

RAISING THE BAR

EVIDENCE-BASED THINKING ABOUT THE BAR EXAM

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FROM THE DIRECTOR

More than in most other roles within the law school enterprise, the work of the academic support and bar preparation educator can be maddening. The cyclical nature of orienting, supporting, and preparing law students for the bar exam can be exacting. As one cohort finally clears the hurdle of the bar exam, a new cohort arrives. And the task begins again.

The plight of the academic support professional (ASP)/bar preparation educator recalls the Greek myth of Sisyphus, the mortal who in life cheated death not once, but twice. In the afterlife, Sisyphus was sentenced to pushing a boulder up and over a mountain. Once Sisyphus and his boulder reached the peak of the mountain, the boulder rolled back down, and he was forced to begin his task again.

Like many myths, Sisyphus' punishment sticks in our collective consciousness as an example of the potentially maddening application of effort without hope of resolution. While perhaps not heartening, analogizing the work of ASP/bar prep professionals to the fate of Sisyphus is apt. One exerts huge effort to guide a cohort of students up to the point of taking the bar exam, just to find a new cohort suddenly materializing.

If the cyclicity of ASP/bar prep work readily invites comparison to a tortured afterlife, then how is it that so many professionals engage in the work, let alone spend entire careers in the field? The answer, I would argue, lies in the lessons learned from both Camus and our colleagues. Philosopher Albert Camus expounded upon the myth of Sisyphus in his 1955 essay "The Myth of Sisyphus." Camus challenges readers to consider that Sisyphus might engage in his work with joy. Sisyphus, Camus posits, demonstrates a world of higher fidelity wherein "his rock is his thing," and each atom of the rock is his universe. He effectively turns the myth on its head and offers readers a hopeful reconsideration of the story's implications.

Similarly, educators and colleagues with lengthy careers in ASP/bar prep inhabit a world where their students are the atoms of their universe. Their commitment to students and knowledge of the bar instrument is their thing. In this way, a return to the fall semester with the arrival of a new student cohort is greeted with something more akin to joy and curiosity. Perhaps it is this fidelity of focus that permits longtime ASP/bar prep educators to stay in their roles, even when issues of status, compensation, and workload can make the work more challenging. An additional source of support in this work comes from actively borrowing ideas and inspiration from each other. By sharing successful strategies, we share the load of our work. And by sharing our knowledge and experience, we support each other and our students' success. Thankfully, the ASP/bar prep community is replete with generosity.

This issue of Raising the Bar includes two Program Profiles — from our colleagues at University of North Dakota and University of Richmond. I invite you to borrow ideas, inspiration, and strategies from these profiles. The intervention profiled by University of North Dakota was supported by a small grant from AccessLex Institute. The BESA Intervention Grant Program (Barriers and Interventions Grant) is offered to law schools that have completed AccessLex Institute's **Bar Exam Success Analyses** (BESA) and, based on the insights and findings from their BESA Final Report, seek to deliver and study an intervention that moves the needle on their law students' bar success. These Barriers and Interventions Grants award up to \$25,000 and are an excellent way to build thoughtful program delivery and assessment capacity across a team of law school staff and faculty — who together seek to move their students up and over the hill of the bar exam.



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PROGRAM PROFILES

Introducing Incentives to Increase Bar Exam Workshop Attendance and Participation

Blake Klinkner is an Assistant Professor at University of North Dakota School of Law.

University of North Dakota School of Law (UND Law) is very thankful to have been a recent recipient of a Bar Success Barriers and Interventions Grant from AccessLex. Among several initiatives, UND Law used grant funds to implement and assess whether providing incentives would encourage student attendance at bar exam workshops for the February 2024 and July 2024 exams. To this end, we provided a meal for students who attended each workshop. We also held gift card drawings — students who attended a workshop and submitted a completed Multistate Essay Examination (MEE) or Multistate Performance Test (MPT) practice test at the workshop were eligible for the gift card drawing. The first phase of the Barriers and Intervention grant requires a self study of possible barriers to bar passage. During this phase, we identified a need to increase bar examinee accountability and motivation, and we posited that providing incentives could motivate students to attend our supplemental bar exam programming while increasing engagement and accountability in practice exercises. We also identified student unfamiliarity and inexperience with the essay and performance test instruments as additional barriers to student success on the bar exam. Again, we anticipated that providing meals and gift card drawings to students who attend and, more importantly, fully participate in essay and performance test workshops could help address these barriers.

Providing Meals to Students Attending Bar Exam Workshops: Encouraging Attendance and Maintaining Community

We observed that many bar examinees struggle with financial insecurity during bar exam preparation, including food insecurity. Post-graduation, many students lose access to financial aid, which means that their financial resources are stretched thin during the post-graduation months of bar exam study. As students work less (and sometimes not at all) during bar exam prep, their financial resources become further taxed. For these students, offering a free meal at bar exam workshops was greatly appreciated, and these meals encouraged attendance among students who otherwise would not attend — not due to a lack of bar exam motivation, but rather due to financial considerations. In collected feedback some students candidly shared



that the only reason why they decided to attend a particular workshop was because they knew that there would be food offered (and that they would not have made the trip to campus to attend the workshop if we didn't offer food).

Moreover, students who are generally not motivated to attend a bar exam workshop also tended to be students who struggle to keep up with their bar exam preparation. While free meals at workshops were a financial incentive to cash-strapped law students, we found that once students started attending workshops they generally continued to attend subsequent workshops and trainings — ideally, because they realized the skills benefit in addition to the financial benefits of attending.

An additional unforeseen benefit of providing meals at our supplemental bar exam workshops was that students came to the law school building to study, when they otherwise would not have come to campus. We observed that students who attended a workshop stayed at the law school for the remainder of the day to study. We strive to make the law school space a quiet conducive-to-study environment, free of the likely distractions of studying at home or work.

Finally, students who came to campus engaged in observable interactions with their classmates and remain connected to their classmates and broader law school support system.



Our bar studiers have reported a sense of loneliness and isolation post-graduation, when they are no longer on campus and removed from regular contact with their friends and colleagues. By offering meals, students were encouraged to return to the law school, and in returning, these students could reconnect with their classmates and continue to interact with them, reducing the feelings of loneliness and isolation which can be detrimental to bar examinee mental health, morale, stamina, and drive.

Gift Card Drawings to Help Students Overcome Essay and Performance Test Practice Inertia

Students who both completed and submitted practice essay questions and performance tests for feedback and scoring were eligible to enter drawings for gift cards. This incentive served as an important motivator for students to engage in these practice exercises. Some students admitted that they were disinclined to complete practice essay questions and performance tests, and submit these for feedback and scoring, out of embarrassment, or nervousness about being evaluated, often masquerading as a generalized lack of motivation. These engagement-contingent gift card drawings effectively extracted participation from students struggling with motivation or disengaged in bar exam programming. As opposed to the inertia of fear and disengagement, we found that students who began to complete practice essays and performance tests got into the habit of participating and submitting items for feedback and scoring. We believe that they realized the benefit of these exercises, overcame the fear of feedback, and became bar studiers benefitting from the positive inertia of participation.



Integrating Academic Success

Laura Webb is Associate Dean of Student Success and a Professor of Law, Legal Practice at University of Richmond School of Law. Krishnee Coley is an Associate Professor of Law, Legal Practice and Director of the Academic Success Program at University of Richmond School of Law.

Over the past few years, Richmond Law has taken several intentional steps to address one of academic success programs' (ASP) perennial challenges: the students who most need help may not be the ones who find their way to optional ASP sessions. By integrating academic success into orientation programs and collaborating with doctrinal professors, we've succeeded in reaching all our 1L students despite the lack of a mandatory 1L ASP course.

Orientation

Our efforts begin with a mandatory week-long orientation right before fall classes start. Our Academic Success Program Director, Krishnee Coley, conducts three separate sessions during the week that focus on preparing for class, engaging in class, and synthesizing and reviewing material after class. This early introduction to ASP skills aims to empower students to maximize their potential for success and ease their transition to law school. The significance of these skills is further emphasized by three classes taught during the week by our Contracts professors. In these small section classes, the doctrinal faculty deliberately reinforce the messages highlighted during the ASP sessions.



And Continuing Orientation

This year, we collected important events from ASP, the Career Development Office, and the Dean's Office and provided a single list to students as "Continuing Orientation." Our goal was to show students that the lessons they began to learn in Orientation should be continued and developed further throughout their 1L year. We gave the students Fall Continuing Orientation events upon arrival to campus and Spring Continuing Orientation events at the 1L class meeting during the first week of the spring semester.

Providing students with a set of important dates all in one place helped them see these events as a cohesive effort to continue development over time, rather than just random events throughout the semester. The collected list shows students that career development support, Dean's Office guidance, and academic success sessions are all a coherent and connected part of their law school experience.

Collaboration is Key

The other key aspect we have found successful is collaborating across the law school community so that ASP is not set apart in a silo but is integrated with the 1L curriculum. We've transitioned from optional 1L ASP programming in the fall to mandatory sessions tied to a doctrinal course. Senior leadership, ASP, and professors work together to show how skills connect to core topics in doctrinal classes.

For example, in fall 2024 Director Coley co-taught three sessions for each section of our Civil Procedure classes, working closely with the faculty to show students the relevance of a particular ASP skill to learning in the doctrinal classroom. Because the faculty members require attendance at these skills classes and list them on their syllabi, all 1L students attend. These sessions expose the students to ASP resources and encourage them to seek additional counseling.

Similarly, in spring 2025 we will hold an ASP workshop in which one of our spring Property professors and the Associate Dean of Student Success, Laura Webb, will join Director Coley to discuss adverse possession. Using a learning module developed by our faculty in connection with the AccessLex Building Bar Skills Initiative, we'll discuss substantive law and performance task strategies. All Property professors are



posting the workshop materials as part of their class, and we are offering students who struggled in the fall semester the opportunity for a one-on-one meeting to review their performance task responses.

Finally, in both the fall and spring semesters, our Continuing Orientation program includes a mini bar assessment. Professors in 1L bar-tested classes work together to create MBE-style questions on core concepts covered by every section of the class. On a date towards the end of each semester, students gather to take the 45-question assessment in conditions similar to the bar exam (closed-book, time-constrained, proctored, using exam software). They receive scores (overall and by topic areas) as well as answers and explanations in time to integrate that information as part of their review before taking final exams.

Lessons Learned

While our collaborative program model would work with any 1L doctrinal course, we chose faculty members who were amenable to incorporating skills instruction into their classes. We found our initial programming laid the foundation for other skills and doctrinal collaborations at our school and sparked a greater interest in working collectively to prepare our students for the NextGen bar exam.

CONFERENCE CORNER

- ⚠ [Law School Diversity Professionals Annual Meeting](#) (April 22-24)
- ⚠ [American Educational Research Association Annual Meeting](#) (April 23-27)
- [Association of American Law Schools Conference on Clinical Legal Education](#) (April 26-29)
- ⚠ [Association of Academic Support Educators Annual Conference](#) (May 20-22)
- [Association of American Law Schools Workshop for New Law Teachers](#) (June 5-7)
- [CALIcon: The CALI Conference for Law School Computing](#) (June 5-6)
- ⚠ [National Association of Law Student Affairs Professionals Annual Conference](#) (June 10-12)
- [American Association of Law Libraries Annual Meeting](#) (July 19-22)
- ⚠ [Southeastern Association of Law Schools Annual Conference](#) (July 27-August 2)
- [Workshop on Research Design for Causal Inference](#) (July 28-August 1)

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

⚠ Indicates that AccessLex will have a presence at this conference.

PUBLICATIONS AND POSTS

- Claudia Angelos et al., [Langdell's Subjects](#), 102 U. Det. Mercy L. Rev. 1 (2024).
- Megan Bess, [Straight From the Students: The Impact of Law School Experiences on Professional Identity Formation](#), Marquette L. Rev. (forthcoming).
- Katya S. Cronin, [Value-Centered Lawyering: Refocusing the Law School Curriculum to Promote Well-Being, Quality Client Representation, and a Thriving Legal Field](#), 101 U. Det. Mercy L. Rev. 257 (2024).
- Steven Foster & Nachman N. Gutowski, [Breaking the Cycle: Rethinking Bar Exam Scoring and Portability for NextGen Examinees](#), UNT Dallas L. Rev. (forthcoming).
- Julianne Hill, [Mythbusters: What Do We Really Know About Online Law Schools?](#) ABA J. (Jan. 15, 2025).
- Dawn Young*, [Visible Learning: Adapting Primary and Secondary Pedagogical Approaches to Legal Education](#), J. Legal Educ. (forthcoming).

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RESOURCES FOR LEGAL EDUCATORS AND LAW STUDENTS

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

Research Fellowships, Grants, and Partnerships

- [AccessLex Bar Success Intervention Grant Program](#)
- [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](#)
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- [NCBE Bar Admission Guide](#)
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