

January 29, 2007

Gayle E. Murphy  
Senior Executive, Admissions  
Office of Admissions  
The State Bar of California  
180 Howard Street  
San Francisco, California 94105-1639

Dear Ms. Murphy:

We are writing to explain some reasons why we support the proposed use of California bar data by a team of researchers led by Dr. Steve Klein and Professors Bill Henderson, Rick Sander and Doug Williams.

Dr. Sander's recent work on the operation of law school preferences raises extremely important and troubling issues about current admissions and education policies of law schools. If his analysis is correct, current practices are substantially reducing the chances of individual African-American law students to graduate from law school and pass the bar. According to Sander's most recent analysis, two thirds of white law students graduate and pass the bar on their first attempt, compared to only one third of black law students. Half of this gap may be due to the "mismatch effect" and other practices under the control of law schools.

We do not know whether Sander's estimates are correct. Indeed, none of us can know for sure, because the currently available data are limited and have some flaws. We do believe, however, that it is of the utmost importance that we get better data to understand these sensitive and important issues. Getting the detailed data in the California bar archives is, we believe, a critical and perhaps unique opportunity to resolve these questions.

The team of researchers who have developed the proposal to analyze the California bar data is a highly skilled and balanced group. The analyses they have proposed are, we think, the right questions to be asking at the point. We hope that you will make the data available to them and to all properly credentialed researchers.

Sincerely yours,

Larry Alexander  
Warren Distinguished Professor of Law  
University of San Diego

Stephen H. Balch  
President  
National Association of Scholars

Jay Bergman  
Professor of History  
Central Connecticut State University

Lloyd R. Cohen  
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