

Bar exam risk and plus factors from admissions through the bar exam study period

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Overview

This presentation looks at bar exam passage plus and risk factors in three distinct periods: admissions; law school performance; and bar exam study period [the period between graduation and taking the bar exam]. In particular, we will discuss three issues:

1. Relationships between Law School Admission Test [LSAT] scores and Undergraduate Grade Point Averages [UGPA] and student performance in doctrinal and experiential courses;
2. Relationships between LSAT scores and doctrinal and experiential course performance and first-time bar passage; and
3. Factors occurring during the bar study period, such as self-reported bar exam study methods, study planning, financial stressors, work and family responsibilities, peer collaboration, and self-reported self-confidence and their relationship with bar passage.

In this presentation, we will briefly review findings on the first two questions and will spend the majority of the concurrent session time discussing the third issue: factors occurring during the bar study period that may affect bar passage.

Summary of Data on Admissions and Bar Passage

Data for the first two questions covers matriculated terms between Fall 2009 and Fall 2015 from 1492 students from Georgia State University College of Law [GSU]. LSAT scores ranged from 142 to 171 with a mean score of 158.26. UGPA ranged from 1.82-4.06 with a median UGPA of 3.36.

We analyzed how students' LSAT scores, UGPA, and the combination of LSAT/UGPA associate with students' academic performance in both first year and upper level doctrinal and experiential courses as well as overall first year GPA and graduation GPA. Law school students' LSAT scores and UGPA were used separately to examine their relationships with students' academic performance (measured as GPAs). We weighted the course hours and looked at overall GPA in four categories: all first-year doctrinal courses¹, all first-year experiential courses,² selected upper level doctrinal courses,³ selected upper level experiential courses.⁴ We also

¹ First-year doctrinal courses include: Property, Torts, Contracts, Civil Procedure, and Criminal Law. Between 2009-2014, Property, Contracts, Torts, and Civil Procedure were each 6-hour courses [3 hours/Fall and 3 hours/Spring] and Criminal Law was a 3-hour course. In 2014, Torts and Property were reduced to four-hour one-semester courses. The overall weighted first-year doctrinal GPA was used in our analysis.

² First-year experiential courses include: Fall and Spring Lawyering Foundations. Between 2009-2014, Lawyering Foundations was a Fall/Spring course with 2 credit hours in the Fall and 2 credit hours in the Spring. In 2014, Lawyering Foundations became a 6-hour course [3 hours in the Fall and 3 hours in the Spring]. GSU also has a 1-hour 1L legal research pass/fail course. That course was not included in this data. The overall weighted first-year experiential course GPA was used in our analysis.

³ Upper level doctrinal courses included in this study were: Con Law I, Evidence, Criminal Procedure I and Corporations. The overall weighted upper level doctrinal course GPA was used in our analysis.

⁴ Only one upper level experiential course, Lawyering Advocacy, was included in the study. The reason for this was that GSU doctrinal courses are all graded on a curve and experiential courses, other than

looked a LSAT scores, UGPA, and the combination of LSAT and UGPA as these data points relate to overall first year GPA and overall law school GPA.

Statistically, all the predictive models with LSAT as a single predictor were significant. However, as a single predictor, LSAT score, accounts for a small variance in first-year and overall academic performance. LSAT score, as a single predictor, predicted more weakly for experiential course performance than for doctrinal course performance. UGPA was also significant, but a weak predictor. Like LSAT score, UGPA as a single predictor, accounts for small variance in academic performance. The combination of UGPA and LSAT scores shows a stronger prediction for student academic performance generally, and performance in both doctrinal and experiential courses, than either factor alone but still predicts for a small percentage of students. The combination LSAT score and UGPA predicts more weakly for experiential than doctrinal course performance. Also, at GSU, even the combination of the two data points is a weak academic performance predictor, both for the first year, and overall (Table 1).

Table 1. Summary for Predictive Models of Academic Performance (GPAs) using LSAT, UGPA, and Combination of LSAT and UGPA as Predictors

	LSAT			UGPA			Combination of LSAT and UGPA			
	B	R ²	F	B	R ²	F	B-LSAT	B-UGPA	R ²	F
FY_DT	.04***	.05	F(1,1341) =64.31***	.27***	.03	F(1, 1321) =40.02***	.04***	.33***	.09	F(1, 1320) =63.97***
FY_EX	.02***	.01	F(1,1396) =9.46***	.37***	.04	F(1, 1377) =54.91***	.02***	.40***	.05	F(1, 1375) =36.65***
UL_DT	.03***	.04	F(1,1162) =42.64***	.25***	.03	F(1, 1148) =33.53***	.03***	.28***	.07	F(1, 1145) =60.25***
UL_EX	-	-	-	-	-	-	-	-	-	-
FY_GPA	.03***	.02	F(1,1327) =25.79***	.27***	.04	F(1, 1308) =53.60***	.03***	.31***	.10	F(1, 1306) =72.71***
Graduation GPA	.02***	.04	F(1,1143) =50.35***	.21***	.04	F(1, 1129) =51.50***	.02***	.23***	.09	F(1, 1124) =57.45***

Notes.

1. FY-DT: Overall first-year doctrinal course GPA;
2. FY-EX: Overall first-year experiential course GPA;
3. UL-DT: Overall upper level doctrinal course GPA;
4. UL-EX: Overall upper level experiential course GPA (no analysis here);
5. FY-GPA: First year GPA;
6. ***: $p < .001$.

Lawyering Advocacy, are not graded on a curve and most grades in those courses are fairly high. Lawyering Advocacy, a required course taken in the Spring of full-time students' 2L year, is taught in small sections of 12 students and in each section, the highest performing two or three students receive a grade of "A" while the remaining students are graded on a pass/fail basis. Thus this course is the closest to a "curved" experiential course available. The overall weighted upper level experiential course GPA was used in our analysis.

This data suggests that, at some schools, predicting law school academic performance during the admissions process is extremely difficult. Even with the combination of LSAT and UGPA, those factors explain small variance in students' academic success in terms of law school GPAs.

LSAT score and law school course performance as predictors of first-time bar passage

We also analyzed LSAT score's predictive value in context of first-time bar passage, both as a single factor, and when combined with UGPA, first year doctrinal, first year experiential, upper level doctrinal and upper level experiential courses. Results indicated that combination of first-year and upper level doctrinal courses explain more variance in first-time bar passage than LSAT score does (Table 2).

Table 2. Summary for Model Comparisons of Predicting Bar Passage with LSAT and Course Performance

	Model 1				Model 2				Model 3			
	B	R ²	χ ²	PC	B	R ²	χ ²	PC	B	R ²	χ ²	PC
LSAT	.20***	.11	χ ² (8) =4.63 (ns)	88.9%				90.5%	.15**	.29	χ ² (8) =5.38 (ns)	91.1%
FY-DT					2.09***	.26	χ ² (8) =6.58		1.81***			
UL-DT					1.13**		(ns)		1.61**			

Notes:

1. FY-DT = Overall first-year doctrinal course GPA, UL-DT = Overall upper level doctrinal course GPA;
2. Model 1: LSAT as a single predictor in determining first time bar passage;
3. Model 2: FY-DT and UL-DT as predictors in determining first time bar passage;
4. Model 3: LSAT, FY-DT, and UL-DT as predictors in determining first time bar passage;
5. **: $p < .01$, ***: $p < .001$; 6. PC=Percentage correct (predictive);
7. UGPA, first-year and upper level experiential course performance were not significant predictors in the models;
8. R² is Nagelkerke R Squared; we suggest interpreting this statistic with great caution.

Statistically, these preliminary results confirm what others have found: LSAT scores have relatively small predictive value when it comes to academic success and the scores also have a weak predictive value when it comes to bar exam passage. The strongest predictor of bar passage in our predictive models is performance in doctrinal courses.⁵ However, the data above is significant because it indicates that even to the extent LSAT scores and doctrinal course

⁵ We will perform additional analyses to see if enrollment in particular courses, or performance in particular courses, indicate risk or plus factors for bar passage. In doing that analysis, we also will examine whether assessment method [in class timed exams versus paper or take home exams] provides additional information about bar performance. We also will consider factors such as scholarship monies and their impact on academic and bar performance.

grades predict bar exam performance (Model 3), they leave 71 percent of GSU graduates' bar exam passage and failure unexplained.

Bar study period

As noted above, to the extent LSAT scores and performance in doctrinal courses predict bar exam passage, they leave a significant percentage of variance in bar passage or bar exam failure unexplained. For this reason, we are interested in examining how students' preparation for the bar exam may contribute to understanding risk and plus factors related to bar passage.

Many have postulated that bar exam study methods impact bar passage (Johns; Kaufman). For example, studies indicate that the number of practice tests taken relate to first time bar passage (Kaufman).

While bar company data indicates that the number of practice questions [and performance on those questions] impact bar passage, we assume that study methods may also matter. For example, does it make a difference if examinees review all the explanations for multiple choice questions or only the explanations for the correct answer, does it matter if they move from an untimed open book study method to a timed closed book study format?

In addition to study methods, some other factors may affect bar examinees' first-time bar passage. For example, social media distractions play a role in academic success (Rosen, Carrier & Cheever) although no one has studied its impact on bar passage. Time management in context of studying for the bar exam would be expected to impact bar exam passage, although one study found time management skills and conscientiousness did not relate to bar exam success (Kaufman). Some have posited that taking bar review courses online, rather than in person, may negatively impact bar passage (Johns).

Finally, some have suggested that psychological variables impact bar passage. For example, test anxiety levels relate to bar passage (Kaufman). Additionally, motivation has been shown to impact academic success (Liu & Hou) and has been postulated to relate to bar exam success (Berman). Other stressors such as employment time commitments (Trujillo) financial issues (Curcio) and childcare or family obligations (Curcio) during the bar study period also have been posited as affecting bar exam passage. Finally, issues such as self-confidence (Berman) are thought to play a role. Do these factors actually impact success? When examinees face these issues, do they have plans for dealing with these stressors and are they able to follow those plans? If they have not been able to follow their plan, what barriers have occurred and at what point in the study process do those barriers arise?

Given gaps in the literature, this portion of our study will provide information about the above questions in order to better understand factors related to bar passage. The goal is to help law faculties, led by academic success faculty, develop successful strategies to deal with factors occurring during the bar study period that may affect bar exam success.

Research Questions:

1. How do bar study strategies (e.g., study methods, study plan) relate to bar passage?

2. How do personal factors (e.g., motivation, stress, work/family obligations) relate to bar passage?

Methodology

After obtaining IRB approval for the study, the initial phase of this study targeted a total of 162 bar examinees who graduated from GSU College of Law and took July 2018 Georgia State Bar Exam. Eighty-three (83) students completed the survey, seventy-nine (79) of whom were first-time bar examinees with a JD degree. The study is ongoing and the goal is to ask approximately 400 GSU bar examinees to complete a survey in next two years.⁶

The survey questions are based upon data from two pilot surveys, input from an experienced academic success faculty member, and the literature. The survey was administered online over a period of six weeks, starting the Monday after the July bar exam was administered. We wanted to reach examinees while study methods were fresh in their minds and to obtain their responses before the exam results were known in order to avoid the biases that occur based upon passing or failing the exam. Examinees received an email invitation from a GSU professor who taught large section doctrinal courses and is known for caring about student learning.

Survey content

The survey asks a wide range of questions related to bar preparation issues.⁷ Respondents have the option of not answering any question. Some questions are branching questions that only appear if a respondent answers a question in a particular way. Including branching questions, the survey contains 70 total questions.⁸ Despite its length, the survey takes approximately 10-15 minutes to complete.

The questions cover the following areas:

1. **Bar Review Course Methodology.** This section has 11 questions. It asks about whether respondents took a commercial bar review course, and if so, whether they attended in person or online. It asks whether they followed the review course syllabus or some other study plan, and about their engagement with bar study materials such as whether they completed the scripted bar notes and/or took their own notes. If respondents took the course online, questions ask about how they engaged with the online materials. The section also has a question about social media distractions.
2. **Bar Study Plan.** This section has 5 questions. It asks about whether respondents had a study plan, how they developed that plan, their ability to follow that plan, and factors that interfered with their ability to follow the study plan.
3. **Study Methods.** This section has 14 questions. It seeks information about how examinees engaged with the multiple choice and essay practice questions. It asks about what they did when they got an answer right or wrong, how they practiced essay writing,

⁶ One of our research goals is to develop a valid and reliable survey other schools can use. We hope discussion during the concurrent session will provide insights into whether we should modify this survey as we move forward.

⁷ We obtained IRB approval and all examinees consented to the survey prior to answering questions.

⁸ If you would like a copy of the survey, contact Professor Curcio at: acurcio@gsu.edu.

whether they used supplemental materials as they practiced and how they used those materials, whether they had a study group, and if so, how they used that group.

4. **Academic subjects & study environment.** These two sections have a total of 5 questions. The questions seek information about whether respondents wished they had taken additional bar-tested doctrinal courses, and if so, which ones. It also asks about availability and use of study space.

5. **Financial factors, employment and family obligations.** These sections have a total of 18 questions covering financial, family and work obligations that may affect a respondent's ability to study for the exam.

6. **Study motivation/self-confidence.** These sections have 6 questions. They ask respondents about their motivation levels and self-confidence during the bar study period. They include open-ended questions about what impacted respondents' motivation.

7. **First generation issues.** This section has 4 questions. It asks for information about whether the examinees are first generation lawyers as well as first generation college students.

8. **Physical/Mental health.** This section has 3 questions. It asks what respondents did to stay physically and mentally healthy and asks them to identify any physical and mental health challenges they faced during the bar study period.

The survey ends with an open-ended question: "What would you do differently, knowing what you know now about bar preparation."

Additional Data

In addition to the survey, we collected information from institutional records (e.g., LSAT, course-related data, graduation term, matriculated term, demographics, etc.) as well as publicly available bar passage results.

One additional source of information about the bar study period is data collected by bar review companies. To the extent we can gain the cooperation of all the major bar review companies and get the information in a form which is usable, we also will consider the relative impact of the amount of work completed in a commercial bar review course and other data that may be available from these companies about course attendance, practice questions and study methods. This data would add insights beyond those available from self-reported survey responses.

Analytical Strategies

When we have sufficient data, the proposed research will employ a number of inferential statistical tests, including linear and logistic regression, analysis of variance, and correlations. We will explore how bar study methods, self-confidence, and motivation relate to bar exam performance. We also will look at relationships between work/family obligations and stress (e.g., financial stress, test anxiety) and bar exam performance. This statistical examination of bar study methods and other variables seeks to inform appropriate interventions that enable bar examinees to develop effective preparation practices that minimize challenges and maximize their exam performance.

Initial observations

The survey was distributed to 162 bar examinees who sat for the July 2018 Georgia Bar Exam. We had a 51% response rate [N = 83]. One respondent was an LLM student. Of the respondents, 74 first time takers passed and 5 first time takers failed the exam. Of repeat takers, 3 repeat takers passed and 1 repeat taker failed. In our analyses, we will exclude LLM students.

One issue we have heard others talk about is low post-bar exam survey response rate. We were able to obtain a high survey response rate [51%] by: 1. surveying examinees immediately after the bar exam; 2. distributing the survey via a Professor well-known to most students, rather than by an administrator or the institutional research office, and 3. sending reminders once/week for six weeks.

Because of the small “n” in terms of students who failed, our results are too preliminary to report. However, we did observe some initially interesting patterns in terms of students’ motivation and confidence levels, and also how they engaged with their study groups. These observations raise questions for discussion during the concurrent session and they suggest potential areas to explore further in a future survey.

Conclusion

As we explore reasons for bar passage we need to look at all three phases addressed in this paper: admissions, law school performance and the bar study period. Doing so will allow us to identify risk and plus factors using data rather than anecdote and belief. For example, schools admitting students in a certain range of LSAT scores/UGPAs, may find that those data points are of limited utility in predicting either law school success or bar passage. Additionally, by looking at course performance, schools can identify points of intervention during law school. However, law school performance still leaves a significant portion of bar exam results unexplained. We believe that in addition to looking at admissions and law school predictors, exploring the bar study period, a relatively unexamined time period, will allow us to identify bar exam passage risk and plus factors that will guide appropriate interventions for this time period.

Abbreviated Bibliography on Potential Bar Study Period Issues

SARA J. BERMAN, *PASS THE BAR EXAM: A PRACTICAL GUIDE TO ACHIEVING ACADEMIC AND PROFESSIONAL GOALS* (2013).

Andrea A. Curcio, *A Better Bar: Why and How the Existing Bar Exam Should Change*, 81 NEB. L. REV. 363 (2002).

Keith A. Kaufman et al., *Passing the Bar Exam: Psychological, Educational, and Demographic Predictors of Success*, 57 J. LEGAL EDUC. 205 (2007).

Larry D. Rosen, L. Mark Carrier & Nancy A. Cheever, *Facebook and Texting Made Me Do It: Media-induced Task-switching While Studying*, 29 COMPUT. HUM. BEHAV. 948 (2013).

Lorenzo A. Trujillo, *The Relationship between Law School and the Bar Exam: A Look at Assessment and Student Success*, 78 U. COLO. L. REV. 69 (2007).

Scott Johns, *Testing the Testers: The National Conference of Bar Examiner's LSAT Claim and a Roller Coaster Bar Exam Ride*, 35 MISS. C. L. REV. 436 (2017).

Yuan Liu & Shumeng Hou, *Potential Reciprocal Relationship Between Motivation And Achievement: A Longitudinal Study*, 39 SCHOOL PSYCHOLOGY INTERNATIONAL 38–55 (2018).