

### THE ISSUE

Law schools are held accountable on many fronts to achieve and maintain high bar passage rates. ABA Standard 316 is likely the strongest accountability measure. While academic and bar success interventions can be key drivers of bar exam performance, assessment of their effectiveness must account for other institutional practices that may also influence law school bar passage rates. Such practices could include recruitment and admission of transfer students and academic attrition. We examine this hypothesis to assess the influence of both 1L non-transfer attrition and 1L transfer on law schools' bar passage rates.

### KEY FINDINGS



On average, rates of non-transfer attrition and transfer-in have a negligible impact on first-time bar passage differential when examined independently. Only unusually high rates of non-transfer attrition (e.g., 21%) result in notable increases in first-time bar passage differential.



At schools with average and above average non-transfer attrition rates, increasing the transfer-in rate slightly increases first-time bar passage differential. Likewise, increases in non-transfer attrition at schools with above average transfer-in rates notably increase first-time bar passage differential.

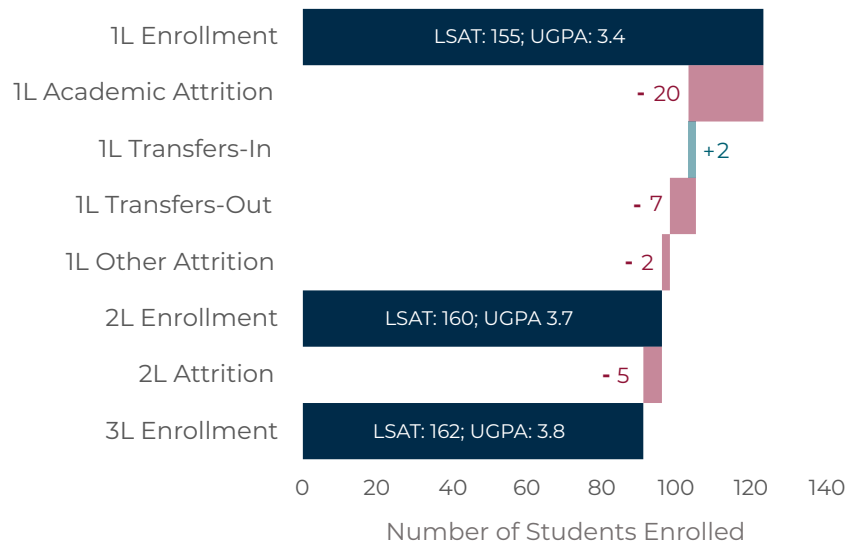


The above finding remains true even in areas where law schools are concentrated and rates of transfer to more selective schools and out of less selective schools are higher.



Simultaneously increasing non-transfer attrition and transfer-in rates generally has a marginal effect on first-time bar passage differential; any school seeking to leverage related efforts to improve institutional bar performance would, at best, increase its bar pass differential by five percent.

Attrition (red bars) and Transfer (green bars), Can Substantially Change the Median LSAT and UGPA of a Cohort



### IN THEORY, NON-TRANSFER ATTRITION AND TRANSFER HAVE IMPLICATIONS FOR CLASS COMPOSITION AND BAR PASSAGE

Higher non-transfer attrition and transfer-in rates have the potential to change the composition of a law school class. Dismissing lower performing students and matriculating higher performing students after they have completed their 1L year elsewhere, increases a cohort's average LSAT score and UGPA. Given the small positive effect that LSAT score and UGPA have on bar passage, it is possible that altering the composition of a cohort could improve a school's bar passage rate.

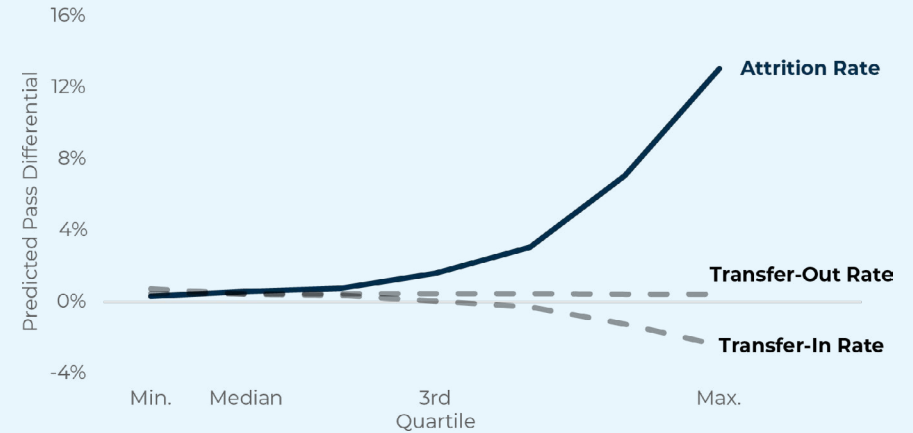
While this suggests that schools could use aggressive academic attrition policies and recruitment tactics to remove underperforming students and replace them with high-performing students from nearby institutions to improve law school bar exam performance, it is more likely, and more common, that law schools turn to academic dismissal only after making serious attempts at intervention and remediation.

### HOW DO 1L NON-TRANSFER ATTRITION AND TRANSFER AFFECT BAR PASSAGE?

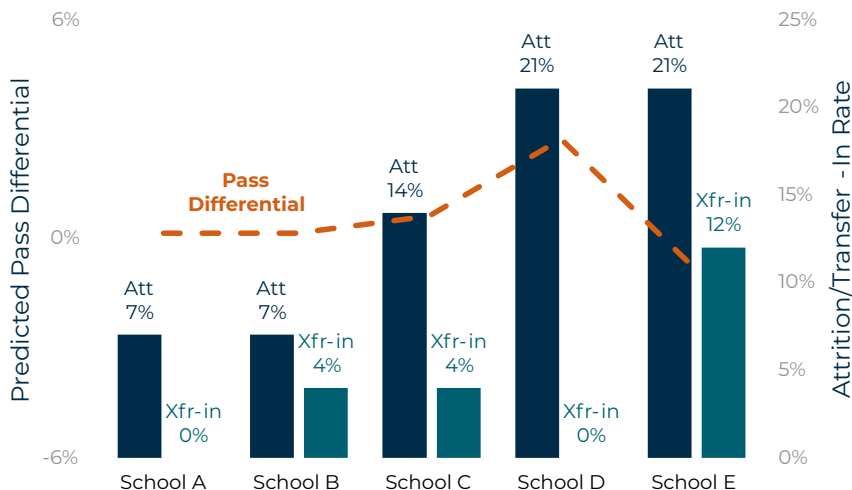
Some amount of **attrition** and **transfer** is normal in law school. **But to what extent does it influence bar passage?** To investigate this question, we use attrition and transfer to predict first-time **bar passage differential**, which measures the degree to which a law school's first-time bar passage rate exceeds or falls short of the first-time bar passage rate in the jurisdictions where its graduates took the bar exam.

Non-transfer attrition, transfer-in, and transfer-out rates have modest, statistically insignificant relationships with pass differential. Although in most cases we do not expect a practically meaningful change to a school's bar passage differential when its non-transfer attrition, transfer-in, or transfer-out rate change, the relationships become more dramatic with more extreme (and uncommon) non-transfer attrition and transfer-in values.

At most schools: A School's Pass Differential is Affected Only by Large Swings in Attrition; it is Largely Unaffected by Changes to its Transfer-In or Transfer-Out Rates



PREDICTED BAR PASS DIFFERENTIAL INCREASES MOST WHEN THE NON-TRANSFER ATTRITION RATE IS HIGH AND THE TRANSFER-IN RATE IS LOW



### THE COMBINED EFFECT OF ATTRITION AND TRANSFERS-IN

Non-transfer attrition is generally associated with a higher pass differential. However, when the two interact, attrition magnifies the negative effect of changes to the transfer-in rate on pass differential.

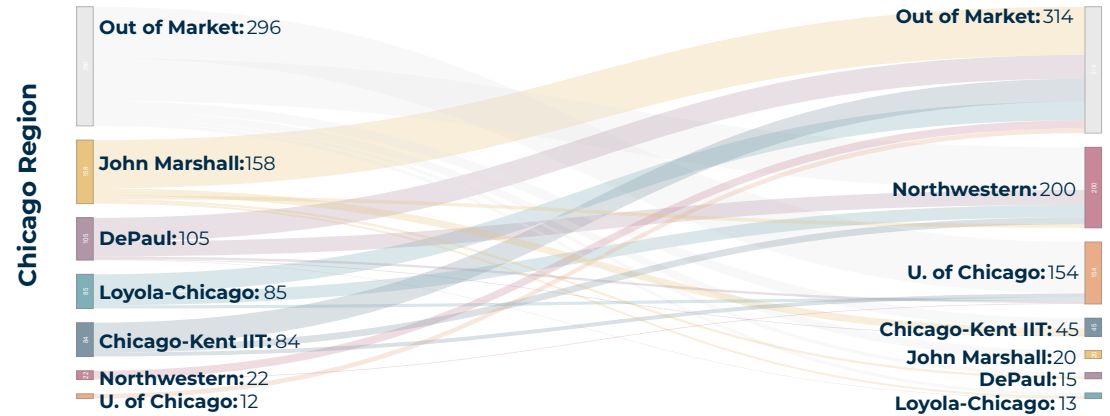
Therefore, according to our analysis, **it is unlikely that schools with higher attrition rates replace dismissed students with transfer students in a way that improves their institutional bar passage rates.** Instead, we find that the combination of high attrition and transfer-in rates is actually associated with lower bar pass differential.

### ATTRITION AND TRANSFER-IN RATES MAY DIFFER IN HIGH-VOLUME TRANSFER MARKETS

While *attrition* often occurs because of poor academic performance, student *transfers* are often associated with a student's desire to move "up" to a more prestigious law school.

Where multiple schools of varying prestige coexist in close geographic proximity (transfer markets), **more transfers occur from the lower-ranked schools to the higher-ranked schools.**

To examine whether these markets moderate the effects of non-transfer attrition and transfer rates on bar passage differential, we created a transfer index by grouping schools into regions based on their geographic location. Within each region, we assigned each school its *U.S. News* ranking and calculated the difference between the total number of schools and the number of schools with a lower ranking. Higher transfer index values mean that a school has a higher *U.S. News* ranking relative to other schools within a 100 km radius.



### THE EFFECTS OF NON-TRANSFER ATTRITION AND TRANSFER RATES DO NOT VARY BY GEOGRAPHIC PROXIMITY TO OTHER LAW SCHOOLS WITH LOWER U.S. NEWS RANKINGS

Although higher-ranked schools have higher baseline pass differentials (they cross the y-axis at a higher point) and are more likely than nearby lower-ranked schools to **receive transfers** and **retain students** they admit, this does not alter the effect of **attrition** and **transfer** on bar passage. (If it did, the steepness of the the blue, yellow, and teal lines for each figure below would be markedly different.)

