RAISING THE BAR

EVIDENCE-BASED THINKING ABOUT THE BAR EXAM

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TABLE OF CONTENTS

FROM THE DIRECTOR

Much of the best work in our field has resulted from partnerships between practitioners and researchers. By their nature, partnerships reliably generate a perspective, product or practice that would have gone undiscovered had the collaboration not been formed. One of our goals at AccessLex Institute® is to foster new collaborations and cultivate pairings of practitioners in academic and bar success with researchers working in higher education. *Raising the Bar* is one means of sharing new practices and research particularly for professionals who, as the only people in the building engaged in their work, often find themselves without direct colleagues. This issue of *Raising the Bar* focuses on methodology in the hopes of offering something for both the practitioner and researcher. In their articles, researchers Farley et al. and Gershenson explain how they employed methodological principles in their recent inquiries into bar success. We also offer two short primers penned by members of the AccessLex research team, one on being a savvy consumer of empirical research and another on constructing sound survey instruments. Whether you are a practitioner who engages in research or a researcher who partners with practitioners, we hope that this issue gives you something new to consider and, most importantly, apply to your work.

As we look to foster more practitioner-research partnerships, I encourage you to reach out to me and other members of AccessLex Institute®. We are available to connect you with or even serve as the other half of your practitioner-researcher team. And what better way to meet your current and future colleagues than at the annual **AccessLex Legal Education Research Symposium**? I look forward to meeting many of you at the Symposium and hearing about your present work and future ideas.

Joel Chanvisanuruk, M.P.A., J.D.

Director, Programs for Academic and Bar Success
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METHODOLOGY RESOURCES FOR EMPIRICAL LEGAL RESEARCHERS

Looking Beyond Numbers: The Promise of Qualitative Research on Law School Student Success

*Andrew Benson is a doctoral student in education policy, Dr. Amy Farley is an Assistant Professor of Educational Leadership and Policy Studies and Dr. Christopher Swoboda is an Associate Professor and Associate Director of Research Methods at University of Cincinnati. Drs. Farley and Swoboda will be presenting on "Disrupting the Prevailing Logic of Meritocracy and Student Success in Legal Education" at **LexCon**.*

Solving the puzzle of bar exam performance often seems like a numbers game. By looking at bar passage rates, what can we know about law school students that makes a difference in them passing the bar? Their race, gender or age? Their LSAT scores? Their undergraduate performance? Their law school performance or the courses they took in law school? The answers to these questions derived from a quantitative analysis are often the basis of inquiry into what must be done to improve bar exam passage rates.

But we would argue, based on our AccessLex-funded multi-site, multi-year mixed-methods research study of law student success, that crunching the numbers to find out what predicts student bar passage can only take us so far. From our study (Farley et al., 2019), we know, for instance, that we can predict with some certainty who is going to struggle on the bar, and that these predictions are much better following the first semester of legal education and quite unstable using incoming credentials alone. Utilizing this quantitative data, we can group students into those who are expected to pass and those who are not expected to pass, and then further group these populations into those who did or did not pass — either meeting expectations or somehow defying empirical predictions.

While this quantitative analysis may describe what is happening, it doesn't tell us why or even how this is happening. In fact, quantitative research is rarely, if ever, useful in answering the how or why questions that are so prolific in our quest to best prepare students for the world beyond post-secondary education. Not only are quantitative inquiries limited in the questions that they are designed to answer, but they also inadvertently might maintain a

focus on the students themselves and lead practitioners to see some students as possessing an individual deficit (e.g., they are, inherently, not "law school material" or "bar-exam ready"). This focus limits the scope of potential remediation and interventions to students, limiting our imagination to only those endeavors which might bring non-bar exam ready students up to the standards necessary to become attorneys. But is this the only or even the correct focus of these efforts? Can we consider other sources of potential engagement for improvement and remediation?

The qualitative investigation of our study into bar passage gives voice to law school alumni by asking about their experiences and what mattered to them in law school, in bar preparation and in sitting for the exam. We rely on a lens that understands how school culture and climate are foundationally important in shaping student experiences and their successes. Our results of this qualitative inquiry suggest that a sense of belonging by the student appears to vary significantly based on student identity and performance on the bar exam. In other words, students who passed the bar — whether they were expected or unexpected passers — almost universally reported feeling connected to their law school community, including students, staff and faculty. Those who did not pass the bar — again regardless of their predicted performance — reported feeling disconnected, out of place or even marginalized in the community. Interestingly, the only students in the sample who described what researchers have termed "mattering," were the unexpected passers, which suggests that creating spaces where students feel cared for and integral to the community may have profound ameliorative effects on student outcomes.

Miles et al. (2020) note that qualitative research relies on data in the form of words, language in the form of extended text. "The words we collect and analyze are based on *observations, interviews, documents, media* and *artifacts*" (p. 7). This collection of data captures actions and impressions from participants in local context, in natural settings, giving us a good sense of what "real life" is like and the lived experiences of people under study. "We can go far beyond snapshots of 'what?' or 'how many?' to just *how* and *why* things happen as they do — and even *assess causation* as it actually plays out in a particular setting" (p. 8). While qualitative data from one setting cannot necessarily be generalized to all settings, it can provide rich and deep data that can be transferable to other similar settings.

In our study of law student success, the qualitative research phase produced in-depth insights from the student perspective regarding what mattered most in their pursuit of law school success and, ultimately, in sitting for and passing the bar exam. The data was derived from interviews with law school alumni in person and online, and interviewers loosely followed a series of pre-arranged questions designed to explore the participants' experience with law school and the bar exam. Researchers analyzed transcribed interviews, identifying patterns by labelling sections with codes that related to aspects of the study. Those codes were grouped into categories to derive themes, which gave researchers insights into the experiences of law school alumni. Coupled with the quantitative phase of our study that produced estimates of any given student passing the bar based on student-level data, we could piece together where law schools might begin to examine their culture and student experiences — chiefly around creating for every student a sense of belonging in what is otherwise a highly competitive and challenging academic environment.

To be clear, we are a team that includes quantitative researchers and believes deeply in the power of quantitative research. That said, we also see the insights from the qualitative phase of our mixed methods approach as key to unlocking the puzzle of law student success. The additional benefit of this qualitative inquiry is that it enables us to shift the focus of reform — and the underlying responsibility it implies — from students back to the institution. The methodologies that we use to understand phenomena also affect how we make sense of the world around us, the problems we identify and the solutions we generate. In our work, the qualitative phase allowed us to take a more ecological perspective of student success — moving beyond narrow thinking about student readiness toward a more complex notion of institutional responsibility.

A Different Type of Evidence

Seth Gershenson is a Professor in the School of Public Affairs at American University and will be serving as a panelist on "Empirical Insights on Efforts to Improve Bar Exam Performance" at the **AccessLex Legal Education Research Symposium**.

Law schools teach aspiring lawyers the intricacies and admissibility of the many types of evidence that they'll encounter and use throughout their legal careers. However, one specific type of evidence, at least historically, receives relatively short shrift in legal education: the results of quantitative data analyses.[1] For example, a law school might analyze its administrative data in an effort to ascertain whether a particular program, policy change or intervention achieved the desired results. Administrators frequently proclaim their commitment to "evidence-based policy and practice," and this is a laudable position. The trouble is that some types of quantitative evidence are more credible than others.

Not all quantitative evidence is equally useful. A valid, or credible, estimate is one that has a causal interpretation, hence the common refrain "correlation does not imply causation." Let's unpack what this means. Correlation is a measure of the relationship between two variables in a dataset. Among college graduates we may observe a positive correlation between holding a J.D. and annual earnings: J.D. holders have higher earnings, on average, than college grads who do not hold a J.D. This correlation is an empirical result — a piece of evidence — but evidence of what?

There are two potential reasons that we observe this positive correlation. First, there could well be a **causal effect** of attaining a J.D. on earnings: the skills (human capital) acquired in law school make you a more productive and more desirable worker. Second, there could be **positive selection** into J.D. attainment. For example, those who complete a J.D. are more studious, ambitious and careful than those who don't and would have earned more than non-J.D. holders even if they had chosen a different career path. Both of these reasons can be, and probably are, true — they're not mutually exclusive — but the possibility of the

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1   This is gradually changing, as a handful of law schools have begun to offer causal inference workshops, e.g., **https://www.law.northwestern.edu/research-faculty/events/conferences/causalinference/.**

second means that we cannot interpret the naive comparison of J.D. and non-J.D. average earnings as the "effect" of completing a J.D. That difference in means is potentially (likely) contaminated by **selection bias**.

Credible evidence in this setting is evidence, or estimates, that can be given a causal interpretation. Randomized controlled trials (RCTs) that randomly assign a treatment to a subset of participants have long been — and still are — considered the gold standard for making causal inferences about the efficacy of a treatment.[2] But what should we do when an RCT is not feasible? The 2021 Nobel Prize in Economics was awarded to three researchers who spearheaded the "Credibility Revolution" in economics, which offers some alternatives.[3] The common theme in these alternative, quasi-experimental methods is that they mimic RCTs by reducing as much as possible the threat of non-random selection into treatment.

The simplest of these techniques are known as selection-on-observables methods, which compare treated individuals to **observably similar** untreated individuals and (hopefully) allow us to make apples-to-apples comparisons. Multiple regression and propensity score matching are examples of this approach, which make the strong assumption that selection into treatment only occurs along observed dimensions (i.e., variables in the dataset observed by the analyst). Returning to the example of the relationship between wages and J.D. degrees, is it realistic to think that any dataset contains information on all the factors that jointly influence both earning potential and J.D. attainment? Probably not. This led a group of researchers to think about how we might measure the amount of selection into treatment that occurs on observed dimensions and leverage this information when conducting quantitative data analyses.

In their now classic study, Altonji, Elder and Taber argue that if we know how much selection on observables there is (i.e., how different treated and untreated individuals are in their observed characteristics), we can assume a worst-case scenario in which there is the same degree of selection on unobserved characteristics.[4] The idea is that surveys and administrative datasets purposefully include important variables, so these things should be at least as important in predicting treatment as the factors that are not measured. Using this information, we can then estimate how large the true effect would be (or, equivalently, how biased our naive estimate would be), assuming different levels of sorting on unobserved dimensions.[5] The effects that result from assuming zero sorting on unobservables (the naive estimate) and the same amount of sorting as on observables, provide upper and lower bounds, respectively, of the true effect. This approach is a form of partial identification, as a range of possible estimates rather than a single point estimate, is identified. While not ideal, knowing the range in which the true effect falls is arguably better than having a single estimate that is very likely wrong.

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2   **https://www.law.northwestern.edu/research-faculty/events/conferences/causalinference/**

3   **https://voxeu.org/article/natural-experimenters-nobel-laureates-david-card-joshua-angrist-and-guido-imbens**

4   **https://www.journals.uchicago.edu/doi/10.1086/426036**

5   **https://bvkrauth.github.io/software/rcr/**

This type of reasoning is helpful for policymakers and administrators seeking to make informed decisions on a tight timeline or in cases where an RCT just isn't feasible for practical or ethical reasons. An example of using this type of bounding procedure in legal research comes from a **recent study** supported by AccessLex on the impact of how participating in extracurricular activities (ECA) — and specifically performing pro bono work — during law school affects the chances of passing the bar exam on the first attempt. This is a classic example of a treatment (ECA participation) that is not randomly assigned, which means that ECA participants might be different from non-participants in ways that also lead to different bar exam outcomes. Naive estimates suggest there is a pro bono penalty, in the sense that students who participate in pro bono work tend to have worse bar exam outcomes than those who do not. However, applying the reasoning of Altonji, Elder and Taber's bounding procedure, we see that this naive estimate actually underestimates the magnitude of the pro bono penalty because pro bono work exhibits positive selection; that is, the students who participate in pro bono work tend to be stronger students who are more apt for bar exam success.

Hopefully this essay provides a useful reminder that not all empirical evidence is equally useful or valid. Whenever possible we should invoke policies and practices that are known — and not just hypothesized — to work. But the empirical evidence of an intervention's impact merits scrutiny just as evidence in the courtroom does. When studying our own institution's programs and policies, we should similarly provide as rigorous and honest an evaluation as possible. RCTs may be the gold standard for such evaluations, but there are other tools at our disposal that can still provide credible evidence when RCTs are not feasible. The bounding procedure described above is one such tool that is relatively easy to implement and applicable in many contexts.

Survey Design Basics: The Big Three

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Surveys can provide quite a bit of qualitative and quantitative data about something you care about and are invested in improving. At AccessLex, many of our research and evaluation projects, such as the **LSSSE Bar Exam Success Initiative** and **LexScholars**, rely heavily on survey data. Perhaps you periodically draw upon survey data to inform your work as well or have plans to do so in the near future. For instance, you may want to know how that new first-year orientation worked out or students' perceptions of barriers to earning good grades and passing the bar. Surveys are a relatively easy and inexpensive way to probe almost any topic, and some online software packages will even do some of the data analyses for you. Given the accessibility of surveys as a research tool, seemingly anyone can design and administer them and reap the benefits, right?

Sort of. It is true that survey design and administration involve a reachable skill set for most people in an educational setting. But it is also true that there are entire graduate courses and degree programs designed specifically for teaching survey methodology. So while "You

Can Do It!", there may be best practices you don't know that you don't know. To help you avoid common pitfalls, here are three things to keep in mind when designing a survey of law school students:

ASK THE RIGHT QUESTIONS. The best survey efforts begin with proper planning, which involves clarifying project goals and future applications for findings. What do you *really* want to know? The best surveys will extract just enough information to address your key research or program goals and not much more. Asking the right questions means staying laser focused on your main objectives and not including survey items that veer out of scope. Ask yourself, "Do we really need to know this?"

The right questions will also reflect some of the key lessons in survey design:

- To increase understanding of questions and ensure meaningful responses, avoid cramming two questions into one (commonly referred to as "double-barreled questions"). For example, "Do you feel stressed by the cost and length of law school?" muddles the financial and time investments in law school. These should be asked as separate questions.

- Ask about demographics last. Prioritize mission-critical research questions first.

- Be specific. For example, asking exactly how many hours students studied each week for the bar is different than asking how many hours *on average* students studied each week for the bar.

- Make sure response options match the question being asked. For instance, a yes or no question — "Did you visit the financial aid office in the last 30 days?" — should not have response options reflecting frequency of visits, such as "never," "once", "twice", etc. Such response items would be more appropriate for the question "How many times did you visit the financial aid office in the last 30 days?"

- If you are interested in how much students agree with a statement, your rating scale should consist of a spectrum of options that include "strongly agree" and "strongly disagree" as the endpoints, as well as a neutral point ("neither agree nor disagree").

When in doubt, call over to the sociology or psychology department at your institution and ask someone to take a quick look to ensure your survey reflects these basic design principles. Many institutions have evaluation or related certificate programs and research offices where faculty are in a great position to lend expertise regarding methodological questions.

TIMING IS EVERYTHING. Your questionnaire should absolutely be built into a platform that ensures mobile compatibility. Graduate students are largely digital natives and conduct this sort of business during short windows of their free time — for example, in their car when they've arrived a few minutes early to class, riding public transit or waiting on a friend to show up for brunch. Consider the length of your survey and the cognitive load it takes to complete it. Aim for less than 15 minutes and avoid overly demanding question formats (such as large matrices or long writing prompts). Also, be mindful of when you send out your survey — participation will wane during midterms and final exams, and students may be less likely to check their email over the summer.

RESPECT YOUR SAMPLE. Data are among the most valuable commodities in the world. Surveying students is asking for a group of people who are sleep deprived, financially strained and in a position of low power (relative to professors and university staff) to give up valuable

time. Since time is money, providing survey respondents with incentives, in the form of money, gift cards or drawings from a pool of respondents, go a long way in the transaction. Even relatively small dollar amounts can help improve response rates.

Furthermore, understanding and empathizing with your target population is key to ethical and exact surveying. Survey questions should be constructed in a way that is culturally sensitive and acceptable to each of your students. Methodologists cite "multivocality" — the inclusion of multiple voices in the design and interpretation of research and findings — as one of many research credibility boosters. If you find yourself going it alone, step back and find a friend or even a student! Two (or more) is always better than one in survey design.

We hope you have found these points helpful. AccessLex Institute® is committed to facilitating data-informed decision-making in legal education. If you are considering a survey project and need support thinking it through, contact us at **Research@accesslex.org**.

The Common Pitfalls in Reading Empirical Research

*Jason Scott is a Senior Research Methodologist at AccessLex Institute® and will be presenting a pre-Symposium workshop on "**Becoming a Savvy Consumer of Empirical Research**" at the **AccessLex Legal Education Research Symposium**.*

I read empirical research on a daily basis and, in the vast majority of cases, understand it. But that is my job, it's what I've studied and it is what I love to do. Most law school faculty and staff do not share this background, but that does not mean that research need stay in my realm and educating the next generation of lawyers in yours. My hope is that this short piece will encourage and enable you to think deeply about the research that is published and disseminated.

In general, I see two recurring pitfalls when it comes to reading and making sense of empirical research in legal education.

The first pitfall is relying on "statistical significance" (or the p-value) as the sole measure of whether a result is meaningful or has practical significance. This should be avoided at all costs. As background, at its core, every result has three dimensions on which to judge whether it is meaningful:

DIRECTION. The sign (positive or negative) indicates the direction of the effect. A positive result (the default is to denote this with no "+" sign) means that an increase in *x* is associated with an increase in *y* or that a decrease in *x* is associated with a decrease in *y*. A negative result means that an increase in *x* is associated with a decrease in *y*, or vice versa.

SIZE. The actual value of the coefficient denotes the size of the effect that a predictor variable has on the dependent variable. The further the number is from zero, the stronger the relationship is. Often size is interpreted as the effect on *y* of a one-unit change in *x* (for example, increasing LSAT score from 141 to 142 or UGPA from 3.2 to 4.2).

STATISTICAL SIGNIFICANCE. Whether the coefficient is labeled with an asterisk (or asterisks) indicates statistical significance. This is a commonly used criterion to determine whether the result is "trustworthy" or might be due to chance alone. It is important to note that a

statistical significance test *only* captures confidence that the result is *not* zero. There are several factors that play into statistical significance — most notably sample size — so under the right conditions, even a result that is infinitesimal in size can be statistically significant. Thus, statistical significance cannot and does not indicate whether the result has any meaningful application. In fact, a result can be practically important even when it is not statistically significant.

Only when considered together and in context can you determine whether a result is meaningful. For example, the same bar prep program is implemented at School X and School Y. The only difference between the schools is that School X has double the students of School Y. Researchers at each school use the same methods to measure the effectiveness of the program at their respective institutions but come up with different results. School X finds that their bar pass rate increases by 0.1 percentage points, a result that is statistically significant. School Y, on the other hand, finds that their bar pass rate increases by five percentage points, but the result is not statistically significant. What should we conclude? If statistical significance were the sole determining factor, we would say that only the program at School X had an effect. But we should not discount the effect at School Y, which is 50 times larger. The difference in statistical significance is likely due to the difference in the number of students at the schools. An effect must be much larger in order to be statistically significant when the sample is smaller. So, in this very simple example, I would conclude that the program was probably effective at School Y and ineffective at School X.

The second pitfall is failing to subject empirical research to critical review. As tempting as it might be, with its obfuscating Greek letters and formulas, giving "empirical research" a free pass from scrutiny (or just as bad, treating it as though it does not exist) is a common and fatal error. Often the phrase invokes assumptions of rigor and attributes of soundness, instilling the belief that we can trust what we are hearing or reading. But quite the contrary, "empirical" should trigger additional critical thought and objective reasoning. Indeed, *empirical* means "capable of being verified or disproved by observation or experiment." This means that based on a write-up of a study, we should understand what the research was intended to do, the theory behind the research (why might there be a link between tying your shoes and the number of times you fall while running?), how the researcher went about testing their question (what assumptions do they make?) and whether there is anything the researcher failed to consider, rendering their proposed findings problematic.

Much of this onus lies with the researchers, who should do all they can to make public scrutiny possible by transparently and accessibly describing their research methods, their assumptions, limitations of their research and — when possible — making their data available to those who ask. Living up to the ideals of transparency and scrutiny, however, is a two-way affair that requires an engaged, critical and thoughtful audience.

Providing this scrutiny may seem daunting if you do not have a statistical background, but at the heart of any good critique is critical thought — not a math background or a Ph.D. Step back and divorce the math behind the method from what the author is

attempting to do. A common example I give is a study that examined the relationship between shoe size and reading scores among elementary students. I could make some very convincing graphs and produce some regression results that say larger shoe sizes lead to higher test scores, but that is unimportant here. What is important is taking a step back and asking yourself, "Does this make sense?" and "Is there another factor at play that we have not considered?" In this case, age is what we call a lurking variable. It turns out that age is correlated strongly with both reading ability and shoe size, so what looks to be a relationship between shoe size and reading ability is in fact a relationship between age and reading ability. In this case, you should resist the urge to stretch your children's feet, to despair that your child is doomed to be a bad reader for the rest of their life, or to start making early, nonrefundable payments to an Ivy League school.

I suggest that as you read empirical research, write down your questions (or concerns, as with my example above), and check to see if the author answers them later in the paper. If the author does not, email them your questions. But bear in mind that the fact that you have these questions does not necessarily mean that the results are flawed (not every study has a glaring flaw like my example). I can poke holes in nearly every study I read, but that does not mean that the holes are large enough to let the air out of an inflated balloon. Moreover, just as a researcher's expertise often places them outside the field being studied, the practitioner's insight into the field is required to make the research meaningful.

RESEARCH SPOTLIGHT

Iterative Design and the Thrill of Praxis

Chance Meyer is an Academic Excellence Lecturer on Law and Nicole Noël is an Assistant Professor of Law and Acting Director of Academic Excellence at New England Law | Boston.

Our study began two years ago and has not ended because improvement work never does. In the Academic Excellence Program at New England Law | Boston, we have started down the path of iterative improvement practice through evidence-based design. Along the way, we have found a deeper sense of purpose and confidence in our daily teaching activities.

Educational improvement work, espoused by the Carnegie Foundation for the Advancement of Teaching,[6] can be approached in a number of ways. Hallmarks are disciplined inquiry, measurement, defining solvable problems and accounting for context. We, like many practice-oriented researchers who are responsible for a high-stakes outcome and must work with the tools they have, built a process from our existing departmental capacities. Our process incorporates the learning sciences (cognitive and situated), data analysis (conditional means and regression) and organizational theory (change leadership and equity work).

Herein, we briefly describe our process and then give a practical example of how one feature of our program — self-assessment training — travelled through three process cycles as we iterated for greater impact on GPA outcomes of underperforming learners in our third-term Legal Analysis (LA) course.

Our process begins with design. We design learning strategies considering cognitive research and learning environments with a situated perspective on inviting authentic participation and affording learning across learner identities. We develop best measures of our discrete teaching activities and of context variables that mediate learning in our organizational setting. We embed data collection in our daily work, like grading rubric items directly into a shared spreadsheet later merged with registrar data. As we implement our program, we listen, look and log what is happening with our learners to help us make meaning of our data later.

6   **https://www.carnegiefoundation.org/our-ideas/**
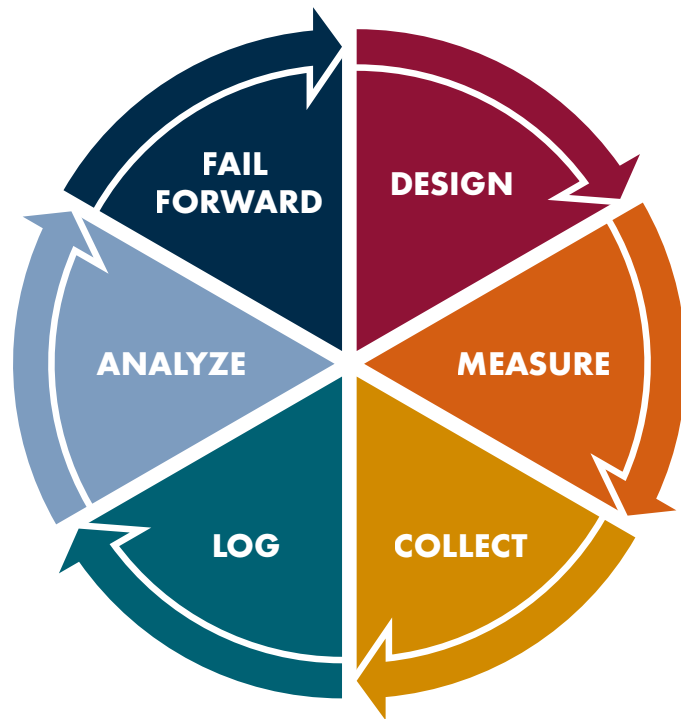
When we receive outcome data (grades and bar results), we compute their relationships with our activities. We celebrate small wins but seek out our failures more doggedly, because failures are where improvement awaits. In redesign, we commit significant time to deep reflection and meaning-making. Each cycle, we keep what works and change what doesn't. Over time, we strive to incrementally improve our impacts.

We became focused on self-assessment through literature on academic overconfidence showing that underperforming learners are least likely to perceive their need for intervention[7] and most likely to be resistant to instruction and feedback.[8] First, we had to confirm the phenomenon in our context with our learners. The literature offered grade prediction as a measure of academic overconfidence, so as part of an AccessLex-funded grant study involving self-assessment and metacognitive training, we asked students to predict their GPAs.

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7   Nowell, C. & Alston, R. M. (2007). I thought I got an A! Overconfidence across the economics curriculum. *Journal of Economic Education, 38*(2) 131–42; Foster, N. L., Was, C. A., Dunlosky, J., & Isaacson, R. M. (2017). Even after thirteen class exams, students are still overconfident: The role of memory for past exam performance in student predictions. *Metacognition and Learning, 12*(1), 1–19; Murstein, B. I. (1965). The relationship of grade expectations and grades believed to be deserved to actual grades received. *Journal of Experimental Education, 33*(4), 357–62.

8   Pulford, B. D. & Colman, A. M. (1997). Overconfidence: Feedback and item difficulty effects. *Personality & Individual Difference, 23*(1), 125–133; Dembo, M. H. & Seli, H. P. (2004). Students' resistance to change in learning strategies courses. *Journal of Developmental Education, 27*(3), 2–11.
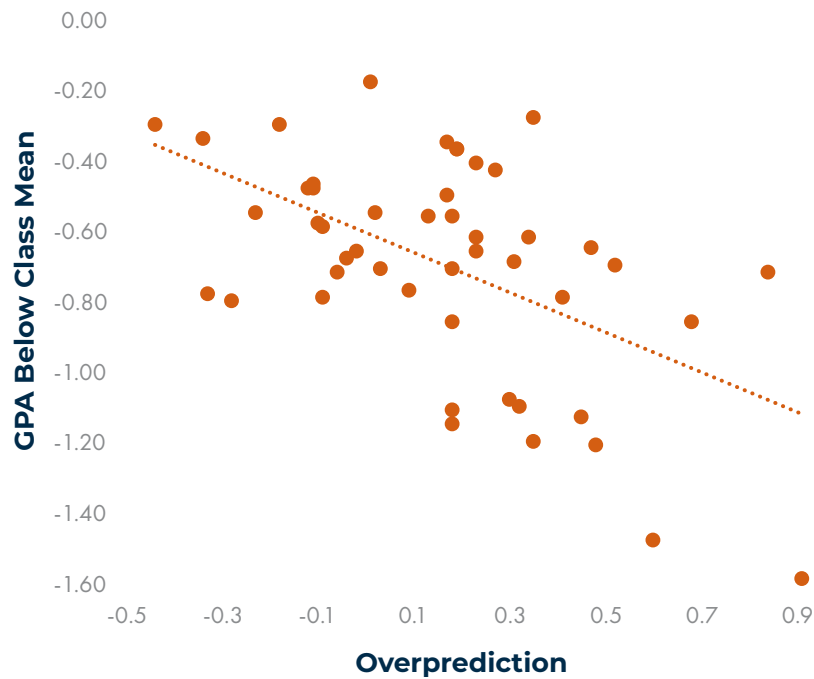
The evidence confirmed the phenomenon.[9] The greater the unearned confidence, the lower the GPA. Learning experts will view this finding as prosaic, but committing to situated, evidence-based practice means we could not change our program without proof.

In our next iteration, we kept the metacognitive training but added to our essay exercises the requirement that students self-score against rubrics, with bonus points for scoring within 20% of earned scores. We hoped (1) the difference in self-scores and earned scores would decline and (2) scaffolded deconstruction of problems would improve legal analysis. On both accounts, we were encouraged to discover that our learners improved at recognizing their errors and outperformed in their GPA cohort.

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9   We note debate over the extent to which this phenomenon is a statistical artifact. Gignac, G. E. & Zajenkowski, M. (2020). The Dunning-Kruger effect is (mostly) a statistical artefact: Valid approaches to testing the hypothesis with individual differences data. *Intelligence (Norwood), 80,* 101449.
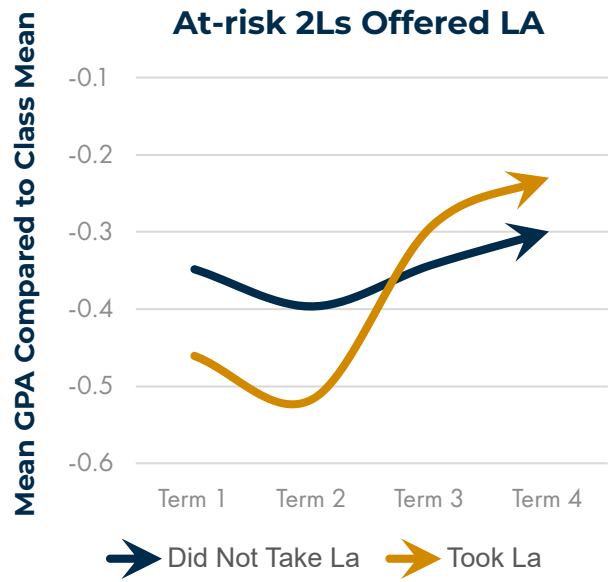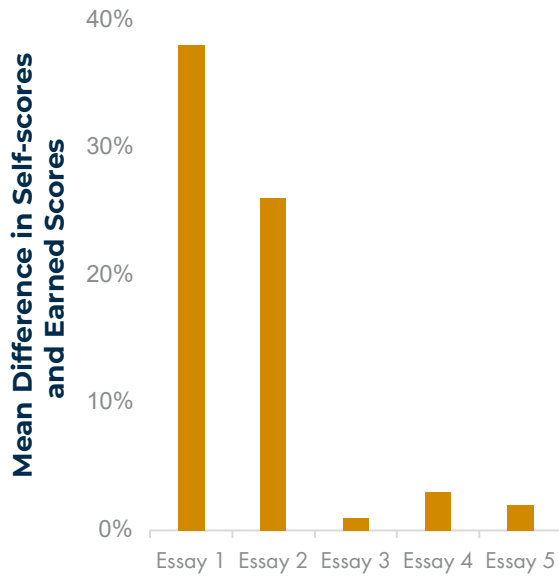
We also established the connection between self-assessment work and GPA. Mean difference between a learner's self-scores and earned scores had a statistically significant relationship with GPA (p < .01) and accounted for 32% of the variance in that outcome.

Reflecting on the next iteration and seeking out our failures, we notice that self-assessment exercises beyond the first two had no effect. Therefore, that time could be better spent, and we must determine how. There is no room for ineffective activities. As long as our program could be more potent, there is still improvement work to do.

CONFERENCE CORNER

- AccessLex Legal Education Research Symposium (Nov. 7–8, 2022)
- LexCon Financial Capability and Student Success Conference for Graduate and Professional Administrators (Nov. 8–10, 2022)
- Association for the Study of Higher Education Annual Conference (Nov. 16–19, 2022)
- Association of American Law Schools Annual Meeting (Jan. 3–7, 2023)

Please email **RTB@accesslex.org** about upcoming bar-related conferences.

PUBLICATIONS AND POSTS

- Stephen L. Carter, *Oh, You've Got Tech Woes? Try Taking the Bar*, BLOOMBERG (July 28, 2022).

- Christine Charnosky, *Hybrid JD Programs Gaining More Traction at Law Schools*, LAW.COM (July 21, 2022).

- Alyson M. Drake and Christine Park, *Hard-Wired for Distractions: Increasing Attention in Legal Research Classrooms* (2022).

- David Jaffe, Katherine M. Bender and Jerome Organ, *"It Is Okay to Not Be Okay": The 2021 Survey of Law Student Well-Being*, 60 U. LOUISVILLE L. REV. (forthcoming).

- Jason M. Scott and Josh Jackson, *Are Law School Cream-Skimming to Bolster Their Bar Exam Pass Rates?* (AccessLex Inst. Rsch. Paper No. 22-03, 2022).

- Karen J. Sneddon, *Square Pegs and Round Holes: Differentiated Instruction and the Law Classroom*, 48 MITCHELL HAMLINE L. REV. 1095 (2022).).

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

RESOURCES FOR LEGAL EDUCATORS AND LAW STUDENTS

Information About the Bar Exam

- AccessLex Resource Collections: Bar Success
- ABA Bar Information for Applicants with Disabilities
- ABA Statistics/Bar Passage Outcomes
- Bar Exam Results by Jurisdiction
- Bar Admission Guide
- NCBE Bar Exam Fundamentals for Legal Educators
- NCBE NextGen: Bar Exam of the Future

Student Resources

- AccessLex Law School Scholarship Databank
- AccessLex Student Loan Calculator
- MAX by AccessLex®
- ABA Grants for Law Students
- ABA Scholarships and Financial Aid

Research Grants

- AccessLex Bar Success Intervention Grant Program
- AccessLex Bar Success Research Grant Program
- American Association of Law Libraries (AALL)

ASP and Bar Success Resources

- The Bar Examiner
- The Learning Curve
- CALI Lessons

Please email **RTB@accesslex.org** with information about resources for faculty and students in your jurisdiction.

JOIN THE CONVERSATION

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