

Educational Policy Committee Meeting

University of California College of the Law, San Francisco

University of California College of the Law, San Francisco 333 Golden Gate Ave., Suite 501 Deb Colloquium Room San Francisco, CA 94102

2024-11-21 12:30 - 14:00 PST

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Educational Policy Committee Meeting Minutes

University of California College of the Law, San Francisco
August 22, 2024

200 McAllister St., 2nd floor – Alumni Reception Center, San Francisco, CA 94102. Participants and members of the public were also able to join via the web link or dial-in numbers listed in the public notice of this meeting linked here: <https://www.uclawsf.edu/our-story/board-of-directors/board-meeting-notices-agendas-and-materials/>.

1. Roll Call

The Chair called the meeting to order at 12:46 p.m., and the Secretary called the roll.

Committee Members Present

Director Andrew Houston, Chair
Director Simona Agnolucci
Director Shashi Deb
Director Claes Lewenhaupt

Committee Members Absent

Director Albert Zecher
Director Chip Robertson

Other Directors Present

Director Courtney Greene Power
Director Andrew Giacomini

Staff Participating

Chancellor & Dean David Faigman
Chief Operating Officer Rhiannon Bailard
General Counsel & Secretary John DiPaolo
Legal & Executive Assistant Yleana Escalante
Dean of Students Tiffany Gabrielson
Director of Bar Passage Support Margaret Greer
Chief Communications Officer John Kepley
Assistant Chancellor & Dean/Chief of Staff to the Chancellor & Dean Jenny Kwon
Bar Success Analyst and Strategist Stefano Moscato
Deputy Chief Financial Officer Sandra Plenski
Provost & Academic Dean Morris Ratner
Dean of Enrollment Management June Sakamoto
Chief Financial Officer David Seward
Deputy General Counsel Laura Wilson-Youngblood
Assistant Dean of Student Services Miguel Zavala

2. Public Comment Period

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

3. Action Item: Approval of Prior Meeting Minutes

Motion:

The Chair called for a motion to approve the minutes of the Committee's May 15, 2024 meeting.

Motion made and motion seconded. The motion carried.

4. Report of Provost and Academic Dean Morris Ratner

4.1. Academic Program Strategic Priorities in 2024-2025

Dean Ratner outlined two strategic priorities for the 2024-2025 academic year: enhancing student outcomes, specifically focusing on employment rates and bar passage, and implementing a supplemental strategic plan centered on artificial intelligence and emerging technologies. Over the summer, the Board, administration, and key faculty worked to prepare for a retreat scheduled for Friday, September 13, from 1 to 5 p.m., where a deep dive into strategies for improving student success will take place.

4.2. Enrollment Management Snapshot

Dean Ratner introduced Dean Sakamoto, who presented the report on this year's entering class and invited any questions related to her report. Dean Ratner highlighted the significant growth in the Master of Studies in Law (MSL) program, acknowledging the hard work that contributed to this achievement. He thanked Dean Sakamoto.

Chair Houston remarked on the excitement at the beginning of the school year with the new class. Director Deb echoed the excitement about the new class and thanked everyone for their efforts in recruiting such a strong group. She then asked Dean Sakamoto to briefly discuss the current transfer rate, questioning whether the numbers remained accurate and what might explain the significant increase from the 2022-2023 to the 2023-2024 academic year. Dean Sakamoto explained that the transfer rates are closely linked to rankings, which typically come out in the spring when students are deciding whether to apply to transfer. This year, schools like UC Berkeley took in more transfer students than usual as they aimed to boost revenue without affecting their first-year class sizes. Other schools seemed to be offering more scholarships, but thanks to the Dean's Discretionary Fund, the College was able to counteract this by offering slightly larger scholarships, too. She emphasized that the rankings could shift again next year, but the excitement surrounding a UC Law SF alumnus' presidential run might outweigh any negative impacts those changes could have. Director Power asked Dean Sakamoto for more insight on

whether prospective students are understanding that link and hoped that there could be more emphasis on that point.

Dean Sakamoto confirmed that they are indeed helping prospective students make that connection. She explained that all outgoing messages to potential students start with a message encouraging them to "be a leader like Kamala Harris, an alumnus from the class of '89." Dean Sakamoto also mentioned creating new photo montages for every fair featuring Vice President Harris' face.

4.3. Bar Success

Dean Ratner mentioned that they would discuss this topic in more detail during the retreat on September 13. Joining him were bar success analyst Stefano Moscato, who previously served as the Associate Dean of OASIS and has been a key partner in student success efforts since 2016, and Margaret Greer, the long-serving Director of Bar Passage Support, who has been instrumental in supporting students. Dean Ratner acknowledged their hard work and dedication to improving student outcomes. He shared a mixed report, highlighting that they had set a target of 80 percent for post-graduation bar course completion, which has historically been a challenge. The average completion rate reached 81 percent; however, this figure concealed significant struggles among graduates. About one-third of graduates did not meet the 80 percent target, and 15 percent of the class achieved less than 65 percent course completion. This low completion rate severely hampers a graduate's chances of passing the bar exam, as those who don't reach at least 65 percent completion have a much lower probability of success. Dean Ratner explained that the issues contributing to this problem are complex. He noted that discussions during the upcoming retreat would address these challenges, reflecting broader issues students face before graduation.

Director Power congratulated everyone on achieving the target goal for course completion. She asked about the connection between course completion and the mentorship program that Ms. Greer leads, particularly for those who did not meet the target. She recalled her own experience as a mentor and suggested that focusing on a mentorship strategy—through peer mentors, recent graduates, or alumni—could help those who were falling short in course completion. Dean Ratner noted that the main source of in-depth student support comes from professional staffing. He highlighted the College's recent doubling of the bar success staff with the hiring of a new Associate Director for Bar Passage Support. Ms. Greer's team, consisting of paid mentors and adjunct faculty, plays a crucial role in coaching students through their bar course completion. Dean Ratner mentioned some successful initiatives, including moving the graduation date earlier to avoid conflicts with bar study, consistent messaging during graduation about starting bar prep early, and a promising

partnership with Barbri to introduce a one-unit course for bar study beginning in March 2025. He expressed optimism that this could significantly benefit students but acknowledged the need for analysis on how the mentorship program relates to student progress.

Ms. Greer added that they would need to pull data to analyze the effectiveness of the mentorship program, noting that many students opt to participate voluntarily. She pointed out that typically, it is the higher-performing students who seek mentorship, leaving those who need extra support less engaged. Ms. Greer emphasized the importance of finding ways to connect struggling students with mentors, suggesting they could incorporate this into their alumni bar passage support program. She outlined existing requirements for students to receive summer funds, which include course completion and the use of specific resources. She proposed adding a requirement for students to connect and check in with a mentor during their bar prep period. Mr. Moscato shared that he analyzed data regarding mentorship participation but didn't have details on who was specifically matched with a mentor. He focused on students who expressed interest in the alumni or faculty mentorship program, filtering out those who were not interested or left the question blank. He noted that the completion rates for those who intended to participate were slightly lower, with about 79 percent course completion for Themis and 77 percent for Barbri. He also recalled that in previous data comparisons, students with mentors had actually performed worse than those without.

4.4. Faculty Hiring

Dean Ratner said that last year was particularly successful. The College hired an exciting new group of faculty that revitalized the campus atmosphere. He noted the importance of replenishing faculty numbers after previous challenges with having too few full-time faculty.

4.5. Centers of Excellence

Dean Ratner highlighted the annual reports from various research and programmatic centers, emphasizing how they reflect the success of the strategic plan. These centers are doing remarkable work both nationally and globally, and the Communications office is using these reports to showcase College achievements to peer law schools and engage alumni in relevant programming.

5. Adjournment

The Chair adjourned the meeting at 1:04 p.m.

Respectfully submitted,

Laura M. Wilson-Youngblood, Deputy General Counsel

Report 4.1 – July 2024 Bar Outcomes

By Provost & Academic Dean Morris Ratner

We received the official past list from the State Bar today, November 13, 2024. That data set allows us to report our graduates' pass rates for the July 2024 administration of the bar exam. Our first-time pass rate is above the average first-time pass rate for ABA-accredited law schools in California of 81%. Our pass rate for all first-time UC Law SF test takers overall (regardless of graduation class year) is 83%, and for the Class of 2024 graduates is **84%**. This puts us in line with our pass rate in July 2021, when the ABA state average was 81% and our first-time pass rate was 83% overall and 84% for the Class of 2021.¹

We will not know how we compare to specific peer schools in California until the Bar releases that data, too, though just being a few percentage points above the ABA-accredited California law school state average is very good news, especially given that we were 4% below the CA ABA law school average in 2022 and 3% below it in 2023. It will take longer for us to undertake rigorous regression analyses to explore the likely *causes* of this year's changes, bearing in mind that once our pass rate exceeds 80%, it becomes difficult to assess causation because the comparator group (those who failed) becomes smaller, and bearing in mind that the best data are multi-year data, such that we'll be integrating the 2024 data set into the larger data set described in [this article](#) which I have previously shared.

Before getting into the details using data prepared by Bar Success Analyst Stefano Moscato, I'd like to take a moment to celebrate the persons whose hard work is reflected in these outcomes. Our Class of 2024 graduates are at the top of this list because their efforts ultimately achieved this outcome.² I would also like to congratulate and thank faculty for their collective efforts. Since 2016, faculty have widely adopted key bar success teaching initiatives regarding, among other things, bar-like testing methods, use of AdaptiBar and other formative assessments, and iterative and explicit instruction on legal analysis. Even though bar success is ultimately a College-wide project, I'd like to single out the truly *heroic* efforts of our academic skills and success specialists, including Director of Bar Passage Support Margaret Greer (a Kane Excellence Award

¹ The pass rate for UC Law SF repeat test takers was 45%, well above the California ABA-accredited law school state average of 34%.

² Our graduates' average post-graduation commercial bar course completion rates increased from 76% last year to 81% this year, above our suggested floor of 80%, though a substantial minority of Class of 2024 graduates concentrated in the lower LGPA quartiles failed to meet targets. This was due in part to a coordinated early bar start campaign Margaret Greer oversaw, which included a pointed message in Stefano Moscato's speech to the Class of 2024 at graduation. Critical Studies 4, a new early bar start course being offered for the first time this spring semester, will hopefully accelerate the early start program and is required for all fourth quartile 3Ls this year.

winner this year), Bar Success Analyst Stefano Moscato, our OASIS faculty (Associate Dean Jennifer Freeland and Professors of Practice Laurie Zimet, James Higa, Tori Timmons, and, for LEOP, Richard Sakai, as well as Adjunct Professor Koren Stevenson, who has been part of our OASIS success team in recent years), the additional bar success team of adjunct professors Margaret Greer leads (including Magi Lee, Catalina Lozano, Michael Quinn, Sandy Flagge-Phillips and Maurico Grande, as well as Dennis Higa),³ and OASIS-adjacent and Bar Support Program-adjacent skills specialist faculty such as Lois Schwartz, Betsy Candler, David Jung, and Steven Harris.⁴ I also would like to specifically thank and acknowledge the many faculty who serve as Sack Professors each year, whose efforts lay the foundation for success throughout students' JD careers.⁵ I would also like to recognize key professional staff including Assistant Dean for LEOP Elizabeth McGriff, Assistant Dean for CDO Amy Kimmel, our student affairs team (Dean of Students Tiffany Gabrielson, Assistant Dean for Student Services Miguel Zavala, Director for Academic Advising Jonathan Myers), and Director of DRP Lisa Noshay Petro (and Bar Accommodations Specialist Anwar Thomas), all of whom with their teams have made holistically supporting student success in law school and on the bar exam a priority.⁶ Finally, I want to acknowledge the importance of the collaborations we have with Themis and BarBri and to particularly thank UC Law SF Adjunct Professor and Themis National Director of Curriculum & Assessment Chris Fromm, who has been and remains an important thought partner.

Table 1, below, gives a picture of year-over-year changes in our pass rate since 2019.

³ I also want to acknowledge faculty such as Linh Spencer, Matt Coles, and Stefano Moscato who have sent messages of support to graduates studying for the bar. I also want to acknowledge faculty like Visiting Professor John Myers who led special review sessions on substantive law for our graduates. And I'd like to recognize all the faculty, staff, and alumni who served as bar mentors for our graduates as part of program Margaret runs each summer.

⁴ Our new Associate Director of Bar Passage Support Dan Martin just started this year, but I can already tell he will be near the top of the list of persons we will want to thank in future years because he has proven himself so far to be a wonderful addition to the stellar team of persons I'm recognizing in this text. Dan started after the July 2024 exam.

⁵ Sack (and Advanced Sack) faculty in recent years have included, among others: Paul Belonick, Jo Carrillo, Matt Coles, John Crawford, Jennifer Freeland, Thalia Gonzalez, Margaret Greer, Keith Hand, Stefano Moscato, Emily Murphy, John Myers, Zach Price, Radhika Rao, Aaron Rappaport, Naomi Roht-Arriaza, Dorit Reiss, and Lois Schwartz. Many other faculty, while not serving expressly in the Sack program or in some cases not teaching bar classes, and too numerous to list, have adopted Sack-like techniques (with special emphasis on formative assessment with individualized feedback) to move the needle on student success. Several of them are prior-year Rutter Teaching Excellence Award winners, including Heather Field, Dave Owen, and Linh Spencer.

⁶ I would also like to thank faculty who previously served in the Associate Academic Dean role (Jeff Lefstin and Heather Field) who have continued to be sources of expertise and wisdom on student success issues, our Alumni Office for raising funds for bar support, CFO David Seward for partnering to resource bar success efforts, and, of course, Chancellor & Dean David Faigman for keeping bar success at the top of our collective agenda and for leading ABA law school coordinated efforts to address bar success matters with the California Supreme Court and others.

Year	UC Law July X1% ⁷	CA ABA July X1%	Δ	UC Law July Repeat %	CA ABA July Repeat %	Δ	LSAT / UGPA Rank
2019	80%	71%	+9%	58%	52%	+6%	50/77 ⁸
2020	86%	84%	+2%	43%	36%	+7%	53/91
2021	83%	81%	+2%	29%	28%	+1%	64/95
2022	71%	75%	-4%	43%	28%	+15%	74/100
2023	73%	76%	-3%	48%	36%	+12%	82/121
2024	Est. 83%	81%	+2%	Est. 45%	34%	+11%	78 ⁹ /108

Table 1: YoY Overall Pass Data

Table 2 presents a breakdown of Class of 2024 graduate pass rates by quartile on the July 2024 administration compared to prior years.

Year	Q1 X1%	Q2 X1%	Q3 X1%	Q4 X1%	Overall X1%
2021	99%	90%	86%	56%	84%
2022	99%	87%	64%	31%	70%
2023	100%	86%	66%	35%	74%
2024	100%	95%	82%	51%	83%

Table 2: Final LGPA Quartiles Disaggregated

Based on final LGPA, the pass rate for students with a GPA < 2.7 was an estimated 17%.

Stefano Moscato also calculated pass rate for Class of 2024 graduates based on 1L GPA, by quartile: Q1 (100%), Q2 (93%), Q3 (87%), and Q4 (48%), with the upper bound of Q4 being an LGPA after 1L year of < 3.019. Class of 2024 graduates who completed their 1L year with a GPA < 2.7 (traditionally, our bottom 10%) had an estimated first-time pass

⁷ This is the first-time pass rate (“X1%”) on the July administration. The rate is the reported figure for all UC Law graduate first-time takers regardless of the class year. The class-specific cohort pass rate is typically one percentage point higher. So, for example, in 2021 our first-time pass rate for any graduate of UC Law who sat for the exam in California for the first time was 83% but the Class of 2021 first-time pass rate was 84% on the July administration for that year. This is relevant because we undertake outcomes assessment to evaluate the efficacy of our academic program inputs by graduation cohort (persons who experienced a roughly similar 3-year educational program).

⁸ These are our national ranks for median LSAT/median UGPA on admission from the U.S. News proprietary Academic Insights database for the years in which 1Ls in each of these graduating classes enrolled. For the Class of 2019 which enrolled in FA16, I used the 2018 edition of US News rankings formula element ranks pulled from Academic Insights.

⁹ We spotted a possible issue with the formula element “rank” associated with schools that are tied. We are investigating but do not have reason to think there’s a calculation error on our overall score that produces our rank.

rate of 27%. So, even during one of our best years in the past half-decade, our bottom decile by law school GPA after 1L year, excluding students in that cohort who were disqualified or didn't sit for an exam at all, has a very low pass rate.

Table 3 presents the LEOP pass rate versus the non-LEOP pass rate in recent years. Our Class of 2024 LEOP graduates did very well this year, outperforming non-LEOP graduates in Q2 (100% LEOP average pass rate compared to 95% non-LEOP) and Q3 (88% LEOP pass rate compared to 79% LEOP), but underperforming relative to non-LEOP graduates in Q4 (40% LEOP pass rate compared to 55% non-LEOP). Though LEOP fourth quartile graduate pass rates show continuing challenges in that cohort, a LEOP pass rate of 78% an historically high pass rate for LEOP overall.

Year	Non-LEOP X1%	LEOP X1%	Overall X1%
2021	86%	71%	84%
2022	77%	49%	70%
2023	76%	63%	74%
2024	85%	78%	83%

Table 3: LEOP and Non-LEOP Disaggregated

Table 4 shows bar pass rates layered on to course completion data by GPA quartile cohort, showing the average course completion data and “effective course completion”¹⁰ data for each quartile for LEOP and non-LEOP students for all UC Law SF first-time test takers on the July 2024 administration. These figures are telling because of the predictive power of that one metric regarding first-time bar passage. (For the second year in a row, relying primarily on this information,¹¹ our Bar Success Analyst Stefano Moscato was able to accurately predict pass rates.)

[Proceed to next page.]

¹⁰ Stefano Moscato developed this metric. Here’s how he defines it: “‘Effective course completion’ adds in the estimated time spent doing supplemental MBE sets and BEST essays. (I use the values BarBri assigns per MCQ set and per essay completed.) 100% effective course completion should be a little over 400 hours (which you’ll recall is what I said at graduation was the magic number – and indeed, we saw 98% pass rate for those who got to that number).”

¹¹ Stefano also relied on the slight uptick in student metrics on admission for Class of 2024 compared to earlier years. According to Stefano: “we hit our metric bottom with the classes that graduated in 2022 (160/158/154 LSAT, 3.62/3.45/3.20 UGPA) and 2023 (161/158/155 LSAT, 3.60/3.42/3.20 UGPA), whereas the Class of 2024 was a bounce-back (162/160/157 LSAT, 3.69/3.52/3.30 UGPA), especially the 25th percentile markers. That was part of the reason I was anticipating an uptick in bar outcomes this year compared to the last two years.”

July 2024 Test Taker Cohort	% Commercial Bar Course Completion	Effective Bar Course Completion	First-Time Pass Rate
Q1	85.4%	96.7%	100%
Q2	83%	96%	95%
Q3	82.3%	93.8%	82%
Q4	72.6%	80.7%	51%

Table 4: Post-Grad Course Completion Disaggregated by Quartile

Table 5 provides another window into the importance of course completion and the relationship to average LGPA at graduation for all UC Law SF first-time test takers on the July administration of the exam, which includes a handful of Fall 2020 matriculants.

% Bar Course Completion	Ave. GPA	# Took	# Passed	X1% (Pass Rate)
85%+	3.361	176	167	95%
75%-85%	3.263	78	68	87%
65%-75%	3.239	24	16	67%
50%-65%	3.153	22	12	55%
25%-50%	3.110	16	9	56%
<25%	3.122	8	3	38%

Table 5: Class of 2024 Post-Grad Commercial Bar Course Completion

Table 6 presents similar data using Stefano Moscato's estimate of what he calls "effective course completion," defined in n. 10, above.

% "Effective Course Completion"	Ave. GPA	# Took	# Passed	X1% (Pass Rate)
100%+	3.353	139	136	98%
85%-100%	3.311	106	94	89%
75%-85%	3.247	24	16	67%
65%-75%	3.150	16	9	56%
50%-65%	3.106	20	11	55%
25%-50%	3.224	11	7	64%
<25%	3.102	7	2	29%

Table 6: Class of 2024 Post-Grad Commercial Bar Course Completion

Each year we also track graduate performance based on commercial bar preparation course company. Graduates who used Themis and BarBri this year had relatively equal pass rates, with 85% for Themis and 83% for BarBri. The handful of students who relied on private tutors or other non-bar company support had a 0% first-time pass rate.

Our July 2024 bar outcomes reflect the many measures we have taken since 2016 to promote student success. We restructured our curriculum, teaching, testing, and student support after 2016. As a result, starting with the Class of 2019 (the first graduating class to benefit from a full three years of these interventions), we helped our students to perform better than their admission metrics relative to peer CA ABA-accredited schools might predict. (This was true in four of the six past July bar exam administrations, including the July 2024 exam.)

We didn't limit ourselves to any one approach or category of intervention, but at root, we shifted from a long-standing strategy prior to 2016 of directing academic skills instruction support primarily to the most at-risk and lowest-performing students to an **equity-based approach** to legal education in which, from the start, we provide *all* students (not just the bottom 10% or 25% of students) with academic success instruction and support. Simultaneously, we significantly expanded academic skills expertise and resources by, among other interventions:

- Creating a skills-focused orientation.
- Adopting the 1L Sack program (extra unit of skills instruction associated with one doctrinal class in each 1L Inn each fall and spring semester).
- Creating an entirely new faculty-led academic skills success department (OASIS) and significantly expanding the number of expert skills faculty. (In 2016, we had one faculty member who was our designated academic skills specialist. Today, academic skills specialists comprise > 10% of our full-time faculty, excluding full-time writing lecturers.)
- Creating a bar success skills department affiliated with OASIS (Bar Passage Support), now with two full-time faculty running it, supported by a team of adjuncts.
- Embedding a full-time OASIS academic skills specialist in LEOP and taking other steps to improve the quality of LEOP academic support programming.
- Integrating AdaptiBar into our three-year JD program.
- Equipping all faculty with the knowledge and tools to teach academic success skills pervasively and to offer formative assessments with individualized feedback, e.g., via teaching colloquia.
- Per a faculty vote, requiring that bar subject final exams mirror the format of the California Bar Exam.

- Establishing an expansive new skills-focused upper division curriculum, e.g., upper division Law & Process bar classes, Advanced Sack versions of bar classes, and a robust suite of for-credit bar prep classes (Critical Studies 1-4).
- Expanding a rich array of co-curricular programming pre- and post-graduation, including 1-1 post-graduation coaching for *every* student and graduate. This includes tracking each graduate's progress through their

We have layered on to that academic skills and support infrastructure additional resources such as specialized bar accommodations support.¹² These student success interventions have required substantial changes to our faculty staffing model, our curriculum, our Academic Regulations (e.g., new graduation requirements, etc.), and our budgets (allocation of resources).

From a resource vantage point, I cannot think of a single school that has done more than we have over the past decade to promote student success. In general, this effort has substantially benefitted our students. After a half decade (2014-2018) during which our graduates' bar pass rates fluctuated between the low 50s% to the high 60s%, we have since 2019 had bar pass rates exceed 80% in most years, and even in our worst years, they have been > 70%. More to the point, given that the California ABA-accredited law school pass rates fluctuate from year-to-year, we have been above the CA ABA-accredited law school state average pass rate in four of the past six years.

¹² For a much more complete list of student success efforts, see pp. 13-18 of this [draft article](#).

Report 4.2 – California Bar Exam Developments

By Provost & Academic Dean Morris Ratner, Director of Bar Passage Support Margaret Greer, and Associate Director of Bar Passage Support Daniel Martin

Attached please find a memorandum from Associate Director of Bar Passage Support and Professor of Practice Daniel Martin explaining changes to the California Bar Exam and summarizing measures we are taking to address them.

MEMORANDUM

To: Morris Ratner, Provost & Academic Dean
From: Dan Martin, Associate Director of Bar Passage Support
CC: Margaret Greer, Director of Bar Passage Support
Date: November 11, 2024
Subject: Fall 2024 California Bar Exam Updates

This memorandum summarizes recent developments concerning the California bar exam. Specifically, it addresses proposed and adopted changes to the exam since August 2024, and generally groups them into two categories: (1) immediate-term changes and (2) long-term changes.

1. Immediate-Term Changes: Kaplan-Drafted MCQs and Remote-Testing Options

The State Bar, with recent approval from the California Supreme Court, has adopted non-substantive changes to the bar exam to take effect beginning in February 2025. These changes, described below, are driven by in-person exam-administration costs (*e.g.*, in-person facility rentals and proctoring costs) and a resulting State Bar budget deficit. The changes are designed to allow California to administer the exam remotely and at private vendor-run facilities and thus reduce administration costs.

Kaplan Will Now Draft the Multiple-Choice Questions: Traditionally, California has used the [Multistate Bar Exam](#) (“MBE”), drafted by the National Conference of Bar Examiners (“NCBE”), for the multiple-choice portion of the bar exam. The NCBE requires that the MBE be administered in-person at jurisdiction-run facilities. California, seeking to move away from in-person testing for the above-noted costs reasons, sought out a new source of multiple-choice questions.

On [August 9, 2024](#), the State Bar signed a five-year exam-development agreement with Kaplan Exam Services, LLC (“Kaplan”). While the agreement “authoriz[es] Kaplan to create multiple-choice, essays, and performance test questions for the California Bar Exam,” the multiple-choice questions are being rolled out first: enabled by an [October 22, 2024 Supreme Court Order re: Exam Modifications](#),¹ Kaplan-drafted multiple-choice questions will be used beginning on the February 2025 exam.

Despite the change in drafter, the State Bar has said “[t]he multiple-choice questions developed by Kaplan will not substantially modify the training or preparation required to pass the exam.”² “The bar exam will cover the same subject areas and continue to have 200 multiple-choice questions, five one-hour essay questions, and one 90-minute Performance Test.”³ And “[a]pplicants should prepare for the exam as they always have.”⁴

In early November, the State Bar released a Faculty Guide and a [Student Guide](#) for the newly drafted Kaplan multiple-choice portion of the exam. The two guides contain content maps of tested

¹ The Court’s Order eliminated a prior order’s reference to the MBE and, by doing so, enabled the State Bar to administer Kaplan-drafted questions. *See* [State Bar of California’s Renewed Request that the Supreme Court Approve Proposed Modifications to the California Bar Examination](#), at 4.

² [Notice to those intending to take the February 2025 bar exam](#).

³ *Id.*

⁴ *Id.*

subjects and 25 sample multiple-choice questions each. Initial assessment of the guides' content is that they cover the same general subjects and use the same general question format as the MBE.

The Exam Will Now Be Administered Remotely and at Vendor-Run Facilities: With the State Bar's transition to Kaplan-drafted multiple-choice questions, and pursuant to the [October 22, 2024 Supreme Court Order re: Exam Modifications](#), the bar exam will now be administered "remotely and/or in-person at vendor-run or State-Bar run test centers."⁵ Both remote and in-person vendor-run testing will be administered by ProctorU, Inc. d/b/a Meazure Learning; applicants will "select their preferred method for taking th[e] exam, between remote and in person,"⁶ although we understand that in-person capacity may be limited and allocated based on considerations like approved testing accommodations. All remote and in-person applicants will take the exam on a computer—no paper exam materials will be provided—absent an approved accommodation to the contrary.⁷

Field Testing the New Kaplan-Drafted Questions and Meazure Learning Platform: To field test the newly drafted Kaplan questions and Meazure Learning's platform, the State Bar proposed a two-phased [Bar Exam Experiment](#). Phase One, which took place on November 8 and 9 and consisted of 49 multiple-choice questions in 90 minutes, tested Kaplan's newly drafted questions and Meazure Learning's platform.⁸ Phase Two, which will take place on the day following the July 2025 exam, will explore "[p]erformance in remote vs. in-person exam delivery," "[p]erformance with different time limits," and "[p]erformance with and without access to limited web content or personal notes."⁹

Participation in Phase One was open to those registered with the State Bar who intend to sit for the exam in 2025 (e.g., 3Ls and LLMs) and required interested participants to apply.¹⁰ To encourage participation, and to incentivize participants to study for the Phase One exam, the State Bar sought and obtained [approval from the Supreme Court](#) to award a "scaled score adjustment" to participants' actual multiple-choice exam score (i.e., on their actual February or July 2025 exam scores). To qualify for the adjustment, participants must meet a "minimum threshold of performance" on the Phase One exam that is to "be determined by the Committee of Bar Examiners . . . after psychometric analysis of results."¹¹ "The score adjustment will not exceed one standard error of measurement of the participant's total scaled score for the multiple-choice portion of the applicable bar exam."¹² And the adjustment will be applied only if "the applicant did not pass the regular California Bar Examination based upon the usual scoring procedures."¹³ The Supreme Court denied without prejudice the Bar's similar request for a Phase Two scoring adjustment.¹⁴

The rapid change to Kaplan-drafted questions and remote testing, including the ability to properly draft questions in such a short time and the potential inequities created by the scoring adjustment,

⁵ [October 22, 2024 Supreme Court Order re: Exam Changes](#).

⁶ [February 2025 California Bar Exam](#); [February 2025 Bar Exam FAQs](#).

⁷ [February 2025 Bar Exam FAQs](#), Nos. 14, 20.

⁸ [California Bar Exam Experiment](#).

⁹ *Id.*

¹⁰ The Bar has not yet released information about the application for participating in Phase Two.

¹¹ [October 22, 2024 Supreme Court Order re: Score Adjustment](#) at 1.

¹² [California Bar Exam Experiment Phase One FAQs](#) at 5.

¹³ *Id.* at 6.

¹⁴ [October 22, 2024 Supreme Court Order re: Score Adjustment](#) at 1–2.

created cause for concern. To that end, the [deans of ABA-approved law schools in California wrote to the Supreme Court](#) to express their concerns and urge the Court to pause implementation of the transition to Kaplan. UC Law SF deans and bar success faculty also submitted a public-comment letter in advance of the Committee of Bar Examiners' September 30, 2024 meeting further urging delay in implementing the Kaplan-drafted questions. The changes described above were nonetheless approved by the Committee and the Supreme Court.

UC Law SF's Support for Students and Alumni: The College's efforts to support students and alumni during these changes have focused on several areas. First, the College has provided informational updates—by way of email, intranet news alerts, and one-on-one advising sessions—at each step of the process.

Second, while providing that information, bar support faculty have encouraged students and alumni to take advantage of every opportunity (*e.g.*, participation in the Phase One exam) that might benefit them. While the Bar Exam Experiment raises several concerns,¹⁵ it also provided students with several benefits: (1) the chance to see the newly drafted Kaplan questions under test-like conditions; (2) the opportunity to test the new Meazure Learning platform; and (3) the potential to receive a score adjustment on the real exam. We were informed by the State Bar that 244 Phase One applicants were affiliated with UC Law SF, whether current students or otherwise eligible alumni.

Third, the College has compiled and provided resources designed to help participants succeed on the Phase One exam and thus, potentially, qualify for the score adjustment. Working with Professor Chris Fromm (Themis Bar Review's National Director of Curriculum and Assessment), bar support faculty provided students and alumni with a suggested study approach using specially created videos by Professor Fromm, multiple-choice question assessments and practice sets, Themis-provided subject-matter outlines, and additional free resources through the College. Bar support faculty also met one-on-one with students to develop personalized study plans.

Finally, the College made on-campus space available to students who needed it to take the Phase One exam remotely (*e.g.*, for those without adequate space at home).

2. Long-Term Changes: New Topics, Skills, and Governing-Law Focus

On October 10, 2024, the California Supreme Court issued an Administrative Order titled "[Order Concerning Recommendations of the Blue Ribbon Commission on the Future of the Bar Exam and the Alternative Pathway Working Group](#)." The October 10 Order adopts in part (with modification) changes to the bar exam recommended by the Blue Ribbon Commission (the "Commission"), a group that was established by the State Bar and the Supreme Court to evaluate potential changes to the exam. Background information on the Commission, including a link to its final report and additional materials, is available [here](#).

The October 10 Order's Key Changes to the Exam: The October 10 Order adopts changes to the topics and skills tested, appears to suggest a heightened focus on California-specific law, and

¹⁵ See the [ABA deans' letter to the Supreme Court](#).

calls for an emphasis on testing legal analysis and lawyering skills over memorization. The Order also adopts recommendations regarding testing fairness and equity.

- **Topics Tested:** The Order directs that the following topics will be tested on the exam: Administrative Law and Procedure; Civil Procedure; Constitutional Law; Contracts; Criminal Law and Procedure; Evidence; Professional Responsibility; Real Property; Torts; Employment Law; Family Law; and Estate Planning, Trusts, and Probate.¹⁶ Compared to the current bar exam, this reflects the addition of three topics (Administrative Law and Procedure, Employment Law, and Family Law) and the removal of three (Business Associations, Community Property, and Remedies). That said, it is expected that Remedies will be tested in connection with substantive subjects like property, contracts, and torts, and that Community Property will be covered via Family Law.
- **Governing Law:** In adopting the foregoing topics, the October 10 Order modified the Commission’s recommended governing law as follows (strikethroughs reflecting the Supreme Court’s modifications):

*The Blue Ribbon Commission recommends that the future, California-developed bar exam, will continue to cover legal theories and principles of general application, which would include—~~federal~~ law applicable throughout the United States and ~~that, for certain subject areas such as Civil Procedure and Evidence, California law and rules may also be applicable.~~*¹⁷

These modifications suggest that California law may be tested more broadly, across more topics, on the exam.

- **Skills Tested and Emphasized:** The October 10 Order further directs that the following skills be tested on the exam: Drafting and Writing; Research and Investigation; Issue-Spotting and Fact-Gathering; Counsel/Advice; Litigation; Communication and Client Relationship; and Negotiation and Dispute Resolution.¹⁸ The Order also adopts “the Commission’s [following] recommendation concerning the examination’s testing of knowledge and skills”:

*It is recommended that in developing the exam, there should be a **significantly increased focus on assessment of skills** along with the application of knowledge and performance of associated skills for entry-level practice, **deemphasizing the need for memorization** of doctrinal law. The precise weight of content knowledge versus skills should be determined after the development of the exam.*

¹⁶ October 10 Order at 2.

¹⁷ *Id.* at 2.

¹⁸ *Id.* at 2–3.

*The commission further recommends transparency on topics and rules to be tested, including the extent to which candidates are expected to recall such topics and rules or possess familiarity with such topics and rules.*¹⁹

With this change in emphasis, it is anticipated that more of the exam will look like the current-day performance test, where examinees are provided with the law needed to solve a problem.

- **“Fairness and Equity” in the Exam:** The Supreme Court adopted the Commission’s general “recommendation concerning fairness and equity in designing the exam”—that is, the exam should be “fair, equitable, and minimize[] disparate performance impacts based on race, gender, ethnicity, disability, and other immutable characteristics.”²⁰ To further “minimize these disparities,” the Supreme Court supplemented that recommendation by directing the Commission to consider “whether unsuccessful applicants should be permitted to retake only those components [of the exam] that they failed, without having to retake the entire examination.”²¹ The Court also “encourage[d] the use of intervention programs, such as the [California Bar Exam Strategies and Stories program](#), to potentially ameliorate disparities in passing rates .”²²

Timing of the October 10 Order’s Changes: It is not clear when these changes will be implemented on the exam. The Order does not specify a timeline for implementation; it says only that “[m]oving forward, the court expects that the Committee of Bar Examiners will continue to serve as the court’s steward and advisor as changes are implemented.”²³

Because the changes are so substantial, however, it is expected that they will not be implemented on the exam for a minimum of two years—at the earliest on the February 2027 exam, potentially impacting current 1Ls—and likely later than that. By statute, the Committee of Bar Examiners “shall not alter the bar examination in a manner that requires the substantial modification of the training or preparation required for passage of the examination, except after giving two years’ notice of that change.”²⁴ The State Bar’s Director of the Office of Admissions acknowledged the statute’s application in this context, explaining that “[t]he content changes will not, and cannot be swift, as there is a statute requiring two years’ notice to law schools when something this significant changes on the bar exam.” The Committee of Bar Examiners is expected to discuss the October 10 Order at a December 6, 2024 meeting.

UC Law SF Academic Program and Advising Changes: In response to the October 10 Order, the College is evaluating potential immediate and medium-term academic program changes.

¹⁹ *Id.* at 3 (emphasis added).

²⁰ *Id.*

²¹ *Id.*

²² *Id.* at 4. In adopting these changes, the Supreme Court declined to adopt a proposed “Portfolio Bar Examination (PBE)” that was “proposed [as] [an] alternative pathway for attorney licensure.” *Id.* at 1, 4–7. The PBE would have allowed applicants to become licensed by submitting a post-graduation “portfolio of work product” and passing two performance tests. *Id.* at 4. The Supreme Court also declined to adopt the Commission’s recommendation to allow admission of attorneys licensed in other jurisdictions through reciprocity. *Id.*

²³ *Id.* at 7.

²⁴ Cal. Bus. & Prof. Code § 6046.6(a).

Three immediate-term tasks have been identified: (1) a review of program learning outcomes; (2) an adjustment to course offerings and staffing (*e.g.*, scaling down Business Association offerings and scaling up Family Law and Employment Law sections); and (3) an increased emphasis on performance tests in the mix of testing modalities.

In the medium-term, five tasks have been identified: (1) a review of all specialized skills instruction, from orientation through first-year Sack and LRW, Advance Sack, Law & Process, Critical Studies, and co-curricular offerings; (2) a review of Academic Regulation 705 governing required bar-tested courses;²⁵ (3) an adjustment of issue coverage in all bar-tested classes; (4) a pervasive integration of skills instruction in doctrinal courses; and (5) an adjustment to formative and final assessment in all doctrinal classes.

As noted above, the earliest we expect the October 10 Order's changes to be implemented is on the February 2027 exam. To that end, our general bar-preparation advice for current 2Ls and 3Ls, who will take the exam by July 2026, is currently remaining consistent with past years. Advice for current 1Ls, who would typically take the exam in July 2027, will be adjusted (*i.e.*, to reflect newly tested subjects) as needed and as more information becomes available.

²⁵ Currently, Academic Regulation 705 requires students to take Constitutional Law 2, Criminal Procedure, and Evidence.

Report 4.3 – Student Success Initiatives

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

This report covers three categories of success initiatives.

First, following up on the Board-faculty retreat in August, the faculty Academic Standards Committee is still considering various proposals. It has not yet presented changes to the faculty, but we expect it to do so in the coming weeks and months.

Second, please see the last sections of Report 4.2. In describing long-term changes to the bar exam just approved by the California Supreme Court, Associate Director of Bar Passage Support Dan Martin identifies several categories of additional reforms under consideration.

Finally, attached please find a memorandum from Director of Bar Passage Support Margaret Greer describing support available to Class of 2024 graduates who did not pass the July 2024 administration of the exam.

MEMORANDUM

To: Morris Ratner, Provost & Academic Dean
From: Margaret Greer, Director of Bar Passage Support
CC: Dan Martin, Associate Director of Bar Passage Support
Date: November 11, 2024
Subject: February bar exam support for Class of 2024 graduates

The College is making numerous resources available to Class of 2024 graduates who did not pass the July 2024 bar exam and are planning on sitting for the February 2025 bar exam. On Monday, November 11, 2024, Class of 2024 graduates who did not appear on the public pass received an email with information about the following resources for the February 2025 bar exam. The resources will be available to all repeat bar exam takers.

On-Campus Support

1:1 Bar Advising with Director of Bar Passage Support/Professor of Practice Margaret Greer and Associate Director of Bar Passage Support/Professor of Practice Dan Martin:

Dan and I are available to help graduates discuss next steps and to develop individualized study plans. We are also available to review their bar exam essay and Performance Test answers and to help graduates interpret their score sheets.

B.E.S.T. Essay Tutor Program:

All graduates are invited to participate in the College's free Bar Exam Supplemental Training ("B.E.S.T.") Essay Tutor Program. The program is designed to supplement the feedback the graduates are receiving from their commercial bar review courses by giving them the opportunity to receive extensive individualized feedback (both substantive and organizational) on multiple practice essay questions. As part of the program, graduates may submit up to fifteen practice essay and Performance Test answers for review and an approximate grade.

Faculty Bar Mentor Program:

Participating graduates will be matched with a faculty mentor. The mentor will be available to offer emotional support and to send encouraging emails and messages of support throughout bar review.

Alumni Bar Passage Mentor Program:

Graduates who participate in the Alumni Bar Passage Mentor Program will be matched with a mentor. The alumni mentors will provide graduates with moral support as they are studying for the bar exam. Graduates and alumni determine how interactive the mentoring will be. Some graduates and alumni exchange emails and phone calls and some meet for coffee or lunch.

Multiple-Choice Question Workshop:

During the session, Professor Fromm, Themis National Director of Curriculum and Assessment, will review an approach to MBE questions in general, including issue spotting, process of

elimination, and timing. Professor Fromm will also cover subject specific approaches and practice questions.

Starting with the February 2025 administration, the MBE will no longer be used for the multiple-choice portion of the General Bar Exam. Instead, the Bar will use multiple-choice questions developed by Kaplan. The traditional MBE subjects will still be tested, and the format of the questions has not changed. The State Bar has provided Multiple-Choice Guides that will help applicants prepare for the new multiple-choice questions developed by Kaplan. Graduates can access the student guide [here](#). The faculty guide is posted on the College's [Prior Bar Lectures and Workshops Canvas page](#).

AdaptiBar and AdaptiBar Scholarship:

AdaptiBar is a database of the released NCBE questions (i.e., real prior-year MBE questions). Although the California State Bar will now use multiple-choice questions drafted by Kaplan, the traditional MBE subjects will still be tested, and the format of the questions has not changed. Resources such as AdaptiBar and UWorld, which is available to Themis users, will remain vital supplemental resources. We have seen significant correlation between AdaptiBar usage and bar passage generally, but especially for repeat takers. As in prior years, we will offer graduates the opportunity to apply for the AdaptiBar Scholarship. The scholarship will cover the cost of re-enrolling in the AdaptiBar program. Recipients will commit to working with the Bar Passage Support Program to develop a study schedule and to submitting essays and PT answers to the B.E.S.T. Program.

UC Law Library Bar Exam Resources:

The Law Library has a collection of bar exam resources, including an online database of California Bar Exam essays and answers, dating back to 1977. The following link provides access to our Law Library resources: <https://libguides.uclawsf.edu/ca-bar-exam/home>. The [Library's Aspen Learning Center's database](#) includes a collection of bar prep supplemental materials, including the following texts:

[*Essay Exam Writing for the California Bar Exam*](#) by Mary Basick and Tina Schindler

[*California Performance Test Workbook*](#) by Mary Basick and Tina Schindler

[*Strategies and Tactics for the MBE*](#) by Emmanuel

[*Strategies and Tactics for the MBE 2*](#) by Emmanuel

[*Strategies and Tactics for the Finz Multistate Method*](#) by Emmanuel

[*The MBE Decoded*](#) by Mary Basick and Tina Schindler

The Library is available as a study space during open hours.

Prior Bar Lectures and Workshops Canvas page:

The Canvas page contains recordings of prior bar subject refresher lectures, videos of bar skills workshops, and essay and MBE resources.

Financial Aid:

If graduates have questions about funding some of their bar exam preparation, they will be encouraged to contact the Financial Aid Office at financialaid@uclawssf.edu for guidance and advice.

Career Advice:

If graduates have any questions regarding career advising or how to speak with their employers, they will be advised to email Director of Graduate Advising Gabriel Bellman at bellmang@uclawssf.edu.

Accommodations Advice:

If graduates have questions about applying for bar exam accommodations, they can contact Lisa Noshay Petro, Director of Disability Resource Program, and Anwar Thomas, Bar Accommodations Specialist, at DisabilityResourceProgram@uclawssf.edu and thomasanwar@uclawssf.edu.

Health and Wellness Support:

Graduates who are retaking the bar exam in February will have the opportunity to attend bar exam support group sessions with a licensed mental health provider at Carbon Health. The sessions will provide support and resources for helping graduates process the July Bar Exam experience, structuring a self-care routine that includes healthy and positive mental and physical habits, and addressing any anxiety or stress that graduates may be experiencing. We are also making available one individual appointment with Heather Cotsenmoyer, Clinical Psychotherapist.

Report 4.4 – Employment

By Assistant Dean Amy Kimmel

A. Class of 2024 Employment (Year Over Year Data)

The UC Law SF Career Development Office (CDO) captures employment data for the graduating 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 graduate's employment status may change over the next months.

- November 5, 2024: 120/366 (33% are unemployed and/or we do not have complete data on their employment status).
- November 1, 2023: 114/345 (33% are unemployed and/or we do not have complete data on their employment status).
- November 1, 2022: 107/309 (34% unemployed and/or we do not have complete data on their employment status)
- November 1, 2021: 128/284 (45% unemployed and/or we do not have complete data on their employment status)

B. Summer OCI/"Big Law" Recruiting

We continue to closely monitor recruiting timelines for 2L summer positions with the largest law firms. As these timelines move up, we are adjusting our interview programs as well as the resources we provide students. To ensure our students are positioned as strongly as possible in the market, we have had numerous meetings with OCI firms as well as conversations with our peer Northern California schools.¹ We are still reviewing the market and recruiting trends before finalizing our OCI schedule for next year, but we plan on keeping and building on the changes we made last year. Specifically, we will again have an OCI preview program (Pre-Summer OCI Program) that will occur in June, and we will likely keep our more traditional OCI program in July.² We will expand our Pre-Summer OCI Program to allow students more applications and provide firms with more information about the students. Additionally, we are working with the First Generation Program and others on campus to provide more resources to our students regarding these changing timelines.

¹ We are also closely monitoring the programs offered by law schools around the country and their timelines.

² While many firms have shifted much of their recruiting efforts to direct applications and/or preview programs, many still also like the structure of traditional OCI.

C. Updates on Current School Year Programs

- The first four mandatory co-curricular Professional Development Graduation Requirement components have been presented to the 1L class. Fewer than 10 students have not completed these mandatory components. Michelle Hu (just started her second year in her position and her first year in running the program) has improved and streamlined the tracking and makeup procedures for this program.
- We are working to track and update our 3Ls on their progress towards the co-curricular Professional Development Graduation Requirement. The Class of 2025 is the first class to graduate with this requirement and we are working to ensure compliance as well as adapting the program to best meet student and curricular needs. Specifically, we have incorporated a training on implicit bias (per ABA 303) and have updated the program to require students to engage with Bar Passage Support.
- This year, the Alumni Mentor Program again generated almost 300 mentor/student matches. Most of the participating students were 1Ls. This program continues to be very important to our students (especially students who come to law school without a legal network) as well as a valuable tool for alumni engagement (this year was a record year for securing attorney mentors (324)). We again saw significant interest in IP/tech/business law; these three programs accounted for 130 of the matches (approaching half the total matches).