



# RAISING THE BAR

EVIDENCE-BASED THINKING ABOUT THE BAR EXAM

Winter 2026  
Volume 9 Issue 1

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## FROM THE DIRECTOR

As many of us emerge from a winter break, returning to the familiar spaces of our office can reveal once overlooked details. The time away and distance can offer perspective, reframing the familiar and, sometimes, offering instances of clarity. This issue of *Raising the Bar* recasts otherwise familiar approaches to teaching and legal education, making some features more visible and meaningful.

Professor Carolyn Williams' commentary unearths the connection between two seismic shifts in legal education and practice — challenging us to rethink how we prepare students for both the NextGen Uniform Bar Exam and AI-informed legal practice. In her research, Dawn Young encourages us to revisit, and borrow from, familiar learning approaches that adopt a visible style of teaching and learning. Finally, AccessLex Institute® researchers Andrea Pals and Jason Scott reveal the value proposition of law schools often hidden under the weight of prestige-driven rankings.

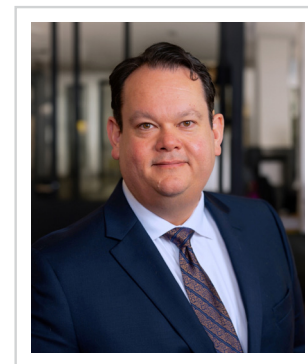
As we return to our work in this new year, I hope that the perspectives offered in this issue provide clarity about the value of your work educating future attorneys. And, as we strive to make your work more visible, I encourage you to share your ideas with us at [RTB@accesslex.org](mailto:RTB@accesslex.org). Here's to a year of clarity, collaboration, and bright ideas.

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

Senior Director, Programs for Academic and Bar Success  
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## DISTINGUISHED COMMENTARY

### Strengthening Bar Skills Through Document Evaluation

*Carolyn V. Williams is an Assistant Professor of Law at the University of North Dakota School of Law. The suggestions herein are an extension of those in her [article](#) on how legal writing professors should revise their assessments in light of the NextGen Uniform Bar Exam and AI, which won the Legal Writing Institute's 2025 Theresa Godwin Phelps Award for Scholarship in Communication.*

Administrators and faculty are scavenging for ways to help law students succeed on the NextGen Uniform Bar Exam (NextGen UBE). One of the ways law faculty across the curriculum can do so is to incorporate into their classrooms opportunities to evaluate and critique drafts of legal documents, even if the course is not a traditional writing course. Evaluating a draft is not the same as having students rewrite the document. To succeed on the new bar exam and appropriately use AI, students need to build the vocabulary to describe what they see on the paper, evaluate why it may not fit the client's needs, the law, or the criteria of that document, and to suggest ways to improve the text.

Traditional summative assessments in law school require students to write original answers to hypothetical client problems. While there may be value in this, the skills needed for original drafting are not the only ones that students need to pass the new bar exam or to write with AI.

The NextGen UBE will assess students' doctrinal knowledge and legal writing skills differently from the Uniform Bar Exam (UBE). The UBE tested legal writing indirectly through the Multistate Essay Examination (MEE) and the Multistate Performance Test (MPT), both of which required original drafting. And while the MEE did test doctrinal knowledge by assessing the original writing, the NextGen UBE shifts the emphasis. Most of its legal-writing tasks do not require examinees to draft documents from scratch. Instead, they require students to evaluate, critique, and articulate improvements to existing legal text. And that form of evaluation in the integrated question sets requires knowledge of doctrinal subjects.



According to the NCBE's published content scope, only one of the six tasks used to assess legal writing requires drafting an original memo, client letter, or similar document.<sup>1</sup> The remaining five tasks focus on examinees' ability to recognize problems with drafts given to them. For example, two of the tasks require examinees to draft "or edit correspondence to a client . . . or revise discovery documents," suggesting that the NCBE will not focus exclusively on original drafting for those tasks. The final three tasks explicitly reject original drafting and instead state the exam will provide examinees with drafts of complaints, answers, affidavits, contracts, or another legal document and ask them to identify language that should change, explain why it does not meet the legal standards or client needs, and then suggest the revisions.

NCBE's sample integrated question sets show how this will work. In integrated question set two on the [NCBE's website](https://www.ncbex.org/sites/default/files/2025-07/NCBE%20NextGen%20UBE%20Content%20Scope-Aug%202025.pdf), examinees are provided an email from a supervisor, an excerpt of a transcript, a rule of civil procedure, and an excerpt of a draft complaint. Examinees are instructed to "find five mistakes in the complaint. For each mistake, (1) identify the paragraph that includes the mistake, (2) describe the mistake, and (3) explain how you would correct the mistake."<sup>2</sup> The test defines a mistake as one of substantive law (requiring prior knowledge of the doctrine), one of fact, or violations of the provided

statute or rule. The practice sets NCBE has provided exclusively to law faculty and staff include similar sample questions for various documents and doctrinal areas.

This shift mirrors what lawyers actually do. In practice, attorneys frequently collaborate on documents, use form books, revise drafts produced by colleagues, and edit text generated by templates or technology. Increasingly, they must also verify the accuracy of AI-generated text. Effective use of generative AI requires lawyers to determine whether its output aligns with the document's purpose, governing law, and the client's goals. That evaluation requires critical reading, which is a skill many students struggle with in an era of "power browsing," where they skim for key terms instead of reading line by line. If students cannot confidently assess legal text for accuracy and legal sufficiency, they cannot safely or responsibly use AI in practice.

These developments suggest the ability to evaluate and improve existing text is becoming as central to attorney competence as the ability to draft from scratch. Evaluating drafts is categorically different than rewriting, even though it may test the same doctrinal knowledge. Critiquing text requires verbalizing what is wrong and why, but rewriting bypasses this analytical step. Rewriting does not require students to articulate why they are making changes, which requires a higher level of understanding.

<sup>1</sup> See Nat'l Conf. Bar Examr's, Bar Exam Content Scope 4–5 (2025), <https://www.ncbex.org/sites/default/files/2025-07/NCBE%20NextGen%20UBE%20Content%20Scope-Aug%202025.pdf>.

<sup>2</sup> See Sample NextGen UBE Integrated Question Sets, Nat'l Conf. Bar Examr's, <https://www.ncbex.org/exams/nextgen/sample-questions/integrated-question-sets> (last visited Nov. 14, 2025).



To prepare students for both the NextGen UBE and modern legal practice, courses across the curriculum should teach them how to describe what they see in a document, evaluate whether it accurately reflects the doctrine and client needs, and offer specific, concrete suggestions for improvement. Examples of how to incorporate this skill into courses include:

- **Contracts:** Provide a draft contract and ask students to evaluate it for formation problems, ambiguities, unenforceable clauses, or missing boilerplate language.
- **Remedies:** Provide a draft complaint and ask students to assess whether damages are properly pleaded, whether restitution or unjust enrichment claims fit the facts, or whether equitable relief is adequately supported.
- **Property:** Provide a draft deed and ask students to identify whether the deed correctly conveys the intended estate, whether the deed is properly executed, and whether any language creates ambiguity.
- **Mediation:** Have students draft mediation memorandums and then give each other feedback using peer review software such as Peerceptiv<sup>®</sup> or Eli Review<sup>®</sup>.
- **Constitutional law:** Provide a hypothetical exam question with a sample answer and ask students to evaluate the answer for incorrect doctrine, missing issues, or weakness in the analysis.

To succeed in assessments, students must practice demonstrating their knowledge in ways that mirror the actual test format. They do not intuitively know how to describe, evaluate, and suggest improvements. But these are essential, learned skills students need to practice throughout law school to hone them for the NextGen UBE and drafting with AI.



## RESEARCH SPOTLIGHT

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### Making Learning Visible in Legal Education: Adapting Evidence-Based K–12 Practices to Law School

*Dawn Young is a Clinical Assistant Professor of Law at Loyola University Chicago School of Law.*

As Generation Z students enter law school, educators must continually adapt to meet their needs. While traditional teaching methods such as Socratic dialogue, the case method, and experiential learning remain valuable, law professors can gain additional insight by exploring teaching approaches developed in other educational contexts.

My article, **“Visible Learning: Adapting Primary and Secondary Pedagogical Approaches to Legal Education”**, argues that law professors can draw inspiration from evidence-based practices in primary and secondary education to increase student outcomes and promote successful learning. It proposes a conceptual framework grounded in the research of education academic John Hattie, whose work, *Visible Learning*, is regarded as the largest synthesis of meta-analyses related to student achievement.

When Hattie began his research on performance indicators and models of teaching effectiveness, he asked one simple question: In terms of achievement, what works best? Drawing from more than 2,100 meta-analyses comprising over 130,000 studies involving over 400 million students, Hattie calculated an effect size (or “score”) for each influence on learning, a statistical measure of its impact. The average effect size across all influences was  $d = 0.40$ , which he termed the “hinge point,” representing a year’s growth in learning in a year’s time. Thus, any influence above 0.40 has an above-average positive effect on learning.



My article examines Hattie’s findings, then adapts his research into an instructional framework for law professors. It focuses on two particularly powerful influences that form the foundation of the framework: exercising teacher clarity and cultivating assessment-capable learners. These influences have been shown to double or even triple the rate of learning.

Teacher clarity ( $d = 0.85$ ) involves being deliberate and intentional about each lesson so that students can clearly articulate what they are learning, why it matters, and how they will know they have succeeded. In law school, clarity begins with making learning intentions and success criteria explicit, defining what students should know or be able to do by the end of class and what evidence will demonstrate that they have achieved it. Clarity deepens when professors co-construct success criteria with students through modeling, worked examples, and exemplars, making expert thinking visible.

When professors exercise clarity, they help students become assessment-capable learners ( $d = 1.33$ ). These students are able to accurately gauge their own progress by asking three questions: Where am I going? How am I doing? Where to next? Students who can answer these questions demonstrate self-regulation, motivation, and metacognitive awareness. They take greater responsibility for their learning.

My proposed framework translates these ideas into five key practices for legal education:

- 1. Craft learning intentions and success criteria.** Professors begin by defining what students should learn (“learning intentions”) and how success will be demonstrated (“success criteria”). These guide both instruction and student focus, clarifying what success looks like in practical, measurable terms.
- 2. Co-construct those intentions and criteria with students.** Professors involve students in developing shared understandings of success through modeling, worked examples, and exemplars. This collaboration increases motivation, self-efficacy, and ownership of learning.
- 3. Create opportunities for students to respond through assessments.** Frequent, low-stakes assessments allow students to test understanding and engage actively with the concepts rather than passively receiving it.
- 4. Giving and receiving effective feedback.** Feedback should be timely, specific, and tied to learning intentions, so students know where they are, how they’re progressing, and what to do next.
- 5. Sharing learning and progress between teachers and students.** Professors and students work together to track progress and dialogue to build a continuous cycle of improvement.

This framework is not meant to oversimplify or diminish the complexities of teaching legal doctrine or skills. Legal education is inherently multifaceted, requiring professors to guide students in interpreting law, applying it to evolving scenarios, and considering its social and ethical implications. Not every K-12 practice directly transfers to the law school context. Rather, this framework provides a starting point for professors to reflect on their practices and make more intentional, informed decisions to strengthen their impact. The article also includes concrete examples of how law professors can implement these approaches in the classroom.

Although some progress has been made in legal education based on contributions from disciplines, such as neuroscience, sociology, and cognitive psychology, relatively little research has examined how specific instructional strategies affect law student learning. Because K-12 education benefits from decades of large-scale, evidenced-based studies, law professors have a unique opportunity to build upon what “works best” for our students.



## From Prestige to Performance: Evaluating Law School Outcomes Using Value-Added Modeling

*Andrea Pals is a Senior Research Analyst and Jason Scott is Director of Research at AccessLex Institute®. This is a summary of an article currently under peer review, available [here](#).*

Law schools are intended to shepherd their students from admission to bar passage and ultimately to employment in the legal profession. Their success in this endeavor is often measured in terms of raw bar passage and employment rates. But a school’s bar passage and employment rates reflect far more than the law school learning experience. Factors like the entering credentials of admitted students and a school’s prestige and reputation also affect these rates. To measure the impact a law school has on their students’ success, we need to strip away the influence of these external factors. This is where value-added modeling (VAM) comes into play. Simply put, VAM is a well-established method that allows education researchers to estimate the effects of a pedagogical experience on student outcomes, while controlling for prior performance and other contextual factors.

### Methodology

We use publicly available data from [Analytix by AccessLex®](#), which we supplement with data from the Bureau of Labor Statistics and Economic Analysis for graduation years 2014–2023. Our outcomes for this analysis are bar passage differential and employment rate in full-time bar passage required and J.D. advantage positions. Due to changes in ABA reporting, not all variables of interest are available across all 10 years of our dataset, so we create three- and nine-year models for each outcome. We employ mixed effects models for both outcomes, with school fixed effects and cohort random slopes, which allow the effects of our time-varying covariates to vary by cohort within each school.

### Findings

Value-added scores can be interpreted as a school’s contribution to their students’ performance on the bar exam and employment, holding all other variables in the model constant (including students’ UGPAs and LSAT scores). Positive scores indicate that a school overperformed our models’ expectations on the bar exam or employment. Table A.6 in the full paper lists each school’s bar passage and employment scores.



As we show in the table below, value-added scores diverge from a traditional view of law school impact based on *U.S. News* rankings, bar passage, and employment rates. Under the traditional paradigm, one might conclude that the school at the top is the “best”, with “quality” diminishing down the list. However, value-added shows that there is a stunning level of variation in law school impact, with darker orange indicating a more negative value-added and darker blue indicating a more positive value-added. School G in particular attains consistently positive value-added scores, despite the fact that it has a *U.S. News* ranking below 151, the second lowest ultimate bar passage rate, and the lowest employment rate.

Value-added scores attained by schools like School A reflect that their bar passage and employment rates have little room to improve and that, given all the factors for which we control, we would expect their students to perform extremely well. Positive value-added among these schools is attainable yet represents a challenge.

	U.S. News Ranking Tier (2024)	Ultimate Bar Passage Rate (2024)	Employment Rate (2023)	Bar Passage Value-Added: 9-year	Bar Passage Value-Added: 3-year	Employment Value-Added: 9-year	Employment Value-Added: 3-year
School A (LSAT 172, UGPA 3.82)	1–25	97%	96%	-0.06	-0.15	0.09	-0.17
School B (LSAT 165, UGPA 3.83)	26–50	96%	89%	-0.08	0.21	-0.06	-0.54
School C (LSAT 162, UGPA 3.65)	51–75	91%	88%	-0.01	0.35	0.00	0.15
School D (LSAT 156, UGPA 3.60)	76–100	96%	88%	0.05	0.21	-0.08	0.13
School E (LSAT 154, UGPA 3.40)	101–125	90%	92%	0.03	-0.03	0.00	0.17
School F (LSAT 155, UGPA 3.41)	126–150	78%	78%	0.03	0.15	-0.01	-0.35
School G (LSAT 151, UGPA 3.37)	151+	81%	77%	0.08	0.21	0.03	0.33

Note: LSAT and UGPA values indicate the median values at matriculation for the graduating cohort of 2023 (ABA, 2020). Ultimate Bar Passage indicate the rate for the graduating cohort of 2021 (ABA, 2023). Colors range from dark blue to dark orange, representing both the direction and magnitude of the scores.

Using value-added rather than bar passage and employment rates (and rankings using them) to evaluate institutional impact shifts the focus in discussion of law school impact from prestige and reputation and the credentials of admitted students to the curriculum, instruction, and supports provided by the school. This allows schools to quantify their contribution to their students' outcomes, which could provide evidence of support in cases of noncompliance with Standard 316. Relatedly, value-added scores could be incorporated into evaluations of J.D. programs to align with upcoming changes to ABA Standards 204 and 315.



## CONFERENCE CORNER

- [American Educational Research Association Annual Meeting \(April 8–12\)](#)
- [Conference on Clinical Legal Education \(May 1–5\)](#)
- [Association of Academic Support Educators Annual Conference \(May 19–21\)](#)
- [Workshop for New Law School Teachers \(June 4–6\)](#)
- [American Association of Law Libraries Annual Meeting \(July 18–21\)](#)

Please email [RTB@accesslex.org](mailto:RTB@accesslex.org) about upcoming bar-related conferences.

## PUBLICATIONS AND POSTS

- Sara J. Berman and Barrett L. Schreiner, [Teaching Strategies for Building Belonging and Creating Community in Online and In-Person Legal Education](#), 57 St. Mary's L.J. 1 (2025).
- Jennifer Ciarimboli, [Honing Homework: Assigning Less and Better to Increase Learning and Quality of Life in Law School](#), 32 Widener L. Rev. (forthcoming).
- Kari E. Milligan and Ryan Jerome LeCount, [When LSAT Doesn't Matter and Other Surprising Finds from a Deep Dive into Academic Probation in Law School](#), 62 Cal. W. L. Rev. (forthcoming 2025).
- Karen Sloan, [One in Five US Law Students Reports Disabilities, Most Linked to Mental Health](#), Reuters (Nov. 5, 2025).
- Richard Trachok, [Nevada's New Bar Exam: The Nevada Plan](#), Nev. Law., Oct. 2025, at 8.

Please email [RTB@accesslex.org](mailto: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

## Research and Data

- [AccessLex Resource Collections](#)
- [Analytix by AccessLex®](#)
- [Legal Education Data Deck](#)

## Student Resources

- [AccessLex Law School Scholarship Databank](#)
- [AccessLex Student Loan Calculator](#)
- [MAX by AccessLex®](#)

Please email [RTB@accesslex.org](mailto: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](#)
- [CALI Lessons](#)
- [JDEdge by AccessLex®](#)
- [NCBE Bar Admission Guide](#)
- [NCBE Bar Exam Fundamentals for Legal Educators](#)
- [NCBE's The Bar Examiner](#)
- [Raising the Bar Past Issues](#)

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## *Raising the Bar*

Winter 2026

Volume 9, Issue 1

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