

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

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School of Law

Topics to Cover

1. Selecting factors to assess

2. Bar exam outcomes

3. Assessment tools

Data Released by Bar Examiners

CA

Data for
Each
School

Score Type	Comparative Index (California Overall)	Comparative Index (School Category)
MBE Raw		
Con Law	-0.12	-0.23
Contracts	-0.13	-0.22
Criminal	-0.10	-0.20
Evidence	-0.23	-0.38
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

Data Released by Bar Examiners

**N
Y**

ESS1	ESS2	ESS3	ESS4	ESS5	ESS6	MBEScore	ESS	MBEScaled	NYScaled	SCORE	ResultCode
60.33	69.82	69.56	61.5	61.61	72.9	173	829.2	865	817	842	P
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	P
45.79	68.52	52.32	41.28	44.07	62.76	143	676.6	715	659.9	690	P

**C
A**

WRITTEN	1st Read	2nd Read	Operant Grade
Essay 1:	55.0	55.0	55.0
Essay 2:	75.0	65.0	70.0
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 A:	60.0	70.0	65.0
PT B:	60.0	65.0	62.5

Raw Written: 620.0
 Scaled Written: 1442.4373
 Scaled MBE: 1378.0000

TOTAL SCALED SCORE: 1419.8842

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, problem-solving, 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
- law 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

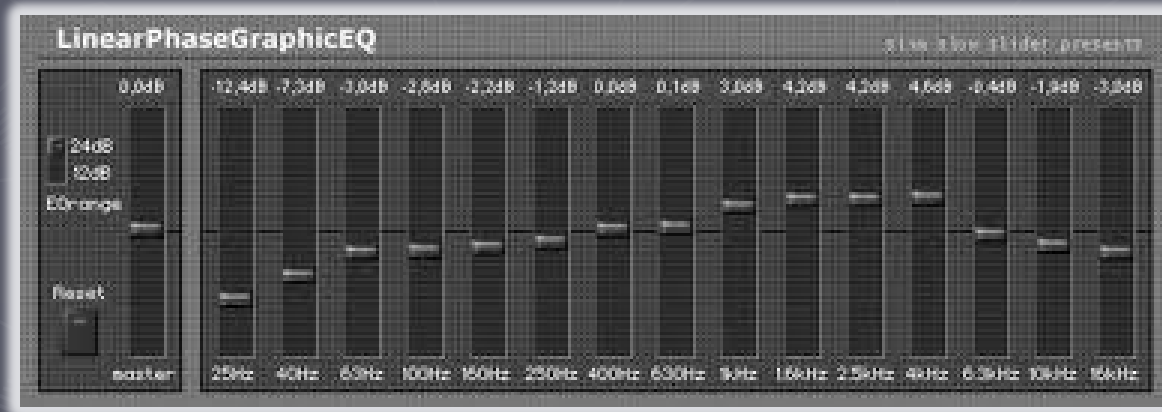
Professor Rebecca Cochran,
Hope, Again: Hope Theory in Bar Exam Preparation (2010)

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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