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## The Secret Sauce: Examining Law Schools That Overperform on the Bar Exam

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# THE SECRET SAUCE: EXAMINING LAW SCHOOLS THAT OVERPERFORM ON THE BAR EXAM

*Christopher J. Ryan, Jr. and Derek T. Muller\**

## Abstract

Since 2010, law schools have faced declining enrollment and entering classes with lower predictors of success despite recent signs of improvement. At least partly as a result, rates at which law school graduates pass the bar exam have declined and remain at historic lows. Yet, during this time, many schools have improved their graduates' chances of success on the bar exam, and some schools have dramatically outperformed their predicted bar exam passage rates. This Article examines which schools do so and why.

Research for this Article began by accounting for law schools' incoming class credentials to predict an expected bar exam passage rate for each ABA-accredited law school. This Article then examines each law school's aggregated performance on bar exams for which its graduates sat based on relative and absolute performance, weighing the difficulty of each state's bar exam. Through this analysis, this Article identifies law schools with consistently higher and lower first-time bar exam passage rates over a period of six years between 2014 and 2019. In addition to identifying law schools that overperform on the bar exam, this Article is a novel contribution not only to the legal education literature but also to the quantitative methodological literature, given its unique tailoring of the classic value-added modeling design to the realities of the bar exam.

In the second phase of research for this Article, the authors surveyed administrators at these overperforming and underperforming law schools, as well as law schools in the middle of the distribution, to qualitatively assess how these law schools approach the bar success of their students. Collectively, this Article provides significant insight into how law schools are responding to recent negative trends in bar passage rates, validates successful approaches to mitigate these negative trends, and

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recommends options available to law schools seeking to improve their students' bar passage rates.

INTRODUCTION .....	66
I.    PHASE ONE: IDENTIFYING OVERPERFORMING AND UNDERPERFORMING LAW SCHOOLS .....	71
A. <i>Quantitative Data</i> .....	72
B. <i>Limitations of the Quantitative Data</i> .....	73
C. <i>Quantitative Methods</i> .....	77
1.    Composite Indices Under a Classic Value-Added Modeling Design .....	77
2.    A Modified Value-Added Modeling Design to Fit the Law School Context .....	81
D. <i>Quantitative Results</i> .....	83
II.   PHASE TWO: THE BAR SUCCESS SURVEY .....	85
A. <i>How Law Schools Measure Bar Exam Success</i> .....	86
B. <i>Student-Oriented Challenges and Risk Factors</i> .....	89
C. <i>Institutional Challenges</i> .....	94
D. <i>Curricular Options</i> .....	96
E. <i>Extracurricular Options</i> .....	99
F. <i>Personnel and Costs</i> .....	101
G. <i>Summary of Findings</i> .....	103
CONCLUSION .....	105
APPENDIX .....	107

## INTRODUCTION

Despite the first signs of growth in the Fall of 2021, stemming from a decade-long decline in enrollments and bar passage rates among law school graduates, law schools still find themselves having to prove their value to prospective and current law students.<sup>1</sup> One of the ways that law

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1. See Derek T. Muller, *Law School 1L JD Enrollment Climbs to 9-year High as Non-JD Enrollment Dips Slightly*, EXCESS OF DEMOCRACY (Dec. 15, 2021), <https://excessofdemocracy.com/blog/2021/12/law-school-1l-jd-enrollment-climbs-to-9-year-high-as-non-jd-enrollment-dips-slightly> [https://perma.cc/SX2Y-XV9B]. In 2021, law school enrollments saw increases for the first time since 2010; however, as of late, enrollment rates have remained fairly stable. *Id.* For example, in 2020, enrollment rates stayed at 2019 levels. See Karen Sloan, *Most Law Schools Brought in Larger 1L Classes. Will the Class of 2024 Find Jobs?*, REUTERS (Sept. 17, 2021, 3:40 PM), <https://www.reuters.com/legal/legalindustry/most-law-schools-brought-larger-1l-classes-will-class-2024-find-jobs-2021-09-17/> [https://perma.cc/3ULE-H8W5]; ABA Reports Law

schools can demonstrate their value is through the success of their graduates on the bar exam. Although passing the bar exam is certainly not the singular reason that a prospective law student seeks to attend law school, success on the bar exam is an important factor—at varying degrees, dependent on the student—in the calculus for why many current students are attending law school.<sup>2</sup> After all, without a Juris Doctor

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*School Enrollment for 2020 Remains Stable*, AM. BAR ASS'N (Dec. 28, 2020), <https://www.americanbar.org/news/abanews/aba-news-archives/2020/12/law-school-enrollment/> [https://perma.cc/2MW8-FZ36]. Yet, bar passage rates are at or near all-time lows in many jurisdictions. See Debra Cassens Weiss & Stephanie Francis Ward, *Afternoon Briefs: Bar Exam Pass Rate Hits New Low in California; Ben & Jerry's 'Happy Cows' Suit Tossed*, ABA J. (May 11, 2020, 4:19 PM), <https://www.abajournal.com/news/article/afternoon-briefs-record-low-bar-exam-pass-rate-in-california-ben-jerrys-happy-cows-suit-tossed> [https://perma.cc/7JWM-Q3 VS]; Debra Cassens Weiss, *Average Multistate Bar Exam Score Drops to New Low, Raising Concerns About Bar Pass Rates*, ABA J. (Apr. 21, 2020, 11:21 AM), <https://www.abajournal.com/news/article/multistate-bar-exam-score-drops-to-new-low-raising-concerns-about-bar-pass-rates> [https://perma.cc/V9Z8-NTNH]. Many law schools have placed blame on the difficulty of the bar exam, especially in states like California. See Stephanie Francis Ward, *Lowest Bar Pass Rate for California in 67 Years; Other States See Drop, Too*, ABA J. (Nov. 19, 2018, 9:23 AM), [https://www.abajournal.com/news/article/lowest\\_bar\\_pass\\_rate\\_for\\_california\\_in\\_67\\_years\\_other\\_states\\_see\\_drop\\_too](https://www.abajournal.com/news/article/lowest_bar_pass_rate_for_california_in_67_years_other_states_see_drop_too) [https://perma.cc/6W42-BRJC]. Other studies and licensing authorities have placed blame on worsening student credentials. See William Vogeler, *Study Blames Law Students - Not Law Schools - for Low Bar Pass Rates*, FINDLAW (Apr. 22, 2019, 12:01 PM), [https://blogs.findlaw.com/greedy\\_associates/2019/04/study-blames-law-students---not-law-schools---for-low-bar-pass-rates.html](https://blogs.findlaw.com/greedy_associates/2019/04/study-blames-law-students---not-law-schools---for-low-bar-pass-rates.html) [https://perma.cc/B7C3-6NSA] (citing a study by the ABA noting that law student credentials have declined nationally over the last few years). And many law schools have considered a variety of curricular changes, only occasionally with empirical support. See Louis N. Schulze, *The Science of Learning Law: Academic Support Measures at Florida International University College of Law*, 88 BAR EXAM'R, Summer 2019, at 2, 9, 11; Mario W. Mainero, *We Should Not Rely on Commercial Bar Reviews to Do Our Job: Why Labor-Intensive Comprehensive Bar Examination Preparation Can and Should Be a Part of the Law School Mission*, 19 CHAPMAN L. REV. 545, 554–55, 596 (2016).

2. Of course, the decision by a student to attend law school is multifactorial. There is a robust literature on student choice in the undergraduate context of the higher education sector. See generally, e.g., Robert K. Toutkoushian, *Do Parental Income and Educational Attainment Affect the Initial Choices of New Hampshire's College-Bound Students?*, 20 ECON. EDUC. REV. 245 (2001); Laura Walter Perna, *Differences in the Decision to Attend College among African Americans, Hispanics, and Whites*, 71 J. HIGHER EDUC. 117 (2000); Stephen L. DesJardins et al., *Modeling the College Application Decision Process in a Land-Grant University*, 18 ECON. EDUC. REV. 117 (1999); James C. Hearn, *Determinants of Postsecondary Education Attendance: Some Implications of Alternative Specifications of Enrollment*, 10 EDUC. EVALUATION & POL'Y ANALYSIS 171 (1988). Yet, there is little scholarly attention to student choice in the graduate education context and legal education in particular. Two recent and contemporaneous studies shed light on the factors that prospective students considered in deciding whether to attend law school and the factors that influenced their decisions. In both studies, bar exam success was a factor in most students' decision to attend law school. However, the extent to which the bar passage rate of a given law school was an important factor in a student's decision to attend law school varied with the student's credentials on entry. Students with higher LSAT scores viewed bar passage as less important but still a factor in their decision to attend law school, and students with entering

degree, it is impossible to sit for the bar exam in forty-five of the fifty-one U.S. jurisdictions with a law school accredited by the American Bar Association (ABA).<sup>3</sup> Higher bar passage rates also benefit law schools from a reputational perspective, given that a law school's bar passage rate is considered in the *U.S. News & World Report's* methodology for ranking law schools in the United States.<sup>4</sup> Thus, it is in the best interests of law students and law schools alike to publish annual bar passage rates.

To that end, overall bar passage rates for every law school accredited by the ABA are now widely available.<sup>5</sup> However, these surface-level figures do not account for the difficulty of each state's bar exam.

credentials closer to, at, or below national averages viewed bar passage rates as important factors. See Christopher J. Ryan, Jr., *Analyzing Law School Choice*, 2020 UNIV. ILL. L. REV. 583, 600–02 (2020) (reporting the findings of the *Law School Choice* study, original research funded by the American Bar Foundation and Vanderbilt University); Jeff Allum & Katie Kempner, *Inside the Minds of Future Law School Grads: Some Findings from Before the JD*, 87 BAR EXAM'ER, Winter 2018–2019, at 8 (summarizing the findings of the AALS *Before the JD* study).

3. John Keller, *Do You Have to Go to Law School to Take the Bar?*, BAR PREP HERO (Apr. 21, 2021), <https://barprephero.com/learn/take-the-bar-exam-without-law-school/> [<https://perma.cc/8DFM-MVJE>]. Considering that the District of Columbia and Puerto Rico have their own bar examinations, that there are ABA-accredited law schools operating within these two jurisdictions, and that there is not an ABA-accredited law school in Alaska, Guam, Northern Mariana Islands, Palau, or the U.S. Virgin Islands, there are fifty-one U.S. jurisdictions in which there is an ABA-accredited law school. See *List of ABA-Approved Law Schools*, ABA [https://www.americanbar.org/groups/legal\\_education/resources/aba\\_approved\\_law\\_schools/in\\_a\\_lphabetical\\_order/](https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/in_a_lphabetical_order/) [<https://perma.cc/ZF3F-WJVE>]. State jurisdictions that allow bar examinees to sit for the bar exam with a three- or four-year apprenticeship and without a law degree, are: California, Vermont, Virginia, and Washington. See Keller, *supra*. Two other states—Maine and New York—allow a bar examinee to substitute one or two years of law school with an apprenticeship. *Id.* However, in eighteen jurisdictions, law students are eligible to take the bar examination before graduating law school, with varying levels of requirements for such eligibility: Arizona, District of Columbia, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Mississippi, Missouri, New York, North Carolina, Oregon, Texas, Vermont, Virginia, and West Virginia. See NAT'L CONF. OF BAR EXAM'RS, COMPREHENSIVE GUIDE TO BAR ADMISSION REQUIREMENTS 2020, at 3–4 (Judith A. Gundersen & Claire J. Guback eds.) [https://www.ncbex.org/assets/BarAdmissionGuide/CompGuide2020\\_021820\\_Online\\_Final.pdf](https://www.ncbex.org/assets/BarAdmissionGuide/CompGuide2020_021820_Online_Final.pdf) [<https://perma.cc/GE5C-GFJF>].

4. Robert Morse et al., *Methodology: 2023 Best Law School Rankings*, U.S. NEWS & WORLD REP. (Mar. 28, 2022, 9:00 PM), <https://www.usnews.com/education/best-graduate-schools/articles/law-schools-methodology> [<https://perma.cc/2D23-8X4V>]. The publication recently changed the weighting for bar passage rates within its ranking methodology, increasing the weight from 2.25% of the overall methodology to 3%. See *id.* (discussing, counterintuitively, the methodology used by the publication in its annual rankings produced in 2022 and based on data reported by law schools in 2021). Arguably, this weighting of bar passage rates within the publication's methodology is not aligned with how at least half of the population of law students view the importance of bar passage rates as a factor in their decision to attend law school. See Ryan, *supra* note 2, at 600–02; Allum & Kempner, *supra* note 2.

5. See, e.g., AM. BAR ASS'N, *Individual School Bar Passage Reports* (2022), <https://www.abarequireddisclosures.org/BarPassageOutcomes.aspx> [<https://perma.cc/VX93-5R6F>].

Moreover, these figures do little to help prospective law students determine whether a law school will increase their odds of passing the bar exam if they enroll at the law school.<sup>6</sup> It is also unclear from overall bar passage rates whether a given law school is adding independent value to its students' ability to pass the bar exam, or if law schools with better students in terms of predictors like Law School Admission Test (LSAT) scores and undergraduate grade point average (UGPA), simply have students more likely to pass the bar exam.<sup>7</sup>

The extant literature on bar passage demonstrates that a student's entering credentials, such as the student's LSAT score, are highly correlated with performance on the Multistate Bar Exam.<sup>8</sup> However, the value of legal education comes from a law school's ability to increase the likelihood that its students will pass the bar exam beyond the likelihood that they would pass based solely on the students' entering credentials.<sup>9</sup> Thus, this Article further explores the relationship between student credentials and background characteristics on bar passage in the aggregate by controlling for these variables and their ability to predict bar passage.

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6. See *How Important Are Law School Bar Passage Rates?*, JD ADVISING, <https://jedadvising.com/how-important-are-law-school-bar-passage-rates/> [https://perma.cc/QC9B-8VGG].

7. See *id.*

8. See Katherine A. Austin et al., *Will I Pass the Bar Exam?: Predicting Student Success Using LSAT Scores and Law School Performance*, 45 HOFSTRA L. REV. 753, 783 (2017); Carol Goforth, *Why the Bar Examination Fails to Raise the Bar*, 42 OHIO N. UNIV. L. REV. 47, 74 (2015); Catherine Martin Christopher, *Eye of the Beholder: How Perception Management Can Counter Stereotype Threat Among Struggling Law Students*, 53 DUQ. L. REV. 163, 172 (2015); Susan M. Case, *The Testing Column: Identifying and Helping At-Risk Students*, 80 BAR EXAM'R, Dec. 2011, at 30, 30; Gary S. Rosin, *Unpacking the Bar: Of Cut Scores and Competence*, 32 J. LEGAL PRO. 67, 67 (2008). But see Linda F. Wightman, *Are Other Things Essentially Equal? An Empirical Investigation of the Consequences of Including Race as a Factor in Law School Admission*, 28 SW. UNIV. L. REV. 1, 24 (1998) ("Research has shown that bar examination performance correlates more with law school grades than with LSAT scores."). However, the Law School Admissions Council (LSAC) asserts that the LSAT is not a measure of predicted bar passage. See Austin et al., *supra*, at 756–57.

9. There is some uncertainty about the strength of the relationship between UGPA and bar exam success. See Austin et al., *supra* note 8, at 755–56 (highlighting the article's finding that UGPA is not predictive of bar exam success while previous studies have found such a correlation); Derek Alphan et al., *Yes We Can, Pass the Bar. University of the District of Columbia, David A. Clarke School of Law Bar Passage Initiatives and Bar Pass Rates—From the Titanic to the Queen Mary!*, 14 UDCL. REV. 9, 39 (2011). However, some research recognizes that UGPA is predictive of bar success. See LINDA F. WIGHTMAN, LSAC NATIONAL LONGITUDINAL BAR PASSAGE STUDY 77 (1998), <https://archive.lawschooltransparency.com/reform/projects/investigations/2015/documents/NLBPS.pdf> [https://perma.cc/A7CC-VXZ7] (finding that a model predicting bar passage rates using LSAT scores and law school GPAs was improved when the model also took UGPAs into account).

This Article's approach departs from previous studies of bar exam success. For example, the objective of much of the research on bar passage has been to inform discussions of both the efficacy and equity of the bar exam.<sup>10</sup> While these examinations are useful for a better understanding of factors that precipitate the yielded outcomes of bar examinees, they largely fail to consider the characteristics that predict an examinee's success or failure on the bar exam. Further, these examinations fail to reach the group of people who most need the information—prospective and current law students. And where a handful of studies have attempted to methodologically examine bar performance, these same studies have approached the issue from a limited use of the appropriate methods and perhaps a limited understanding of the underlying data.<sup>11</sup> This Article's objective differs from the purpose of prior studies of bar examination success in that it seeks to identify the relationship between student characteristics and first-time bar exam passage rates by employing a new approach to a particular empirical

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10. For a leading study on the efficacy of the bar exam, see generally Deborah J. Merritt et al., *Raising the Bar: A Social Science Critique of Recent Increases to Passing Scores on the Bar Exam*, 69 UNIV. CIN. L. REV. 929 (2001) (analyzing the bar exam's attempt to introduce scientific rigor into the standardized exam). With respect to the equity of the bar exam, see generally Dan Subotnik, *Does Testing = Race Discrimination?: Ricci, the Bar Exam, the LSAT, and the Challenge to Learning*, 8 UNIV. MASS. L. REV. 332 (2013) (discussing the bar exam and its racial inequities); William C. Kidder, *The Bar Examination and the Dream Deferred: A Critical Analysis of the MBE, Social Closure, and Racial and Ethnic Stratification*, 29 L. & SOC. INQUIRY 547 (2004) (asserting that the raising of bar exam scores disproportionately affects minorities rather than increasing the required competency of potential lawyers). Likewise, some researchers have suggested that the bar exam has taken "an especially high toll on minorities," with minority groups passing the bar at lower rates than their white counterparts. Subotnik, *supra*, at 368; see, e.g., Andrea A. Curcio, *A Better Bar: Why and How the Existing Bar Exam Should Change*, 81 NEB. L. REV. 363, 381 (2002). Finally, other studies have pointed to the lengthy period of intensive—and expensive—study required to pass the bar exam and the disproportionate effects that has on single parent examinees, examinees of color, and examinees from economically-disadvantaged backgrounds. See N.Y. STATE BD. OF BAR EXAM'RS & ACCESSLEX INSTITUTE, ANALYZING FIRST-TIME BAR EXAM PASSAGE ON THE UBE IN NEW YORK STATE, at 11, 38, 41 (2021) [hereinafter NYBoLE].

11. See, e.g., Jeffrey S. Kinsler, *Top Law Schools for Passing the Bar Exam*, NAT'L JURIST (Jan./Feb. 2021); Jeffrey S. Kinsler & Jeffrey Omar Usman, *Law Schools, Bar Passage, and Under and Over-Performing Expectations*, 36 QUINNIPIAC L. REV. 183, 188–89 (2018). The approach in this Article is distinct from the aforementioned studies that attempted to do the same, albeit with a problematic application of empirical methods. For a full discussion of the problems associated with Professor Jeffrey S. Kinsler's methodology, see Rory Bahadur et al., *Reexamining Relative Bar Performance as a Function of Non-Linearity, Heteroscedasticity, and a New Independent Variable*, 52 N.M. L. REV. 119, 121–22 (2022); Christopher J. Ryan et al., *Not So Fast: Predicting Law School Bar Success Is More Complicated Than You Might Think*, ACCESSLEX INST. (May 17, 2021), <https://www.accesslex.org/news-tools-and-resources/not-so-fast-predicting-law-school-bar-success-more-complicated-you-might> [https://perma.cc/TLB9-LDQV].

method: the value-added modeling design.<sup>12</sup> The authors of this Article are also the researchers who conducted all of the data collection and analysis for the purpose of this study.

During the first phase of research for this Article, which was completed in June of 2020, the authors identified law schools that have consistently higher first-time bar exam passage rates than what was originally likely based on their students' credentials—specifically LSAT and UGPA—while controlling for the relative difficulty between state bar exams. This same quantitative analysis also revealed which schools underperformed, even accounting for their students' entering credentials. The authors then sought to discover, qualitatively, how these law schools marshaled resources and included curricular and extracurricular programming that contributed—or not—to their students' success on the bar exam in the next phase of research. In the fall of 2020, the authors conducted a survey of administrators at the top overperforming law schools, average-performing law schools, underperforming law schools, and random samples of law schools that fell somewhere outside these groups, of the bar exam performance distribution. This survey sought to identify and validate successful approaches to the bar success problem facing many law schools. Through the analysis of the survey results below, this Article reveals many approaches worthy of consideration that will undoubtedly help to increase the value proposition of all law schools.

## I. PHASE ONE: IDENTIFYING OVERPERFORMING AND UNDERPERFORMING LAW SCHOOLS

With a decline in bar passage rates over the past decade<sup>13</sup> and the recent adoption of the ABA's Standard 316—requiring that, to stay in good standing with the ABA, at least seventy-five percent of a law school's graduates who sat for a bar exam pass within two years of their graduation<sup>14</sup>—bar success has become high stakes for law graduates and

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12. This research employs a similar approach to the methodology that Professor Kinsler used to produce his results in a 2018 study to estimate the same. *See* Kinsler & Usman, *supra* note 11. However, Professor Kinsler's 2018 study was not the first to use these methods; the approach in this Article is based on a methodology that predates Professor Kinsler's studies. *See* Christopher J. Ryan, Jr., *A Value-Added Ranking of Law Schools*, 29 UNIV. FLA. J.L. & PUB. POL'Y 285, 296 n.42 (2019) (applying a predictive modeling technique based on a composite index of LSAT and UGPA that measures the distance between predicted bar passage rates and actual bar passage rates for the same cohort three years after beginning law school and posted to SSRN as a working paper on June 28, 2015).

13. Karen Sloan, *The Big Fail: Why Bar Pass Rates Have Sunk to Record Lows*, LAW.COM (Apr. 14, 2019, 5:00 PM), <https://www.law.com/2019/04/14/the-big-fail-why-bar-pass-rates-have-sunk-to-record-lows/> [<https://perma.cc/63JZ-3U2Y>].

14. AM. BAR ASS'N, REVISIONS TO STANDARD 316: BAR PASSAGE (May 6, 2019), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_)



law schools alike. Amidst these recent developments, studies applying statistical methods to model and predict law schools' bar passage rates have captured the attention of the legal academy.<sup>15</sup> The reason for their attraction is obvious: These empirical methods can be useful tools for law schools anticipating rough seas ahead and operationalizing measures of value that law schools can provide to students. This Article seeks to distinguish itself from the small, but growing, body of research that employs empirical methods to crack the bar success conundrum by leveraging the best available data and by employing rigorous predictive methodologies in service of discerning which law schools overperform and underperform expectations of bar success over time.

### A. *Quantitative Data*

To undergird the first stage of analysis, the authors of this Article used data from two sources. First, the law school data primarily originated from the ABA Standard 509 Disclosure Reports, including information submitted by each accredited law school since 2011.<sup>16</sup> However, given the unreliability of some of the key control variables in the quantitative analysis of the predictive power of the variables that comprise the composite index from which this Article predicts bar passage rates, the authors also licensed a verified version of the ABA Standard 509 Disclosure data from a repository curated at the American Bar Foundation (ABF). Where the ABA Standard 509 Disclosure data was

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to\_the\_bar/council\_reports\_and\_resolutions/may19/may-7-19-316-memo.pdf [https://perma.cc/BP4Y-DMHY].

15. See, e.g., Austin et al., *supra* note 8, at 755; Raul Ruiz, *Leveraging Noncognitive Skills to Foster Bar Exam Success: An Analysis of the Efficacy of the Bar Passage Program at FIU Law*, 99 NEB. L. REV. 141, 144 (2020); Robert Anderson IV & Derek T. Muller, *The High Cost of Lowering the Bar*, 32 GEO. J. LEGAL ETHICS 307, 310 (2019); Amy N. Farley et al., *A Deeper Look at Bar Success: The Relationship Between Law Student Success, Academic Performance, and Student Characteristics*, 16 J. EMPIRICAL LEGAL STUD. 605, 608 (2019); Robert R. Kuehn & David R. Moss, *A Study of the Relationship Between Law School Coursework and Bar Exam Outcomes*, 68 J. LEGAL EDUC. 623, 625 (2019); Scott Johns, *A Statistical Exploration: Analyzing the Relationship (if any) Between Externship Participation and Bar Exam Scores*, 42 OKLA. CITY UNIV. L. REV. 281, 282–83 (2018); Scott Johns, *Empirical Reflections: A Statistical Evaluation of Bar Exam Program Interventions*, 54 UNIV. LOUISVILLE L. REV. 35, 35–36 (2016).

16. See AM. BAR ASS'N, *Section of Legal Education: ABA Required Disclosures*, <https://www.abarequireddisclosures.org/Disclosure509.aspx> [https://perma.cc/E4XV-3PMG]. The ABA maintains a database of Standard 509 Disclosure Reports, Employment Reports, and Bar Passage Reports at a web portal maintained by the Section of Legal Education and Admission to the Bar Exam. AM. BAR ASS'N, *Section of Legal Education: Main Home* <https://www.abarequireddisclosures.org/MainHome.aspx> [https://perma.cc/5SWU-59LJ]. The authors used data from this portal in the first phase of analysis, which begins with data from the class that entered law school in the Fall of 2011—or the graduating class of 2014—and continues through the graduating class of 2019. In total, these data provided six iterations of school-year data during which law schools have encountered their greatest bar passage challenges.

considered unreliable, the authors used the ABF dataset, which contains data that has been verified by each ABA-accredited law school individually. The combination of these two datasets advantages this Article's research because the authors can be sure that the data they analyzed is accurate.

Second, the authors used data from the National Conference of Bar Examiners (NCBE),<sup>17</sup> which reports, among other things, state bar passage averages and bar exam cut scores from 2011 to 2019.<sup>18</sup> By aggregating these data by jurisdiction and year, the authors could account for past changes to the cut score, allowing them to control for the relative difficulty of each jurisdiction's bar exam in a given year. Moreover, when combined with law-school-level data, the NCBE data allows this Article to include data from non-modal state bar exams that graduates of a given law school take. This Article then factors graduates' performance proportionally into that law school's overall bar performance index, which is the dependent variable of interest.

### B. *Limitations of the Quantitative Data*

Despite the fact that the authors drew the data from reliable sources, there are notable limitations. For example, because the ABA altered the way it collected data on bar exam results for each law school between 2011 and 2019, many of the bar-exam-related variables the ABA now collects are not fit for a longitudinal study. Thus, the authors were forced to operationalize bar success as first-time-taker bar success relative to

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17. To view the latest and archived statistics, see *Statistics*, THE BAR EXAM'ER, <https://thebarexaminer.ncbex.org/statistics/> [<https://perma.cc/3S7Q-ZV6T>].

18. Specifically, the authors used the NCBE's reported bar passage data from ABA-accredited law schools, given that inclusion of all law schools would inflate the results for accredited law schools operating in states like Alabama, California, and Tennessee, where non-accredited law schools also operate. Additionally, the authors elected to use the annual bar passage data as reported by the NCBE, comprising February and July bar passage rates of the same year. The authors did not, as some other researchers have, construct annual bar passage figures by breaking off February results and tying them to the previous year's July results, given that this Article intended to analyze first time bar passage. The authors estimated that February examinees in the year following a July bar exam would include fewer first-time examinees than the February results for the same year would, given that December graduates of law schools mostly accomplish this achievement by shortening, not lengthening, their time in law school. Finally, because several states offered examinees diploma privileges for the 2020 bar examination, this Article does not include 2020 results in the analysis. See, e.g., Stephanie Francis Ward, *Jurisdictions with COVID-19-related Diploma Privilege Are Going Back to Bar Exam Admissions*, ABA J. (Dec. 10, 2020, 3:16 PM), <https://www.abajournal.com/web/article/jurisdictions-with-covid-related-diploma-privilege-going-back-to-bar-exam-admissions> [<https://perma.cc/N4BE-RCTU>] (noting that the District of Columbia and states like Louisiana, Oregon, Washington, and Utah offered diploma privileges for bar admission in 2020, joining Wisconsin, which has long offered diploma privileges, and New Hampshire, which offers a flavor of diploma privileges as well). See also *infra* text accompanying note 29.

modal state bar passage averages, both of which are among the few bar-exam-related variables consistently tracked by the ABA over this time period.<sup>19</sup> Additionally, because the ABA Standard 509 Disclosure Report contains law-school-specific variables that arise and disappear during this time period, the control variables for the initial regression of the predictive power of law-school-specific characteristics were confined to a handful of variables that the ABA consistently tracked over this time period as well, such as LSAT scores, UGPAs, costs of attendance, overall admissions statistics, overall racial classifications of J.D.-enrolled students, overall attrition rates, and overall employment rates.

Moreover, the underlying ABA and NCBE data are nonlinear. To explain, the relationship between an input (independent) variable and an outcome (dependent) variable must be linear to satisfy a core assumption of an ordinary least squares (OLS) statistical regression model. If the authors had used a linear regression model to predict raw bar passage rates as an outcome variable, the model would have been biased from the start. This is because bar passage rates are fixed within a zero to one hundred percent range, with a substantial majority of law schools achieving actual bar passage rates above seventy-five percent, indicating nonlinearity.<sup>20</sup> And a linear regression model using LSAT or UGPA medians as input variables to predict certain outcome variables—like bar passage rates—would also be biased because these measurements are also fixed to scales (between 0 and 4.00, and 0 and 180, respectively) but the vast majority of law schools' LSAT medians settle around the 150 to 165 range,<sup>21</sup> also indicating nonlinearity. Unlike previous studies, this Article accounts for the nonlinearity of the data through multiple methods discussed below in Part I.C.<sup>22</sup>

Likewise, the underlying ABA and NCBE data are heteroskedastic.<sup>23</sup> This means that the variance of the residuals—or error terms—is not

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19. See *Statistics: Bar Passage Data*, AM. BAR ASS'N (2022), [https://www.americanbar.org/groups/legal\\_education/resources/statistics/](https://www.americanbar.org/groups/legal_education/resources/statistics/) [https://perma.cc/QM2S-ZXPL].

20. See Bahadur et al., *supra* note 11, at 121–22, 139. For an example of a study that does not account for the nonlinearity of the underlying data, see Kinsler & Usman, *supra* note 11, at 190, 198–99.

21. See Joshua Craven, *The Newest LSAT and GPA Medians – Class of 2023*, LAWSCHOOLI, (Sept. 30, 2021), <https://lawschooli.com/newest-lsat-gpa-medians/> [https://perma.cc/9RJS-LHT3].

22. To wit, this Article uses multiple measurements of LSAT and UGPA (the 25th, 50th, and 75th percentiles of each) to comprise a weighted composite variable and then standardize the composite variable, with a mean of zero, to comprise a singular, predictive performance index, with all schools falling naturally according to their distance from the mean. This transformation makes the composite variables continuous, by design, and linear, satisfying the linearity assumption of OLS regression. This Article also composes a bar passage index based on all of the reported locations of bar takers at a given law school in a given year. See *infra* Part I.C.

23. See Bahadur, et al., *supra* note 11, at 122, 148.

evenly distributed across the data's independent variables, as functions of the dependent variable. Because an even distribution of residuals is required to meet another assumption upon which OLS regression relies, failing to account for the heteroskedasticity in the underlying data reduces the precision of the estimates provided by a linear regression model.<sup>24</sup> Failing to account for the heteroskedasticity in the underlying data can and should be avoided by researchers by accounting for heteroskedasticity in multiple ways.<sup>25</sup> However, to provide one example of accounting for heteroskedasticity, this Article uses a unique and statistically standardized composite of each law school's bar passage rate differential—that is, the distance between a given school's bar passage rate in a given state in a given year from that state's average in the given year—rather than a law school's raw, reported bar passage rate.<sup>26</sup>

Notwithstanding the confidence that these limitations do not interfere with this study's premise or analytical methods, there are also more overt idiosyncrasies within these data sets. With respect to law schools, the authors had to decide how to deal with associated law schools that report data separately in some years and collectively in others, law schools that have closed or merged with other law schools during this time period, and states that offer diploma privileges or analogous licensing programs for graduates of law schools operating within those states. In the first instance, the authors combined data from law schools, such as Rutgers University and Pennsylvania State University, which operate separate campuses and report data as separate institutions in some years but collectively in others, coding the data for these campuses as one unit for

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24. For an example of a study that does not account for the heteroskedasticity of the underlying data, see Kinsler & Usman, *supra* note 11, at 190, 198–99.

25. See discussion *infra* Part I.C.

26. See also *infra* Part I.C. Because this Article standardizes the input and outcome composite variables, the data necessarily complies with another assumption of OLS: that the error term has a population mean of zero. And this statistical standardization provides the added benefit, divined through further analysis, of ensuring that the independent variables are uncorrelated with the error terms and the observations of the error term are uncorrelated with each other—two more assumptions of linear regression. But, to reinforce the argument that this Article transformed heteroskedastic data to homoscedastic data, as OLS requires, the presence of many schools with high LSAT scores at the top of the rankings—and, as an aside, that eleven of the law schools in the top twenty-five of our rankings are also ranked in the top twenty-five of the *U.S. News & World Report* law school rankings—suggests that the data in this Article is, in fact, homoscedastic and satisfies the concerns voiced by Professor Rory Bahadur, et al., that “it [is] mathematically impossible for schools with higher entering credentials to be ranked as a top overperformer in bar performance. Kinsler’s model is strongly biased against schools [with the highest entering credentials] because they are predicted to have very high bar passage rates, which leaves little room for improvement.” Bahadur, et al., *supra* note 11, at 122; Stacy Zaretsky, *The 2021 U.S. News Law School Rankings Are Here*, ABOVE THE LAW (Mar. 16, 2020), <https://abovethelaw.com/2020/03/2021-u-s-news-law-school-rankings/> [<https://perma.cc/H2F4-E63C>] (discussing the “2021” *U.S. News* rankings, which were published in 2020, using 2019 data).

all years in the dataset.<sup>27</sup> Next, this Article does not provide an analysis on the law schools that have officially closed or were engaged in teach-out plans when the authors conducted this analysis, like Arizona Summit Law School, Charlotte School of Law, Valparaiso University, and Whittier Law School.<sup>28</sup> However, this Article does aggregate the data from two law schools, William Mitchell College of Law and Hamline University, before their merger to approximate their ultimate reporting as a single unit by the end of the time period in the panel dataset. Finally, diploma privileges and analogous licensing programs provide an outsized advantage—in terms of reported bar passage rates—to the law schools in jurisdictions that have them. As such, this Article includes within its analysis the University of Wisconsin, Marquette University, and University of New Hampshire law schools that benefit from these jurisdictionally specific advantages through alternatives to licensure but excludes these schools from the results.<sup>29</sup>

This Article also deals with underlying anomalies in the bar passage data as reported by the NCBE and to the ABA with respect to one state's bar averages and all law schools' bar passage rates within that state in one year. Specifically, in 2019, Georgia inflated both statewide bar passage averages and law-school-specific bar passage rates. With regard to diploma privileges, this Article includes Georgia law schools—including the University of Georgia and Georgia State University—in its analysis but excludes their 2019 figures in the results. Together, these research

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27. See, e.g., *American Bar Association Approves Merger Creating Rutgers Law School*, RUTGERS TODAY (July 31, 2015), <https://www.rutgers.edu/news/american-bar-association-approves-merger-creating-rutgers-law-school> [https://perma.cc/JJB9-NKUC]; *Penn State's Dickinson School of Law Receives Approval for Separate Law Schools*, PENN STATE L. (June 18, 2014), <https://pennstatelaw.psu.edu/news/penn-states-dickinson-school-law-receives-approval-separate-law-schools> [https://perma.cc/T5BE-LQM6].

28. See, e.g., *William Mitchell, Hamline Merger Approved*, NAT'L JURIST (Dec. 9, 2015), <https://www.nationaljurist.com/prelaw/william-mitchell-hamline-merger-approved> [https://perma.cc/CB54-YXC8].

29. See Appendix Table 1. Notably, the state of Wisconsin is the only state that offers a true diploma privilege for law school graduates of the accredited law schools within the state. See *Diploma Privilege*, UNIV. OF WISCONSIN-MADISON L. SCH. (2022), [https://law.wisc.edu/current/diploma\\_privilege/](https://law.wisc.edu/current/diploma_privilege/) [https://perma.cc/Z3SP-YP4D]. New Hampshire offers diploma privilege for a portion of its only law school's graduating class every year through an alternative, competency-based licensing program, the Daniel Webster Scholars program. See Natalie Runyon, *Exploring Diploma Privilege and Alternatives for Attorney Licensure*, THOMSON REUTERS (Apr. 13, 2021), <https://www.thomsonreuters.com/en-us/posts/legal/diploma-privilege/> [https://perma.cc/C5YZ-2ALA]. The Daniel Webster Scholars program at the University of New Hampshire comprises about twenty-four students per year, or about one-third of a typical graduating class for the law school. *Id.* To paraphrase the program's namesake's oral argument before the Supreme Court of the United States in the *Dartmouth College v. Woodward* case, it is admittedly a small program, and yet, there are those who love it. Finally, the University of Wisconsin and Marquette University would place in the top two spots in our rankings, and the University of New Hampshire would place fifth, if these schools had been included in the rankings.

decisions yield an analysis that is comprehensive, systematic, fair, and tailored to the unique context of legal education.

### C. *Quantitative Methods*

Discovering the “secret sauce” behind a law school’s bar success is a complex endeavor because many factors contribute to a law school’s bar passage rate. Furthermore, school-level bar passage rates change annually—and often substantially—which means that results from a model using only one year of data will also be volatile from year to year. Other factors often vary widely year-over-year, such as attrition and transfer rates.<sup>30</sup> And, although a school’s median LSAT score and class size are relatively stable over time, it is apparent that just as no single factor should be used by law schools to predict bar passage rates, so should no single year be used by researchers either. Thus, to analyze which law schools’ graduates overperform and underperform their expected bar exam passage rate, the authors employed a classic value-added modeling approach, using multiple data points over six years of available data.<sup>31</sup>

#### 1. Composite Indices Under a Classic Value-Added Modeling Design

First, the authors predicted the bar passage rate for a given year at a given law school based on that law school class’s incoming credentials:

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30. This Article recognizes that there is lively debate about the relationship between academic attrition and transfer of law students at a given law school and the resulting bar performance of that law school’s bar examinee cohort at a later point in time. *See, e.g.*, Rory Bahadur & Kevin Ruth, *Quantifying the Impact of Matriculant Credentials & Academic Attrition Rates on Bar Exam Success at Individual Schools*, 99 U. DET. MERCY L. REV. 6 (2021); Rory Bahadur, *Blinded by Science? A Reexamination of the Bar Ninja and Silver Bullet Bar Program Cryptids*, 49 J.L. & EDUC. 241 (2020); Jerry Organ, *The Composition of Graduating Classes of Law Students—2013-2016—Part One*, LEGAL WHITEBOARD (Dec. 29, 2014), <https://lawprofessors.typepad.com/legalwhiteboard/2014/12/the-composition-of-graduating-classes-of-law-students-2013-2016-part-one-.html> [<https://perma.cc/W5ZD-P36T>]. Indeed, some schools—like Belmont University, Liberty University, and Florida International University—change their class composition through academic attrition—between matriculation and graduation—more blatantly than other schools, ostensibly to improve bar passage likelihood. *See* Bahadur et al., *supra* note 11, at 158, 160–64. However, as this Article details below, the addition of attrition or transfer rates did not meaningfully improve the predictive power of the streamlined model this Article ultimately employed and also posed problems from the perspective of multicollinearity of the independent variables. *See, e.g., supra* note 26; *infra* note 32.

31. The value-added modeling technique was popularized by a Harvard economist, Professor Raj Chetty, as a way to attribute a student’s gains on standardized testing—above prior year baselines—to the student’s teacher in the elementary and secondary school setting. *See, e.g.*, Raj Chetty et al., *The Long-Term Impacts of Teachers: Teacher Value-Added and Student Outcomes in Adulthood 1* (Nat’l Bureau Econ. Rsch., Working Paper No. 17699, 2011), [https://www.nber.org/system/files/working\\_papers/w17699/w17699.pdf](https://www.nber.org/system/files/working_papers/w17699/w17699.pdf) [<https://perma.cc/2LKV-AD4W>].

twenty-fifth, fiftieth, and seventy-fifth percentile figures for LSAT and UGPA. In the initial prediction model, the authors considered other characteristics of the law school class cohort, including race, gender, attrition, and incoming transfer students. However, given that the regression analysis revealed that the predictive impact of most of these control characteristics was absorbed by the incoming student credential predictors (LSAT and UGPA), the authors streamlined the predictive model to include only a cohort's entering credential variables.<sup>32</sup> In other words, the authors found that the credentials on the front end were so closely related to bar exam performance on the back end that other factors were largely baked into those front-end credentials.

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32. By removing other predictors, such as race, attrition, and transfer variables, the precision of the model's estimates actually improved. Yet, the authors acknowledge that the model does not examine the fairness of any particular outcome of the bar exam as it relates to student credentials. Instead, it identified schools whose graduates tend to outperform those credentials. However, bar performance is a multifaceted issue and this modeling design departs from traditional sociological models, where factors like race are important control variables. *See, e.g.*, NYBoLE, *supra* note 10, at 84 (finding that LSAT underpredicts bar passage for non-white students); Joan Howarth, *Teaching in the Shadow of the Bar*, 31 UNIV. S.F. L. REV. 927, 931–34 (1997) (citing the NBCE's own data reflecting race and gender disparities in bar passage from the late 1990s). Additionally, some studies have argued that the law school admissions process and the law school experience for racial minorities are inequitable, which yields lower-than-expected bar exam performance among racial minorities to the extent the bar exam is measuring similar things. *See, e.g.*, NYBoLE, *supra* note 10, at Appendix Table C1 (noting an independent effect of race, but controlling for LSAT medians and law school selectivity only, not three measures of LSAT scores and UGPA, as our study does); Kidder, *supra* note 10, at 578–79 (arguing that controlling for law school grades and LSAT scores as “tautological insofar as the ‘proof’ of fairness requires an unexamined assumption about the presence of fairness”). Likewise, many scholars feel strongly that attrition is an important factor in a given cohort's ultimate bar success. *See, e.g.*, Bahadur & Ruth, *supra* note 30; Paul Caron, *Organ: Attrition Analysis for 2018, 2019, 2020—with a Focus on Ethnicity*, TAXPROF BLOG (Dec. 22, 2020), [https://taxprof.typepad.com/taxprof\\_blog/2020/12/attrition-analysis-for-2018-2019-2020-with-a-focus-on-ethnicity.html](https://taxprof.typepad.com/taxprof_blog/2020/12/attrition-analysis-for-2018-2019-2020-with-a-focus-on-ethnicity.html) [<https://perma.cc/EZ3F-CKX6>] (discussing the importance of the intersection of attrition and race). Either claim is not in dispute; yet, because our analysis indicates that the inclusion of neither race nor attrition improved our model's predictive power, this Article does not include them as covariates in our ultimate predictive model. This Article not alone in this finding. *See, e.g.*, ROGER BOLUS, PERFORMANCE CHANGES ON THE CALIFORNIA BAR EXAMINATION: PART 2, at 43 (2018), <https://www.calbar.ca.gov/Portals/0/documents/admissions/Examinations/Bar-Exam-Report-Final.pdf> [<https://perma.cc/A3G3-G9BD>] (“As observed previously, there was no statistically significant effect of race on final P[ass]/F[ail] status after controlling for other measures in the model.”) (emphasis removed); Jane Yakowitz, *Marooned: An Empirical Investigation of Law School Graduates Who Fail the Bar Exam*, 60 J. LEGAL EDUC. 3, 20 (2010) (“In fact, the bar passage study data confirms what bar exam validation studies had found before: that race does not play a statistically significant role in bar passage when LSAT scores, undergraduate GPA, and law school GPA are controlled.”) (compiling studies); Cecil J. Hunt II, *Guests in Another's House: An Analysis of Racially Disparate Bar Performance*, 23 FLA. STATE UNIV. L. REV. 721, 765–67 (1996) (acknowledging the correlation between LSAT scores and bar passage while rightly critiquing the bar exam as barrier to entry in the legal profession, particularly for people of color).

Next, from the predictive model measuring a given law school cohort's predicted bar success, the authors then examined that same law school class three years later at the time of their first bar examination to plot its actual bar passage rates. Specifically, the authors examined the bar passage differentials across all jurisdictions where ten or more students from that class sat for the bar exam. The study used the error term between the actual and predicted bar passage rate to represent the value that a law school added or subtracted from its students for each law school in a given year between 2014, when the entering class of 2011 graduated and sat for the bar exam, and 2019, the most recent available year of bar examinee data not impacted by the COVID-19 pandemic.

In creating the performance indices upon which the value-added analysis is predicated, the authors performed a few calculations to normally distribute the data for the main independent variables, LSAT and UGPA. First, the authors created indices for LSAT and UGPA that were scaled by the total points available in each category (4.00 and 180, respectively) along the three components of each independent variable available (seventy-fifth percentile, median, and twenty-fifth percentile) and summed the result. For example:

$$lsat\_index = (1/3)*(lsat\_75pct/180) + (1/3)*(lsat\_median/180) + (1/3)*(lsat\_25pct/180)$$

and

$$gpa\_index = (1/3)*(gpa\_75pct/4) + (1/3)*(gpa\_median/4) + (1/3)*(gpa\_25pct/4)$$

These indices provide a new scaled value, between zero and one for each law school in a given year for each of the principal independent variables. Then, the authors created an overall composite index for each law school in a given year, roughly weighted by the predictive power of the LSAT (0.6), reserving the rest of the performance index for UGPA (0.4). For example:

$$composite\_index = 0.6*lsat\_index + 0.4*gpa\_index$$

Next, the authors standardized—or z-scored—this weighted composite index. Standardization is preferable even to the aforementioned scaled and weighted composite index because it fits—as closely as possible—the data on a normal distribution, given a mean of zero. It also improves the interpretability of the values of the composite index, as these values are expressed in terms of standard deviation above or below the mean. All of these changes optimized the predictive power



of the inputs of a given incoming law school class in creating estimates of the class's expected bar performance three years later.

The key dependent variable was a bar passage differential variable that the authors carefully designed. To create this variable, the authors weighted each law school's differential from the state bar passage rate in a given year by the proportional fraction of exam takers from a given school in that jurisdiction over all exam takers from that law school in a given year (so long as the law school had ten or more graduates sit for the bar in that jurisdiction for the first time). This meant that the authors considered up to as many as five jurisdictions for a given law school in a given year. For example:

$$\begin{aligned} \text{bar\_diffpassrt\_alljuris} = & \\ & ((\text{bar\_diffpassrt\_1juris} * (\text{bar\_totaltakers\_1juris} / \text{bar\_totaltakers\_alljuris})) + \\ & ((\text{bar\_diffpassrt\_2juris} * (\text{bar\_totaltakers\_2juris} / \text{bar\_totaltakers\_alljuris})) + \\ & ((\text{bar\_diffpassrt\_3juris} * (\text{bar\_totaltakers\_3juris} / \text{bar\_totaltakers\_alljuris})) + \\ & ((\text{bar\_diffpassrt\_4juris} * (\text{bar\_totaltakers\_4juris} / \text{bar\_totaltakers\_alljuris})) + \\ & ((\text{bar\_diffpassrt\_5juris} * (\text{bar\_totaltakers\_5juris} / \text{bar\_totaltakers\_alljuris})) \end{aligned}$$

Interpreting the values that this variable yields would have been tricky, if not pointless, if the values of this dependent variable were not standardized along the same lines that the input variable—or composite index—had been standardized. As such, the authors standardized this output variable as well.

From these standardized independent and dependent variables, the authors began the value-added modeling analysis. This entails: (1) regressing the standardized bar passage differential for a given law school in a given year on the three-year lag standardized composite LSAT/UGPA index; and (2) predicting the “*y-hat*,” or expected outcome of the standardized bar passage differential value from the OLS regression model in step one, based on the coefficients of the three-year lag standardized composite LSAT/UGPA index. In other words, the standardized composite index for a given law school (e.g., Pepperdine University Caruso School of Law) in a given year (e.g., 2016) is used to predict that cohort's standardized bar passage differential value of that cohort three years later (e.g., 2019). The last step in the value-added modeling analysis is to look at the actual standardized bar passage differential value of that cohort and measure the distance between the actual and predicted standardized bar passage differential values of that

cohort. The difference between the actual and predicted values is known as a “residual,” and this residual, one can argue, is the value added—or value subtracted—by the cohort’s having attended the law school.

This classic value-added modeling design was useful as a preliminary investigation of this Article’s research question—that is, the classic value-added modeling approach is useful in determining which law schools’ graduates perform better or worse than they were predicted to perform on the bar exam as a function of their entering credentials. However, this Article asserts that the classic value-added modeling approach is inappropriate in the context of year-over-year analyses of law schools’ bar performance. Although seeing whether a given law school surpassed its predicted bar passage rate in a given year is somewhat meaningful, the reality is that many of the law schools that beat their predicted bar passage rates based on the classic value-added model also fell at or below, and sometimes well below, state bar passage averages. Likewise, many schools that performed at or just below their predicted rates were often well above the average modal state bar passage rate.

This reality of the bar passage conundrum limits the appeal of a classic value-added modeling design because it does not accurately signal which law schools exceeded their bar passage predictions and did well in doing so or which law schools performed worse than they should have but still handily beat state averages. In short, the classic, value-added modeling approach signals only which law schools beat their predicted rates but does not signal how those schools fared relative to graduates of other schools taking the same exams. Thus, this Article improves upon the classic value-added model by considering both the value-added residual *and* the actual standardized bar passage differential rate—which the authors call “*bar pi*” below, short for bar performance index—collectively, and not the residual solely, as the measure of value that the law school adds to its graduates. This improvement on the model is represented in four transformative iterations of the model that this Article describes further below.

## 2. A Modified Value-Added Modeling Design to Fit the Law School Context

The first modification of the classic value-added modeling design the authors chose to make in tailoring the predictive model to the context of legal education was aimed at rewarding those law schools that outperformed their predicted bar passage rates as well as state averages. Thus, law schools that have a positive value for their standardized bar passage differential rate (or *bar pi*)—meaning that their students did better than average on the bar exams that their graduates took—and beat their predicted bar passage differential rate were rewarded by having their value-added residual added to their *bar pi*. Adding these law schools’

value-added residual on top of their *bar\_pi* allows researchers to clearly see the best schools on both of the criteria of greatest interest: (1) those schools that do well, across multiple state jurisdictions, on the bar exam; and (2) those schools that beat their predicted differential performance.

Second, the authors reasoned that law schools with positive values on their *bar\_pi* but that did not beat their predicted bar passage differential rate (i.e., had a negative value-added score) should get the penalty of having their residual—or value-subtracted—added to their *bar\_pi*, resulting in a decrease to their observed *bar\_pi*. The majority of the schools in this category were schools that marginally underperformed their expected differentials; thus, the transformation was not much of a penalty at all, holding the underperforming schools about where they were relative to other schools before the authors instituted benefits for law schools that overperformed. However, this transformation is an important step with respect to the fairness of these rankings. It also serves this Article's ultimate goal of identifying schools that do the most with their students in terms of preparing them for success on the bar exam.

Third, the authors concluded that law schools with a negative *bar\_pi* value that managed to beat their predicted bar passage differential rate (i.e., had a positive value-added score) should get the benefit of having their value-added residual added to their *bar\_pi*. Not performing well on the bar exam, relative to state averages, carries its own penalty, but that penalty should be somewhat mitigated by performing better than expected. This transformation does just that, nudging the schools that did better than expected—but not as well as state bar passage averages—a little closer to the standardized mean of zero.

Fourth, and finally, law schools with a negative *bar\_pi* that also did not beat their predicted bar passage differential rate should get the penalty of having their value-subtracted residual added to their *bar\_pi*, taking them further away from the mean of zero. In other words, schools that underperformed on state bar passage averages *and* underperformed their predicted rates—even considering the students they admitted and matriculated—should receive a modest penalty. Like the second transformation, this penalty is marginal, as almost every school in this category in any year missed their predictions by less than half of a standard deviation (and in many cases by far less than that). However, this transformation has the effect of drawing out the left tail of the distribution, modestly away from the mean. This adjustment is appropriate given that the value-added model considers the inputs of admitted students and makes predictions based on their incoming credentials relative to all other schools.

The advantage of these transformations is that each transformation helps identify the schools that do well and the schools that do poorly on both of the criteria used to operationalize bar success. And importantly,

all of these transformations can still be expressed in terms of standard deviations because the authors have standardized the base units of each independent and dependent variable in the model. Finally, these adjustments to the value-added modeling design are not only warranted to reflect a proper operationalization of bar success and the realities of legal education but are novel contributions to the legal education literature.

#### D. *Quantitative Results*

In the analytical dataset, data spanned over six years of observation for every law school accredited by the ABA. After excluding law schools that benefit from the diploma privilege and after excluding closed law schools, the analytical data contained observations for 192 law schools over the six-year span—minus, of course, one year of observation from the Georgia law schools in 2019—each year of which the authors aggregated to the law school through averaging. The analysis indicates that, of these 192 law schools in the dataset, twenty-five law schools have added value to their graduates, on average, by a factor of 1.5 standard deviations or more. In total, most law schools—121 law schools—average a positive value to their graduates, following the value-added modeling transformations. A majority of these schools—eighty-one law schools—netted a modest average value-added score between zero and one standard deviation above the mean. However, seventy-one law schools average a negative value to their graduates, and eighteen law schools—seventeen of which are currently accredited by the ABA—recorded value losses of 0.75 standard deviations or more, with nine of those schools exceeding a one standard deviation value loss or greater. A report of the top twenty-five and bottom seventeen law schools is available in the Appendix below.

Any ranking of law schools will inevitably draw attention about which schools are ranked in which spot. For the purposes of this Article, however, the ranking was a means to an end. Once the authors identified overperforming schools, they could survey that cohort to identify the practices that might contribute toward their cumulative success. Likewise, it gave the authors an opportunity to contrast the practices of different cohorts from different schools that have had different levels of success.

It should come as no surprise that law schools that have invested heavily in their students' bar success—such as Florida International University and the University of North Carolina—do very well under this operationalization of the link between entering credentials and first-time

bar success.<sup>33</sup> For these schools, the return on investment for the bar success initiatives they have undertaken is high, catapulting them to the top of the distribution. Likewise, many of the law schools that lead the *U.S. News & World Report* rankings, like Stanford University, University of California, Berkeley, University of California, Los Angeles, University of Michigan, and University of Virginia,<sup>34</sup> emerge at or near the top of this combined measurement of bar success. Conversely, most of the law schools that recorded significant average value losses are schools that the *U.S. News & World Report* does not rank. These schools include Appalachian School of Law, Southern University, Western New England University, Golden Gate University, Thomas Jefferson School of Law, Texas Southern University, and Western Michigan University Cooley School of Law.

By no means does this quantitative analysis validate the methodology used by *U.S. News & World Report* in its annual rankings of law schools. However, this Article draws this comparison between its findings and the distribution of law schools in the annual rankings because, at some level, the authors expected to encounter them a priori. The authors did not, however, expect some of the top twenty-five law schools and a number of top fifty law schools in the annual rankings to sink as far toward the mid-point of the distribution in the analysis. Yet, several of these law schools did exactly that. There are a few surprises that emerged in the top group of overperforming law schools, specifically: Baylor University, Belmont University, Campbell University, Liberty University, and Louisiana State University. Finding these surprises was one implicit purpose of the first phase of this study: to discover not only which law schools' graduates were doing well on the bar exam, but whether those law schools exceed their bar success projections. With this phase complete, the authors sought to understand how these law schools achieved their success—and what they were doing differently from every other law school.

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33. Notably, both of these law schools, plus the University of New Hampshire, which is excluded from reporting in the rankings because of its alternative to licensure that confers a diploma privilege to a sizable portion of its graduates, have instituted considerable curricular and extracurricular reforms that redound to their students' success on the bar exam. See Louis N. Schulze, Jr., *Helping Students Pass the Bar Exam: Five Law Schools Share Their Successful Strategies*, 88 BAR EXAM'R, Summer 2019, at 8, <https://thebarexaminer.ncbex.org/article/summer-2019/law-schools-successful-strategies/> [<https://perma.cc/6T4E-THCT>].

34. See *2023 Best Law Schools*, U.S. NEWS & WORLD REPS., <https://www.usnews.com/best-graduate-schools/top-law-schools/law-rankings> [<https://perma.cc/L492-A34W>].

## II. PHASE TWO: THE BAR SUCCESS SURVEY

The effort to identify schools that overperform on the bar exam was the beginning, not the end, of the inquiry. Schools have occasionally identified school-specific programs that they believe contribute to their students' bar exam success.<sup>35</sup> But this Article seeks to offer a qualitative look at these schools to identify potential common traits. The authors drew up a series of questions, built upon some of the practices identified by other schools, as potentially useful opportunities for exploration. Ultimately, these questions formed the basis for a survey that was administered by the authors in the fall 2020 academic semester. Specifically, the survey queried: student-oriented and institutional-oriented challenges the respondents' law schools experienced; curricular and extracurricular reforms to combat bar passage problems; reforms targeted at at-risk students and reforms that targeted all students; hiring personnel focused on bar success and academic support; and financial resources dedicated to implementing bar success initiatives.

Using the Qualtrix platform, the authors distributed this survey to twenty-five schools that performed at least 1.5 standard deviations above the median in bar exam performance. Thirteen schools among the best-performing schools answered our qualitative questionnaire about their approach to academic success and bar exam support.<sup>36</sup> These schools represented a diversity of geographic regions and a range of incoming student predictors. The authors also distributed the survey to seventeen schools that performed in the middle of our quantitative distribution, receiving ten responses; seventeen schools that performed at the bottom of expected performance, receiving eleven responses; and twenty-five schools randomly selected elsewhere in the distribution, receiving sixteen responses. While the analysis focuses on top-performing schools, a discussion of the full distribution of results is illuminating in several contexts.<sup>37</sup>

There are six major takeaways. First, student-oriented challenges to bar success, as identified by respondents to the survey, center more on

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35. *See generally* note 14 (surveying literature).

36. The authors surveyed multiple administrators at a law school. In some cases, they received no more than two responses from a law school. At times, they differed. The authors did not add weights, because they think it adds further context to the responses. This increases the total number of responses the authors received. Additionally, percentages are presently based on the total number of respondents to each question.

37. "Top," "Middle," "Random," and "Bottom" are used throughout this Article to identify these cohorts of respondents. Notably, the response rates the authors received were fairly high, given that the survey was conducted amidst major institutional shifts brought on by the global COVID-19 pandemic and efforts toward a renewed commitment to racial justice in legal education in the wake of events during the summer of 2020. As such, researchers were deeply humbled by the responses they received to this survey, as they know full well that time and resources were scarce in the fall of 2020.

personal traits, including work ethic, distraction, and financial cost rather than incoming academic metrics. Second, most respondents to the survey indicated that first-year law school performance is the principal focus for identifying at-risk students. Third, among the responding law schools, many focus on hiring bar personnel and ensuring faculty buy-in and implementation of academic success programs as mechanisms for achieving bar success. Fourth, curricular strategies for bar success overwhelmingly focus on overall first-year academic support and third-year bar exam preparation rather than any particular substantive curricular focus. Fifth, extracurricular strategies employed by responding law schools emphasize more general support, including faculty support and stress management, rather than particular techniques or methods. Sixth, top-performing schools are not spending extravagantly more resources, and in many instances are spending less, than other schools to achieve bar success.

#### *A. How Law Schools Measure Bar Exam Success*

There are many different ways of identifying “success” when it comes to bar exam outcomes, and questions arise as to how schools—particularly those identified as overperforming and underperforming in the previous analysis—measure success. To that end, the survey asked respondents to identify and rank their top three choices among a list of nine constructs. The aggregate results across all law school respondents were enlightening.

Table 1 – All Respondents	
<i>Question: There are different approaches that law schools may use to measure bar success. Thinking about the last five years, how has your law school measured bar success? (Respondents could pick and rank up to three choices; all schools' survey responses below.)</i>	
Outperforming the statewide first-time average of the one state where the bulk of our graduates take the bar	59%
Ensuring that every student who attempts a bar exam passes on the first attempt	56%
Outperforming our peer schools' first-time bar exam performance	52%
Ensuring that our students receive the support they need while preparing for the bar exam	41%
Ensuring that our most at-risk students pass the bar exam on the first attempt	30%
Ensuring that at least 75% of our graduates pass a bar exam within two years of graduation	22%
Ensuring that every student who attempts a bar exam ultimately passes one	20%
Outperforming the statewide first-time average of the top few states where the bulk of our graduates take the bar	17%
Ensuring that our most at-risk students ultimately pass a bar exam	11%

The single greatest indicator of success was determined by a metric used in the *U.S. News & World Report* law school rankings. These rankings include bar passage rate as one factor, which is the ratio of the bar passage rate of a school's graduating class to that jurisdiction's overall state bar passage rate for first-time test-takers in a calendar year.<sup>38</sup> It is only 2.25% of the methodology in the most recent rankings,<sup>39</sup> but it still dominates how law schools identify success. A related item the authors surveyed, outperforming "the top few states" as opposed to just one state, was near the bottom of our results, suggesting that a strong competition exists between law schools on a more localized level—or further suggesting that respondents care most about the *U.S. News* metric, as opposed to closely related measures of success. Relatedly, the third most popular option, outperforming peer schools' first-time bar exam performance, is another competitive advantage point. If schools are vying

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38. See Morse et al., *supra* note 4 (describing the publication's methodology and noting "the bar passage rate indicator scored schools on their 2020 first-time test takers' weighted bar passage rates among all jurisdictions (states), then added or subtracted the percentage point difference between those rates and the weighted state average among ABA accredited schools' first-time test takers in the corresponding jurisdictions in 2020").

39. *Id.*



for prospective students and trying to identify ways to differentiate themselves from peer schools, bar passage rate is a popular choice.

“Ensuring that every student who attempts a bar exam passes on the first attempt” might be the most intuitive indicator of success, but it was the second-most popular option, and even that only mustered fifty-six percent of respondents who identified it among the top three. Providing overall assistance to students or ensuring that at-risk students pass the bar exam were less popular indicators. “Ultimate” bar passage rate responses were among the lowest responses, as schools prioritized first-time pass rates, even after the enactment of ABA Standard 316.

Among the subset of top-performing schools, the responses looked slightly different than the aggregated distribution of respondents from all law schools.<sup>40</sup>

Table 2 – Top Performers	
<i>There are different approaches that law schools may use to measure bar success. Thinking about the last five years, how has your law school measured bar success? (Respondents could pick and rank up to three choices; outperforming law schools' responses only.)</i>	
Ensuring that every student who attempts a bar exam passes on the first attempt	60%
Outperforming our peer schools' first-time bar exam performance	60%
Outperforming the statewide first-time average of the one state where the bulk of our graduates take the bar	53%
Ensuring that our students receive the support they need while preparing for the bar exam	40%
Ensuring that our most at-risk students pass the bar exam on the first attempt	33%
Ensuring that every student who attempts a bar exam ultimately passes one	20%
Ensuring that our most at-risk students ultimately pass a bar exam	20%
Outperforming the statewide first-time average of the top few states where the bulk of our graduates take the bar	20%
Ensuring that at least 75% of our graduates pass a bar exam within two years of graduation	7%

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40. Notably, the differences between Tables 1 and 2 are marginal, with the top three items being essentially the same, albeit in a different order. However, the highest percentage items among top performers indicate that there are indeed differences in terms of how these schools frame success: to wit, prioritizing first-time bar passage and beating peer competition at doing so.

As these schools have demonstrated extended success, these schools were focused on the competitive advantages of bar exam performance. But tied for the top response was ensuring that *every* student passed on the first attempt—a testament to the confidence in academic success programs assisting the entirety of a graduating class. The least popular response, “Ensuring that at least seventy-five percent of our graduates pass a bar exam within two years of graduation,” tracks the ABA’s minimum requirements for accredited law schools. Schools that experienced enduring success are focused on other metrics. Indeed, the low rate of overperforming law school respondents who indicated that the seventy-five percent ultimate bar passage threshold is a concern suggests that exceeding this threshold is expected by overperforming law schools. That is, consistently clearing this threshold, while gaining an advantage over peer law schools, could indeed push a law school toward the pursuit of ensuring that every student who attempts the bar passes on the first try. To do so, a law school must consider student-centered challenges and risk factors.

#### B. *Student-Oriented Challenges and Risk Factors*

To examine the student-oriented challenges and risk factors that the law schools are facing, the survey first asked, “What student-oriented challenges has your law school experienced in ensuring bar success for your law school’s graduates?” Here, respondents sorted twelve challenges into categories of greatest, average, and smallest challenges. Below are the responses from overperforming schools identifying what they saw as among the school’s “greatest challenges”:

Table 3 – Top Performers	
<i>Question: Nationally, the rate of bar passage has declined over the last five years. What student-oriented challenges has your law school experienced in ensuring bar success for your law school's graduates? (Answer identified as “greatest challenges” as opposed to “average challenges” or “smallest challenges.”)</i>	
Student distraction due to work, life, or other items competing for their time	73%
Financial cost to students	40%
Motivating students in their law school work ethic	33%
Assisting students on academic probation	27%
LSAT profile of incoming students	13%
Other	13%
Academic dismissal policy and application	7%
LSAC index profile of incoming students	7%
Quality and quantity of students transferring into the law school	7%
Quality and quantity of students transferring out of the law school	7%
Student buy-in to bar success programs	7%
UGPA of incoming students	7%

These concerns focus on the competing time commitments,<sup>41</sup> finances, and work ethic of students—not their incoming academic predictors. Admissions concerns were nearly nonexistent. The tally, of course, might reflect the fall of 2020 when students faced unique pressures during remote learning and shutdowns. Additionally, admissions figures had been stable, if not improving, around the country for years.<sup>42</sup>

Also, these areas are comparable across quantiles. There were some convergences, but notable differences for the bottom quantile. In the table below, boldface items had the most popular answer for the quantile, and italicized items had the least popular answer for the quantile.

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41. Indeed, this result stands to reason: students who have dependent children or other family members simply have a lot of commitments—especially when it comes to the months of bar study. And if they need to work during those months to support family, time management will only go so far.

42. *Law School Enrollment*, L. SCH. TRANSPARENCY (2022), <https://www.lawschooltransparency.com/trends/enrollment/all> [<https://perma.cc/D39A-MZVY>].

Table 4 – All Respondents (by Quantile)				
<i>Question: Nationally, the rate of bar passage has declined over the last five years. What student-oriented challenges has your law school experienced in ensuring bar success for your law school's graduates? (Answer identified as "greatest challenges" as opposed to "average challenges" or "smallest challenges.")</i>				
<i>Challenges</i>	<i>Top</i>	<i>Middle</i>	<i>Random</i>	<i>Bottom</i>
Student distraction due to work, life, or other items competing for their time	<b>73%</b>	<b>60%</b>	<b>50%</b>	50%
Financial cost to students	40%	40%	<b>50%</b>	25%
Motivating students in their law school work ethic	33%	30%	31%	50%
Assisting students on academic probation	27%	50%	6%	17%
LSAT profile of incoming students	13%	30%	19%	<b>92%</b>
Other	13%	30%	13%	8%
Academic dismissal policy and application	7%	40%	19%	0%
LSAC index profile of incoming students	7%	20%	13%	58%
Quality and quantity of students transferring into the law school	7%	10%	19%	0%
Quality and quantity of students transferring out of the law school	7%	10%	6%	50%
Student buy-in to bar success programs	7%	10%	44%	25%
UGPA of incoming students	7%	10%	0%	58%

Similar concerns appeared across the top, middle, and random quantiles. But admissions concerns dominated those who performed at the bottom of our outcomes—LSAT profile being the top concern, followed by incoming UGPA and incoming LSAC index. Students transferring out of the law school were also a higher concern. Curiously, a fairly large portion of the law schools in the middle of the distribution

reported that the academic dismissal policy and its application, as well as assisting students on academic probation, were significant issues. The nearly singular presence of this phenomenon among the law schools in the middle of the distribution could signal challenges unique to these schools regarding what to do with students that the law school has already identified as at-risk.

Relatedly, the authors asked about how schools identify at-risk students among thirteen factors based on their academic performance or habits. Law school respondents to the survey reported the factors that follow as “significant” risk factors; however, the survey reports the results for top-performing law schools.

Table 5 – Top Performers	
<i>Question: Some reforms target at-risk students. How does your law school identify at-risk students based upon their academic performance or habits? (Answers identified as “significant” factors as opposed to “sometimes a factor” or “rarely if ever a factor.”)</i>	
Low cumulative 1L GPA	87%
Students who fall below a certain fixed GPA threshold	80%
Low Fall 1L GPA	60%
Low Spring 1L GPA	60%
Students who fall below a certain percentile GPA threshold	53%
Faculty feedback to administration on student performance	13%
Poor performance in a 1L academic success course	13%
An extremely low grade in any one 1L course	6%
LSAC index profile of student	6%
Poor attendance record	6%
LSAT score of students	0%
Significant disparity between Fall 1L GPA and Spring 1L GPA	0%
UGPA of student	0%

Overperforming law schools recognize that a student’s first-year law school performance should be the focus of identifying at-risk students, as

well as all students' overall first-year performance.<sup>43</sup> While this model relies on LSAT scores and UGPA as predictors of bar passage success, these law schools all achieved excellent bar passage outcomes, above and beyond the predicted success of their graduates on these metrics. Appropriately enough for these law schools, admissions predictors are not a significant cause for concern. Indeed, the three highest responses of "rarely if ever considered a risk factor" included "LSAC index profile of student," "UGPA of student," and "LSAT score of students."

Moreover, the top overperforming law school group was not limited to the schools with cohorts of graduates possessing unusually high predictors of bar success based on their entering credentials because all schools have the ability to view admissions statistics; it is not only the most selective schools that have the luxury of viewing admissions statistics as a low-risk proposition. About half of the top-ranking schools (and about half of survey respondents) did not have unusually high predictors of bar success.

Instead, these survey answers might reflect a few things. First, these schools are aware that first-year GPA is a much better predictor of bar exam success than any LSAT or UGPA concerns, which largely wash away once first-year grades arrive, and they model risk accordingly. Second, it may be the case that law schools are confident in the ability of their academic success programs to elevate their students' chances of bar exam success regardless of incoming metrics (subject to law school performance). Third, schools might be able to retain high-quality students and dismiss poor academic performers at higher rates.

Similar responses could be found across quantiles, with one notable exception. Schools in the bottom quantile were fairly likely to identify "LSAT score of students" and "UGPA of student" as "significant factors" in identifying at-risk students. While first-year GPA and fixed GPA thresholds were still the leading responses, bottom-quantile schools continued to look at admissions metrics as a risk factor.

Relatedly, the survey asked law schools a separate question: how they identified at-risk students based on their personal traits. Among these ten categories, responses identifying at-risk students based on personal traits as a "significant" factor were lower than the academic performance categories in Table 5. Of note, however, are mental health disabilities and

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43. Certainly, this is consistent with a great body of research that finds that, at least at the institutional level, first-year GPA is highly associated with bar exam performance. *See, e.g.,* Aaron N. Taylor et al., *It's Not Where You Start, It's How You Finish: Predicting Law School and Bar Success* 17–18 (Nat'l Rep. of Findings for the AccessLex/LSSSE Bar Exam Success Initiative., Working Paper, Mar. 24, 2021), [https://www.accesslex.org/sites/default/files/2021-03/LSSSE%20National\\_Report.pdf](https://www.accesslex.org/sites/default/files/2021-03/LSSSE%20National_Report.pdf) [<https://perma.cc/P9YC-8HHZ>] (finding that a one standard deviation increase in first-year GPA is associated with a "402 percent increase in the odds of bar passage" and, as well, that LSAT and UGPA are positively associated with bar performance).

students for whom English is not their first language. These traits reflect student challenges approaching learning more generally and are consistent with student-oriented challenges identified earlier. Table 6 presents the distribution of responses from overperforming law schools.

Table 6 – Top Performers	
<i>Question: How does your law school identify at-risk students based upon their personal traits? (Answers identified as “significant” factors as opposed to “sometimes a factor” or “rarely if ever a factor.”)</i>	
Students with a mental health disability (e.g., anxiety disorder, depression, etc.)	46%
Students for whom English is not their first language	38%
Students with a job	12%
Students from underrepresented racial minority or ethnic minority groups	8%
Students identified as economically disadvantaged	8%
Nontraditional students	0%
Students with a disciplinary record	0%
Students with families to support	0%
Students with significant student loan burdens	0%
Veterans	0%

Law schools, then, were more likely to identify overall barriers to student success based upon traits such as work ethic, distraction, and financial cost rather than admissions metrics. First-year law school performance is the primary focus for identifying at-risk students over admissions metrics or personal characteristics. Distraction or mental health may well have scored highly in the fall of 2020 as remote administration of the bar exam during a global pandemic pressed upon law schools.

### *C. Institutional Challenges*

Personnel, practices, and policies that sustain high bar outcomes reflect institutional priorities and investments. Law schools that achieve bar exam success do so as institutions. To that end, the survey asked schools to name the greatest and smallest institutional challenges to bar

exam success among ten categories. Here are what the respondents from overperforming law schools identified as the greatest challenges:

Table 7 – Top Performers	
<i>What institutional-oriented challenges has your law school experienced in ensuring bar success for your law school's graduates? (Answer identified as “greatest challenges” as opposed to “average challenges” or “smallest challenges.”)</i>	
Hiring personnel to support bar success	50%
Faculty buy-in to bar success programs	36%
Course offerings and curriculum	29%
Implementing best practices	29%
Identifying best practices	21%
Retaining personnel to support bar success	21%
Inability to change academic policy	14%
Training faculty/staff	14%
Frequent changes to academic policy	7%
Other	0%

Hiring personnel was the greatest barrier—a sign of how the focus on academic success is driven by a school's commitment to dedicated personnel to support bar success. Faculty buy-in was also a higher concern at some institutions. Perhaps this reflects the notion that a lack of faculty support generally—or even specifically for the hiring of faculty or personnel dedicated to bar support—would make students less inclined to participate in relevant programming. Likewise, faculty buy-in is a necessary condition precedent to all manner of faculty governance issues, such as hiring, and may also be critical to achieving bar success to the extent that faculty consider bar coverage in planning their courses. Yet, by comparison, academic-policy-related concerns were low. That is, schools that have high rates of bar exam success were not inclined to identify academic policies as challenges.

While law schools identified the foregoing concerns as the greatest barriers to bar success, here is what respondents to the survey from overperforming law schools identified as the *smallest* challenges—that is, the things that the schools believe they are already handling successfully.



Table 8 – Top Performers	
<i>What institutional-oriented challenges has your law school experienced in ensuring bar success for your law school's graduates? (Answer identified as "smallest challenges" as opposed to "average challenges" or "greatest challenges.")</i>	
Frequent changes to academic policy	64%
Inability to change academic policy	57%
Faculty buy-in to bar success programs	43%
Hiring personnel to support bar success	36%
Retaining personnel to support bar success	36%
Training faculty/staff	36%
Course offerings and curriculum	29%
Identifying best practices	29%
Implementing best practices	21%
Other	0%

The top-performing respondents seemed to recognize that the academic policy was a little barrier to achieving desired success. This suggests consistency in efforts to keep working policies in place while maintaining flexibility and responsiveness where necessary. Notably, more schools in this group said that faculty buy-in was among their *smallest* concerns, unlike those who identified it among the *greatest* concerns, reflecting institutional variation. Possibly, this finding may also provide insight into how essential faculty are at different institutions for ensuring student participation in bar success—or, maybe, the extent to which the administration should fund and support bar preparation separate from faculty input.

#### D. Curricular Options

Curricular choices also may drive bar success. Schools may choose to implement specific courses, institute particular teaching or grading methods, or provide academic support for students who struggle with the curriculum. This survey drew upon twenty-four categories of curricular options to ask what reforms schools implemented for bar success. Among respondents, particularly those in the top-performing law school quantile,

the most popular methods were in two categories: first-year academic support, and bar preparation courses in the third year.

Table 9 – Top Performers	
<i>Several law schools have begun to institute curricular reforms to combat bar passage problems. What sort of curricular reforms aimed at bar success have been enacted at your law school?</i>	
Increased first-year academic support	69%
Bar exam preparation courses in the spring 3L year	63%
Bar exam preparation courses in the fall 3L year	50%
Increased size or frequency of bar prep courses	31%
Other	25%
Bar-style performance test questions in the curriculum	19%
Increased faculty focus on bar-tested topics	19%
A required 1L academic skills course	13%
Bar-style essay questions in substantive course exams	13%
Bar-style multiple choice questions in substantive course exams	13%
Letter grades in lieu of pass/fail for bar preparation courses	13%
More credit hours in required substantive courses on bar-tested topics	13%
Shift toward closed book exams	13%
Substantive third-year curricular requirements	13%
Faculty mentoring of students	8%
Flipped classroom environments	8%
More 1L legal writing credits	8%
More required substantive courses on bar-tested topics	8%
Pre-law academic support	8%
Requiring faculty to implement formative assessments into the curriculum	8%
Shift toward timed in-person exams	8%
Increased oral faculty feedback on exams	0%
Increased written faculty feedback on exams	0%
Turning required substantive courses from one term into multiple terms	0%

While other studies have discussed substantive course or curricular changes or particular pedagogical techniques in the classroom, these

options are rare and scattered among the survey's respondents. This is at least, in part, consistent with evidence that performance on the bar exam appears to work independently of performance in any given substantive law school subject.

The survey reports only the results from the highest performing law schools, but there was general convergence about these tactics across quantiles. The most popular responses across quantiles include increasing first-year academic support and spring 3L bar exam support; these answers were the two most popular options in the middle and random quantiles, and in the top four of the bottom quantile. Schools in the middle, random, and bottom quantiles scattered more alternative options elsewhere. "Faculty mentoring of students" was also a more popular option elsewhere.

Notably, among schools in the bottom quantile, eighty-three percent included more required substantive courses on bar-tested topics, and eighty-three percent required faculty to implement formative assessment into the curriculum. Seventy-five percent required a first-year academic skills course, and seventy-five percent increased faculty focus on bar-tested topics. These were far more popular options than other quantiles' respondents. It might be that these schools have pursued a model that "buckling down and studying hard" across the entirety of the law school curriculum is the pathway to success. But this is not what other schools tend to do. And the amount of memorization needed for bar exam success appears to work best in the time closest to the bar exam itself, which explains why spring 3L courses tend to be more popular across quantiles.

Furthermore, these are not novel strategies for the most successful schools. Spring 3L bar courses have been around for four or more years at eight of the nine schools that responded in this category; fall 3L bar-preparation support at five of the seven schools that responded in this category; and increased first-year academic support at seven of the nine schools that responded in this category. Notably, among other schools in the survey cohort who identified increased first-year support as a topic of development, only ten of the twenty-four schools that responded had done so for the last four or more years. The majority have been developing first-year support more recently. It might portend greater bar success at more law schools in the future.

The survey also asked whether these programs were open to all students; whether these programs were open to all students, but targeted at-risk students; whether these programs were open to all students, but required for at-risk students; or whether these programs were required for all students. Increased first-year academic support was required at only three of the ten schools that responded. And bar exam preparation courses were required at zero schools that responded, neither in the fall semesters (of seven schools) nor spring semesters (of nine schools).

When the survey asked schools to identify which change had the “most positive impact,” spring 3L bar programs were the runaway winner, followed by “other.”

There appears to be a form of buy-in for these programs among students at these institutions, and it suggests that students are motivated to participate in optional programs. It also may reflect that the totality of support may assist students, regardless of whether they participate in bar-specific programs. Holistic success admittedly makes identifying isolated causes of bar success more challenging, but it offers flexibility for institutions looking at a broader suite of options.

### *E. Extracurricular Options*

While curricular options may provide popular opportunities for bar success, extracurricular options may provide some opportunities for bar success, too. Law schools might offer bar preparation courses outside the curriculum, provide students with preferred study techniques, or ensure sustainable academic support to their students. The survey asked about twenty-one extracurricular strategies. Here were the responses from top-performing schools:

Table 10 – Top Performers	
<i>Several schools have begun to institute extracurricular reforms to combat bar passage problems. What sort of extracurricular reforms aimed at bar success have been enacted at your law school?</i>	
Expanding academic support available to students	69%
Faculty support for students during bar preparation	50%
Stress management support	50%
Teaching study time management techniques	50%
Teaching exam time management techniques	44%
Encouraging particular study methods	38%
One-off bar preparation workshops	38%
Peer tutoring support to first-year students	38%
Encouraging or mandating handwritten note-taking	25%
Hired more people in academic support roles	25%
Increased salaries of those in academic support	19%
Financial assistance in the form of grants or scholarships for the bar exam	13%
Subsidizing bar preparation courses like Barbri or Kaplan	13%
Mandating bar prep courses like Barbri or Kaplan	6%
Mandating particular study methods	6%
New student orientation focus on bar examination	6%
Offering a preliminary bar exam at the 1L year	6%
Reorganized administration to provide better management and oversight for academic support	6%
Increased funding or opportunities for passive support systems like resources centers or libraries	0%
More stringent admissions policies	0%
Purchasing bar preparation courses for students like Barbri or Kaplan	0%

Instead of specific tools for success, it appears that broad but straightforward measures, such as expanded academic and faculty

support, have been the most successful. Among these measures, the ones identified as the most positive were: expanding academic support; faculty support during bar preparation; encouraging particular study methods; and peer tutoring.<sup>44</sup>

These programs at the top schools were generally open to all students without any particularized focus on at-risk students. On the other hand, few programs “targeted” at-risk students. But, among sixty-four responses regarding how schools target these programs, only one respondent for one program identified that the program was “required for at-risk students.”

Less popular methods included subsidizing, purchasing, or mandating commercial bar preparation programs and first-year bar-focused policies. Other particularized methods were not widely considered by respondents. For instance, handwritten notetaking has received some scholarly attention as pedagogically beneficial,<sup>45</sup> but schools are not making it a focus of their study techniques.

Like curricular options, the extracurricular options also saw convergence in responses across quantiles. “Expanding academic support available to students” was consistently the most popular choice. Notably, however, among the other quantiles outside of the top performers, between twenty-five percent and forty percent of respondents reported purchasing bar preparation courses for students, while none of the top-performing law schools reported doing so. Additionally, on closer comparison, none of the schools in the top quantile, about thirty-three percent of the random and middle schools, and seventy-five percent of bottom schools identified “more stringent admissions policies” as an extracurricular mechanism to combat bar passage problems—once again reflecting a different ethos among overperforming law schools to do the most with the students they admit and ultimately graduate.

#### F. *Personnel and Costs*

Some of the questions specifically asked about personnel, but the survey offered an additional question to quantify the changes or additions of personnel committed to bar success or academic support. Were schools

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44. It is also possible that more general measures are more likely to attract a broader number of respondents than more specific measures, anyway.

45. See, e.g., Mike Allen et al., *Is the Pencil Mightier than the Keyboard? A Meta-Analysis Comparing the Method of Notetaking Outcomes*, 85 S. COMM’N J. 143 (2020); Colleen P. Murphy et al., *Note-Taking Mode and Academic Performance in Two Law School Courses*, 68 J. LEGAL EDUC. 207, 208–09 (2019) (finding that handwriting notes was associated with improved performance in two required courses in the law school curriculum); Pam A. Mueller & Daniel M. Oppenheimer, *The Pen Is Mightier Than the Keyboard: Advantages of Longhand Over Laptop Note Taking*, 25 PSYCH. SCI. 1159, 1159 (2014) (“In three studies, we found that students who took notes on laptops performed worse on conceptual questions than students who took notes longhand.”).

shifting responsibility among existing faculty or staff, or were they hiring new people? What sort of faculty status did these new hires have?

In terms of personnel hired or given new responsibilities concerning academic support, there was no particular consensus. Respondents offered various answers: hiring one non-tenure status person as either faculty or staff; or shifting responsibilities among existing personnel. Despite this heterogeneity, there was some coalescence around what top-performing respondents are not doing: hiring more than one person or hiring tenure-stream faculty.

Table 11 – Top Performers	
<i>To what extent in the last 5 years has your law school hired or reassigned personnel so that their primary job duties are dedicated to bar success or academic support?</i>	
We have hired one full-time person with non-tenure-stream faculty status to do so	23%
We have hired one full-time staff member to do so	15%
We have shifted responsibility among existing non-tenure-stream faculty members to do so	15%
We have shifted responsibility among existing staff members to do so	8%
We have shifted responsibility among existing tenure-stream faculty members to do so	8%
We have hired more than one full-time person with non-tenure-stream faculty status to do so	0%
We have hired more than one full-time person with tenure-stream faculty status to do so	0%
We have hired more than one full-time staff member to do so	0%
We have hired one full-time person with tenure-stream faculty status to do so	0%

The survey asked schools to report the amount of financial resources in a given year devoted to implementing these measures. Unsurprisingly, the range varied widely, but some trends appeared. Top-performing schools offered a range of \$0 to \$500,000, with a median of \$208,000. This figure is slightly more than the middle quantile (\$154,000 median) and the random cluster of law schools (\$198,000 median), but much less than the bottom quantile (\$358,000 median).

Qualitatively, it seems that there is no doubt that the work needed to assist a student with lower initial entry credentials requires more resources than the work necessary to assist a student with high entering credentials, and the pool of schools in the lowest quantile tend to have

students with lower entering credentials. Yet, it seems that the top-performing schools are not outlandishly outspending other schools in academic success programs. Instead, it is likely that they are simply acting efficiently with the resources they have at their disposal.

### G. *Summary of Findings*

This Article recognizes that any qualitative survey instrument is incomplete, and that, additionally, one cannot infer causation from any particular law school tactic to bar performance success or failure. The authors are also confident that, while this survey measured several dozens of different dimensions, new or alternative dimensions of bar success will arise as fruitful areas of study. Nevertheless, this Article identifies some consistent themes that schools can consider as they look to improve bar performance, while noting that there are multiple paths for law schools to outperform expectations based on law school typology, characteristics of the students they serve, and the kinds of programming they use to support their students' bar success.

The survey's results indicate that there is a fair disparity not only between overperforming and underperforming law schools in terms of how they approach bar success for their students but also among overperforming law schools, suggesting that bar success need not be a one-size-fits-all endeavor. Several overperforming law schools that do not enjoy an elite *U.S. News & World Report* ranking have multifaceted approaches to curricular and extracurricular reforms geared toward supporting students on the bar exam, and these approaches appear to redound to their students' success on the bar exam.<sup>46</sup> Some law schools in this category that are highly ranked by *U.S. News & World Report* do not have a systematic approach to ensuring their students' success on the bar exam, but they still benefit from their students' considerable success on the bar exam. Yet, other schools do not dedicate many financial resources or personnel to bar success, but, instead, have an academic program tailored to their students' success on the bar exam. In light of these differences, this Article draws the following conclusions to assist law schools in making decisions about how to approach bar success, based primarily on the responses of overperforming law schools to the survey.

First, overperforming law schools overwhelmingly still measure bar success not by an ultimate bar passage rate within two years of graduation, but by ensuring that every student who attempts the bar exam

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46. See, e.g., Louis N. Schulze, Jr., *Using Science to Build Better Learners: One School's Successful Efforts to Raise Its Bar Passage Rates in an Era of Decline*, 68 J. LEGAL EDUC. 230, 232 (2019) (finding that Florida International University "aims to teach [its] students" metacognition and self-regulation which "fosters [a] student's ability to rely on their own sense of quality assessment instead of having to rely on external sources").



passes on their first attempt. This prioritization of first-time bar passage reflects not only the reality that these law schools' graduates tend to outperform expectations of first-time bar passage that was identified by the quantitative methodology, but it also likely represents an ethos of bar success at these schools from which an organizational emphasis on bar success flows at varying degrees.

Next, overperforming law schools—regardless of the LSAT and UGPA profiles of the students they admit—tended to recognize that the greatest student-oriented challenges to ensuring their students' bar success were not the incoming academic predictors of bar success; that is, the overperforming law schools rated academic indicators of student success as a much lower level challenge to ultimate bar success than all other quantiles of law schools. And not all law schools in the overperforming group had the luxury of students with the leading academic profiles in the nation on which they could rely to achieve first-time bar passage. Thus, the recognition by law schools in the top quantile that student distraction due to work, life, or other items competing for their students' time, and the financial costs of law school and bar preparation programs are a recognition of two things: (1) these law schools can add value to their students, regardless of their students' entering academic credentials, and thereby increase the likelihood that their students will be successful on the bar exam; and (2) these law schools can mitigate these threats to their students' bar success by designing and implementing reforms with the greatest student-oriented challenges in mind. Examples of low-cost reforms—for law students and law schools alike—that potentially mitigate these two greatest threats to bar success include increased first-year academic support and bar exam preparation courses in the 3L curriculum.

This approach has clearly benefitted the law schools in the top quantile. However, many of the law schools in the bottom quantile overwhelmingly do not opt for either of these approaches but rather require students to take more substantive courses tested on the bar exam; they instead require faculty to implement formative assessments into the curriculum and require increased faculty focus on bar-tested topics—approaches that almost no other quantiles are doing in as great of numbers. Moreover, the greatest return on investment seems to come from academic support programs and 3L bar preparation programs that are optional. Despite this result, this Article notes that a handful of schools reported faculty buy-in to bar success programs was reported as an institutional challenge, which indicates that some faculty members may still be in denial about the value of these important initiatives. However, there appears to be a form of buy-in for these programs among students at the overperforming law schools identified by the survey,

suggesting that targeting, but not requiring, these programs may achieve optimal results.

Likewise, the overperforming law schools in the distribution tend to identify at-risk students based on their first-year GPAs as opposed to entering academic predictors or even personal characteristics that might disadvantage the students' bar success prospects. While this may not be the best strategy when considering each student holistically, it clearly ensures that student academic support measures can be directly targeted at the students who most need them and is in line with the reality that law school academic performance is perhaps the best predictor of bar success. Again, this approach departs from the schools in the bottom quantile, which tended to focus on students' academic predictors of performance upon entry to law school as an identifying risk factor. Perhaps the difference between responses from law schools in the overperforming and underperforming groups hints, again, at an ethos ostensibly adopted at overperforming law schools that all law students admitted to their school can be educated for success on the bar exam. In fact, the majority of the top-performing law schools in the distribution seek to expand support programs to be available to all students.

Of course, in a time of limited resources in higher education, marshaling the necessary fiscal and human resources to implement any bar success initiative may be more difficult than ever before. Across all law school typologies and quantiles in the distribution, resource challenges—from hiring and retaining personnel to supporting bar success by identifying and implementing best practices—were notable institutional challenges in the responses to the survey. Yet, the top-performing law schools tended to spend about as much, on average, as the law schools in the middle of the distribution and far less than the underperforming law schools to implement these bar success measures. Thus, it seems that underperforming law schools need not generate new capital to tackle the problem of bar success, but instead should use their resources more efficiently. In fact, the results suggest that law schools do not need to empty their coffers to outperform expectations. Rather, many have bar success personnel on faculty. And nearly all overperforming law school respondents have an ethos and expectation of bar success that elicits buy-in from faculty and students and take a holistic approach to bar success through multiple curricular and extracurricular avenues, including several of the available options identified above.

## CONCLUSION

Bar passage success relies on many factors: “matriculant credentials, systemic racism, privilege, academic attrition, transfer rates, and

pedagogy.”<sup>47</sup> This truism points to the fact that bar success is a multifaceted problem; however, this problem is not unknowable or unsolvable. This Article demystifies the bar passage conundrum presently facing law schools as they seek to inform potential and current law students, the legal education community, and the broader public about the value they provide. First, through a novel application of the value-added modeling design, this Article identifies overperforming and underperforming law schools based on the extent to which they surpass predicted bar success, accounting for the students they admit in each law school cohort and state bar passage averages in the jurisdictions in which their graduates sit for the bar.

The survey identified and gathered information from law schools that both overperformed and underperformed on the bar exam over a six-year time period. Then, the survey discerned how these law schools approach their students’ success on the bar exam. The results described in this Article suggest that overperforming law schools prioritize bar success by focusing bar support on first-time bar passage, and not on ultimate bar passage. Likewise, while underperforming law schools see their students’ entering academic credentials as an impediment to bar success, the law schools with the greatest value-added bar success do not—instead mitigating the risk of bar exam failure by implementing reforms to first-year academic support and third-year bar preparation. Finally, while many of the overperforming law schools that responded to this survey have bar support personnel on faculty, nearly all possessed an expectation of bar success that was impressed onto faculty and students and took a holistic approach to ensuring successful bar results for their graduates.

The results from this study operationalize the value that law schools provide to their students in a common-sense way, while simultaneously affording an opportunity for law schools to consider the best practices. The results also allow schools to choose which practices to adopt that are sensible for their particularized contexts. The results of this study should both reinforce existing practices and encourage a focus on different practices for any law school. Indeed, the results may be obvious to the academic support community, but they may also provide evidence to administrators and faculty who have been hesitant to change existing practices or to invest in the appropriate kinds of changes that redound to their students’ success on the bar exam. Ultimately, the goal of this research is to yield a better understanding of effective bar success reforms that are presently underway at various law schools to which academics can look to improve their students’ realization of success on the bar exam.

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47. See Bahadur, *supra* note 30, at 30.

APPENDIX

Appendix Table 1: Overperforming Law Schools									
VA Rank	Law School	Year	VA Score	VA Avg.	Bar 1	Bar 2	Bar 3	Bar 4	Bar 5
1	FLORIDA INT'L UNIV.	2014	0.5288622	3.419847367	FL				
1	FLORIDA INT'L UNIV.	2015	3.377533	3.419847367	FL				
1	FLORIDA INT'L UNIV.	2016	3.829617	3.419847367	FL				
1	FLORIDA INT'L UNIV.	2017	3.232184	3.419847367	FL				
1	FLORIDA INT'L UNIV.	2018	4.514825	3.419847367	FL				
1	FLORIDA INT'L UNIV.	2019	5.036063	3.419847367	FL				
2	STANFORD UNIV.	2014	2.05044	2.851075	CA	NY			
2	STANFORD UNIV.	2015	2.459873	2.851075	CA	NY			
2	STANFORD UNIV.	2016	3.425697	2.851075	CA	NY			
2	STANFORD UNIV.	2017	3.338486	2.851075	CA	NY			
2	STANFORD UNIV.	2018	3.607106	2.851075	CA	NY	DC		
2	STANFORD UNIV.	2019	2.224848	2.851075	CA	NY			
3	SOUTHERN CALIFORNIA, UNIV.	2014	2.438149	2.683668333	CA				
3	SOUTHERN CALIFORNIA, UNIV.	2015	3.103571	2.683668333	CA				
3	SOUTHERN CALIFORNIA, UNIV.	2016	3.917037	2.683668333	CA				
3	SOUTHERN CALIFORNIA, UNIV.	2017	2.634527	2.683668333	CA	NY			
3	SOUTHERN CALIFORNIA, UNIV.	2018	1.919375	2.683668333	CA				
3	SOUTHERN CALIFORNIA, UNIV.	2019	2.089351	2.683668333	CA	NY			
4	CALIFORNIA-BERKELEY, UNIV. OF	2014	2.606702	2.534165833	CA				
4	CALIFORNIA-BERKELEY, UNIV. OF	2015	2.297808	2.534165833	CA				
4	CALIFORNIA-BERKELEY, UNIV. OF	2016	2.189593	2.534165833	CA	NY			
4	CALIFORNIA-BERKELEY, UNIV. OF	2017	2.741209	2.534165833	CA	NY			
4	CALIFORNIA-BERKELEY, UNIV. OF	2018	3.449189	2.534165833	CA	NY			
4	CALIFORNIA-BERKELEY, UNIV. OF	2019	1.920494	2.534165833	CA	NY			
5	NORTH CAROLINA, UNIV. OF	2014	2.777846	2.472640667	NC				

5	NORTH CAROLINA, UNIV. OF	2015	2.166893	2.472640667	NC	NY	
5	NORTH CAROLINA, UNIV. OF	2016	1.770362	2.472640667	NC	NY	GA
5	NORTH CAROLINA, UNIV. OF	2017	2.753872	2.472640667	NC	NY	GA
5	NORTH CAROLINA, UNIV. OF	2018	3.475974	2.472640667	NC	NY	DC
5	NORTH CAROLINA, UNIV. OF	2019	1.890897	2.472640667	NC	NY	
6	BELMONT UNIV.	2014	-0.3030577	2.13557186	TN		
6	BELMONT UNIV.	2015	No report	2.13557186	TN		
6	BELMONT UNIV.	2016	1.596437	2.13557186	TN		
6	BELMONT UNIV.	2017	2.496514	2.13557186	TN		
6	BELMONT UNIV.	2018	3.696496	2.13557186	TN		
6	BELMONT UNIV.	2019	3.19147	2.13557186	TN		
7	MICHIGAN, UNIV. OF	2014	1.633188	2.127152667	NY	IL	MI CA MD
7	MICHIGAN, UNIV. OF	2015	2.37883	2.127152667	NY	CA	IL MI
7	MICHIGAN, UNIV. OF	2016	2.981958	2.127152667	NY	CA	MI IL MD
7	MICHIGAN, UNIV. OF	2017	1.23429	2.127152667	NY	CA	IL MI MD
7	MICHIGAN, UNIV. OF	2018	2.051994	2.127152667	NY	MI	IL CA DC
7	MICHIGAN, UNIV. OF	2019	2.482656	2.127152667	NY	IL	CA MI DC
8	FLORIDA STATE UNIV.	2014	0.8782837	2.093451283	FL		
8	FLORIDA STATE UNIV.	2015	1.220348	2.093451283	FL		
8	FLORIDA STATE UNIV.	2016	1.779719	2.093451283	FL		
8	FLORIDA STATE UNIV.	2017	1.745075	2.093451283	FL		
8	FLORIDA STATE UNIV.	2018	4.091868	2.093451283	FL		
8	FLORIDA STATE UNIV.	2019	2.845414	2.093451283	FL		
9	CALIFORNIA-LOS ANGELES, UNIV.	2014	0.9623221	2.05723735	CA		
9	CALIFORNIA-LOS ANGELES, UNIV.	2015	2.452626	2.05723735	CA	NY	
9	CALIFORNIA-LOS ANGELES, UNIV.	2016	2.094793	2.05723735	CA	NY	
9	CALIFORNIA-LOS ANGELES, UNIV.	2017	1.930259	2.05723735	CA	NY	
9	CALIFORNIA-LOS ANGELES, UNIV.	2018	2.875437	2.05723735	CA	NY	
9	CALIFORNIA-LOS ANGELES, UNIV.	2019	2.027987	2.05723735	CA	NY	

10	VIRGINIA, UNIV. OF	2014	1.818573	2.019383333	NY	VA	CA	TX	PA
10	VIRGINIA, UNIV. OF	2015	2.316802	2.019383333	NY	VA	CA	TX	PA
10	VIRGINIA, UNIV. OF	2016	1.206122	2.019383333	NY	VA	CA	TX	GA
10	VIRGINIA, UNIV. OF	2017	1.96653	2.019383333	NY	VA	CA	TX	DC
10	VIRGINIA, UNIV. OF	2018	2.602935	2.019383333	NY	VA	DC	CA	TX
10	VIRGINIA, UNIV. OF	2019	2.205338	2.019383333	NY	VA	DC	TX	CA
11	CAMPBELL UNIV.	2014	2.96666	2.00802705	NC				
11	CAMPBELL UNIV.	2015	2.144381	2.00802705	NC				
11	CAMPBELL UNIV.	2016	0.8853342	2.00802705	NC				
11	CAMPBELL UNIV.	2017	3.476116	2.00802705	NC				
11	CAMPBELL UNIV.	2018	0.2385121	2.00802705	NC				
11	CAMPBELL UNIV.	2019	2.337159	2.00802705	NC				
12	YALE UNIV.	2014	0.926769	1.944690833	NY	CA			
12	YALE UNIV.	2015	2.266554	1.944690833	NY	CA			
12	YALE UNIV.	2016	2.695154	1.944690833	NY	CA	MD		
12	YALE UNIV.	2017	1.652312	1.944690833	NY	CA	DC		
12	YALE UNIV.	2018	2.456775	1.944690833	NY	CA	DC		
12	YALE UNIV.	2019	1.670581	1.944690833	NY	DC	CA	MA	
13	LOUISIANA STATE UNIV.	2014	2.29676	1.924447	LA				
13	LOUISIANA STATE UNIV.	2015	2.105024	1.924447	LA				
13	LOUISIANA STATE UNIV.	2016	1.096208	1.924447	LA	TX			
13	LOUISIANA STATE UNIV.	2017	0.746776	1.924447	LA	TX			
13	LOUISIANA STATE UNIV.	2018	2.539051	1.924447	LA	TX			
13	LOUISIANA STATE UNIV.	2019	2.762863	1.924447	LA	TX			
14*	GEORGIA, UNIV. OF	2014	1.166155	1.9126486	GA	NY			
14*	GEORGIA, UNIV. OF	2015	2.158256	1.9126486	GA				
14*	GEORGIA, UNIV. OF	2016	2.181847	1.9126486	GA				
14*	GEORGIA, UNIV. OF	2017	2.010292	1.9126486	GA				
14*	GEORGIA, UNIV. OF	2018	2.046693	1.9126486	GA				

14*	GEORGIA, UNIV. OF	2019	5.231262	1.9126486	GA					
15	DUKE UNIV.	2014	1.996997	1.8042761	NY	CA	NC	TX	MA	
15	DUKE UNIV.	2015	0.0875366	1.8042761	NY	CA	NC	TX		
15	DUKE UNIV.	2016	1.800952	1.8042761	NY	CA	NC			
15	DUKE UNIV.	2017	2.401705	1.8042761	NY	CA	NC	IL	TX	
15	DUKE UNIV.	2018	2.390173	1.8042761	NY	CA	TX	NC		
15	DUKE UNIV.	2019	2.148293	1.8042761	NY	NC	TX	DC	CA	
16	HARVARD UNIV.	2014	1.564713	1.782695	NY	CA	MA			
16	HARVARD UNIV.	2015	1.866647	1.782695	NY	MA	CA			
16	HARVARD UNIV.	2016	1.593806	1.782695	NY	CA	MA	MD	IL	
16	HARVARD UNIV.	2017	1.492268	1.782695	NY	CA	MA	DC	TX	
16	HARVARD UNIV.	2018	2.178364	1.782695	NY	CA	MA	DC	IL	
16	HARVARD UNIV.	2019	2.000372	1.782695	NY	CA	MA	DC	IL	
17	WAKE FOREST UNIV.	2014	0.5956904	1.7441653	NC	NY				
17	WAKE FOREST UNIV.	2015	1.815175	1.7441653	NC	VA	NY			
17	WAKE FOREST UNIV.	2016	2.876992	1.7441653	NC	VA	NY			
17	WAKE FOREST UNIV.	2017	3.43702	1.7441653	NC	NY	GA	VA		
17	WAKE FOREST UNIV.	2018	0.6920694	1.7441653	NC	NY	SC			
17	WAKE FOREST UNIV.	2019	1.048045	1.7441653	NC	NY				
18*	GEORGIA STATE UNIV.	2014	1.541939	1.73551506	GA					
18*	GEORGIA STATE UNIV.	2015	2.420701	1.73551506	GA					
18*	GEORGIA STATE UNIV.	2016	1.454943	1.73551506	GA					
18*	GEORGIA STATE UNIV.	2017	0.9488193	1.73551506	GA					
18*	GEORGIA STATE UNIV.	2018	2.311173	1.73551506	GA					
18*	GEORGIA STATE UNIV.	2019	4.028753	1.73551506	GA					
19	CHICAGO, UNIV. OF	2014	0.372523	1.711613817	IL	NY	CA			
19	CHICAGO, UNIV. OF	2015	1.496042	1.711613817	IL	NY	CA			
19	CHICAGO, UNIV. OF	2016	2.455578	1.711613817	IL	NY	CA	TX		
19	CHICAGO, UNIV. OF	2017	2.469522	1.711613817	IL	NY	CA	TX		

19	CHICAGO, UNIV. OF	2018	0.9465249	1.711613817	IL	NY	CA	TX
19	CHICAGO, UNIV. OF	2019	2.529493	1.711613817	IL	NY	CA	TX
20	PENNSYLVANIA, UNIV. OF	2014	2.391192	1.645425033	NY	PA		
20	PENNSYLVANIA, UNIV. OF	2015	0.7525412	1.645425033	NY	PA		
20	PENNSYLVANIA, UNIV. OF	2016	2.771467	1.645425033	NY	PA	CA	DE
20	PENNSYLVANIA, UNIV. OF	2017	1.419422	1.645425033	NY	PA	CA	
20	PENNSYLVANIA, UNIV. OF	2018	1.097699	1.645425033	NY	PA	CA	DC MA
20	PENNSYLVANIA, UNIV. OF	2019	1.440229	1.645425033	NY	PA	CA	MA
21	ILLINOIS, UNIV. OF	2014	1.021552	1.60288165	IL	NY		
21	ILLINOIS, UNIV. OF	2015	0.0669029	1.60288165	IL			
21	ILLINOIS, UNIV. OF	2016	1.624475	1.60288165	IL			
21	ILLINOIS, UNIV. OF	2017	1.859199	1.60288165	IL	CA	NY	
21	ILLINOIS, UNIV. OF	2018	1.303025	1.60288165	IL			
21	ILLINOIS, UNIV. OF	2019	3.742136	1.60288165	IL			
22	BAYLOR UNIV.	2014	1.452331	1.597396467	TX			
22	BAYLOR UNIV.	2015	0.2596467	1.597396467	TX			
22	BAYLOR UNIV.	2016	0.4447441	1.597396467	TX			
22	BAYLOR UNIV.	2017	2.43252	1.597396467	TX			
22	BAYLOR UNIV.	2018	3.083253	1.597396467	TX			
22	BAYLOR UNIV.	2019	1.911884	1.597396467	TX			
23	WASHINGTON & LEE UNIV.	2014	1.54465	1.5881795	VA	NY		
23	WASHINGTON & LEE UNIV.	2015	2.48404	1.5881795	VA	NY	MD	
23	WASHINGTON & LEE UNIV.	2016	1.480244	1.5881795	VA	NY		
23	WASHINGTON & LEE UNIV.	2017	0.4550947	1.5881795	VA	NY		
23	WASHINGTON & LEE UNIV.	2018	3.902903	1.5881795	VA	NY		
23	WASHINGTON & LEE UNIV.	2019	-0.3378547	1.5881795	VA	NY		
24	LIBERTY UNIV.	2014	-0.5479424	1.5767936	VA			
24	LIBERTY UNIV.	2015	1.216731	1.5767936	VA	FL		
24	LIBERTY UNIV.	2016	3.246178	1.5767936	VA			



24	LIBERTY UNIV.	2017	1.857344	1.5767936	VA					
24	LIBERTY UNIV.	2018	2.058109	1.5767936	VA					
24	LIBERTY UNIV.	2019	1.630342	1.5767936	VA					
25	VANDERBILT UNIV.	2014	2.134553	1.549353517	TN	NY	TX	GA	FL	
25	VANDERBILT UNIV.	2015	0.3584281	1.549353517	TN	NY	CA	IL	TX	
25	VANDERBILT UNIV.	2016	1.556513	1.549353517	NY	TN	TX	CA		
25	VANDERBILT UNIV.	2017	1.468291	1.549353517	NY	TN	TX	GA	CA	
25	VANDERBILT UNIV.	2018	2.194141	1.549353517	NY	TN	TX	GA		
25	VANDERBILT UNIV.	2019	1.584195	1.549353517	TN	NY	TX	DC	CA	

Appendix Table 2: Underperforming Law Schools

VA Rank	Law School	Year	VA Score	VA Avg.	Bar 1	Bar 2	Bar 3	Bar 4	Bar 5
175	UIC-JOHN MARSHALL LAW SCHOOL	2014	-0.3987848	-0.83674623	IL				
175	UIC-JOHN MARSHALL LAW SCHOOL	2015	-0.7505292	-0.83674623	IL				
175	UIC-JOHN MARSHALL LAW SCHOOL	2016	-0.9174978	-0.83674623	IL				
175	UIC-JOHN MARSHALL LAW SCHOOL	2017	-0.7491156	-0.83674623	IL				
175	UIC-JOHN MARSHALL LAW SCHOOL	2018	-1.120085	-0.83674623	IL				
175	UIC-JOHN MARSHALL LAW SCHOOL	2019	-1.084465	-0.83674623	IL				
176	WESTERN STATE COLL. OF LAW	2014	-0.3900747	-0.85194193	CA				
176	WESTERN STATE COLL. OF LAW	2015	-0.7594347	-0.85194193	CA				
176	WESTERN STATE COLL. OF LAW	2016	-0.9575695	-0.85194193	CA				
176	WESTERN STATE COLL. OF LAW	2017	-0.7951497	-0.85194193	CA				
176	WESTERN STATE COLL. OF LAW	2018	-1.02923	-0.85194193	CA				
176	WESTERN STATE COLL. OF LAW	2019	-1.180193	-0.85194193	CA				
177	APPALACHIAN SCHOOL OF LAW	2014	-1.467377	-0.864309	VA	TN	KY		
177	APPALACHIAN SCHOOL OF LAW	2015	-1.238075	-0.864309	VA	KY			
177	APPALACHIAN SCHOOL OF LAW	2016	-1.353839	-0.864309	VA				
177	APPALACHIAN SCHOOL OF LAW	2017	0.602055	-0.864309	VA				

177	APPALACHIAN SCHOOL OF LAW	2018	No report	-0.864309		
177	APPALACHIAN SCHOOL OF LAW	2019	No report	-0.864309		
178	SOUTHERN UNIV.	2014	-0.7878265	-0.86621903	LA	
178	SOUTHERN UNIV.	2015	-0.9927875	-0.86621903	LA	
178	SOUTHERN UNIV.	2016	-0.5767546	-0.86621903	LA	
178	SOUTHERN UNIV.	2017	-1.611993	-0.86621903	LA	
178	SOUTHERN UNIV.	2018	-1.116713	-0.86621903	LA	
178	SOUTHERN UNIV.	2019	-0.1112396	-0.86621903	LA	
179	OKLAHOMA CITY UNIV.	2014	-0.7149097	-0.87408565	OK	
179	OKLAHOMA CITY UNIV.	2015	-0.7327207	-0.87408565	OK	
179	OKLAHOMA CITY UNIV.	2016	-0.8039586	-0.87408565	OK	TX
179	OKLAHOMA CITY UNIV.	2017	-0.9286282	-0.87408565	OK	TX
179	OKLAHOMA CITY UNIV.	2018	-0.8952347	-0.87408565	OK	TX
179	OKLAHOMA CITY UNIV.	2019	-1.169062	-0.87408565	OK	TX
180	FAULKNER UNIV.	2014	-1.117859	-0.87712992	AL	
180	FAULKNER UNIV.	2015	-1.215813	-0.87712992	AL	GA
180	FAULKNER UNIV.	2016	-0.1370715	-0.87712992	AL	
180	FAULKNER UNIV.	2017	-1.376102	-0.87712992	AL	
180	FAULKNER UNIV.	2018	-1.349387	-0.87712992	AL	
180	FAULKNER UNIV.	2019	-0.066547	-0.87712992	AL	
181	WESTERN NEW ENGLAND UNIV.	2014	-0.5746565	-0.88484582	MA	CT
181	WESTERN NEW ENGLAND UNIV.	2015	-0.8306738	-0.88484582	CT	MA NY
181	WESTERN NEW ENGLAND UNIV.	2016	-0.7794706	-0.88484582	MA	CT NY
181	WESTERN NEW ENGLAND UNIV.	2017	-1.064429	-0.88484582	CT	NY MA
181	WESTERN NEW ENGLAND UNIV.	2018	-1.008773	-0.88484582	CT	MA
181	WESTERN NEW ENGLAND UNIV.	2019	-1.051072	-0.88484582	MA	CT
182	NEW ENGLAND LAW BOSTON	2014	-0.7171358	-0.90599507	MA	NY
182	NEW ENGLAND LAW BOSTON	2015	-1.024356	-0.90599507	MA	NY
182	NEW ENGLAND LAW BOSTON	2016	-1.077786	-0.90599507	MA	NY

182	NEW ENGLAND LAW BOSTON	2017	-0.855163	-0.90599507	MA	NY	NH
182	NEW ENGLAND LAW BOSTON	2018	-1.008773	-0.90599507	MA	NY	
182	NEW ENGLAND LAW BOSTON	2019	-0.7527566	-0.90599507	MA		
183	SOUTHERN ILLINOIS UNIV.	2014	-0.2807946	-0.96870082	IL		
183	SOUTHERN ILLINOIS UNIV.	2015	-0.8707467	-0.96870082	IL	MO	
183	SOUTHERN ILLINOIS UNIV.	2016	-0.9108196	-0.96870082	IL	MO	
183	SOUTHERN ILLINOIS UNIV.	2017	-1.102275	-0.96870082	IL	MO	
183	SOUTHERN ILLINOIS UNIV.	2018	-1.220265	-0.96870082	IL	MO	
183	SOUTHERN ILLINOIS UNIV.	2019	-1.427304	-0.96870082	IL	MO	
184	CHARLESTON SCHOOL OF LAW	2014	-0.4697968	-1.00672193	SC		
184	CHARLESTON SCHOOL OF LAW	2015	-0.6414446	-1.00672193	SC		
184	CHARLESTON SCHOOL OF LAW	2016	-0.8796522	-1.00672193	SC		
184	CHARLESTON SCHOOL OF LAW	2017	-1.322672	-1.00672193	SC		
184	CHARLESTON SCHOOL OF LAW	2018	-1.315045	-1.00672193	SC		
184	CHARLESTON SCHOOL OF LAW	2019	-1.411721	-1.00672193	SC	NC	DC
185*	ATLANTA'S JOHN MARSHALL LAW	2014	-1.425079	-1.01964127	GA		
185*	ATLANTA'S JOHN MARSHALL LAW	2015	-1.169062	-1.01964127	GA		
185*	ATLANTA'S JOHN MARSHALL LAW	2016	-1.164608	-1.01964127	GA		
185*	ATLANTA'S JOHN MARSHALL LAW	2017	-1.336029	-1.01964127	GA		
185*	ATLANTA'S JOHN MARSHALL LAW	2018	-1.269242	-1.01964127	GA		
185*	ATLANTA'S JOHN MARSHALL LAW	2019	0.2461724	-1.01964127	GA		
186	GOLDEN GATE UNIV.	2014	-0.8084119	-1.04031132	CA		
186	GOLDEN GATE UNIV.	2015	-0.8373532	-1.04031132	CA		
186	GOLDEN GATE UNIV.	2016	-0.9174978	-1.04031132	CA		
186	GOLDEN GATE UNIV.	2017	-1.169062	-1.04031132	CA		
186	GOLDEN GATE UNIV.	2018	-1.26479	-1.04031132	CA		
186	GOLDEN GATE UNIV.	2019	-1.244753	-1.04031132	CA		
187	TOURO COLL.	2014	-0.7060055	-1.08446508	NY		
187	TOURO COLL.	2015	-1.004321	-1.08446508	NY		

187	TOURO COLL.	2016	-1.173514	-1.08446508	NY	
187	TOURO COLL.	2017	-1.233623	-1.08446508	NY	
187	TOURO COLL.	2018	-1.218039	-1.08446508	NY	
187	TOURO COLL.	2019	-1.171288	-1.08446508	NY	
188	DISTRICT OF COLUMBIA, UNIV.	2014	-0.8507096	-1.14717043	MD	VA
188	DISTRICT OF COLUMBIA, UNIV.	2015	-1.126763	-1.14717043	MD	DC
188	DISTRICT OF COLUMBIA, UNIV.	2016	-1.095597	-1.14717043	DC	MD
188	DISTRICT OF COLUMBIA, UNIV.	2017	-1.155704	-1.14717043	DC	MD
188	DISTRICT OF COLUMBIA, UNIV.	2018	-1.251433	-1.14717043	DC	MD
188	DISTRICT OF COLUMBIA, UNIV.	2019	-1.402816	-1.14717043	DC	
189	THOMAS JEFFERSON SCH. OF LAW	2014	-1.026582	-1.20225136	CA	
189	THOMAS JEFFERSON SCH. OF LAW	2015	-1.292911	-1.20225136	CA	
189	THOMAS JEFFERSON SCH. OF LAW	2016	-1.249416	-1.20225136	CA	
189	THOMAS JEFFERSON SCH. OF LAW	2017	-1.540344	-1.20225136	CA	
189	THOMAS JEFFERSON SCH. OF LAW	2018	-0.9020038	-1.20225136	CA	
189	THOMAS JEFFERSON SCH. OF LAW	2019	No report	-1.20225136		
190	BARRY UNIV.	2014	-0.8751565	-1.21310515	FL	
190	BARRY UNIV.	2015	-1.398364	-1.21310515	FL	
190	BARRY UNIV.	2016	-1.454019	-1.21310515	FL	
190	BARRY UNIV.	2017	-0.9146524	-1.21310515	FL	
190	BARRY UNIV.	2018	-1.387233	-1.21310515	FL	
190	BARRY UNIV.	2019	-1.249206	-1.21310515	FL	
191	TEXAS SOUTHERN UNIV.	2014	-1.180193	-1.302265	TX	
191	TEXAS SOUTHERN UNIV.	2015	-1.242528	-1.302265	TX	
191	TEXAS SOUTHERN UNIV.	2016	-1.438436	-1.302265	TX	
191	TEXAS SOUTHERN UNIV.	2017	-1.349387	-1.302265	TX	
191	TEXAS SOUTHERN UNIV.	2018	-1.302636	-1.302265	TX	
191	TEXAS SOUTHERN UNIV.	2019	-1.30041	-1.302265	TX	
192	WESTERN MICHIGAN UNIV.	2014	-1.224314	-1.3734945	MI	NY IL PA TX

192	WESTERN MICHIGAN UNIV.	2015	-1.391686	-1.3734945	MI	FL	NY		
192	WESTERN MICHIGAN UNIV.	2016	-1.175696	-1.3734945	MI	FL	IL	NY	GA
192	WESTERN MICHIGAN UNIV.	2017	-1.618761	-1.3734945	MI	FL	NY		
192	WESTERN MICHIGAN UNIV.	2018	-1.276126	-1.3734945	MI	FL	IL	TX	
192	WESTERN MICHIGAN UNIV.	2019	-1.554384	-1.3734945	MI	FL	IL		

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