

# RAISING THE BAR

A PUBLICATION DEDICATED TO THE EXCHANGE OF EVIDENCE-BASED THINKING ABOUT THE BAR EXAM

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## The Power of Evidence-Based Research

Happy New Year, Readers. Thank you for being a part of our *Raising the Bar (RTB)* community, dedicated to evidence-based thinking about attorney licensing and legal education. Three years ago, in January 2018 when I joined AccessLex as the founding Director of this department, I established grant programs to fund research and interventions to assist law schools and researchers as part of a national campaign to improve bar passage. Committees assessed numerous powerful proposals addressing a wide range of questions including:

- Why do people fail the bar exam?
- What interventions successfully improve the chances of passing the bar exam for those deemed at risk of failing? And how and when do we determine that someone is “at risk”?
- What factors during the law school admissions process accurately predict who will pass the bar after graduation, three or four years later?
- What attributes do those who pass on the first attempt demonstrate during law school? When should we assess the likelihood that students will pass? After 1L? After 3L? Should we measure LGPA growth between 1L and graduation? Are there other factors that correlate with passage that we do not typically look at, such as “grit”?
- How does communicating such predictions to students affect their performance?
- How does student engagement in law school generally affect bar passage?
- Does performance in certain courses, or participation in co-curricular or extracurricular experiences correlate with bar passage?

- What is minimum competency to practice law in the 21st century? What do lawyers in their first few years of practice actually do? What skills do they need to do their jobs effectively? What substantive knowledge do they need? Does any of that knowledge need to be memorized?
- Is the bar exam in its current form the best measure of minimum competency to practice law, assuming we could arrive at a consensus on what that means?
- How do we reconcile the need for a diverse profession with the disparate impact of exam cut scores?

These are just some of the many thorny and critically important questions that AccessLex-funded researchers have been grappling with these last few years. I am thrilled to report that many of these studies are beginning to yield findings that will help drive thoughtful change for decades to come. I am equally proud of the AccessLex grants that we awarded to fund programmatic interventions, such as the grant to CALI for the development of [law school success modules](#). These interactive lessons provide reputable, free resources for students who need skills training in every CALI member law school, geometrically expanding access to quality academic support resources for all law students.

A new year always provides a time for reflection on the past and hope for the future. With that spirit, it seems fitting to dedicate this issue of *Raising the Bar* to our bar-related research and grant programs. In the next pages, we highlight a number of grants that have funded significant research to support positive change in legal education and licensing and powerful programs to assist law students nationwide. We also have contacted grantees to provide insights into how their research has continued to impact our community and our world.

Many thanks to all who contributed to this *RTB* issue and all whose research is highlighted. Special thanks to our Distinguished Commentator, AALS President Judith Areen, for her update on the invaluable work of the Association of American Law Schools (AALS). I look forward to seeing you all at the first ever virtual AALS Annual Meeting this January 2021.

## BAR-RELATED GRANTS SPOTLIGHT

In closing, as I reflect on the past three years and all that we have accomplished, I cannot begin to say what a profound honor it has been to be part of a community and a profession that values evidence-based thinking, and what an extraordinary privilege it has been to lead a campaign within an organization whose mission I love so deeply, supporting data-driven decision making and working tirelessly to empower tomorrow's lawyers—guardians of the rule of law.



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Academic and Bar Success  
AccessLex Center for Legal  
Education Excellence®

Visit the Director's [SSRN author page](#)

Visit the AccessLex [SSRN page](#)

### Past, Present, and Future AccessLex-Funded Research

*AccessLex Institute operates several grant programs to fund projects and research related to legal education. In this issue we are pleased to share summaries of some of our recent bar and academic success related grants, as well as updates from some of our grantees. Some of these grants provided funding for specific bar success programs; others were research studies. The summaries capture grants at several different points in their timeline: some are completely finished, while others were just recently awarded.*

*For more information on the AccessLex grant programs, please visit our [website](#).*

### **Bar Exam Study: State-Specific Exam Profile Implications**

American Bar Association Fund for Justice and Education

Summary: This project aimed to assist current bar-preparation efforts, and inform efforts for licensure reform, by comprehensively exploring changes in the bar exam over the last decade. The grant produced the following deliverables: 1) a literature review of cognitive science research that explores the brain's ability to store, recall, and process large amounts of unrelated material; 2) a database documenting exam variation in 51 jurisdictions (50 states plus the District of Columbia) over the last decade; and 3) a series of regression analyses exploring the impact of changes on bar exam characteristics (such as number of subjects tested) on overall pass rates—as well as pass rates for particular groups of examinees.

## Appalachian Law School Bar Success Project

Appalachian School of Law (ASL)

Summary: This project will complete the ongoing statistical analysis by an outside expert of the performance of ASL's 2017 entering class, from admission through a structured three-year academic success-bar pass (AS-BP) program, to graduation and bar exam performance. The study will measure whether students with weak academic predictors exceed bar pass expectations after completing ASL's AS-BP program. The study also will report on the relationship of traditional (e.g., LSAT, UGPA, gender, race-ethnicity, age) and non-traditional (e.g., socioeconomic, pre-law education) factors to bar exam performance.

*Update from [Professor Mason Heidt](#): In 2019, the Appalachian School of Law began a research project to quantify the impact of its recently adopted program-wide bar preparation program. Thanks to generous grant funding from AccessLex, ASL has had the opportunity to study the impact of the program on students entering in the 2017-2018 academic year. The program includes bar-related teaching and training in every semester of the JD program and attempts to determine if this early and continuous intervention will result in higher bar passage rates among graduates of the program. While final results will not be available until after the conclusion of the study in December 2020, interim results have been favorable and have shown improvement in bar-related skills among students involved in the program.*

## Law School and Bar Exam Skills Modules

The Center for Computer-Assisted Legal Instruction (CALI)

Summary: Distinguished academic support faculty working with CALI created self-paced instructional tutorials covering key areas of academic and bar success skills. The online tutorials are housed on the [CALI website](#) and are available for free to students at the nearly 200 CALI law schools. These modules are being used as skills training and formative assessment tools in existing courses and as a standalone content for independent study by law students.

*Update from CALI's Director of Curriculum Development & Associate Counsel, [Deb Quentel](#): The Center for Computer-Assisted Legal Instruction (CALI) received a grant in 2019 from AccessLex to create a Fellowship of faculty to author lessons about academic success topics. The first lessons developed by Professors Courtney*

*Abbott Hill, Renee Allen, Steven Foster, Melissa Hale, Nicole Lefton, Laura Mott, and Allie Robbins were available in January 2020. Today, the Fellowship has completed 33 lessons, representing 11% of the lessons students used in the fall semester. The high adoption rate speaks to the need for materials that address the necessary skills essential to each law student's success. We await the long-term results of access to these materials early in a student's law school career.*

## A Study of the Impact of an Integrated Metacognition Instruction Model to Improve Bar Passage

Hofstra University

Summary: This project will develop metacognitive teaching materials to be used within the law school curriculum and study the impact of this instructional intervention on bar passage. Researchers will use a mixed methods approach, using both qualitative and quantitative data, to examine whether students who are taught and prompted to engage in metacognitive skills develop stronger skills over time.

## Designing Mindset Interventions that Promote Achievement in Bar Exam Preparation and Performance

Indiana University Maurer School of Law

Summary: This grant supported the analysis of data from the Law School Survey of Student Engagement (LSSSE) to determine how social belonging influences law students' engagement and success. In addition, this grant supported the development, implementation and evaluation of a productive mindset intervention for final-semester law students and recent law school graduates who sat for the July 2018 California bar exam. Thus far, the intervention has yielded significant improvements in student success.

- Victor D. Quintanilla & Sam Erman, [Productive Mindset Interventions Mitigate Psychological Friction and Improve Well-Being for Bar Exam Takers](#), *RAISING THE BAR*, Jan. 2020, at 7.

## **An Empirical Study of Bar Exam Cut Scores and Their Disparate Impact on Diversity in the Legal Profession**

Monterey College of Law

Summary: This study conducted an empirical analysis of the relationship between a minimum bar exam passing score (“cut score”) and minimum competency, public protection, and disparate impact.

- Mitchell L. Winick et al., [Examining the California Cut Score: An Empirical Analysis of Minimum Competency, Public Protection, Disparate Impact, and National Standards](#), ACCESSLEX INST. RES. PAPER SERIES (2020).
- Mitchell L. Winick et al., [A Five-Year Retroactive Analysis of Cut Score Impact: California’s Proposed Supervised Provisional License Program](#), ACCESSLEX INST. RES. PAPER SERIES (2020).
- Victor D. Quintanilla & Sam Erman, [An Empirical Study of Bar Exam Cut Scores and Their Impact on Disparities and Diversity in the Legal Profession](#), RAISING THE BAR, Oct. 2020, at 10.

## **NYLS Evening Division Bar Pass Research Study**

New York Law School

Summary: This study focused on how to enhance bar performance in the law school’s longstanding Evening Division, which offers a JD degree in four years (eight semesters). The Evening Division was founded in 1947 and provides access to legal education for generations of working professionals, a significant number of whom have been members of historically underrepresented or economically disadvantaged groups. This includes members of racial or ethnic minority groups, immigrants, women, and those who are first in their families to attend college. The findings of this study will provide important data and information for evening and part-time JD programs nationwide.

## **The Secret Sauce: Evaluating Overperforming (and Underperforming) Law Schools on the Bar Exam**

Roger Williams University School of Law

Summary: This study seeks to identify law schools that consistently overperform—and underperform—on their expected bar exam passage rates, controlling for the quality of the students they accept. Researchers plan to examine which state bar exams law graduates take and the difficulty of those bar exams. They will also determine the school specific characteristics leading to overperformance among law schools that consistently beat their estimated bar passage rate by interviewing deans at these law schools.

*Update from [Professor CJ Ryan](#): Since 2010, law schools have faced declining enrollment and entering classes with lower predictors of success. As a result, bar exam pass rates have dropped and remain at historic lows. In response, Professor Derek Muller (University of Iowa) and I are leading a study that seeks to identify law schools across the country that consistently overperform and underperform on their expected bar exam passage rates between 2014 and 2019, controlling for the students they accept, and to investigate how they do so. Last spring and summer, we identified a host of law schools that consistently beat their expected bar passage rates and that of the jurisdictions in which their graduates sit for the bar exam by greater than one standard deviation. We are presently conducting survey research at those schools and will be analyzing the results of the survey through June 2021.*

## **St. Mary’s Law Success Program**

St. Mary’s University School of Law

Summary: St. Mary’s Law Success Program is an innovative effort to incorporate law school assessment and essential skills to enhance graduates’ success in the study and practice of law. The grant from AccessLex Institute provided general support.

- Michael Barry & Zoe Niesel, [Bar Success Program Profile](#), RAISING THE BAR, Oct. 2018, at 7.

## California Bar Exam

The State Bar of California

Summary: This grant allowed the State Bar of California to build on studies performed in 2017 to address the state's bar exam passage rate and other matters related to the exam. In 2017, the State Bar of California conducted a series of tests to evaluate various components of the California Bar Exam, including the pass line and the alignment of the subject matters on the exam in relation to the expected knowledge and skills of entry-level attorneys.

The State Bar of California also performed a California Attorney Job Analysis Study, funded in part by AccessLex, to collect detailed, empirical data about how attorneys in their daily routines use their knowledge and skills to perform their tasks with competency. Study results will set the foundation for revisiting issues with the bar exam cut score and content, as well as exam format and other aspects of the exam.

## Critical Reading Intervention

Touro Law Center

Summary: This project is designed to develop scalable critical reading interventions in law schools. The study will identify the prevalence of reading disfluency in the law school, determine the best ways to remediate such issues, implement interventions, and assess the impact of those interventions and remediations on law school GPA and student success.

## High-Performance Brain Training for Law Students

UIC John Marshall Law School

Summary: This grant supported a study of the impact of high performance cognitive training, using the Strategic Memory Advanced Reasoning Training (SMART) developed by the Center for Brain Health at the University of Texas at Dallas, on improving cognitive performance, and thus academic performance and bar passage.

*Update from [Associate Dean Rodney Fong](#): Thanks to a grant from AccessLex in August 2018, The John Marshall Law School (now UIC Law) collaborated with*

*the Center for Brain Health at the University of Texas at Dallas to deliver High Performance Brain Training to students in their final year of law school to prepare them for the July 2019 Illinois bar exam. The cognitive training resulted in significant gains in key cognitive/learning skills, including aspects of memory (recall of critical information, strategic attention), reasoning (big-picture interpretation, application), and innovation (fluency of ideas) and reflected a promising trend in self-reported reduction of depressive symptoms. Although the training was not found to have a significant effect on bar exam passage on its own, the measured cognitive gains and the observed patterns in academic outcomes were encouraging, especially after two attempts at the bar exam. The research period was extended to allow introduction of the training to first-year students. Students found the strategies useful in organizing their workload and understanding the materials. However, challenges emerged when determining the optimal time to introduce the training to overloaded and overwhelmed students.*

## Writing Interventions

UIC John Marshall Law School

Summary: This project will study the efficacy of an intervention to enhance writing skills and create a scalable, replicable model to improve student writing for use in other law schools.

## Nevada Bar Exam Validity Study: Do Bar Exams Truly Distinguish Qualified from Unqualified Attorneys?

University of California, Hastings College of the Law

Summary: This study will test the validity of the Nevada bar exam and, by extension, state bar exams generally. The objective is to determine whether and to what extent state bar exams are predictive of practice capacities. Although most state bar exams purport to distinguish examinees who are qualified to practice law from those who are not, there has never been a published study of the validity of this use. Bar exam scores have been found to correlate with both pre-law metrics (i.e., undergraduate GPA and LSAT scores) and law school performance (i.e., law school GPA and rank). These metrics, however, may or may not be highly predictive (or predictive at all) of lawyering capacity. This study will assess the relationship between bar exam performance and evaluations of lawyerly competence as well as assessing the relationship, if any, between bar candidates' LSAT scores and law school GPAs and their lawyering capacity.

## Law Student Success and Supports: Examining Bar Passage and Factors that Contribute to Student Performance

University of Cincinnati

Summary: This project was designed to study and better understand the various factors, student characteristics, and programmatic interventions that contribute to positive outcomes for law students. The findings have been presented at numerous conferences and are described in the report below.

- Amy N. Farley et al., *Law Student Success and Supports: Examining Bar Passage and Factors That Contribute to Student Performance* (2018).

## Passing the Bar: A Multi-Site, Mixed Methods Investigation of Law Student Success

University of Cincinnati

Summary: The project will conduct a rigorous, multi-site analyses to develop a richer empirical model of bar passage and improve understanding through qualitative interviews of student graduates. This research will inform actionable insight into programmatic decisions, student interventions and supports, and advising.

- 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 (2019).

*Update from Professor Christopher Swoboda: Our research team has been looking deeply into bar success—exploring questions such as how early can we predict which students are likely to struggle on the bar (Farley et al., 2019), the role of Academic Support Programs in bar passage (forthcoming, preliminary results presented at the Assessment Institute Conference, 2020), deeper investigations of individual subscale performance (forthcoming), and finally using interviews beyond institutional data sources to shine a light on the role of law school culture, student resources and experiences, and other ‘hard to measure’ information in those who ‘outperform’ model-based expectations on the bar (forthcoming, preliminary results presented at the Association for the Study of Higher Education Conference, 2019). This collaboration has already led to recommendations and an evidence-based policy change at one law school, and through the generous funding of AccessLex, this work is being extended to several law schools around the country.*

## Build a Better Bar: Lawyer Focus Groups to Explore and Define Minimum Competency

Institute for the Advancement of the American Legal System (IAALS) at University of Denver

Summary: The legal profession has never had a clear, explicit understanding of the minimum competence needed to practice law and how it should be tested on the bar exam (or through other licensing approaches). In this groundbreaking project led by The Ohio State University Professor Deborah Jones Merritt and IAALS Director of Research Logan Cornett, researchers developed an evidence-based definition of minimum competence to practice law and provided new recommendations for how the legal licensing process—including the bar exam—must change to better serve the public.

- Full report available [here](#) and see Reimagining the Bar section later in this RTB issue for a more detailed summary.

## The Effect of the Uniform Bar Examination on Diversity, Affordability, and Employment Prospects

University of Pennsylvania

Summary: This study comprehensively evaluated whether the adoption of the Uniform Bar Exam (UBE) has positively influenced enrollment and bar passage rates of underrepresented and minority students in law schools located in participating states. The research also measured the extent to which (a) tuition and fees costs and costs of living, (b) interstate employment mobility, and (c) overall employment prospects of graduates from participating schools and states varied given the adoption of UBE.

*Update from Professor Manuel González Canché: This study aimed at understanding the effect of the Uniform Bar Examination (UBE) on law schools' admissions, diversity, affordability, and employment mobility. Despite first being implemented in February 2011 in Missouri and North Dakota, the effects of UBE have remained understudied.*

*First, note that UBE is a multijurisdictional or cross-state test designed to assess a minimum shared core of legal knowledge and lawyering skills. Notably, the UBE has now reached 37 states and territories, including the District of Columbia. Yet, despite its prevalence, no empirical evidence exists regarding its effects on law schools'*

admissions, diversity, affordability, and employment mobility of law students and graduates, or of its effects on law schools' application volumes or average bar passage rates. Accordingly, this study aimed to begin addressing this gap by providing a comprehensive examination of the effects of UBE adoption.

Specifically, my research team and I built a dataset (available to the public) and applied rigorous quasi-experimental and causal-inference methods to a law-school level dataset to test whether UBE adoption influenced admissions, enrollment, affordability, degree production, bar passage rates, and employment mobility for law schools in UBE states.

Our findings indicated that institutions located in states participating in the UBE (compared to institutions located in states where no UBE has been implemented) realized higher applications (nearly 9% increase) and higher enrollments (reaching increases over 6% in total JD enrollments). We also found that these increases were driven predominantly by White student enrollments and women enrollees. With respect to affordability, we observed no changes in either tuition increases or net price changes. Moreover, despite increases in enrollment, we found no evidence of increases in either degree production or in bar passage rates.

Based on these findings, we can conclude that the UBE has had an effect in applications and enrollment, but if the UBE aims to affect the diversification of the law profession, this program alone may be falling short in expanding access for minoritized students.

## Updating Comprehensive Law School Mental Health and Wellness Study

University of St. Thomas School of Law

Summary: With this grant, Professors Jerome Organ, David Jaffe and Katherine Bender update their seminal and oft-cited study on mental health and substance abuse in law schools. This research will update findings reported in *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116 (2016).

## Relationship Between Coursework and Bar and Employment Outcomes

Washington University School of Law

Summary: This grant supported research on the relationship between experiential coursework and bar and employment outcomes. This research examined coursework and bar outcomes for

2,401 graduates from Washington University School of Law's class of 2006–2015 and 1,490 graduates of Wayne State University School of Law's classes of 2011–2015 to provide reliable empirical evidence on the relationship between these two elements, if one exists. The objectives of the funded project were to:

- determine the relationship between experiential coursework and bar exam outcomes;
- examine the relationship between the number of bar subject matter courses a student took and bar success; and,
- examine whether the graduate was employed at 9 or 10 months after graduation in a job that required a JD and was full-time, long term, and not school funded.

Washington University reports that the project failed to demonstrate whether there was a relationship (positive or negative) between experiential coursework and bar outcomes. The findings reflect that requiring more bar courses may do little or nothing to increase bar passage (first attempt) amongst students in the bottom quartile. Study findings are described in detail in the *Journal of Legal Education* article cited below.

- Robert R. Kuehn & David R. Moss, [A Study of the Relationship Between Law School Coursework and Bar Exam Outcomes](#), 68 J. LEGAL EDUC. 624 (2019).

## Learn About and Apply for AccessLex Grants

The following are useful resources for those interested in applying for grants:

- [AccessLex Grant Programs](#)
- [Grantee Resources](#)
- [Bar Success Research Grant Program - FAQs](#)
- [Grantee Research Papers](#)



# ORGANIZATIONAL UPDATE BY DISTINGUISHED COMMENTATOR

*Judith Areen is the Executive Director and CEO of the Association of American Law Schools (AALS), as well as a Professor Emerita at Georgetown University Law Center. Between 1989 and 2004, she served as Executive Vice President for Law Affairs of Georgetown University and Dean of the Law Center.*

## **AALS: Supporting Law Schools During the Pandemic**

The Association of American Law Schools ([AALS](#)) is a nonprofit association of 176 member and 17 fee-paid law schools. Our members enroll most of the nation's law students and produce the majority of the country's lawyers and judges, as well as many of its lawmakers.

Founded in 1900, our mission is to uphold and advance excellence in legal education. The association promotes its core values of excellence in teaching and scholarship, academic freedom, and diversity, including diversity of backgrounds and viewpoints, while seeking to improve the legal profession, to foster justice, and to serve its many communities—local, national and international.

AALS has the unique dual responsibility of serving law schools and their deans as their institutional membership organization, and individual law school faculty and administrators as their learned society. We provide several professional development opportunities including the AALS Annual Meeting—the centerpiece of yearly association activities which draws law professors, deans, and administrators. This year, we are excited to present our first [virtual annual meeting](#).

Faculty and deans also engage in more than 100 sections that present programs, provide mentoring for new faculty, and serve as a forum for discussions on important legal issues from antitrust, dispute resolution, and taxation to civil rights, criminal justice, and international law. Each year, the association hosts a clinical conference, a faculty recruitment

conference, and a workshop for new law teachers. However, in 2020, these meetings were canceled due to disruptions caused by the pandemic.

Given the many challenges that legal education is facing during the pandemic, we have been working hard to support law schools and their faculty in new ways.

Since March, AALS and the Law School Admission Council (LSAC) have been offering a weekly video conference for law school deans, called the “Deans Dialogue,” to help keep them connected and current on developments during the pandemic. The series has continued through the summer and fall and is now held every other week. More than 20 editions of the series have been completed as of the end of October.

In recognition that COVID-19 affected the normal rhythms of the legal academy in ways that could be particularly disruptive for early career faculty, AALS began hosting “Faculty Focus,” a series of hour-long webinars. Each webinar features expert advice from law school leaders and faculty including early career faculty. The sessions are structured to encourage conversation and connection, with opportunities for participants to discuss common issues across schools and teaching areas. Topics over the summer included work-life balance and the demands of scholarship; excellence in online instruction; racism, justice, and fall classes; and a special session on becoming an excellent teacher while starting a career during the pandemic. The “Faculty Focus” webinars took a late-summer hiatus and resumed in mid-October for three additional sessions on the 2020 election and the classroom, supporting struggling students, and pathways to leadership.

In June, AALS launched the Law Deans Antiracist Clearinghouse Project, a new webpage for law deans, faculty, and the public that contains resources and information related to addressing racism in law and legal education. The webpage is curated by five Black women law deans: Danielle M. Conway (Penn State Dickinson Law), Danielle Holley-Walker (Howard Law), Kimberly Mutcherson (Rutgers Law), Angela Onwuachi-Willig (Boston University Law), and Carla D. Pratt (Washburn University Law).

## REIMAGINING THE BAR EXAM

The website also serves as a collective voice from the leadership of the legal academy condemning racism. Statements that law school deans sent to their communities regarding racism have been archived as part of the website.

Over the last year, AALS has begun work on the Study of the American Law School Dean that will include how law school deans are recruited and selected, career paths to the deanship and after, and the most pressing issues deans currently face. A survey of all law school deans will be the cornerstone of the report and the goal of the study is to make the process of becoming and serving as a law dean more transparent to the benefit of legal education and higher education.

This fall, AALS held seven regional gatherings of deans designed to raise awareness of the study, seek advice, and garner comments on draft survey questions. The National Opinion Research Center at the University of Chicago (NORC) has been selected to conduct the survey on behalf of the association.

AALS would like to thank AccessLex Institute for their generous support of the project.

The changes and disruptions brought by COVID-19 will change legal education and the legal profession forever. During these difficult times, law schools can count on AALS for support as we navigate these challenges together.

Please email [RTB@accesslex.org](mailto:RTB@accesslex.org) with bar-related updates from your organization.

*IAALS, the Institute for the Advancement of the American Legal System has published findings from a groundbreaking study, [Building a Better Bar](#), funded in part by an AccessLex grant.*

The legal profession has never had a clear, explicit understanding of the minimum competence needed to practice law and how it should be tested on the bar exam (or through other licensing approaches). In a recently published [report](#) from the IAALS Building a Better Bar project, authors Deborah Jones Merritt and Logan Cornett have defined minimum competence and have new recommendations for how the legal licensing process—including the bar exam—must change to better serve the public.

Minimum competence consists of 12 interlocking components—or “building blocks.”

- The ability to act professionally and in accordance with the rules of professional conduct
- An understanding of legal processes and sources of law
- An understanding of threshold concepts in many subjects
- The ability to interpret legal materials
- The ability to interact effectively with clients
- The ability to identify legal issues
- The ability to conduct research
- The ability to communicate as a lawyer
- The ability to see the “big picture” of client matters
- The ability to manage a law-related workload responsibly
- The ability to cope with the stresses of legal practice
- The ability to pursue self-directed learning

## CONFERENCE CORNER

- [AALS Annual Meeting](#) (Jan. 5-9, 2021)
- [Law & Leadership Conference, BYU Law School](#) (Jan. 29, 2021)
- [AALS Conference on Clinical Legal Education](#) (Apr. 28-May 2, 2021)
- [Lawyering Skills in the Doctrinal Classroom](#) (May 10-11, 2021)
- [Institute for Law Teaching and Learning Summer 2021 Conference](#) (June 10-12, 2021)

Based on the data, it is also clear that exams should be open book and provide greater time to complete. Multiple choice questions bear little resemblance to the cognitive skills lawyers use and should be avoided; instead, written performance tests do in fact resemble many of the tasks that new lawyers perform and are encouraged. Additionally, practice-based assessments, such as ones based on clinical performance, offer promising avenues for evaluating minimum competence beyond the bar exam.

The report also outlines 10 recommendations that courts, law schools, bar associations, bar examiners, and other stakeholders should consider in their efforts to move towards better, evidence-based lawyer licensing. Read the full Building a Better Bar report [here](#).

Please email [RTB@accesslex.org](mailto:RTB@accesslex.org) with your submissions regarding reimagining the bar exam and the lawyer licensing process.

Please email [RTB@accesslex.org](mailto:RTB@accesslex.org) with links and information about upcoming conferences with bar exam and licensing-related sessions.

# PUBLICATIONS AND POSTS

Below are selected recent bar-related publications. We also refer readers to the many important posts on various legal education listservs (ASP, LRW, Associate Deans, Deans, Law Librarians, etc.), the [Law School Academic Support Blog](#), the [Best Practices for Legal Education](#) blog, [TaxProf Blog](#), and on a host of social media sites, including the Facebook group *Pandemic Pedagogy: Law Teaching in the Time of COVID-19*.

## Selected Publications

- Suzanne Darrow-Kleinhaus, [Portability of the UBE: Where Is It When You Need It?](#) (2020).
- DEBORAH JONES MERRITT & LOGAN CORNETT, [BUILDING A BETTER BAR: THE TWELVE BUILDING BLOCKS OF MINIMUM COMPETENCE](#) (2020).
- William Wesley Patton, [Admitting Law Graduates by Bar Examination Versus by a Diploma Privilege: A Comparison of Consumer Protection](#) (2020).
- Patty Powell, [The Link Between Well-Being and Inclusion](#), COLO. LAW., June 2020, at 19.
- Todd Pugatch & Nicholas Wilson, [Nudging Demand for Academic Support Services: Experimental and Structural Evidence from Higher Education](#), IZA DISCUSSION PAPER No. 13732 (2020).
- NCBE TESTING TASK FORCE, [PHASE 3 REPORT](#) (2020).
- Mitchell L. Winick et al., [Examining the California Cut Score: An Empirical Analysis of Minimum Competency, Public Protection, Disparate Impact, and National Standards](#), ACCESSLEX INST. RES. PAPER SERIES (2020).
- Mitchell L. Winick et al., [A Five-Year Retroactive Analysis of Cut Score Impact: California's Proposed Supervised Provisional License Program](#), ACCESSLEX INST. RES. PAPER SERIES (2020).

## Selected Posts and Podcasts

- Sherry Karabin, [Bar Exam Standouts: A New Study Identifies Law Schools Whose Graduates Overperform on That Crucial Test](#), NAT'L JURIST (Nov. 6, 2020).
- Doug Lederman, [Faculty Confidence in Online Learning Grows](#), INSIDE HIGHER ED (Oct. 6, 2020).
- Derek T. Muller, [It's Not Bad News: MBE Scores Rise for July 2020 Bar Exam](#), EXCESS OF DEMOCRACY (Sept. 2, 2020).
- NCBE, [National Survey Finds Support for Bar Exam](#), NCBE (Sept. 30, 2020).
- Jerry Organ, [The Dramatic Increase in July 2020 MBE Scores](#), TAXPROF BLOG (Oct. 29, 2020).
- Joe Patrice & Kathryn Rubino, [What Would Be Better Than the Bar Exam?](#), THINKING LIKE A LAWYER (Nov. 25, 2020).

Please email [RTB@accesslex.org](mailto:RTB@accesslex.org) with recent and forthcoming bar-related publications, posts, and podcasts to be included in future issues of *Raising the Bar*.

# RESOURCES FOR LEGAL EDUCATORS AND LAW STUDENTS

## News and Updates on the February 2021 Bar Exam

- [NCBE](#)
- [California](#)
- [Colorado](#)
- [Connecticut](#)
- [District of Columbia](#)
- [Georgia](#)
- [Illinois](#)
- [Kentucky](#)
- [Maryland](#)
- [Massachusetts](#)
- [Nevada](#)
- [New Hampshire](#)
- [New Jersey](#)
- [New York](#)
- [Oregon](#)
- [Pennsylvania](#)
- [Tennessee](#)
- [Vermont](#)

## General Bar-Related Resources

- [AccessLex Resource Collections: Bar Success](#)
- [LibGuides](#)
- [ABA Bar Information for Applicants with Disabilities](#)
- [The Comprehensive Guide to Bar Admission Requirements, 2020](#)
- [The Bar Examiner](#)

## Grants and Scholarships for Law Students

- [Scholarships and Grants for Bar Examination Preparation](#)
- [ABA Scholarships and Financial Aid](#)

## Grant Opportunities for Legal Educators and Researchers

- [AccessLex Grant Programs](#)
- [American Association of Law Libraries \(AALL\)](#)

## Updates from the NCBE

- [Testing Task Force Blog](#)
- [Testing Task Force Research](#)

## Pandemic-Related Licensing Information

- [Barcovid19.org](#)
- [NCBE](#)

## Skills Resources for Law Students

- [CALI Law School Success Lessons](#)
- [Mental Health Resources for Law Students](#)

Please email [RTB@accesslex.org](mailto:RTB@accesslex.org) with information about resources for faculty and students in your jurisdiction.

## CONTINUING THE CONVERSATION

*Raising the Bar* congratulates the AALS Section on Academic Support Award Winners, [Professor Paula Manning](#) and [Professor Marsha Griggs](#), recipients respectively of the Legacy in Leadership Award and the Trailblazer Award. The awards will be presented to Professors Manning and Griggs at the AALS joint award ceremony for Section Award winners and Teachers of the Year on January 5 and at the AALS Section on Academic Support section program on January 6, 2021.

Please email us at [RTB@accesslex.org](mailto:RTB@accesslex.org) if you have content you wish us to consider for possible publication in an upcoming issue. We accept submissions on a rolling basis, year-round.

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***Raising the Bar***

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