



UC HASTINGS COLLEGE OF THE LAW

**Educational Policy**

November 12, 2020

# Educational Policy Committee Meeting (Open Session)

Nov 12, 2020 9:00 AM PST

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**UNIVERSITY OF CALIFORNIA  
HASTINGS COLLEGE OF THE LAW  
BOARD OF DIRECTORS  
MINUTES OF AUGUST 20, 2020 MEETING OF THE EDUCATIONAL POLICY  
COMMITTEE—OPEN SESSION**

Due to the COVID-19 pandemic and the Shelter-in-Place order by the City and County of San Francisco, the meeting was held virtually, via the Zoom video conferencing platform. The public notice of this meeting is linked here: <http://www.uchastings.edu/board>.

1. Roll Call

The Chair called the meeting to order at 9:05 a.m., and the Secretary called the roll.

Committee Members Present

Director Simona Agnolucci, Chair  
Director Tom Gede  
Director Claes Lewenhaupt  
Director Mary Noel Pepys  
Director Chip Robertson

Committee Members Absent

Director Andrew Giacomini

Staff Presenting

Chancellor & Dean David Faigman  
Provost & Academic Dean Morris Ratner  
Chief Financial Officer David Seward  
General Counsel & Secretary to the Board John DiPaolo  
Executive Director of Operations Rhiannon Bailard  
Director of Bar Passage Support Margaret Greer  
Assistant Chancellor & Dean/Chief of Staff to the Chancellor & Dean Jenny Kwon  
Assistant Dean for Academic Skills Instruction & Support Stefano Moscato  
Senior Assistant Dean of Enrollment Management June Sakamoto  
Associate Dean for Research Jodi Short  
Associate General Counsel Laura Wilson-Youngblood  
Chief Communications Officer Sybil Wyatt

2. Public Comment

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

3. Action Item: Approval of Minutes - May 14, 2020

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

4. Report of Provost and Academic Dean Morris Ratner

Provost & Academic Dean Morris Ratner introduced several faculty members either new to the College or in new roles, including Professor Jodi Short, the new Associate Dean for Research, and Clinical Professor Gail Silverstein, who will be Associate Dean for Experiential Learning. He also stated that Professor Abe Cable, head of the Business Law Concentration, has agreed to be the Faculty Director of Online Education, and that Professor Jared Elias will replace Jaime King as Bion Gregory Chair in Business Law. Dean Ratner stated that distinguished faculty are now expected to demonstrate that they will maintain their distinguished level of scholarship before being given a funded distinguished chair, and that all three faculty members in that status now have done so and have been awarded funded chairs.

Dean Ratner identified start-of-academic-year priorities under the Operational Strategic Plan. He indicated that areas of high priority focus include maintaining and improving the quality of instruction, innovating in the online environment; continuous improvement with regard to student outcomes (bar passage and employment); and scholarly excellence. He noted that the Strategic Plan focused on developing community as a strategic goal, which continues to be a pressing goal in the virtual environment. He further noted that the College's goals include maintaining fiscal health, and that the College is looking to update tenure and faculty policies and to continue to grow online course offerings after the conclusion of the pandemic.

4.1. Pandemic and the Academic Program - Course Schedule and Campus Life

Dean Ratner provided an overview of the academic program during the pandemic. The Committee asked whether the College had thought of having hybrid options for a single course, with an online sign-in option and an in-person option. Dean Ratner indicated that this had been considered and that faculty were planning to use it as the primary model before public health conditions and guidance prompted a pivot to more fully online instruction during the pandemic. He stated that Executive Director of Operations ("EDO") Rhiannon Bailard has been the point person working with public health authorities on options for reopening.

For the spring semester, the College will have as much programming in person as possible. Ms. Bailard stated that San Francisco officials indicated on Wednesday that the city will be removed from the state's watchlist. The College's understanding had been that after 14 days off the watchlist, more in-person activities will be allowed. However, after meeting with San Francisco Department of Public Health ("SFPDH"), Ms. Bailard learned that the Department will be releasing guidance on Friday that will decouple reopening issues from the watchlist. She anticipates that guidance will limit indoor activities to those approved by SFPDH, with no in-person classes inside unless those classes cannot be taught online. SFPDH has indicated that this will be the final guidance issued pending the development of a COVID-19 vaccine. Essentially,

the expected guidance will be much more restrictive than previously anticipated. The College plans to argue at the very least that its clinical courses constitute training for essential services.

Dean Ratner stated that in the spring 2020 semester, the College mostly focused on what he called “instructional continuity.” Now, faculty are focused not just on continuity, but on “instructional excellence” in the online space. The College has a staff member in every classroom making sure that the online instruction rollout is smooth.

The Tower is half occupied, and the College is doing its best to create a virtual community for Tower residents and to enrich the experience of students, particularly to make sure 1Ls feel bonded. The Committee asked whether there has been further discussion with the students in the Tower about their leases. Chief Financial Officer David Seward stated that the College has a list of 12-15 students who want to get out of their leases and vacate the Tower, which is currently operating at 51% occupancy.

#### 4.2. Ranking Analysis<sup>1</sup>

Dean Ratner stated that the US News & World Report (“USNWR”) ranking will be discussed with Board at the next full Board meeting. He provided an overview of Hastings’ statistical analysis of the 2021 ranking to the Committee. He noted that it is difficult to move the needle in any area in which the College is punching above its weight. The College is punching below its weight (as of 2018, the year measured in the current USNWR ranking) in placement success, percent employed 10 months out, percent employed at graduation, and bar passage success. Dean Ratner noted that the College’s placement and bar numbers improved in 2019, and that those outcomes will be part of the 2022 USNWR ranking.

#### 4.3. Bar Update

Dean Ratner provided an update on the Bar exam. Dean Ratner pointed out that Chancellor & Dean David Faigman’s efforts helped to achieve a lowering of the California Bar Exam cut score from 1440 to 1390, still the second-highest in the country. According to Dean Ratner, Dean Faigman was also advocating for law graduates to obtain clarity on provisional licensing. Dean Ratner indicated that the next administration of the Bar exam, originally scheduled for July 2020, is now scheduled for October 5-6, 2020, and will be a virtual exam with virtual proctoring. The risks to Bar passage outcomes for Hastings include a disrupted last semester and disrupted Bar study cycle given that the exam date moved from July to September, and then from September to October, and variable levels of 2020 graduate Bar study engagement.

Director of Bar Passage Support Margaret Greer stated that uncertainty regarding the exam date and format has been highly stressful for students. Ms. Greer said that a majority of graduates are doing everything that they can to pass and that the lowered cut score does not materially change the way they need to prepare. One-on-one support has been a large part of the work that the College’s Bar passage support team has been doing this cycle, including providing tailored advice based on what resources students are using with what frequency on an individual

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<sup>1</sup> Addressed out of order immediately preceding Agenda item 5.

basis. She said that half of graduates who are taking the Bar exam have submitted at least one essay. Faculty have been sending messages of support to students.

The Committee asked if there is anything that Hastings can do to provide space on campus for students to take the Bar exam. Dean Ratner responded that the College will be seeking clarity from the San Francisco Department of Public Health about whether it can have students on campus to take the exam. He said that the College surveyed graduates and there are 47 who say that they need a quiet space to take the exam. If the College is unable to provide that space on campus, then it may be able to support graduates with funding for a space. He also indicated that the State Bar has a mechanism for applicants to notify the Bar if they need a quiet space to take the exam and the Bar may work to accommodate those requests as well. Associate Dean for Academic Skills Instruction & Support Stefano Moscato stated that the College raised \$35,000 from alumni for Bar support for its graduates, which it distributed. The College is considering renewing the funding push if it turns out that it cannot accommodate students in College buildings for Bar exam purposes.

The Committee asked whether there will be an effort by the Bar to expedite review of the exams. Dean Ratner responded that the College is not aware of any intention by the Bar to expedite grading. Dean Faigman stated that the Bar expects grading to be done in the middle of January. The Committee asked how other law schools are handling these disruptions to the normal Bar process. Dean Ratner stated that in 2016 when the College's Bar results decreased, it was treating Hastings graduates like Berkeley and UCLA treat their graduates, rather than enhancing efforts to meet with the special needs of Hastings own students. Measures taken since 2016, plus the tailored support Director Greer and her team have provided, are the measures necessary to mitigate Bar risk. The College's bar success initiatives provide the heightened support Hastings graduates need to succeed, but the College's statistical analyses suggest that Hastings graduates are more vulnerable to surprises than graduates of other top-ranked law schools.

Dean Ratner also provided an update on 2020 employment. He received a report from Assistant Dean of Career Development Amy Kimmel last week, with a set of initiatives to boost employment outcomes given the difficult COVID-19 environment.

#### 4.4. Admissions Report

Senior Assistant Dean of Enrollment Management June Sakamoto provided a written report regarding admissions. Dean Ratner indicated that the College has a large 1L class, a large MSL class relative to prior years, and a small LLM class. Dean Sakamoto stated that the College typically experiences melt between orientation and the first days of classes. This year, the College had two students melt through orientation, while last year it had four students melt through orientation. The feedback from students regarding the Zoom orientation has been extremely positive.

#### 4.5. Scholarship Report

Dean Ratner introduced this item and indicated that he wants to make this an annual report to the Board. Associate Dean for Research Jodi Short provided an overview of scholarship at Hastings. She said that scholarship is important to the mission of Hastings, especially given that it is a public research institution that distributes the research it generates to the community for free. The College's faculty scholarship leads to high profile roles in assisting with development of new policies and laws, testimony before Congress and consulting with judges and policymakers. She also noted that peer reputation accounts for 25% of the US News score, meaning that Hastings' scholarly reputation matters a great deal in its overall ranking. She said that peer rankings on scholarship consistently punch above Hastings overall ranking. Each faculty member produces an average of 2-3 scholarly works per year, in a diverse range of areas. She identified citation counts as an area for improvement. US News will include this as a new metric in rankings this year. She is working with Areca Smit in Communications on a colloquium for faculty to educate them on how to promote their scholarly works through social media.

The Committee requested that a monthly round-up of faculty scholarship at Hastings be distributed to them. The Committee also asked about the new citation count metric for U.S. News purposes, and whether the College has a sense of where it stands relative to peers on that metric. Dean Ratner responded that the citation count is a new specialty metric and that Hastings' relative position is not where it wants to be, currently.

#### 4.6. Racial Justice Update<sup>2</sup>

Dean Ratner presented to the Committee regarding the College's racial justice initiatives. He noted that the Black Law Students Association and the Rainbow Coalition presented requests to the College. The College has made progress on racial justice initiatives. It now has three employees whose job includes promotion of diversity, equity, and inclusion. The Center for Racial and Economic Justice started before the national focus on these issues but has seen an increase in activity recently. The Center hired a number of affiliated scholars to help faculty teach race issues embedded in the College's traditional course offerings. Additionally, the College has added anti-bias resources to its campus resources and trainings for students and faculty. There will be a Board and Key Issues retreat on racial equity and justice in the coming months. The Committee asked about the possibility of doing an exchange with professors of HBCU law schools, which Dean Ratner will explore.

#### 5. Action Item: Adjournment

The Chair adjourned the open session at 10:00 a.m.

#### 6. Approval of Minutes - May 14, 2020, Closed Session

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<sup>2</sup> Presented out of order after 4.1

The Committee then entered closed session for the sole purpose of approving the minutes of its May 14, 2020 closed session. The Chair called for a motion to approve the minutes. Upon motion made and seconded, the minutes were approved. The Chair adjourned the meeting at 10:05 a.m.

Respectfully Submitted,

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John K. DiPaolo, Secretary



## 4.1 Pandemic Response and Academic Planning

By Academic Dean Morris Ratner

The College started the Fall 2020 term remotely, and relevant public health guidance has required instruction and other academic program services to remain mostly online with a few exceptions noted below. Chancellor & Dean David Faigman has determined that, barring a major change such as the availability of an effective vaccine or changes in public health guidance, Spring 2021 classes will also start online, though we have prepared a schedule that can be adjusted to include in-person elements if conditions permit us to do so. Regardless, students will have the option to remain fully-online in Spring 2021, and final exams next semester will be administered remotely. Because of the online option in Spring 2021, the earliest term by which the College could fully resume normal in-person academic program operations is the 2021 summer session.

### I. The Fall 2020 Academic Program

The academic program includes, among other things, faculty research and education and professional development of our students, including our curriculum (for-credit instruction) and student facing departments such as Student Services, the Career Development Office (“CDO”), and the Office of Academic Skills Instruction and Support (“OASIS”), which provide a mix of 1-1 advising, co-curricular (not-for-credit), and other programs. So far this academic year, the College’s academic program has been administered mostly virtually.

#### A. Instruction

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

Since Dean Faigman's July 1 announcement that most classes would be offered online, the San Francisco Department of Public Health (“SFDPH”) has sharply limited use of campus facilities. The SFDPH Health Officer regularly issues directives posted on [this page](#), including directives addressing higher education. The latest Higher Education Programs [Directive 2020-22d](#) was issued October 27, 2020. Exhibit A to the Directive spells out limitations on use of facilities for academic program purposes. Section 1.8 states generally with regard to use of facilities:

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<sup>1</sup> The Council of the American Bar Association Section of Legal Education and Admissions to the Bar (Council) is recognized by the United States Department of Education (USDE) as the accreditor of JD programs. In its role as the “accreditor” and “approver” of law school programs, the Council has been promulgating and enforcing standards for nearly a century. The Standards contain the requirements a law school must meet to obtain and retain ABA approval. ABA Standards currently allow ABA-accredited law schools to offer no more than one-third of the credits necessary to earn the JD via distance education.

Higher Education Programs may permit individual students to use facilities in control of the Higher Education Program if all of the following requirements are met: (1) the student requires access to the facility due to the need for access to specialized equipment or space that is not available outside (such as a music practice room or fine arts studio); (2) only one person is permitted access to the facility at a time, by appointment; (3) a Face Covering must be worn in the facility at all times unless it must be removed to perform a specific task, such as eating, drinking, or playing a wind instrument; (4) the facility is cleaned and disinfected between each use; (5) where feasible, the facility is aired out between each use, such as by opening windows or doors; and (6) use of the facility must be staggered to permit at least one hour between uses.

Section 2.1 of the same document limits indoor classroom instruction:

All indoor lectures, classes, or courses of any kind involving two or more people (including the teacher or instructor) are prohibited unless the Higher Education Program has prepared and posted a Prevention Plan as required by Section 1.4 above and containing the following additional information: (2.1.1.) with respect to each class or program that will be held indoors, a statement as to why it cannot be held remotely or outdoors due to the need for access to specialized equipment or space; (2.1.2) An explanation of how the Higher Education Program will enforce physical distancing on participants of any indoor class or program; (2.1.3) a description of protocols for airing out and sanitizing classroom spaces and equipment between classes.

To date, the SFDPH has not indicated a willingness to allow indoor group classes because those classes can be offered online, as the College has been doing. Also, groups of persons are not allowed to use our spaces except in the limited circumstances outlined above, including, most notably, operation of clinics providing legal services.

Though classes cannot be offered in person even with masks and social distancing, some educational activity has taken place in person consistent with the SFDPH Directive, including the following:

- Use of exterior spaces for classes, group meetings, and 1-1 office hours:

Consistent with Public Health guidance, the College is offering some academic program activity in its outdoor spaces, including the Quad and the deck on the top floor of the Cotchett Law Center at 333 Golden Gate Avenue. The College offered one class in the Quad this year after SFDPH guidance allowed us to do so, U.S. Law and Current Events, taught by Professor Chimene Keitner. In addition, a number of faculty members have held small group review and discussion sessions in the outdoor spaces. Departments and student groups have also used the outdoor spaces for socially distanced events and gatherings.

- Study Spaces

Since given permission to do so earlier this semester, the Library has made individual study spaces available to students. Demand for study spaces has been low (two students per day on average),

but we expect it may increase as we get closer to Fall 2020 final exams, and we are expecting some students may take their virtual exams on campus, with only one student allowed in each room at a time pursuant to the SFDPH guidance cited above.

- Experiential programming:

Clinical work has mostly taken place online. Associate Dean for Experiential Learning Gail Silverstein reports that while the College has allowed in-person meetings as necessary to perform essential legal services and the use of office space more generally, the Civil Justice Clinic Office space has been used only once by students in the Social Enterprise and Economic Empowerment Clinic (SEEC) to print documents. SEEC expects that a few other trips to the office by students for similar purposes will be necessary this semester.

On the externship and field placement clinic front, Dean Silverstein notes that most of the placements have allowed or required virtual work. The limited in-person work has been done by students who voluntarily chose in-person placements. Two of the judicial externships were in-person at San Francisco Superior Court. Three legal externships are in-person at Franchise Tax Board, Los Angeles Public Defender, and Los Angeles District Attorney offices. One Lawyers for America placement is in-person at Solano County Public Defender Office. For the Criminal Practice Clinic, there are two in-person placements at the San Mateo District Attorney's Office and three in-person placements are at the San Francisco Public Defender's Office. Lastly, in our Lawyering for Children Practicum, a few students have come into the office one at a time for 10-minute document signing intake meetings with clients.

## B. Co-Curricular Programming and Advising

Student support departments have operated virtually. They have implemented a robust array of programming online. For example, CDO implemented 1L Career Fundamentals, a co-curricular program aimed at helping students understand and begin to think about entry points into the legal services job market,<sup>2</sup> and has implemented a broad array of programs for upper division students, including, among others, events focused on virtual interviews, specific practice settings, and judicial clerkships. Similarly, Student Services has implemented student academic advising and wellness and other programming, as well as online diversity, equity, and inclusion training. Among other things, Student Services has hosted exercise and meditation events. OASIS has implemented its usual menu of academic skills programming, including 1:1 academic support, peer-led group discussion sessions; academic skills workshops on core success skills such as case briefing and course outlining; and bar exam success programming. The Legal Education Opportunity Program, which is organizationally part of OASIS, has also moved its extra layer of academic skills programming and advising online.

Student participation has generally been at least as high as in prior years at events pertaining to career and academic success, and in some cases has been much higher. For example, CDO saw participation rates above 90% in connection with Career Fundamentals, without the significant drop off in participation seen in prior years when students had more events and activities

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<sup>2</sup> Specifically, the modules for Career Fundamentals included sessions titled Roadmap to the Legal Profession, Job Search 101, Application Materials, Informational Interviewing and Practice Area Expo.

competing for their attention outside the academic program. Similarly, OASIS academic support programming has been well attended; peer Discussion Group Leader program participation is up this year compared to last year, despite the fact that we are not serving food at these events, which was a major draw in prior years. LEOP student participation in academic skills events, including Saturday practice exams (a key element of that program) and a Multistate Professional Responsibility Exam workshop, is also up compared to last year. And upper division student participation in bar success programming is up relative to last year (by roughly one-third at one event and by nearly 10 percent at another), except for one workshop that was scheduled at an unpopular time. Faculty also report higher-than-usual student demand for office hours and informal advising and mentorship.

However, participation rates have been lower than in prior years at some events, including wellness-related and some organized online social events. We are assessing what worked and how we can maintain student engagement in the coming semester.

### C. Student Organization Activity

Student organization activity has migrated online, though with relatively fewer events than in non-pandemic years. The Associated Students of UC Hastings (“ASUCH”) have held their regular meetings online, and student groups have organized a number of significant online events. For example, the UC Hastings Black Law Student Association held its inaugural [Black Pre-Law Summit](#) on Saturday October 24, and the Hastings First Generation Professionals student organization co-hosted a [panel](#) on October 21, 2020. Also, some student organizations have organized socially distanced events; for example, the Hastings Environmental Law Association recently organized an informal and socially distanced [hike](#) with our environmental law faculty, Professors Dave Owen and David Takacs.

Though student engagement is generally high, all things considered, the connections that develop online are missing some of the three-dimensionality and strength that flow from regular and organic connections developed in shared spaces. There may be implications associated with this to discuss at the Educational Policy Committee meeting. Also, though our LEOP community’s high engagement levels suggest that Director Elizabeth McGriff’s efforts to build community despite the pandemic appear to be having a positive impact, other challenged students who may not have the built-in support structure LEOP provides could be struggling in ways we cannot yet see because we do not yet have the outcomes data we use to evaluate student success. We will undertake year-over-year comparisons after we have fall academic performance data.

### D. Faculty Research and Scholarly and Community Events

Faculty scholarly engagement has continued despite the pandemic. For example, regular Tuesday faculty colloquia have taken place online, and Associate Dean for Research Jodi Short has opened them up to faculty from other law schools. Also, the Center on Tax Law has co-organized a [tax law speaker series](#) with University of San Diego and UC Davis. The UCSF/UC Hastings Consortium and the Center for Racial and Economic Justice co-hosted on [event](#) on October 14 titled “Racial Health Disparities: Economic Injustice as an Underlying Condition of COVID.” The Center for Negotiation and Dispute Resolution has held a [lunch and learn series](#) on ADR. And the

Center for Business Law is co-hosting an online [event](#) with UCLA Anderson Forecast on November 10.

Similarly, faculty have organized and led community events addressing a range of topics inspired by current events, including the annual [Supreme Court Review](#) (September 30), panels on the [legal and policy effects of COVID-19](#), Justice Ruth Bader [Ginsburg's life and legacy](#), voting rights issues, and the [domestic](#) and [international](#) effects of the current election, and other matters of broad interest. Faculty have also created online resources for the community, including a review of [ballot measures](#) and [podcasts](#) of faculty experts analyzing various facets of the pandemic.

This is just a small sampling of scholarly and faculty-led intellectual activity at UC Hastings during the pandemic.

## II. Spring 2021

The attached October 28, 2020 announcement from Chancellor & Dean David Faigman to the community regarding Spring 2021 addresses a range of matters other than the academic program, including Tower leases and expectations of employees. As to the academic program, the communication states in relevant part:

***Spring Course Schedule.*** If nothing changes between now and the start of classes in January, all classes will start online. In the coming weeks, the Records Office will supplement its [Spring 2021 Registration Information](#) page to identify classes that may have in-person elements, if and when health and safety conditions permit. Regardless of developments during the remainder of the academic year, if you choose to attend law school fully online, you can. That means, if you choose to, you do not need to stay or move here to complete the academic year. You will be able to construct a schedule that allows you to attend all of your classes remotely next semester, and Spring 2021 final exams will be online, even if an effective COVID-19 vaccine becomes widely available before the end of the semester.

***Other On-Campus Activity.*** Consistent with California and San Francisco Department of Public Health regulations, UC Hastings Law is currently providing students access to exterior campus spaces for individuals and groups as well as interior study rooms in the library for individuals. Details about accessing [outdoor spaces](#) and [interior study rooms](#) are available on MyHastings. Additionally, we are providing limited reservation-only access to the Tower fitness center for Tower residents. Public Health currently prohibits indoor gatherings of two or more students except in limited instances, and generally then only for instruction that cannot occur remotely or outside. To that end, they do not currently permit indoor group studying or indoor events of any kind. We continue to work closely with Public Health on the feasibility of safely providing indoor spaces to our students for studying, events, and other non-curricular needs. At this point, we must continue current practices, while making adjustments and expansions as Public Health guidance allows. Going forward, however, we are committed to opening campus activities to the fullest extent possible in accordance with future health guidelines.

Consistent with Dean Faigman’s announcement, Academic Dean Morris Ratner and the Records Office posted a class schedule that includes a mix of courses that will be offered fully online, without any in-person elements, and other courses that may scale up in-person elements conditions permitting. This is how we have explained the schedule to students on the Records Office registration information page:

Because classes are starting with online classroom instruction and we don't yet know what kind of in-person elements each class will have, you should choose your classes based on the subject matter and schedule that you prefer, whether you intend to be on campus to the extent feasible or fully virtual all semester....

That said, if you are hoping to have in-person academic experiences, health, and safety conditions permitting, you can identify the classes that might have in-person experiences associated with them in the following ways. First, you can look at the Spring 2021 course list, which is color-coded to show classes that might, conditions permitting, have some sort of voluntary in-person element. Second, you can look at WebAdvisor. Courses listed as “online” in lieu of giving a room number in WebAdvisor will be completely virtual and will stay fully remote no matter what conditions change next semester. Classes with “To Be Announced” as the room number on WebAdvisor may have voluntary in-person elements if health and safety conditions permit.

The conditions necessary for and nature of in-person experiences will vary by faculty member, course, and circumstances. In-person elements could include, among other things, group review sessions on campus or in-person group office hours. The fact that we are reserving and will announce room numbers for some classes does not mean that classroom instruction will necessarily take place on campus or that you would be required to attend classes on campus. With very few exceptions (e.g., a clinic or externship that explicitly requires on-site fieldwork or a class that expressly states in the comments section on WebAdvisor that in-person meetings are required), you may take any class online, whether or not it is listed as likely to have voluntary in-person elements.

Right now, the trajectory of the pandemic is simply too unpredictable to give more information about each class. There are too many contingencies. However, as we get closer to the start of the spring term, Academic Dean Morris Ratner and the Records Office will share more information about the classes that will or may have in-person elements. In the meantime, if you have questions, please do not hesitate to reach out to Dean Ratner directly....

Peer school experiences with hybrid instruction, where a substantial portion of the students are online while others attend classes in-person, have been mostly negative. However, our own experience suggests that there are other ways to create “hi-flex” or in-person experiences in classes that avoid or minimize the problems associated with teaching both online and in-person, including repeating in-person sessions for smaller groups of students, in-person small group review sessions, informal discussion sections, office hours, and other instructional activities.

### III. Beyond Spring 2021

We are an in-residence program, and we expect to resume mostly in-person operations as soon as public health guidance and pandemic conditions permit. The summer session, called the UC Hastings Summer Legal Institute, will be the first during which we may have the opportunity to start online, if conditions permit now that circumstances have closed the door to a Spring 2021 in-person start.

Though we will return to a predominantly in-person academic program as soon as practicable, the pandemic and the College's experiences with online instruction and programming suggest that virtual course elements (including "flipped" classrooms where some instruction is delivered online, asynchronously) and programming (including events and conferences) will likely be more common in the coming years. Also, faculty have gained valuable online teaching skills that will translate to the in-person classroom, including active learning techniques such as the use of live polls in classrooms to test student understanding in real time.

Also, the College will revisit current online education credit caps, which, at 12 units, are below the 28 online units permitted by the ABA Standards. Though we will be cautious about expanding online options in the JD program post-pandemic, at least until we develop data regarding the relative efficacy of online classes as measured by student outcomes (law school GPA and bar exam success), the faculty will also likely approve more such classes than the handful of online classes we offered before the pandemic. That is partly to respond to perceived student desire for flexible scheduling options and partly to allow the College to attract and retain advanced course instructors who may not be able to offer classes in person. This year, for example, we were able to attract as the inaugural Center on Tax Law Visiting Scholar and Adjunct Professor the Chief Judge of the U.S. Tax Court, [Maurice Foley](#), who likely would not have been able to teach a class but for our ability to offer it online.

## Planning for Spring 2021

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

Thu 10/29/2020 2:00 PM

To: UC Hastings, AcadDean <AcadDean@uchastings.edu>



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Dear UC Hastings Community,

I write with information about the Spring 2021 term, including the curriculum, final exams, in-person campus programming and operations, the Tower, and staffing. As aspects of the COVID-19 pandemic improve, the College will continue to scale up in-person instruction and programming on campus to the extent feasible and consistent with San Francisco Department of Public Health (“Public Health”) guidelines specific to institutions of higher education. We are cautiously optimistic about the recent decision by Public Health to further lift restrictions on city businesses and activities, something that I know is welcome news to those of us currently living here (or who have interest in moving to the area) and who are eager to take advantage of all the amazing perks of living in and around San Francisco.

Despite our hopes and optimism, it is impossible to provide specific dates for an expansion of campus operations because of the pandemic’s unpredictable trajectory and the uncertain pace of development of an effective and widely available vaccine or treatment. We must therefore plan for the spring term under conditions of uncertainty, bearing the following principles in mind:

- Community members’ health and wellbeing are our top priority.
- Consistent with that, we should retain flexibility to increase campus instruction, programming and operations, so that we have as rich and vibrant of an on-campus life as possible as soon as practicable.
- Students should be able to plan their spring class schedules and living situations now, even though much may change in the coming months.

Applying these principles, the College is preparing a schedule for the spring term that offers students flexibility while anticipating the likelihood of moving increasingly to in-person instruction and activity over the course of the semester, where appropriate. We will offer as much in-person community engagement as public health conditions permit while at the same time creating a remote instruction option for students.



## Students

**Spring Course Schedule.** If nothing changes between now and the start of classes in January, all classes will start online. In the coming weeks, the Records Office will supplement its [Spring 2021 Registration Information](#) page to identify classes that may have in-person elements, if and when health and safety conditions permit. Regardless of developments during the remainder of the academic year, if you choose to attend law school fully online, you can. That means, if you choose to, you do not need to stay or move here to complete the academic year. You will be able to construct a schedule that allows you to attend all of your classes remotely next semester, and Spring 2021 final exams will be online, even if an effective COVID-19 vaccine becomes widely available before the end of the semester.

**Other On-Campus Activity.** Consistent with California and San Francisco Department of Public Health regulations, UC Hastings Law is currently providing students access to exterior campus spaces for individuals and groups as well as interior study rooms in the library for individuals. Details about accessing [outdoor spaces](#) and [interior study rooms](#) are available on MyHastings. Additionally, we are providing limited reservation-only access to the Tower fitness center for Tower residents. Public Health currently prohibits indoor gatherings of two or more students except in limited instances, and generally then only for instruction that cannot occur remotely or outside. To that end, they do not currently permit indoor group studying or indoor events of any kind. We continue to work closely with Public Health on the feasibility of safely providing indoor spaces to our students for studying, events, and other non-curricular needs. At this point, we must continue current practices, while making adjustments and expansions as Public Health guidance allows. Going forward, however, we are committed to opening campus activities to the fullest extent possible in accordance with future health guidelines.

**Current and Future Tower Residents.** Earlier this year, I indicated that we would release Tower residents from their leases in the event we have no instruction on campus in the spring. While we expect and are planning to introduce some in-person instruction in the spring, we will nevertheless be flexible with regards to lease continuation or termination. We are giving students the option to move out anytime between December 1, 2020 and May 31, 2021 with a 30-day notice to vacate and be released for the remainder of their 2020-2021 Academic year lease. Jarda Brych, Director of Auxiliary Services, will send an email shortly to all current Tower leaseholders with precise instructions for optional lease termination.

With the recent lifting of Public Health restrictions for local restaurants, businesses, and activities, we know that some students are considering moving to the Bay Area. The Tower is also open for new lease applications to any students seeking Tower residency now or for the spring semester. Feel free to contact Jarda Brych directly with interest or questions ([brychj@uchastings.edu](mailto:brychj@uchastings.edu)).

## Faculty and Staff

We anticipate starting spring semester much the same as fall semester, with most employees continuing to work remotely. However, as we plan for an increase in in-person instruction and activities, faculty and staff should be prepared to return to their offices at any point in the coming months. Human Resources Director Andrew Scott will work with supervisors once we are permitted to increase our on-campus presence during the spring semester, coordinating timing and procedures to ensure the health and safety of our students and employees. [Our Return to Work Guide](#) remains available for review and will be modified as necessary based on guidance from Public Health.

For now, per Public Health guidance, faculty and staff may continue to stop by campus periodically to conduct necessary business that cannot be done virtually as determined by their department heads and manager, including providing necessary support services, collecting mail, and the like. Faculty may continue to use their campus offices as needed, e.g., to address internet connectivity issues at home. Employees do not need to seek advanced permission to come to campus but will have to complete the [symptoms monitoring questionnaire linked here](#) or available on the UC Hastings Safe app to confirm they are symptom free and, starting November 1, to confirm that they have received the flu vaccination or have been approved for an exemption.

I know that you have faced tremendous obstacles in 2020, and I am grateful for the ways in which each of you in the UC Hastings Law community has come together to overcome these challenges. While it remains my goal and intention to resume additional on-campus instruction and activities as soon as it is safe to do so, I hope that by providing students the opportunity to start making plans for the spring semester now, I have alleviated some of the stress and strain of the unknowns that each of you face. I will continue to keep the entire community apprised of developments, particularly as they relate to further opportunities for on-campus activities. As always, feel free to reach out to me or my Chief of Staff Jenny Kwon as needed and take advantage of [my Office Hours](#).

Best regards,

David

David L. Faigman  
Chancellor and Dean  
John F. Digardi Distinguished Professor of Law  
University of California Hastings College of the Law

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Chancellor and Dean David Faigman  
UC Hastings College of the Law  
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## 4.2 California Bar Exam; Provisional Licensure

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

### I. October 5-6, 2020 Bar Exam; February 2021 Exam

This bar preparation and administration season was entirely disrupted. The Bar changed the exam dates multiple times, used a new testing method (online, with virtual proctoring) and a new exam format (a shortened set of multiple choice questions). Moreover, the grading system is different this year than in prior years, as described below. Still, we have reason to be optimistic. As indicated in the attached memorandum from Director of Bar Passage Support Margaret Greer, this graduating class achieved preparedness levels similar to levels achieved by last year's very successful cohort of first-time test takers. This is of interest because our prior statistical analyses indicate that increased levels of bar exam preparedness correlate with improved bar outcomes.

Among other measures of bar exam preparedness that we track are (1) percentage completion of commercial bar preparation courses; (2) use of and success on AdaptiBar; and (3) participation in the supplemental bar training Margaret organizes, which includes individualized feedback on practice bar essay questions.

- Re commercial bar course completion, Associate Dean for Academic Skills Instruction and Support Stefano Moscato notes: "2020 grads on average completed 85.5% of their bar review course, compared to 81.5% last year (which itself was a big jump from prior years)." Margaret Greer reports that completion rates varied by bar company. They were up among graduates who used BarBri or Themis, and down for graduates who used Kaplan; but far fewer of our graduates used Kaplan than in prior years.
- Re utilization of AdaptiBar (MBE test-taking skills development program), Margaret notes: "The data show that 189 UC Hastings JD graduates utilized the resource this summer and fall. The users answered 887 questions on average, with an average 66.2% accuracy rate. Last year, May 2019 graduates answered 725 questions on average, with an average 65.3% accuracy rate. Importantly, usage increased and accuracy rates improved throughout the review period. For example, during the month of August, graduates answered 138 questions on average, with an average 64.7% accuracy rate. During the month of September, graduates answered 542 questions on average, with an average 69% accuracy rate. We believe that the increase in usage can be attributed in part to the individual advising and messaging that we sent AdaptiBar users in September."
- Re participation in UC Hastings supplemental bar support program (BEST), Margaret has documented greater participation levels as measured by number of practice essays and performance tests. For example, about a third of our graduates who sat for the California Bar Exam did at least 7 practice tests on which they received individualized feedback from Margaret Greer and the rest of our OASIS/BEST team, whereas last year only 13 percent of our graduates did that many practice tests.

However, we also know that the extended bar prep period placed financial and emotional strain on many of our graduates. OASIS tried to alleviate some of that strain by coordinating with the Alumni Office to provide a bar prep scholarship, offering space on campus for graduates to take the exam, and extending our bar support resources through the fall.

Bar scoring is different this year, partly because the NCBE supplied only 100 MBE questions (instead of the usual 200 questions), and because the exam isn't scaled to the MBE. The California State Bar's [FAQ](#) states: "The State Bar is working with our psychometrician on a plan that strives to sustain high exam reliability while maintaining a standard that is reflective of past exams. The methodology centers on converting scores on the 100-item multiple-choice exam to an MBE-like score, by employing a raw-to-scale conversion plan that utilizes NCBE's historic MBE raw-to-equated scale score transformations." This is the first administration of the CBE that will use the new 1390 cut score.

Results from the February administration of the exam are traditionally released in mid-May, and results from the July administration are released in mid-November. This year, because the July exam was pushed to October, we do not expect to get [October exam results](#) until January 2021. The California State Bar [announced](#) that the next administration of the CBE will be February 23-24, shortly after the October results are announced in January. According to Margaret, bar companies are preparing to allow graduates to access the review course materials at no additional cost prior to the release of October results.

We will keep the Board apprised as we review and evaluate exam-related data. OASIS and Director Greer are already pivoting to preparation for the February exam, which will have a much larger than usual cohort of first-time graduates as test takers.

## II. Provisional Licensure

The California State Bar [announced](#) last week that it adopted a program of provisional licensure, described [here](#). The new program will allow eligible 2020 law school graduates who have not taken or passed a bar exam to apply to practice law in California as provisionally licensed lawyers under the supervision of fully licensed lawyers. The initial group eligible for provisional licensure are persons with law school graduation dates between December 1, 2019, and December 31, 2020. The California State Bar's [website](#) notes:

The Provisional Licensure Working Group...is assessing recommendations that may further expand the program. At its meeting on October 14, 2020, the working group voted to recommend that the program be extended to those who scored 1390 or higher on the July 2015 bar exam or any subsequent exam.

The working group is scheduled to meet on November 9 to assess whether, for this cohort who previously scored 1390 or higher, the program should serve as a pathway to full licensure that would not require retaking the bar exam. The State Bar Board of Trustees is expected to review these recommendations at its November 19 meeting, after which any expansions to the program would need to be approved by the Supreme Court.

In response to the challenges facing law students due to the COVID-19 pandemic, the Court in July directed the State Bar to expedite creation of a provisional licensing program. Graduates will need to find a supervising attorney, apply online, pay a small fee, and meet all requirements, such as already having submitted a complete moral character application. The State Bar also plans to implement an online directory that will enable the public to search for provisionally licensed lawyers.

The provisional licensure program lasts until June 1, 2022, unless extended by the Court. As currently structured, when the program ends, provisionally licensed lawyers wishing to continue practicing law will have to meet all normal requirements for admission, including passing a bar exam.

It is not yet clear whether the provisional licensure option will positively impact employment outcomes for Class of 2020, though it could indirectly give employers confidence to hire persons who have not yet passed a bar exam.



## MEMORANDUM

To: Academic Dean Morris Ratner  
From: Director of Bar Passage Support and Academic Skills Lecturer Margaret Greer  
Date: November 2, 2020  
Re: Support for May 2020 Graduates Studying for the California Bar Examination

During the extended bar exam study period leading up to the October administration of the delayed July California Bar Exam (“CBE”), U.C. Hastings provided May 2020 graduates the resources and support systems described below.

### 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 2020 graduates who participated in the B.E.S.T. Essay Tutor Program had the opportunity to submit an unlimited number of bar exam essay and/or Performance Test (PT) answers for review and feedback. This summer and fall, nearly half of the graduates who planned to sit for the California Bar Exam submitted at least three essay or Performance Test answers for review. Nearly one third of the graduates submitted at least seven essays, compared to the 13 percent in 2019. Although overall participation was slightly down when compared to last summer, we were pleased to see an increase in the number of essays and PTs that each individual student submitted. The following table does not include data for graduates who took the exam outside of California or notified the school that they withdrew from the exam.

Number of Answers Submitted	2020	2019
1	143/241 = 59 percent	159/262 = 61 percent
2	133/241 = 55 percent	135/262 = 52 percent
3	119/241 = 49 percent	109/262 = 42 percent
4	109/241 = 45 percent	87/262 = 33 percent
5	93/241 = 39 percent	67/262 = 26 percent

6	87/241 = 36 percent	45/262 = 17 percent
7	77/241 = 32 percent	33/262 = 13 percent

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

Eight B.E.S.T. Group Sessions were held during the bar review period. The graduates answered a practice essay question under timed conditions and submitted the answers for review, individualized feedback, and a grade. Each session included an optional debrief of the answer. I would like to thank faculty member Lois Schwartz and LEOP Academic Support Specialist Alexandra Avram for leading and assisting with the B.E.S.T. Group Sessions.

II. AdaptiBar

The data show that 189 UC Hastings JD graduates utilized AdaptiBar, the largest database of released NCBE questions, this summer and fall. The users answered 887 questions on average, with an average 66.2% accuracy rate. Last year, May 2019 graduates answered 725 questions on average, with an average 65.3% accuracy rate. Importantly, usage increased and accuracy rates improved throughout the review period. For example, during the month of August, graduates answered 138 questions on average, with an average 64.7% accuracy rate. During the month of September, graduates answered 542 questions on average, with an average 69% accuracy rate. We believe that the increase in usage can be attributed in part to the individual advising and messaging that we sent AdaptiBar users in September.

III. Monitoring and Outreach

For the fourth 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. Typically, the bar review period runs from late May until the final week of July. This year, a majority of graduates began studying in June, with the expectation that the exam would take place in September. After the California Supreme Court announced on July 16, 2020, that the exam would take place on October 5-6, 2020, many graduates paused their studying routines. As a result, we had to make a concerted effort in early August to contact all graduates who had not begun studying yet or who had made no progress in their programs since mid-July.

The following data summary tables reflect the final course completion figures for each of the last four years. The data indicate that our messaging about the importance of course completion continues to pay high dividends: May 2020 graduates on average completed 85.5% of their bar review course, compared to 81.5% last year. Furthermore, 83% of Barbri users completed 75% or more of the course and 75% 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.

Data Summaries:

1) Barbri

Date	Completed $\geq 75\%$ of Assigned Work
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: 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: October 5, 2020	10/19 = 53 percent <sup>1</sup>
Final: July 31, 2019	39/41 = 95 percent
Compare: July 24, 2018	32/43 = 74 percent
Final: July 24, 2017	16/22 = 73 percent

IV. Comparison of 2020 and 2019 Data

Graduates with law school GPAs below 3.10 are most at risk when it comes to bar passage. A more in depth review of graduate performance by GPA reveals that May 2020 graduates in the 2.30-2.99 GPA band utilized supplemental resources, such as the BEST Essay Tutor Program and AdaptiBar, at higher rates when compared to May 2019 graduates. The increase in BEST and

AdaptiBar utilization among graduates in the 2.30-2.99 GPA band may be attributable to the fact that students in that GPA band are now required to meet with me during the academic year to discuss their post-graduation bar exam plans. As a result, they are introduced to the importance of utilizing the resources well before the start of bar review.

The percentage of graduates in the 2.302-2.994 GPA band who completed at least 75 percent of the bar review course is down compared to last year. However, the decrease can be explained in part by the fact that last year, there were ten Kaplan users in the 2.99 or below GPA band who had course completion rates that skyrocketed in the final week of bar review. Only five of those users passed the exam. This year, Kaplan adjusted its system so that users could not inflate course completion figures in the final week of bar review. Notably, it appears that graduates in the 3.00-3.099 GPA band did not utilize BEST and AdaptiBar at the same rates that 2019 graduates did and not as many completed at least 75 percent of the bar review course. The decline could possibly be attributed to the fact that graduates were facing pandemic related challenges that impacted their ability to perform.

The following data summary tables reflect the final course completion figures for 2020 and 2019 by GPA bands. The tables also indicate the percentage of graduates who answered at 100 questions correctly on AdaptiBar and submitted essay or PT answers to the BEST Essay Tutor Program. Differences in the denominators are due to the fact that graduates who worked with a private tutor are not included in the course completion figures.

<b>2.302-2.994 GPA</b>	<b>2020</b>	<b>2019</b>
Completed $\geq$ 75% of Assigned Work	27/45 = 60%	34/50 = 68%
Answered 100 + AdaptiBar Questions Correctly	<b>33/49 = 67%</b>	33/53 = 62%
Submitted BEST Essay/PT Answers	<b>29/49 = 59%</b>	23/53 = 43%

<b>3.00-3.099 GPA</b>	<b>2020</b>	<b>2019</b>
Completed $\geq$ 75% of Assigned Work	19/29 = 66%	18/25 = 72%
Answered 100 + AdaptiBar Questions Correctly	17/30 = 57%	19/26 = 73%
Submitted BEST Essay/PT Answers	17/30 = 57%	18/26 = 69%

<b>2.302 - 3.099 GPA</b>	<b>2020</b>	<b>2019</b>
Completed $\geq$ 75% of Assigned Work	46/74 = 62%	52/75 = 69%
Answered 100 + AdaptiBar Questions Correctly	50/79 = 63%	52/79 = 66%
Submitted BEST Essay/PT Answers	<b>46/79 = 58%</b>	41/79 = 52%

## V. LEOP Performance

For the second summer in a row, LEOP graduates appear to be outperforming their peers when it comes to course completion and utilization of supplemental resources. Former LEOP Director and academic skills specialist Richard Sakai, Alexandra Avram, Adjunct Professor Catalina

Lozano, and I provided individual feedback on the graduates' essays and PT answers. Those working with Richard Sakai also had the opportunity to meet with him 1:1 throughout the bar review period. I also met with LEOP graduates throughout the bar review period. Thanks to LEOP Director Elizabeth McGriff's leadership and guidance, LEOP graduates are continuing to excel during the bar review period.

<b>LEOP Performance 2020</b>	<b>3.100+ GPA</b>	<b>3.00-3.099 GPA</b>	<b>2.302-2.994 GPA</b>
Completed $\geq$ 75% of Assigned Work	5/5 = 100 %	6/7 = 86%	8/12 = 67%
Answered 100 + AdaptiBar Questions Correctly	5/5 = 100 %	7/7 = 100%	11/13 = 85%
Submitted BEST Essay/PT Answers	5/5 = 100 %	7/7 = 100%	12/13= 92%

## V. Alumni and Faculty Mentor Programs

All May 2020 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. 95 graduates signed up to participate in the alumni mentor program. The faculty mentors were available to provide emotional support and to answer substantive questions. 88 graduates signed up to participate in the faculty mentor program.

### 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, graduates who were facing extenuating circumstances related to the pandemic, and graduates who wanted to maximize the additional time that they had to prepare for the exam.

As part of the course completion monitoring, we look at the number of essays, PTs, and MBEs that the students have completed. Next spring, we will continue to advise students about the importance of course completion, and we will make sure to increase our emphasis on advising students that certain assignments (i.e., substantive lectures and practice essays, MBEs, and PTs) must take priority over more passive review assignments.

## VII. Campus Resources and Support

### A. On Campus Space to Take the Exam

In response to concerns that graduates did not have access to secure remote test environments or stable internet, the College offered graduates the option of taking the two-day exam on campus. 23 graduates sat for the exam on campus. The College provided the graduates with lunch on each day of the exam. A special thanks is owed to the Irma Hernandez and the entire Academic Dean's Office, Rhiannon Bailard, Camilla Tubbs, the facilities team, and the IT team for helping to ensure that the graduates had a secure location to take the exam.

## B. 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, 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.

## 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. Bar Peak Performance

Student Services provided JD graduates with free subscriptions to the Bar Peak Performance Program (<https://www.barpeakperformance.com>). Bar Peak Performance is an online program that includes tools and techniques designed to enhance reduce stress, optimize cognition, and to maximize productivity throughout bar review.

### **4.3 Student Health and Wellness**

**By Assistant Dean of Students Grace Hum**

Assistant Dean of Students Grace Hum will present on the following topics at the November 12, 2020 meeting of the Educational Policy Committee:

- A summary of our student health services operations, including results from the independent consultant assessment, transition to Carbon Health, and long-term plans.
- A summary of our recently implemented required trainings for Sexual Violence and Harassment Prevention and Diversity, Equity, and Inclusion.
- A report about student wellness and how students are doing this semester.

## 4.4 Admissions Policy Changes (Spelman 3+3)

**By Chancellor & Dean David Faigman, Academic Dean Morris Ratner, and Senior Assistant Dean for Enrollment Management June Sakamoto**

The faculty adopted two main categories of changes to the College's Admissions Policy Statement at the October 30, 2020 faculty meeting.<sup>1</sup> First, the College adopted language codifying the faculty's approval at the September 23 faculty meeting of an agreement between UC Hastings and Spelman College to create a new 3+3 program, described more fully below and a copy of which is attached. Second, the faculty adopted language creating admissions standards for the new Certificate of Studies in Law program about which Academic Dean Morris Ratner has previously reported.<sup>2</sup>

### I. 3+3 Program

Associate Director of Admissions & Diversity Initiatives Mario Lopez ('15) spearheaded the effort to create the "3+3" agreement with HBCU [Spelman College](#), attached. Chancellor & Dean David Faigman, Senior Assistant Dean June Sakamoto, Director of Admissions Bryan Zerbe, and Director of LEOP Elizabeth McGriff all also contributed to the effort. The gist of the agreement is that Spelman recognizes the first year of the JD program as counting toward the undergraduate degree, allowing Spelman students who meet the admissions criteria to graduate with both an undergraduate degree and the JD in 6 rather than 7 years.

### II. Certificate of Studies in Law

As reported earlier, the faculty created a new [Certificate of Studies in Law](#) ("CSL") program. The CSL complements our [Master of Studies in Law](#) or "MSL." The CSL requires 12 units of coursework and can function as either a standalone credential or the first semester of the MSL degree for nonlawyers. The CSL will be offered in online, hybrid, and traditional formats. This is the College's first "certificate" program and second online program after the Master of Science, Health Policy, and Law ("HPL") that was offered jointly with UCSF. The CSL enhances our offerings to nonlawyers by offering a program length and format that accommodates working professionals. The faculty adopted implementing Admissions Policy Statement provisions at the October 30 faculty meeting. CSL students will matriculate starting Fall 2021.

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<sup>1</sup> The Admissions Policy Statement governs admissions processes.

<sup>2</sup> The faculty also updated our non-discrimination clause language to include additional categories such as gender identity and made some minor edits to the Legal Education Opportunity Program ("LEOP") admissions standards to better match practices and ensure compliance with applicable law.

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

This Articulation Agreement (“Agreement”), made and entered into as of September 14, 2020 by and between University of California Hastings College of the Law (“UC Hastings Law”) and Spelman College (“Spelman”), agrees to establish a 3+3 J.D. Program (“3+3 J.D. Program”) beginning with the 2020-2021 academic year in which after three years of work at Spelman 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 J.D. Program will be awarded a bachelor’s degree by Spelman after successful completion of the first year of the 3-year full-time J.D. program at UC Hastings Law.

Based upon the mutual obligations and duties and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

**I. 3+3 J.D. Program**

1. Beginning in the 2020-2021 academic year, Spelman will advise qualified students about the opportunity to apply for and the benefits of the 3+3 J.D. Program with an anticipated start at UC Hastings Law in the fall 2021 term.
  - a. In the first two years of operation of this Agreement, the 3+3 J.D. Program will be open to Spelman students, including any students who transfer into Spelman as a first, second, or third year student at Spelman. In the third year of operation of this Agreement, the 3+3 J.D. Program will only be open to those applicants who enter as freshmen and complete all three years of their undergraduate work at Spelman. Upon recommendation from the Spelman Pre-Law Advisor, Spelman may include outstanding transfer students who complete at least one year at Spelman on an exception basis, determined by Spelman.
  - b. Except as provided above, students participating in the 3+3 J.D. Program will be enrolled in a full-time course of study at Spelman for the first three years of the Program, and will be considered full-time students of Spelman. During the first three years of the Program, students will be subject to the policies and procedures of Spelman. 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 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. Spelman will not provide institutional aid to students once they are enrolled at UC Hastings Law. Students will be considered for merit-based 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 J.D.

Program, except as provided in Section I.3.

- d. UC Hastings Law shall, in accordance with applicable laws, notify Spelman at the end of each academic year of the students in the 3+3 J.D. Program who have successfully completed their first year of full-time study at UC Hastings Law. Upon receipt of such notice, Spelman shall award those students their bachelor's degree in accordance with Spelman's standard procedures.
  - e. Spelman also agrees to implement the following plan to carry out the accelerated program:
    - i. Spelman College will develop Pre-Law recruiting materials (e.g., web content, print pieces, etc.) and list the affiliation with UC Hastings Law. Prior to dissemination, Spelman shall provide UC Hastings Law with a copy of such recruiting materials for review and comment as to the description of the affiliation.
    - ii. Spelman College will provide an option for its applicants to identify interest in the 3+3 J.D. Program beginning with the 2020-2021 application cycle.
    - iii. Spelman will send the list of interested students to the Director of Admissions at UC Hastings Law by October 31 of the year prior to anticipated matriculation at UC Hastings Law.
2. In this 3+3 J.D. Program, UC Hastings Law agrees to accept any student from Spelman each year who meets the following eligibility requirements:
- a. Student submits a completed application to UC Hastings Law through lsac.org no later than March 1 of the calendar year in which the student plans to attend;
  - b. Student is in good academic standing at Spelman (i.e., not on academic probation);
  - c. Student will have successfully completed  $\frac{3}{4}$  of the student's undergraduate course of study prior to matriculation at UC Hastings Law;
  - d. Student has earned a cumulative grade point average as calculated by LSAC that meets or exceeds UC Hastings Law's 25th percentile from the previous enrollment year;
  - e. Student has scored a minimum LSAT score that meets or exceeds UC Hastings Law's 25th percentile from the previous enrollment year<sup>1</sup>;

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<sup>1</sup> It is assumed that the LSAT will be taken in the fall of the student's third year at Spelman; however, by request, a student may defer taking the LSAT until the spring of their third year; student may take the LSAT more than once. This requirement is three years down the road and will not be affected by COVID19.



- f. Student is in good social standing (satisfactory student conduct record with no unresolved disciplinary issues) at Spelman;
  - g. Student is free of any significant disciplinary issues at all post-secondary schools attended<sup>2</sup>;
  - h. Student is recommended by a Spelman Pre-Law Advisor; and
  - i. Student complies with seat deposits and other deadlines established by UC Hastings Law.
3. Students admitted through this 3+3 J.D. Program who maintain full-time student status at UC Hastings Law and who remain in good academic standing at UC Hastings Law will receive a merit-based scholarship of at least \$15,000 annually for a total of 3 years. Spelman students participating in the 3+3 J.D. Program may be eligible for admission under the UC Hastings California Scholars Program if they meet the requirements of such program on the same basis as students from other institutions. Any student admitted under the UC Hastings California Scholars Program, as long as such program may exist, will receive the California Scholars scholarship for all three years at UC Hastings in lieu of a \$15,000 annual scholarship for three years.
  4. Students who successfully earn a JD at UC Hastings Law will receive the degree from UC Hastings. This 3+3 J.D. Program is a concurrent degree program, not a joint degree. The UC Hastings Law degree is separately conferred by UC Hastings Law, not jointly with Spelman. The Spelman degree is degree is separately conferred by Spelman College, 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 J.D. Program such that the first student(s) may matriculate at UC Hastings Law in the fall of 2021.
2. UC Hastings Law may change the admissions requirements set forth in section I.2 above at any time in its sole discretion; provided that UC Hastings Law will notify Spelman before new admissions requirements are deemed effective.
3. Following acceptance to UC Hastings Law, Spelman 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.

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<sup>2</sup> As required of all applicants to UC Hastings Law, the student will be required to answer the character and fitness disclosure questions on the UC Hastings Law application and may be subject to further review if there is a disclosure.

4. Nothing in this Agreement shall be construed to prevent a student accepted into this 3+3 J.D. Program from participating in any future 3+1+3 programs offered by UC Hastings Law.
5. 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 J.D. Program at Spelman 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 Spelman 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 J.D. Program.
2. Spelman shall have the exclusive authority to determine any entrance criteria for students seeking admission to Spelman. UC Hastings Law shall have exclusive authority to determine any entrance criteria relating to admission to UC Hastings Law.
3. **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.
4. **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.
5. **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.
6. **Assignment.** Neither UC Hastings Law nor Spelman may assign this Agreement without the prior written consent of the other party.
7. **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.

8. **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 Spelman, respectively, has the necessary authority to bind UC Hastings Law and Spelman; 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.
9. **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.
10. **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 Spelman pertaining to this Agreement shall be addressed as follows:

If to UC Hastings Law:  
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

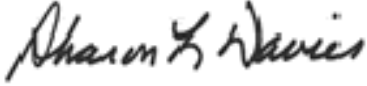
If to Spelman College:  
350 Spelman Lane, S.W., Box 1209  
Atlanta, GA 30314-4399


**Disclaimer:** Spelman College is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award bachelor degrees. University of California Hastings College of the Law is not accredited by SACS Commission on Colleges and the accreditation of Spelman College does not extend to or include the University of California Hastings College of the Law or its students. Further, although Spelman College agrees to accept certain course work from University of California Hastings College of the Law to be applied toward a degree from Spelman College, that course work may not be accepted by other colleges or universities in transfer, even if it appears on a transcript from Spelman College. 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:   
Sharon L. Davies, J.D.  
Provost and Vice President for Academic Affairs  
Spelman College

By:   
Morris Ratner  
Academic Dean  
UC Hastings Law

By:   
Mary Schmidt Campbell, Ph.D.  
President  
Spelman College

By:   
David Faigman  
Chancellor & Dean  
UC Hastings Law

Signed September 14, 2020