

January 25, 2007

Ms. Whitnie C. Henderson, Chair  
Mr. Alan S. Yochelson, Vice-Chair  
Committee of Bar Examiners  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105

Dear Ms.Henderson and Mr. Yochelson:

We are writing to you as chair and vice-chair of the California Committee of Bar Examiners. We understand that the Committee is considering the request advanced by several researchers, including Dr. Stephen Klein, Prof. Bill Henderson, Dr. Doug Williams, Prof. Vikram Amar and Dr. Richard Sander, to analyze data gathered by the California bar over many years with a view to testing hypotheses about the possible "mismatch effect" in law school admissions policies.

Research on the mismatch effect raises very serious and important issues about legal education today. All of us are concerned about the large differential in bar passage rates across racial lines. The "mismatch" hypothesis, if true, may explain an important part of this differential. Although this hypothesis is controversial, all parties to the dispute agree that getting better data is a very important step towards understanding and addressing the underlying problem.

Klein, Henderson, Williams, Amar and Sander are well-known and respected scholars. They have taken pains to design a careful research plan and to involve a wide range of scholars and perspectives in their work. We hope the Committee will cooperate in making its unique data bank available to this project.

Sincerely yours,

Bernard Black  
Head Regents Chair and Professor  
University of Texas School of Law

Theodore Eisenberg  
Henry Allen Mack Professor of Law  
Cornell University Law School

Michael Heise  
Professor of Law  
Cornell University Law School

John P. Heinz  
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