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Welcome to the PLEDGE takeover issue of Raising the Bar. This issue is an opportunity for the partners and Fellows that constitute AccessLex Institute’s PLEDGE Program to share their approach, commitment, and research into achieving equity in legal education and the profession. PLEDGE, which stands for Professionals in Legal Education Developing Greater Equity, represents a partnership between AccessLex Institute’s Center for Legal Education Excellence® and the Southern Education Foundation. PLEDGE Fellows are drawn from teams of law school staff and faculty who possess the experience and access to effect change within their institutions. Selected PLEDGE teams typically bring two things to the program: a passion for inquiry and a proposed program to investigate. Under the guidance of faculty coaches from Rutgers University’s Proctor Institute for Leadership, Equity, and Justice, Fellows complete a 14-month skills training to build and execute a research project concerning their program. In the three short years since its launch, the impact of the PLEDGE program is observable across the six member law schools that comprise the PLEDGE Fellows.

In this takeover issue of Raising the Bar you will hear from our PLEDGE cofounders at the Southern Education Foundation, our educational research faculty coaches and mentors at the Proctor Institute, and the PLEDGE Fellows. I hope that this takeover issue accomplishes two goals. First, to illuminate the commitment and impact of our partners and fellows in this important endeavor. And second, to illustrate one of the many ways that AccessLex Institute is here to support you in pursuing your research inquiry into law student success.

We will be back this summer with the research, insights, and program updates you rely upon in Raising the Bar.

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

Director, Programs for Academic and Bar Success
AccessLex Center for Legal Education Excellence®
Visit the Director’s SSRN author page
Visit the AccessLex SSRN page

Why the Southern Education Foundation and AccessLex Institute Launched PLEDGE

Alan Richard is Director of Communications, and Raymond C. Pierce is President and CEO of the Southern Education Foundation.

Why did the Southern Education Foundation (SEF), the nation’s oldest civil rights and education organization, partner with AccessLex Institute to create the PLEDGE Initiative, a professional learning program that enables law school leaders and faculty to build solutions that will increase diversity in the legal profession?

Because the nation needs more leaders prepared to address some of the daunting challenges facing the legal profession and many areas of American life.

Unfortunately, people of color remain underrepresented in the legal profession — and the pipeline of future attorneys of color, especially those with interest in civil rights and social justice, still needs significant work. In addition, the courts have only made it harder to increase diversity in recent years, resulting in admissions policies that steer the nation away from this important path to progress.

PLEDGE offers a “Bootcamp” and extended Fellowships that provide law school faculty and administrators with the research-based skills, knowledge, and collaborations to build programs that will lead to a more abundant supply of diverse leaders in the legal profession — leaders who can develop new legal frameworks to address our society’s continuing disparities.

For most of SEF’s 157-year history, the organization has cultivated leaders in education that can help transform the system to ensure better opportunity and access for historically marginalized students. SEF has brought this wealth of knowledge and experience in leadership development to the development of PLEDGE.

Here from left to right: Belinda Dantley (SLU), Tierney Eaton Hoffman (Wayne State), and Katherine A. Beck (IU Bloomington)
The Southern Education Foundation and AccessLex Institute also founded PLEDGE because diversity still matters in the legal profession. Developing education leaders concerned with equity and diversity is an integral part of SEF’s mission to improve education opportunities for African Americans and students from low-income families.

For much of its 157-year history, SEF has offered programs that develop and support leaders in education focused on equity and diversity. SEF brought this wealth of knowledge and experience in leadership development to the creation of PLEDGE.

SEF began as the Peabody Fund in 1867 to build some of the first schools for Black students in the American South. The organization later provided the first training and support for Black educators in the rural South and served as a research center leading up to the Brown v. Board of Education decision in 1954.

Today, SEF still offers programs that build and support equity-minded leaders. It also works in policy and advocacy at the state and federal levels, research and data, and innovations that address the many remaining disparities in education.

PLEDGE also fits perfectly with one of AccessLex Institute’s goals: to improve diversity, equity, and inclusion in the legal profession.

More specifically, PLEDGE is dedicated to the examination of law school practices and policies that provide access to legal education for a more diverse population. Remember that civil rights attorneys have always been instrumental in the strengthening of our nation. Thurgood Marshall and Charles Hamilton Houston were among the many practitioners of the legal profession who dared to challenge the constitutionality of policies and practices limiting education opportunities for African Americans.

PLEDGE builds on this tradition by helping law school leaders build programs to support new generations of attorneys well-prepared to serve as leaders in this vital moment in our democracy.

Strengthening Legal Education: The Transformative Power of Research and Collaboration

Marybeth Gasman is the Samuel DeWitt Proctor Endowed Chair in Education, a Distinguished Professor, and the Associate Dean for Research in the Graduate School of Education at Rutgers University. She is also the Executive Director of the Samuel DeWitt Proctor Institute for Leadership, Equity, and Justice and the Executive Director of the Rutgers Center for Minority Serving Institutions.

Alice Ginsberg is the Associate Director for Research and Grant Development at the Samuel DeWitt Proctor Institute for Leadership, Equity, and Justice.

PLEDGE is an initiative focused on increasing “knowledge and skills related to empirical research methods to design, administer, and assess student success programs.” Along with a focus on research, PLEDGE also focuses on collaboration. Empirical research is a vital tool for legal education professionals, offering an evidence-based approach to understanding and addressing challenges within law school environments. It is most valuable and useful when conducted through participatory action research, especially when examining issues at one’s own institution. Participatory action research allows professionals to explore the unique challenges and opportunities within their academic environment, generating insights that are both context-specific and conducive to actionable recommendations that can make lasting change. Familiarity with the institution enables a researcher to have a nuanced understanding of the issues, laying the foundation for more effective and targeted interventions.

Collaborative research, particularly when undertaken in teams of two from each law school as PLEDGE does, brings together diverse skill sets and perspectives. Two perspectives on the data ensure a more comprehensive analysis, with each team member contributing unique and critical insights. The team approach, a staple of the PLEDGE program, not only enhances the quality of the research but also cultivates a culture of partnership and knowledge exchange among legal education professionals.
The PLEDGE program is particularly successful because legal education professionals have the opportunity to work within a cohort of institutions grappling with similar diversity, equity, and inclusion (DEI) related issues. Sharing experiences and findings with peers from other institutions broadens the scope of understanding, providing comparative perspectives on challenges and solutions. The PLEDGE cohort-based approach creates a supportive community in which professionals can learn from each other’s successes and setbacks. This collaborative environment fosters a sense of solidarity and collective problem-solving, contributing to the development of innovative strategies that can be applied across institutions. Most importantly, the teams from each institution are committed to fostering DEI among their students, as well as having evidence to justify their decision-making in their administrator and faculty roles.

Participants in the PLEDGE program have comprehensive support from a team of scholars at the Samuel DeWitt Proctor Institute for Leadership, Equity, and Justice at Rutgers University. They receive training in writing a research proposal; securing institutional review board (IRB) approval; creating data collection protocols (including surveys, interviews, and focus groups); collecting, coding, and analyzing data; identifying concrete recommendations for diverse stakeholder groups; and disseminating their findings as broadly as possible. The cohort meets virtually on a monthly basis, which is interspersed with three-day intensive in-person meetings held at each of the three participating universities. This innovative model is particularly effective in that participants get to see and learn about each other’s unique institutional cultures while reflecting back on their own.

As legal education continues to evolve, the incorporation of social science-based empirical research and collaborative approaches will play a pivotal role in shaping a more responsive and effective academic and social landscape for an increasingly diverse law student body.

PLEDGE FELLOWS: RESEARCH AND REFLECTIONS

2022-2023 Cohort

American University Washington College of Law

Lisa Sonia Taylor is the Assistant Dean for Diversity, Inclusion, and Affinity Relations, and Joni Wiredu is the Assistant Dean of Academic Excellence at American University Washington College of Law.

As we sat in a Zoom room anticipating our meeting with the director of the Ed.D. program at American University, we reflected on our experience as some of the first Fellows in the PLEDGE Fellowship program. After all, the program was why we were having the meeting that day.

Our journey began almost two years ago with us meeting to reflect on our school’s bar study results and the recommendations within. We spent several weeks meeting at work, diners, and our homes, designing a program that would provide a sense of belonging for students while they prepared for the bar exam. Cohort programming and learning, intentional coaching, and financial support stood as the three pillars of our PLEDGE capstone project, which we called the Community Bar Support Program. Through expert guidance and collaboration, we ran our program and assessed its efficacy.

Eighteen months after our acceptance as Fellows, it is difficult to succinctly sum up the value of the PLEDGE program to us. Despite some challenges, the learning opportunities and opportunities to collaborate provided unparalleled professional experiences rarely afforded to professionals in our position. Our work revolves around meeting with students to offer counsel and advice or to listen to their experiences so that we may drive programs and policies. However, we often struggle with moving compelling student narratives from an anecdotal quagmire to reliable and generalizable insights. We cannot overstate the benefits of learning how to conduct qualitative research and program assessment. Participating in PLEDGE offered a framework for understanding the experience and motivations of our students. Using evidence-based methods and transforming observations and feedback from our students into meaningful findings that can be used to advocate for sustainable change is a game-changer for us.
Florida A&M University College of Law

Eurynne A. Williams is Interim Director and Associate Instructor of Academic Success and Bar Preparation, and Marlese Wells is Interim Assistant Director and Instructor of Academic Success and Bar Preparation at Florida A&M University College of Law.

We are lawyers by training and practice. We are seasoned legal skills educators. But, before participating in the PLEDGE Fellowship, we were not experienced qualitative researchers, adept at coding data, with the ability to derive findings and craft sound recommendations that could have a lasting impact on underperforming law students’ learning.

The Fellowship afforded us the unique opportunity to work with a distinguished team of researchers who provided well-structured programming and step-by-step guidance through a process that initially seemed rather daunting. Their compassionate, yet corrective and actionable feedback challenged us to meet specific achievable goals and put us on a path that was sure to end in success. As an added benefit, albeit perhaps unintended, we established bonds with our cohort of Fellows and other professionals from various academic disciplines.

Putting into practice all the invaluable knowledge we gained throughout this process, we produced a Capstone Project entitled Should They Be Here? Exposing the Hidden Challenges of Underperforming Students in Law School.

We pondered the question “Should they be here?” because it is a question posed far too frequently in the law school learning environment, particularly as it relates to students of color. Underperforming students certainly ask themselves “Should I be here?” Rather than asking whether they belong, we wanted to expose the challenges underperforming students faced, some of which were not-so-apparent, and explore interventions to remedy those challenges.

The purpose of our research was to assess the efficacy of our school’s Academic Success Advising Program (ASAP), an intervention for upper-level law students who found themselves on academic probation at the close of their first year of law school. The ASAP program was designed to hold students accountable and give them the structured support needed to improve their academic performance.

Oftentimes you hear how collaboration can be a difficult skill to develop. Each individual comes to the table with their own ideas, strengths, and challenges. However, when you have an anchor of collective values and commitment, collaboration can be uplifting, supportive, and liberating. As we sat in living rooms and diners trying to figure out how to build a meaningful and replicable program for bar takers, we realized that collaboration is a beautiful blend of art and skill. We learned this in our work and witnessed it with our PLEDGE colleagues and instructors. It was a no-brainer that our individual capacities could build a thoughtful supportive framework for diverse student communities and their preparation for the bar exam.

Nevertheless, we must admit the program was a challenge for us. Whether drafting op-eds, coding, or presenting our research findings, the PLEDGE program continuously challenged the bounds of our comfort zones. Our instructors gently nudged us through the discomfort, and our PLEDGE colleagues were impressive exemplars of grace under pressure. We grew more confident in our abilities, strengthened our collaborative skills, and leaned on our creativity and innovative thinking to help us through the challenges. Yet, the program provided an additional benefit that we did not anticipate. Our overall well-being was improved by the boost in our confidence and a renewed sense of purpose.

This sense of purpose brought us to the Zoom room that day. After completing PLEDGE, we had one question: What’s next? More research, an article, continuing our education? We don’t have the answers yet, but our desire to continue learning and bettering our practice is great. We are grateful to have had this opportunity to participate in this program, expand our network, and grow personally and professionally.
We conducted a case study using primarily qualitative research methods such as ongoing open-ended self-assessments as measured through surveys and interviews. These sources rendered data points that were coded to determine our research findings which consist of the following:

1. **We found that most students expressed the need for structured, well-staffed advising and critical skills support to improve their academic performance in the areas of analytical skills, feedback, accountability, identifying and implementing more effective study activities, and holistic advising.**

   Based on this finding, we recommended that law school administration teams hire additional experienced academic support faculty to (i) reduce skills-based class sizes; (ii) allow for individualized instruction; and (iii) increase opportunities for corrective feedback related to the development of analytical skills. We further recommended that administration ensure students receive meaningful advising by hiring a dedicated academic standing and planning advisor.

2. **Next, we found that students identified having limited opportunities for essay writing and feedback as a challenge to their success on law school exams.**

   To remedy this challenge, we recommended that faculty create more opportunities for students to write in the formative assessment model as required by the American Bar Association. We also noted that faculty could contribute to students’ success by providing detailed corrective feedback more frequently. Additionally, law school administration teams could facilitate workshops to support faculty’s efforts to develop more formative assessments.

3. **Our final major finding was that students experience a negative impact on their academic performance due to a lack of self-care, challenges with work/life/school balance, and limited guidance in implementing appropriate strategies to maintain overall wellness.**

   To counter this negative impact, we recommended that law school administration teams recruit full-time on-campus mental health professionals to (i) aid students in implementing and prioritizing self-care routines; (ii) teach students coping strategies; and (iii) coach students in developing and maintaining work/life/school balance and overall wellness. As an added measure, we recommended that Student Affairs teams host more on-campus self-care activities in collaboration with student organizations to lessen the negative impact on students’ academic performance.

While our efforts are ongoing, we are hopeful that our research leads to more discussion as we attempt to dispel the question of “Should they be here?” and replace it with effective interventions that support underperforming students to success in law school.
From our interviews, we found that students' negative experiences in standardized exams are generally categorized in three areas: stress and anxiety related to the exam, first-generation status, and lack of time available to study. The interviews confirmed that students arriving at law school reporting some or all of these challenges continue to perceive these same challenges as ongoing barriers to success. In addition, when reflecting on prior standardized exam experiences, students exhibited their belief that access to exam preparation resources, including financial resources to gain access to exam preparation resources, mattered the most in ensuring fairness on standardized exams. As law schools consider how to best support students, addressing the need for resources should be prioritized. Finally, to our surprise, students did not perceive race and gender alone as barriers to success. This is important in considering how to address inequalities that may be exacerbated in law school. Our research did show a link, however, between race and gender and low income and first-generation status, which our students consider barriers to their success.

It is very rewarding looking back on how much we learned over 18 months about research methodology, writing proposals, surveys, interviews, and sharing our findings. While it was challenging to complete the research above and beyond our regular job duties, we always felt supported by our curriculum team, AccessLex, the Southern Education Foundation, and our cohort. This opportunity nudged us out of our comfort zones and pushed us to think outside the box. Now with this experience under our belts, we are excited to expand our research and PLEDGE to use our findings to support our Seattle University Law students!

2023-2024 Cohort
Indiana University Maurer School of Law

Aniva Orenstein is a Professor of Evidence Law, and Katie Beck is the Director of Student Affairs at the Indiana University Maurer School of Law.

We joined forces to strategize about how to prepare students at the Indiana University Maurer School of Law to address the significant changes and challenges posed by the NextGen bar exam. We are particularly interested in the confidence and perception of readiness of students of color and first-generation students. The NextGen bar exam will test doctrinal subjects but will also assess foundational lawyering skills. Some doctrinal coverage in the NextGen bar exam will differ from previous bar exams, but the most notable innovation is the increased focus on lawyer skills. Such skills include the ability to marshal facts, draft legal documents, provide client counseling, and engage in alternative dispute resolution. In addition to our interest in helping students pass the bar, we wish to reinforce development of lawyering skills as a way of encouraging students' professional development and readiness to practice law.

Focusing on evidence law, a subject tested rigorously by both the current and NextGen bar exams, we sought to develop concrete exercises to help students become more aware of the NextGen’s type of testing.

First, we designed a Multistate Performance Test (MPT)-like skills-focused problem requiring the students to determine whether the Federal Rule of Evidence 407 (the rule prohibiting evidence of subsequent remedial repair) applies to changed contract provisions. Following the MPT template, the problem included original source materials from which the students had to extract the relevant (sometimes indeterminate and contradictory) facts. To do so, students had to read and apply a client interview, a deposition excerpt, and copies of relevant contract provisions. To determine the applicable law, students read excerpts from three cases and short snippets from secondary sources. Altogether, the materials totaled 19 pages and included instructions very similar to those provided for the actual MPT. From these source materials, the students were asked to represent the defendant in a civil action and draft a motion in limine to exclude changes in subsequent contract from admission in the case.
Second, students took an ungraded midterm with Evidence multiple-choice questions. Notably, the new, more skills-focused NextGen exam will still include 25 multiple-choice questions about Evidence. We provided two special recorded sessions with student volunteers in which Orenstein and a small cadre of students reviewed the multiple-choice questions and discussed doctrine as well as various strategies in answering them.

Third, throughout the semester Orenstein used multiple-choice questions as a teaching tool to review the material and actively engage the students. Discussion of the multiple-choice questions emphasized doctrine but also included strategy for answering multiple-choice questions.

After grades for the course were submitted and student evaluations were completed, we drafted a survey regarding the three exercises with the terrific help of Marybeth Gasman and Alice Ginsburg. We attempted to determine baseline information about the students’ prior knowledge regarding the bar [subjects tested, method of testing, etc.] and their confidence level about taking the bar. The survey, through Likert scales and open-ended questions, asked the students how and to what extent the three tools — the MPT question, the multiple-choice midterm, and the multiple-choice questions interspersed through PowerPoints throughout the semester — affected their knowledge of the bar and their confidence in taking it.

The fall 2023 Evidence class had 103 students, mostly 2Ls (class of 2024) and some 3Ls (class of 2025). Beck and Orenstein were delighted that over 80 of the 103 students answered the survey, and a significant number of them also volunteered for follow-up interviews. We are excited that we are about to start reviewing and coding the survey data and preparing for individual interviews.

During the spring 2024 semester, we plan to work with a master’s or doctoral student to assist us with data analysis of the surveys and interviews. We will select approximately 20 students from the survey for follow-up qualitative interviews with an outsider interviewer who is knowledgeable about the research topic and the law school experience, who we will train. As of this writing, the interviews plan to focus on students of color, first-generation students, and students with significant outside stressors such as high debt burden and caregiving responsibilities.

We approached this inquiry with the hypothesis that integrating skills-focused teaching methods and providing exposure to MPTs and multiple-choice questions, as well as discussing strategies for both types of assessment methods, would lead to improved student knowledge of what to expect and increased confidence regarding both skills-focused and substance-focused assessments.

We are grateful for the opportunity to explore interventions that will help our students learn important doctrinal subject matter, acquire relevant lawyering skills, and develop confidence regarding the bar exam. We are eager to learn what works for students so our institution and others can better help students prepare for the bar and for happy and successful lives in practice. If the three exercises had their intended effect of exposing students to the NextGen testing methods and bolstering their confidence, we will explore ways in which we can share with other faculty so that they too can intentionally and holistically integrate the teaching and assessment of knowledge and skills within their doctrinal courses.
With this program, we are hoping to identify trends in the levels of confidence students have when it comes to navigating law school and find positive professional identities by using their backgrounds and experiences as sources of inspiration, power, and advocacy. We want to create a setting where we can provide students with an opportunity to increase their social capital in real time. Thus, the Creating Capital program came to fruition. Creating Capital is a program which targets our first-year students and is designed to emulate a speed networking event for students. During the event, students will rotate between five stations, each designed to address different aspects of social capital which first-generation students have traditionally struggled with. The five stations will cover: 1) finding and utilizing institutional resources in law school; 2) leveraging their familial backgrounds; 3) using non-traditional networking; 4) managing ethical problems that may arise throughout journeys in the legal profession; and 5) fostering mental and physical wellness in their social connections.

As students move from station to station, we will have faculty, staff, and alumni from SLU Law to assist them through different prompts based on the respective stations. By working together with faculty, staff, and alumni, students will be able to interact with their future colleagues and begin to establish new connections and relationships. After rotating through each station, we will provide open social time where all attendees meet with each other in a less structured setting. This will allow students to take what they have learned at the stations and practically apply it in a situation strategically designed to give them social capital.

With this program, we are hoping to identify trends in the levels of confidence students have when it comes to navigating law school. For the purposes of this evaluation, we have defined first-generation law school students as those who do not have a parent, sibling, or guardian who has attended law school. The sample size we aim to survey will feature both first-generation and continuing-generation students, as our program will be open to our entire first year class. By analyzing the comparative data, we aim to better understand how students view their own pre-existing social capital and how providing concrete, practical opportunities to increase their social capital can impact their confidence.

It is important for first-generation students to embrace their identity, recognize the significance of being first-generation students and the unique perspective they bring to the law school experience. Students will hopefully realize they do not have to navigate the law school process alone, and it is important for them to know that this work is not just their responsibility. It is up to us as an institution to implement programs in and out of the classroom that aid in their success in the legal profession. Ultimately the messaging we send as an institution should be that their unique background is an asset, and their success is our priority.
CONFERENCE CORNER

- American Educational Research Association Annual Meeting (April 11-14)
- AccessLex Building Bar Skills Conference (April 15-17)
- AALS Conference on Clinical Legal Education (May 1-5)
- Association of Academic Support Educators Annual Conference (May 20-23)
- AALS Workshop for New Law School Teachers (June 6-8)
- CALIcon (June 13-14)
- National Association of Law Students Affairs Professionals Conference (June 18-20)
- Legal Writing Institute Biennial Conference (July 17-20)
- American Association of Law Librarians Annual Meeting (July 20-23)
- Southeastern Association of Law Schools Conference (July 21-27)
- Workshop on Research Design for Causal Inference (July 29-August 2)

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

PUBLICATIONS AND POSTS

- John Bliss, Teaching Law in the Age of Generative AI, Jurimetrics (forthcoming).
- Karen Sloan, California Bar Exam Sites Reduced for July Test, Reuters (Jan. 18, 2024).
- Karen Sloan, Chief State Court Judges to Examine Bar Admissions Nationwide, Reuters (Nov. 28, 2023).

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 Bar Passage Outcomes
- ABA Statistics
- 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®

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
- JDEdge by AccessLex™
- The Bar Examiner
- CALI Lessons

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

JOIN THE CONVERSATION

If you would like to see your work, research, or thoughts presented in Raising the Bar, we welcome hearing from you at RTB@accesslex.org.

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Raising the Bar
Spring 2024
Volume 7, Issue 2
Joel Chanvisanuruk, Senior Editor
Fletcher Hiigel, Managing Editor
Rob Hunter, Staff Editor
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