Assessing Bar Results

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As required by the American Bar Association accreditation standards, bar exam results are a measure of a law school's performance. The results are generated by the state bar examiners and they are unequivocal. In addition to the tally of first time and repeat takers, state bar examiners vary on the amount of statistical data shared with the schools, school-wide and on an individual basis. Most school find it necessary to dig deeper into the numbers in order to better assess how the school is performing and to discover ways to improve student performance.

Law schools have utilized many creative ways to crunch the numbers. The obvious starting points are the students' entering predictors, such as LSAT scores, undergraduate grade point averages, undergraduate major, and class rankings, also associated with law school grade point averages. Schools have also examined students demographic information, curriculum, course enrollments in bar tested subjects, number of bar tested subjects required for graduation, participation in courses focusing on legal reasoning and analysis, full-time vs. part-time programs, clinical experiences, employment or family distractions during bar review, post-bar employment, accommodations for disabilities, enrollment in bar review courses, location of viewing bar review lectures, test preparation techniques, and so on.

What is important is not necessarily the data correlation, but the school's reaction to it. For example, law school grade point averages have been shown to be five times more predictive than LSAT scores. Most schools experience a very high, if not perfect, pass rates with the students with the highest GPA at the top of the class. Where the decline in the pass rate begins usually determines the overall pass rate for each school. Once the drop-off point in GPA is determined, schools have three options. First, set the academic disqualification line at the point of drop-off or somewhere nearby. Second, work with those students below the drop-off line by creating courses focusing on substantive law review or legal reasoning and analysis skills. Third, do nothing and hope that those students below the drop-off line "get the message."

For most data correlations, the actions may not lead to perfect solutions and instead may open a Pandora's box of student reactions. For example, if data shows that students perform better when viewing a bar review lecture during a specific time and location on campus, does requiring students to then come to campus to view the lecture at a specific time offer the perfect solution? Would it matter how far the student lives from campus and how long the student has to travel to campus? Would it matter if the

student learns well from viewing a lecture? Would it matter if that student learns better during the time when the lecture is presented? Would it matter if the student becomes more anxious when surrounded by a large group of other anxious students?

Another way to assess performance is to step back and determine what the outcomes are for the bar exam itself. What is the bar exam trying to test? Is it issue spotting? Is it memorization of thousands of rules of law? Begin by taking a look at the materials for the bar examine and the instructions for each testing format. The school might even take a look at the questions and released passing answers to reveal what the bar examiners really want. All this information will need to be translated into outcomes. Do the outcomes for the bar examine match the outcomes for the law school? A larger question for the faculty is - should the outcomes coincide and if so, which outcomes? From this point, the inquiry focuses on assessment. Are professors assessing the student's performance of those outcomes in the courses?

In addition to running random numbers and hoping to discover a key factor or two, schools must realize that there are a few dozen possible factors that affect the performance of each taker. Many of the factors are non-cognitive factors, such as learning styles, stereotype threat, growth mindset, confidence, worry, personality traits, stress management, test anxiety, time management, and even hope. None of these factors works independently from each other. It does require an understanding of the student to properly balance the factors for each student. How does a school identify these non-cognitive factors? And once the non-cognitive factors are identified, how does a school address these factors?