

ANALYZING FIRST-TIME BAR EXAM PASSAGE ON THE UBE IN NEW YORK STATE

Insights from a study of first-time and
second-time bar exam candidates

Foreword

This report is the culmination of three years of work to collect, analyze, summarize, and interpret data on the experiences and outcomes of first-time and second-time New York State Bar candidates. After careful collaboration and review between AccessLex Institute and the New York State Board of Law Examiners to finalize this publication, a release date was anticipated for Spring 2020 to share its findings publicly and to provide recommendations for how the legal education community could build on efforts to equitably and effectively prepare law school graduates for first-time bar exam passage. Of course, at the time nobody had any idea a public health crisis was about to override those best laid plans.

With little to no warning, the New York State Court of Appeals, the New York State Board of Law Examiners, along with other bar examiners and courts, law graduates, and law schools nationwide, faced the daunting task of determining how to respond and adapt to a global pandemic that made conventional testing and learning conditions unsafe and traditional timelines impractical. As a result, it was decided to hold off on releasing this report so that both the New York State Board of Law Examiners and AccessLex Institute could address the most critical and immediate needs facing their respective constituents.

A year later, at a time when the world as we once knew it seems more within reach, and lessons learned over the last year are sparking new ideas about the world to come, this report is being released in its pre-pandemic final form. Anticipating the return to bar exam business as usual and contemplating the implications of forthcoming changes to the bar exam itself in four to five years, the results and recommendations of this report are all the more relevant to the research and discussion of bar exam success. The pandemic and bar exam changes notwithstanding, law graduates are better served passing the bar exam on their first attempt, and so the goal of this report is to provide a first step in identifying ways to promote strategies and support systems to help narrow first-time performance gaps among bar exam candidates, now and into the future.

Executive Summary

After adopting the Uniform Bar Exam (UBE) in 2016, the New York Board of Law Examiners (NYBOLE) commissioned AccessLex Institute to begin a two-year study examining demographic, academic and behavioral factors associated with first-time and second-time bar exam passage. This inquiry emerged from a historical review of New York State Bar Examination pass rates, which found that racial and gender gaps in bar passage narrowed significantly among second-time takers when compared to first-time takers. Considering this finding, NYBOLE sought to better understand challenges to first-time bar passage and determine whether strategies leading to second-time bar passage might illuminate a path toward narrowing pass rate gaps among first-time takers.

To undertake this research, NYBOLE and AccessLex surveyed first-time and second-time New York State Bar candidates after the July 2016, February 2017, July 2017 and February 2018 UBE administrations. The questionnaire collected information about candidates' academic performance, law school experiences, bar preparation and exam experiences, as well as their demographics, finances and employment. Subsequently, the study leveraged statistical methods to identify key drivers and barriers associated with first-time and second-time bar exam passage on the New York State bar exam, independent of other potential intervening variables captured in the survey results. In other words, these techniques revealed candidate characteristics that were most correlated with bar exam outcomes, even after accounting for alternative explanations provided in the questionnaire. The results illustrate the relative likelihood—or estimated probability—of bar passage for candidates embodying these behaviors and traits.

The study also incorporated four focus groups with second-time New York State Bar candidates—two consisting of candidates who passed on the second attempt and two consisting of those who failed—to gather qualitative information about second-time candidates and how they approached bar preparation after failing the first time. These discussions provided additional insight into the challenges candidates faced while preparing for their first and second bar attempts, as well as the strategies they employed to improve their chances of passing the second time.

Overall, these analyses revealed six key findings:

1. The key ingredient to first- and second-time bar passage is extensive time dedicated to bar exam preparation.

Overwhelmingly, the results of the AccessLex/NYBOLE study indicate that whether preparing to take the bar exam for the first or second time, candidates who spend a substantial number of hours per week studying are more likely to pass than those who spend fewer hours preparing. Among both first-time and second-time takers, bar passage increased as the number of weekly study hours increased.

Although it seems simple enough to put in more study time, doing so can prove difficult for candidates with other obligations, such as a job or a family. The study found that first-time candidates who reported larger household sizes and those who reported higher employment hours during bar exam preparation were less likely to pass. On the other hand, employment during bar prep was not a significant influence on bar passage outcomes for second-time takers, perhaps because they were able to learn from their first exam experience to better optimize their study time.

In addition, the study found that second-time candidates who reported a higher average of weekly study hours on their second survey compared to the first passed at higher rates than those who reported the same or fewer weekly study hours. In fact, because this analysis compared questionnaire responses for candidates who took the AccessLex/NYBOLE survey after both their first and second bar attempts, the study determined that increasing weekly study hours had a *causal* effect on second-time bar passage. In other words, because the study compared first-time and second-time differences within the same exact candidate rather than across candidates (who vary in many respects), we were able to determine that it was the individual's increased study time that led to their second-time bar passage.

Second-time candidates employed several strategies to increase their study time, including reducing social and leisure activities, switching to a study location more conducive to longer periods of study, and reducing time at work by taking time off, changing to a part-time schedule, and teleworking. Helping candidates employ these time management strategies when studying for the bar exam the first time could improve their bar performance.

2. *The quality of time spent on bar preparation is equally paramount to the amount of time spent studying for the exam.*

Several focus group participants shared that while studying for the exam the first time, they were so focused on completing their bar prep course that they sped through the lectures and assignments or fell behind schedule because they were overwhelmed by the “sheer volume of the material.” Some candidates reported spending too much time on subjects they already knew at the expense of learning and practicing material that would have strengthened their weaker areas and enhanced their knowledge of subjects they did not take or fully master while in law school. These sentiments were also common among survey responses, with many candidates sharing that learning and memorizing the volume of material covered on the bar exam was one of the biggest challenges they faced during bar prep.

In the four focus group discussions, second-time candidates described how they adjusted their bar prep strategies to make better use of their study time. In most cases, they took a more focused approach by tailoring their bar preparation activities to fit their individual learning styles and address specific areas of improvement. They also used their exam score reports and, in some instances, leveraged diagnostic exams and review from tutors and professors to identify their weak areas and focus their study activities on addressing their first-time mistakes. For example, candidates who had trouble finishing the exam focused on practicing items under timed conditions. Others who reported “learning by doing” stopped watching video lectures and spent more time outlining, using flash cards and practicing exam questions. Many candidates created a commercial bar prep “cocktail” by combining materials from different companies and supplementing them with study aids, guides and past exam questions. In fact, those who utilized a different bar prep company were more likely to pass the bar exam the second time.

On the other hand, overcompensating for first-time shortfalls could negatively impact second-time bar performance. The study found that candidates who made certain types of adjustments when preparing for their second bar attempt were less likely to pass. These findings indicate that studying strategically is critical for bar success. The earlier candidates can assess and tactically address their weak areas, the better their chances of passing the bar exam.

3. *Time management is a key bar passage strategy. Running out of time on multiple choice and essay items negatively impacts bar exam performance for first- and second-time takers.*

Both first- and second-time candidates who reported running out of time on the MBE were less likely to pass the bar exam than those who did not. Focus group participants who discussed running out of time on the MBE during their first exam shared that they left questions blank or filled in “random bubbles.” In both the focus groups and survey responses, candidates discussed struggling to finish the exam within the time limits. Some focus group participants reported that the practice MBE questions delivered in their commercial bar prep courses were not helpful because they did not reflect those on the actual exam, noting that actual exam questions had longer texts and required more reading than those they completed in practice and on simulated exams. As a result, they utilized past exams and MBE study aids to practice “real” MBE questions when preparing the second time.

Similarly, first-time candidates who reported running out of time on the Multistate Essay Examination (MEE) were less likely to pass than those who did not. A few focus group participants reported feeling compelled to write as much as they could during the exam to potentially earn more points. By writing too much on the earlier questions, they did not leave adequate time to complete the remaining essay questions. These experiences indicate an opportunity to further emphasize the importance of practicing under timed conditions when preparing for the bar exam as a strategy for successfully managing time on test day. Further, candidates felt better prepared for the exam when they had broad exposure to practice MBE and MEE questions that reflected those they were likely to encounter on test day.

4. *Positive law school experiences can have a lasting influence on candidates, possibly improving their bar exam performance.*

Law journal participation during law school was positively correlated with bar passage for both first- and second-time candidates, even after accounting for other related factors such as LSAT score, hours spent studying for the bar exam and other proxies for high academic performance such as receiving financial support from a law firm while studying for the exam. Because law journal participation usually requires high grades and/or strong writing skills, candidates with this experience are more likely to pass the bar exam, whether it’s their initial or second attempt.

In addition, candidates who reported greater satisfaction with their law school were more likely to pass the New York State bar exam on their first or second attempt, even when controlling for other factors such as LSAT score, law school selectivity, and participation in a law journal, mock trial, or student organization. The continued correlation of law school satisfaction with bar passage for second-time takers underscores the relationship between bar exam success and law school experiences that cultivate law school satisfaction. Many first- and second-time takers named law school deans, professors, classmates, study groups, courses, library access and other school-based resources as being most helpful to their bar exam preparation. These attributions illustrate the lasting influence that positive law school relationships, engagement and experiences can have on graduates during their bar preparation period. They also demonstrate the value of maintaining these connections after graduation, particularly while preparing for the bar exam.

5. *Completing elective courses in bar-tested subjects was not strongly associated with first-time or second-time bar exam passage.*

The NYBOLE/AccessLex survey asked candidates to report whether they completed a course in any of the following eight UBE subjects: Corporations and Limited Liability Companies, Business Associations, Constitutional Law, Evidence, Trusts and Estates, Uniform Commercial Code Article 9 (Secured Transactions), Conflict of Laws and Family Law. The study finds little to no evidence that the number or types of courses taken in these subjects influences first- or second-time bar exam passage.

Only a few of these courses were shown to be correlated with bar passage. First-time candidates who completed a Corporations course and those who took Evidence were more likely to pass the bar exam compared to those who did not complete these classes. Most first-time candidates reported taking these courses during law school—78 percent and 90 percent, respectively. Similarly, taking an Evidence course was positively correlated with second-time bar exam passage and 85 percent of second-time takers reported completing it. Taking Conflict of Laws was slightly correlated with second-time bar exam passage, but only 13 percent of second-time candidates reported completing it.

The study also examined whether bar passage increased based on the number of courses candidates completed in these subjects, but there was no association between aggregate course completion and first- or second-time bar passage. It is important to note, however, that the study only examined the relationship between course completion and *overall* bar exam performance. The study did not account for student performance in these subjects, nor was it able to measure how taking courses in bar-tested subjects correlated to performance on relevant subcomponents of the exam. Other research suggests that completing certain bar-tested courses can impact either overall bar exam performance or performance on specific sections and items.¹ Accordingly, these statistical findings—like the others in this report—should be investigated in other contexts and should not be generalized to other jurisdictions or individual law schools.

6. *Managing non-academic factors such as debt, unemployment, mindset and significant life events is a critical aspect of bar exam preparation.*

The study examined candidates' finances and post-exam employment status to determine whether these factors correlated with bar passage or failure. Both law school debt and post-exam unemployment were negatively associated with first-time bar passage but had no significant association with second-time bar exam outcomes.

The disparate impact of these factors on first-time takers could be due to the confluence of the bar prep period with law school graduation and candidates' anxiety about finding a job and entering student loan repayment. Naturally, the job search is top-of-mind for law graduates who have not secured employment. Several candidates discussed worrying about money and finding a job while studying for the bar exam. For example, a first-time candidate who failed the exam shared: "Finances were my biggest challenge. At times, I did not have enough money to eat."

¹ Austin, K., Christopher, C., & Dickerson, D. (2017). Will I pass the bar exam?: Predicting student success using LSAT scores and law school performance. *Hofstra Law Review*, 45(3), 753-784; and Farley, A., Swoboda, C., Chanvisanuruk, J., McKinley, & K., Boards, A. (2018). Law student success and supports: Examining bar passage and factors that contribute to student performance. Unpublished manuscript.

In addition to financial anxiety, other life circumstances and mental hurdles can detract from focus on bar preparation. When asked to share their biggest challenges during bar prep, many first- and second-time candidates cited health problems, family issues and difficult life events, such as a divorce or family death. Many of these hardships are unexpected and can easily derail a candidate's study plan. Finding ways to provide additional support or resource referrals to candidates who encounter these situational setbacks should be a chief component of first-time bar passage interventions. Candidates also experienced mindset challenges, primarily due to anxiety and discouragement. In some cases, they attributed these struggles to limited information about the bar exam and insufficient feedback on their performance during bar prep. These experiences suggest an opportunity to better educate candidates on what it takes to succeed on the bar exam, and to help them begin planning for bar success early on during law school.

The full report expounds further upon these findings, offering additional context, recommendations for law schools and the legal profession, and suggestions for future research. While the results generated from this study are based only on a subset of first-time and second-time takers who sat for the UBE in New York state, they offer insight into emerging, understudied areas of bar exam passage, particularly second-time and eventual bar passage, which warrant further inquiry considering recent declines in first-time bar exam passage across jurisdictions and the American Bar Association's newly revised standard of bar exam passage for law school accreditation (Standard 316). As NYBOLE observed, increased understanding of repeat bar exam performance could play a significant role in achieving greater parity in first-time bar passage rates among all subpopulations of candidates for bar admission.

Introduction

Prior to adopting the Uniform Bar Examination (UBE) in 2016, the New York State Board of Law Examiners (NYBOLE) conducted a comparative analysis of first-time and second-time bar passage rates by race and gender. The results suggested that the demographic performance gaps observed for first-time bar candidates narrowed considerably among second-time candidates. Encouraged by this data, NYBOLE sought to uncover obstacles to first-time bar exam passage and identify potential bar preparation strategies to ensure that all applicants have an equal chance at passing the bar on the first attempt. To that end, NYBOLE commissioned AccessLex Institute to conduct a two-year study to identify academic, biographical and behavioral correlates of first-time and second-time bar exam passage in New York State.

This culminating report summarizes results of the quantitative and qualitative analyses conducted to identify factors and strategies associated with first-time and second-time passage of the New York State Bar Examination. It concludes with relevant recommendations to NYBOLE, legal education stakeholders and the profession regarding potential practices and policies that may better support candidates for admission to the New York State Bar. Further application of the findings and recommendations presented herein should be pursued with caution, as the results may not be generalizable to other UBE jurisdictions.

Methodology

With support from NYBOLE, AccessLex administered an online survey (Appendix A) to candidates for admission to the New York State Bar over a two-year period beginning with those who sat for the July 2016 examination and concluding with those who sat for the February 2018 examination. The survey was distributed after each bar administration and before exam scores were released.² After administering the first survey in July 2016, NYBOLE and AccessLex adjusted the survey instrument to gather additional information and to ease respondent burden, including shortening the questionnaire for repeat takers who had previously completed the survey after a prior bar exam attempt. Where relevant, the impact of these changes is noted in the report.

The questionnaire included items related to candidates' demographic and household characteristics, law school experiences, bar exam preparation, bar exam experiences, finances and employment. Using statistical methods, these factors were examined in relation to first-time and second-time bar exam passage to determine which were significantly associated with bar exam outcomes.³ Specifically, the analysis leveraged multivariate logistic (or logit) regression modeling, a technique used to measure the probability of a binary outcome—in this case passing or failing the bar exam—based on the values of a set of variables. These models can estimate the impact of each variable on the likelihood of bar exam passage when all other variables are held constant to determine which factors have a strong, isolated correlation with bar exam passage even when other factors

2 The July 2016 survey was administered before exam scores released but remained open shortly after. As a result, some respondents knew their exam outcome when they completed the questionnaire.

3 The report discusses variables that were statistically significant at the 90% confidence level or above—those with a p-value of 0.1 or lower. P-values represent the likelihood that the relationship between the variable and bar passage is due to chance. Thus, the lower the p-value, the higher the probability the factor is significantly related to bar passage, and the more statistically significant the result. Model fitting and multicollinearity tests were conducted to narrow in on variables that collectively performed best in estimating bar passage outcomes and to remove variables that are interrelated, such as law school satisfaction and willingness to attend the same law school again (which essentially measure the same sentiment).

are considered. For example, the models can assess whether working more hours per week during bar preparation influences the likelihood—or estimated probability—of bar passage when hours spent studying, bar prep company used, LSAT score and all other variables remain the same.⁴ As a result, these analyses home in on the key drivers and barriers of bar exam success by identifying those factors that significantly influence bar passage even when accounting for other possible explanations that were measured in the survey.

The study used two separate models to identify factors associated with bar exam passage for first-time and second-time candidates, respectively. Both models utilized control variables to account for biographical differences among candidates, including race/ethnicity, gender, parental educational attainment, marital status, law school attendance (full-time/part-time), LSAT score, prior admission to another state bar, and the month of the exam administration (February or July).⁵ Due to survey modifications after the July 2016 administration, the study split the first-time model across three groups—all first-time candidates, July 2016 first-time candidates and first-time candidates who took the July 2017 and February 2018 exams.⁶ Unless otherwise noted, correlations of first-time bar passage summarized in this report were consistent across all three groups.

In addition, a third model utilized data from repeat survey respondents who completed the questionnaire after their first and second bar exams to determine if changes in their preparation led to a change in their bar exam outcome (i.e., passing the second time after failing the first time). For example, we compared their first-time average weekly study hours to the average reported the second time to determine if an increase in time spent studying led to second-time bar passage. This analysis allowed us to measure changes within individual second-time candidates rather than comparing second-time candidates who passed and failed. Because this analysis inherently controlled for differences between candidates by measuring behavioral changes within individual second-time takers, its results imply *causal* rather than correlational relationships between bar preparation changes and second-time bar passage.⁷ As explained later in the report, only an increase in time spent studying was found to have a causal impact on bar exam passage.

4 Estimated (predicted) probabilities are calculated when a single variable is changed while all other factors are held constant. Throughout the report, predicted probabilities are referenced to demonstrate the influence of a particular variable on the likelihood of bar passage based on values of the average candidate. These values are determined based on the average or most common response to each survey item. Average candidate profiles for first-time takers, second-time takers and repeat respondents are described in more detail later in the report.

5 Variables that could potentially influence the outcome (in this case, bar passage) but are not the explicit focus of study are considered control variables. Because candidates have little or no control over these factors, they are not explicitly examined in this report.

6 For instance, questions regarding candidates' exam experiences and the number of full practice exams completed were added in July 2017. The survey also clarified a question related to law school debt to distinguish between the total amount borrowed for law school (July 2016) and outstanding law school loan balances (post-July 2016 surveys).

7 For example, consider two candidates—Candidate A studied 30-39 hours per week the first time but failed the second time, while Candidate B studied 20-29 hours per week the first time and passed the second time. Both candidates studied 30-39 hours per week the second time. The correlational model only examines hours studied the second time while controlling for differences between the two candidates that might also explain the difference in their second-time outcomes, such as their demographics, LSAT score, and employment status, and does not consider Candidate B's increased study hours. On the other hand, the causal model analyzes the difference in study hours for each candidate individually to determine if the change in their study hours led to their bar exam outcome. The model compares each candidate to themselves rather than to each other. As a result, there is no need to control for differences between candidates because individuals' demographics and intrinsic characteristics generally remain the same over time. Since the causal model accounts for other differences that may have occurred within individual candidates between their first and second bar exam attempts, such as an increase in employment hours, we can more confidently suggest a change in behavior (i.e., change in study hours) caused the outcome when the change is statistically significant.

AccessLex also worked with a third-party consultant to conduct four focus groups with second-time takers in October 2017. This component of the study was added to gather qualitative information about challenges second-time candidates experienced when preparing for their first and second bar exam attempts, and to observe whether preparation strategies differed between those who passed and failed the second time. To achieve this objective, a total of four focus groups were conducted—two with candidates who passed the second time and two with those who failed. Focus group participants were recruited from survey respondents who indicated February 2017 was their second time taking the New York State Bar Examination after failing in July 2016. Quotes from focus group participants are provided throughout the report to contextualize the quantitative findings.

Sample Overview

The analyses presented in this report are based on a sample of candidates who graduated from ABA-approved law schools and took the New York State Bar Examination in July 2016, February 2017, July 2017 and February 2018. A total of 13,754 ABA first-time candidates sat for the exam during this time, and 40 percent completed the survey. The repeat taker total for all four exams was 4,778, and 24.5 percent completed the survey. Survey response rates for each group exceeded industry standards, which typically range from 10 to 15 percent (Table 1).⁸

In addition, survey respondent demographics were comparable to the general population for their respective exams. Pass rates for first-time taker respondents were also comparable to the full population of first-time candidates, but the overall repeater sample had a slightly lower pass rate than the full population of repeat takers. Nonetheless, the survey respondents largely reflect the broader pool of exam takers who sat during the study period. A detailed comparison of exam takers and survey respondents for each exam administration is available in the appendix.⁹

Table 1: Survey Response Rates and Respondent Bar Passage Rates

	July 2016		February 2017		July 2017		February 2018	
	Total	Pass Rate	Total	Pass Rate	Total	Pass Rate	Total	Pass Rate
Response Rate	34.7%		41.4%		40.6%		43.3%	
Total Respondents	2,527	76.3%	977	58.2%	2,748	80.9%	920	54.7%
First-Time Taker Respondents	2,185	82.1%	489	72.2%	2,413	86.4%	474	73.2%
Second-Time Taker Respondents	113	49.6%	242	55.0%	55	52.7%	233	39.9%

The analysis of first-time bar passage is based on a sample of 5,495 first-time bar exam takers who responded to the NYBOLE/AccessLex survey.¹⁰ The first-time bar passage rate of the total sample was 82.5 percent. The analysis of second-time bar exam passage is based on a sample

⁸ Of the repeat takers who responded to the survey, 643 were immediate second-time takers (55 percent of the repeat taker sample).

⁹ Demographic data and bar passage rates for the full population of second-time takers were not available for comparison. Exam taker demographics disaggregated by first-time and repeat takers were not available for comparison.

¹⁰ The analysis controls for LSAT score and thus excludes 66 survey respondents who did not take the LSAT.

of 484 candidates who sat for the New York State bar exam a second time in February 2017, July 2017 or February 2018 after failing previous exam.¹¹ In other words, it examines candidates who were “immediate second-time takers” and repeated the bar exam at the next opportunity after failing their first attempt. The overall bar passage rate for the second-time candidate sample was 48.1 percent. Finally, the third model—which measured changes within second-time candidates—is based on a sample of 277 immediate second-time takers who completed the survey after their first and second bar exam attempts.¹² The bar passage rate for this group was 46.6 percent.

11 The full sample of second-time takers (who first took the exam in July 2016 or later) totaled 530, however, 46 observations were removed due to missing data. To encourage repeated survey participation, respondents who reported previously completing the NYBOLE/AccessLex survey received an abbreviated version of the questionnaire that removed demographic items that remain static over time and could be obtained from their last response. However, 30 participants who reported previously taking the survey had not done so, resulting in missing data for these respondents. Because the analysis accounts for LSAT score, an additional 12 respondents were removed who did not take the test. Likewise, the model accounted for institutional selectivity, so an additional four respondents were excluded from the analysis who did not provide their law school’s name. July 2016 second-time takers were not included in the study sample since they first took the New York State bar exam prior to New York’s UBE adoption.

12 The analysis includes candidates who completed the survey in July 2016, February 2017 or July 2017 after their first New York State bar exam attempt, sat for the next administration of the bar exam, and completed the survey again as second-time takers.

FINDING 1: The key ingredient to first- and second-time bar passage is extensive time dedicated to bar exam preparation.

Preparing for the bar exam is a tremendous undertaking requiring a significant amount of time and attention. Given the rigor and stakes of the exam, recent law school graduates are often advised to avoid working while preparing for the bar exam and to put all nonessential activities on hold. The results of this study further substantiate this guidance. **Whether preparing to take the bar exam for the first or second time, candidates who spend a substantial amount of time preparing for the test are more likely to pass than those who spend fewer hours studying. Specifically, the analysis found that the average number of weekly hours spent studying per week was positively correlated with bar exam passage, even when accounting for other factors.**¹³

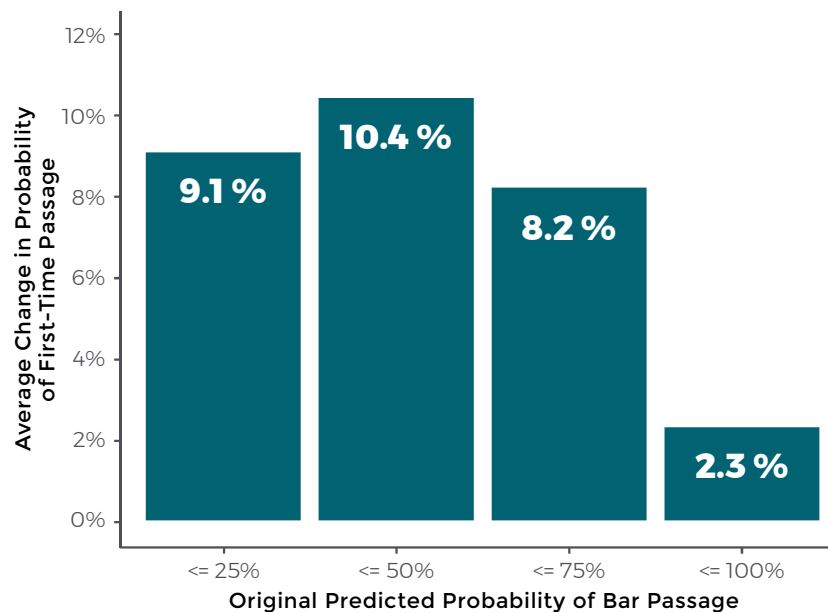
To determine the amount of time spent studying for the bar exam, the AccessLex/NYBOLE questionnaire asked candidates to report the average number of hours they spent studying per week in the month before the exam as well as during the month of the exam (i.e., January and February or June and July). First-time candidates who reported higher weekly averages of study in both months were more likely to pass the bar exam. The average candidate who reported studying 40 or more hours per week during the month of the exam was 95 percent likely to pass the first time compared to 90 percent for the average candidate who reported studying fewer than 20 hours per week.¹⁴

Since most first-time takers in the sample passed the bar exam, the average candidate in the sample is estimated to have a relatively high baseline likelihood of bar passage irrespective of hours studied per week. To examine the influence of time spent studying in greater detail, consider Figure 1, which shows the average change in the estimated probability of passage for candidates who reported studying fewer than 40 hours per week during the month of the bar exam. For instance, first-time candidates with a 25 percent or lower likelihood of passing the bar (based on their individual characteristics—such as LSAT score and bar prep program—rather than those of the average candidate) would have increased their estimated likelihood of bar passage by an average of 9 percentage points if they had studied 40 or more hours per week. This illustration better demonstrates the significant influence of weekly study hours on first-time bar passage—particularly for candidates who are less likely to pass.

13 As explained in the methodology section, all variables correlated with bar exam passage were found to be influential even when accounting for other factors reported in the questionnaire. These include the control variables named, as well as other factors such as finances, employment, law school experiences, bar preparation activities, and bar exam experiences.

14 When using logistic regression models, predicted probabilities are used to demonstrate the isolated influence of a change in any variable (in this case, hours of study per week during the month of the bar exam) on bar passage when all other factors are held constant. As a result, we set all other variables to a specific value based on the average or most common response for that survey item, which determined the profile of the average first-time candidate in the sample. Generally, the average first-time taker was an unmarried white female who attended law school full-time at a moderately selective institution, took the exam for the first time in July, had not been admitted to the bar in another jurisdiction, scored 155 to 159 on the LSAT, and had a parent whose highest educational attainment was a master's degree.

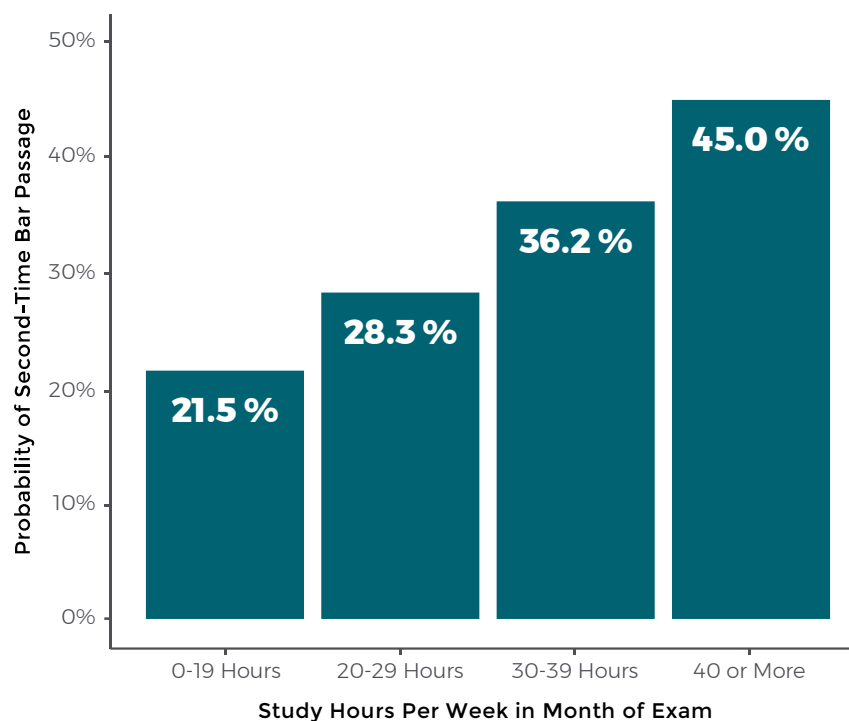
Figure 1: Average Increase in Predicted Probability of Bar Passage for Candidates Based on Change from Less Than 40 Hours of Study to 40 or More Hours of Study



Time spent preparing for the bar exam was also positively and significantly correlated with second-time bar passage. In many cases, second-time candidates spent more time studying for the bar in the weeks leading up to the exam than they did the month prior—79 percent of candidates reported studying at least 30 hours per week during the month of the exam compared to 58 percent the month prior. The average second-time candidate who studied 40 or more hours per week *during* the month of the bar exam was 45 percent likely to pass compared to 21 percent for the average candidate who studied fewer than 20 hours per week (Figure 2).¹⁵ Unlike first-time bar passage, the weekly amount of time spent studying in the month *prior* to the exam was not significantly correlated with second-time bar passage.

¹⁵ As explained for first-time takers, predicted probabilities are used to demonstrate the isolated effect of a change in a specific variable on bar passage when all other factors are held constant. As such, changes in predicted probabilities are based on the average second-time taker in the sample. Generally, the average second-time taker was an unmarried white female who attended law school full-time at a less selective institution, first took the bar exam in July, had not been admitted to the bar in another jurisdiction, scored 150-154 on the LSAT and had a parent whose highest educational attainment was a bachelor's degree.

Figure 2: Predicted Probability of Second-Time Bar Passage by Average Weekly Study Hours During Month of Exam



Further, the analysis of second-time takers who completed the AccessLex/NYBOLE survey after both exam attempts revealed a *causal* relationship between bar exam passage and an increase in time spent studying for the second exam compared to the first. The analysis used candidates' first-time and second-time survey responses to compare the average weekly study hours reported before their first and second exam attempts. The results show that **candidates who increased their average weekly study time increased their likelihood of bar exam passage by up to 19 percentage points.**¹⁶

Generally, second-time candidates who repeated the survey reported studying fewer hours per week for their second bar attempt than they did before their first—only 20 percent of the sample increased their average weekly study time while preparing for the exam the second time (Figure 3). However, after accounting for all other reported changes in bar preparation and candidates' level of commitment to passing the bar exam, increasing study time by at least 11 hours per week resulted in a 51 percent predicted probability of second-time bar passage—an increase of nearly 20 percentage points from the average probability of 32 percent (Figure 4).¹⁷ Even an increase from studying an average of 20-29 hours per week for the first exam to 30-39 hours for the second exam

¹⁶ The model also tested whether bar passage was related to any of the following changes between the first and second survey responses: work hours per week, hours of work leave taken per week, whether work was law-related, commercial bar preparation course, confidence in bar passage, and attitudes toward the bar exam, such as agreement that bar passage is essential for career plans and commitment to retaking the bar in the event of failure. These items were not found statistically significant in estimating bar passage. The model also accounted for reported changes in bar study asked on the survey of second-time takers, such as whether the candidate practiced more MBE items when preparing for the second exam compared to the first (see Footnote 20 for the full list).

¹⁷ For example, an increase from 0-19 hours per week to 30-39 hours per week, or an increase from 20-29 hours per week to 40 or more hours per week.

resulted in a nine-percentage point increase in the likelihood of bar passage (32 percent compared to 41 percent). On the other hand, decreasing study time reduced the likelihood of second-time bar passage. Candidates who reduced their average weekly study time from 40 or more hours per week to fewer than 20 hours per week had only a 12 percent chance of passing the bar.

Figure 3: Percentage of Repeat Survey Respondents by Average Change in Hours Studied Between First and Second Bar Exams

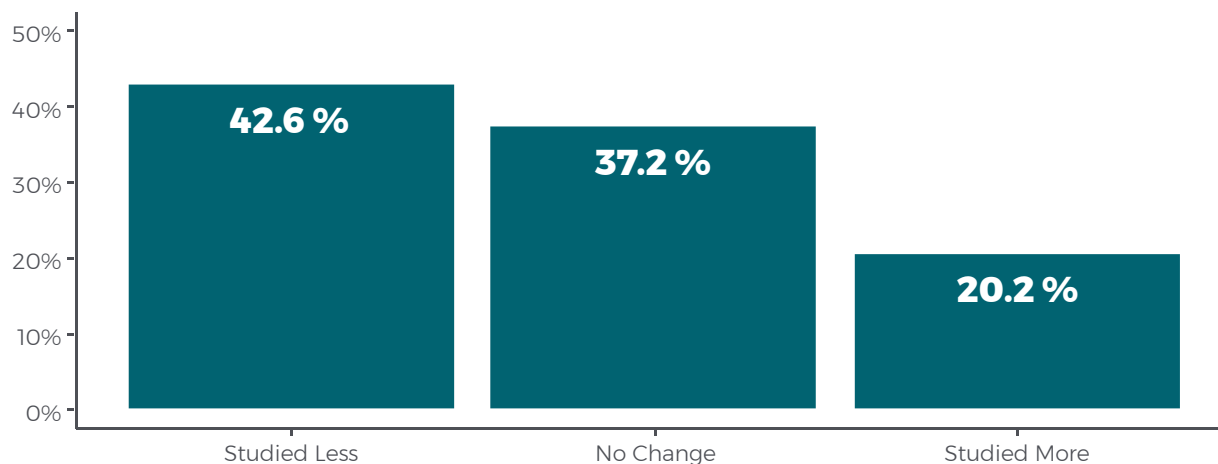
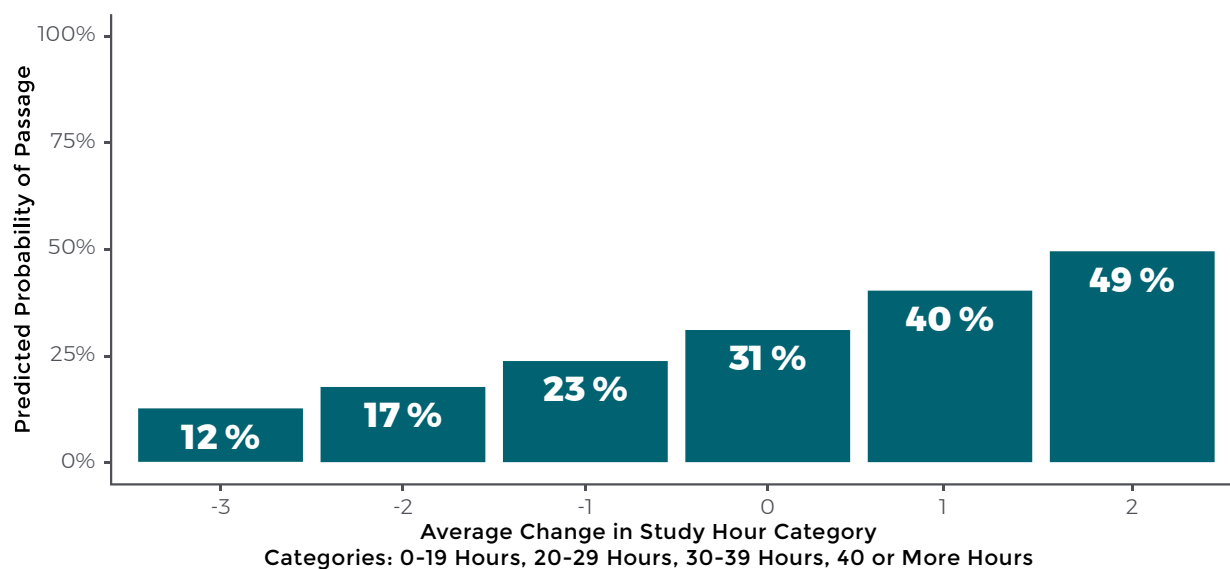


Figure 4: Predicted Probability of Second-Time Bar Passage by Average Change in Weekly Study Hours Between First and Second Bar Exams



Note: X-axis labels are based on categorical changes in study hours reported. For example, a change of -2 could indicate a change from studying an average of 40 or more hours per week to studying 20-29 hours per week, or a reduction from studying an average of 30-39 hours per week to fewer than 20 hours per week.

Time Management Challenges

Although the evidence overwhelmingly supports the need to spend as much time on bar exam preparation as possible, finding time to study can be especially difficult for candidates who are not able to forgo family, employment and other responsibilities while preparing for the bar exam. **Household size was negatively correlated with first-time bar passage, even when considering all other factors such as head of household status, marital status and the number of dependents claimed.**¹⁸ However, household size was positively associated with second-time bar exam passage, with 38 percent of the second-time takers reporting at least a three-person household compared to 25 percent of first-time takers.

The differential influence of family size on first-time and second-time takers is difficult to interpret. One possible explanation is that some families of first-time candidates may underestimate the time and attention required for bar preparation and demand more of the candidate's time as a result. As one first-time candidate who passed shared, "My greatest challenge was seeing that family and friends did not understand the time and energy the preparation takes." On the other hand, families of second-time takers may be more informed about the bar exam's difficulty given their candidate's past failure. For instance, when sharing what was most helpful to their bar preparation, a second-time candidate who passed noted: "My friends and family were most helpful in my preparation for the bar exam, with their constant support and understanding in giving me space to continue my studying on my own terms." Similarly, a first-time candidate who passed responded: "My family, friends and girlfriend for being accommodating to the amount of time and energy I had to spend studying."

Having a support network that understands the time and space required for bar exam study can help candidates better manage their time and minimize distractions that deflect their focus from bar preparation. Law schools can also assist graduates by issuing letters or notices that educate families on how they can accommodate and support their candidate during the bar prep period. These messages can also be delivered and emphasized during commencement activities.

The study also found that employment during bar preparation—measured by weekly hours of work—was negatively correlated with first-time bar passage, even when accounting for other factors such as income and time spent studying. **First-time candidates reporting higher hours of weekly employment during the bar prep period were less likely to pass. For the overall sample of second-time takers, however, weekly hours of employment during bar prep were not significantly correlated with bar passage or failure.** Perhaps this is because second-time candidates were able to leverage their first exam experience to make better use of their study time. It could also be a function of the profile of second-time takers compared to first-time candidates. A greater proportion of second-time candidates reported working during bar prep compared to first-time takers—62 and 24 percent, respectively—and pass rates were generally the same for second-time candidates who worked during bar prep and those who did not (48 and 49 percent), indicating that other factors had a stronger influence on second-time bar passage than weekly hours of employment.

Nonetheless, when examining the 277 candidates who took the survey after their first and second bar exams, the analysis showed that those who worked while studying for the bar exam the second

¹⁸ Household size was not significant in the first-time model that included items from the July 2017 and February 2018 surveys, which accounted for loans borrowed for law school and exam experiences, such as running out of time on the MBE or MEE sections. The influence of these experiences on first-time bar passage is discussed later in the report.

time tended to study less on average during the two months leading up to the exam. As shown in Table 2, nearly half the individuals who reported working also reported studying fewer hours on average. However, working more hours per week when preparing the second time did not have a causal influence on second-time bar passage.

Table 2: Change in Average Hours Studied by Employment Status During Bar Preparation

	Worked		Did Not Work		Total	
	n	%	n	%	n	%
Studied less	82	48.2%	36	33.6%	118	42.6%
Studied same amount	56	32.9%	47	43.9%	103	37.2%
Studied more	32	18.8%	24	22.4%	56	20.2%
TOTAL	170	100.0%	107	100.0%	277	100.0%

NOTE: Percentages do not sum to 100 due to rounding.

Although work and family responsibilities were more significant for first-time candidates than second-time takers, both groups reported challenges with finding time to study while balancing family responsibilities:

"I work at a large firm, and as a first-year associate, you have tremendous pressure to take on a lot of work, be exposed to different areas of the law/practice, be exposed to different partners, and ultimately do a good job. At my firm, I can do anywhere between 50 and 90 hours of work per week (both are on the conservative side of the spectrum, really), but thankfully they lowered my workload toward the end of January and let me work from home in the 2 weeks leading up to the bar."

- Repeat Survey Respondent, Failed Second Time

"Finding time to complete all the assignments. Also, I had family stress [...] my mom is disabled and I felt guilty studying so much and not spending as much time helping around the house."

- Survey Respondent, Failed First Time

"Working full time and studying was very challenging. Initially, I was only able to study 6 hours a day after work. I resigned from my job at the end of June to devote all my time to studying for the exam."

- Survey Respondent, Failed First Time

The upside is that second-time candidates who spent more time studying for the second exam compared to the first increased their likelihood of bar passage, even if they were working or had other extenuating circumstances. This signals to all candidates—whether first-time or repeat—that dedicating sufficient time for bar preparation can pay significant dividends in improving their odds of bar passage. The challenge, particularly for candidates with work and family responsibilities, is finding sufficient hours for study.

Identifying Time Management Strategies

Despite the difficulty of juggling bar preparation and other commitments, several second-time candidates offered helpful insights regarding their ability to spend more time studying for their second bar exam attempt. Second-time candidates who worked during bar prep reported various methods for increasing their study time, including taking time off during the weeks leading up to the exam date and switching to a part-time schedule. Others teleworked to leverage their commute time for studying or switched to a study location requiring less travel, enabling more time for study.

Most candidates with children cited help from family as their means of increased time for studying. Further, some candidates with children shared that it was difficult to study while their kids were on summer break from school, suggesting that childcare responsibilities can vary depending on the time of the year. This distinction between preparing for the July exam and the February exam hints at potential seasonal challenges associated with making time for bar preparation and could be helpful to consider when offering time management and scheduling advice to first-time takers. Several first-time candidates without family or employment responsibilities noted that their biggest challenge with bar preparation was being tempted to go out and enjoy the summer weather. Given the critical importance of dedicating significant time to bar passage, helping candidates—whether working, parenting, or just studying—identify and implement methods to manage their time and minimize distractions during the bar prep period could help improve both first-time and second-time bar passage rates.

"The first time I took the bar, I was not working. This time around, balancing work and family life (I'm a wife and mom) while studying was extremely challenging. However, I was fortunate enough to be able to take a leave from work in February, so I had that time to study more intensely."

- Repeat Survey Respondent, Passed Second Time

"I was working full-time...I think I took off February...[more] like five weeks. I took all my vacation days for the year and one and a half or two weeks of unpaid time off, which was a little bit stressful financially, but it was okay. And I studied a lot more than I did the first time because I had barely been able to study the first time."

- Focus Group Participant, Passed Second Time

FINDING 2: The quality of time spent on bar preparation is equally paramount to the amount of time spent studying for the exam.

Most candidates understand that bar preparation requires a significant amount of time, but many struggle to maximize their study sessions and make effective use of their bar courses and materials. Learning the “vast amount of material” required for the bar exam was one of the most commonly cited challenges associated with bar preparation for first-time candidates. Relatedly, many candidates shared that it was difficult to know how to allocate study time across subjects and exam sections when preparing the first time.

Although commercial bar preparation courses provide a structured schedule of classes and assignments to help guide bar takers and keep them on track, many candidates found it difficult to appropriately apply the instruction and guidance they received from these courses while preparing for their first bar exam. As explained in detail below, successful second-time candidates reported using their first-time mistakes to improve the quality of their bar preparation efforts when preparing for their second attempt. Their strategies and insights could be helpful to graduating law students and first-time takers who are beginning to develop personalized study plans for the bar exam.

Completion Does Not Equal Comprehension

Many second-time candidates reported feeling misguided during their first bar study experience due to the emphasis some bar prep courses placed on completion rates. Bar prep companies often cite statistics linking the percentage of course completion to a higher likelihood of bar passage, but several candidates shared that they misapplied this information and sacrificed quality of preparation for quantity. For instance, some takers listened to course lectures on double speed to get through them more quickly. Others reported focusing on completing a certain number of practice MBE questions but failing to take time to review their answers to understand why they were correct or incorrect.

“I had the impression that if you completed a certain amount of the material—you completed a certain percentage—then you are going to pass because that’s what their trend was and that’s what we were led to believe. So, for me [it was] an issue of I had to complete this course even if it wasn’t quality completion, so I just was doing things for the sake of ‘Okay, I did that. I completed that’ and not really learning the way I should have.”

- Focus Group Participant, Failed Second Time

“I wasn’t really sitting down and understanding it. I just wanted to complete over 500 or 1,000 [questions] and feel like ‘Oh I accomplished and I’m ready to take it again.’”

- Focus Group Participant, Failed Second Time

“You are doing it but are you mentally doing it? There is a difference between just going through the motions of doing an assignment versus taking something away from it. So, if I had to offer advice to a current law school student, I would say home in on your study habits and study skills and what works for you, and figure that out now.”

- Focus Group Participant, Failed Second Time

These experiences indicate that some candidates may need additional support in balancing the quantity of their bar course completion with the quality of their study efforts.

Custom-Fitting Commercial Bar Prep Courses

Focus group discussions revealed that some second-time candidates felt confined to the structure and methods of the bar preparation courses. Several expressed regret at relying too heavily on advice received from commercial bar preparation companies when they knew it differed from their learning styles and how they had traditionally prepared for exams in law school.

"I think that I deviated from my law school study habits [...] because I was like, 'Well, what do I know about studying for the bar? This is a huge company that is in the business of [preparing you for the exam]; they have these pass rates. We should follow exactly what they are saying.'"

- Focus Group Participant, Failed Second Time

"I didn't know how to study for this so I tried to follow the way that [commercial bar preparation company] said to the tee and it wasn't working for me. But I didn't know what else to do at that point, so I just followed the plan as best as I could and I thought, 'Okay, I will pass if I follow it and do enough.' Unfortunately, that didn't happen."

- Focus Group Participant, Failed Second Time

"When you pay so much for a course, you say, 'Alright, they know what they are talking about.' So, you are not really going to say, 'Alright, let me take a step back and see what I think I need.' So, I wouldn't trust myself and I trusted them. I put all my faith into what they told me to do and it didn't really work out [the first time]."

- Focus Group Participant, Passed Second Time

"Don't forget how you learned or how you excelled in law school in classes that you did the best in. It wasn't just interest, you had to put in some kind of work [...] and knowing how you learned. Some people are visual; some people are auditory. You've got to pay attention to that because it's easy to forget that. You are in the [bar prep] course again thinking, 'Oh, this person is telling me I need to do it this way' and then you are just not doing it the way that you naturally learn."

- Focus Group Participant, Passed Second Time

Similar sentiments were shared among first-time candidates in survey response on what was most challenging to their bar preparation:

"Adapting to the teaching style of bar prep course and figuring out what worked best for me to learn and retain the material [was my biggest challenge]."

- Survey Respondent, Passed First Time

"Figuring out a way to retain all the information was very stressful and as the bar exam got closer anxiety really set in... Towards the end I had to stop following the bar prep course work and just learn the material in my own way in order to get the information memorized."

- Survey Respondent, Passed First Time

Despite these critiques, survey responses indicate that most first-time candidates were happy with their bar prep course.¹⁹ When asked what was most helpful to their bar exam study, most listed their bar prep company by name. Nonetheless, the quantitative analysis of second-time bar passage further demonstrated the dissatisfaction some candidates expressed regarding their initial bar prep course. The study examined whether certain changes in bar preparation strategies correlated to second-time bar exam outcomes.²⁰ Although most adjustments were not statistically significant, **using a different commercial bar preparation company was positively correlated with second-time bar exam passage.** Roughly 26 percent of second-time candidates reported using a different bar prep course than they used the first time. This finding suggests that some first-time candidates may need support in identifying the right bar course for their bar preparation, based on their learning styles and needs. Given the pivotal role these courses play in structuring the bar prep period, matching candidates to the right preparation materials is critical to their ability to make the best use of their study time.

Some second-time candidates remained with the same commercial bar prep course but tailored their bar preparation activities to fit their individual learning styles and address specific areas of improvement. Although **developing and using new self-study strategies outside of a commercial bar preparation course was not a significant influence on second-time bar passage**, many focus group participants shared that they adjusted their self-study strategies to make better use of their study time. Some candidates created a commercial bar prep “cocktail” by supplementing their bar prep course with study aids from other companies and past exam questions. Others reported spending less time on video lectures. Instead, those who identified as more active, kinesthetic learners spent more time outlining, using flash cards and practicing exam questions. Even second-time takers who failed but increased their bar score attributed their improved performance to making these tailored adjustments.

“I ditched [commercial bar preparation company]. The only thing I used were the outlines and then I used [flash] cards. I made an outline out of those and I just memorized them. And I adhered to their schedule in the sense that I did the topics they told me to do at the times they told me to do them, but I did it at my [own] pace. I didn’t do the multiple choice they assigned; I did more essay writing—that’s what I needed to do.”

- Focus Group Participant, Passed Second Time

“A couple of people had mentioned that the videos were not that worthwhile and I agree with that. I mean, it might be helpful if it’s a subject you really don’t know at all and you need to know what’s happening, but I think practice and really knowing what’s going to be showing up on the day of the test is really helpful.”

- Focus Group Participant, Passed Second Time

¹⁹ The analysis controlled for the type of bar preparation company used to account for any differences that may exist based on the course itself.

²⁰ Compared to the first time they prepared for the bar exam, second-time takers were asked to report if they practiced more MBE, MEE or MPT items, took more practice exams, used a different commercial bar prep course, took leave from work, adjusted their work habits (e.g., worked from home), hired a tutor, changed their study habits, utilized new self-study strategies, focused on UBE-specific material, started studying sooner and studied more hours per week. Respondents could check all applicable activities.

"Preparing my own study plan; studying and reviewing materials in my own way, not the method provided by the bar review course; practicing lots and lots of MBE questions and essays; and really studying the law on a substantial level [was most helpful to my bar preparation]."

- Survey Respondent, Passed Second Time

These observations suggest that law students should identify study strategies best suited for their learning styles *while they are in law school* so that they can employ similar strategies during bar prep and identify a commercial bar prep course that best accommodates their preferred learning methods. Candidates who identify and implement individualized self-study strategies and trust their own learning techniques early in the bar preparation process can potentially improve their bar exam performance. Many second-time candidates learned the hard way to stick to the study methods they used to excel in law school, and often received help from tutors, professors and peers to strategically deviate from standard bar course plans after failing the first exam.

"I had ignored my partner's advice the first time around. He had passed his first time in two states, so all he did that summer—the summer we had moved in together was—he just wrote essays and he just did multiple choice and he just checked his answers. He didn't learn anything that did not seem helpful. And he had watched me, my first day of restudying play a video, and said, 'What are you doing?' And it was torts, and he was like, 'What are you doing? You know torts. Stop the video, start doing questions, write an essay. You will learn the law from the questions. Don't read about it, you are not going to retain it.'"

- Focus Group Participant, Passed Second Time

"The school put me in touch with a tutor and the tutor had me do a diagnostic MBE and a diagnostic writing, and without anything else she just looked right through the essays and was like, 'This is your problem; this is exactly why you are not passing.' And that, I thought, was more helpful because it was more geared to the person. For me, watching those videos didn't do anything; writing and filling out those forms didn't do anything. I don't learn by taking an outline and redoing the outline. I just need to keep reading it a bunch of times and [by] talking it through and doing questions and essays, it will just stick. I'm a kinesthetic learner; that's how I am. So for me, it was more about sitting one-on-one with someone, going through my specific issues, and then getting the result. And I think that's why February went so different."

- Focus Group Participant, Passed Second Time

Learning from these second-time experiences, first-time takers can begin customizing their bar preparation experience by developing effective study habits while in law school and forming relationships with trusted advisors who can help them chart their own personalized course to bar passage.

Strategic and Active Learning

In some cases, second-time candidates misjudged the extent to which they needed to change their study approach to achieve bar success. For instance, some second-time candidates underestimated the value of practice and active learning techniques, prioritizing learning the law through lectures and reading instead of completing questions and taking simulated exams. Others assumed listening to video lectures or reading subject reviews would make up for lack of time spent on practice questions. Spending too much time on essays at the expense of multiple-choice questions, or vice versa, was also commonly cited among focus group participants.

"I didn't put as much effort into the MBE first time, but my feeling was, 'I want to understand this subject better' and I learned better. I think I took too much time trying to write out flash cards and try to stick it to memory... I thought it would be safest if I just memorized the materials and then the MBE questions would get easier. [But I was] not understanding [and not] really going through why I got it wrong, why I got it right."

- Focus Group Participant, Failed Second Time

"I started out watching the videos, which [took] about four hours, and then after that they would have you do 33 multiple choice questions and two essays for whatever topic was that day. But then I started to get very overwhelmed. So, if I didn't complete something it's like, 'Alright, what's more important—doing 33 or doing 33 and reviewing?' To me, I needed to review the answer to understand why I got it wrong. So I'd review, but then I would be too tired to like draft an essay. Then [when] you draft the essay you get like a three, five or six and I'm like, 'What? This doesn't make any sense.' So to me it's like, 'Alright, maybe you need to home in on the rule a little more.' And it keeps piling on..."

- Focus Group Participant, Failed Second Time

"I focused a lot on the multiple choice and I kind of neglected the writing and the MPT. I was actually pretty good at the MPT but I didn't really trust myself as much as I should have."

- Focus Group Participant, Passed Second Time

"Honestly, I don't think there was ever a real focus. I was just jumping around too much trying to figure out what should I prioritize. I by no means spent enough time on the MBE portion; I thought that my issue was with the writing and so I would say [that's] where I spent [my time], probably mostly with the writing."

- Focus Group Participant, Passed Second Time

These miscalculations tie directly to the quantitative findings about second-time bar preparation missteps. The analysis showed that **second-time candidates who reported changing their study habits when preparing for their second bar attempt were less likely to pass the bar exam compared to those who did not—44 percent and 55 percent, respectively**. Interpreting this finding is difficult because the survey did not solicit details regarding how candidates' study habits changed from their first bar prep experience to the second. However, as the focus group discussions suggest, deviating from one's natural learning styles or study techniques

can be ineffective and potentially deleterious to bar exam success. In addition, overcompensation for past exam underperformance might help explain this finding. For instance, the quantitative results indicated that **second-time candidates who reported practicing more Multistate Bar Examination (MBE)²¹ items while preparing for their second exam attempt had a lower likelihood of bar passage—17 percentage points less—compared to those who did not make this adjustment.** Second-time candidates who did not report practicing more MBE items when preparing for their second bar attempt compared to the first were 61 percent likely to pass the bar exam; those who did had a 44 percent chance of passing.

Performance on the MBE is weighted at 50 percent in the overall UBE score calculation for New York State, so some candidates may feel compelled to spend more time preparing for the MBE component of the bar exam. However, overcompensation for poor performance on the MBE during the first bar exam attempt may explain why spending more time on multiple choice preparation failed some second-time candidates, particularly if preparation for the written exams was neglected or if candidates completed a higher volume of MBE practice questions without fully absorbing the answer explanations.

Several focus group respondents who failed their second bar exam reported focusing more on MBE preparation because they performed poorly on the MBE section during their first bar exam:

"Considering how big a part of test it is, I don't think I spent enough time on the MBE...I needed to improve with MBE because my written score was as solid as you can get. If you split 266 down the middle I had at least met that, but the MBE—I needed to bank a few more points from that. So that's why I just focused more on MBE the second time around."

- Focus Group Participant, Failed Second Time

"I sort of thought, 'Okay, I just didn't do enough. I need to just do what I did but double the amount of time and effort.' My problem was with the MBE so I thought that would fix my problem. It made it better but it didn't fix it completely."

- Focus Group Participant, Failed Second Time

On the other hand, fewer focus group respondents who passed the bar exam the second time reported performing poorly on the MBE the first time. In fact, a few felt they focused too much on MBE preparation while studying for their first exam attempt. Focus group participants who passed the second time but struggled with the MBE on their first exam used other approaches to improve their score, such as purchasing preparation materials that leverage actual MBE questions from previous bar exams or using Multistate Essay Examination (MEE)²² practice to help with their MBE preparation.

21 The MBE is a 200-item multiple choice exam administered over a period of six hours. The exam is divided into two three-hour sessions.

22 The MEE comprises six essay questions administered during a three-hour period.

"[The second time], I did go through the essay [materials] because I found [them] very helpful even with the MBE, because the essay subjects are also on the MBE."

- Focus Group Participant, Passed Second Time

"The first time, I wasn't able to really get to any of the essay stuff at all. I skimmed a couple of things, but even in the second time, I never fully wrote out any practice essays at all. I did outline a bunch of practice essays the second time around, which I had not had a chance to do [the first time], and I actually found that reading the model answers really helped me a lot—[to] experience the material in a different format. So I was actually sort of studying for both [the MBE and MEE] that way, which I hadn't thought of the first time when I was pretty much fully focused totally on the MBE."

- Focus Group Participant, Passed Second Time

"I also signed up for [commercial bar preparation company]—it's mainly geared toward MBEs—because my score in MBE was not great. So I spent a lot of time, perhaps more time than the first time around, working on MBEs. And you also can get an app on your phone, so I was literally on the train going through the app and answering the questions."

- Focus Group Participant, Passed Second Time

Overall, these results indicate that some candidates need guidance on how to employ active learning techniques and balance their study efforts across the various components of the exam, particularly second-time candidates who are strategizing to improve on areas where they underperformed on their first attempt. The results also suggest that study strategy adjustments and deviations from prescribed bar course schedules and assignments can be helpful if employed efficaciously. As stated above, many candidates who successfully changed their study habits reported receiving help from tutors, professors and trusted peers to help them improve the quality of their bar study. Helping candidates identify and correct ineffective study practices based on their unique learning styles is a significant opportunity that could empower first-time and second-time takers in knowing how to best prepare for the bar exam.

FINDING 3: Time management is a key bar passage strategy. Running out of time on multiple choice and essay items negatively impacts bar exam performance for first- and second-time takers.

Time management during the bar exam was a commonly cited challenge among survey respondents and focus group participants. Many candidates reported difficulty with timing on all three sections of the exam, namely due to insufficient practice under timed conditions, or the use of practice questions and simulations that did not reflect the actual test experience. Inadequate preparation for the timed conditions of the bar exam was a notable barrier to bar success for both first-time and second-time takers. Knowing how to test well within the time constraints of each section is a key factor in increasing the odds of bar passage.

The Influence of Poor Time Management During the Bar Exam

The study results indicate that even when controlling for other factors, **running out of time on the MBE was negatively associated with bar passage for both first-time and second-time takers.** Twelve percent of first-time candidates and 19 percent of second-time takers reported having this exam experience.²³

"[On] the MBE on the second day, I probably left like 15 to 20 questions blank. I tried to scribble in as much as I could at the end and it was a bust."

- Focus Group Participant, Passed Second Time

"The multiple choice [...] there were a few, maybe like six questions at the end, where I just had to fill in random bubbles."

- Focus Group Participant, Passed Second Time

On average, first-time candidates who failed to complete the MBE section within the allotted time would have increased their likelihood of bar passage by eight percentage points if they had finished the exam (Figure 5). The differential was much greater for the average second-time candidate—those who reported running out of time had only a two in 10 chance of passing the bar exam compared to a four in 10 chance for those who did not—a 20 percentage-point difference.

Of the exam-day scenarios presented on the survey, only running out of time on the MBE section of the exam significantly influenced second-time bar passage.²⁴ However, **not completing the MEE was also negatively associated with first-time bar exam passage, lowering the probability of bar passage by an average of four percentage points for those who did not complete the exam (Figure 5).**

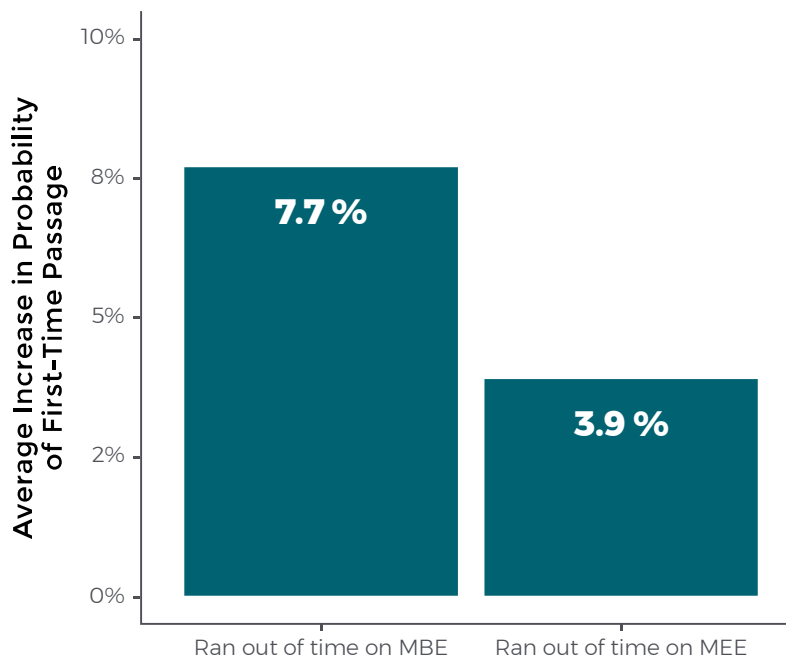
23 Questions about the exam experience were introduced in the July 2017 for first-time takers. As a result, 2,847 first-time candidates—52 percent of the total first-time candidate sample—answered these questions.

24 See footnote 21.

"[The first time] I found myself thinking of not having enough time to get through the essays and I hit one, two essays and found myself with no time. And it really perturbed me a little because we started with the MPTs and I got through the MPTs fairly well but when it came to those essays, it was like I had no time. I got through one or maybe two and that was it."

- Focus Group Participant, Passed Second Time

Figure 5: Average Increase in Estimated Probability of First-Time Bar Passage if Candidates Who Ran Out of Time on the MBE and MEE Completed the Exam



Finally, the findings indicate that candidates tend to underestimate their completion and performance on the Multistate Performance Test (MPT)²⁵ due to lack of adequate practice and guidance during bar prep. Several first-time candidates reported feeling underprepared for the MPT because their bar prep company did not provide many opportunities for practice and offered limited guidance on the test. As a result, candidates were unable to determine whether their answers were sufficient to complete and pass the MPT. These experiences contextualize and explain the counterintuitive finding that **running out of time on the MPT was positively associated with first-time bar passage**.²⁶ It is likely that candidates who felt they had not completed the MPT may have, in fact, adequately answered both items, but could not accurately assess their performance on the

25 The MPT includes two "case file and library" items to be answered during a three-hour period.

26 Aside from those noted in the report, other exam experiences evaluated on the survey were not found to be significantly correlated to bar passage. Candidates were also asked whether they experienced any of the following during the bar exam: distracted by others in the room, saw questions/topics that I was unprepared to answer, felt like I did not study the right material, felt uncomfortable in the physical space, and had trouble sitting still. These exam experiences were not found to be statistically significant in predicting bar passage.

test due to their lack of familiarity with the format and the limited feedback they received while practicing during bar prep.

When asked what was most challenging about preparing for the bar exam, candidates shared the following regarding the MPT:

"Preparing for the MPT/MEEs. My bar prep company spent so much time prepping for the MBE, but not as much for writing."

– Survey Respondent, Failed First Time

"The MPTs because there weren't many MPTs on the [bar prep] course to practice with."

– Survey Respondent, Passed First Time

"MPT because it was a new format for me. I struggled with time. I have done memos and drafted legal papers but never on such a short time limit."

– Survey Respondent, Passed First Time

"Lack of feedback regarding MPTs were least helpful [to my bar preparation]."

– Survey Respondent, Passed First Time

These comments indicate the need for additional guidance and support for MPT preparation among first-time bar candidates. Law schools and bar examiners can work together to provide banks of practice questions and model answers to inform candidates on how best to approach the MPT.

Strategies for Effective Timed Practice

According to focus group discussions and survey comments about bar preparation challenges, timing issues on exam day largely stemmed from inadequate timed practice. Some candidates admitted to doing practice questions at their own pace rather than within the specified time limits. Other candidates felt the practice MBE questions administered in their commercial bar prep courses were shorter and more straightforward than those on the actual bar exam. As a result, they were not prepared for the length and depth of the multiple-choice questions they encountered on exam day.

"Whenever [commercial bar prep company] gave a practice [MBE], for the majority of them I didn't stay in the time limit because I was taking my time instead of putting myself to time limits."

- Focus Group Participant, Failed Second Time

"On the first time, I had a pretty good MBE score but I wasn't finishing it... [For] the second one, I tried to be better at timing, but I know it was because I didn't have enough time to take practice tests ... so it's not just studying but more of sitting down and then [timing yourself]. So, the third time I hired a tutor and I constantly worked on making everything under a timed condition."

- Focus Group Participant, Failed Second Time

"I didn't feel like the questions that I had been studying matched the phrasing—I kept getting these very short-stem questions with relatively short-stem responses. [But then] I looked at the test and I was like, 'What is with these giant paragraph questions that seemed to appear everywhere?' That made me panic. I don't read that quickly and the first time I took it, I massively ran out of time. The second time, I still ran out of time but by less, and it wasn't until the final time that I took it that I actually completed the full test."

- Focus Group Participant, Failed Second Time

"[Commercial bar preparation company] was just not for me, especially with the multiple-choice section. [It] was just worlds away from the real thing."

- Focus Group Participant, Failed Second Time

First-time candidates also reported feeling ill-prepared for the MEE based on the practice essays they completed during bar prep. While some candidates shared that they did not complete enough graded essay assignments to adequately prepare, those who did felt they did not receive enough guidance and feedback to properly structure their essay responses and complete them within the time limits. In addition, a few focus group participants reported running out of time because they felt compelled to write more than necessary to demonstrate their subject knowledge and score additional points.

"[When reviewing] my essays [from] the first time, my tutor for the second time was like, 'How did you have time to write this much?' They were three to four pages each, so I just brain-dumped for every single topic. So, I ran out of time."

- Focus Group Participant, Passed Second Time

"During the [commercial bar preparation company] prep, they made it seem like if you didn't know something, or you were stuck on an essay, you should just put anything and everything you know so you can get points from anywhere. In the July test, I ended up failing by 10 points and I had 15 minutes to do three essays and each essay had three parts. So it is almost like nine questions in 15 minutes, and I got as much as I could but there was no way that I was going to finish it. So I think that was a really big problem because I thought during the prep they were specifically like, 'Just put anything and everything you know,' and that is actually how I failed."

- Focus Group Participant, Passed Second Time

"The most difficult part was the MEE section because I was told in bar prep courses that there will be one essay at most that has multiple topics within it. However, on this particular exam, all of the MEE questions were multiple-topic and it was so difficult to keep everything straight."

- Survey Respondent, Failed First Time

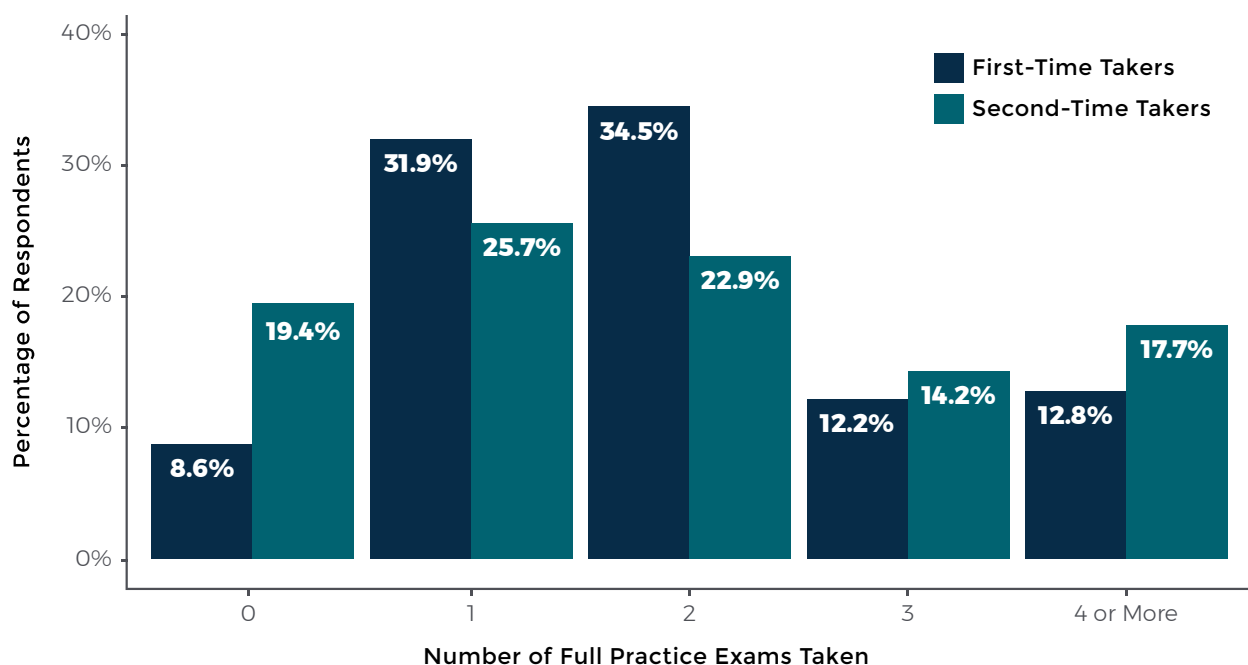
"The most challenging aspect of bar prep was finding essays that I could use as a practical model. All the model essays that I found were something that I could write with unlimited time, but not something I could write in 30 minutes. I could never gauge if what I wrote was good enough to pass."

- Survey Respondent, Passed First Time

Overall, these reported challenges with bar exam timing illustrate the value of completing simulated exams and practice questions that closely approximate the rigor of the actual bar exam. They also indicate the importance of practicing exam questions in an environment that simulates timed testing conditions. In addition, grading and feedback of practice exams should be thorough and accurate enough to help candidates appropriately allocate time across the MEE questions and properly gauge the amount of detail required to demonstrate their knowledge of the law.

To further assess the influence of timed practice exams, NYBOLE advised AccessLex to introduce a survey item on the July 2017 and February 2018 questionnaires asking candidates to report the number of full practice exams (simulated bar exams) completed during bar preparation. Ninety-one percent of first-time takers and 80 percent of second-time candidates reported completing at least one simulated exam (Figure 6).²⁷

Figure 6: Practice Exam Completion Among First-Time and Second-Time Candidates



Although taking at least one simulated bar exam was positively associated with first-time bar exam passage, the number of simulated bar exams taken was not significantly correlated with first-time or second-time bar exam passage.²⁸

Nonetheless, candidates' comments in the questionnaire and focus groups suggest that simulating timed conditions and utilizing "real" exam questions while preparing for the bar is beneficial.

²⁷ Out of a possible 2,847 first-time candidates and 251 second-time candidates who received and answered this survey question.

²⁸ Again, logistic regression models examine the influence of a factor when all other variables are considered. In this case, the number of practice exams had little influence on bar exam passage when other candidate characteristics and behaviors were accounted for.

"The value in doing real questions—real MBE questions—is that you're going to get the most value out of practicing what has already been on the exam. Also, just learning the rule of law isn't going to help you unless you see how they test that rule; you need to see how it comes up and you need to be able to identify the patterns in the way that they test that rule because there are patterns in the exam. And once you have seen enough of the type question then you are going to be getting those answers right. So that was definitely my issue—I hadn't seen it enough to understand what they are testing or where they are going with the question."

- Focus Group Participant, Failed Second Time

"I fell behind a little bit on the [bar prep] program and I don't think I practiced enough actual MBE questions either. So I was just kind of focusing on the law subjects I thought would be on the exam and I learned that I needed to do more practice exams."

- Focus Group Participant, Failed Second Time

"The NCBE questions released about two weeks before the exam [were most helpful to my bar preparation]. They were the closest to a real question that I got. It was a lot more realistic than any bar prep course's questions."

- Survey Respondent, Passed First Time

"Doing the simulated MBE helped me. There was definitely a moment in both sessions where I started panicking. I thought, 'How could this go on much longer?' And 'How could it be possible to have this much time remaining?' And, also, 'How could I not be moving faster?' But I would say that when I took the bar for real, when I started panicking—[having] the same claustrophobic feeling about how to get out of here—it was fine because I expected the panic. So I was able to observe that I was panicking, but keep going through it."

- Focus Group Participant, Passed Second Time

Knowing what to expect and how to approach each section of the exam is critical for bar success. Those advising and supporting first-time candidates with bar preparation should continue to encourage completion of timed practice tests and simulated exams—particularly those offered at the test site or similar environments—and provide additional resources directing candidates to past exam questions and explanations to help further demystify the actual bar exam experience.

FINDING 4: Positive law school experiences can have a lasting influence on candidates, possibly improving their bar exam performance.

As the previous findings demonstrate, the period between law school graduation and the first day of the bar exam is critical for first-time bar exam success. However, preparation for the bar exam begins much earlier, starting with the formative experiences gained in law school. To assess whether law school student engagement and satisfaction influenced bar exam passage, the study collected information on candidates' participation in various law school activities and analyzed their correlation with bar passage when accounting for other factors.²⁹

Student Engagement and Satisfaction May Contribute to Bar Success

The study results show that **law journal participation is positively correlated with first-time and second-time bar passage**, even when considering other variables, such as LSAT score, hours spent studying for the bar exam, and other proxies for high academic performance such as receiving support from a law firm while studying for the exam. First-time candidates who reported law journal experience had a six-percentage point higher probability of bar passage compared to those who did not; likewise, second-time candidates who reported law journal experience were 16 percentage points more likely to pass the bar exam compared to those who did not report law journal experience.

These findings are consistent with other emerging research linking student engagement to bar passage. Austin et al. (2017) found that law journal participation was positively correlated with Texas bar exam scores for graduates of Texas Tech University School of Law.³⁰ However, as the authors note, this finding may be “the result of student self-selection” or “other individual cognitive and achievement variables common to those students electing and chosen to participate in journal activity.”³¹ Law journal participation often requires a high law school class rank and strong writing skills—characteristics that are also favorable for bar passage.³² As a result, it is unclear whether the skills developed through law journal participation contribute to bar exam passage or if the characteristics of journal participants explain this relationship. Nonetheless, the significance of law journal participation for second-time bar exam passage further underscores the benefit of this particular form of co-curricular engagement during law school and, possibly, of time devoted to the production of publication-quality legal writing while enrolled in law school.

The NYBOLE/AccessLex survey also asked candidates to rate their satisfaction with their law school experience on a seven-point scale from extremely dissatisfied to extremely satisfied. **For both first-time and second-time takers, those who reported higher satisfaction with their law school experience were more likely to pass the bar exam.**³³ As noted for

29 In addition to law journal participation and law school satisfaction, which are discussed in the report narrative, the survey also asked candidates to report on the following law school experiences: clinic and mock trial participation, having a job, serving as a law student group leader, having a mentor during law school, and participating in a law school course on bar preparation. These activities were not significantly associated with bar exam passage.

30 Austin, K., Christopher, C., & Dickerson, D. (2017). Will I pass the bar exam?: Predicting student success using LSAT scores and law school performance. *Hofstra Law Review*, 45(3), 753-784.

31 *Id* at 780.

32 The study did not collect candidates' law school GPAs or grade data, so the models could not directly control for the influence of academic performance in law school.

33 Sixty-three percent of first-time candidates in the sample reported being satisfied or extremely satisfied with their law school experience.

law journal participation, this finding warrants further exploration to better understand the nature of this relationship—whether students who are more satisfied with law school are more predisposed to perform well academically and on the bar exam, or whether characteristics of the law school experience enhance bar exam performance.

A review of the survey data offers preliminary insight into factors related to law school satisfaction. When controlling for race, gender, LSAT score and law school selectivity, law school satisfaction was positively correlated with attending one's first-choice law school, law journal participation, mock trial participation and serving as a law student group leader.³⁴ Law school administrators can further evaluate student engagement at their institutions to determine the extent to which academic and co-curricular activities contribute to skill-building that can help their students succeed on the bar exam and in legal practice. Further, law schools can leverage their findings to develop programs and initiatives to ensure that all students participate in value-added experiences that contribute to preparation for the bar exam and the practice of law.

The Role and Influence of Law School Relationships

Student engagement and positive law school experiences can also influence bar preparation in subtle ways that are difficult to quantify, particularly when trying to assess the social capital gained from being part of a law school community. Student engagement and supportive campus climates often foster meaningful relationships among students as well as between students and the administration and faculty. The benefits of these relationships were evident in many of the survey responses candidates submitted to the question, "What and/or who was most helpful to your preparation for the bar exam?"³⁵ Many first- and second-time candidates named law school deans, professors, classmates, study groups, courses, library access and other school-based resources in their responses, demonstrating their significance and lasting impression beyond graduation. Focus group participants also described support they received from their law schools during the bar preparation period.

"I immediately contacted the Dean of my law school and told her I failed and asked her what she thought I should do. And she told me about this course that's specifically designed for people who are retaking the bar, so I signed up for that course."

- Focus Group Participant, Passed Second Time

"Our bar prep class professor who was there for us all summer and ran workshops for us in addition to our commercial bar prep courses. She was the most amazing resource and I cannot imagine having done this without her help."

- Survey Respondent, Passed First Time

"Being offered a stipend from my law school in exchange for completing a certain percentage of my bar prep course provided very helpful motivation to stay on track"

³⁴ Based on the results of a linear regression model using responses from the first-time candidate sample, which explained 19 percent of the variation in law school satisfaction.

³⁵ The question was slightly different for the July 2016 survey: "What factor or factors did you find to be of the most benefit to you in your preparation for the bar exam?"

while studying, and helped to alleviate some of the financial burden of preparing for and taking the bar exam."

- Survey Respondent, Passed First Time

"I created a circle of past alumni that passed the bar exam the year before me. I used them as my mentors and talked with them when I needed advice. I also remained in my same study group that I was in for law school. We checked in on each other daily."

- Survey Respondent, Passed First Time

These attributions illustrate the impact that positive law school relationships, engagement and experiences can have on graduates during the bar preparation period, even for second-time candidates. They also demonstrate the value of maintaining these connections after graduation, particularly while preparing for the bar exam. Further, the diversity of the resources and relationships referenced in these comments indicates that bar "mentors" and support can be found in a variety of places—whether through formal law school programming or organic networks fostered by the candidates and/or their institution.

FINDING 5: Completing elective courses in bar-tested subjects was not strongly associated with first-time or second-time bar exam passage.

Starting bar preparation can be especially daunting for recent law graduates who did not complete courses in bar-tested subjects. Although taking classes in every bar-tested course is uncommon for most law students, the focus group discussions and survey responses suggest that some candidates experience anxiety and difficulty during bar preparation due to their lack of familiarity with bar subjects they did not master during law school. Having to learn new material in a condensed time frame was a notable challenge for many first-time candidates.

"[I] felt like there was too much information to learn. I didn't take classes on the subjects while in law school."

- Survey Respondent, Passed First-Time

"I did not take many bar preparation classes in law school and the first time I was introduced to a lot of the material for the bar was in the weeks just before the exam, which was a bit overwhelming. I wish my school had prepared me better and that I took bar-specific courses in law school."

- Survey Respondent, Passed First-Time

"In terms of curriculum, I feel like those [bar-tested] subjects should be required. That's just my opinion. I think that if they're required and you see the material at least once before in your law school career, the first time you go in studying for the bar, it's not as overwhelming."

- Focus Group Participant, Failed Second Time

"I had to take all these courses that other law schools did not require and as ridiculous as it may sound, the fact that I had to take them forced me into getting some type of sense of what to expect on the bar. Secured transactions petrified me in law school, but by the time I studied for the bar, I knew what to expect and that's really what helped me a lot and that's why I went to law school."

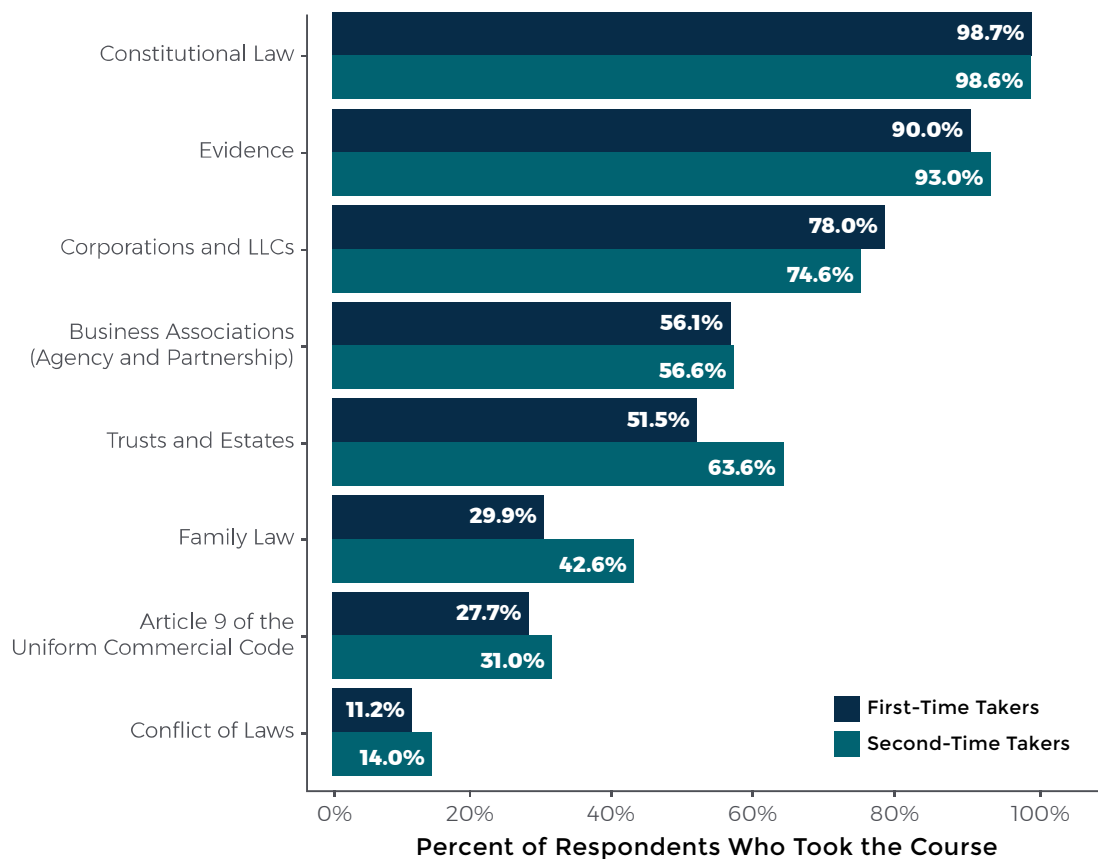
- Focus Group Participant, Passed Second Time

The Influence of Required and Elective Courses on Bar Passage

To examine the influence of law school courses on bar exam passage, the NYBOLE/AccessLex survey asked respondents to report whether they completed a course in any of the following eight (out of 12 total) subjects tested on the UBE: Article 9 (Secured Transactions) of the Uniform Commercial Code, Business Associations (Agency and Partnership), Conflict of Laws, Constitutional Law, Corporations and Limited Liability Companies, Evidence, Family Law, and Trusts and Estates. However, the study found little evidence that course completion was correlated with first-time or second-time bar exam outcomes.

Completing a course in Corporations and Limited Liability Companies was positively related to first-time bar passage. Taking an Evidence course was also found to be statistically significant—on average, first-time candidates who completed the course had a 2.5-percentage point greater likelihood of first-time bar passage.³⁶ Most first-time candidates reported taking these courses during law school—78 percent and 90 percent, respectively (Figure 7).

Figure 7: Completion of Bar-Tested Law School Courses Among First-Time and Second-Time Candidates



As found for first-time takers, completing an Evidence course was positively associated with second-time bar passage, but again, most candidates (93 percent) reported taking it. **Completing a course in Conflict of Laws was also positively associated with second-time bar passage** but only 14 percent of second-time candidates reported doing so. **Other law school courses were not found to be statistically significant with first- or second-time bar passage.**

In addition to assessing the relationship between bar passage and each individual course included in the questionnaire, the study also examined whether the number of courses taken in these bar-

³⁶ Completing a course in Evidence or Corporations was not found to be significant in the first-time model with July 2017 and February 2018 takers, which accounted for debt borrowed for law school, exam experiences and the number of practice tests completed during bar prep. (These factors could not be accounted for in the full first-time model since these questions differed or were not yet introduced on earlier versions of the survey.) Lack of significance of these courses in the model could be due to its smaller sample size or the reduced strength of the correlation when other factors are taken in account.

tested subjects significantly influenced first- or second-time bar passage. However, **the number of courses taken was not found to be statistically associated with bar passage for first- or second-time takers.**

These findings should be interpreted with caution, as some law students may be well-served in taking more electives in subjects tested on the bar exam based on their individual preferences and circumstances. Consider the following statement from a survey respondent who passed the first-time:

"First, taking certain recommended 'necessary bar classes' in law school beyond the first-year mandatory curriculum—such as Corporations and Business Associations, Evidence, and Trusts and Estates—made preparing for the bar exam a lot easier because the two-day [commercial bar preparation course] treatment and questions on each of those subjects, in my opinion, can't provide the depth of understanding that a full course can. I'm sorry I didn't take Criminal Procedure and Secured Transactions for that reason because I had a really hard time wrapping my head around and memorizing those subjects. Some people balk at taking 'bar classes,' and some other people overdo it by going through law school with that as their curriculum guide, but I think that they are important and make life so much easier."

Further, the courses assessed in the AccessLex/NYBOLE survey were not inclusive of all subjects tested on the Uniform Bar Exam; other courses omitted from the analysis may have yielded different results. In addition, the study could not reliably obtain information on candidates' course grades in these subjects. As a result, the analysis did not account for academic performance in completed courses, nor could it assess whether course completion and/or performance correlated with performance on subject-specific items on the bar exam. Other research suggests that course performance in certain bar-tested subjects can impact either overall bar exam performance or performance on specific exam subjects and questions.³⁷ Additional research and assessment within other jurisdictions or within specific law schools is required to more fully investigate and better understand the influence of law school curricula on bar exam passage.

A Note on the Impact of Law School Bar Preparation Courses on First-Time Bar Passage

The study also asked candidates to report whether their law school offered a bar preparation course and if they completed it, if offered. Nearly 25 percent of the first-time candidate sample reported taking a bar preparation course that was offered at their law school, and of those, 91 percent reported the course was helpful or somewhat helpful. Although several candidates named their law school's bar course as most helpful to their preparation for the bar exam, **completing a law school prep course was not statistically correlated with first-time bar exam passage.** Nonetheless, the survey responses lauding law school bar preparation courses and services indicate the value of these offerings for individual students. Given the variation in the law schools and students represented in this study, law schools offering bar preparation courses and

³⁷ See footnote 30.

related services should conduct their own assessments to determine if their programming is meeting desired outcomes for their students.

"My law school's bar study class [was most helpful to my bar preparation]. Knowing the logistics of exam day was a huge help. Also, being able to spend an entire semester learning how to study for the bar exam was invaluable."

- Survey Respondent, Passed First-Time

"The course offered by my law school was essential in understanding how to write MPTs."

- Survey Respondent, Passed First-Time

"Having a law school course that provided a preview of the kind of work we would be immersed in during the bar preparation period leading up to the bar [was most helpful to my bar preparation], and having a mentor who was able to affirm that the steps I was taking towards preparation were the correct ones."

- Survey Respondent, Passed First-Time

FINDING 6: Managing non-academic factors such as debt, unemployment, mindset and significant life events is a critical aspect of bar exam preparation.

Academic experiences in law school and bar preparation behaviors and strategies have a clear and expected impact on bar passage. However, the influence of life circumstances and situational factors are less evident and can be difficult to manage or anticipate when developing a bar preparation plan. As noted earlier in the report, employment and family duties can infringe on candidates' ability to study and focus on the bar exam. In addition, concerns about finances and unemployment can divert candidates' attention from bar preparation.

The Right Balance of Financial and Family Assistance Can Support Bar Success

To assess the financial status of first-time and second-time candidates, the study questionnaire asked respondents to report their individual income, household income and how they financed their bar preparation period since many candidates—mostly first-time takers—are usually unemployed while studying for the exam. A few notable findings emerged for first-time takers. First, **individual income was not a significant influence, but household income was positively associated with first-time bar passage, as was receiving financial support from family and friends while enrolled in law school.**³⁸ The amount of financial support received from family and friends was also positively related to first-time bar passage. Since most first-time candidates were unemployed while preparing for the bar, it is likely that those who had financial support from their families and household income were better positioned to study without financial worry, increasing their odds of success.

The analysis also found that **first-time candidates who financed their bar preparation with support from a law firm were more likely to pass the bar exam.** These candidates had a three-percentage point greater likelihood of first-time bar passage than those who did not report receiving law firm support. First-time takers whose law firms supported them are likely graduates who maintained high GPAs in law school and likely possess other characteristics, such as higher levels of motivation, particularly given their employment status, and more confidence with taking standardized tests. In addition, law firms sometimes pay or provide compensation for housing and other costs, enabling those receiving law firm support to study for the bar exam without having to work or worry about living expenses. Further, these candidates are able to study for the bar exam without the added stress of finding a job. **Other reported means of financing bar preparation, including loans, money from savings, working for a bar preparation company and employment income, were not statistically associated with first-time bar passage.**

For second-time takers, individual income was positively associated with bar passage—those who reported higher annual earnings had a higher probability of bar passage. Forty-three percent of the sample reported annual earnings of \$50,000 or more. The significance of individual income may be due to the characteristics of higher-earning,

³⁸ Household income was not significant in the model that excluded July 2016 and February 2017 first-time takers, which accounted for debt borrowed for law school and exam experiences, such as running out of time on the test. Receiving financial support from friends and family was found to be statistically significant in all first-time models except for the model that only included July 2016 takers; this is likely due to the limited sample size of the model.

second-time candidates and their employment type. Individuals reporting higher annual salaries may receive certain benefits from their employers and work environments that boost their second-time bar exam performance, such as schedule flexibility or experience with practical application of concepts and skills assessed on the bar exam.

On the other hand, annual household income was negatively correlated with second-time bar passage. This finding is difficult to explain but may be due to the distinction between individual and household finances, as well as the nuances of family relationships. Second-time candidates with higher household income could be unemployed dependents of high-income parents, or employed candidates who contribute earnings along with a spouse or partner. In both scenarios, family obligations can sometimes trump bar preparation—especially for second-time candidates who feel pressure to contribute if further drawing upon family resources after failing the first time.

Some second-time candidates living in higher earning households described challenges balancing bar prep with home and childcare responsibilities. For example, a married mother of two shared: “dealing with family commitments (young children) [was my greatest challenge during bar preparation.]” Others living at home with their families shared that it was difficult to find a quiet place to study. For example, a second-time candidate who failed shared: “Family distractions [were my biggest challenge]. I had to lock myself in the room sometimes just to avoid anyone asking me questions.”

Despite the negative correlation of household income for second-time bar passage, the study found that **second-time takers who received financial support from family while preparing for the bar were more likely to pass than those who did not.** This suggests that having the right balance of family and financial support can be helpful for second-time candidates.

Law School Debt, Finances and Other Life Challenges Can Impede Bar Success

In addition to sources of income, the questionnaire also asked respondents to report their educational debt. **Outstanding undergraduate debt did not influence bar passage for first- or second-time takers. On the other hand, law school debt had a significant, negative association with bar exam passage, but only for first-time candidates.**³⁹ Forty-nine percent of the first-time sample reported law school debt of \$100,000 or more, and 17 percent reported debt totaling \$200,000 or more. This finding is particularly notable given that the analysis accounts for LSAT score and other indicators that typically explain high student loan debt balances.⁴⁰ Since law schools often award scholarships based on academic merit, students with higher LSAT scores are expected to have lower debt and better odds of bar passage. However, the influence of debt, even

39 The July 2016 survey asked respondents to report the total amount borrowed for law school. Subsequent surveys asked respondents to report their remaining law school debt balance. As noted in the methodology section, the first-time model was split into two groups to accommodate this and other survey changes, such as the addition of questions about experiences during the bar exam. Law school debt was found to be negatively correlated with bar passage for both groups of first-time takers.

40 Law schools tend to award grant aid based on merit indicators, such as LSAT scores and undergraduate GPA, which often track with high socioeconomic status. See Taylor, A. N., Christensen, C. (2017, February). *Law School Scholarship Policies: Engines of Inequity (LSSSE Annual Results 2016)*. Bloomington, IN: Indiana University Center for Postsecondary Research.

when controlling for academic merit, signals that there may be non-academic factors underlying its impact on first-time bar success. For instance, the bar preparation period coincides with the time when recent law school graduates are anticipating student loan payments, which typically begin six months after graduation. As a result, first-time candidates with higher law school debt loads—particularly those without substantial employment—may feel more pressure and anxiety to pass the bar exam, which could affect their mindset and performance on the test.⁴¹ The additional expenses associated with preparing for and taking the bar exam may exacerbate their financial concerns.

"I owe over \$200,000. I hadn't found a job until recently and my salary doesn't match my loans. I've made almost the same amount of money working at T-Mobile. That's ridiculous. And at the same time, bar prep just took how much money?"

- Focus Group Participant, Passed Second-Time

Even when controlling for LSAT score and demographic characteristics, **first-time takers who reported being unemployed and seeking work after taking the bar exam were less likely to pass the bar than those who were employed in full-time, permanent positions.** Fifty-three percent of first-time candidates in the sample reported full-time, permanent employment, while 18 percent reported seeking work. Other employment categories—part-time or temporary employment, deferred employment, and not seeking work—were not statistically associated with first-time bar passage. **Employment status after the bar exam was not a significant influence on second-time bar passage.**

The disparate impact of these factors on first-time takers could be due to the confluence of the bar prep period with law school graduation and candidates' anxiety about finding a job and entering student loan repayment. Naturally, the job search is top-of-mind for recent law graduates without offers, and unemployed first-time candidates who are preoccupied with concerns about finding a job may approach the bar exam with more anxiety than those with full-time employment on the horizon. As some focus group respondents shared, not having a job while preparing for the bar exam was a major source of stress.

"Having to look for work was freaking me out because I have a six-year old and I can't not have a job."

- Focus Group Participant, Passed Second Time

"Being unemployed, I felt it was very distracting because that's obviously a pretty heavy cloud hanging over your head."

- Focus Group Participant, Passed Second Time

41 Taylor, A. N., Christensen, C. & Rocconi, L.M. (2016, February). *How a Decade of Debt Changed the Law Student Experience (LSSE Annual Results 2015)*. Bloomington, IN: Indiana University Center for Postsecondary Research.

"I have a very supportive family, so financially it wasn't a stress for me, but obviously I wanted a job. I wanted to make something with the degree that I had. And the longer it goes on without a job, the more stressful it gets because the farther out you are, the more people look at your résumé and they will be like, 'Why aren't you working? What are you doing with your time?'"

- Focus Group Participant, Passed Second Time

Beyond unemployment, several first-time candidates shared that financial worry was their biggest impediment during bar preparation. One candidate wrote: "fear of not knowing where my next meal would come from or how I was going to live distracted me from fully focusing on the bar exam." Another shared: "Paying for living expenses while not working in order to study for the bar [was my greatest challenge.]" Other candidates shared that they were unable to forgo employment—whether full-time or part-time—due to financial constraints: "Money and time, which are related, [were my greatest challenges]. I needed to work so I could pay the mortgage on my mom's house. But time spent at work was time I could not spend studying." These statements demonstrate that devising financial strategies for the bar preparation period could be just as valuable as developing study strategies to improve the likelihood of bar success.

Financial difficulty is one of many life circumstances that can challenge effective bar preparation. In focus groups and survey responses, candidates shared a number of significant life events—many of which were unexpected—that interrupted their study schedules. Birth of a child, loss of a home, divorce or a breakup, family death, and personal illness were often cited among the greatest challenges first-time candidates faced while preparing for the bar exam. Nonetheless, most candidates who cited these personal hardships passed the exam, and noted that support from family, friends and bar prep course staff were most helpful to their bar preparation. Consider the following survey comments from candidates who shared their greatest challenges and who/what was most helpful during their bar preparation:

Greatest Challenge	Most Helpful
Boyfriend of seven months broke up with me less than two weeks before the July 2017 bar exam.	Emotional support from friends who were also taking the July 2017 Bar Exam.
I was grieving the loss of my mother.	My brother who was also taking the exam.
I became a first-time mom. I gave birth to my newborn son two months after law school. Also, his dad lives out of state so I was technically a single mom/first-time mom who was studying for the bar and working part-time (three days a week).	The director of [commercial bar prep course] called me two weeks prior to help me re-strategize since I was on the verge of giving up. He helped with key areas to focus my time on and provided personal tips to tackle essays and the MPT.

These survey responses demonstrate the value of having support networks to help candidates cope with personal and emotional distress and remain focused during bar preparation. Finding ways to provide additional support or resource referrals to candidates who encounter financial and situational setbacks should be a chief component of first-time bar passage interventions.

Mindset and Motivational Challenges Can Influence Bar Passage

Attitudes toward the bar exam and motivation to pass may impact bar exam performance. To measure the influence of these factors, first-time candidates⁴² were surveyed on their level of commitment to passing the New York State Bar examination. On a seven-point scale ranging from strongly disagree to strongly agree, candidates were asked to rate their agreement with the following statements:

- Passing the bar is essential to my future career plans.
- I will retake the New York bar exam [on the next exam date]⁴³ if I do not score high enough to be admitted to the New York State Bar.
- I will only retake the New York bar exam if I do not score high enough to be admitted to another UBE jurisdiction.⁴⁴

Of these statements, only the third sentiment was statistically significant in predicting first-time bar passage. **The more a candidate agreed they would only repeat the New York State Bar exam if they did not meet the minimum passing score for another jurisdiction, the lower the likelihood of first-time bar passage.**⁴⁵ Agreement with this statement indicates a lack of commitment to meeting the minimum UBE score for New York specifically, and could also signal lower motivation to perform well on the bar exam given the possibility of transferring a lower score to another jurisdiction.

Motivational challenges were frequently noted in survey responses from first-time candidates describing their greatest bar prep hurdles. Although a few indicated potential loss of interest in practicing law, most comments related to motivation to sustain bar study efforts throughout the preparation period:

"Motivation - no New York Job offers."

– Survey Respondent, Failed First Time

"Could not focus, lacked motivation, lack of desire to continue in a legal path."

– Survey Respondent, Failed First Time

"My ambivalence about becoming a lawyer."

– Survey Respondent, Passed First Time

"Staying focused and motivated when I was not improving during practice."

– Survey Respondent, Passed First Time

"Staying on top of my work and ensuring I was remaining attentive and diligent in my studies was a challenge as the months wore on."

– Survey Respondent, Passed First Time

42 Second-time takers did not receive these questions, as their repeating the bar exam signals their commitment to passing the bar and being admitted in New York State.

43 The survey form included the month and year of the next exam offering.

44 New York requires a minimum UBE score of 266 for bar admission. Only five jurisdictions have a minimum UBE score requirement below New York State's: Alabama, Minnesota, Missouri, New Mexico and North Dakota.

45 The survey of July 2016 exam takers remained open after the exam results were released. As a result, first-time takers who took the survey after learning they had passed are excluded from this analysis.

"The daily grind; having to wake up every day and repeat the seemingly same process over and over was draining."

– Survey Respondent, Passed First Time

"To remain motivated to consistently studying during the beautiful summer months."

– Survey Respondent, Passed First Time

"Staying focused during holiday season. Staying motivated."

– Survey Respondent, Passed First Time

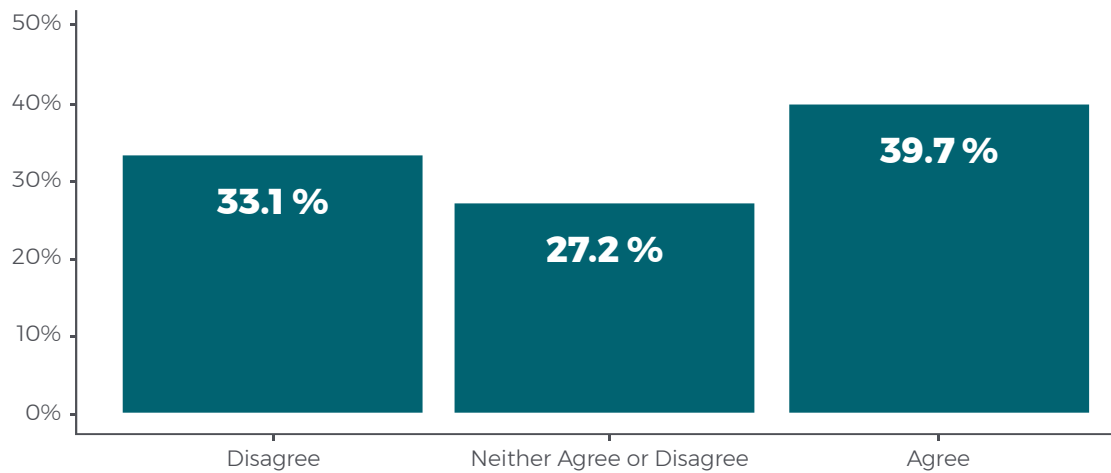
While a few candidates may lack the internal drive required to succeed in preparing for and passing the bar exam, some may just need periodic encouragement to help them remain positive and focused throughout the bar prep period. As noted earlier in the report, many candidates cited support from family, friends, bar prep course staff and their law school community as most helpful to their bar preparation. For example, a first-time candidate who passed shared: "Every few days, my prep course had 'pep talk'-type videos that were very encouraging. Family, friends and classmates who were also preparing for the bar were also very helpful in terms of providing levity and moral support." Maintaining and broadening these forms of support can help boost morale and foster positive mindsets among bar exam candidates.

In addition to questions about their level of commitment to the bar exam, the survey asked candidates to rate their level of agreement with the statement, "I am confident that I passed the New York bar exam."⁴⁶ **Higher levels of confidence in exam performance after taking the bar were positively correlated with first-time bar exam passage.** Candidates who were confident they passed the exam may have felt better prepared and more competent while taking it compared to those who were not confident in their performance. Additional research on the characteristics of confident candidates and their preparation experiences could lend additional insight into strategies leading to first-time bar passage. Specifically, such research could help determine whether confidence in bar exam performance is based on the quality of preparation or more a function of a candidate's historical academic performance or other personal traits.

Further, the gap between the percentage of first-time candidates who reported feeling confident and the percentage who actually passed offers an opportunity to help candidates boost their self-concept and lessen their anxiety during bar preparation. Although nearly 83 percent of the first-time sample passed the exam, only 40 percent somewhat agreed, agreed, or strongly agreed they were confident they had passed; a third (33 percent) of those who passed disagreed with the statement (Figure 8). Perhaps these candidates were managing expectations to avoid disappointment; nonetheless, their sentiments suggest more can be done during bar preparation to help candidates gain a better understanding of what it takes to succeed on the bar exam and how to accurately assess their performance throughout the prep period to improve their confidence and sustain their motivation.

46 Because some July 2016 candidates knew their bar result when they completed the questionnaire, the survey of July 2016 takers read, "I was confident that I passed the July 2016 bar exam immediately after taking it."

Figure 8: Confidence in Bar Passage Among First-Time Candidates Who Passed



Survey responses from first-time candidates further illustrate how limited information and feedback during bar prep can diminish confidence in bar performance. When sharing their greatest bar preparation challenges, many first-time candidates reported struggling with anxiety, specifically due to fear of failure and not knowing if they were adequately prepared for the exam:

"My greatest challenges during bar prep were crippling anxiety at the possibility of failure (due to the bell curve and high percentage of second-time takers who may blow me out of the water) and sleep deprivation (due to long study days and stress)."

— Survey Respondent, Failed First Time

"Anxiety over failure; uncertainty over whether my preparation was enough, on the level of my peers, and whether the material I was covering would be on the exam. Having had challenges in law school and believing that those academic hurdles would be setbacks in my bar prep and predictive of how I would do on the bar exam. Building up my stamina to withstand the two long days of testing."

— Survey Respondent, Passed First Time

"Anxiety of not knowing how well I was preparing for the exam (even though I was studying for 15 hours per day) and the intimidation that my job offer depended solely on the bar result."

— Survey Respondent, Passed First Time

"Not knowing how to study, how much to study or specifically what to study."

— Survey Respondent, Failed First Time

"Because of the way the exam is scaled across all sections and because of the difficulty of scoring MPT/MEE practice tests, there's never a point in bar prep where you can sit down, take a full exam in test conditions, and see how you actually stack up against the target score. Plus, do we even know what the target score is? That sense of never really knowing what we're aiming for, and how we're doing on that rubric, was annoying and I felt lent more anxiety to the process than was necessary. I strongly encourage the bar to adopt clearer scoring guidelines to the extent possible."

– Survey Respondent, Passed First Time

"Both I and many of my friends who have taken the UBE feel that prep course materials differ from the actual questions on the bar exam. That makes it very difficult to feel confident when taking the bar itself. My understanding is that this is because not very many actual questions from past MBE administrations have been released. If more materials could be released, or those who create the questions could work more closely with the bar prep companies to make sure the materials align with the actual exam, that would be the best way to ensure that those who are willing to study diligently can actually pass the exam on the first try."

– Survey Respondent, Passed First Time

These comments, coupled with the lack of confidence reported among first-time takers who passed, reveal an opportunity to better educate first-time bar candidates on what it takes to succeed on the exam.

CONCLUSION

The research findings presented in this report summarize key drivers and barriers for first-time and second-time bar success based on rigorous statistical methods that examine the influence of individual factors when other variables are held constant. In other words, the factors found to be most significant to bar passage are those that are highly correlated with passing or failing even when other candidate characteristics and behaviors are accounted for. Furthermore, this study leveraged data and insights from second-time bar takers to identify strategies that could help first-time candidates increase their odds of bar success.

Overall, the results demonstrate that rigorous, strategic bar preparation leads to success on the bar exam for both first-time and second-time candidates. Those who reported higher weekly average hours of study were more likely to pass the bar exam, whether on their initial or second attempt. On the other hand, working while preparing for the bar exam reduced the likelihood of first-time bar exam passage. Making time for bar preparation can be difficult for candidates with family and financial obligations, but is nonetheless a surmountable challenge if armed early on with the knowledge and strategies necessary to maximize one's availability for studying.

Candidates are best positioned for effective bar preparation when they know how much to study and how to make the most of their study time; however, first-time candidates often reported feeling underprepared or less confident, even after committing long hours to bar preparation activities. Demystifying the bar exam and the criteria for bar success is a critical need that seemingly remains unmet for most first-time candidates. Early exposure to actual test questions and additional graded assignments, particularly for the MEE and MPT, could help candidates feel better prepared on test day.

Broader exposure to simulated tests and practice questions that closely approximate the actual bar exam can also help candidates develop better timing strategies. The report found that first-time candidates who ran out of time on the MBE or MEE were less likely to pass the exam. Second-time candidates revealed that lack of adequate practice—either in number or quality of practice tests and questions—diminished their ability to manage time limits during the bar exam. First-time candidates also noted timing issues and difficulty simulating test conditions during bar prep when describing their greatest bar preparation challenges. Offering additional opportunities for exam simulations and timed practice could be helpful in equipping candidates for bar success.

In addition, candidates need support identifying the right study approaches and customizing bar preparation based on their individual learning styles. Many second-time candidates shared that they deviated from their usual study behaviors to adhere to the instructions and advice of their commercial bar prep courses. While sticking to prescribed study plans may work for some, other candidates may be better served by tailoring their course activities to their specific needs, such as spending more time practicing questions and learning subjects they did not complete or fully grasp during law school. Candidates should also be advised to focus on the quality rather than the quantity of their study. Preoccupation with completing a certain number of questions or a certain percentage of the bar prep course can lead to poor study habits that prioritize completion over comprehension. Candidates should be encouraged to spend time using active learning techniques, such as taking several practice tests in all exam formats, reviewing their answers along with sample answers, and mastering as many of the relevant rules of law as possible in all bar-tested subjects.

Having meaningful, satisfying law school experiences was highly correlated with first-time bar passage. Candidates who reported participating in a law journal and those who reported high levels of law school satisfaction were more likely to pass the exam than those who did not. Although these types of candidates may be predisposed to perform well academically and on the bar exam, the research findings suggest that both the focus and time spent on writing and editing for a law journal, and developing meaningful relationships in law school provide benefits that extend beyond graduation into the bar preparation period. A number of candidates named law school faculty, administrators and other resources as most helpful to their bar preparation. Nonetheless, further research is required to better understand the impact of law school engagement on bar success.

Additional research could also help further understanding of the relationship between bar-tested law school curricula and first-time bar passage. Of the eight subjects evaluated in the study, only Corporations and Evidence were associated with first-time bar exam passage, and only Evidence and Conflict of Laws were correlated with second-time bar passage. Further, completing a law school-sponsored bar prep course was not significantly correlated with bar success. Despite these findings, several candidates shared that taking more courses in bar-tested subjects would have helped them feel less overwhelmed during the bar preparation period. Analyzing completion and performance in bar-tested subjects—both in law school and on the bar exam—could provide more evidence of their relationship to bar passage. Localized assessment of completing a school-based bar prep course could also yield different results than those found in this study.

Finally, the report describes the negative influence of law school debt and unemployment after the exam on first-time bar passage. Several first-time candidates shared that financial worry was their greatest challenge during bar preparation. Many reported working because they could not afford to take two or three months off to focus on studying. In addition, other life circumstances and mindset challenges made it difficult for first-time candidates to remain focused on the bar exam. These findings indicate that bar prep courses and programs should continue to provide support or resource referrals to candidates who encounter these financial or situational setbacks.

Taken together, the results of this study underscore the bar preparation guidance many in legal education emphasize: avoid working while preparing for the exam, treat bar preparation like a full-time job, and complete as many practice questions and exams as possible—especially under timed conditions. However, the findings also demonstrate that the law school experience matters, and that law schools play a significant role in creative supportive environments that are associated with bar passage. Participation in meaningful law school activities that hone writing skills and foster relationships with faculty and other students was found to be correlated with bar passage. However, some experiences and opportunities that positively influence bar passage—such as the option to forgo employment or obtain regular, customized guidance and feedback during bar prep—are not equally available to all bar exam takers. Narrowing these gaps in preparation could create more equitable bar passage outcomes for all candidates. The following recommendations offer a starting point to help law schools, bar examiners and the judiciary understand and address factors that impede bar passage for first- and second-time candidates for bar admission.

RECOMMENDATIONS FOR SUPPORTING BAR EXAM TAKERS

Provide customized guidance and encouragement to help candidates better manage their time during bar preparation, particularly those with employment and other competing priorities.

Life circumstances vary among first-time bar exam candidates, so guidance and strategies for bar exam preparation should consider and address distractions and competing priorities that most commonly detract from time spent studying, such as working or caring for young children. Finding time to study is especially critical for candidates who cannot afford to forgo employment while studying for the bar, as well as parents who struggle to find help with childcare during bar preparation. However, even candidates without these responsibilities encounter disruptions—whether from family members who do not understand the rigor of the bar prep period, or from friends who beckon candidates to socialize during the summer. Those advising bar candidates should continue to help them anticipate and manage these distractions, and assist them in developing a realistic study plan that balances work and family obligations while postponing optional activities that can wait until after the exam.

Specific forms of assistance and encouragement could include requiring third-year law students to draft a strategic plan for how they will approach their bar exam preparation period. Law schools can also provide information sessions for family and friends of bar candidates to explain how they can best support their bar candidate. Such discussions could be particularly beneficial for first-generation college or law students whose families and support networks may not fully understand the intensity and demands required for successful bar preparation. In addition, all law school administrators and faculty should be encouraged to maintain connections and contact with students after graduation to help provide ongoing support and guidance to recent graduates during the bar preparation period.

Help clarify misconceptions about bar preparation and place equal emphasis on the quantity and quality of time spent preparing for the bar exam.

First-time candidates often encounter messaging from commercial bar prep courses encouraging them to practice a certain number of questions or complete a certain percentage of their bar prep course to increase their odds of passing the exam. This guidance is appropriate, but candidates sometimes misinterpret these statistics and focus more on completing or speeding through lectures and practice questions without fully absorbing the material or comprehensively reviewing the correct answers. In addition, some candidates adhere to their commercial bar prep course plan even when it conflicts with their trusted learning and study methods. Several candidates who passed the second time expressed regret at deviating from their study habits when first preparing for the exam. For example, those who identified as kinesthetic learners spent more time practicing questions and less time watching or listening to video lectures when preparing for their second bar attempt.

Although some candidates may be better served deviating from prescribed study plans offered through bar prep courses, not all are knowledgeable enough to make strategic, effective changes to their bar preparation plan. Candidates should be advised to provide feedback to prep course staff when they feel that the course methods are not meeting their needs. They should also be directed to other individuals who can help them better navigate their chosen prep course. Guidance from trusted advisors can also help candidates make wise choices that better maximize their course materials and the time they spend studying for the exam. For example, several candidates shared that having a law school-assigned bar mentor was helpful to their bar preparation, and others

noted the support of law school administrators, professors, alumni and peers. A network of support from those who have passed the bar exam and are knowledgeable of the process can be a helpful lifeline for ensuring that candidates best utilize the many hours they spend studying for the exam.

Continue encouraging active learning techniques, integrating bar exam question formats and preparation into legal education curricula and providing early exposure to actual bar exam questions.

Although this study found little evidence that taking elective courses in bar-tested subjects influenced bar passage, law schools should not discourage students from pursuing courses that expose them to exam topics. As stated earlier in the report, there are several analytical limitations to the elective course finding—namely that students’ performance in these courses was not available. The study was also unable to assess whether course completion in bar topics was correlated with corresponding exam items within each subject.

Several candidates shared in both survey responses and focus groups that it would have been helpful to take courses in exam subjects during law school to alleviate the pressure of having to learn new material in such a condensed time frame for the bar exam. Additionally, some candidates reported that completing these courses in law school was most helpful to their bar preparation. Nonetheless, law schools should continue to use discretion in determining which courses to require for students based on their own assessments and empirical research. Those advising students on course selection should also help them consider the tradeoffs between taking electives in bar-tested subjects and completing courses that may be more aligned with their personal and professional interests.

One potential benefit of allowing students to select elective courses based on their interests is increased student engagement and satisfaction, which were both found to be associated with first-time bar passage. In addition, creating opportunities for students to take part in value-added co-curricular activities—particularly those such as law journal participation that develop legal writing and analysis, professionalism and leadership skills—may be indirect ways to enhance both student engagement and bar preparation.

Law schools could also consider whether their students would benefit from early exposure to bar exam question formats during law school. While there is debate regarding the appropriate amount of integration of bar preparation within the law school curriculum, results of this study indicate that students would benefit from learning techniques and strategies that would allow them to gain comfort and experience taking exams or completing exercises under timed conditions. Further, utilizing expired content from past bar exams would help candidates develop better expectations of the actual bar prep and examination experience.

Implement programs and advocate for policies that increase the affordability of bar preparation.

Results of the study suggest that financial circumstances may influence bar passage outcomes. These findings underscore the need for resources to assist law graduates with securing finances for their bar preparation materials and living expenses. Currently, federal student aid is not available for graduates who are preparing for professional licensing exams. Although federal aid is available to cover exam fees, recent law graduates are ineligible for federal loan assistance that would cover their bar preparation course or cost of living. In addition, graduates may lack the means to secure a bar loan or may be reluctant to accrue additional debt after law school.

Despite these challenges, law schools and state bars can implement or recommend financial assistance programs to help candidates prepare for the costs associated with bar exam preparation. Many law schools encourage students to save for the bar prep period as early as their first year. Continuing these practices and finding creative ways to incentivize students to save throughout law school could help students avoid or diminish financial hardship while preparing for the bar exam.

Expanding availability of direct financial support should be considered as well. Some state bars and legal associations offer a limited number of scholarships to graduating law students to help fund their bar prep course and living expenses. Although smaller in scope, making these types of programs more widely available could help in creating more equitable outcomes for financially disadvantaged first-time bar candidates. In addition, some law schools provide bar exam stipends to help their graduates offset the cost of living expenses. Campbell University Norman Adrian Wiggins School of Law made headlines in 2017 when it launched a crowdfunding campaign to provide stipends to recent graduates studying for the bar.⁴⁷ Law schools should continue to identify ways to reduce costs associated with bar preparation—and the cost of legal education overall—to reduce law students' financial burdens.

Finally, law schools, state bars and the judiciary can collectively advocate for federal and state policies that support affordable student loan financing and repayment options for law graduates to help them manage the anxiety and expense of their law school debt. Advocacy efforts should also push for expanding federal student aid to cover living expenses and other costs associated with preparing for professional licensing exams.

To the extent possible, increase transparency about the bar exam to help candidates—and those who support them—better understand what it takes to succeed.

There are a number of resources available to help candidates for bar admission strategize and structure their bar study approach—from commercial bar preparation courses to law school faculty and staff. Nonetheless, several first-time candidates reported feeling uncertain about how they were performing on practice items and whether their study efforts were adequate. Candidates also struggled to allocate time across bar exam sections and subjects.

The bar exam, like any other standardized or high-stakes test, requires high security and privacy to protect and safeguard its content. However, first-time candidates for bar admission would likely benefit from better education and transparency regarding bar exam scoring practices and question formats. Candidates seemed most anxious about the written portions of the exam—specifically the MEE and MPT—which some perceived to be subjectively graded. They also reported receiving relatively little feedback on their practice for the MEE and MPT compared to the MBE, and often shared that the practice questions provided during bar prep were not true representations of those on the actual exam.

To help further demystify the bar exam for first-time candidates, bar examiners, law schools and other bar passage stakeholders should consider convening regularly to develop and revise the respective resources they provide to ensure that all candidates receive consistent and accurate information about bar exam content. State bar examiners and the National Conference of Bar

⁴⁷ http://www.abajournal.com/news/article/after_two_years_of_relying_on_discretionary_funds_law_school_turns_to_crowd

Examiners⁴⁸ provide practice items on their websites, and some law schools provide their students and graduates with a reference list of free practice items and past exam questions. However, those preparing for the bar exam may not be aware of the free and low-cost resources available to them. Bar examiners and law school administrators can work together to ensure that recent law graduates and other candidates for bar admission are well-informed about the availability of these bar preparation materials. Further, bar examiners can continue educating law schools and students on exam grading and scoring practices to help candidates better understand metrics of bar success and better gauge their performance relative to those standards.

48 <http://www.ncbex.org/study-aids/>

RECOMMENDATIONS FOR FUTURE RESEARCH

The results shared in this report reveal several opportunities for future bar exam research. The most promising next step for building upon this work is to include variables that assess and account for candidates' academic performance in law school.⁴⁹ The NYBOLE/AccessLex survey could not obtain reliable information about law school candidates' academic performance in law school, but future studies could include this information to better isolate candidate characteristics that influence bar exam performance. More specifically, using transcript information to assess performance in courses covering bar-tested topics would provide additional insight into the relationship between completing these courses and bar passage outcomes.⁵⁰ Such studies could also assess whether exposure to bar-tested subjects through co-curricular and extra-curricular programming contributes to bar exam performance.

Future studies of bar passage could also offer insight into how correlates of bar passage influence candidates' scores. NYBOLE and other state bar examiners provide bar exam score information directly to law schools. Faculty, staff and researchers with access to scaled UBE scores can develop linear regression models that predict the extent to which certain factors increase or decrease predicted scores. The findings could provide stronger evidence for practices that potentially improve bar exam performance.

In addition, few bar passage studies focus specifically on repeat taker performance.⁵¹ Bar passage rates among repeat takers are much lower than those of first-time candidates. Additional research on candidates who pass the bar after multiple attempts may provide new and stronger evidence for strategies that improve bar exam performance. As this report demonstrates, the hindsight of repeat takers can provide further clarification on best practices for first-time bar candidates.

Finally, the influence of journal participation and law school satisfaction on bar passage is ripe for future study. As shared in the report, it is difficult to ascertain whether the act of participating in a law journal provides skills and knowledge that contribute to bar passage, or if the academic characteristics of students who are selected for participation drive bar success. Similarly, students who perform well in law school tend to have higher levels of law school satisfaction, so it is unclear whether the link between law school satisfaction and first-time bar passage is more attributable to student characteristics or the law school experience. Law school administrators who regularly assess student engagement at their institutions could leverage their data and programming to disentangle and understand these nuances.⁵² For example, future studies could aim to provide law journal and law review experience to students with lower academic credentials and compare their bar passage outcomes to other students with low GPAs to determine if there is a measurable difference in their first-time bar passage rates. Law schools could also assess whether the correlation between law school satisfaction and bar passage holds when GPA and other academic indicators are considered.

49 The National Conference of Bar Examiners completed a related study in partnership with NYBOLE. See *Impact of Adoption of the Uniform Bar Examination in New York* at <https://www.nybarexam.org/UBEReport.html>.

50 At least two studies at Texas Tech University School of Law and University of Cincinnati College of Law have investigated the relationship between bar exam passage and bar-tested course performance. See Austin, K., Christopher, C., & Dickerson, D. (2017). Will I pass the bar exam?: Predicting student success using LSAT scores and law school performance. *Hofstra Law Review*, 45(3), 753-784; and Farley, A., Swoboda, C., Chanvisanuruk, J., McKinley, & K., Boards, A. (2018). Law student success and supports: Examining bar passage and factors that contribute to student performance. Unpublished manuscript.

51 See Austin, K., Christopher, C., & Dickerson, D. (2017). Will I pass the bar exam?: Predicting student success using LSAT scores and law school performance. *Hofstra Law Review*, 45(3), 753-784; and Yakowitz, J. (2010). Marooned: An empirical investigation of law school graduates who fail the bar exam. *Journal of Legal education*, 60(1), 3-40.

52 At the time of writing, AccessLex is partnering with LSSSE to assess the impact of student engagement indicators on first-time bar passage outcomes.

Appendix A: AccessLex/NYBOLE Questionnaire

Please indicate which of the following is true for you:

1. This was my first time taking the New York Bar Exam.
2. This was NOT my first time taking the New York Bar Exam.

Please indicate when you previously took the New York Bar Exam (*check all that apply*):

[Repeat takers only]

Please indicate when you previously **completed** a survey about the New York Bar Exam (*check all that apply*):

[Repeat takers only]

Bar Exam

Have you been admitted to the bar in another jurisdiction?

▼ Dropdown menu with “No” and a list of all jurisdictions.

Compared to the last time you took the New York Bar Exam, how prepared did you feel taking the [EXAM MONTH / YEAR] test?

1. Much more prepared
2. Slightly more prepared
3. Neither more or less prepared
4. Slightly less prepared
5. Much less prepared

[Repeat takers only]

What did you do differently to prepare for the [EXAM MONTH / YEAR] New York Bar Exam?
(check all that apply):

1. I did not do anything differently to prepare for the February 2018 bar exam. (*exclusive answer*)
2. Practiced more MPT items.
3. Practiced more MEE items.
4. Practiced more MBE items.
5. Took more practice exams.
6. Used a different bar prep course/company.
7. Took a leave of absence from work/quit job.
8. Changed job structure (e.g., worked from home)/took more time off.
9. Got a private tutor.
10. Changed study habits and techniques.
11. Developed and used new self-study strategies.
12. Focused on UBE-specific material and/or UBE exams from other states.
13. Started studying sooner.
14. Studied more hours per week.
15. Other _____

[Repeat takers only. Asked as a separate yes/no question with follow-up open-ended response in July 2016. Changed to current select-all format for subsequent surveys.]

How many full practice exams did you take while studying for the [EXAM MONTH / YEAR] New York Bar Exam?

1. I did not take any practice exams.
2. One
3. Two
4. Three
5. More than three

[Asked only on July 2017 and February 2018 surveys.]

Did you experience any of the following while taking the [EXAM MONTH / YEAR] New York Bar Exam? *(Select all that apply):*

1. Encountered topics/questions I was not prepared to answer.
2. Felt like I didn't study the right material.
3. Ran out of time during the MPT sections.
4. Ran out of time during the MEE section.
5. Ran out of time during the MBE sections.
6. Took the exam on paper but would have preferred to take it on a laptop.
7. Took the exam on a laptop but would have preferred to take it on paper.
8. Felt uncomfortable in the physical space.
9. Had trouble sitting still for the test.
10. Was distracted by others in the room.
11. None of the above. *(exclusive answer)*

[Added for February 2017 and subsequent surveys]

Please indicate the degree to which you agree or disagree with the following statements:

	Strongly Agree	Agree	Somewhat Agree	Neither Agree Nor Disagree	Somewhat Disagree	Disagree	Strongly Disagree
I am confident that I passed the [EXAM MONTH / YEAR] New York Bar Exam	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Passing the bar is essential to my future career plans.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I will retake the New York Bar Exam in [NEXT EXAM MONTH / YEAR] if I do not score high enough to be admitted to the New York State Bar.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I will only retake the New York Bar Exam if I do not score high enough to be admitted to another UBE jurisdiction.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Which bar prep company's course did you **primarily** use for the [EXAM MONTH / YEAR] New York Bar Exam?

1. Did not use a bar prep company
2. BARBRI
3. Kaplan
4. Pieper
5. Themis
6. Barmax
7. Marino Legal
8. Adaptibar
9. Other (please describe): _____

How much did you pay in total for your bar prep course for the [EXAM MONTH / YEAR] New York Bar Exam? (Do not include bar prep programs for previous bar exams.)

▼ \$0 - \$4500

[Written number response for July 2016 survey. Dropdown menus for subsequent surveys.]

What format did you **primarily** use for the bar prep course you took for the [EXAM MONTH / YEAR] New York Bar Exam?

- 1 Live lectures/video lectures that I attended in a classroom/lecture hall each day.
- 2 Online/video lectures that I attended at the same time from home each day.
- 3 Online lecture recordings/podcasts that I viewed/listened to when I had time.

[Only asked on February 2018 survey.]

How did you finance your bar preparation time for the [EXAM MONTH / YEAR] New York Bar Exam (e.g., for living expenses, bar prep materials, etc.)? *(Select all that apply):*

1. Loan(s) - leftover or new
2. Employment income (not extra stipend or advance)
3. Stipend/advance/"interest free loan" from current or future employer
4. Law firm/employer paid for it
5. Worked for bar prep company
6. Scholarship and/or grant
7. Savings
8. Credit card(s)
9. Family support (parents and/or others)
10. Other (please describe): _____

Did your law school offer a bar preparation course that you took or provide you with other academic support or assistance in connection with your preparation to take the bar exam? *(Select all that apply):*

1. Yes, they offered a bar preparation course that I took
2. Yes, they offered other academic support or assistance connected with my preparation to take the bar exam
3. No *(exclusive answer)*

Was your law school's bar prep course a required course?

1. Yes
2. No

Was your law school's bar prep course helpful?

1. Yes
 2. Somewhat
 3. No
-

What was the nature of other academic support or assistance provided to you in connection with your preparation to take the bar exam? *(Select all that apply):*

1. One-time or occasional bar prep classes, workshops, or seminars
2. Regularly scheduled bar prep class(es) or course(s) offered by the school (for credit)
3. Regularly scheduled bar prep class(es) or course(s) offered by the school (NOT for credit)
4. Study habits/test taking skills course, workshop, or seminar
5. Provided additional practice multiple choice and/or essay questions
6. Individual or group mentoring
7. Provided one or more bar prep coaches, counselors, or advisors (besides faculty member)
8. Provided coffee and/or lunch during bar prep workshops/courses
9. 1L refresher course(s)
10. Mock bar exam
11. Student life department that hosted various bar prep activities
12. Other _____

[Asked as a follow-up open-ended response in July 2016. Changed to current select-all format for subsequent surveys.]

Was that support or assistance helpful?

1. Yes
 2. Somewhat
 3. No
-

When did you begin studying for the [EXAM MONTH / YEAR] New York Bar Exam?

1. Prior to graduating law school
2. Immediately after graduating law school
3. A week or so after graduating from law school
4. A couple of months or so before the exam
5. One month before the exam
6. Other (please explain) _____

[First time takers only.]

When did you begin studying for the [EXAM MONTH / YEAR] New York Bar Exam?

1. Before receiving my previous bar exam results
2. Immediately after receiving my previous bar exam results
3. About 2-3 months before the bar exam
4. Other (please explain) _____

[Repeat takers only.]

How many hours per week did you spend studying for the bar exam in [JANUARY OR JUNE]?

1. 0-19 hours
2. 20-29 hours
3. 30-39 hours
4. 40 or more hours

["JUNE" used for July exams; "JANUARY" used for February exams.]

How many hours per week did you spend studying for the bar exam in [FEBRUARY OR JULY]?

1. 0-19 hours
2. 20-29 hours
3. 30-39 hours
4. 40 or more hours

["JULY" used for July exams; "FEBRUARY" used for February exams.]

How many hours per week did you work while preparing for the [EXAM MONTH / YEAR] New York Bar Exam?

1. I did not work while preparing for the [EXAM MONTH / YEAR] bar exam. *(exclusive answer)*
 2. 1-19 hours
 3. 20-29 hours
 4. 30-39 hours
 5. 40 or more hours
-

Was your work law-related?

1. Yes
2. No

How much time did you take off of work - if any - to prepare for the [EXAM MONTH / YEAR] New York Bar Exam? (Hours per week)

1. I did not take any time off of work.
2. 1-10 hours
3. 11-20 hours
4. 21-30 hours
5. 30+ hours

Were you required to spend a significant amount of time caring for the medical needs of any of your dependents or parents while you were studying for the bar exam?

1. Yes
2. No

Did you receive accommodations for a learning or other cognitive disability for the [EXAM MONTH / YEAR] New York Bar Exam?

1. Yes
2. No

What and/or who was **most helpful** to your preparation for the [EXAM MONTH / YEAR] New York Bar Exam?

[Asked as "What factor or factors did you find to be of the most benefit to you in your preparation for the bar exam?" in July 2016. Changed to this wording for February 2017 and subsequent surveys.]

What were your **greatest challenges** while preparing for the [EXAM MONTH / YEAR] New York Bar Exam?

[Asked as "What factor or factors did you find to be the greatest obstacle(s) to your preparation for the bar exam?" in July 2016. Changed to this wording for February 2017 and subsequent surveys.]

Education Background

In what year did you receive your last undergraduate degree?

▼ 1938 – 2016

[Answer options modified slightly depending on test administration.]

What was your LSAT score? (Choose "I did not take the LSAT" if you did not take it or cancelled your only score.)

▼ 120-124 (increments of 5 to 175-179 and then 180 and I did not take the LSAT as separate options)

Please provide the name of the institution where you earned your law degree:

▼ Dropdown menu of ABA-accredited schools and "other" options

[Asked as a write-in answer in July 2016. Dropdown menu in subsequent surveys.]

In what year did you receive your law degree?

▼ Dropdown menu

Law School Experiences

Which best describes the majority of your attendance during law school?

1. Full-time
2. Part-time evening
3. Part-time day

While in law school, did you take a course in *(check all that apply)*:

1. Business Associations (Agency and Partnership)
2. Corporations and Limited Liability Companies
3. Conflict of Laws
4. Constitutional Law
5. Evidence
6. Family Law
7. Trusts and Estates (Decedents' Estates; Trusts and Future Interests)
8. Article 9 (Secured Transactions) of the Uniform Commercial Code
9. None of the above *(exclusive answer)*

Did you participate in any of the following opportunities while enrolled in law school?

	Yes	No
Law clinic	<input type="radio"/>	<input type="radio"/>
Law journal	<input type="radio"/>	<input type="radio"/>
Law-related job or internship	<input type="radio"/>	<input type="radio"/>
Mock trial/moot court	<input type="radio"/>	<input type="radio"/>
Student leadership position (please describe)	<input type="radio"/>	<input type="radio"/>

While in law school, did you have someone in the legal profession whom you would describe as your **primary** mentor?

1. No, I was not mentored by someone in the legal profession.
2. Yes, a law professor/law professors.
3. Yes, an alumnus of my law school.
4. Yes, a judge.
5. Yes, a supervising attorney at a law-related job or internship.
6. Yes, a relative who is in the legal profession.
7. Other (please explain) _____

Did you attend your first-choice law school?

1. Yes
2. No

How satisfied were you with your experience as a law student?

1. Extremely satisfied
2. Satisfied
3. Somewhat satisfied
4. Neither satisfied nor dissatisfied
5. Somewhat dissatisfied
6. Dissatisfied
7. Extremely dissatisfied

If you could do it all over again, would you still go to law school?

1. Yes
2. No

Would you still go to the law school that you attended?

1. Yes
 2. No
-

Education Costs

What was the **total tuition and fees** cost of your law degree, excluding grants and/or scholarships you received?

▼ Dropdown menu

1. Less than \$75,000
2. \$75,000-\$99,999
3. \$100,000-\$124,999
4. \$125,000-\$149,999
5. \$150,000-\$174,999
6. \$175,000-\$199,999
7. \$200,000-\$224,999
8. \$225,000-\$249,999
9. \$250,000+

[Asked as "How much did you spend in total tuition and fees for law school?" on July 2016 survey – answer was write-in. Question and answer format (ranges in dropdown menu) same as current for February 2017 and subsequent surveys.]

Approximately what portion of your total tuition and fees was covered by grants and/or scholarships?

1. 0%
2. 1%-24%
3. 25%-49%
4. 50%-74%
5. 75%-99%
6. 100%

[Asked as "How much did you receive in total grants and scholarships for law school?" on July 2016 survey – answer was write-in. Question and answer format (ranges) same as current for February 2017 and subsequent surveys.]

What, if any, kind(s) of financial assistance did you receive from your spouse/domestic partner, parent(s)/guardian(s), other family members (e.g., siblings, aunts, cousins, etc.), and/or friends while you were pursuing your legal degree? *(Select all that apply):*

1. I did not receive any financial assistance from any individual.
2. Help paying tuition and/or fees
3. Help paying for books or other materials for classes
4. Help paying rent or mortgage
5. Help paying other bills (e.g., electricity, credit cards, etc.)
6. Gave me cash for daily/weekly needs (e.g., food, gas, etc.)
7. Help paying for childcare
8. Other _____

[Asked on February 2017 and subsequent surveys.]

Please estimate how much financial assistance you received IN TOTAL from your spouse/domestic partner, parent(s)/guardian(s), other family members, and/or friends while you were pursuing your legal degree.

▼ Dropdown menu of ranges

1. Less than \$10,000
2. \$10,000-\$39,999
3. \$40,000-\$59,999
4. \$60,000-\$79,999
5. \$80,000-\$99,999
6. \$100,000-\$119,999
7. \$120,000-\$139,999
8. \$140,000-\$159,999
9. \$160,000-\$179,999
10. \$180,000-\$199,999
11. \$200,000 or more

[Asked as "How much assistance IN TOTAL did you receive from your parents, spouse or domestic partner, and/or other family members combined?" on July 2016 survey – answer was write-in. Question and answer format (ranges multiple selection) same as current for February 2017 and subsequent surveys.]

How much outstanding/remaining loan debt do you have from financing your **legal education**?

▼ Dropdown menu of ranges

1. I do not have any outstanding loan debt from my legal education.
2. Less than \$10,000
3. \$10,000-\$24,999
4. \$25,000-\$49,999
5. \$50,000-\$74,999
6. \$75,000-\$99,999
7. \$100,000-\$124,999
8. \$125,000-\$149,999
9. \$150,000-\$174,999
10. \$175,000-\$199,999
11. \$200,000-\$224,999
12. \$225,000-\$249,999
13. \$250,000+

[Asked as "How much did you borrow, in total, to finance your legal education (excluding bar study loans and interest)?" on July 2016 survey – answer was write-in. Question and answer format (ranges multiple selection) same as current for February 2017 and subsequent surveys.]

What is the total outstanding loan debt from your **undergraduate and/or other degree pursuits**?

▼ Dropdown menu of ranges

1. I do not have any outstanding loan debt from any undergraduate or other degrees.
2. Less than \$10,000
3. \$10,000-\$24,999
4. \$25,000-\$49,999
5. \$50,000-\$74,999
6. \$75,000-\$99,999
7. \$100,000-\$124,999
8. \$125,000-\$149,999
9. \$150,000-\$174,999
10. \$175,000-\$199,999
11. \$200,000-\$224,999
12. \$225,000-\$249,999
13. \$250,000+

[Asked as initial yes/no question: "Do you have outstanding loans that helped finance your undergraduate education or your pursuit of other graduate or professional education (excluding law school)? on July 2016 survey. Then follow up question: "How much was outstanding?" – answer was write-in. Question and answer format (ranges multiple selection) same as current for February 2017 and subsequent surveys.]

Employment

Which statement best describes your employment situation?

1. Presently employed full-time, permanent
2. Presently employed full-time, temporary
3. Presently employed part-time, permanent
4. Presently employed part-time, temporary
5. I've accepted a job offer with a later start date
6. I am seeking work
7. I am not seeking work

Is a J.D. degree required for your job?

1. Yes
2. No

Marital Status

Please describe your marital status:

1. Married
 2. Unmarried and living with a domestic partner
 3. Single
 4. Divorced/Separated
 5. Widowed
-

Family Information

Are you the primary caregiver for a disabled or elderly adult?

1. Yes
 2. No
-

How many people are in your household, including yourself?

- 1
 - 2
 - 3
 - 4
 - 5
 - More than 5
-

Did you file/Do you plan to file as head of household on your 2017 tax return?

1. Yes
 2. No
-

How many dependents, other than your spouse/domestic partner or yourself, did you list on your tax return?

- 0
 - 1
 - 2
 - 3
 - 4
 - 5
 - More than 5
-

What is your total annual INDIVIDUAL income, before taxes?

1. Less than \$10,000 per year
 2. \$10,000 - \$14,999 per year
 3. \$15,000 - \$24,999 per year
 4. \$25,000 - \$34,999 per year
 5. \$35,000 - \$49,999 per year
 6. \$50,000 - \$74,999 per year
 7. \$75,000 - \$99,999 per year
 8. \$100,000 - \$149,999 per year
 9. \$150,000 - \$199,999 per year
 10. \$200,000 or more per year
-

What is your total annual HOUSEHOLD income, before taxes?

1. Less than \$10,000 per year
 2. \$10,000 - \$14,999 per year
 3. \$15,000 - \$24,999 per year
 4. \$25,000 - \$34,999 per year
 5. \$35,000 - \$49,999 per year
 6. \$50,000 - \$74,999 per year
 7. \$75,000 - \$99,999 per year
 8. \$100,000 - \$149,999 per year
 9. \$150,000 - \$199,999 per year
 10. \$200,000 or more per year
-

How much do you spend per month on your own personal medical expenses (e.g., prescription medications, medical appointments, medical treatments)?

(Enter whole dollar amount without symbols, commas, or decimals. Enter "0" if you did not spend anything on personal medical expenses.)

How much do you spend per month on medical expenses for your children, spouse, your domestic partner, and/or parents?

(Enter whole dollar amount without symbols, commas, or decimals. Enter "0" if you did not spend anything on medical expenses for family members.)

How much did you spend on tuition and other educational expenses for your children/dependents in the last 12 months?

*(Enter a whole number **without** symbols, commas, or decimals. Enter «0» if you did not spend anything on tuition and/or other educational expenses.)*

Living Arrangements and Expenses

What best describes your living situation?

1. Single, living with parents
 2. Single, living alone
 3. Single, living with roommates or housemates
 4. Single, living with dependents
 5. Unmarried, living with domestic partner only
 6. Unmarried, living with domestic partner and dependents
 7. Married, living with spouse only
 8. Married, living with spouse and dependents
 9. Other (Please describe): _____
-

Are you a homeowner?

1. Yes
 2. No
-

Monthly mortgage payment *(Enter whole dollar amount **without** symbols, commas, or decimals. Enter "0" if you do not pay a mortgage.)*:

Monthly rent (Enter whole dollar amount without symbols, commas, or decimals. Enter "0" if you do not pay rent.):

Demographic information

Year of birth:

▼ Dropdown menu of years

[Asked of all survey takers except those who indicated they completed the July 2016 survey, in which case the information was collected along with their names and full dates of birth at the beginning of the survey.]

Please select your race/ethnicity:

1. American Indian/Alaskan Native
2. Asian/Pacific Islander
3. Black/African-American
4. Chicano/Mexican-American
5. Caucasian/White
6. Hispanic/Latino
7. Puerto Rican
8. Other _____

[Slightly different answer choices and ability to select multiple categories on July 2016 survey. Changed to match NYBOLE collection categories and process for February 2017 and subsequent surveys.]

Gender:

1. Male
2. Female
3. Prefer not to respond

["Prefer not to respond" not listed as answer option on July 2016 survey – present for subsequent surveys.]

Please indicate the highest degree attained by either parent:

1. Less than high school diploma
2. High school diploma
3. Some college
4. Bachelor's degree
5. Master's degree
6. Law degree (JD and/or LLM)
7. Doctorate or professional degree (other than law)
8. Unknown

Appendix B: Exam Taker and Survey Respondent Comparisons

Table B1: Survey Response Rate and Bar Passage Rate Comparison - ABA School Takers and Survey Respondents

	Survey Response Rate	Survey Respondent Total	Survey Respondent Pass Rate	Exam Taker Pass Rate
July 2016				
Total	34.7%	2,527	76.3%	75.0%
First-Time	35.1%	2,185	82.1%	83.0%
Repeat	32.4%	342	39.5%	30.0%
February 2017				
Total	41.4%	977	58.2%	52.0%
First-Time	54.2%	489	72.2%	71.0%
Repeat	33.5%	488	44.3%	40.0%
July 2017				
Total	40.6%	2,748	80.9%	78.0%
First-Time	42.0%	2,413	86.4%	86.0%
Repeat	32.6%	335	41.5%	34.0%
February 2018				
Total	43.3%	920	54.7%	45.0%
First-Time	53.7%	474	73.2%	69.0%
Repeat	35.9%	446	35.0%	29.0%

Table B2: July 2016 Exam Taker and Respondent Comparison - Gender

	July 2016 Exam Takers		July 2016 Survey Takers	
	n	%	n	%
Male	3,544	48.7%	1,157	45.8%
Female	3,605	49.5%	1,370	54.2%
Did not answer	133	1.8%		
TOTAL	7,282	100.0%	2,527	100.0%

Table B3: July 2016 Exam Taker and Respondent Comparison – Race/Ethnicity

	July 2016 Exam Takers		July 2016 Survey Takers	
	n	%	n	%
American Indian/Alaskan Native	NR*	NR	NR	NR
Asian/Pacific Islander	1,074	14.7%	305	12.1%
Black/African-American	683	9.4%	225	8.9%
Caucasian/White	4,317	59.3%	1,655	65.5%
Hispanic/Latino**	604	8.3%	164	6.5%
Other	342	4.7%	177	7.0%
Did not answer	254	3.5%		
TOTAL	7,282	100.0%	2,527	100.0%

*NR indicates that the cell size was too small to report.

**Includes individuals who identified as Chicano/Mexican-American or Puerto Rican.

Table B4: July 2016 Exam Taker and Respondent Comparison – Law Schools

	July 2016 Exam Takers		July 2016 Survey Takers	
	n	%	n	%
New York Law Schools	3,653	50.2%	1,296	51.3%
Out of State	3,629	49.8%	1,231	48.7%
TOTAL	7,282	100.0%	2,527	100.0%

Table B5: February 2017 Exam Taker and Respondent Comparison - Gender

	February 2017 Exam Takers		February 2017 Survey Takers	
	n	%	n	%
Male	1,036	43.9%	423	43.3%
Female	1,273	54.0%	543	55.6%
Did not answer	49	2.1%	11	1.1%
TOTAL	2,358	100.0%	977	100.0%

Table B6: February 2017 Exam Taker and Respondent Comparison – Race/Ethnicity

	February 2017 Exam Takers		February 2017 Survey Takers	
	n	%	n	%
American Indian/Alaskan Native	NR*	NR	NR	NR
Asian/Pacific Islander	335	14.2%	104	10.6%
Black/African-American	421	17.9%	174	17.8%
Caucasian/White	1,132	48.0%	529	54.1%
Hispanic/Latino**	258	10.9%	111	11.4%
Other	126	5.3%	56	5.7%
Did not answer	83	3.5%		
TOTAL	2,358	100.0%	977	100.0%

*NR indicates that the cell size was too small to report.

**Includes individuals who identified as Chicano/Mexican-American or Puerto Rican.

Table B7: February 2017 Exam Taker and Respondent Comparison – Law Schools

	February 2017 Exam Takers		February 2017 Survey Takers	
	n	%	n	%
New York Law Schools	1,156	49.0%	487	49.8%
Out of State	1,202	51.0%	490	50.2%
TOTAL	2,358	100.0%	977	100.0%

Table B8: July 2017 Exam Taker and Respondent Comparison - Gender

	July 2017 Exam Takers		July 2017 Survey Takers	
	n	%	n	%
Male	3,205	47.3%	1,121	40.8%
Female	3,435	50.7%	1,454	52.9%
Did not answer	129	1.9%	173	6.3%
TOTAL	6,769	100.0%	2,748	100.0%

Table B9: July 2017 Exam Taker and Respondent Comparison – Race/Ethnicity

	July 2017 Exam Takers		July 2017 Survey Takers	
	n	%	n	%
American Indian/Alaskan Native	NR*	NR	NR	NR
Asian/Pacific Islander	1,054	15.6%	348	12.7%
Black/African-American	725	10.7%	246	9.0%
Caucasian/White	3,878	57.3%	1,586	57.7%
Hispanic/Latino*	526	7.8%	213	7.8%
Other	319	4.7%	350	12.7%
Did not answer	258	3.8%		
TOTAL	6,769	100.0%	2,748	100.0%

*NR indicates that the cell size was too small to report.

**Includes individuals who identified as Chicano/Mexican-American or Puerto Rican.

Table B10: July 2017 Exam Taker and Respondent Comparison – Law Schools

	July 2017 Exam Takers		July 2017 Survey Takers	
	n	%	n	%
New York Law Schools	3,368	49.8%	1,372	49.9%
Out of State	3,401	50.2%	1,376	50.1%
TOTAL	6,769	100.0%	2,748	100.0%

Table B11: February 2018 Exam Taker and Respondent Comparison - Gender

	February 2018 Exam Takers		February 2018 Survey Takers	
	n	%	n	%
Male	966	45.5%	361	39.2%
Female	1,092	51.4%	454	49.3%
Did not answer	65	3.1%	105	11.4%
TOTAL	2,123	100.0%	920	100.0%

Table B12: February 2018 Exam Taker and Respondent Comparison – Race/Ethnicity

	February 2018 Exam Takers		February 2018 Survey Takers	
	n	%	n	%
American Indian/Alaskan Native	NR*	NR	NR	NR
Asian/Pacific Islander	338	15.9%	111	12.1%
Black/African-American	393	18.5%	168	18.3%
Caucasian/White	952	44.8%	410	44.6%
Hispanic/Latino*	231	10.9%	95	10.3%
Other	120	5.7%	134	14.6%
Did not answer	85	4.0%		
TOTAL	2,123	100.0%	920	100.0%

*NR indicates that the cell size was too small to report.

**Includes individuals who identified as Chicano/Mexican-American or Puerto Rican.

Table B13: February 2018 Exam Taker and Respondent Comparison – Law Schools

	February 2018 Exam Takers		February 2018 Survey Takers	
	n	%	n	%
New York Law Schools	1,047	49.3%	409	44.5%
Out of State	1,076	50.7%	511	55.5%
TOTAL	2,123	100.0%	920	100.0%

Appendix C: Bar Passage Model Summaries

Table C1: First-Time Bar Passage Model Summaries, with Direction of Influence (+/-), Statistical Significance (*) and P-Values Shown

	All Takers	With Law School Debt Borrowed (July 2016 Takers)	With Law School Debt Remaining and Variables Added in July 2017
Finances and Employment			
Weekly Avg. Hrs. Worked During Bar Prep	_*	-	_*
	(0.001)	(0.172)	(0.002)
Amount of Financial Support from Family During Law School	_*	_*	_*
	(0.001)	(0.007)	(0.002)
Received Financial Support from Family During Law School	+*	+	+
	(0.013)	(0.888)	(0.605)
Number of People in Household	_*	_*	-
	(0.001)	(0.001)	(0.215)
Household Income	+*	+*	+
	(0.002)	(0.001)	(0.229)
Undergraduate Debt Remaining	-	+	-
	(0.406)	(0.421)	(0.364)
Law School Debt Borrowed (July 2016 Only)		_*	
		(0.001)	
Law School Debt Remaining (Non-July 2016 Only)			_*
			(0.001)
Employed, Part-Time or Temporary	-	-	_*
	(0.319)	(0.662)	(0.015)
Employed, Accepted with a Later Start Date	+	-	-
	(0.221)	(0.850)	(0.972)
Unemployed, Seeking Work	_*	-	_*
	(0.001)	(0.111)	(0.001)
Unemployed, Not Seeking Work	+	-	+
	(0.911)	(0.963)	(0.593)

Law School Experiences			
Worked at Law Clinic During Law School	-	-	+
	(0.983)	(0.293)	(0.991)
Worked at Law-Related Job During Law School	-	-	+
	(0.905)	(0.539)	(0.757)
Participated in Law Journal During Law School	+	+	+
	(0.001)	(0.001)	(0.001)
Took Corporations Course	+	+	+
	(0.061)	(0.008)	(0.779)
Took Business Associations Course	-	-	-
	(0.643)	(0.707)	(0.832)
Took Constitutional Law Course	-	+	-
	(0.611)	(0.897)	(0.167)
Took Evidence Course	+	+	+
	(0.012)	(0.008)	(0.256)
Took Trusts and Estates Course	+	-	+
	(0.698)	(0.294)	(0.296)
Took UCC (Article 9) Course	-	-	-
	(0.120)	(0.185)	(0.795)
Took Conflict of Laws Course	+	-	+
	(0.741)	(0.657)	(0.672)
Took Family Law Course	-	-	-
	(0.320)	(0.495)	(0.169)
Took a Bar Prep Class in Law School	+	-	+
	(0.370)	(0.996)	(0.885)
Satisfaction with Law School	+		+
	(0.001)		(0.006)
Had a Mentor While in Law School	-	-	-
	(0.227)	(0.487)	(0.052)
Bar Preparation			
Did Not Use Commercial Bar Prep Course	-	-	-
	(0.012)	(0.026)	(0.089)
Took at Least One Simulated Practice Exam			+
			(0.004)

Weekly Average Hours of Study in Month Prior to Exam	+	*	-	+	*
	(0.047)		(0.558)		(0.006)
Weekly Average Hours of Study in Month of Exam	+	*	+	*	+
	(0.001)		0.014		(0.068)
Financed Bar Prep with Law Firm Support	+	*	+		+
	(0.001)		(0.481)		(0.089)
Financed Bar Prep with Loan(s)	+		+		-
	(0.836)		(0.552)		(0.412)
Financed Bar Prep with Employment Income	+		-		+
	(0.373)		(0.552)		(0.323)
Financed Bar Prep with Family Support	+		-		+
	(0.989)		(0.521)		(0.703)
Bar Passage is Essential to Future Plans	+		+		+
	(0.614)		(0.940)		(0.711)
Will Retake Bar Exam if Minimum Score Unmet for Other UBE Jurisdiction					_*
					(0.003)
Will Retake Bar Exam if Minimum NY Score Unmet					+
					(0.710)
Exam Experiences					
Ran Out of Time During MBE Section					_*
					(0.001)
Ran Out of Time During MEE Section					_*
					(0.005)
Ran Out of Time During MPT Section					+
					(0.004)
Confidence in Bar Passage	+	*	+		+
	(0.001)		(0.863)		(0.001)
Control Variables					
Parent's Highest Education Level	-		-		-
	(0.248)		(0.351)		(0.429)
Law School Selectivity	+	*	+		+
	(0.001)		(0.246)		(0.006)

Other Bar Admission	+	+	+
	(0.001)	(0.001)	(0.001)
First Bar Exam Taken in July	+		+
	(0.337)		(0.371)
LSAT Score	+	+	+
	(0.001)	(0.001)	(0.001)
Asian/Pacific Islander	-	-	-
	(0.001)	0.108	(0.001)
Black/African-American	-	-	-
	(0.001)	(0.088)	(0.001)
Hispanic/Latino	-	-	-
	(0.001)	(0.012)	(0.001)
Other Race/Ethnicity	-	-	-
	(0.113)	(0.180)	(0.543)
Male	-	+	-
	(0.892)	(0.823)	(0.597)
Married or Living with Partner	+	+	+
	(0.097)	(0.292)	(0.143)
Attended Law School Full-Time	+	+	+
	(0.012)	(0.671)	(0.046)
Observations	5,495	2,164	2,847
Log Likelihood	-1,936.959	-851.036	-785.591
Akaike Inf. Crit.	3,971.919	1,800.072	1,683.182

Table C2: Second-Time Bar Passage Model Summaries, with Direction of Influence (+/-), Statistical Significance (*) and P-Values Shown

	All Takers	With Practice Exam Variable (July 2017 and February 2018 Takers)
Finances and Employment		
Weekly Avg. Hrs. Worked During Bar Prep	- (0.547)	- (0.598)
Number of People in Household	+* (0.068)	+ (0.243)
Household Income	-* (0.097)	-* (0.030)
Individual Income	+* (0.016)	+* (0.003)
Law School Experiences		
Participated in Law Journal During Law School	+* (0.025)	+ (0.209)
Took Business Associations Course	+ (0.935)	- (0.298)
Took Evidence Course	+* (0.098)	+ (0.838)
Took Trusts and Estates Course	+ (0.900)	+ (0.845)
Took (UCC (Article 9) Course	+ (0.871)	- (0.589)
Took Corporations Course	+ (0.267)	+ (0.282)
Took Constitutional Law Course	+ (0.434)	+ (0.108)
Took Conflict of Laws Course	+* (0.076)	+ (0.449)
Took Family Law Course	- (0.613)	- (0.555)
Satisfaction with Law School	+* (0.032)	+ (0.801)
Bar Preparation		
Took at Least One Simulated Practice Exam		-

		(0.500)
Did Not Use Commercial Bar Prep Course	.*	.*
	(0.060)	(0.023)
Weekly Average Hours of Study in Month Prior to Exam	+	+
	(0.420)	(0.475)
Weekly Average Hours of Study in Month of Exam	.*	+
	(0.023)	(0.270)
Financed Bar Prep with Loan(s)	-	+
	(0.314)	(0.460)
Financed Bar Prep with Employment Income	+	+
	(0.447)	(0.919)
Financed Bar Prep with Family Support	.*	+
	(0.053)	(0.285)
Financed Bar Prep with Credit Card(s)	-	.*
	(0.916)	(0.069)
Financed Bar Prep with Savings	+	-
	(0.583)	(0.463)
Will Retake Bar Exam if Minimum NY Bar Score Unmet	.*	-
	(0.071)	(0.366)
Will Retake Bar Exam if Minimum Score Unmet for Other UBE Jurisdiction	-	+
	(0.853)	(0.155)
Prepared Differently Than Last Time for Bar Exam	+	+
	(0.373)	(0.320)
Studied More MBE Items	.*	-
	(0.006)	(0.564)
Studied More MEE Items	+	+
	(0.384)	(0.805)
Studied More MPT Items	-	-
	(0.990)	(0.555)
Started Studying Sooner	-	-
	(0.371)	(0.721)
Changed Study Habits	.*	-
	(0.062)	(0.508)
Utilized a Different Bar Prep Company	.*	+

	(0.074)	(0.149)
Spent More Hours Studying	-	+
	(0.889)	(0.635)
Exam Experiences		
Confidence in Bar Passage	+*	+*
	(0.070)	(0.046)
Ran Out of Time During MBE Section	_*	_*
	(0.003)	(0.033)
Ran Out of Time During MEE Section	+	+
	(0.258)	(0.195)
Ran Out of Time During MPT Section	-	_*
	(0.331)	(0.060)
Had Trouble Sitting Still During Bar Exam	+	+
	(0.286)	(0.803)
Control Variables		
Parent's Highest Education Level	+	+
	(0.845)	(0.814)
Law School Selectivity	+*	+*
	(0.005)	(0.014)
Other Bar Admission	+	+*
	(0.120)	(0.022)
First Bar Exam Taken in July	_*	_*
	(0.055)	(0.006)
LSAT Score	+	+
	(0.254)	(0.352)
Asian/Pacific Islander	-	-
	(0.754)	(0.168)
Black/African-American	_*	_*
	(0.020)	(0.089)
Hispanic/Latino	_*	-
	(0.001)	(0.119)
Other Race/Ethnicity	+	-
	(0.925)	(0.478)
Male	+	+
	(0.533)	(0.176)
Married or Living with Partner	-	-

	(0.398)	(0.485)
Attended Law School Full-Time	+ *	+ *
	(0.092)	(0.052)
Observations	484	251
Log Likelihood	-264.854	-119.834
Akaike Inf. Crit.	635.708	347.668

Table C3: Repeat Respondent Model Summaries, with Direction of Influence (+/-), Statistical Significance (*) and P-Values Shown

	All Repeat Respondents	Repeat Respondents Who Worked During Second-Time Bar Prep
Change Variables (Comparison of First- and Second-Time Survey Responses)		
Increase in Confidence of Bar Passage	+	+*
	(0.252)	(0.111)
Increase in "Bar Passage is Essential to Future Plans"	+	-
	(0.353)	(0.164)
Increase in "Will Retake Bar Exam if Minimum NY Bar Score Unmet"	+	+
	(0.977)	(0.094)
Increase in "Will Retake Bar Exam Only if Minimum Score Unmet for Other UBE Jurisdiction"	-	-
	(0.235)	(0.083)
Increase in Weekly Average Hours Taken Off from Work	+	
	(0.436)	
Changed to "Worked in Law-Related Job During Bar Prep"	+	
	(0.664)	
Increase in Weekly Avg. Hrs. Worked During Bar Prep	-	
	(0.353)	
Changed Bar Prep Company Used	-	-
	(0.579)	(0.371)
Increase in Weekly Average Hours of Study	+*	+*
	(0.020)	(0.214)
Second-Time Survey Variables		
Weekly Avg. Hrs. Worked During Bar Prep		-
		(0.142)
Worked in Law-Related Job During Bar Prep		+
		(0.419)
Studied More MBE Items	.*	-
	(0.093)	(0.361)
Studied More MEE Items	+	+
	(0.194)	(0.388)

Studied More MPT Items	+	+
	(0.560)	(0.438)
Changed Self-Study Strategies	+*	+
	(0.090)	(0.406)
Changed Study Habits	-	-*
	(0.244)	(0.392)
Started Studying Sooner	-	+
	(0.409)	(0.399)
Hired a Private Tutor	-	+
	(0.812)	(0.622)
Focused on UBE-Specific Materials	+	+*
	(0.110)	(0.591)
Observations	277	170
Log Likelihood	-179.376	-104.487
Akaike Inf. Crit.	394.752	242.974