

RAISING THE BAR

EVIDENCE-BASED THINKING ABOUT THE BAR EXAM

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FROM THE DIRECTOR

F. Scott Fitzgerald once wrote, “The test of a first-rate intelligence is the ability to hold two opposed ideas in the mind at the same time, and still retain the ability to function.” As we navigate our work in 2024, I would propose adapting this adage to “The test of a first-rate academic and bar support professional is the ability to hold two opposing bar exams in their mind at the same time, and still retain the ability to function.”

How do we function in a landscape where our areas of expertise and research await disruption? We continue to engage in that balancing act exhibited by our community of academic support and bar prep professionals — we both offer and seek support in our work. For those of us who have been engaged in this work for some time, it is easy to identify two or three colleagues in the field who gave generously of their time and resources to help us learn and succeed in our roles. Likewise, through mentoring, writing, and presenting, we all guide and shape the work of the next generation of ASP and bar prep professionals. This dynamic of support and generosity is part of the culture of this profession. It defines our work and distinguishes us from other professionals in law and the academe.

I am proud that AccessLex Institute demonstrates this ethos throughout our programming. The Bar Skills Modules, discussed in this issue by faculty-author Toni Miceli, were developed through the support and partnership of staff and faculty from our member law schools. And because we seek to support our schools in preparing for the NextGen bar exam, these Bar Skills Modules are available to them at no charge. Examples of partnership and contribution to our collective work are illustrated in other AccessLex initiatives like the [AccessLex Institute | Association of Academic Support Educators – ASP Faculty Scholar Program](#) and the [Professionals in Legal Education Developing Greater Equity \(PLEDGE\) program](#). *The application deadline for the PLEDGE Fellowship is Sunday, July 14. Through this 14-month professional development program, teams of two Fellows will complete a Capstone project focused on fostering diverse, equitable, and inclusive learning environments in law school. Take advantage of this opportunity — submit your application today!* We hope that you will find a place to engage with AccessLex as we continue to seek partners in elevating and supporting the work of academic and bar success professionals.



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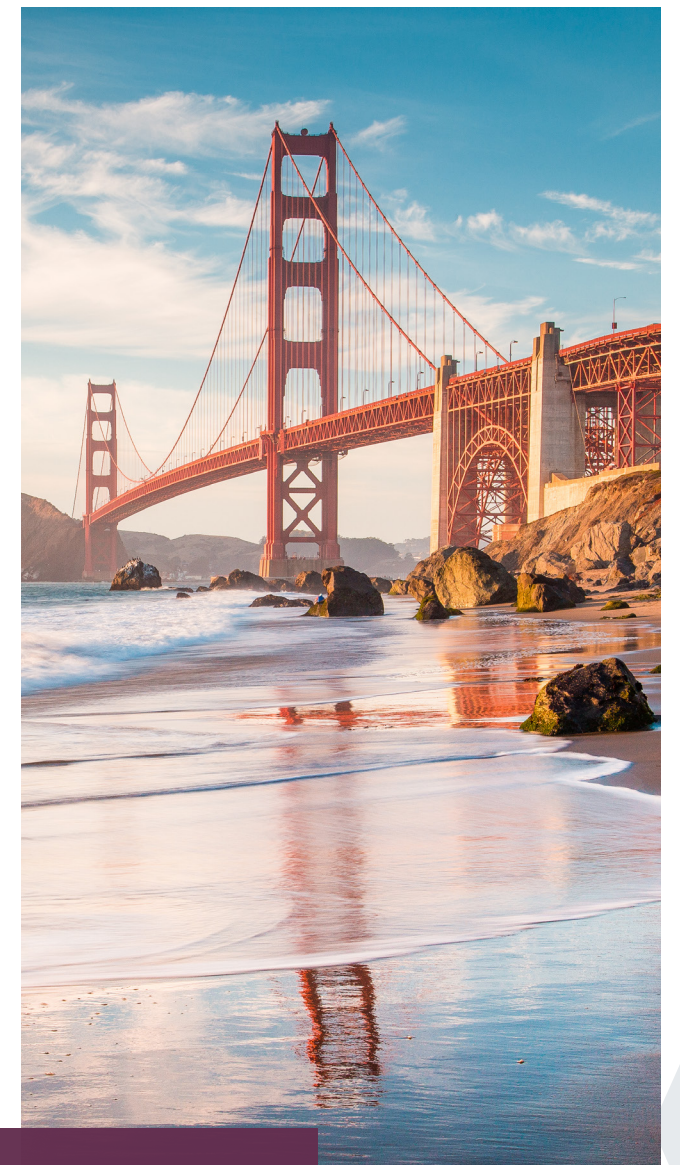
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ORGANIZATION UPDATE

Recent Research on Bar Exams by the State Bar of California

Kevin Wei is Lead Program Analyst and Yun Xiang is Deputy Chief Mission Officer for the State Bar of California Mission Advancement and Accountability Division.

California has more lawyers than any other state in the U.S., with approximately 270,000 licensed attorneys. It is commonly believed that obtaining a license to practice law in California is a difficult and competitive undertaking; California has the lowest bar exam pass rate among all states, with only 51-52 percent of test-takers passing the July exams in the last three years.¹ The State Bar of California concluded that there may be other or even better methods to assess an individual's minimum competence to practice law than the current bar exam. To that end, the State Bar has conducted a series of research projects, supported by AccessLex, to explore ways to improve the bar exam. This article provides a brief overview of the research.



¹ Obtained from the [State Bar of California Bar Exam Statistics](#) and [NCBE Bar Exam Statistics](#).

Remote vs. In-Person Test Administration

The bar exam has traditionally been given in-person in large congregate settings. However, in 2020, the COVID-19 pandemic forced a transition to remote administration, providing the State Bar with a unique opportunity to explore longstanding questions about the effects and feasibility of a remote licensing examination. State Bar staff conducted an analysis comparing exam performance across three remote exams (October 2020, February 2021, and July 2021) with the two in-person exams that followed (February 2022 and July 2022). It was found that students who took the exam remotely performed slightly better, about eight points higher, than those taking the in-person exam. This equates to a three percent higher pass rate for remote test takers. However, this difference is well within the normal fluctuation of scores and pass rates from year to year, suggesting that the overall impact of remote testing on exam performance is minimal. Interestingly, follow-up analyses showed an interaction between race/ethnicity and remote examination, such that Hispanic/Latino test-takers scored significantly higher in the remote exams than the in-person exams, whereas this difference was much smaller for other racial/ethnic groups. Future research is needed to better understand these results.

Record and Review vs. Live Remote Proctoring

To further delve into questions about viable options for exam delivery that address exam integrity, security, rigor, and use of testing accommodations, the State Bar conducted another study to evaluate the effectiveness of Live Remote Proctoring (LRP) on the First Year Law Students' Exam (FYLSX). This exam is generally taken after the first year of law school by law students attending California-unaccredited law schools. The study compared the impact of LRP, used for the October 2022 FYLSX cohort, against performance and experience of previous FYLSXs that used "record and review" remote or live in-person proctoring. Findings from this study show that compared to other forms of proctoring, LRP was associated with a minor improvement in pass rates but received overwhelmingly negative feedback, including regarding frequent and lengthy proctor interruptions. It was also observed that female test-takers performed disproportionately worse on the essay portions of the exam than their male counterparts, raising equity concerns. The results of this study highlight the important issues that exam administrators must consider when deciding on proctoring approaches.



Bar Exam Features Experimental Research

In October 2023, the State Bar conducted a pilot study to explore multiple features of bar exam delivery and administration. The study involved third-year law students who took a shortened and remote version of the bar exam. Features such as extended time, remote testing environments, and access to outside resources like self-prepared notes, Westlaw, and the open web, were tested. The main purpose of this pilot study was to test the logistics of running an experimental bar exam and to prepare for a full study in 2024. One hundred and seventy students completed the pilot exam. Of the three groups with access to outside resources, students found self-prepared notes to be the most helpful. In contrast, students with either Westlaw or internet access reported that the helpfulness of the resources was limited by a lack of familiarity or insufficient time. In support of this qualitative feedback, quantitative analyses showed that test-takers who were given extra time performed better on the multiple-choice and one of the two essays, and that this benefit was stronger for those who also used outside resources. This suggests that extra time and outside resources go hand-in-hand. However, we caution against taking these initial results as conclusive due to a very limited pilot study sample size. This fall, the California State Bar will extend this pilot by expanding to a much larger cohort and adding a further condition for evaluation: remote vs. in-person.

The research outlined here gives a glimpse into the State Bar of California's efforts to use empirical research to make data-driven decisions about the bar exam.





PROGRAM PROFILE

Paving the Road Towards the NextGen Bar Exam for Faculty and Students Through Bar Skills Modules for Doctrinal Classes

Antonia Miceli is a Professor and Director of Academic and Bar Success at Saint Louis University School of Law.

While law schools across the country work to prepare for the NextGen bar exam (NextGen), the runway is particularly short for those of us in jurisdictions set to administer NextGen during its debut in July 2026. I joined the faculty at Saint Louis University School of Law in 2011, when Missouri became the first jurisdiction to administer the Uniform Bar Exam (UBE). The shift from a Missouri-drafted bar exam to the NCBE-drafted UBE did not impact our bar exam preparation program significantly because it removed the state-specific content, leaving less substantive law for students to memorize, and maintained the same format.² Unlike that straightforward shift in 2011, the shift to NextGen in July 2026 brings changes not just in the foundational law tested, but also in the lawyering skills tested and the format of the exam. While NextGen reduces the breadth of **foundational concepts and principles** tested, it expands the list of foundational lawyering skills being tested, and utilizes two new **question types**. “Integrated question sets” will replace the current essay format, and a new issue-spotting type of multiple-choice question has been added to the current Multistate Bar Exam question type. Finally, Business Associations and Family Law,³ two subject areas currently tested only in essay format on the UBE, will now be tested in multiple-choice format on the NextGen bar exam.

² While the previous Missouri bar exam had included six 30-minute Missouri-drafted essays, it also utilized two 90-minute Multistate Performance Tests and 200 Multistate Bar Exam multiple-choice questions. Therefore, the only change in format between the two exams was the replacement of the six 30-minute Missouri-drafted essays with the Multistate Essay Exam, consisting of six 30-minute NCBE-drafted essays.

³ While Family Law will not be tested as a Foundational Concept and Principle in July 2026, it will be tested as such beginning with the July 2028 administration. See National Conference of Bar Examiners, **NCBE Announces Update to NextGen Exam Content, Extends Availability of Current Bar Exam** (Oct. 25, 2023).

This coming change in both bar exam coverage and format has led many law schools to revisit their required curriculum and review their assessment methods, particularly in bar-tested courses. To support its member law schools in their preparation for NextGen, AccessLex Institute launched its Building Bar Skills Initiative in May 2023, assembling Module Building Teams from five different law schools to create innovative curriculum Modules for use in doctrinal courses designed to cultivate the skills tested on the NextGen bar exam, and then to field-test those Modules over the fall semester with law students. I had the opportunity to serve on one of the inaugural Module Building Teams, along with my colleague, Professor Ann Scarlett, and together we designed and field-tested five Modules for use in first-year Civil Procedure courses.

Using performance tasks and integrated question sets that we modeled after the NCBE’s **sample question sets**, our Modules integrate the Federal Rules of Civil Procedure with the skills licensed attorneys use in applying these rules in their practice. Students are placed into the role of a new attorney and work through documents including emails from a partner, client, or paralegal, as well as legal authorities including statutes and cases. They are asked to assess the strength of the case law, identify which facts weigh in favor and which facts weigh against their client’s goals, and determine the best course of action in representing their client. As a result of our field-testing these Modules, students reported feeling less anxious as they approached their final exam because they had five earlier opportunities to assess their understanding of the concepts covered in class. We also found that students gained added context for rules that first-year students typically see as very abstract and disconnected. These Modules helped them make connections between the rules and understand how they fit into the greater civil litigation process.

In addition to supporting student learning, our Modules also offer Civil Procedure professors easy-to-adopt opportunities for low-stakes formative assessment. Adopting faculty are provided with a faculty guide to the Modules, which includes a description of the coverage and format of each Module, along with the estimated time allotted for completion, student learning outcomes, and the NextGen Foundational Skills tested. Integrated question set Modules are accompanied by sample answers and explanations, and performance task Modules are accompanied by a sample answer, an in-depth student self-assessment exercise, and a faculty grading rubric. Faculty have the flexibility to adopt anywhere from one Module to all five and drop them into their course in the order that they cover the topics tested by each Module. Moreover, each Module was test-driven in Professor Scarlett’s Civil Procedure class during the fall semester and then edited by us based on student feedback and the faculty experience. From a faculty perspective, these early and frequent assessment opportunities produced stronger legal analysis and exam writing skills in the majority of the class, shifting the middle of the grading curve up from prior years.

The most exciting thing about working on these Modules has been that, while the official work of the inaugural Module Building Teams has concluded, the process and the results have been so rewarding that we are continuing to develop exercises with each other on an unofficial basis. The collaboration that the Bar Skills Initiative has promoted between faculty and between schools can serve as a model for the work we have ahead of us as we prepare our academic programs and our students for NextGen’s arrival.



RESEARCH SPOTLIGHT

The NextGen of Licensing and Accreditation Reform

Nachman Gutowski is the Director of Academic Success Program at University of Nevada, Las Vegas William S. Boyd School of Law.

NextGen Licensure & Accreditation, a forthcoming publication in the University of New Hampshire Law Review, dives into the imminent phased implementation of the NextGen bar exam by the National Conference of Bar Examiners, marking a significant milestone in the ongoing evolution of legal education and licensure. This initiative, slated to begin in July 2026, underscores a deliberate effort to address longstanding criticisms of the traditional bar exam's ability to accurately assess minimum competency to enter the practice of law. Historically, the exam has relied heavily on rote memorization and standardized testing formats, methods increasingly viewed as insufficient and unreliable. However, this transition also introduces significant challenges that necessitate meticulous examination. Key concerns include the continuing lack of transparency in the implementation process, the varying degrees of readiness among law schools to adapt their curricula, and the likely disruptions to accreditation procedures.

In comparison with other professions, where continuous and practical assessments are integral to licensure, the legal profession's reliance on a single summative exam is anomalous. These fields have progressively moved towards more integrative and competency-based evaluations, which not only reflect an individual's knowledge but also their practical skills and ethical considerations in professional practice. The reformative shift in the legal examination framework is reflective of a broader trend toward more holistic forms of professional assessments that emphasize real-world application and critical thinking over theoretical knowledge alone. Moreover, the legal profession's traditional reliance on a singular, summative licensure examination to determine accreditation status presents significant challenges. This method is increasingly viewed as perpetuating barriers to entry and reinforcing systemic biases under the pretext of upholding professional standards.

By contrast, the evaluation frameworks in other professional sectors such as medicine, accounting, psychology, and engineering demonstrate a marked divergence. These fields have largely transitioned to using multifaceted evaluation mechanisms, incorporating a range of continuous and practical assessments. Such methodologies do not typically rely on the aggregated post-graduation performance of their graduates to determine the quality of educational institutions. This contrast underscores a fundamental discrepancy in how competency and readiness are assessed across different professional disciplines, highlighting the need for reform in legal education and licensure.

Responsive adaptations in licensure processes could potentially foster greater equity and accessibility, thereby aligning legal education more closely with broader academic standards and professional expectations across disciplines. In light of these critical evaluations, a range of reformative pathways are currently under consideration, aimed at cultivating a more inclusive and practice-oriented legal education framework. Initiatives such as reevaluating the viability of diploma privilege, implementing diverse portfolio review methods, and integrating supervised practice tracks indicate a shift toward more comprehensive and reasoned educational strategies.



This discussion has transcended academic speculation and is actively influencing policy decisions. Several states have already modified their licensure frameworks, reflecting a widespread reassessment of the exam’s relevance and utility. The renewed focus on practical skills assessment through the NextGen bar exam represents a significant step towards rectifying existing issues. Nonetheless, the challenges associated with implementing the new exam across various jurisdictions, its effects on the future portability of scores, and its acceptance within the broader legal community continue to be complex and contentious topics. These issues underscore the need for ongoing dialogue and careful consideration to ensure that the reforms achieve their intended outcomes without unintended consequences.

The evolution and transition to the NextGen bar exam signals an inevitable, pivotal legal education and licensure reform. These changes represent an opportunity to align the assessment of legal competencies with the realities of practice in the 21st century. Such a transition demands meticulous planning, transparency in implementation, and robust collaboration across the spectrum of legal education stakeholders. The legal profession is at a critical juncture; the path chosen now will profoundly influence the future of legal education and the fabric of legal professionalism and ethics. As such, collective engagement from educational bodies, accreditation authorities, and the legal academy at large is imperative to forge an equitable and effective path forward. Radical change is overdue, and with any luck, it is at our doorstep; we need only open the door.



Undergraduate GPA Growth as an Admissions Tool

Paige Wilson is a Senior Research Analyst at AccessLex Institute.

In their *Students for Fair Admissions v. Harvard* decision, the U.S. Supreme Court curtailed consideration of race in admissions across higher education. This decision is likely to reduce the share of underrepresented students of color matriculating through college, graduate programs, and professional schools — including **law schools**. Law schools must now find innovative new approaches to recruit diverse classes. AccessLex Institute’s recent **research report** investigates a promising approach: undergraduate GPA (UGPA) growth.

We define UGPA growth as the difference between final and first-year UGPA. We posit that students who demonstrate exceptional UGPA growth might accomplish this feat through traits like growth mindset and resilience, which may predict future academic success.

To explore the value of UGPA growth as a potential admissions tool, we ask three questions:

1. How well does UGPA growth predict important early law school outcomes, like grades and retention?
2. How does the predictive value of UGPA growth compare to that of LSAT score and final UGPA?
3. How much does UGPA growth vary by race and ethnicity compared to traditional admissions metrics?

We investigated these questions using data from institutional partnerships with 14 law schools, resulting in a sample spanning over 5,000 students across 11 years. Our analysis suggests that, indeed, UGPA growth may meaningfully predict early law school outcomes.

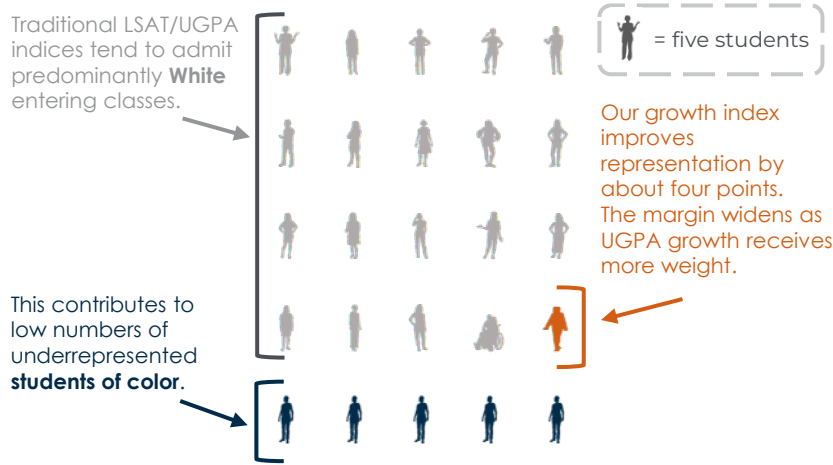
UGPA growth is positively related to first-year grades. The effect is comparable to that of final UGPA. UGPA growth is also negatively associated with 1L-non-transfer attrition, although its effect is weaker than both LSAT score and final UGPA.

While LSAT score and final UGPA vary substantially by race, the median UGPA growth value is virtually identical across racial and ethnic groups.

We concluded our analysis by conducting a mock admissions scenario to examine how admissions professionals might use UGPA growth in practice. To do this, we randomly selected 1,000 observations from our sample, representing a hypothetical law school applicant pool from which we aim to admit 125 students. Because we recognize that schools have finite resources and therefore cannot scrutinize all applications equally, we first populated the mock incoming class with the presumptive admits: those with LSAT scores and final UGPAs greater than one standard deviation above the mean. We also assumed that those applicants with LSAT scores and final UGPAs greater than one standard deviation below the mean are not offered admission. This process filled 62 seats within the mock class and winnowed the remaining applicant pool down to 366 discretionary admits — those in the middle of the pool. We then evaluated these remaining discretionary admits under two systems of evaluation, one comprised only of LSAT score and final UGPA, and another that considers UGPA growth in addition to LSAT score and final UGPA. We did this by assigning each of these remaining discretionary applicants two index scores: one with LSAT score and final UGPA weighted at 60% and 40%, respectively, and another with LSAT score, final UGPA, and UGPA growth weighted at 60%, 20%, and 20%, respectively.



A UGPA growth admissions index admits more underrepresented students of color.



We then filled the remaining 63 seats in the mock class by selecting the applicants with the highest index scores under these two systems of evaluation. Ultimately, the class recruited under the evaluation system utilizing UGPA growth included a greater number of underrepresented students of color by four percentage points. Both indexes predicted 1L law school GPA similarly, suggesting that UGPA growth poses a meaningful system of evaluation in admissions considerations. Finally, the two entering classes have no meaningful differences in median LSAT or UGPA. This implies that increasing the weight of UGPA growth in admissions would not necessarily require sacrifices to a law school's ranking, all while increasing representation of underrepresented students of color.

Overall, these findings lead us to believe that UGPA growth may hold potential as a permissible and meaningful tool to improve diversity in law school admissions — without considering race — by rewarding growth, learning potential, and resilience. As law schools search for a path forward post-SFFA, we hope this study will encourage continued innovation in law school admissions.

CONFERENCE CORNER

- [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)
- [LexCon '24 Financial Capability and Student Success Conference for Graduate and Professional Administrators](#) (November 12-14)
- [Association for the Study of Higher Education Annual Conference](#) (November 20-23)
- [Association of American Law Schools Annual Meeting](#) (January 7-11)

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

PUBLICATIONS AND POSTS

- Marsha Griggs, [*Outsourcing Self-Regulation*](#), 80 Wash. & Lee L. Rev. 1 (2024).
- Julianne Hill, [*Law Schools Examine Pedagogy as NextGen Bar Exam Looms*](#), ABA J. (Apr. 16, 2024).
- Morris A. Ratner, Stephen N. Goggin, Stefano Moscato, Margaret Greer & Elizabeth McGriff, [*Determinants of Success on the Bar Exam: One Law School's Experience 2010–2023*](#), J. Legal Educ. (forthcoming 2024).
- Kyle Rozema, [*What Occupational Licensing Requirements Protect the Public? Evidence from the Legal Profession*](#) (2024).
- Jason Scott, Andrea Pals, and Paige Wilson, [*Predicting Bar Success: The Mediating Effects of Law School GPA*](#) (2024).
- Karen Sloan, [*Bar Exam Alternatives Gain American Bar Association Backing*](#), Reuters (May 17, 2024).
- Washington State Courts, [*Supreme Court Approves Alternative Pathways to Lawyer Licensure in Washington State*](#) (Mar. 15, 2024).

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

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- [Legal Education Data Deck](#)

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- [AccessLex® Student Loan Calculator](#)
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Research Fellowships, Grants, and Partnerships

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- [AccessLex Bar Success Research Grant Program](#)
- [American Association of Law Libraries \(AALL\)](#)
- [Bar Exam Success Analyses Program](#)
- [Professionals in Legal Education Developing Greater Equity \(PLEDGE\) Initiative](#)

ASP and Bar Success Resources

- [ABA Bar Information for Applicants with Disabilities](#)
- [AccessLex Building Bar Skills Modules](#)
- [CALI Lessons](#)
- [JDEdge by AccessLexSM](#)
- [NCBE Bar Admission Guide](#)
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