

# **Educational Policy Committee Meeting (OPEN SESSION)**

University of California Hastings College of the Law  
333 Golden Gate, San Francisco, CA 94102, 501 Deb Colloquium Rm.  
Aug 25, 2022 12:30 PM - 2:00 PM PDT

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# Educational Policy Committee Meeting

## Minutes

University of California Hastings College of the Law  
May 19, 2022

Due to the COVID-19 pandemic, the meeting was held virtually, via the Zoom video conferencing platform. Participants and members of the public were able to join the open session via the web link or dial-in numbers listed in the public notice of this meeting linked here: <https://www.uchastings.edu/our-story/board-of-directors/board-meeting-notice-agendas-and-materials/>.

### 1. Roll Call

The Chair called the meeting to order at 12:34 p.m., and the Secretary called the roll.

#### Committee Members Present

Director Simona Agnolucci, Chair  
Director Andrew Houston\*  
Director Mary Noel Pepys  
Director Chip Robertson

#### Directors Absent

Director Shashi Deb  
Director Michael Ehrlich  
Director Claes Lewenhaupt

#### Staff Participating

Chancellor & Dean David Faigman  
Director of Accreditation & Assessment Andrea Bing  
General Counsel & Secretary John DiPaolo  
Director of Bar Passage Support Margaret Greer  
Assistant Dean for the Career Development Office Amy Kimmel  
Assistant Chancellor & Dean/Chief of Staff to the Chancellor & Dean Jenny Kwon  
Director of Diversity, Equity & Inclusion Mario Lopez  
Associate Dean for Academic Skills Instruction & Support Stefano Moscato  
Provost & Academic Dean Morris Ratner  
Deputy General Counsel Laura Wilson-Youngblood

\*Specially appointed for this meeting.

### 2. Public Comment Period

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

3. Action Item: Approval of Minutes of February 17, 2022

**Motion:**

The Chair called for a motion to approve the minutes.

Motion moved and motion seconded. The motion carried.

4. Report of Provost and Academic Dean Morris Ratner

Dean Ratner provided overview of reports in this section.

4.1. Employment Update for Class of 2021; New Professional Development Requirement

Dean Kimmel said that the Class of 2022 had achieved 93 percent overall employment, as compared with 87 percent last year. Full-time long-term JD required jobs were at 85 percent compared to 77 percent last year. Excluding College-funded positions, that figure was 80 percent, up from 73 percent last year. Hastings graduates are employed in about 20 percent of all legal jobs in San Francisco. Bridge fellowships and the Hastings Public Interest Law Foundation (HPILF) fellowships continue to provide critical support to graduates. Such short-term funded fellowships often turn into permanent employment. The College supported all HPILF grant applications this year.

Dean Kimmel presented on employment numbers by employer type. The biggest growth this year was in large law-firm hiring, but Dean Kimmel does not expect that trend to continue. Business hiring was up slightly due to accounting firms. Government work is down a little bit. Public interest is steady, with the bulk being public defender positions. The Committee asked whether the Career Development Office (CDO) has a program to push grads outside of the Bay Area market, and more generally how the CDO was preparing for a potential recession. Dean Kimmel said there are no particular programs in place to push grads to other markets, but CDO is working with the Office of Advancement to foster connections with alumni groups in other geographic locations. She noted this is challenging because a lot of students come to Hastings because of its location. Dean Ratner added that although the CDO is focused on supporting

students in whatever market condition exists, there were not at present different strategies specifically tied to different market conditions. He expressed appreciation for the suggestion and said he would discuss it with others.

The Committee congratulated the CDO team on the numbers.

#### 4.2. Bar Success - Class of 2022 Support

Dean Ratner said February bar results were similar to last February's results. The reason the numbers for February tend to be lower than July is that the exam-taking population is composed of a smaller number of students who tend to be in the lower quartile and/or have unusual circumstances. The College has seen that students who take the College's advice and do what it advises to prepare tend to pass even if they are at high risk. Those who do not follow the advice do not pass. The College focuses on the July bar exam because that is what most of its grads take. Dean Ratner acknowledged Dean Moscato and thanked him for all of his work; Dean Moscato is leaving his post and going back to the regular faculty.

Ms. Greer said the main focus of bar support is making sure students start bar passage programs as soon as the courses begin. Participation is up this year in the BEST essay program, which allows students to submit 15 essays for grading and feedback. This is the first year that all JD grads will have access to Adaptibar resources. When students supplement with BEST and Adaptibar, they are more likely to pass the bar. The College will also continue to track bar course completion metrics. Dean Hum organized group therapy sessions for graduates. The College also awarded 47 scholarships to graduates through the Alumni Bar Passage Support Program run by the Development Office. Dean Moscato reported that a huge number of students applied for bar prep funding and about 100 students were eligible. One of the major benefits of financial bar passage support is that the students have to participate in bar support programming as a condition for receiving funds. Ms. Greer asks that Board encourage alumni to support that program.

#### 4.3. New Faculty Hires; Faculty Transitions

Dean Ratner said that Hiro Aragaki is the fourth professor this year hired with tenure. He will serve as faculty director of the Center for Negotiation and Dispute Resolution (CNDR) in replacement of Sheila Purcell. He has an exciting plan for CNDR.

Dean Ratner also mentioned transitions in the College administration. Dean Moscato will be replaced by Jennifer Freeland as Associate Dean for Academic Skills & Instruction. Dean Keith Hand will be stepping down as Associate Dean for Global Programs, replaced by Binyamin Blum.

**Motion:**

The Chair called for a motion to recommend that the Board approve that Professor Hiro Aragaki receive tenure upon hire.

Motion moved and motion seconded. The motion carried.

4.4. 2023 Law School Rankings Analysis

Dean Ratner reported that the 2023 U.S. News rankings came out a couple of months ago. The College improved on a number of metrics, but the rank overall dropped by one. His report provides an analysis as to why that happened. U.S. News factors focus on reputation, placement, selectivity and resources. He presented historical rankings over the last 20 years. Assessments by lawyers/judges/peers have lifted Hastings' ranking. The resources metric has improved greatly over time and helps the College's score. Student placement success and incoming metrics hurt the College's score. The College has had continuous improvement in employment, but it is still much lower than peer schools. Bar success is now competitive with peer schools. The College's entering average LSAT score is up to 160, which is great for Hastings, but peer schools are much higher. It is the same with GPA metrics. Dean Ratner presented a statistical analysis of what is needed to improve, with a focus on low-hanging fruit. A relatively achievable metric to change is employment. The analysis also showed that schools that had the biggest U.S. News rankings jumps achieved that based on multiple factors, not a single factor. This supports the College's broad strategy for continuous improvement. Risk factors are class size and funding. Hastings is in the top 20 in specialty rankings.

The Committee asked whether the name change could affect people's view of the school and suggested this could be a risk factor and an opportunity. Dean Faigman said the administration is very much aware of that and working on it. He said Chief Communications Officer Liz Moore has been a great partner in that. The Committee asked about getting professors, law firms and judges on campus now that we have such beautiful event spaces. Dean Faigman said the College will be hosting an annual health law conference on campus next year.

4.5. New Centers

Dean Ratner rested on the written report.

4.6. Campus Climate Advisory Committee

Dean Ratner stated that community cohesion is an essential component of the College's strategic plan. He noted that Dean Faigman appointed in 2021 a climate survey working group. The group put together a survey that members of the campus community took. The survey provided useful data, documenting strengths and challenges of the community. Dean Faigman formed a Campus Climate Advisory Committee to provide recommendations. Dean Ratner said most of the issues identified relate to the educational program, which is why this topic is being presented here. There are also staff issues and faculty issues with respect to which the committee provided recommendations. Students felt marginalized if they were political conservatives.

Dean Kwon said that regarding the climate for staff on campus, recommendations include making sure that staff feel valued and that they have power and voice. Dean Kwon acknowledged Mr. Lopez, Ms. McGriff, Dean Hum, Ms. Bing, Mr. DiPaolo, Dean Ratner and all committee members for their work on report.

Mr. Lopez expressed his thanks to everyone who participated in the process. The Committee thanked all these individuals and the Campus Climate Advisory Committee.

4.7. End-of-Year Reporting on March 2020 Strategic Plan Implementation

Dean Ratner rested on the written report.

5. Adjournment

The Chair adjourned the meeting adjourned at 1:40 p.m.

Respectfully submitted,

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John K. DiPaolo, Secretary

## 4.1 – Strategic Plan Implementation in Academic Year 2022-2023

**By Provost & Academic Dean Morris Ratner**

Strategic priorities in the academic program are determined in part by reference to the [Operational Strategic Plan](#) that was finalized in the fall of 2019 and that the Board of Directors adopted in March 2020.<sup>1</sup> At the start of each academic year since the Board adopted the Plan, Provost & Academic Dean Morris Ratner has identified strategic priorities to be advanced in the academic program during the year and has closed out the academic year with a report regarding the extent to which the College achieved its goals. This report – the third since the Plan was adopted – identifies strategic priorities in the academic program for academic year 2022-2023.<sup>2</sup>

The Strategic Plan has three background assumptions, i.e., that the College will continue to convey its excellence to increase in stature (e.g., U.S. News & World Report overall rank and specialty rankings) while implementing the Long-Range Campus Plan and achieving five-year budget targets. Within that framework, and as to the academic program, the Plan prioritizes, among other things, student success (first-time bar passage, employment); scholarly achievement and recognition; the development of centers of excellence and new partnerships; diversity, equity, and inclusion; and fiscal health.

In the past three-plus years since the Plan was conceived and approved, the College has pursued a broad range of Plan initiatives and, relatedly, has experienced significant gains in the academic program as measured by such metrics as graduate first-time bar passage rates, employment outcomes, peer assessment (U.S. News & World Report), scholarly impact and stature, diversity initiatives and engagement with issues of race and racial justice, faculty hiring, and the development of new centers of excellence. These have all been the subject of prior reporting since March 2020.

At the same time, the College has navigated and continued to manage unprecedented disruptions, including the pandemic and, more recently, staffing turnover that is impacting higher education more broadly.<sup>3</sup> When adopting new initiatives, the College must also provide space for community members – faculty and staff – to solidify existing efforts to do the day-to-day work of implementing our academic program. And the College must remain nimble as new opportunities and challenges emerge, some of which are discussed below.

Against that backdrop, the sections below highlight key initiatives contemplated for the current academic year.

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<sup>1</sup> The Plan was created pursuant to a multi-year, community-wide process led by Chancellor & Dean David Faigman's appointed Strategic Planning Working Group co-chairs, Chief Financial Officer David Seward and Provost & Academic Dean Morris Ratner. The Plan development process included substantial participation and input from members of the Board of Directors, alumni, and faculty, staff, and students.

<sup>2</sup> Note that this report concerns only the academic program. While that program is at the heart of the College's mission of teaching, research, and public service, the academic program encompasses only a part of the College's operations.

<sup>3</sup> See College and University Professional Association for Human Resources, CUPA-HR 2022 Higher Education Employee Retention Survey: Initial Results (available at <https://www.cupahr.org/surveys/research-briefs/higher-ed-employee-retention-survey-findings-july-2022/>).

I. Student Success

As indicated in Figures 1 and 2, below, the College has experienced a sustained turnaround on bar passage since 2016 and has steadily improved employment outcomes year-over-year (YoY).

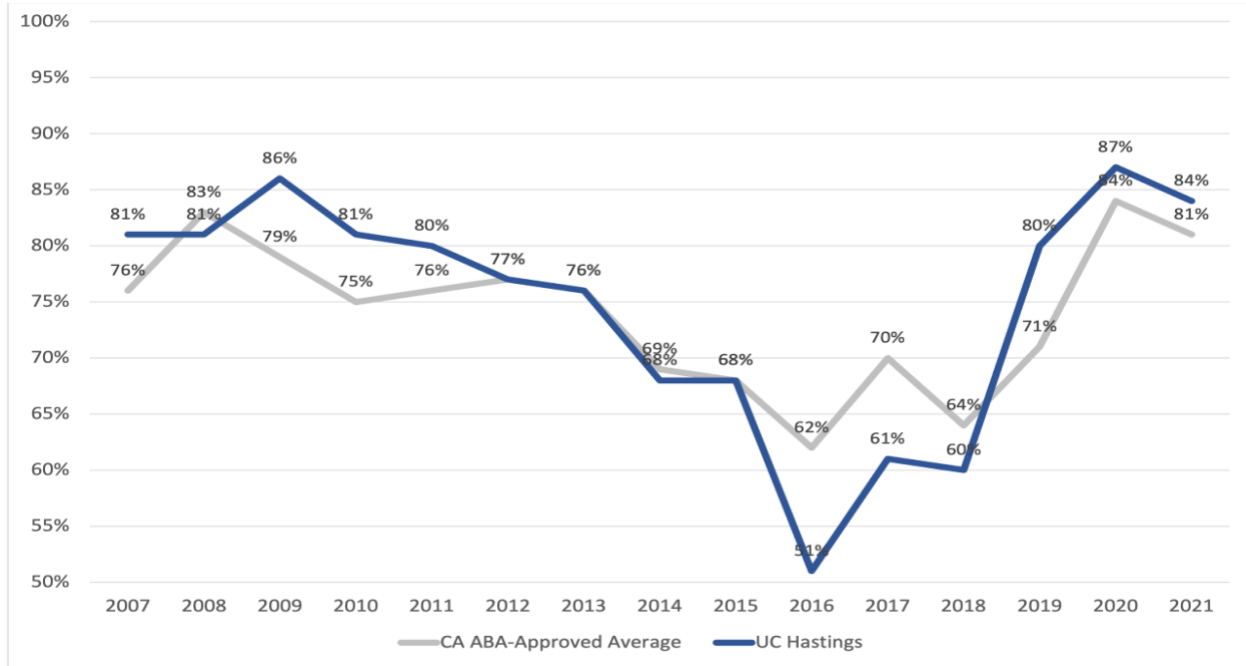


Figure 1: Bar Outcomes

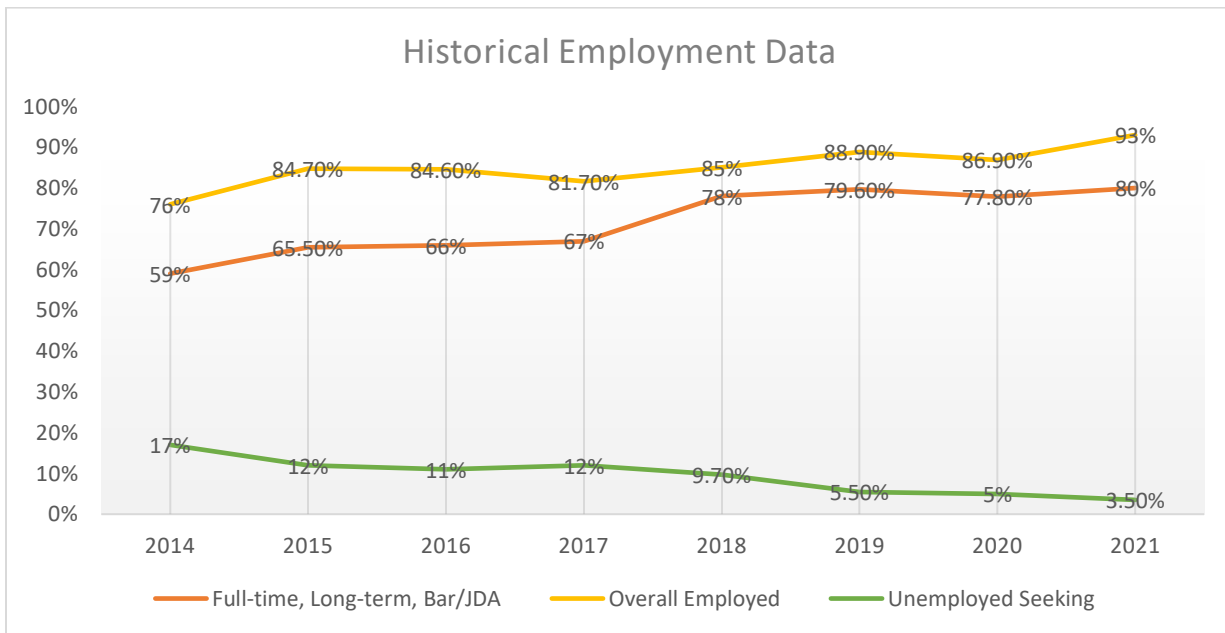


Figure 2: Employment Outcomes



Assistant Dean Amy Kimmel's accompanying report includes YoY snapshot data suggesting that, for now, employment outcomes for the Class of 2022 are tracking last year's high success rates. Dean Kimmel's report also identifies key strategic initiatives for the 2022-2023 academic year, which include, in addition to normal career development programming, implementation of a new Professional Development Program requirement for incoming 1Ls; expanded clerkship advising; and programming to educate students about how possible changes in the legal services market may or should affect their job search strategies.

Director of Bar Passage Support Margaret Greer's accompanying report suggests that a top priority for the coming year on the bar success front is to troubleshoot. There are signs that the Class of 2022 struggled more than did recent graduating classes to prepare for the July 2022 administration of the California Bar Exam (CBX). The proof will be in the actual exam outcomes revealed by the State Bar in November, but Director Greer's report identifies warning signs. They boil down to three main issues that arose this past summer: a higher-than-normal percentage of graduates who appeared to have difficulty recalling information from a law school experience that was characterized by significant pandemic disruption; a lack of engagement among some of the most at-risk students with the resources that might best ensure their success on the CBX; and, relatedly, an unusually high number of graduates who did not follow suggested best practices for bar preparation. On the plus side, the Class of 2022's commercial bar course completion rates appear based on an initial review of the data to have been in line, overall, with prior years, though preliminary data suggest that the graduates struggled with accuracy in their answers on practice tests. Without waiting for the July 2022 CBX results in November, the bar success team is already reflecting on how the College might adjust its support plan for the Class of 2023.

Another looming issue on the bar success front is the fact that the California State Bar is considering changes to the substantive coverage and format of the CBX. The bar success strategies the College has adopted since 2016 will likely need to be adjusted as the contours of the new exam become clearer. But it's quite possible that the 1Ls who matriculate in the Fall 2023 term may be taking a CBX in July 2026 that tests different subjects and skills than does the current exam, requiring continuing study and adaptation in the next few years. (This will be the subject of future reporting.)

As the Plan notes at p. 15: "While research and teaching are coequal mission elements, the most immediate goal for the next five years is to ensure that we give our students the knowledge and skills necessary to pass the bar and launch into rewarding careers." This general strategic orientation is implemented through the kinds of initiatives listed in connection with Plan Goals 1.2 ("continuously improve the first-time bar passage rate") and 1.3 ("help students develop the skills and experiences they need to secure the employment they want"), informed by our evolving understanding of student needs. Toward those ends, the focus in the coming year will be on ensuring that we implement the planned career success interventions described in Dean Kimmel's report, identify the causes of and address the risk factors noted in Director Greer's accompanying report, and begin planning for bar success given possible changes to the CBX.

## II. Scholarly Achievement and Recognition

The Strategic Plan identifies scholarly production and promotion of faculty scholarship as core goals, explaining at p. 24: “Influential and impactful scholarship is an important public good and service that the College produces. Research also significantly impacts our stature among peer scholarly communities. The Operational Strategic Plan thus calls for a renewed institutional focus on and commitment to supporting and prioritizing both the production and promotion of our faculty research and scholarship.” Key initiatives include continuing to build a vibrant intellectual life on campus that establishes the conditions for research faculty to be productive and engaged (Goal 2.1); promoting faculty achievements (Goal 2.2 and 2.2); and building centers of excellence in areas where the College’s faculty members have deep expertise (Initiative 2.1.3.3).

### A. Building Community

Associate Dean for Research Jodi Short and other faculty worked creatively during the pandemic to sustain the research community even when on-campus and in-person interactions were limited, and went further to leverage some of the benefits of online events to extend the reach of faculty research programming to a national audience (e.g., by hosting some of our colloquia on Zoom and inviting scholars at other institutions to attend). Possible evidence of the success of those efforts can be gleaned from Academic Insights, the U.S. News & World Report proprietary database regarding law schools ranked by U.S. News. As shared in prior reporting and indicated in Figure 3, below, the College’s peer reputation score, a key element of the U.S. News ranking formula, has steadily increased in recent years.

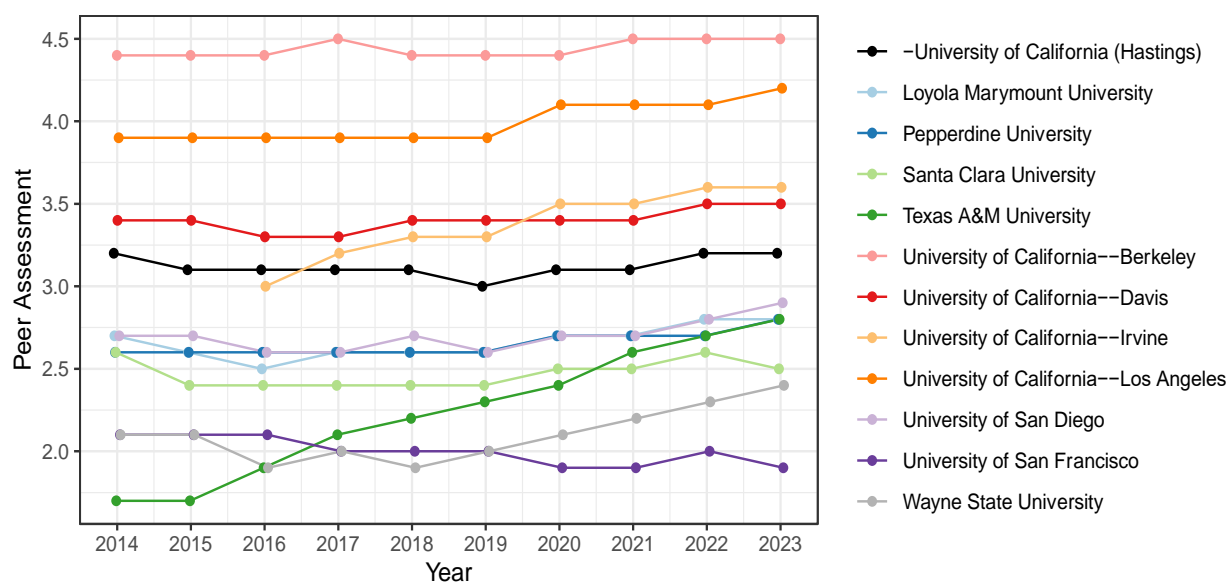


Figure 3

A key initiative in the coming academic year is to more fully revive the in-person experience on campus. The College is supporting a range of conferences, significant public lectures, and speaker series about which Deans Ratner and Short will report in the coming academic year, including a

series open to the whole community, including alumni, introducing our new tenured faculty members. In addition, Dean Short will implement recommendations of an ad hoc committee that was constituted last year to make recommendations regarding mentorship of pre-tenure research faculty. Finally, in collaboration with Director of Office of Sponsored Projects Yael Nadel-Cadaxa, Deans Ratner and Short are implementing new sponsored research support for faculty, including updated conflicts policies meant to ensure compliance on grant-funded research projects. (Sponsored research is discussed further below.)

Dean Short will also provide her final annual report regarding faculty scholarly productivity and impact this year, her last in the role of research dean before she rotates out.

### B. Promoting Achievements

New Chief Communications Officer Liz Moore has been partnering with Deans Ratner and Short to expand prior-year efforts to signal excellence, increasing the visibility of the College's faculty in news stories and social media posts; expanding the U.S. News informational campaign; and identifying other ways to expand the reach of our scholarly community. We expect to report on these and other efforts during the year.

### C. Centers of Excellence

Within the last few years, the College has wholeheartedly embraced the “center of excellence” model contemplated by the Strategic Plan, which states at p. 24:

A core cross-cutting initiative of the Strategic Plan is that we will continue to build centers of excellence in subject-matter areas of particular strength. One approach to creating centers of excellence is to tie together the strands of our law school, including our students and student organizations, our faculty members and their scholarly communities, our alumni and other practitioners, and our concentrations/ curriculum. Centers host special projects and events, including colloquia and create alumni engagement opportunities.

A list of established College centers is available on the UC Hastings external website.<sup>4</sup> New programmatic centers established in the past few years include: (1) Center for Racial and Economic Justice;<sup>5</sup> (2) Indigenous Law Center;<sup>6</sup> (3) Center for Litigation and Courts;<sup>7</sup> (4) Center for Business Law;<sup>8</sup> (5) Center on Tax Law;<sup>9</sup> and (6) LexLab.<sup>10</sup> These centers have become vibrant hubs of research, programming, and community and alumni engagement, as their websites demonstrate, and several of the new center directors have given presentations to the Educational Policy Committee in recent years.

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<sup>4</sup> See <https://www.uchastings.edu/academics/centers/>.

<sup>5</sup> See <https://www.uchastings.edu/academics/centers/center-racial-economic-justice/>.

<sup>6</sup> See <https://www.uchastings.edu/academics/centers/indigenous-law-center/>.

<sup>7</sup> See <https://sites.uchastings.edu/clc/>.

<sup>8</sup> See <https://cbl.uchastings.edu>.

<sup>9</sup> See <http://tax.uchastings.edu>.

<sup>10</sup> See <https://lexlab.uchastings.edu>.

This academic year (2022-2023), the following additional new centers are launching: (1) Center for Race, Immigration, Citizenship & Equality<sup>11</sup> (led by new hire Professor Ming Hsu Chen); (2) East Asian Legal Studies Center<sup>12</sup> (revived version of a prior program led by Professor Keith Hand); (3) the International Development Law Center<sup>13</sup> (led by Associate Dean for the MSL Program and Lecturer Jessica Vapnek); and (3) a new Social Justice Center that will house our new full time Pro Bono Coordinator Allison Wang (led by Associate Dean for Experiential Learning and Clinical Professor Gail Silverstein and Clinical Professor Brittany Glidden). It will take time and support to get these new centers off the ground this year.

There are limits on the College's ability to expand this model, which involves an initial runway of state funding for new programmatic centers for a limited period of time, until the recently- or newly-established programmatic centers are able to become partly or fully self-supporting. Though certain centers (e.g., Center for Business Law and Center on Tax Law) have raised substantial funds for student scholarships, an IRS-funded tax clinic, and the like, existing and recently created centers must develop additional strategies for raising funds before the College can materially build on this model. Dean Ratner is working with Chief Development Officer Eric Dumbleton and center directors to expand awareness of center activities and fundraising.

### III. Diversity, Equity, Inclusion, and Belonging

Goal 4.2 of the Strategic Plan is to “increase inclusion of all members of the UC Hastings community.” Chancellor & Dean David Faigman supplemented the Plan in his June 2020 [commitment](#) to address issues of race, racism, and racial justice at the College, including in the curriculum and classrooms. Key initiatives in the current academic year include (1) implementation of certain recommendations made by last year's Campus Climate Advisory Committee<sup>14</sup> and (2) integration of the College's ambitions with regard to diversity, equity, and inclusion and the College's commitments to free speech and academic freedom.

#### A. Overview of Initiatives in the Academic Program

Reporting in the Educational Policy Committee over the past several years has included updates regarding efforts across the academic program to address issues of race, racism, and racial justice and to improve the campus climate. These include, among other things:

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<sup>11</sup> See <https://www.uchastings.edu/academics/centers/the-center-on-race-immigration-citizenship-and-equality-rice/>.

<sup>12</sup> See <https://www.uchastings.edu/academics/centers/east-asian-legal-studies/>.

<sup>13</sup> See <https://www.uchastings.edu/academics/centers/international-development-law-center/>.

<sup>14</sup> Chancellor & Dean David Faigman commissioned a [Climate Survey Working Group](#) in academic year 2020-2021 to work with Rankin & Associates to develop the climate survey. The survey was administered in spring 2021. The results were released early in the 2021-2022 academic year. Chancellor & Dean Faigman commissioned a [Campus Climate Advisory Committee](#) to engage with the community to develop a set of proposals to respond to the survey results. Provost & Academic Dean Morris Ratner lead the committee with co-chairs Assistant Chancellor & Dean Jenny Kwon, Dean of Students Grace Hum, LEOP Director and Diversity, Equity & Inclusion Advisor Elizabeth McGriff, and Director of Diversity, Equity & Inclusion Initiatives Mario Lopez. Members of the Chancellor & Dean's [Diversity, Equity & Inclusion Working Group](#) served on the Advisory Committee. The Advisory Committee's work is discussed further below.

- Assessment of the campus climate (Climate Survey Working Group), leading to the [Community Experience Survey](#).
- Creation of physical spaces on campus devoted to cultural diversity and belonging.
- Hiring of new staff dedicated partly or wholly to diversity initiatives (e.g., Director of Diversity, Equity & Inclusion Initiatives Mario Lopez).
- Establishment of new programmatic centers (e.g., Indigenous Law Center, Center for Racial and Economic Justice, Center for Race, Immigration, Citizenship & Equality, etc.).
- Creation of new student-facing programs (e.g., First Generation Professionals Program).
- Expansion of the College's race and racial justice curriculum.
- Faculty and staff trainings.
- Faculty retreats, teaching colloquia, and teaching resources.
- Hiring initiatives, including changes that in academic year 2021-2022 yielded one of the largest and most diverse cohorts of accomplished new tenured faculty in the past decade.
- New pipeline programs (e.g., California Scholars Program and Spelman 3+3).

This is just a partial list.

#### B. Climate Survey and Response

The 2021 climate survey results revealed that despite the substantial progress on many fronts summarized in the preceding subsection, the College has opportunities in and beyond the academic program to build a more inclusive community. Prior Educational Policy Committee reporting has covered the climate survey as well as the recommendations of the Campus Climate Advisory Committee Dean Faigman constituted last year and charged with making recommendations to him by April 2022. The committee timely concluded its work last year and Dean Faigman is considering its proposals. He will convene a College Town Hall in early fall to outline his responses to the committee's report and plans for this year regarding DEI initiatives originating in his office.

#### C. Next Frontier – Academic Freedom, Free Speech, and DEI

A fault line opened up on campus last spring semester among faculty and in the community regarding the best way to balance, on the one hand, our commitments to free speech and academic freedom and, on the other, our aspirations to create an inclusive community. Prior reporting to the Educational Policy Committee addressed these issues. For the coming academic year, key initiatives include the vetting of a draft events policy to ensure student groups hosting speakers are adequately guided and supported and that invited speakers have the opportunity to be heard even if their comments spark protest; a campus-wide effort to evaluate the policy and engage with questions about the tensions and connections between academic freedom and inclusion/belonging; and the establishment of an ad hoc faculty committee chaired by Professor Chimene Keitner to update the College's policy on academic freedom. Reporting during the academic year will update the Educational Policy Committee regarding these and other efforts.

#### IV. Fiscal Health Through Growth

The Strategic Plan at p. 34 states:

“Fiscal health” is a concept that focuses on sustainability and aligning costs with our mission and strategic priorities. “Organizational capacity” refers to the resources, knowledge, and processes employed by UC Hastings Law to achieve its mission. For this Operational Strategic Plan, the aim is to ensure that as a community we make the most of the resources that we have, that we expand that resource pool by growing our programs in the service of our mission, and that we do so bearing in mind our five-year budget plan and our pre-existing commitments, including the implementation of our LRCP.

Since the Board adopted the Plan, the College has adhered to a five-year budget that achieves targets, achieving Plan Goal 5.1 (“maintain and reach five-year budget targets”). In the same period, the College has been growing the research faculty that had decreased in numbers due to attrition, implementing various other Plan goals (e.g., centers of excellence, discussed above), ensuring healthy compensation growth, and managing disruptions (e.g., pandemic era revenue losses). This report focuses on the intersection of fiscal health and the academic program, with emphasis on the 2022-2023 academic year.

##### A. Staffing Challenges and Opportunities

Staffing connects to Goal 5.2 of the Plan (“organizational capacity”).

###### 1. Staffing Disruption

As noted above, higher education institutions nationwide are experiencing significant staffing disruptions. Conditions were difficult in academic year 2021-2022 nationally and in the UC Hastings academic program, and it’s not clear when they will stabilize. This translates into unusually high staff turnover rates in some front-line departments that provide administrative services that affect all aspects of the academic program. Attention will be paid in the coming academic year to stabilize staffing and to nurturing new teams in key departments.

###### 2. Faculty Hiring

Consistent with the five-year budget and to address attrition (a retirement and one lateral move from UC Hastings to Harvard Law School), the College is hiring two ladder (tenure-track or tenured) faculty in the 2022-2023 hiring cycle.

###### 3. Faculty and Staff Compensation

As Chancellor & Dean Faigman and CFO Seward will separately report, inflation will compound existing compensation differentials for both faculty and non-represented staff. The 2022-2023 budget proposed by the Administration increases the compensation pool from 3% to 5%, but cost pressures are unlikely to abate for the foreseeable future. The expiration of collective bargaining

agreements with represented staff in 2024 will also heighten the fiscal impact on compensation on institutional sustainability. The significance of this for the academic program is that there are limits on the College's ability to address staffing disruption or to meet other College strategic ambitions by expanding the staffing base or compensation beyond what is contemplated in the five-year budget.

#### B. Non-JD Enrollment

Senior Assistant Dean June Sakamoto's August 25 report to the Educational Policy Committee provides a snapshot of enrollment in the non-JD degree programs. Chief Financial Officer David Seward's reports connect the dots between enrollment and retention and the College's budget.

For the coming academic year, and consistent with Plan elements focused on growth of non-JD programs (e.g., Strategy 5.5.3), strategic initiatives include reviewing the MSL curriculum to increase online offerings and otherwise align the program with applicants' needs, as well as development of new Global Programs partners who could share information about LLM opportunities with their students. The HPL degree program has been relaunched this year, and implementation of that revived degree program is also a priority.

#### C. Sponsored Research and Projects

Consistent with Plan Goal 5.5 ("invest in infrastructure"), Director of Office of Sponsored Projects Yael Nadel-Cadaxa continues to work with Deans Ratner and Short, faculty, and other College units to grow and help manage sponsored research at the College. Third-party funded research expands the College's resource base to support that core mission element. This year, he will provide a summary report regarding FY22 sponsored research growth.

#### D. Onboarding of New Systems to Increase Capacity

The College is onboarding new systems to increase capacity. For example, in the coming year, it will adopt a new Course Catalog on the Coursedog platform that is part of a College-wide effort to upgrade platforms for scheduling and academic planning. This will not be the subject of reporting, per se, but is an example of the kind of operational systems management that impacts academic program operations and is consistent with the Plan's vision of continuously improved organizational capacity.

#### V. Academic Village

The anticipated opening of the new 198 McAllister building will involve allocation of some resources in the academic program as departments prepare to move into their new homes. Long-Range Campus Plan implementation creates opportunities for, and requires focus by, academic program units. One example is academic event and curricular programming, which will take 198 occupancy timelines into account as part of academic 2023-2024 planning that occurs during academic year 2022-2023.

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Though not specifically linked to any one initiative in the Strategic Plan, it is worth noting that this year the College will also be devoting substantial resources to preparing for the ABA site visit expected in academic year 2023-2024. The ABA is the College's primary accrediting agency. Site visits typically engage the entire faculty and all key staff and are generally overseen via a partnership among the Chancellor & Dean, the Provost & Academic Dean, the Director of Accreditation and Assessment (Andrea Bing), the faculty Educational Effectiveness Committee, and the full faculty. This year's Chair of the Educational Effectiveness Committee, Abe Cable, will be instrumental in that effort.



## **4.2 – Enrollment**

**By Senior Assistant Dean June Sakamoto**

Attached please find a memorandum by Senior Assistant Dean June Sakamoto providing a recruitment and enrollment summary for the JD, Transfer, MSL/CSL, LLM and HPL programs for the 2021-22 admissions cycle. The data presented in the attached memo are current as of August 16, 2022, the first day of JD Orientation.

**TO: Chancellor & Dean David Faigman and Provost & Academic Dean Morris Ratner**  
**FROM: Senior Assistant Dean June Sakamoto**  
**RE: Office of Enrollment Management Recruitment + Enrollment Update**  
**DATE: August 17, 2022**

Following is the recruitment and enrollment summary for the JD, Transfer, MSL/CSL, LLM and HPL programs for the 2021-22 admission cycle. The data included in this memo is as of August 16, 2022, the first day of JD Orientation.

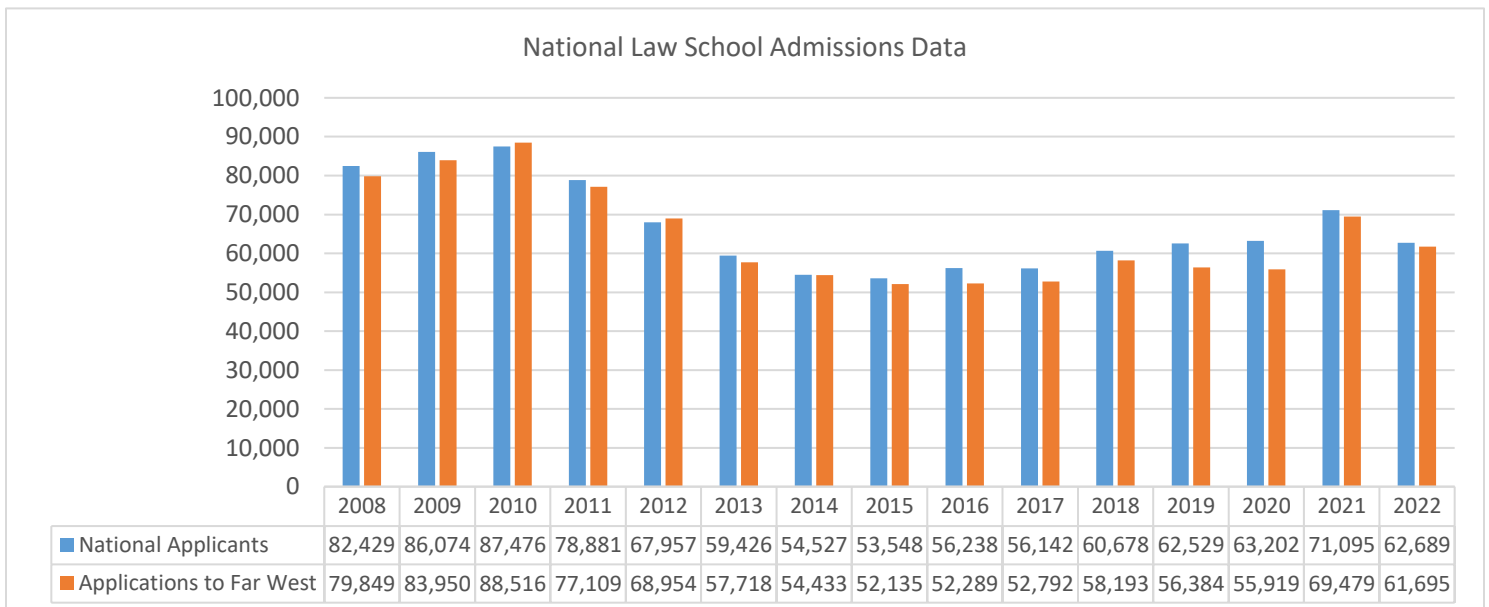
**I. 2021-22 JD Recruitment + Enrollment + Retention**

**A. National Law School Application Summary**

The national law school applicant pool for students starting law school in fall 2022 fell by 11.7% as compared to the 2020-21 admission cycle. Similarly, applications received at “Far West” (CA, NV, HI) law schools decreased by 11.2%, although interest in Far West law schools remains high with California alone receiving just under 14% of all applications submitted this cycle.

As mentioned in last year’s Recruitment + Enrollment Update: “There are many theories as to the reason behind the increase in applications [during the 2020-21 admission cycle], including a lack of entry-level employment opportunities caused by the pandemic; more time to study for the shorter, online LSAT Flex exam given restrictions on activities due to the pandemic; and the desire to earn a law degree and be part of national change in response to events that unfolded in 2020-21...” While many of these reasons continue to exist, many law school admissions professionals believe that this year’s decline is a return to the post-Lehman crash “normal” of law school admissions.

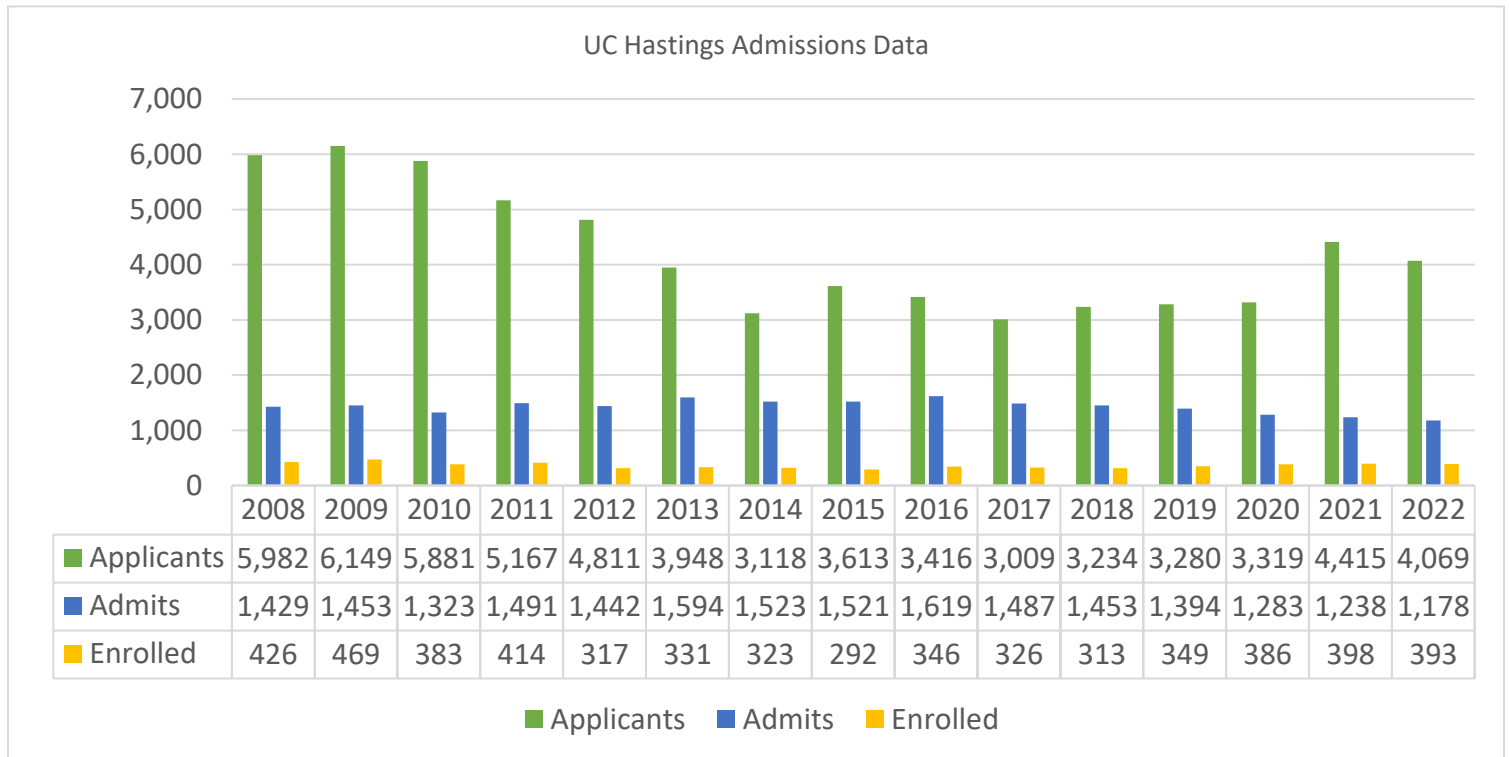
Following is a chart of national applicants to U.S. law schools and applications received by Far West law schools from the 2007-08 admission cycle through this most recent 2021-22 cycle.



## B. UC Hastings Application Summary

During the 2021-22 admission cycle, despite an 11.7% decline nationally and an 11.2% decline in the Far West, UC Hastings experienced only a 7.8% decline in application volume from the prior year. Despite the decline, the UC Hastings application volume was still 18.4% higher than the 2019-2020 admission cycle. Based on survey results from incoming 1Ls this year, students continue to be attracted to UC Hastings because of our location in San Francisco and our ranking. Once admitted, our location, ranking, and scholarship offer remain the top three reasons for choosing to attend UC Hastings.

Following is a chart of UC Hastings applicants, admits, and enrolled students from the 2007-08 admission cycle through this most recent 2021-22 cycle.



## C. Diversity-Focused Recruitment Activities

From July to June of the 2021-22 admission cycle, the Admissions team held over 80 recruitment events, 30 of which were in-person, in addition to 300+ 1:1 virtual advising sessions with prospective students and multiple in-person, on-campus tours per week. Of the 80 events, the following were diversity-focused recruitment activities:

### Diversity-Specific Events

- National HBCU Pre-Law Summit (September 2021)
- UC Hastings Justice for All: Diversity & Inclusion in Law School Admissions (year 4) (virtual – October 2022)
- El Pueblo Unido Conference (virtual – October 2021)
- UC Hastings-Black Law Students Association Black Pre-Law Summit (virtual – November 2021)
- National Black Pre-Law Conference (November 2021)
- CSU Stanislaus Pre-Law Presentation (February 2022)

- Clark Atlanta/Morehouse/Spelman UC Hastings Law Presentation (March 2022)
- Howard University UC Hastings Law Presentation (March 2022)
- National Chair of National Latina/o Law Student Association (virtual – April 2022)
- UC Hastings La Raza Diversity Outreach Day (virtual – April 2022)

#### Recruitment Events at Hispanic-Serving Institutions

- San Diego State Graduate & Professional School Fair (September 2001)
- UC Davis Graduate School Fair (October 2021)
- UC Merced Law, Government & Public Policy Fair (October 2021)
- CSU Long Beach Graduate School Fair (October 2021)
- UC Santa Cruz Law School Panel (October 2021)
- CSU Bakersfield Graduate School Fair (November 2021)
- UC Irvine Law School Fair (November 2021)

For this next 2022-23 admission cycle, we will continue to offer a combination of in-person and virtual events for maximum inclusion.

#### D. Pandemic-Related Changes to Student Yield Initiatives

Given the loosening of pandemic restrictions, we were able to resume many in-person yield initiatives, while also continuing to offer virtual programming for admitted students who were unable to meet us in person. Our yield activities during the 2021-22 admission cycle included the following:

- Daily in-person, on-campus tours with student workers
- 1:1 Zoom meetings with Admissions staff, student workers, and Financial Aid counselors
- Recorded classes available for on-demand viewing
- Virtual Spring Forward with the **Chancellor & Dean** (February 23)
- Virtual Spring Forward to Campus Life
  - Spotlight on Moot Court (March 1) – Prof. **Toni Young** and Moot Court Team
  - Spotlight on Clinics & Experiential Learning (March 2) – Profs. **Gail Silverstein** and **Nira Geevargis**
  - First Generation Panel (March 22) – Director of DEI Initiatives **Mario Lopez** and students
  - Spotlight on Faculty #1 (April 22) – International Law, Government Law, Environmental Law, Intellectual Property, and Criminal Law with Profs. **Chimene Keitner**, **Dave Owen**, **Jeff Lefstin**, and **Jonathan Abel**
  - Spotlight on Faculty #2 (April 26) – Tax Law, Law & Health Sciences, and Social Justice Lawyering with Profs. **Heather Field**, **Sarah Hooper**, and **Ascanio Piomelli**
  - Spotlight on Faculty #3 (May 5) – Technology & Innovation in the Practice of Law and Civil Litigation & Dispute Resolution with Profs. **Alice Armitage** and **Scott Dodson**
  - Student Life Panel: What I wish I had known before becoming a law student (May 24) – Dean of Students **Grace Hum**, Director of Student Services **Emily Haan**, and students
  - How to Afford Law School (June 16) – Director of Financial Aid **Angie Harris**, Assistant Director of Financial Aid **Alejandro Torres**, and Financial Aid Operations Specialist **Raisl Davis**
- In-Person On-Campus Admitted Students Day (April 2)
  - Mock Classes with Profs. **Matt Coles** and **Heather Field**
  - Panel for admitted students' guests – Thrive: How to Support your Law Student
  - Campus Resource Fair with Student Orgs

- Virtual Spring Forward Week
  - Current Student Panel (April 4)
  - Career Development Office & Experiential Learning (April 5) – Assistant Dean of the CDO **Amy Kimmel** and Prof. **Neera Geevargis**
  - Young Alumni Governors Panel (April 6) – Executive Director of UC Hastings Alumni Association **Meredith Jaggard** and Board of Governors members
- Spring Forward to Life after Law School
  - In-Person Los Angeles Admitted Students & Alumni Reception (March 26) - Senior Director of Development, Southern California **Robin Drysdale** and **Gerry Hinkley '75**
  - Conversation with Black Alumni Council (May 13) – Executive Director of UC Hastings Alumni Association **Meredith Jaggard** and Black Alumni Council members
  - Conversation with LEOP Alumni Affinity Group (May 20) – Executive Director of UC Hastings Alumni Association **Meredith Jaggard** and LEOP Alumni Affinity Group members

All virtual sessions were moderated by either **Director of Admissions Bryan Zerbe** or **Director of DEI Initiatives Mario Lopez**.

For this next 2022-23 recruitment cycle, we will continue to offer a combination of in-person and virtual events for maximum inclusion. We also plan to bring back in-person regional alumni and admitted students receptions.

#### E. Enrollment Results

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

JD	2019-20	2020-21	2022-22*
<b>Applicants</b>	3319	4415	4069
<b>Admits</b>	1283	1238	1178
<b>Admit Rate</b>	38.66%	28.04%	28.95%
<b>Tuition Discount Rate</b>	32.58%	29.00%	32.66%
<b>Net Tuition Revenue (approx.)</b>	\$11.26 million	\$12.29 million	\$11.81 million
<b>Enrolled</b>	387	398	393
LEOP	68	66	76
California Scholars	5	4	2
<b>Yield</b>	30.16%	32.15%	33.36%
<b>LSAT (75/50/25)</b>	161/158/155	162/160/157	163/160/157
<b>UGPA (75/50/25)</b>	3.61/3.42/3.22	3.68/3.52/3.29	3.75/3.59/3.39
<b>Deferrals to Next Fall</b>	19	37	29

\* As of August 16, 2022, the first day of orientation. Based on data from prior years, we expect 0-4 students to withdraw between now and early October. Data for 2019-22 and 2020-21 is based on the first day of fall classes.

## F. Diversity-Related Enrollment Results

Following are some of the key, self-identified diversity metrics of the incoming 1L class:

JD	2019-20	2020-21	2021-22*
<b>Gender (M/F/Non-binary)</b>	38.7%/60%/.8%	41.71%/57.79%/.01%	39.2%/59.5%/1.3%
<b>Racial/Ethnic Diversity</b>	51.7%	50%	54.5%
Black/African American	4.4%	4.8%	6.4%
Hispanic/Latinx	17.1%	18.1%	18.8%
Asian	28.9%	26.9%	28.5%
<b>First Generation</b>	19.4%	15.3%	19.1%
<b>LGBTQ+</b>	5.4%	10.3%	9.2%

\* As of August 16, 2022, the first day of orientation. Based on data from prior years, we expect 0-4 students to withdraw between now and early October. Data for 2019-22 and 2020-21 is based on the first day of fall classes.

## II. Transfers In and Out

### A. Transfers In

This year we welcomed 3 2L transfers from an applicant pool of 84 applications. Last year we welcomed 6 incoming 2L transfers from an applicant pool of 63 applications. Due to the large number of students in the rising 2L class and the low number of expected transfers out, we were particularly selective this year in making transfer in offers.

### B. Transfers Out

Due to the collective efforts of the community, including Chancellor & Dean David Faigman, Faculty, Career Development Office team members, and Enrollment Management team members, we were able to retain 95.9% of the Class of 2024. As of August 16, 2022, only 17 students in the rising 2L class have transferred to other law schools.

	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22
<b>Attrition</b>	7.1%	11.8%	13.7%	5.3%	5.7%	6.5%	6.2%	8.8%	4.3%	4.3%
	22 of 310	38 of 322	43 of 313	15 of 284	19 of 336	21 of 321	19 of 305	30 of 342	16 of 375	17 of 392

## III. 2021-22 MSL/CSL Recruitment + Enrollment

### A. Recruitment Activities

Digital marketing is currently the primary method of marketing our Master of Studies in Law (MSL) and Certificate of Studies in Law (CSL – basically a “half MSL”) programs. Over 900 prospective students received monthly personalized emails and individualized URLs with opportunities to learn more about the MSL. Additionally, the Graduate Division held one in-person information session, three virtual information sessions, and 50+ 1:1 virtual advising appointments.

One of the biggest challenges to enrolling MSL students continues to be the lack of awareness of the existence of a master’s degree in law generally. In response to this challenge, our digital marketing

efforts are designed to generate awareness of the program through targeted ads based on web browser searches and activity as well as biographical information provided on digital platforms such as LinkedIn and Facebook. Our digital marketing efforts are also designed to nurture interest through personalized email campaigns and personalized webpages for each prospective student in our campaign.

Compounding the challenge of a lack of awareness of legal master programs generally is that there are at least six different names for this same degree program nationally: Master of Studies in Law, Master of Legal Studies, Master of Science of Law, Master in Law, Master of Jurisprudence, and Juris Master. A national group of legal master administrators and law deans continue to discuss the naming challenge.

A more recent challenge to enrolling MSL students is the increased competition in the MSL market. There is a growing number of programs that offer a fully online program that is separate from the JD program, such as the programs at USC, Pepperdine, and ASU. To combat this challenge, our program, which started as a fully in-person program in which MSL students learn together with their JD colleagues, offers an increasing number of online courses to MSL students, while continuing to offer the invaluable experience of learning the law alongside the JDs (i.e., their future legal network).

For this next 2022-23 recruitment cycle, we have added monthly topic-based info sessions and will partner with the newly established MSL Alumni Chapter to promote the program to various potential candidates and employers.

## **B. Enrollment Results**

Despite the record number of MSL applications started this cycle (51), we were hearing from applicants that given the uncertainties of the economy, they were choosing to hold off on commencing graduate studies. We will continue to work with applicants who have started but not yet completed applications, as well as the 900+ MSL prospective students and 75 CSL prospective students who have inquired about our programs, on a fall 2023 start.

Following are the MSL application and enrollment results as compared to the past three admission cycles:

<b>MSL</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>
<b>New Inquiries</b>	127	203	392	431
<b>Completed Applications</b>	15	26	21	15
<b>Newly Enrolled</b>	13	20	15	5

Following are the CSL application and enrollment results as compared to the past admission cycle:

<b>CSL</b>	<b>2020-21</b>	<b>2021-22</b>
<b>Inquiries</b>	30	45
<b>Completed Applications</b>	3	2
<b>Newly Enrolled</b>	1	2

## **IV. 2021-2022 LLM Recruitment + Enrollment**

### **1. Recruitment Activities**

The primary methods of recruitment for our LLM program are a combination of digital marketing, info sessions/webinars in collaboration with a consortium of 11 U.S. law schools and a consortium of 6 California law schools, participation in EducationUSA/U.S. State Department fairs, 1:1 advising, and continued outreach to and info sessions for students at our institutional partners. From July 2021 through June 2022, the Graduate Division held 24 virtual recruitment events for prospective students around the world and 50+ 1:1 virtual advising sessions.

In-person LLM recruitment seems to be coming back for the 2022-23 admissions cycle. We will continue to take advantage of the wide-reach and cost-savings that come with virtual recruitment, but will also be participating in limited in-person international recruitment where we believe the return on investment will be the highest.

## 2. Enrollment Results

There were 6,490 international applicants to the 128 LLM programs in the U.S. this year and competition to yield international LLM applicants remains high. For the current academic year, we were able to bring in a large class of 31 students. Following are the application and enrollment results as compared to the past three admission cycles:

LLM	2018-19	2019-20	2020-21	2021-22
<b>Completed Applications</b>	52	70	65	101
<b>Enrolled</b>	21	8	24	<b>31</b>
Partner School Matriculants	9	4	13	13
<b>Jurisdictions Represented</b>	12	7	13	16

## V. 2021-22 HPL Recruitment + Enrollment

### 1. Recruitment Activities

After a three-year hiatus, the UCSF-UC Hastings Consortium on Law, Science & Health Policy relaunched its fully-online Master of Science in Health Policy & Law (HPL). The Consortium recruits for the program and makes all admissions decisions, with the Graduate Division providing back-end assistance with onboarding. Digital marketing is the primary method of marketing, with virtual information sessions hosted by the Consortium and 1:1 advising meetings with Consortium team members. The Consortium will continue to work with the 30+ applicants who have started, but not yet completed, applications, as well as the 400+ prospective students who have begun exploring the HPL program.

### 2. Enrollment Results

Following are the HPL application and enrollment results:

HPL	2021-22
<b>Inquiries</b>	428
<b>Completed Applications</b>	31
<b>Newly Enrolled</b>	<b>16</b>



### **4.3 – Bar Exam Success**

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

Attached please find a memorandum by Director of Bar Passage Support Margaret Greer regarding efforts to support Class of 2022 graduates as they prepared for the July 2022 administration of the California Bar Exam. Director Greer's analysis suggests that this graduating class was negatively impacted by pandemic disruption as reflected in, among other things, greater than expected difficulty recalling and correctly applying legal principles on practice tests leading up to the actual exam. The College will take this information into account when deciding how best to support the Class of 2023 between now and the July 2023 exam.

## MEMORANDUM

To: Provost & Academic Dean Morris Ratner  
From: Director of Bar Passage Support and Academic Skills Lecturer Margaret Greer  
Date: August 16, 2022  
Re: Support for May 2022 Graduates Studying for the California Bar Examination

U.C. Hastings provided May 2022 graduates who studied for and took the July 2022 California Bar Examination with a number of resources and support systems to assist them during bar review. Below please find a summary of those resources and support systems for this particular class.

### **Bar Support Programming Observations**

The data indicate that as a group, 2022 graduates remained on pace with their bar review courses. However, the Bar Passage Support Program made the following observations regarding the Class of 2022's bar preparedness and engagement: (1) a higher-than-normal percentage of graduates who appeared to have difficulty recalling information from a law school experience that was characterized by significant pandemic disruption; (2) a lack of engagement among some of the most at-risk students with the resources that might best ensure their success on the CBX; and, relatedly, (3) an unusually high number of graduates who did not follow suggested best practices for bar preparation. Additionally, although, as noted, the Class of 2022's commercial bar course completion rates appear based on an initial review of the data to have been in line, overall, with prior years, some data suggest that the graduates struggled with accuracy in their answers on practice tests. The issues spotted this summer could not be addressed in the 10-week program of study between graduation and the bar exam and suggest, instead, the benefits of earlier interventions to mitigate disruption that Class of 2023 experienced to a similar degree as did the Class of 2022.

#### **I. B.E.S.T. Essay Tutor Program and B.E.S.T. Group Sessions**

The Bar Exam Supplemental Training ("B.E.S.T.") program is UC Hastings' free supplement to private commercial bar review courses. There are two components to the B.E.S.T. program: 1) individualized essay grading and feedback; and 2) group sessions. Both components of the program are designed to encourage graduates to begin writing practice essays from the start of bar review, which has been shown to improve bar performance.

##### **A. B.E.S.T. Essay Tutor Program**

May 2022 graduates who participated in the B.E.S.T. Essay Tutor Program had the opportunity to submit up to 15 bar exam essay and/or Performance Test (PT) answers for review and feedback. LEOP graduates have the opportunity to submit answers to Associate Director of Academic and Bar Support for LEOP Richard Sakai for individualized feedback. We are still reviewing LEOP submission data. Once we have finished reviewing the data, we will be able to provide more in-depth analysis regarding participation rates. Based on the data that we have collected thus far, it appears that over half of the graduates who planned to sit for the California Bar Exam submitted at least one essay or Performance Test answer for review. 2022

participation more closely mirrored 2019 participation rates., meaning that there was a slight decline in participation when compared to 2020 and 2021 participation rates. The decline is in line with our general observation that a higher number of 2022 graduates did not follow suggested best practices for bar preparation. That being said, prior to the last two summers, 2019 participation rates were the highest that we had seen since we began tracking B.E.S.T. participation.

#### B. B.E.S.T. Group Sessions / Substantive Review Sessions.

Six B.E.S.T. Group Sessions were held during the bar review period. During the first five sessions each, graduates answered a practice essay or Performance Test question under timed conditions and submitted the answers for review, individualized feedback, and a grade. The first five sessions included an optional debrief of the answer.

I would like to thank I would like to thank Professor Mai Linh Spencer for leading a special Evidence substantive review session in July. I would also like to thank Adjunct Professor Magi Lee for her assistance with the administration of the B.E.S.T. Essay Tutor Program this summer.

## II. AdaptiBar

The data show that as part of their post-graduation summer bar preparation, 219 out of an estimated 270<sup>1</sup> (81%) UC Hastings JD graduates utilized AdaptiBar, the largest database of released NCBE questions. The users answered 435 questions on average, with an average 63.0% accuracy rate, the lowest accuracy rate since the Class of 2019 made significant gains in first-time bar passage.

Last year, May 2021 graduates answered 607 questions on average, with an average 65.5% accuracy rate. Two years ago, May 2020 graduates answered 887 questions on average, with an average 66.2% accuracy rate. Three years ago, May 2019 graduates answered 725 questions on average, with an average 65.3% accuracy rate.

We believe that the decline in *usage* rates in 2022 compared to prior years may be attributable to the fact that, this year, more graduates than ever before enrolled in the Themis bar review course. (This explains only the decline in usage, not the decline in accuracy.) Themis includes a number of released NCBE questions in its program and this summer, Themis users also had access to UWorld, Themis' database of released NCBE questions. 127 Themis users utilized the UWorld database. On average, Themis users answered 424 questions, with an average 63.6% accuracy rate. Furthermore, 24 Themis users who did not use AdaptiBar during the prep period answered 493 UWorld questions on average, with a 67% accuracy rate; we do not yet have sufficient data to equate UWorld and Adaptibar accuracy data.

We suspect that the decline in overall accuracy is, in part, attributable to the fact that graduates did not have as much experience studying for and taking closed book exams as did similarly

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<sup>1</sup> The denominator is based on the number of names that appeared on the allocation list that the State Bar sent to the Registrar's Office prior to the administration of the exam. After results are released, we will update the data.

situated graduates in prior years. This is due to the fact that the Class of 2022’s second-semester of 1L year final exams were all take-home. Their 2L year was academic year 2020-2021, during which all required bar class finals were also take-home exams as part of the College’s pandemic response. Starting in academic year 2021-2022, the College resumed closed book and in-person exams in 1L and required bar classes. Graduates, across all GPA bands, reported during 1:1 advising sessions that they struggled to memorize and retain information due to the fact that they did not have sufficient experience studying for closed book exams during law school.

In addition, the Class of 2022 cohort took an unusually high percentage of required bar classes online. Though we need to do more statistical and qualitative analyses, we suspect based on anecdotal student reporting that at least some students had trouble staying engaged in online bar classes.

As in prior years, individualized messaging and advising was provided to graduates who were using AdaptiBar. Advising was tailored based on the graduates’ bar review company simulated MBE results and accuracy rates on AdaptiBar.

The following tables summarize the percentage of 2022 and 2021 graduates who answered at least 100 questions correctly on AdaptiBar, the average number of questions answered by those users, and the average number of questions answered correctly. The data is broken down by GPA, LEOP status, and bar review course company. The 2021 table reflects the data that we had collected prior to the release of bar results.

<b>ADAPTIBAR 2022</b>	<b>Total # Grads</b>	<b># grads &gt;= 100 Corr AB Qs</b>	<b>% grads &gt;= 100 Corr AB Qs</b>	<b>Avg # Qs Attempted</b>	<b>Avg # Correct Answers</b>	<b>Accuracy %</b>
<b>ALL STUDENTS</b>	<b>270</b>	<b>150</b>	<b>56%</b>	<b>601</b>	<b>380</b>	<b>63.2%</b>
GPA >= 3.0	226	125	55%	594	383	64.5%
GPA < 3.0	44	25	57%	634	361	56.9%
<b>LEOP</b>	<b>59</b>	<b>41</b>	<b>69%</b>	<b>720</b>	<b>441</b>	<b>61.2%</b>
LEOP GPA >= 3.0	44	30	68%	752	473	62.8%
LEOP GPA < 3.0	15	11	73%	633	354	55.9%
Themis	168	80	48%	515	328	63.7%
BarBri	89	66	74%	701	442	63.0%
Kaplan/Other	10	4	40%	661	384	58.1%

[Continue to next page.]

<b>ADAPTIBAR 2021</b>	<b>Total # Grads</b>	<b># grads &gt;= 100 Corr AB Qs</b>	<b>% grads &gt;= 100 Corr AB Qs</b>	<b>Avg # Qs Attempted</b>	<b>Avg # Correct Answers</b>	<b>Accuracy %</b>
<b>ALL STUDENTS</b>	<b>259</b>	<b>182</b>	<b>70%</b>	<b>713</b>	<b>468</b>	<b>65.6%</b>
GPA >= 3.0	205	151	74%	740	489	66.1%
GPA < 3.0	54	31	57%	579	366	63.2%
<b>LEOP</b>	<b>33</b>	<b>22</b>	<b>67%</b>	<b>647</b>	<b>420</b>	<b>64.9%</b>
LEOP GPA >= 3.0	21	17	81%	643	422	65.6%
LEOP GPA < 3.0	12	5	42%	661	415	62.8%
Themis	140	93	66%	672	434	64.6%
BarBri	103	79	77%	793	529	66.7%
Kaplan/Other	16	10	63%	461	304	65.9%

Although Barbri users utilized the resource extensively, fewer Themis users supplemented with AdaptiBar. As noted above, Themis, when compared to Barbri, includes more released questions in its bar review program and through its UWorld database.

As explained in more detail below, this year, the percentage of graduates with GPAs below 3.00 who answered at least 100 questions correctly on AdaptiBar was close to the percentage of similarly situated 2021 graduates who answered at least 100 questions correctly. However, the data show that overall accuracy rates are lower across all categories when compared to 2021 accuracy rates.

### III. Monitoring and Outreach

For the sixth summer in a row, UC Hastings received access to current graduates' commercial bar course completion data and thus was able to identify and direct support to struggling graduates. Graduates began receiving messaging regarding the importance of course completion during the spring semester. Throughout bar review, OASIS kept track of the course completion data for the graduates who indicated in the graduation exit survey that they intended to take the bar exam and reached out individually to the graduates who fell behind. After each company administered its simulated MBE, I reviewed the students' simulated MBE results and sent graduates individual messages based on their scores. Messages to graduates were also tailored based on whether they utilized AdaptiBar. This is one of the key bar success initiatives we adopted after 2016.

The following data summary show YoY course completion figures for the past six years. It is important to note that the early estimates may be distorted by persons who did not complete the bar review course work and may not have sat for the bar exam. Despite the fact the course completion average is slightly lower than it was in 2021, the data indicate that our messaging

about the importance of summer bar course completion continues to resonate with most of the graduates. May 2022 graduates, on average, completed 77.4% of their bar review course. In 2021, graduates, on average, completed the 81.2% of their bar review course.

Furthermore, 74% of Barbri users completed 75% or more of the course and 66% of Themis users completed 75% or more of the course. Kaplan completion numbers are down, but far fewer of our graduates used that course than in prior years, so we should not read too much into the limited data.

1) Barbri

Date	Completed $\geq$ 75% of Assigned Work
Final: July 26, 2022	66/89 = 74 percent
Final: July 27, 2021	83/103 = 81 percent
Final: October 5, 2020	131/158 = 83 percent
Final: July 31, 2019	124/175 = 71 percent
Final: July 24, 2018	105/148 = 71 percent
Compare: July 24, 2017	104/184 = 57 percent

2) Themis

Date	Completed $\geq$ 75% of Assigned Work
Final: July 26, 2022	111/168 = 66 percent
Final: July 27, 2021	109/138 = 79 percent
Final: October 5, 2020	48/64 = 75 percent
Final: July 31, 2019	29/38 = 76 percent
Final: July 24, 2018	25/40 = 63 percent
Compare: July 24, 2017	21/31 = 68 percent

3) Kaplan

Date	Completed $\geq$ 75% of Assigned Work
Final: July 26, 2022	2/5 = 40 percent
Final: July 27, 2021	6/12 = 50 percent
Final: October 5, 2020	10/19 = 53 percent

<b>Final: July 31, 2019</b>	<b>39/41 = 95 percent</b>
<b>Compare: July 24, 2018</b>	<b>32/43 = 74 percent</b>
<b>Final: July 24, 2017</b>	<b>16/22 = 73 percent</b>

#### IV. Comparison of 2022, 2021, 2020 and 2019 Data

Graduates with law school GPAs below 3.00 are most at risk when it comes to bar passage. This cohort represents roughly the bottom quartile. This summer, however, we observed that it was not just graduates in the bottom quartile who struggled to keep up with their assignments. There were graduates in all GPA bands who had trouble completing their course assignments. As noted above, during 1:1 advising meetings graduates reported that they lacked experience memorizing material and taking high stakes closed book exams. Anecdotally, graduates also reported that they contracted COVID during the prep period and that interfered with their studies.

Nevertheless, as in prior years, graduates with GPAs below 3.00 completed far less of their commercial bar review courses and attempted fewer AdaptiBar questions with less success. However, course completion rates and AdaptiBar usage rates for graduates in the below 3.00 GPA band are on par with completion and usage rates for 2021. During advising sessions, lower quartile graduates reported that they were struggling to balance personal responsibilities with studying. The graduates also reported that they lacked the necessary experience to study for and take a high stakes closed book exam.

The following data summary table reflects the final course completion figures for 2022, 2022, 2020, and 2019 for graduates with GPAs below 3.00. The table also indicates the percentage of graduates who answered at least 100 AdaptiBar questions correctly.

<b>GPA &lt; 3.00</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
<b>Completed &gt;= 75% of Assigned Work</b>	26/44 = 59%	29/52 = 56%	27/45 = 60%	34/50 = 68%
<b>Answered 100 + AdaptiBar Questions Correctly</b>	25/44 = 57%	31/54 = 57%	33/49 = 67%	34/59 = 58%

#### V. LEOP Performance

Similar to last year, overall course completion rates were down for LEOP graduates when compared to the course completion rates for the entire class. Importantly, however, LEOP graduates utilized AdaptiBar at higher rates when compared to non-LEOP graduates. Director

Elizabeth McGriff, Associate Director of Academic and Bar Support for LEOP Richard Sakai, former Associate Dean Stefano Moscato, and I messaged and advised LEOP graduates throughout the prep period. We provided tailored advice and followed up with graduates to ensure that they had access to all available resources and support. Additionally, Richard, Adjunct Professor Catalina Lozano, and I provided individual feedback on the graduates' essays and PT answers as part of B.E.S.T. Those working with Richard Sakai also had the opportunity to meet with him 1:1 throughout the bar review period.

The following table summarizes course completion and the percentage of graduates who answered at least 100 AdaptiBar questions correctly by GPA for LEOP graduates.

<b>LEOP Performance 2022</b>	<b>All GPA</b>	<b>GPA &lt; 3.0</b>
Completed $\geq$ 75% of Assigned Work	33/59 = 56%	8/15 = 53%
Answered 100 + AdaptiBar Questions Correctly	41/59 = 69%	11/15 = 73%

## V. Alumni and Faculty Mentor Programs

All May 2022 graduates were offered the opportunity to participate in the Faculty Bar Mentor Program and the Alumni Bar Passage Mentor Program. The alumni mentors' primary functions were to offer the graduates support and encouragement and to check in with the graduates throughout bar review. 89 graduates signed up to participate in the alumni mentor program. The faculty mentors were available to provide emotional support and to answer substantive questions. 96 graduates signed up to participate in the faculty mentor program. I would like to thank the faculty and staff who served as mentors.<sup>2</sup> I know that there are many who mentor outside of the College's official programs and I would like to thank those mentors as well.

## V. Advising with Academic Skills Lecturer Margaret Greer

Throughout bar review, graduates met with me individually to discuss bar exam related questions, to seek advice regarding resources and study strategies, and to ask substantive questions. I met primarily with graduates who had fallen behind and needed assistance with restructuring their schedules and graduates who were struggling with memorization and fatigue from studying online.

As part of the course completion monitoring, we look at the number of essays, PTs, and MBEs that the students have completed. This year, we will continue to advise students about the

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<sup>2</sup> Paul Belonick, Binyamin Blum, Matt Coles, Heather Field, Jennifer Freeland, Nira Geevargis, Angie Gius, Brittany Glidden, Miye Goishi, James Higa, Phil Ingram, David Jung, Nick Keats, Chimene Keitner, Rory Little, Mario Lopez, Elizabeth McGriff, Stefano Moscato, Emily Murphy, John Myers, Dave Owen, Ascanio Piomelli, Mike Quinn, Dorit Reiss, Lois Schwartz, Chip Selan, Jodi Short, Gail Silverstein, Mai Linh Spencer, Tori Timmons, Yvonne Troya, Jessica Vapnek, Mallory Warner, Laura Wilson-Youngblood, and Miguel Zavala.



importance of course completion and the utilization of supplemental resources such as AdaptiBar, UWorld, and the B.E.S.T. Essay Tutor Program.

## VII. Campus Resources and Support

### A. Online and Library Resources

During bar review, the graduates had access to a variety of study aids and resources that they could access online and through the Library. Examples of the online resources included the Prior Bar Lectures and Workshops Canvas page, the Bar Passage Support intranet page, the Bar Passage Support Resources webpage, which includes the [Bar Exam Memorization Tips and Resources MyHastings page](#), and the Bar Passage Success Stories and Strategies blog.

The Canvas page is a database of bar exam skills workshops, bar prep presentations, and bar subject refresher lectures. The recordings cover a range of topics, including how to deal with the stress of bar review and the bar exam, how to write a passing bar exam essay, and how to systematically answer MBE questions. The B.E.S.T Group Session recordings were posted on the Canvas page too.

The Library's California Bar Exam resources (<http://libguides.uchastings.edu/ca-bar-exam>) include an online database of released California Bar Examination essay questions and selected answers. Also, the Library secured a series of online Aspen Learning Center Study Aids that graduates were able to access this summer. Graduates were also able study on campus throughout the bar prep period.

### B. Financial Support: Alumni Bar Prep Support Scholarship Fund.

Thanks to the generous support of UC Hastings alumni, we were able to ease some of the financial burden that the graduates experience by offering financial assistance through the Alumni Bar Prep Support Fund. We awarded scholarships, in amounts ranging from \$250 up to \$1,000, to 40 graduates.

### C. Supplemental Study Resources – Coupon Codes

Graduates were provided with coupon codes for BarEssays.com, and Critical Pass Flashcards. BarEssays.com is an online database of actual, graded CA Bar Exam essay answers. With the resource, graduates can see what a 50, 55, 60, 65, 70, 75 in each essay subject actually look like. Graduates can also review practice essays by comparing their answers to the actual, graded 70 answer, for example. Critical Pass Flashcards are an MBE resource that a number of graduates have reported as being a useful study aid.

#### D. Carbon Health Sessions

Assistant Dean of Services Grace Hum and the Student Services team arranged for Carbon Health to lead a virtual bar-exam support group to help graduates learn cognitive behavioral therapy skills to help manage stress and anxiety while studying for the bar exam.

## 4.4 – Employment Update

By Assistant Dean Amy Kimmel

This report covers employment-related topics: (I) Class of 2021 employment outcomes snapshot; (II) implementation of the new Professional Development Program; (III) clerkships and (IV) education regarding job searches in changing market conditions.

### I. Class of 2022 Employment (Year-Over-Year Data)

In 2020, we started capturing employment data for the graduation class at the start of every month on our graduate tracking sheet. Our graduate tracking sheet includes anyone who has not given us all the information required for reporting so it is possible that a grad's status may change between now and the March 2023 reporting deadline for Class of 2022 employment. Additionally, size of the Class of 2022 is not confirmed because August graduates are still being processed, so our total class size may change. While the below numbers represent a possible year-over-year (YoY) improvement, the differential with last year may not be as dramatic as it appears. We categorize graduates as “unemployed” until we receive full data.

- August 1, 2022: 134/310 (43% are unemployed and/or we do not have complete data on their employment status)
- August 2, 2021: 207/298 (69% are unemployed and/or we do not have complete data on their employment status)
- August 3, 2020: 190/285 (67% are unemployed and/or we do not have complete data on their employment status)

### II. Professional Development Graduation Requirement

We have launched our newly approved co-curricular Professional Development Graduation Requirement (PD Program) for our incoming 1L class.<sup>1</sup> New Academic Regulation 708 states:

**Professional Development Requirement.** Every JD student is required to timely complete the Career Development Office (CDO) Professional Development Program, a three-year program of engagement with career programming and development. To meet the requirement, students must attend the required number of programs or events each year and produce a professional development plan that is approved by the CDO. Students who are unable to meet the requirement in any given year must meet with the Assistant Dean for the CDO, or with the designee of the Assistant Dean for the CDO, to develop an alternative compliance plan. In extraordinary circumstances, the Dean of Students has the authority to waive this requirement as a condition of graduation for students who were unable to meet it.

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<sup>1</sup> The faculty approved an academic regulation codifying this requirement on April 8, 2022. The requirement does not apply to the Class of 2023 or the Class of 2024.

During 1L year, students are required to have 10 touch-points with our office. Six of these will be earned through participation in the 1L Essentials program. The mandatory elements of 1L Essentials are listed below.

- Roadmap to the Legal Profession (Orientation): Canvasses varied legal careers.
- Cultural Competency with Beyond Binary Legal (Aug. 29): Responds to new ABA Standard 303 requiring cultural competency and elimination of bias training, focusing on gender identity.
- Job Search 101 (Sept. 12): Explains how to search for internships and jobs.
- Written Job Application Materials (Sept. 19): Trains students to write effective resumes and cover letters.
- Networking/Informational Interviews (Sept. 26): Introduces networking techniques.
- Academic Planning for 2L and 3L (Spring): Links career planning and curricular choices.

1L students will earn the remaining four sessions by attending the following:

- Two more CDO sponsored events of their choosing.
- One individual meeting with CDO after mid-October, which is currently required of 1Ls.
- One individual meeting with Student Services for academic planning in which they should complete the academic planning handout.

1L students must fulfill the above requirements prior to registering for 2L fall classes. Attendance will be tracked. The exact contours of the requirement may change from year-to-year as the College assesses and continuously improves the PD Program.

### III. Clerkships

The CDO is actively reviewing and improving the support and resources dedicated to post-grad clerkships. To that end, we are meeting with alums in August to brainstorm how best to support students interested in post-grad clerkships and develop strategies to boost clerkship outcomes for our graduates. We have a new Public Interest/Public Sector Counselor joining this month and we will be working together to increase our workshops and services devoted to clerkships.

### IV. Market Conditions

While the legal employment market remains strong, we are mindful of possible future economic uncertainty, especially with increased class sizes. We will orient students through advising and programming to the role of market factors in their job search; the importance of a diversified job search (in both geography and sector); the value of and path to obtaining clerkships; and the importance of networking. These themes will be reinforced through programming throughout the year.

Relevant programs include the Alumni Mentor and Mock Interview Programs and Small and Midsize Firm Week. (In an uncertain market, big law jobs are likely the first to contract. The July 2022 Alumni Mock Interview Program matched a record number of students (almost 90) with mock interviews to prepare for OCI. This fall, the Alumni Mentor Program will increase

the number of student organizations it partners with (nine practice-based student organizations). Last year's inaugural Small and Mid-Size Firm Week successfully introduced students to the range of jobs available outside of big law and provided networking opportunities. Many students reported following up with practitioners they met through the events both for informational interviews and job interviews.

## 4.5 – Cal Poly 3+3

### By Provost & Academic Dean Morris Ratner

A key element of the March 2020 Operational Strategic Plan is Initiative 3.2.1.2 (“Create new institutional partnerships to complement existing partnerships...”). Toward that end, and as indicated in prior reporting attached as Exhibit A, UC Hastings entered into a 3+3 agreement with California Polytechnic State University (“Cal Poly”) aimed at fostering greater exchange between our institutions.

A 3+3 agreement allows participating students who meet admissions criteria to complete both their undergraduate and law degrees in six rather than seven years, saving students tuition and reducing debt burdens. The Cal Poly 3+3 is based on the form of the 3+3 agreement with Spelman College that the faculty and Board recently approved. Pursuant to the new agreement with Cal Poly attached as Exhibit B, Cal Poly undergraduates can earn their BA and a JD from Hastings in just six years rather than seven because Cal Poly will accept the credits earned during the 1L year as counting toward the undergraduate degree. This is a concurrent (or “dual”) degree program, not a joint degree, meaning that the Cal Poly and UC Hastings degrees are separately conferred.

## 4.6 UC Hastings/Cal Poly 3+3 Draft

**By Provost & Academic Dean Morris Ratner**

A key element of the March 2020 Operational Strategic Plan is Initiative 3.2.1.2 (“Create new institutional partnerships to complement existing partnerships...”). Toward that end, we have engaged in discussions with California Polytechnic State University (“Cal Poly”) aimed at fostering greater exchange between our institutions. These conversations grew out of an initial meeting with UC Hastings Chancellor & Dean David Faigman and Cap Poly President Jeffrey Armstrong.

Attached as Exhibit A is a draft of a 3+3 agreement between UC Hastings and Cal Poly. It is based on the form of the 3+3 agreement with Spelman College that the faculty and Board recently approved. Pursuant to this agreement, Cal Poly undergraduates (initially from the Political Science Department) can earn their BA and a JD from Hastings in just six years rather than seven because Cal Poly will accept the credits earned during the 1L year as counting toward the undergraduate degree. This is a concurrent (or “dual”) degree program, not a joint degree, meaning that the Cal Poly and UC Hastings degrees are separately conferred.

We are finalizing the agreement now. The Cal Poly Political Science faculty have approved it in concept. At the October 22, 2021 faculty meeting, the UC Hastings faculty also approved the agreement in principle. Once we have a final signed agreement, we will seek faculty approval to add relevant terms to our Admissions Policy Statement (through the Admissions Policy Committee). We will also present the final agreement for the Board’s review. The first Cal Poly 3+3 students would be eligible to matriculate in Fall 2023.

In addition to this 3+3 program, we are discussing other concurrent degrees (e.g., involving non-JD master’s degrees), a speaker series (with David Faigman serving as the inaugural speaker at Cal Poly), and other forms of academic and scholarly exchange.

**ARTICULATION AGREEMENT**  
**BY AND BETWEEN**  
**UNIVERSITY OF CALIFORNIA HASTINGS COLLEGE OF THE LAW**  
**AND**  
**CALIFORNIA POLYTECHNIC STATE UNIVERSITY**

This Articulation Agreement (“Agreement”), made and entered into as of <sup>07/12/2022</sup>\_\_\_\_\_, 2022 by and between University of California Hastings College of the Law (“UC Hastings Law”) and California Polytechnic State University (“Cal Poly”) establishes a 3+3 B.A./J.D. Program (“3+3 B.A./J.D. Program”) beginning with the 2022-2023 application cycle in which after three years of work at Cal Poly and subject to the conditions outlined below, a student will be eligible for admission to UC Hastings Law for completion of the J.D. degree after three years as defined by UC Hastings Law. Each student in this 3+3 B.A./J.D. Program will be awarded a bachelor’s degree by Cal Poly after successful completion of the first year of the 3-year full-time J.D. program at UC Hastings Law.

The parties agree as follows:

**I. 3+3 B.A./J.D. Program**

1. Cal Poly will advise qualified students about the opportunity to apply for and the benefits of the 3+3 B.A./J.D. Program with an anticipated start at UC Hastings Law in the Fall 2023 term.
  - a. The 3+3 B.A./J.D. Program will only be open to those applicants who enter as freshmen and complete all three years of their undergraduate work at Cal Poly. If a student applies to UC Hastings in their third year and is not accepted into the accelerated program by Hastings, they would continue the fourth year of their undergraduate education at Cal Poly. Their progress to degree completion for the B.A. would not be affected.
  - b. Students participating in the 3+3 B.A./J.D. Program will be enrolled in a full-time course of study at Cal Poly for the first three years of the Program, and will be considered full-time students of Cal Poly. During the first three years of the Program, students will be subject to the policies and procedures of Cal Poly. UC Hastings Law will not provide institutional aid to students unless and until they are enrolled at UC Hastings Law.
  - c. Upon matriculation at UC Hastings through this 3+3 B.A./J.D. Program, students are considered full-time students of UC Hastings Law, and will be subject to the policies and procedures of UC Hastings Law. Cal Poly will not provide institutional aid to students once they are enrolled at UC Hastings Law. Students will be considered for institutional financial aid during the application process with UC Hastings Law to the same extent as students at UC Hastings Law who are not participating in the 3+3 B.A./J.D. Program.



- d. UC Hastings Law shall, in accordance with applicable laws, notify Cal Poly at the end of each academic year of the students in the 3+3 B.A./J.D. Program who have successfully completed their first year of full-time study at UC Hastings Law and will send an official transcript recording that first year of study to Cal Poly. Upon receipt of the transcript, Cal Poly shall award those students their bachelor's degree in accordance with Cal Poly's standard procedures. UC Hastings shall also notify Cal Poly at the end of each academic year of the students who have not successfully completed their first year of full-time study at UC Hastings Law and will send an official transcript of the work that has been completed.
- e. During their first year at UC Hastings, Cal Poly students would receive "placeholder" units on their Cal Poly transcripts similar to study abroad students, which allows those students to remain affiliated with Cal Poly while they wait for their Bachelor's degree to be awarded. This also provides students with the ability to return to Cal Poly to complete their degree requirements without having to reapply in the event that they fail to complete their first year of law school.
- f. Cal Poly also agrees to implement the following plan to carry out the accelerated program:
  - i. Cal Poly will develop Pre-Law recruiting materials (e.g., web content, print pieces, etc.) and list the affiliation with UC Hastings Law. Prior to dissemination, Cal Poly shall provide UC Hastings Law with a copy of such recruiting materials for review and comment as to the description of the affiliation.
  - ii. Cal Poly will provide an option for its applicants to identify interest in the 3+3 B.A./J.D. Program beginning with the 2022-2023 application cycle.
  - iii. Cal Poly will send the list of interested students who will meet Cal Poly's graduation requirement with only one additional year as a UC Hastings Law first-year student to the Director of Admissions at UC Hastings Law by October 31 of the year prior to anticipated matriculation at UC Hastings Law. UC Hastings Law will not independently verify that students whose names have been provided by Cal Poly and who apply to the 3+3 program will have completed all required coursework at Cal Poly.
2. UC Hastings Law will vet candidates for the 3+3 program pursuant to its usual admissions standards and will determine whether to admit them in its sole discretion.
3. Students who successfully earn a JD at UC Hastings Law will receive the degree from UC Hastings. This 3+3 B.A./J.D. Program is not a joint degree. The UC Hastings Law degree is separately conferred by UC Hastings Law, not jointly with Cal Poly. The Cal Poly degree is degree is separately conferred by Cal Poly, not jointly with UC Hastings Law.

## II. Program Terms

1. UC Hastings Law will use all reasonable effort to gain required internal approvals needed to implement this 3+3 B.A./J.D. Program such that the first student(s) may matriculate at UC Hastings Law in Fall 2023.
2. Following acceptance to UC Hastings Law, Cal Poly students will be required to notify UC Hastings Law of any material change to the accuracy and completeness of the information contained in their application prior to their enrollment and matriculation at UC Hastings Law.
3. Either party to this Agreement may cancel it with six months' written notice to the other party; however, any student who is enrolled in this 3+3 B.A./J.D. Program at Cal Poly at the time of said cancellation shall be entitled to any rights or privileges provided under the terms of this Agreement and the same will be honored by both Cal Poly and UC Hastings Law.

### **III. Miscellaneous General Terms**

1. Upon the execution of this Agreement, each party shall use its reasonable efforts to publicize the 3+3 B.A./J.D. Program.
2. Cal Poly shall have the exclusive authority to determine any entrance criteria for students seeking admission to Cal Poly. UC Hastings Law shall have exclusive authority to determine any entrance criteria relating to admission to UC Hastings Law.
3. The "term" of this Agreement begins on the Effective Date and continues for a period of five (5) years thereafter. The term may thereafter be extended in a written extension signed by authorized representatives of both parties.
4. **Governing Law; Jurisdiction.** This Agreement shall be construed and enforced in accordance with the laws of the State of California and the parties hereby submit to the exclusive jurisdiction of the courts located in the Northern District of California for litigation of any disputes arising under this Agreement.
5. **Entire Agreement; Modification.** This Agreement contains the entire agreement between the parties and cannot be amended or modified, except in a writing signed by both parties. The parties shall not be bound by any agreements, conditions, or representations not contained in this Agreement.
6. **Nondiscrimination.** The parties agree to continue their respective policies of nondiscrimination based on Title VI of the Civil Rights Act of 1964 regarding sex, age, race, color, creed, and national origin, Title IX of the Education Amendments of 1972 and other applicable laws, as well as the provisions of the Americans with Disabilities Act. The parties further agree not to discriminate against students based on sexual orientation, gender identity, veteran status, or any other status protected by federal, state, or local law. The parties agree to cooperate in any investigation of claims of discrimination or harassment.

7. **Assignment.** Neither UC Hastings Law nor Cal Poly may assign this Agreement without the prior written consent of the other party.
8. **Severability.** The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions of this Agreement, and this Agreement shall be construed in all respects as if such invalid or unenforceable provision was omitted.
9. **Authority.** Both parties represent and warrant that (i) each has the respective corporate or other power and authority to enter into this Agreement and to perform its obligations hereunder; (ii) the person who executes this Agreement on behalf of each of UC Hastings Law and Cal Poly, respectively, has the necessary authority to bind UC Hastings Law and Cal Poly; and (iii) neither the execution and delivery of this Agreement, nor the performance of its obligations hereunder, will constitute a violation of, a default under, or conflict with any term or provision of its respective certificate of incorporation, by-laws or other agreements to which it is bound.
10. **Counterparts; Facsimile, and Electronic Signatures.** Provided that all parties execute a copy of this Agreement, this Agreement may be executed in counterparts, each of which shall constitute an original, and all of which together shall constitute the same document. This Agreement may be executed by the parties and transmitted by facsimile or electronic transmission, and, if so executed and transmitted, shall be effective as if the parties had delivered an executed original of this Agreement.
11. **Notices.** All notices and other communications about this Agreement shall be in writing and shall be deemed duly to have been given if personally delivered to the other party, sent by facsimile, or if sent by the United States Postal Service certified mail, return receipt requested, postage prepaid or by Federal Express, United Parcel Service, or other nationally-recognized overnight carriers. All notices or communications between UC Hastings Law and Cal Poly pertaining to this Agreement shall be addressed as follows:

If to UC Hastings Law:  
Provost & Academic Dean  
200 McAllister Street  
Office of Admissions  
San Francisco, CA 94102

With a copy to:  
UC Hastings Law Office of the General Counsel  
200 McAllister Street  
San Francisco, CA 94102

If to Cal Poly:  
Office of the Provost and Executive Vice President for Academic Affairs  
Administration Building, Room 305

San Luis Obispo, CA 93407

**Disclaimer:** Cal Poly is accredited by the WASC Senior College & University Commission (WSCUC) to award bachelor degrees. University of California Hastings College of the Law is accredited by WSCUC and the American Bar Association (ABA). Although Cal Poly agrees to accept certain course work from University of California Hastings College of the Law to be applied toward a degree from Cal Poly, that course work may not be accepted by other colleges or universities in transfer, even if it appears on a transcript from Cal Poly. The decision to accept course work in transfer from any institution is made by the institution considering the acceptance of credits or course work.

Either party may change its notification address by giving written notice to that effect to the other party in the manner provided herein. Notices shall be effective upon receipt.

IN WITNESS WHEREOF, the parties, intending to be legally bound, have caused this Agreement to be executed by their duly authorized representatives as of the date first indicated above.

By: *Morris Ratner*  
Morris Ratner (Jul 19, 2022 12:34 PDT)  
Morris Ratner  
Provost & Academic Dean  
  
UC Hastings Law

By: *Cynthia Jackson-Elmoore*  
Cynthia Jackson-Elmoore  
Provost and Executive Vice  
President for Academic Affairs  
Cal Poly

## 4.6 – Faculty Compensation

**By Chancellor & Dean David Faigman and Provost & Academic Dean Morris Ratner**

A separate report submitted to the Finance Committee addresses allocation of this year’s faculty compensation pool via a general salary adjustment (GSA) that applies to the base compensation “steps” for tenured/tenure-track faculty, long-term contract faculty, and lecturers. This report addresses (I) adjustments to the tenured and tenure-track faculty step scales unrelated to this year’s GSA; and (II) a change to the Tenured and Tenure-Track Faculty Base Compensation Policy the Chancellor & Dean administratively adopted in June 2019 and amended in July 2022 as described below.

### I. Step Changes

The College has “step” scales for ladder faculty used for automatic and merit-based compensation adjustments. The steps are described in an accompanying Finance Committee report. Prior to July 2022, the steps went from Step 1, the lowest step, to Step 9, after which there were “super grades” (additional smaller incremental increases in base compensation), and, at the highest level, a Distinguished Faculty step. In July, after notice to the faculty, the Chancellor & Dean (a) eliminated the super grades and instead created a Step 10 to capture the compensation increase for faculty in that range and (b) renamed the Distinguished Faculty step “Step 11.” Now, we have a clearer and simpler step system from Step 1 through Step 11. The changes to the portions of the compensation policy discussed below also make sense in light the step changes described in this paragraph. These changes did not impact any individual faculty member’s compensation and were instead made to rationalize our step scales.

### II. Distinguished Faculty Compensation

The Faculty Rules and Procedures define the rank of Distinguished Faculty at p. 17: “This is a senior tenured position of regular faculty with a national reputation and substantial experience in legal education. These appointments, whether they are of internal or external candidates, are subject to approval by the faculty and the Board of Directors.”

Previously, the practice at the College was that a current tenured faculty member elevated to the rank of Distinguished Faculty automatically progressed from the faculty member’s step at time of elevation to the highest step. The new policy caps step progression at the lesser of Step 11 or 2-3 steps above the faculty member’s compensation step at the time of elevation. The new text in Section II(D) on p. 1 of the attached updated policy is as follows: “A current faculty member who is elevated to distinguished faculty status will presumptively and automatically increase two steps or to Step 11, whichever is lower; however, in exceptional cases, the Chancellor & Dean has discretion to increase base compensation by up to three full steps.” Distinguished Faculty who progress to a step below Step 11 at the time of elevation can still progress to Step 11 at a later time, e.g., via merit awards. Chancellor & Dean adopted this policy change in July 2022, after Provost & Academic Dean shared a draft revision with the fully faculty for notice and comment.

The primary purpose of the change is to prevent perceived inequities connected to elevation to Distinguished Faculty, especially when so many accomplished faculty at the College have similar profiles in terms of scholarly productivity and impact. No current Distinguished Faculty are affected by this change. The change is prospective.

**BASE COMPENSATION**  
**Tenured and Tenure-Track Faculty**  
**[June 12, 2019]<sup>1</sup>**

**Section I: Authority and Scope**

- A. Pursuant to Board of Directors Standing Order 100.4(d), the Chancellor & Dean is authorized to determine compensation of employees, including faculty. With regards to faculty, that authority is subject to Board reporting and review, pursuant to Board of Directors By-Laws 8.1(a) and 8.2(h).
- B. This policy addresses base compensation. For tenured or tenure-track (ladder) faculty members, “base compensation” is a fixed amount that is derived from the rates contained in the faculty salary scales issued by the Chancellor and Dean’s Office. For faculty serving in formal administrative roles (e.g., as deans or as center or program directors), base pay also includes compensation associated with the administrative appointment, which is designated as either full-time or part-time.
- C. A separate “Additional Compensation Policy” addresses summer research stipends, grants, and other compensation.

**Section II: Pre-Tenure and Tenure Steps**

- A. “Faculty” are defined by the operative UC Hastings Faculty Rules and Procedures (“Faculty Rules”). This policy applies to tenured or tenure-track faculty, which includes “distinguished,” “regular” and “In-House Clinic” faculty members as defined in the Faculty Rules, Section III.
- B. An entry-level pre-tenure faculty member’s base compensation is the Associate Professor, Step 1 rate. The Chancellor and Dean has discretion to start entry-level, pre-tenure faculty at Step 2.
- C. Pre-tenure faculty who have the equivalent of at least three years, pre-tenure and on a tenure track, either as a result of working at UC Hastings or as a result of service credit recognized in their hire letter from another institution if hired as a lateral, are at Step 2 at the start of their fourth pre-tenure year.
- D. In the first year of tenure, each tenured faculty member should be automatically moved to Step 3, if they are not already hired at or above that rate as a lateral. A newly appointed lateral tenured faculty member will start at least at Step 3. A current faculty member who is elevated to distinguished faculty status will presumptively and automatically increase two steps or to Step 11, whichever is lower; however, in exceptional cases, the Chancellor & Dean has discretion to increase base compensation by up to three full steps.
- E. After a tenured faculty member reaches Step 3, additional step increases are the result of merit adjustments and are not automatic, with the exception of distinguished faculty appointment step increases mentioned in the preceding section.

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<sup>1</sup> Amended April 21, 2021 and July 7, 2022.



### **Section III: Step and Other Increases to Base Salary**

- A. Pre-tenure faculty are not eligible for base compensation increases except as indicated in Section II, above, or as part of a General Salary Adjustment (GSA).
- B. Tenured faculty are eligible for two types of base salary increases:
  - 1. GSA; and
  - 2. Merit Increases, including off-scale increases of fractions of a step.

### **Section IIIA: General Salary Adjustment (GSA)**

- A. The amount of the GSA increase is determined by the Chancellor and Dean, and approved by the Board.
- B. GSAs are not merit-based, and are applied consistently across an entire employee class, within the parameters established by the Board.

### **Section IIIB: Merit Increases**

- A. Eligibility and Funding;
  - 1. Merit increases are based on academic attainment and performance as determined pursuant to the standards and procedures set forth herein; they are not automatic.
  - 2. Merit increases may be made only within the limitations of available funds as determined by the Chancellor & Dean.
  - 3. Over time, and subject to variations in the cost of living, approximately half of the money available to adjust faculty salaries should be allocated to merit pay awards, as between GSAs and merit adjustments.
  - 4. Over time, merit pools will be allocated in reasonable proportion to the number of eligible faculty members of each of the following ranks: tenured/tenure-track and long-term contract faculty.
- B. Procedures:
  - 1. Notice, Application, and Burden:
    - a. In years where merit increase funds are available, the Chancellor and Dean shall make this known to faculty at the time of requesting their annual report, and shall invite them to include in their annual report an indication of whether they want to be considered for a merit increase.
    - b. This does not preclude the Chancellor and Dean from rewarding a faculty member with a merit increase even if they have not requested it.
    - c. Otherwise, the burden should be on the faculty member to ask for consideration and to make a convincing case for such an award.
  - 2. Relevant Time Period:
    - a. The period of evaluation shall be since the last merit increase or since the person's advancement to tenured status, whichever is later.
  - 3. Process:

- a. The Academic Dean shall review the annual reports every year, consulting with the Associate Dean for Research as appropriate on matters of scholarship. Based on that review, the Academic Dean shall make merit adjustment recommendations to the Chancellor and Dean on a confidential basis.
  - b. After reviewing that record, the Chancellor and Dean will make final decisions on which individual faculty members should receive merit pay step increases.
  - c. The Chancellor and Dean's decisions are not subject to further review on the merits, and are not circulated to faculty as a matter of course, except in the aggregate.
  - d. Merit increases will not be made outside of this process, except under extraordinary circumstances.
- C. Standards:
1. The standards to be applied to award merit pay are the same as the ones the faculty follows in its hiring and tenure decisions, which includes giving scholarship and teaching higher rank than service, though extraordinary service may be recognized.
  2. However, those standards set a floor, and faculty eligible for merit awards will be evaluated in comparison to each other.
  3. Distinguished Faculty are eligible for a merit increase, but they will be held to a higher standard than other tenured faculty once they reach Step 11.
- D. Amounts:
1. A merit increase may range from a fraction of a step to multiple steps.
  2. Normally, a merit increase will be a half step or a step, depending on the funding amount and the number of eligible persons.
  3. In exceptional circumstances, a merit adjustment can be more than a full step.
- E. Reporting:
1. An aggregate summary of merit increases shall be distributed to faculty after merit adjustments have been awarded.