Standard 316. BAR PASSAGE

(a). A law school's bar passage rate shall be sufficient, for purposes of Standard 301(a), if the school demonstrates that it meets any one of the following tests:

(1) That for students who graduated from the law school within the five most recently completed calendar years:

(i) 75 percent or more of these graduates who sat for the bar passed a bar examination, or

(ii) in at least three of these calendar years, 75 percent of the students graduating in those years and sitting for the bar have passed a bar examination.

ABA Standard originally §301-6, now §316

Assessing Bar Results

Professor Rodney O. Fong



Topics to Cover

1. Selecting factors to assess

2. Bar exam outcomes

3 Assessment tools

Data Released by Bar Examiners

СА	Score Type	Comparative Index (California Overall)	Comparative Index (School Category)
ata for Each	MBE Raw Con Law Contracts Criminal Evidence	-0.12 -0.13 -0.10 -0.23	-0.23 -0.22 -0.20 -0.38
School	Property	-0.16	-0.27
	Torts	-0.26	-0.36
	MBE Scale	-0.20	-0.36
	Essay Question 1	-0.04	-0.13
	Essay Question 2	-0.04	-0.14
	Essay Question 3	-0.19	-0.26
	Essay Question 4	-0.03	-0.11
	Essay Question 5	0.04	-0.03
	Essay Question 6	-0.01	-0.09
	PT-A	0.06	-0.04
	PT-B	-0.17	-0.27
	Written Scale	-0.08	-0.22
	Total Scale	-0.13	-0.30

D

Data Released by Bar Examiners

N,	ESS1	ESS2	ESS3	ESS4	ESS5	ESS6	MBEScore	ESS	MBEScaled	NYScaled	SCORE	ResultCode
Y	60.33	69.82	69.56	61.5	61.61	72.9	173	829.2	865	817	842	Р
	60.33	35.42	40.38	32.78	41.35	40.47	124.6	555.9	623	607.5	588	F
	49.88	40.33	44.55	61.5	51.48	62.09	114.3	667.3	571.5	699.2	632	F
	54.84	53.18	74.2	62.46	56.99	35.59	148.1	719	740.5	790.8	735	Р
	45.79	68.52	52.32	41.28	44.07	62.76	143	676.6	715	659.9	690	Р

C

WRITTEN	1st Read	2nd Read	Operant Grade
Essay 1:	55.0	55.0	55.0
	75.0	65.0	70.0
Essay 2:			
Essay 3:	60.0	60.0	60.0
Essay 4:	55.0	60.0	57.5
Essay 5:	60.0	60.0	60.0
Essay 6:	65.0	60.0	62.5
PT Á:	60.0	70.0	65.0
PT B:	60.0	65.0	62.5
Raw Written	: 620.0		
Scaled Writte		373	
Scaled MBE:			
TOTAL SC.	TED SCO	DE. 1410	0017

TOTAL SCALED SCORE: 1419.8842

Historical Perspective

С
Δ

Jul-13	%	Jul-12	%	Jul-11	%	Jul-10	%	Jul-09	%	Jul-08	%
Stanford	91	Stanford	94	USC	91	Stanford	98	UC Boalt	93	Stanford	97
UCLA	88	UC Irvine	90	Stanford	89	UC Berkeley	91	Stanford	93	UCLA	90T
Loyola	87	UCLA	89	UC Berkeley	87	USC	90	USC	91	USC	90T
USC	86	USC	88	Pepperdine	86	Pepperdine	88	UC Davis	89	UC Boalt	89T
UC Berkeley	85	UC Berkeley	86T	UCLA	85	Loyola	84	UCLA	86	Pepperdine	89T
UC Davis	85	Pepperdine	86T	Loyola	84	UCLA	83T	UC Hastings	86	Loyola	87T
Pepperdine	81	Chapman	82	UC Hastings	80	Western State	83T	Loyola	85	USF	87T
UC Irvine	77T	Western State	79T	Cal Western	79	UC Davis	81T	Santa Clara	82	Cal Western	85
Chapman	77T	UC Davis	79T	Chapman	79	UC Hastings	81T	McGeorge	81	Whittier	84
UC Hastings	76	Loyola	79T	Western State	77	USF	76	USF	81	Santa Clara	83
	76		77		76		75		79		83
USF	75T	San Diego	78	San Diego	76	McGeorge	71	Cal Western	81	McGeorge	82
Western State	75T	Cal Western	77T	Santa Clara	76	Cal Western	70T	Chapman	81	San Diego	81T
San Diego	75T	UC Hastings	77T	UC Davis	74	Chapman	70T	Pepperdine	80	UC Hastings	81T
Southwestern	74	McGeorge	73T	USF	74	Santa Clara	70T	San Diego	78	UC Davis	80
Santa Clara	73	Santa Clara	73T	McGeorge	69	San Diego	65	Golden Gate	68	Chapman	77T
Cal Western	69	GGU	70T	GGU	66	Southwestern	59	Southwestern	63	Golden Gate	77T
La Verne	68	USF	70T	Southwestern	64	Th Jefferson	58	Whittier	60	Th Jefferson	76
McGeorge	67	Whittier	70T	La Verne	56	Golden Gate	57	Western State	52	Western State	73
Whittier	65	Southwestern	64	Whittier	56	Whittier	53	Th Jefferson	47	Southwestern	72
Golden Gate	56	La Verne	53	Th Jefferson	33	La Verne	47	La Verne	34	La Verne	61
Th Jefferson	50	Th Jefferson	52								

Factors assessed

- LSGPA
 - Overall
 - Bar courses
 - Required courses
- UGPA
- LSAT
- Courses taken
 - Bar subjects
- Bar performance

• FT / PT

- Age, Race, Gender
- Bar review course
- Hours working
- Test site
- Lecture viewing location
- # practice essays
- # practice PTs

Assessment Informs Action

ABA Standard 315 "...shall use the results of this evaluation ... to make appropriate changes to improve the curriculum."

Lecture viewing location Bar subjects taken Bar performance Scoring on various testing formats and subjects

practice essays

Bar Exam Outcomes

- The purpose of the MBE is to assess the extent to which an examinee can apply fundamental legal principles and legal reasoning to analyze given fact patterns.
- The purpose of the MEE is to test the examinee's ability to (1) identify legal issues raised by a hypothetical factual situation; (2) separate material which is relevant from that which is not; (3) present a reasoned analysis of the relevant issues in a clear, concise, and well-organized composition; and (4) demonstrate an understanding of the fundamental legal principles relevant to the probable solution of the issues raised by the factual situation.
- The primary distinction between the MEE and the Multistate Bar Examination (MBE) is that the MEE requires the examinee to demonstrate an ability to communicate effectively in writing.
- The MPT is designed to test an examinee's ability to use fundamental lawyering skills in a realistic situation and complete a task that a beginning lawyer should be able to accomplish. The MPT is not a test of substantive knowledge. Rather, it is designed to evaluate certain fundamental skills lawyers are expected to demonstrate regardless of the area of law in which the skills arise.

The Elephants in the Room

What are these lawyering skills and fundamental legal principles?

When are these lawyering skills and fundamental legal principles taught?

ABA Standard 302. LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

(a) Knowledge and understanding of substantive and procedural law;

(b)Legal analysis and reasoning, legal research, problemsolving, and written and oral communication in the legal context;

(c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and

(d)Other professional skills needed for competent and ethical participation as a member of the legal profession.

More Elephants in the Room

Are these lawyering skills and fundamental legal principles included in your school's learning outcomes?

Are these lawyering skills and fundamental legal principles being assessed, e.g. formative and summative? Standard 314. ASSESSMENT OF STUDENT LEARNING A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.

Standard 315. EVALUATION OF PROGRAM OF LEGAL EDUCATION, LEARNING OUTCOMES, AND ASSESSMENT METHODS

The dean and the faculty of a law school shall conduct ongoing evaluation of the law school's program of legal education, learning outcomes, and assessment methods; and shall use the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum.

The Other 68%

- age
- gender
- race and ethnicity
- family obligations
- financial hardship
- working during bar study
- presence or absence of a "firm intent" to practice law
- level of effort during law school
- Iaw school ranking
- seeking exam accommodations for the bar exam

- academic services offered during law school
- the state bar's "cut score"
- bar passage programs during and after law school
- use of commercial bar review courses
- diligence during bar preparation
- and psychological factors, including self-handicapping, social support and test anxiety

Professor Rebecca Cochran, Hope, Again: Hope Theory in Bar Exam Preparation (2010)

Assessment Tools

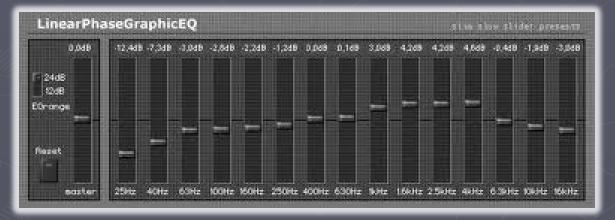
Interviews Focus groups Surveys Retain experts (University) statisticians psychometricians educators Personal observations

Closing Thoughts

Bar passage is not an exact science.

The key is to identify the factors that affect our students, assess as many of these factors as we can, and utilize that information to make changes.

A successful program balances all the factors.



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