

AGENDA ITEM

III H JULY 2017

DATE: June 23, 2017

TO: Members, Admissions and Education Committee

FROM: Hon. Diana Becton, Chair, Council on Access & Fairness
Rodney Fong, Director, Office of Legal Services
Patricia Lee, Managing Director for Diversity Outreach

SUBJECT: Council on Access & Fairness Bar Passage Program—
Status Report

EXECUTIVE SUMMARY

In 2015 the Board of Trustees expressed concern about the low bar pass rate among students from diverse backgrounds and began focusing on bar pass programs to improve the bar passage among these students. While the California Bar Foundation and the Minority Legal Education Resources (MLER) program continued to focus on replicating a program similar to MLER, the Board and COAF representatives began considering other bar passage options. In 2016 the BOT's referred to COAF the task of developing a program to improve bar passage, in particular among students from diverse backgrounds. The identified program proposes the application of successful research and prior studies to the California bar exam and involves the introduction of psychological interventions at the bar exam registration phase to improve the mindset of students preparing to take the bar exam. A project summary and status report follow are provided below..

BACKGROUND

In 2015, the Board of Trustees expressed concern about the low bar pass rate among students from diverse backgrounds and considered creating a bar passage program designed to raise the pass rate for these student groups. Representatives from the BOT's and the Council on Access Fairness (COAF) unsuccessfully attempted to partner with the California Bar Foundation and the Minority Legal Education Research Program (MLER, see www.mler.com) to design a program open to all students that would focus primarily on analysis of and extensive practice writing answers to essay questions.

While the Bar Foundation continued to develop a partnership with MLER, the BOT and COAF representatives considered focusing on other options for increasing bar passage.

In 2016 the BOT's referred to COAF the task of developing a separate bar passage program. COAF initiated contact with a research team of social psychologists with members from Stanford, Indiana University and USC Gould School of Law to focus on the application of prior successful research to the bar exam setting. The prior studies introduced psychological interventions in exam settings at the college and high school levels to create a positive mindset among the students taking the exams. The studies described by the Research Team have demonstrated an increase in exam passage by all students participating in the studies. The interventions also showed more pronounced increases with students from diverse backgrounds.

The Research Team provided briefings to our Senior Executive Staff about the earlier studies and potential application to the California bar exam, who in turn facilitated the introduction of the concept to the Committee of Bar Examiners in March 2017 and the law school deans during a recent Law School Assembly meeting in April 2017. The Law School Deans responded favorably to the intervention approach and have agreed to support the implementation of the project to be introduced for the July 2018 bar exam. The interventions will be introduced and coordinated closely with the additional bar exam studies engaged in through the Committee of Bar Examiners. Attachment A is a brief summary of the project and description of the initial design phase.

ATTACHMENT LIST:

A: Summary – Psychological Intervention Project and Initial Design Phase