professors Ugo Mattei and Jo Carillo and grant tenure to Professors Veena Dubal and Minoj Viswanathan.

4.7 February Bar Exam Performance Analysis

Dean Ratner stated that 65 percent of first time Bar exam takers passed the Bar exam. He indicated that for the class of 2019, that number was 67 percent. The ABA-accredited law school first time pass rate on the California Bar exam was 42 percent. Hastings does not yet have access to peer school performance data. Chancellor and Dean Faigman indicated that there is general concern regarding low pass rates, but that the focus at this point is on the September administration of the Bar exam given pandemic circumstances. He also stated that New York and Massachusetts are giving preferential seating on Bar exams to graduates of New York law schools.

* 5. Adjournment

The Chair adjourned the open session at 10:30 a.m..

Respectfully Submitted,

John K. DiPaolo, Secretary

4.1 Pandemic and the Academic Program

By Academic Dean Morris Ratner

As explained more fully below, the College is starting the academic year mostly remotely. We are creating a vibrant academic experience in the online setting and expect to remain mostly online all semester. However, we are also preparing to migrate co-curricular and extra-curricular activities back to campus once public health authorities permit.

Fall 2020 classes. The ABA has approved a variance request to permit more than the normally allowed number of online units to be taken by our students this year in response to the COVID-19 pandemic. The College moved most classes online for Fall 2020, after initially planning for a program that had more robust in-person elements. Chancellor & Dean David Faigman explained the rationale to the community in a July 1, 2020 [announcement](#), subsequently modified to highlight that our program is a hybrid one.

Online teaching support. In Spring 2020, a primary goal of our online pivot was instructional continuity. In Fall 2020, the primary goal is academic excellence. To support faculty teaching classes online, Academic Dean Morris Ratner, Associate Dean for Library and Technology Camilla Tubbs, and Faculty Director of Online Legal Education Abe Cable, along with faculty and staff members of the Online Education Task Force, the IT department, Faculty Support, and the Legal Research & Writing program team, have created online resources, live programming (e.g., summer “faculty lounges” on Zoom devoted to the topic of online instruction), 1-1 online instruction training programs, a Student Course Facilitator program, and other resources for faculty teaching this coming semester. With faculty and students using new technology, dependent on internet connections, and adapting in real time, there are bound to be hiccups, but the College is endeavoring to make it as seamless as possible from the student vantage point, and we are prepared to not only quickly address problems as they arise but to deliver a high quality academic program.

Public health guidance. Since Dean Faigman's July 1 announcement that most classes would be offered online, the San Francisco Department of Public Health has provided institutions of higher education guidance making clear that UC Hastings Law, along with other institutions of higher education, are not permitted to open facilities for in-person educational activities. Educational facilities are broadly defined to include libraries and all on-campus activities. Further, the Department of Public Health has not provided a timeline for when it anticipates announcing the resumption of in-person activities.

Reopening plan. While we have started the academic year without the use of our physical campus by students, including general access to campus buildings as well as communal spaces like the library, meeting, and event spaces, we do plan to provide students, faculty, and staff access to our exterior spaces at the Cotchett Law Center at 333 Golden Gate (e.g., the Quad and Rooftop Skydeck) by August 24, if possible. At the same time, the City of San Francisco's [reopening plan](#) does not currently permit the use of our gym, fitness center, or any indoor dining facilities at this time. We will resume interior on-campus activities as soon as the Department of Public Health permits us to do so. For determining when we can recommence certain activities, we are working

closely with the San Francisco Department of Public Health, as well as looking to the City's [reopening plan](#), which is based upon key public health indicators, which are available [here](#).

Start of the Fall 2020 term. In the meantime, the new academic year has started. Legal Education Opportunity Program orientation successfully concluded. JD, LLM, and MSL orientations conclude by the end of the week of August 10. Fall 2020 classes start online on August 17. Campus operations are currently mostly remote, but all departments are fully functional. Student Services, the Career Development Office, the Records Office, the Office for Academic Skills Instruction and Support, Faculty Support, the Legal Writing Program, our various research and programmatic centers, and other core academic programs (e.g., the Legal Education Opportunity Program, the Disability Resources Program, etc.), and Faculty Events are all fully engaged with co-curricular programming, 1-1 student support, advising, research, and other normal activities. Assistant Dean of Students Grace Hum, the Office of Student Services, and other departments are implementing programs designed to create a sense of community and to encourage wellness, especially given COVID-19 conditions. Some of these programs include our traditional student organization fair, a workshop on stress and mindfulness, free subscriptions to [Headspace](#) (a meditation app), community engagement activities for students living in the Tower, and ongoing scheduled opportunities to discuss equity and inclusion issues with our Associate Director of Student Life and Inclusion.

Spring 2021 course schedule. Looking forward, we are engaged in contingency planning for the Spring 2021 (“SP21”) course schedule. We will prepare one course schedule that has enough flexibility to allow us to toggle as needed among four plans, A-D. Plan A assumes we have an effective vaccine or treatment by the start of SP21, without social distancing requirements. Plan B assumes we have a vaccine, and in-person classes are allowed, but social distancing is required. Plan C assumes that we do not have a vaccine and that we want to allow but sharply limit in-person instruction. Plan D assumes no or very little in-person instruction. We will create the flexibility we need for a single schedule with variations A-D to be workable by: (1) scheduling some classes as fully online in both the 1L and upper division curricula, even under the most optimistic assumptions (Plan A); (2) scheduling some classes (e.g., the second semester of legal writing) as fully in-person only if we need not socially distance (Plan A), to avoid filling all available socially distanced classroom space with such classes, but remaining creative about how we can facilitate in-person elements in legal writing and similar classes even under Plans B and C; (3) reserving the right to flip some classes scheduled as in-person to online classes after the schedule is posted; and (4) adjusting caps and rooms in remaining classes after the schedule is posted in October but before registration starts in November to align instruction options with what we know as of that time.

This pandemic has produced pervasive challenges our employees and students, many of whom are working or studying in cramped and shared spaces, taking care of dependents, dealing with anxiety and economic insecurity, and, for our new students, adjusting to law school without some of the comforts associated with the personal connections an in-residence program facilitates. At the same time, our employees and students continue to stay focused on creating a quality educational experience, one that harnesses the best of the online environment even as we struggle with its unexpectedness and limitations.

4.2 Racial Justice Update

By Academic Dean Morris Ratner

On June 12, 2020, Chancellor & Dean David Faigman published a [preliminary action agenda](#) for the College for the coming year(s) pertaining to race and racial justice. Since that time, senior administrators, faculty, and staff have been working with the College's [Diversity, Equity, and Inclusion Working Group](#) and with student groups to implement this agenda. Here is a sampling of relevant academic program activity since mid-June:

- As described more fully in the accompanying admissions report by Senior Assistant Dean June Sakamoto, the College enrolled one of its most diverse incoming classes in recent memory.
- Dean Faigman committed to creating a new student multi-cultural center in the new Cotchett Law Center.
- Dean Faigman has met regularly with faculty, staff, and student leaders focused on race and racial justice issues.
- The College launched a [fundraising campaign](#) for the Center for Racial and Economic Justice.
- The Center for Racial and Economic Justice produced a podcast series called [Black Hastings Speaks](#). The College welcomed Center for Racial and Economic Justice Visiting Assistant Professor [Evelyn Rangel](#). The Center also appointed multiple affiliated scholars, including [Tabias Wilson](#), [Brandon Greene](#), [Angelo Sandoval](#) and [Juan Carlos Ibarra](#).
- Academic Dean Morris Ratner asked all faculty to consider teaching about race and racial justice to be a priority for the year when thinking about course design and shared Black Law Student Association communications with faculty regarding their views of that topic. Dean Ratner also created a resources page for anti-racism training and classroom materials for faculty.
- Dean Ratner organized two faculty summer sessions, a book reading on Ibram X. Kendi's [How to Be an Antiracist](#) facilitated by Diversity, Equity & Inclusion Advisor Elizabeth McGriff and Professor Reuel Schiller and a faculty discussion of teaching about race in doctrinal classrooms facilitated by Faculty Executive Committee Chair and Professor Naomi Roht-Arriaza and Professor Radhika Rao.
- Dean Ratner, in coordination with Assistant Dean of Students Grace Hum, Legal Education Opportunity Program (LEOP) Director Elizabeth McGriff, Director of Student Services Emily Haan, and the Hastings First Generation Professionals student group launched a mentoring program for first generation incoming students who are not part of LEOP. This year, 34 of the incoming students not admitted through LEOP identified as first generation. 32 faculty and staff persons have already volunteered to serve as mentors.

- The Office of Student Services implemented mandatory diversity training for all incoming students.
- The College expanded its curriculum to include classes on Race & Sexuality and Asian Americans and the Law, adding to the array of existing courses such as Race, Racism and American Law, American Indian Law, Critical Race Theory, Civil Rights, Constitutional Law History: Race, Gender and the Law, and Disability Law.
- The College selected a nationally recognized vendor to administer a diversity, equity and inclusion climate survey for faculty, staff, and students, and to produce a report that will provide the foundation for future planning. Assistant Dean of Students Grace Hum, Professor Ascanio Piomelli and General Counsel John DiPaolo will lead the climate survey team.

This is just a partial list of ongoing and planned initiatives. The operational strategic plan identifies additional diversity initiatives, and the work of the climate survey team will help the College determine how to supplement those.

4.3 Class of 2020 California Bar Exam and Employment Update

By Academic Dean Morris Ratner and Director of Bar Passage Support Margaret Greer

Our Class of 2020 graduates have experienced uncertainty regarding the bar exam timing and format and a challenging employment market. Chancellor & Dean David Faigman was one of the leaders of the [effort](#) of CA ABA law school deans to achieve a permanent reduction of the bar exam cut score from 1440 to 1390, as well as certain limited practice privileges (“provisional licensure”) for graduates who do not take or pass an exam. The College’s Bar Passage Support team, including Assistant Dean Stefano Moscato and Director of Bar Passage Support Margaret Greer provided support tailored to changing circumstances throughout the summer; attached please find Director Greer’s detailed memorandum. Assistant Dean Amy Kimmel and the rest of the College’s Career Development Office team have been supporting Class of 2020 graduates with tailored programming. Below please find a brief sketch of these efforts.

A. October 5-6 Bar Exam

The California Supreme Court [announced](#) on July 16 that the bar exam previously scheduled for July and then September will now take place online October 5-6, 2020. The State Bar describes exam format and logistics in this [FAQ post](#). Many of our graduates are seeking quiet spaces with reliable internet to take the exam. A survey of our Class of 2020 graduates reveals that at least one-third or more of them would like to use our campus. Stefano Moscato, Margaret Greer, and Executive Director of Operations Rhiannon Bailard are identifying space for students to use on those dates. Once we learn more about how many students we can accommodate given conditions set by the Bar, and assuming public health officials allow us to open for this purpose by early October, we will repurpose classrooms and employee offices as testing locations on those dates. David Faigman is in conversation with deans from other ABA law schools about opening up spaces for other schools’ graduates, as well; such an arrangement would allow our graduates outside San Francisco to find reliable locations to take the exam.

B. New Cut Score

The California Supreme Court lowered the cut score from 1440, which was the second-highest score in the country, to 1390, which is still the second-highest score in the country. The lowered cut score is [not retroactive](#), despite advocacy by Dean Faigman, other ABA law school deans, and recent graduates. Extrapolating from score data we received for Class of 2018 grads who failed the July 2018 exam and from Class of 2019 graduates who failed the July 2019 exam, Assistant Dean Moscato estimates that our first-time pass rate for 2018 and 2019 would have been 77% (rather than 60%) and 86% (rather than 80%), respectively. For an individual student, the difference in the number of points on essays or the number of correct MBE answers needed to pass is so small as to make it unwise to attempt to calibrate effort to the lower score.

C. Employment Challenges

The employment market is uncertain. Whereas last year approximately 141 of 309 (46%) Class of 2019 graduates were seeking employment after graduation, this year 192 of approximately 310

Class of 2020 graduates were seeking employment (62%) in early July. Assistant Dean Kimmel does not know exactly how many of the current job seekers lost offers they had expected to receive. There is anecdotal evidence that offers have been withdrawn or employers are postponing their decisions about making employment offers. Dean Kimmel expects students' searches to last longer this year because of bar-related disruption (both the date of the test and when results will be released). So while the year-over-year gap was 16% as of last month, it could widen.

D. Class of 2020 Professional Success Program

Recognizing that our graduates face headwinds on bar and employment, the College enhanced summer bar study and job search support as described in [this post](#). Throughout the summer, the College has updated and supplemented this plan, most recently in response to the move of the exam date to October.

E. AdaptiBar in MBE Classes

The College is continuing to use an MBE test-taking tool called AdaptiBar this year. All JD students have access. Regular and good faith student use of AdaptiBar problem sets remains one of the most effective tools for improving bar outcomes.

MEMORANDUM

To: Morris Ratner and Stefano Moscato
From: Margaret Greer
Date: August 10, 2020
Re: October 2020 Bar Exam Support

On July 16, 2020, the California Supreme Court announced that the California Bar Exam will be administered on October 5-6, 2020 (instead of the previously scheduled September dates); that it would be administered entirely online; and the passing score has been permanently lowered to 1390. The following memorandum summarizes the efforts the Bar Passage Support program has undertaken to communicate these changes to our graduates and support their bar study efforts. It also provides information on the graduates' progress towards completion of their commercial bar prep courses.

Messages to the class regarding the bar exam

The College has provided graduates with regular updates on the fluid situation emanating from the California Supreme Court's announcement, highlighting the additional resources and support the Bar Passage Support program has made available to them:

- On Thursday, July 16, 2020, Chancellor and Dean David Faigman notified the graduates of the exam date change and the new cut score by email.
- On Friday, July 17, 2020, Assistant Dean Stefano Moscato and I sent May 2020 graduates an email with advice for their next steps and outlined the available support resources.
- On Tuesday, July 21, 2020, Assistant Dean Moscato and I held a Town Hall where we discussed the scope of the Court's decision, the options available to graduates, and the meaning of the new cut score. During the Town Hall, we described the UC Hastings Bar Passage Support resources and reviewed study strategies given the new exam date and exam format.
- We have arranged for Faculty members to send graduates messages of support leading up to the October 5-6, 2020, California Bar Exam. Professor Matt Coles will send graduates a message during the week of August 10, 2020.
- I continue to provide graduates with updates as information regarding the exam is added to the [October Bar Exam FAQ](#).

Course Completion.

We are tracking the bar review course completion data for our graduates and are contacting graduates who fall behind so that we can provide study advice and bar counseling.

Barbri – We believe that there are 164 first time takers using Barbri. 85% of the first time takers have completed 70% or more of the assigned bar review course assignments. Close monitoring of Barbri users is essential, given that most of the graduates using Barbri have been studying since June 1. We need to make sure that graduates using Barbri are continuing to make progress.

Themis – We believe that there are 70 first time takers using Themis. 79% of the first time takers have completed 70% or more of the assigned bar review course assignments.

Kaplan – 15 first time takers are listed as using Kaplan. Only 33% of the first time takers have completed 75% or more of the assigned bar review course assignments. Kaplan allows users to elect to not show their names. As a result, we do not have complete information. However, I will prioritize contacting Kaplan students.

BEST Essay Tutor Program

In light of the bar exam postponement, we have removed the limit on the number of essay and Performance Test answers that graduates can submit for review. We are encouraging graduates to submit at least one answer per week between now and the exam. During the week of August 3, 2020, I emailed all graduates who had not yet submitted answer and encouraged them to start submitting answers. As of August 10, 2020, 119 graduates have submitted at least one answer for review.

AdaptiBar Scholarship and Usage

Consistent use of AdaptiBar correlates to success on the bar exam. Furthermore, now that the exam will be administered entirely online, it is extremely important that graduates have enough opportunities to practice answering MBE questions online. To date, 176 graduates have purchased full access to the AdaptiBar program (75 of them via need-based AdaptiBar Scholarships we awarded).

During the week of August 5, 2020, I emailed the 75 JD recipients of the AdaptiBar Scholarship and provided advice on how to use the program effectively during the next two months. I also contacted all graduates who have not yet purchased AdaptiBar and advised them of the program's benefits. During the week of August 10, 2020, I will email graduates who purchased AdaptiBar on their own and will provide information on how to make the most out of the program in the remaining weeks leading up to the exam.

BEST Group Sessions

We will continue to hold BEST Group Sessions in August and September. During the sessions, we review study and test prep strategies and graduates practicing answering essay and Performance Test answers under simulated conditions. Afterwards, graduates can submit their answers for review and feedback.

Graduates need opportunities to adjust to the new test format. Day one of the exam will be comprised of five one-hour essay questions with a one-hour lunch break. Day two of the exam

will be comprised of 100 multiple-choice questions (split into two 50-question sessions tested over 90 minutes each) and a 90-minute Performance Test after a one-hour lunch break. We will hold special simulated exams sessions in late August and in September to help graduates prepare for the format.

Alumni Bar Prep Support Fund

Thanks to the generous support of UC Hastings alumni, we were able to ease some of the financial burden associated with this unusual extended bar study period by offering graduates financial assistance through the UC Hastings Bar Prep Support Fund. We were able to make 44 awards, in amounts ranging from \$250 to \$1,000. The recipients have been extremely appreciative of the support. A few highlights of the responses we've received:

- Thank you! This is incredibly helpful, and I am so grateful to the you and alumni who made this possible. Please extend my gratitude to the donors.
- Thank you so much for letting me know the good news! This is far more than I expected, and I am so grateful for our incredibly generous UC Hastings alumni support network.
- Thank you so much for notifying me of this award. I wanted to convey my thanks to you and the UC Hastings Alumni. I am incredibly grateful and cannot fully express how helpful this token of support is for my bar study and for my future career plans. Thanks again, to you and to the UC Hastings Alumni.
- Thank you so much, I'm at a loss for words. You have no idea how much this will help my family and I right now. This [financial support] will go a very long way for us.
- Thank you so much! I am incredibly grateful for the generosity of our alumni and the campus staff that made these scholarships possible!

Exam Space on Campus

We are in the process of determining whether it is possible to provide graduates with the option of taking the bar exam on campus. Some graduates do not have a quiet place to take the exam or reliable internet. However, access to campus will depend on the public safety orders in place. As soon as we have more information on campus availability, we will notify graduates.

4.4 Enrollment Management Update

By Senior Assistant Dean June Sakamoto

Attached please find an enrollment management report dated August 11, 2020. . In short, we have robust JD enrollment, and increasing numbers of Masters of Studies in Law students. But, due to COVID-19, immigration, and other challenges, our LLM enrollment significantly declined this year.

TO: Chancellor & Dean David Faigman and Academic Dean Morris Ratner
FROM: Senior Assistant Dean June Sakamoto
RE: Office of Enrollment Management Recruitment + Enrollment Update
DATE: August 11, 2020

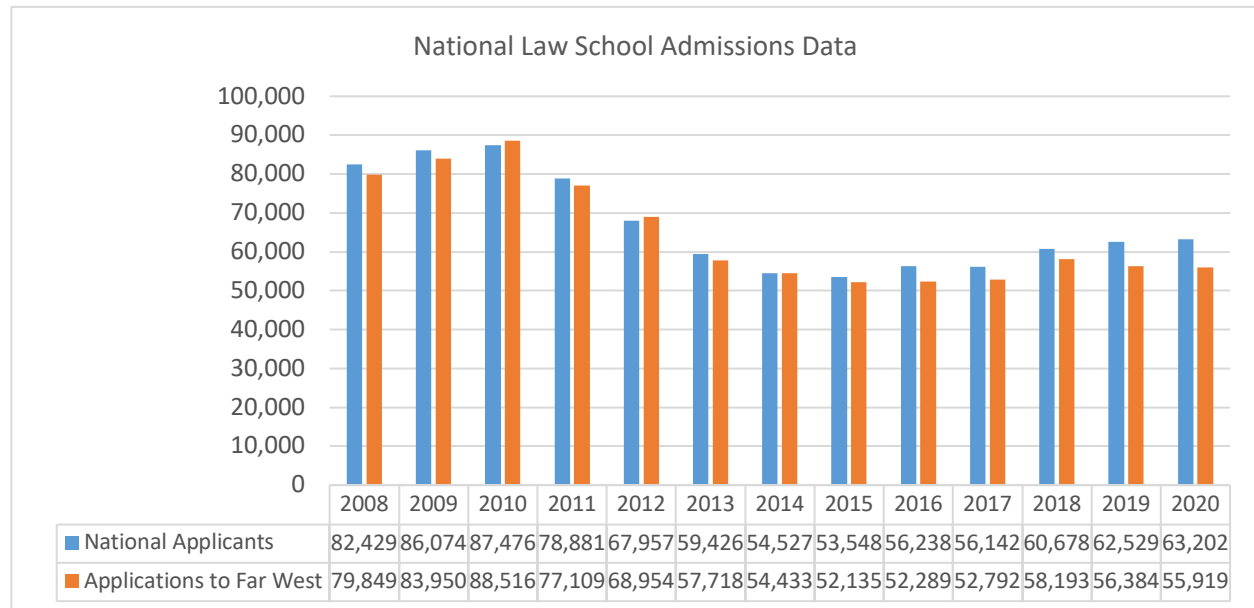
Following is the recruitment and enrollment summary for the JD, Transfers, MSL, and LLM programs for the 2019-20 admissions cycle. The following data is as of August 11, 2020 (Day 2 of JD orientation).

I. 2019-20 JD Recruitment + Enrollment + Retention

A. National Law School Application Summary

The national law school applicant pool has been slowly increasing since the recent low-point during the 2014-15 application cycle. Despite the challenges brought on by the pandemic, national applicants this application cycle rose a modest 1% over last year’s numbers, with over 6,000 new applicants applying between May and July, as opposed to just over 3,000 new applicants during the same time last year.

Over these past two years, however, we have seen a slight decrease in the number of applicants interested in the 20 law schools in the “Far West” (California, Nevada, and Hawaii). One contributing factor for the decline is likely the high cost of living in the Far West states.



B. Changes to Admissions Processes: GRE + Digital Marketing

While we are constantly making changes to improve upon our admissions processes, the two major changes to this year’s JD admissions cycle were to accept the GRE and to implement a digital marketing and recruitment strategy.

1. GRE

During the 2018-19 academic year, the Faculty approved the use of the GRE as an alternative to the LSAT beginning in the 2019-20 admission cycle. For this admission cycle, 63 law schools, including UC Davis, UC Irvine, and UCLA law schools, also accepted the GRE. While the primary standardized test for law school remains the LSAT, the GRE provides benefits that the LSAT does not, including more frequent test dates, more testing locations, and the ability to utilize test scores to apply to a variety of graduate programs. In addition, during this pandemic spring, ETS was able to provide an online GRE by March 27, a full 10 weeks before LSAC was able to offer an online LSAT-Flex test.

During this admission cycle, 80 applicants applied to UC Hastings with GRE scores. 15 students admitted with GRE scores are starting this Fall. GRE provides a conversion tool to convert GRE scores to comparable LSAT scores. The student admitted to and attending UC Hastings with GRE scores generally earned an LSAT equivalent of 158-165. The Admissions Office will be working with the Academic Dean's Office to evaluate how GRE admits fare in law school in terms of law school performance and bar passage.

2. Digital Marketing

In 2019-20, UC Hastings partnered with EAB, a premier higher education enrollment marketing solutions company. Through the partnership, we are able to utilize national clearinghouse data and student response data to better target recruitment efforts to prospective students who are most likely to matriculate at UC Hastings. Recruitment efforts included personalized email campaigns and surveys, direct mailings, and digital media ads. ROI data is forthcoming, but an immediately recognizable benefit to partnering with EAB during this pandemic year was the 1100% increase in applications received after our original April 15 application deadline as compared to last year. Due to the pandemic, in-person LSAT exams from March through the present were cancelled. As a result, students who had hoped to take the March or April LSAT exams were unable to complete their applications by our original deadline. Utilizing the resources of EAB, we were able to continue our recruitment efforts and inform potential law school applicants about our extended application deadline and the many benefits of a UC Hastings education.

C. Recruitment Activities

In the 2019-20 admissions cycle, the Admissions Office engaged in the following recruitment activities:

- Continued participation in law school recruitment events around the country
- Continued in-person and web-based informational sessions
- Continued on-campus visit days for pre-law undergraduate organizations
- Continued coordination with undergraduate pre-law advisors

D. Diversity-Focused Recruitment Activities

In addition to the general recruitment activities listed above, the Admissions Office engaged in the following diversity-focused recruitment activities:

- Second year of the California Scholars Program (full-tuition + \$20K per year stipend + guaranteed Tower housing funded by the State of California and UC Hastings) and related recruitment efforts
- Second Justice for All: Diversity & Inclusion in Law School Admissions event (96 attendees)
- Revamped LEOP admissions process to allow for faster decision-making

- Continued participation in national diversity law fairs, including the HBCU Pre-Law Summit Law Fair at Georgia State University, Atlanta LSAC Fair (including a presentation on “Diversity in Law School”), HBCU Pre-Law Conference and Law Fair at Columbia University, For People of Color Law School Conference, national Latino/a Law School Conference, and law fairs at 20 different minority-serving institutions
- Continued private visits with undergraduate affinity pre-law groups
- Continued coordination with undergraduate Education Opportunity Programs at UC and nearby CSU institutions
- Private visits among Chancellor & Dean David Faigman, Associate Director of Admissions & Diversity Initiatives Mario Lopez, and the Presidents of four HBCUs (Hampton University (VA), Morehouse College (GA), Spelman College (GA), and Clark Atlanta University (GA))
- Continued support to La Raza Diversity Outreach Day
- Continued recruitment assistance from UC Hastings affinity groups, including La Raza, APALSA, BLSA, Ms. JD, and OUTlaw

E. Pandemic-Related Changes to Student Yield Initiatives

The pandemic and resulting shelter-in-place order hit the admission cycle just as we were about to begin our in-person yield events (Admitted Students & Alumni Receptions in New York (March 11), Washington DC (March 12), San Diego (March 18), Los Angeles (March 29), and San Francisco (March 24)) and our on-campus Admitted Student Preview Days (March 20, March 25, and April 2). Additionally, with campus closed, we were unable to welcome admitted students to campus for campus tours and class visits.

In response to the need to provide remote opportunities to connect, we moved all admissions and financial aid counseling online through Zoom and Microsoft Teams. We also moved our student worker hours in the office to a remote office hours where admitted students could be guaranteed the opportunity to speak with current students at set times during the week.

The Enrollment Management Office also quickly pivoted to a fully-remote yield strategy that included the following initiatives:

- “Ask Me Anything” (AMA) style webinars
 - Chancellor & Dean x2 (Bryan Zerbe, Mario Lopez, David Faigman)
 - LEOP x2 (Mario Lopez, Elizabeth McGriff)
 - Career Development Office and Experiential Opportunities (Mario Lopez, Amy Kimmel, Nira Geevargis)
 - Student Life (Mario Lopez, Emily Haan, Maddie Miller)
 - Diversity, Equity, and Inclusion (Mario Lopez, Elizabeth McGriff, Lauren Lofton)
- Virtual Class Recordings (pre- and post-pandemic recordings)
- Videos of campus and the Tower
- Online 1:1 meetings with faculty
- Online 1:1 meetings with CDO counselors
- Online 1:1 meeting with the Board of Governors based on practice area
- Virtual 6@6 events with the Board of Governors based on location (San Francisco, San Diego, Los Angeles, Orange County, Fresno)
- “Your Fall Semester @ UC Hastings” Webinar (David Faigman, Grace Hum, Abe Cable, Rhiannon Bailard, Maddie Miller, Mario Lopez)

Given the effectiveness of these efforts, we will continue to utilize many of these initiatives, even after we return to more “normal” and in-person recruitment.

F. Enrollment Results

Following are the application and enrollment results as compared to the past two admissions cycles:

	2017-18	2018-19	2019-20*
Applicants	3234	3271	3319
Admits	1454	1392	1282
Admit Rate	44.96%	42.56%	38.66%
Yield	22%	25%	30%
Tuition Discount Rate	36.8%	30.75%	32.58%
Net Tuition Revenue (approx.)	\$8.7 million	\$10.5 million	\$11.26 million
Enrolled	310	346	387
LEOP	45	76	68
Median LSAT/UGPA	158/3.44	158/3.45	158/3.42
Requests for Deferral	11	15	19

* As of August 11, 2020, the second day of JD orientation. Based on data from prior years, we expect 0-4 students to withdraw between now and early October.

G. Diversity-Related Enrollment Results

Following are some of the key diversity metrics of the incoming 1L class:

	2017-18	2018-19	2019-20*
Gender (M/F/Non-binary)	41%/59%/0%	40%/60%/0%	38.7%/60%/.8%
Racial/Ethnic Diversity	47.7%	47.6%	51.7%
Black/African American	1.9%	3.7%	4.4%
Hispanic/Latinx	19.0%	18.3%	17.1%
Asian	25.8%	24.1%	28.9%
American Indian/Hawaiian	1.0%	1.7%	1.3%
California Scholars	N/A	4	5

II. Transfers In and Out

Both our transfer in and transfer out numbers track recent years.

A. Transfers In

We have 8 incoming 2L transfers this year, from an applicant pool of 73 applications. Last year, we welcomed 4 transfer students from a pool of 79 transfer applications.

B. Transfers Out

Despite the uncertainties caused by the pandemic this past spring and remote learning this fall, our retention efforts of building a strong community throughout the 1L year, celebrating high-performing 1L students after fall grades are earned, individual outreach by faculty and staff, outreach by Commit to

Hastings, and acknowledging academic excellence through Honor Society membership and scholarships have allowed us to retain our students after the 1L year at traditional levels.

	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20*
Attrition	5.5%	7.1%	11.8%	13.7%	5.3%	5.7%	6.5%	6.2%	6.4%
	22 of 403	22 of 310	38 of 322	43 of 313	15 of 284	19 of 336	21 of 321	19 of 305	22 of 343

* Expected attrition numbers as of August 11, 2020.

III. 2019-20 MSL Recruitment + Enrollment

A. Changes to Admissions Processes: New FTE

In September 2019, Enrollment Management added a new full-time Admissions Counselor, Ashley McDonald, to oversee MSL (and LLM) recruitment efforts, including working with MF Digital, our digital marketing partner for graduate programs. Ashley's efforts have been instrumental in building relationships and providing personalized admission counseling to the growing number of MSL inquiries we are receiving as a result of our digital marketing efforts.

B. Recruitment Activities

Digital marketing continues to be the primary method of marketing our MLS program. In partnership with MF Digital, we finished our second year of utilizing digital marketing and personalized emails and individualized URLs to recruit new students.

C. Enrollment Results

Following are the application and enrollment results as compared to the past two admissions cycles:

	2017-18	2018-19	2019-20
Inquiries	87	127	203
Applications Started	12	31	41
Completed Applications	3	15	26
Newly Enrolled	1	13	20
Part-time	0	5	11
Full-time	1	8	9
Net Tuition Revenue (new + continuing)	\$79,000	\$400,000	\$525,000

IV. 2019-20 LLM Recruitment + Enrollment

A. Changes to Admissions Processes: New FTE + Digital Marketing

1. New FTE

Associate Director Ashley McDonald is also the primary recruiter for the LLM program.

2. Digital Marketing

We expanded our 2018-19 digital marketing test-run in the United Kingdom to other potential LLM markets: Germany, South Korea, and the SF Bay Area.

B. Enrollment Results

While we were on-track earlier this spring to enrolling an LLM class in the mid-to-high 20s, concerns related to the global pandemic, including the closure of visa offices around the world and pandemic response concerns in the US, resulted in a smaller-than-normal LLM class this fall.

Following are the application and enrollment results as compared to the past two admissions cycles:

	2017-18	2018-19	2019-20
Applications Started	125	85	99
Completed Applications	107	72	83
Enrolled	21	21	8
Partner School Matriculants	11	9	4
Net Tuition Revenue	\$375,000	\$420,000	\$115,000

V. Changes in 2020-21

The Enrollment Management Office is implementing the following changes in our 2020-21 admissions cycle:

- Fully remote fall recruitment schedule
- Data-driven improvements on our digital marketing efforts for the JD, MSL, and LLM
- Enhanced recruitment collaboration with BLSA
- Promotion of the new Certificate of Studies in Law (a half MSL program)
- New virtual campus tour (postponed from March 2020 due to the pandemic)
- Increased financial aid counseling through AccessLex partnership

4.5 Scholarship at UC Hastings Law (Written Remarks)

By Associate Dean for Research Jodi Short

Thank you for the opportunity to speak to you today about scholarship at UC Hastings Law. For those of you whom I haven't yet met, I'm Jodi Short, the Hon. Roger J. Traynor Professor of Law and Associate Dean for Research. Fall 2020 will mark the start of my thirteenth year teaching. I started my career at Georgetown Law, and I am now in my ninth year at UC Hastings Law. This is my first year as Associate Dean for Research, so I'd like to take a moment to introduce myself to you. Throughout my career, I've taught and wrote about governance, broadly defined: I teach public law courses like Administrative Law, first-year Constitutional Law, and the 1L Statutory Course; I also teach topics relating to corporate governance through a suite of upper-level classes on Compliance and Risk Management for Attorneys.

My research focuses on similar themes as they relate to business regulation: I do empirical research identifying the factors that predict compliance with public and private rules governing corporate conduct; I investigate the efficacy of private regulatory regimes and voluntary programs in shaping corporate behavior; I analyze efforts to promote regulatory reform. I publish my research in the top peer reviewed journals, ensuring a broad audience of academic peers in my field, but I always strive to make my research accessible to policymakers and managers who can use it to inform their work. For instance, I have published a series of studies on compliance with contractually imposed labor standards in global supply chains in top management and sociology journals, where they have won awards and acclaim in the academic community. Then I have distilled insights from this work and presented them to officials at the Environmental Protection Agency and the Department of Labor to help them design more effective inspection and compliance programs. I am currently writing an article for the *Harvard Business Review* to provide managers with criteria for selecting suppliers to minimize reputational risk to their brands. This is the kind of engaged scholarship we strive to produce at UC Hastings—scholarship that earns us acclaim and recognition by our academic peers and that matters in the world.

Let me say a few words about the importance of scholarship at UC Hastings Law and about our recent scholarly production.

One of UC Hastings Law's core missions is to produce high-quality and influential scholarship. We are a public research institution, with a responsibility to advance the public good of legal knowledge, which we disseminate for free to judges, regulators, legislators, managers, and many others.

At UC Hastings Law, our scholarship speaks to state and federal courts across the country, earning us a U.S. News ranking by judges that typically outpaces our overall ranking. But we also speak beyond the courts. That has never been more true than during the pandemic, as policymakers look to scholars for insights about how to deal with novel problems that were beyond their imagination just a few short months ago. Members of our faculty have advised legislators across the country on pressing issues of the day. Chimène Keitner testified before Congress at hearings on whether China can be held liable for the spread of coronavirus based on her research on foreign sovereign immunity. Jared Ellias' cutting-edge bankruptcy scholarship earned him a position as trusted

advisor to the California state legislature during the PG&E bankruptcy, and he is now working with members of the U.S. Congress to amend bankruptcy laws to respond to business failures resulting from COVID. Robin Feldman has testified before Congress, the White House, executive agencies, and industry groups on her research exposing deep problems with pharma pricing, offering sound analytic solutions, and addressing the people who can make real changes so that people can receive the care they need in the midst of an historic health care crisis.

In addition to judges and policymakers, we also speak to practitioners through avenues like Mary Kay Kane's seminal treatise on federal jurisdiction. Sometimes, we actually make law, like Rick Marcus, who serves on the Advisory Committee of the Federal Rules of Civil Procedure, or Chimene Keitner, who has drafted part of the Restatement of Foreign Relations Law. Jared Ellias, as founding director of the Center for Business Law, is engaging directly with local practitioners to develop programming that meets their needs. One result of these conversations is a series of webinars conducted by faculty experts on the legal impacts on business of COVID-19.

In short, our research provides the facts, the theory, and the holistic perspective necessary for judges, policymakers, and legal practitioners to effectively address novel legal questions in times of unprecedented legal stress and change, and we offer them without bias, without politics, and without charge.

The faculty engages in scholarship because it's a crucial part of our mission and, frankly, because we love it. And we disseminate and publicize our ideas primarily because we hope to improve law and policy. But our scholarship has another important benefit for UC Hastings Law. For better or for worse, the value of the UC Hastings Law degree is intimately tied to our scholarly reputation. The US News rankings use peer reputation as a major factor in rank (it counts for 25% of our raw score), and the outside world uses the US News rank as a proxy for the value of our degree. Our scholarly reputation matters to our students and to our alumni, even if they don't know that.

It can be hard to get noticed in a field of 200 law schools. The result is that rankings of scholarly reputation often track the one metric that everyone seems to care most about: the overall US News rank. UC Hastings Law, however, consistently tends to punch above its weight in scholarly rankings. Informal but influential rankings lists, such as those put out by Brian Leiter, typically put UC Hastings 10-12 spots above its overall US News rank. Our US News peer-assessment and lawyers-and-judges scores also consistently put us above our overall US News rank.

So the outside world thinks our scholarship punches above our overall rank. The outside world is right. We have tremendous scholars on our faculty, and I want to share some of their accomplishments.

I've circulated a summary of some of our key scholarly accomplishments just from the calendar year 2019. Let me make a few observations of how impressive those accomplishments are.

First, I'd like to call attention to the quantity and quality of our output. On average, each faculty member is producing 2-3 scholarly works a year, plus a casebook or governmental testimony, plus an op-ed. And we manage this production at a high level of quality, publishing in some of the most prestigious venues and making a real impact on academic conversations and judicial opinions.

Second, our scholarship is impressively diverse. We publish as much in interdisciplinary, peer-reviewed journals as in general student-edited law reviews. We use an array of different methodologies, from quantitative to qualitative, from theoretical to doctrinal, and from normative to descriptive. Our work routinely gets cited by other academics, in judicial opinions, and by legislators and regulators. We also publish for myriad audiences: white papers for industry experts, op-eds, podcasts, radio, and TV appearances for the lay public. This is a group whose work exemplifies the principle of “engaged scholarship.”

Finally, our faculty has managed to produce this scholarship while still being one of the absolute best teaching faculties in the country. I have never seen an institution more dedicated to teaching that UC Hastings Law. We are very much a faculty of scholar-teachers.

I want to talk briefly about some of the areas where I think we could be doing better and where I will be focusing my energy in the coming years. As Professor of Law and former Associate Dean for Research Scott Dodson reported to you last year, one area where we could up our game is in citation counts, which is a measure of the impact of our work. Citations are quickly becoming the key objective metric of scholarly quality. This year, US News intends to publish a separate scholarly-impact ranking based on citations in Hein Online. One worry is how our citation metrics will compare to our peer schools. Relatively low citation data may cause downward pressure on our peer-assessment score for purposes of the formal US News ranking. We will be actively monitoring the effects on our ranking of this new citation-based scholarly-impact metric. In the meantime, we are taking pro-active measures to bolster our citations. First, we are providing faculty with tools to more actively promote their own scholarship. Second, we are messaging to faculty the importance of citing one another’s scholarship and enabling faculty to do so by frequently circulating information about our colleagues’ scholarly achievements. Our first faculty colloquium this fall will be conducted by Areca Smit, from our Communications department, who will educate faculty on how to use social media platforms to promote their own work and the work of their colleagues. I circulate a monthly “Roundup” of faculty scholarly achievements and have encouraged faculty to use this as a tool for promoting their colleagues’ scholarship.

Another area of focus for me is how to build on and enhance our strong scholarly reputation. Academic Dean Morris Ratner and I are working with the Communications team on our fall US News campaign, which is an integral part of our strategic plan. I am interested in developing new and creative strategies to get our scholarly brand in front of US News voters in more subtle and sustained ways, throughout the year. It’s too easy for US News voters to toss a glossy mailer into the recycling bin. I want to draw attention to the amazing scholarly work our faculty does through media that voters are likely to interact with in the normal course of their activities. The pandemic provides unique opportunities to market virtual events to a broad audience. I am working with my team to make sure that folks in the legal academy are aware of our scholarly activities and that they think of UC Hastings as an intellectual powerhouse.

We experimented with this over the summer, sponsoring a panel on *Pandemic Perspectives: Legal & Policy Impacts of COVID-19*, that featured presentations by: Dorit Reiss on the dilemmas involved in the rush to create a COVID-19 vaccine; Robin Feldman on health care access and trust in health care information during COVID-19; Hadar Aviram on why California prisons are so

vulnerable to COVID-19 and what to do about it; and John Crawford with a critical perspective on the steps the Fed has taken to try to mitigate the economic impacts of the pandemic. We publicized the event on a widely read legal blog and posted a video of it on our Vimeo site, which has been viewed more times than any other academic content on the site. We are hoping to build on this experience going forward as we plan virtual events for the coming year.

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UC Hastings Law is a world-class research institution. I look forward to engaging with the Board during my tenure as research dean, in furtherance of that mission. Thank you, and I'm happy to take any questions.

4.6 Ranking Analysis - Update

By Academic Dean Morris Ratner

The College last undertook a U.S. News & World Report (“USN&WR”) rankings study in 2018, when our 2019 rank was 58 with an overall score of 49 on the 0-100 scale USN&WR uses to determine ranks. Our score remained 49 in 2019, when our 2020 rank was 62. In 2020, our overall score improved by increasing to 51 and our 2021 USN&WR rank improved by going to 59. This year, the College undertook another comprehensive study of rank inputs for UC Hastings relative to peer law schools. Findings are consistent with our 2018 study and with the assumptions of the [operational strategic plan](#) the Board of Directors adopted in March of this year.

Dr. Stephen Goggin, the statistician who has assisted the College with assessment on a number of dimensions, including bar success, undertook the 2018 and 2020 rankings studies. His key findings include the following:

- LSAT and undergraduate GPA (UGPA) on admission are closely tied to our overall rank. Though UC Hastings LSAT median remained constant year-over-year (YoY) from the 2020 to the 2021 USN&WR ranking, the College declined in selectivity rank for LSAT from a rank of 64 to a rank of 74, partly because other schools’ LSAT medians increased in this same period. Similarly, though the College’s median UGPA increased slightly from 3.44 to 3.45, its rank declined from 95 to 100.
- Increases in expenditures per student had a positive effect on overall rank.
- Sources of future gains include bar and employment outcomes. The 2021 USN&WR ranking is based on Class of 2018 outcomes. The College’s bar pass rate increased 20 points the following year, and employment numbers at 10 months after graduation increased slightly; those improvements will be reflected in the USN&WR 2022 ranking.
- Peer assessment was stable YoY, with a rank of 43. Lawyer and judge assessment declined from a rank of 29 to a rank of 32 (a higher number is a “lower” rank). According to Dr. Goggin, who regressed peer assessment scores on the Leiter scores for scholarly impact,¹ scholarly impact has a positive and statistically significant effect on rank in this category, but affecting USN&WR rank through scholarly impact is difficult given the size of a shift in the impact data necessary to produce a change in rank.
- Faculty-student ratio rank declined from 86 to 116 YoY, though Hastings has historically fluctuated significantly on this dimension due to changes in class size.

Of course, the College strives toward excellence on all elements of its mission, including teaching and scholarship, without regard to effects on USN&WR rank.

¹ See <https://leiterlawschool.typepad.com/leiter/2018/08/top-50-law-schools-based-on-scholarly-impact-2018.html>.