

AALS 2005 Annual Meeting San Francisco, California

“It Takes a Village: A Multi-faceted Approach to Bar Admissions”

January 5, 2005

AALS: Sections on Student Services & Academic Support

- **Query:** Are law schools responsible for helping prepare students for the bar examination?

- **Presented by:**
 - ◆ *Frederic White*, Dean & Professor
 - ◆ Golden Gate University School of Law
 - ◆ San Francisco, California

ABA Standards: **The starting Point**

- ◆ **Standard 301(a), Objectives:** *“A law school shall maintain an educational program that prepares its students for admission to the bar,....”*
- ◆ **Standard 501(b), Admissions:** *“A law school shall not admit applicants who do not appear capable of satisfactorily completing its educational program and being admitted to the bar.”*

The Admissions Quandary: Admitting on the “Numbers”

- ◆ General admissions criteria
 - The “Index”
 - ◆ Undergraduate GPA
 - ◆ LSAT score
- ◆ The “correlation co-efficient” and admissions
- ◆ A condensed LSAT history

The “Hidden” Admissions Quandary:

Law school economics

- ◆ 1. Law faculty wants better applicants.

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- ◆ 3. **University wants more tuition dollars.**

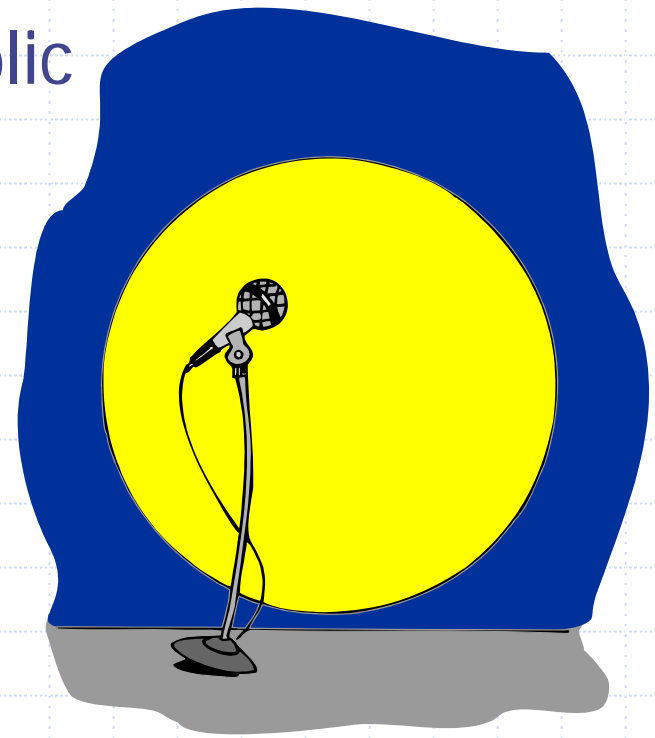
The “Hidden” Admissions Quandary:

- ◆ 1. Law faculty wants better applicants.
- ◆ 2. Legal community wants better graduates
- ◆ 3. **University wants more tuition dollars.—the law school as pork barrel**

The Public Dilemma with Bar Passage: The “Spotlight” you don’t want to be in

◆ “Trouble spots”:

- Applicants/general public
- Faculty & staff
- Alumni
- Board of trustees
- US News, etc.
- ABA compliance



Post-Admission: The Curriculum

◆ **Standard 302(a)(1):**

◆ “Instruction in the substantive law, values and skills.... Generally regarded as necessary to effective and responsible participation in the legal profession.”

Interpretation 302-7

◆ Oh dear, Oh my, the “Bar prep course”

◆ *“If a law school grants academic credit for a bar examination preparation course, such credit may not be counted toward the minimum requirement for graduation....”*

Monk's Queries

- ◆ Presented at **Joint Working Group*** Conference, Chicago, Illinois:
 - Basis for determining what courses are required.
 - Law school exams: What purpose?
 - Should a law degree “certify” minimum competency to practice law?

Different functionalities:

Law school vs. Bar examinations

◆ **Law school examinations** sort students in ways that serve the hiring purposes of large firms; force students to learn certain basic skills and doctrine

◆ **Bar examinations** determine whether graduates have sufficient knowledge, reasoning ability and communications skills to be deemed minimally competent for law practice

Fundamental Similarities

- ◆ Both types of examinations are:
 - Time constrained
 - Require issue spotting
 - Require the application of legal doctrine to revolve hypothetical disputes*

Susan Case: On Examination Design

- ◆ Why do we test?
- ◆ What are the strengths and weaknesses of the various methods of assessment that law schools use?
- ◆ The “payoff” question: What to test?

Why do we test?

- ◆ Communication of what the professor believes is important.
- ◆ Identify areas of deficiency.
- ◆ Determine who passes; who fails.
- ◆ Determine class rank.
- ◆ Motivate learning.
- ◆ Identification of curricular weaknesses.

"Good test" vs. "Bad test"

◆ "Reliability"

◆ "Validity"

Law exam & bar exam assessment concerns

- ◆ The multiple choice question
- ◆ The essay question
- ◆ The performance test
 - Query: Do law profs need to go to “test writing school”?

Assessment concerns

◆ Developing better assessment vehicles

- “Departmental” curricular review for substance
- Individual/ group review of test items for relevance
- Cooperation/collaboration with bar examiners
- Staying current with bar issues
- The “bar czar” & related personnel

"Do the work"

- ◆ Frank faculty discussions about around admissions, grading, and retention issues
- ◆ Law school/university dialogues about university economics
- ◆ Getting all the information
 - Reading "The Bar Examiner"