



*Via Mail*

November 13, 2019

Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102

**Re: Reevaluating the California Bar Exam Cut Score to Increase Bar Diversity and Improve Access to Justice**

Dear Chief Justice Tani Cantil-Sakauye and Justices of the Supreme Court of California:

We understand that California is in the midst of a review of the contents of the State's bar exam, as well as its pass line ("cut score"). We write to express our strong support for efforts to reevaluate the State's current admission system for practicing lawyers, and to urge this Court to abandon California's current, arbitrarily-high cut score in favor of better aligning the State's bar admission practices with national standards.

Public Justice is a national public interest law firm with offices in California, and represents a national membership base including hundreds of Californians. Public Justice has litigated many cases before this Court fighting for the rights of persons who are often disempowered. *E.g.*, *Sandquist v. LEBO Automotive*, 1 Cal.5th 233 (2016) (race discrimination case involving whether a court or an arbitrator should decide if a case may proceed on a class action basis); *T.H. v. Novartis Pharmaceuticals Corp.*, 4 Cal.5th 145 (2017) (holding that brand-name drug manufacturer can be sued for failing to warn of dangers of generic version of its drug); *Noel v. Thrifty Payless, Inc.*, 7 Cal.5th 955 (2019) (holding that ascertainability requirement of class certification merely requires a showing that the class is defined in sufficiently clear and objective terms to allow class members to self-identify as entitled to recovery).

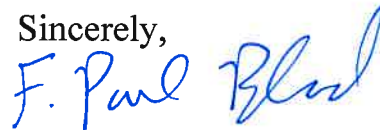
We have a strong interest in seeing this State's bar better reflect the full population of the State (as opposed to being disproportionately white). We respectfully submit that our argument here not only aligns with our organizational commitment to diversity, inclusion, and equal access to justice, but also aligns with the commitment on this score of this State.

California currently has the second highest bar exam cut score in the nation, a score that is significantly higher than most other states. There is no evidence showing that this arbitrarily high cut score improves the level of practice in the State or is otherwise necessary to ensure that California's legal community meets the State's legal needs.

On the other hand, there is a mountain of evidence showing that this arbitrarily high bar disproportionately excludes members of minority communities from the legal profession and imposes significant individual and societal costs. If California had employed the national median cut score of 135 for the July 2016 exam, for example, more than double the number of Black test-takers, nearly 75% more Latinx test-takers, and almost 58% more Asian test-takers would have had the opportunity to join California's practicing legal community. California's high cut score results in a less diverse legal profession, which does not reflect the State's demographics, excludes qualified applicants from practice, exacerbates the justice gap, and contravenes this State's commitment to equity.

We urge this Court to move California's bar forward by reevaluating the bar exam cut score.

Sincerely,

A handwritten signature in blue ink that reads "F. Paul Bland". The signature is written in a cursive, flowing style.

F. Paul Bland, Jr. (Bar No. 298635)  
Executive Director  
**Public Justice**