

THE SECRET SAUCE: EXAMINING LAW SCHOOLS THAT OVERPERFORM ON THE BAR EXAM

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ABSTRACT

Despite recent signs of improvement, since 2010, law schools have faced declining enrollment and entering classes with lower predictors of success. At least partly as a result, the rates at which law school graduates pass the bar exam have declined and remain at historic lows. Yet, during this time, many schools have improved their graduates' chances of success on the bar exam, and some schools have dramatically outperformed their predicted bar exam passage rates. Our study examines which schools do so and why.

We began our research by accounting for law schools' incoming class credentials to predict an expected bar exam passage rate for each ABA-accredited law school. We then examined each law school's aggregated performance on the bar exam tests for which its graduates sat based on relative and absolute performance, weighing the difficulty of each state's bar exam. Through this analysis, we identified law schools that have consistently higher and lower first-time bar exam passage rates over a period of six years: 2014-2019. In addition to identifying overperforming law schools on the bar exam, our methodology is a novel contribution not only to the legal education literature but also to the quantitative methodological literature, given its unique tailoring of the classic value-added modeling design to the realities of the bar exam.

In the second phase of our research, we surveyed administrators at these overperforming and underperforming law schools, as well as law schools in the middle of the distribution, to qualitatively assesses how these law schools approach bar support and bar success of their students. Collectively, this

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research provides significant insight into how law schools are responding to recent negative trends in bar passage rates, validates successful approaches to mitigate this trend, and recommends a suite of options available to law schools seeking to improve their bar passage rate.

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INTRODUCTION

Despite the first signs of growth in the Fall of 2021, stemming a decade-long decline in enrollments and bar passage rates among law school graduates, law schools still find themselves in the position of having to prove their value to prospective and current law students.¹ One of the ways that law schools can demonstrate their value is through the success of their graduates on the bar exam. Although passing the bar exam is certainly not the singular reason that a prospective law student seeks to attend law school, success on the bar exam is an important factor—at varying degrees, dependent on the student—in the calculus for why many current students are attending law school.² After all,

¹ In 2021, law school enrollments saw increases, for the first time since 2010; however, of late, enrollment rates have remained fairly stable. For example, in 2020, enrollment rates stayed at 2019 levels. See Karen Sloan, *Most Law Schools Brought in Larger 1L Classes. Will the Class of 2024 Find Jobs?*, REUTERS, Sept. 17, 2021, <https://www.reuters.com/legal/legalindustry/most-law-schools-brought-larger-1l-classes-will-class-2024-find-jobs-2021-09-17/>; and *ABA Reports Law School Enrollment for 2020 Remains Stable*, AM. BAR ASS'N, Dec. 28, 2020, <https://www.americanbar.org/news/abanews/aba-news-archives/2020/12/law-school-enrollment/>. Yet, bar passage rates are at or near all-time lows in many jurisdictions. See Debra Cassens Weiss & Stephanie Francis Ward, *Afternoon Brief: California's February Bar Exam Pass Rate Drops to Less Than 27%*, ABA J. (May 11, 2020), <https://www.abajournal.com/news/article/afternoon-briefs-record-low-bar-exam-pass-rate-in-california-ben-jerrys-happy-cows-suit-tossed>; and Debra Cassens Weiss, *Average Multistate Bar Exam Score Drops to New Low, Raising Concerns about Bar Pass Rates*, ABA J. (April 21, 2020), <https://www.abajournal.com/news/article/multistate-bar-exam-score-drops-to-new-low-raising-concerns-about-bar-pass-rates>. Many law schools have placed blame on the difficulty of the bar exam, especially in states like California. See Stephanie Francis Ward, *Lowest Bar Pass Rate for California in 67 Years; Others States See Drop, Too*, ABA J. (November 19, 2018), https://www.abajournal.com/news/article/lowest_bar_pass_rate_for_california_in_67_years_other_states_see_drop_too. Other studies, and licensing authorities, have placed blame on worsening student credentials. See William Vogler, *Study Blames Law Students--Not Law Schools--for Low Bar Pass Rates*, FindLaw (April 22, 2019), https://blogs.findlaw.com/greedy_associates/2019/04/study-blames-law-students---not-law-schools---for-low-bar-pass-rates.html (citing a study by the American Bar Association noting that law student credentials have declined nationally over the last few years). And many law schools have considered a variety of curricular changes, only occasionally with empirical support. See Louis Schulze, *The Science of Learning Law: Academic Support Measures at Florida International University College of Law*, 88 Bar Examiner 2 (2019); and Mario W. Mainero, *We Should Not Rely on Commercial Bar Reviews to Do Our Job: Why Labor-Intensive Comprehensive Bar Exam Preparation Can and Should Be a Part of the Law School Mission*, Chapman University Fowler Law Research Paper No. 15-1 (2015), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2546001.

² Of course, the decision by a student to attend law school is multifactorial. There is a robust literature on student choice in the undergraduate context of the higher education sector. See, e.g., Robert K. Toutkoushian, *Do Parental Income and Educational Attainment Affect the Initial Choices of New Hampshire's College Bound Students?*, 20 ECON. EDUC. REV. 245 (2001); Laura

without a Juris Doctor degree, it is not possible to sit for the bar exam in 45 of the 51 United States jurisdictions in which there is a law school accredited by the American Bar Association.³ And higher bar passage rates also benefit law schools from a reputational perspective, given that a law school's bar passage rate is considered in the *US News & World Report's* methodology for ranking law schools in the United States.⁴ Thus, it is in the best interests of law

W. Perna, *Differences in the Decision to Attend College among African Americans, Hispanics, and Whites*, 71 J. HIGHER EDUC. 117 (2000); Stephen L. Desjardins, Halil Dundar, & Darwin D. Heldel, *Modeling the College Application Decision Process in a Land-Grant University*, 18 ECON. EDUC. REV. 17 (1999); and James C. Hearn, *Determinants of Postsecondary Education Attendance: Some Implications of Alternative Specifications of Enrollment*, 10 EDUC. EVAL. & POL'Y ANALYSIS 171 (1988). Yet, little scholarly attention had been paid to student choice in the graduate education context, and legal education in particular. Two recent and contemporaneous studies shed light on the factors that prospective students considered in deciding whether to attend law school, and what factors influenced their decision to attend law school. In both studies, bar exam success was a factor in most students' decision to attend law school. However, the extent to which the bar passage rate of a given law school was an important factor in a student's decision to attend law school varied with the student's credentials on entry. Students with higher LSAT scores viewed bar passage as less important, but still a factor in their decision to attend law school, and students with entering credentials closer to, at, or below national means viewed bar passage rates as important factors. See Christopher J. Ryan, Jr., *Analyzing Law School Choice*, 2020 U. ILL. L. REV. 583, 600-02 (2020) (reporting the findings of the *Law School Choice* study, original research funded by the American Bar Foundation and Vanderbilt University); and Jeff Allum & Katie Kempner, *Inside the Minds of Future Law School Grads: Some Findings from Before the JD*, 87 BAR EXAMINER 8 (2019) (summarizing the findings of the AALS' *Before the JD* study).

³ Considering that the District of Columbia and Puerto Rico have their own bar examinations, that there are ABA-accredited law schools operating within these two jurisdictions, and that there is not an ABA-accredited law school in Alaska, Guam, Northern Mariana Islands, Palau, or the US Virgin Islands, there are 51 United States jurisdictions in which there is an ABA-accredited law school. State jurisdictions that allow bar examinees to sit for the bar exam with a three- or four-year apprenticeship, and without a law degree, are: California, Vermont, Virginia, and Washington. Two other states—Maine and New York—allow a bar examinee to substitute one or two years of law school with an apprenticeship. However, in 18 jurisdictions, law students are eligible to take the bar examination before graduating law school, with varying levels of requirements for such eligibility: Arizona, District of Columbia, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Mississippi, Missouri, New York, North Carolina, Oregon, Texas, Vermont, Virginia, and West Virginia. See, e.g., John Keller, *Do You Have to Go to Law School to Take the Bar?*, BAR PREP HERO, April 21, 2021, <https://barprephero.com/learn/take-the-bar-exam-without-law-school/>; and Judith A. Gunderson & Claire J. Guback, *Comprehensive Guide to Bar Admission Requirements*, NAT'L CONFERENCE OF BAR EXAMINERS, 3-4 (2020), https://www.ncbex.org/assets/BarAdmissionGuide/CompGuide2020_021820_Online_Final.pdf.

⁴ The publication recently changed the weighting for bar passage rates within its ranking methodology, increasing the weight from 2% of the overall methodology to 2.25%. See Robert Morse, Kenneth Hines, Eric Brooks, Juan Vega-Rodriguez, & Ari Castonguay, *Methodology: 2022 Best Law School Rankings*, US NEWS & WORLD REPORT, March 29, 2021, <https://www.usnews.com/education/best-graduate-schools/articles/law-schools->

students and law schools alike to publish annual bar passage rates.

To that end, overall bar passage rates for every law school accredited by the American Bar Association (ABA) are now widely available.⁵ However, these surface-level figures do not account for the difficulty of each state's bar exam. Moreover, these figures do little to help prospective law students to determine whether a law school will increase their odds of passing the bar exam, should they enroll at the law school. It is also not clear from overall bar passage rates whether a given law school is adding independent value to its students' ability to pass the bar exam, or if law schools with better students, in terms of predictors like LSAT scores and undergraduate grade point average (UGPA), simply have students more likely to pass the bar exam.

The extant literature on bar passage demonstrates that a student's entering credentials, such as the student's LSAT score, are highly correlated with performance on the Multistate Bar Exam.⁶ However, the value of legal education, with respect to bar passage, turns on whether law schools increase the likelihood that their students will pass the bar exam beyond the likelihood that could be predicted based solely on the quality of their students upon entering law school.⁷ Thus, we explore the relationship of student credentials and background characteristics on bar passage in the aggregate in this study by controlling for these variables and their ability to predict bar passage.

methodology (discussing, counterintuitively, the methodology used by the publication in its annual rankings produced in 2021 and based on data reported by law schools in 2020). Arguably this weighting of bar passage rates within the publications methodology is not aligned with how at least half of the population of law students view the importance of bar passage rates as a factor in their decision to attend law school. See Ryan, *supra* note 2; and Allum & Kempner, *supra* note 2.

⁵ See, e.g., AM. BAR ASS'N, *Individual School Bar Passage Reports* (2021), <https://www.abarequireddisclosures.org/BarPassageOutcomes.aspx>.

⁶ See Katherine A. Austin, Catherine M. Christopher, and Darby Dickerson, *Will I Pass the Bar Exam: Predicting Student Success Using LSAT Scores and Law School Performance*, 45 HOFSTRA L. REV. 753 (2016); Carol Goforth, *Why the Bar Examination Fails to Raise the Bar*, 42 OHIO N. U. L. REV. 47 (2015); Catherine M. Christopher, *Eye of the Beholder: How Perception Management Can Counter Stereotype Threat Among Struggling Law Students*, 53 DUQ. L. REV. 163 (2015); Susan M. Case, *The Testing Column: Identifying and Helping At-Risk Students*, 88 BAR EXAMINER 30 (May 2011); Gary S. Rosin, *Unpacking the Bar: Of Cut Score and Competence*, 32 J. Legal Prof. 67 (2008); and Linda F. Wightman, *Are Other Things Essentially Equal: An Empirical Investigation of the Consequences of Including Race as a Factor in Law School Admission*, 28 SW. U. L. REV. 1 (1998). However, the Law School Admissions Council (LSAC) asserts that the LSAT is not a measure of predicted bar passage. See Austin, et al., *supra*, note 6.

⁷ There is some uncertainty about the strength of the relationship between undergraduate GPA and bar exam success. See Austin, et al., *supra*, note 5; and Derek Alphan, Tanya Washington, & Vincent Eagan, *Yes We Can, Pass the Bar. University of the District of Columbia, David A. Clarke School of Law Bar Passage Initiatives and Bar Pass Rates--From the Titanic to the Queen Mary*, 14 D.C. L. REV. 9 (2011). However, some research recognizes that undergraduate GPA is predictive of bar success. See, e.g., Wightman, *supra*, note 6.

Our approach departs from previous studies of bar exam success. For example, the objective of much of the research on bar passage has been to inform discussions of both the efficacy and equity of the bar exam.⁸ While these examinations are useful for a better understanding of factors that precipitate the yielded outcomes of bar examinees, they largely fail to consider the characteristics that predict an examinee's success or failure on the bar exam as well as fail to reach the group of people who most need the information—prospective and current law students. And where a handful of studies have attempted to methodologically examine bar performance, these same studies have approached the issue from a limited use of the appropriate methods and perhaps a limited understanding of the underlying data.⁹ Our objective is different from the purpose of prior studies of bar examination success in that we seek to identify the relationship between student characteristics and first-time bar exam passage rates, and we do so by employing a new approach to a particular empirical method—the value-added modeling design.¹⁰

⁸ For a leading study on the efficacy of the bar exam, see Deborah J. Merritt, Lowell L. Hargens, & Barbara F. Reskin, *Raising the Bar: A Social Science Critique of Recent Increases to Passing Scores on the Bar Exam*, 69 U. CIN. L. REV. 929 (2000). With respect to the equity of the bar exam, see Dan Subotnik, *Does Testing = Race Discrimination: Ricci, the Bar Exam, the LSAT, and the Challenge to Learning*, 8 U. MASS. L. REV. 332 (2013); and William C. Kidder, *The Bar Examination and the Dream Deferred: A Critical Analysis of the MBE, Social Closure, and Racial and Ethnic Stratification*, 29 L. & SOC. INQUIRY 547 (2004). Likewise, some researchers have suggested that the bar exam has taken “an especially high toll on minorities,” with minority groups passing the bar at lower rates than their white counterparts. See, e.g., Subotnik, *supra*, note 8; and Andrea A. Curcio, *A Better Bar: Why and How the Existing Bar Exam Should Change*, 81 NEB. L. REV. 363 (2002). Finally, other studies have pointed to the lengthy period of intensive- and expensive—study required to pass the bar exam—and the disproportionate effects that has on single parent examinees, examinees of color, and examinees from economically-disadvantaged backgrounds. See N.Y. STATE BD. OF BAR EXAMINERS & ACCESSLEX INSTITUTE, *Analyzing First Time Bar Passage on the UBE in New York State* (May 19, 2021), <https://www.accesslex.org/NYBOLE> (hereinafter, “NYBoLE”).

⁹ We note that our approach is distinct from another study that attempts to do the same, albeit with a problematic application of empirical methods. See Jeffrey Kinsler, *Top Law Schools for Passing the Bar Exam*, NAT'L JURIST (Jan. /Feb. 2021). See also Jeffrey Kinsler & Jeffrey Usman, *Law Schools, Bar Passage, and Under and Overperforming Expectations*, 36 QUINNIPIAC L. REV. 183 (2018). For a full discussion of the problems associated with Prof. Kinsler's methodology, see Rory D. Bahadur, Kevin Ruth & Katie Tolliver Jones, *Reexamining Relative Bar Performance as a Function of Non-Linearity, Heteroscedasticity, and a New Independent Variable*, 52 NEW MEX. L. REV. 1, 4 (2021); and Christopher J. Ryan, Jr., Derek T. Muller, and Jason M. Scott, *Not So Fast: Predicting Law School Bar Success Is More Complicated than You Might Think*, ACCESSLEX INSTITUTE (May 17, 2021), <https://www.accesslex.org/news-tools-and-resources/not-so-fast-predicting-law-school-bar-success-more-complicated-you-might>.

¹⁰ Our research employs a similar approach to the methodology that Prof. Kinsler used to produce his results in a 2018 student to estimate the same. See Kinsler & Usman, *supra*, note 9. However, Prof. Kinsler's 2018 study was not the first to use these methods; our approach is

In the first phase of our research, completed in June 2020, we identified law schools that have consistently higher first-time bar exam passage rates than their students' credentials—specifically LSAT and undergraduate GPA—would predict, while controlling for the relative difficulty between state bar exams. This same quantitative analysis also revealed which schools underperformed expectations, even accounting for their students' entering credentials. We then sought to discover, qualitatively, how these law schools martialed resources and built in curricular and extra-curricular programming that redounded—or did not—to their students' success on the bar exam in the next phase of our research. Thus, in Fall 2020, we surveyed administrators at the top overperforming law schools, average-performing law schools, underperforming law schools, and a random sample of law schools that fell somewhere outside these slices of the bar exam performance distribution. Through this survey, we sought to identify—and validate—successful approaches to the bar success problem facing many law schools. Indeed, through the analysis of our survey results below, we reveal many approaches worthy of consideration that will undoubtedly help to increase the value proposition of all law schools.

I. PHASE ONE: IDENTIFYING OVERPERFORMING AND UNDERPERFORMING LAW SCHOOLS

With a decline in bar passage rates over the past decade and the recent adoption of the American Bar Association's (ABA) Standard 316—requiring that, to stay in good standing with the ABA, at least 75 percent of a law school's graduates who sat for a bar exam have passed within two years of their graduation—bar success has become high stakes for law graduates and law schools alike.¹¹ Amidst these recent developments, studies applying statistical methods to model and predict law schools' bar passage rates have captured the attention of the legal academy.¹² The reason for their attraction is

based on a methodology that predates Prof. Kinsler's studies. See Christopher J. Ryan, Jr., *A Value-Added Ranking of Law Schools*, 29 U. FLA. J. L. & PUB. POL'Y 285 (2019) (applying a predictive modeling technique based on a composite index of LSAT and UGPA that measures the distance between predicted bar passage rates and actual bar passage rates for the same cohort three years after beginning law school, and posted to SSRN as a working paper on June 28, 2015).

¹¹ *Revisions to Standard 316: Bar Passage*, AM. BAR ASS'N, May 6, 2019, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/may19/may-7-19-316-memo.pdf.

¹² See, e.g., Austin, et al., *supra* note 6; Raul Ruiz, *Leveraging Noncognitive Skills to Foster Bar Exam Success: An Analysis of the Efficacy of the Bar Passage Program at FIU Law*, 99 NEB. L. REV. 141 (2020); Robert Anderson IV & Derek T. Muller, *The High Cost of Lowering the Bar*, 32 GEO. J. LEGAL ETHICS 307 (2019); Amy N. Farley, Christopher M. Swoboda, Joel Chanvisanuruk,

obvious; these empirical methods can be useful tools to assist a law school in anticipating rough seas ahead as well as operationalizing a measure of the value that a law school can provide to its students. We sought to distinguish our study from the small but growing body of research that employs empirical methods to crack the bar success conundrum by leveraging the best available data and by employing rigorous predictive methodologies in service of discerning which law schools overperform and underperform expectations of bar success over time.

A. Quantitative Data

To undergird the first stage of our analysis, we used data from two sources. First, our law school data primarily originate from the ABA Standard 509 Disclosure Reports, which include information submitted by each accredited law school since 2011.¹³ However, given the unreliability of some of the key control variables in our quantitative analysis of the predictive power of the variables that comprise the composite index from which we predict bar passage rates, we also licensed a verified version of the ABA Standard 509 Disclosure data from a repository curated at the American Bar Foundation (ABF). Where the ABA Standard 509 Disclosure data were considered unreliable, we used the ABF dataset, which contains data that has been verified with each ABA-accredited law school individually. The combination of these two datasets advantages our research in that we can be sure that the data we analyzed are accurate.

Second, we used data from the National Conference of Bar Examiners (NCBE), which reports—among other things—state bar passage averages and bar exam cut scores from 2011 to 2019.¹⁴ By aggregating these data by

Keanen M. McKinley, Alicia Boards, and Courtney Gilday, *A Deeper Look at Bar Success: The Relationship between Law Student Success, Academic Performance, and Student Characteristics*, 16 J. EMPIRICAL LEGAL STUDIES 605 (2019); Robert R. Kuehn & David R. Moss, *A Study of the Relationship between Law School Coursework and Bar Exam Outcomes*, 68 J. LEGAL EDUC. 623 (2018); Scott Johns, *A Statistical Exploration: Analyzing the Relationship (If Any) between Externship Participation and Bar Exam Scores*, 42 OKLA. CITY U. L. REV. 281 (2017); and Scott Johns, *Empirical Reflections: A Statistical Evaluation of Bar Exam Program Interventions*, 54 U. LOUISVILLE L. REV. 35 (2016).

¹³ The ABA maintains a database of Standard 509 Disclosure Reports, Employment Reports, and Bar Passage Reports at a web portal maintained by the Section of Legal Education and Admission to the Bar Exam that can be found at this link: <http://www.abarequireddisclosures.org>. We used data from this portal in the first phase of our analysis, which begins with data from the class that entered law school in the Fall 2011--or the graduating class of 2014--and continues through the graduating class of 2019. In total, these data net us six iterations of school-year data during which law schools have encountered their greatest bar passage challenges.

¹⁴ Specifically, we used the NCBE's reported bar passage data from ABA-accredited law

jurisdiction and year, we can account for any changes to the cut score that have occurred over the years, allowing us to control for the relative difficulty of each jurisdiction's bar exam in a given year. Moreover, when combined with law-school-level data, the NCBE data allow us to include in our analysis non-modal state bar exams that graduates of a given law school take and factor their performance proportionally into that law school's overall bar performance index, which is our dependent variable of interest.

B. *Limitations of the Quantitative Data*

Despite the fact that our data are drawn from reliable sources, there are notable limitations with these data. For example, because the ABA has altered the way it collects data on bar exam results for each law school between 2011 and 2019, many of the bar-exam-related variables it now collects are not fit for longitudinal study. Thus, we are forced to operationalize bar success as first-time taker bar success relative to modal state bar passage averages, both of which are among the few bar-exam-related variables consistently tracked by the ABA over this time period. Additionally, because the ABA Standard 509 Disclosure Report contains law-school-specific variables that crop up and disappear during this time period, the control variables for our initial regression of the predictive power of law -school-specific characteristics was confined to a handful of variables that the ABA consistently tracked over this time period as well, such as LSAT, UGPA, cost of attendance, overall admissions statistics, overall racial classifications of JD-enrolled students, overall attrition rates, and overall employment rates.

schools, given that inclusion of all law schools would inflate the results for accredited law schools operating in states—like Alabama, California, and Tennessee—where non-accredited law schools also operate. Additionally, we elected to use the annual bar passage data as reported by the NCBE, comprising February and July bar passage rates of the same year. We did not, as some researchers have, construct annual bar passage figures by breaking off February results and tying them to the previous year's July results, given that we intended to analyze first time bar passage. It is our estimation that February examinees in the year following a July bar exam would include fewer first-time examinees than the February results for the same year would, given that December graduates of law schools mostly accomplish this achievement by shortening, not lengthening, their time in law school. Finally, because several states offered examinees diploma privileges for the 2020 bar examination, we did not include 2020 results into our analysis. *See, e.g.,* Stephanie Francis Ward, *Jurisdictions with COVID-19-related Diploma Privilege Going back to Bar Exam Admissions*, ABA J., Dec. 10, 2020, <https://www.abajournal.com/web/article/jurisdictions-with-covid-related-diploma-privilege-going-back-to-bar-exam-admissions> (noting that states like Utah, Louisiana, Washington, Oregon, and the District of Columbia offered diploma privilege for bar admissions in 2020, joining Wisconsin, which has long offered diploma privilege, and New Hampshire, which offers a flavor of diploma privilege, as well). *See also,* the discussion accompanying note 22, *infra*.

Moreover, the underlying ABA and NCBE data are non-linear. To explain, the relationship between an input (or independent) variable and an outcome (or dependent) variable must be linear in order to satisfy a core assumption of an ordinary least squares (OLS) statistical regression model. To the extent that a linear regression model is used to predict raw bar passage rates as an outcome variable, the model would be biased from the start. This is because bar passage rates are fixed within a 0 to 100 percent range, with a substantial majority of law schools achieving actual bar passage rates above 75 percent, indicating non-linearity.¹⁵ And a linear regression model using LSAT or UGPA medians as input variables to predict a certain outcome variable—like bar passage rates—would also be biased, because these measurements are also fixed to scales (0 and 4.00, and 0 and 180, respectively) but the vast majority of law schools' LSAT or UGPA medians settle around the 150-165 range, also indicating non-linearity. Unlike previous studies, we correct for the non-linearity of the data through multiple methods, as discussed in Section I.C., below.¹⁶

Likewise, the underlying ABA and NCBE data are heteroskedastic.¹⁷ This means that the variance of the residuals—or error terms—is not evenly distributed across the data's independent variables, as function of the dependent variable. Because an even distribution of residuals is required to meet another assumption upon which OLS regression relies, failing to account for the heteroskedasticity in the underlying data reduces the precision of the estimates provided by a linear regression model.¹⁸ This is to be avoided. And we do avoid violating this assumption, by accounting for heteroskedasticity, in multiple ways. We detail our methodologies in the section of this article that follows. However, to provide one example of how we account for heteroskedasticity, we use a unique, and statistically standardized, composite of each school's bar passage rate differential—that is, the distance between a given law school's bar passage rate in a given state in a given year from that state's average in the given year—rather than a law school's raw, reported bar

¹⁵ See Bahadur, et al., *supra* note 9. For an example of a study that does not account for the non-linearity of the underlying data, see Kinsler & Usman, *supra* note 9.

¹⁶ To wit, we use multiple measurements of LSAT and UGPA (25th, 50th, and 75th percentiles of each) to comprise a weighted composite variable and then standardize the composite variable, with a mean of 0, to comprise a singular, predictive performance index, with all schools falling naturally according to their distance from the mean. This transformation makes the composite variables continuous, by design, and linear, satisfying the linearity assumption of OLS regression. We also compose a bar passage index based on all of the reported locations of bar takers at a given law school in a given year. See section I.C. Quantitative Methods, *infra*, of this article.

¹⁷ See Bahadur, et al., *supra* note 9.

¹⁸ For an example of a study that does not account for the heteroskedasticity of the underlying data, see Kinsler & Usman, *supra* note 9.

passage rate.¹⁹

Notwithstanding our confidence that these limitations do not interfere with our study's premise or our analytical methods, there are also more overt idiosyncrasies within these data. With respect to law schools, we had to make decisions about how to deal with twinned law schools that report data separately in some years and collectively in others, with law schools that have closed or merged with other law schools during this time period, and with states that offer diploma privileges or analogous licensing programs for graduates of law schools operating within those states. In the first instance, we combined data from law schools like Rutgers University and Penn State University, which operate separate campuses and have reported data as separate institutions in some years but collectively in others, coding the data for these campuses as one unit for all years in the dataset.²⁰ Next, we elected to drop from our analysis the law schools that have officially closed or were engaged in teach-out plans when we conducted this analysis, like Arizona Summit Law School, Charlotte School of Law, Valparaiso University, and Whittier Law School.²¹ However, we aggregated the data from two law schools, William Mitchell College of Law and Hamline University, before their merger to approximate their ultimate reporting as a single unit by the end of the time period in the panel dataset. Finally, diploma privileges and analogous

¹⁹ See also section I.C. Quantitative Methods, *infra*, of this article. Because we standardize our input and outcome composite variables, we force the data to comply with another assumption of OLS: that the error term has a population mean of zero. And this statistical standardization provides the added benefit, which we divined through further analysis, of ensuring that our independent variables are uncorrelated with the error terms and our observations of the error term are uncorrelated with each other—two more assumptions of linear regression. But to reinforce the argument that we transformed heteroskedastic data to homoscedastic data, as OLS requires, the presence of many schools with high LSAT scores at the top of our rankings—and, as an aside, that 11 of the law schools in the top 25 of our rankings are also ranked in the top 25 of the *US News & World Report* law school rankings—suggests that our data are in fact homoscedastic, and satisfy the concerns voiced by Bahadur, et al., that “it is mathematically impossible for schools with higher entering credentials to be considered overperforming according to Kinsler’s model. Kinsler’s model is strongly biased against the schools with the highest entering credentials because they will almost always be identified as underperformers.” Bahadur, et al., *supra* note 9, at 5; and Stacy Zaretsky, *The 2021 U.S. News Law School Rankings Are Here*, ABOVE THE LAW, March 16, 2020, <https://abovethelaw.com/2020/03/2021-u-s-news-law-school-rankings/> (discussing the “2021” *US News* rankings, which were published in 2020, using 2019 data).

²⁰ See, e.g., *American Bar Association Approves Merger Creating Rutgers Law School*, RUTGERS TODAY, July 31, 2015, <https://www.rutgers.edu/news/american-bar-association-approves-merger-creating-rutgers-law-school>; and PENN STATE LAW, *FAQs on Separate Accreditation*, June 18, 2014, <https://pennstatelaw.psu.edu/news/penn-states-dickinson-school-law-receives-approval-separate-law-schools>.

²¹ See, e.g., *William Mitchell, Hamline Merger Approved*, NAT’L JURIST, Dec. 9, 2015, <https://www.nationaljurist.com/prelaw/william-mitchell-hamline-merger-approved>.

licensing programs provide an outsized advantage—in terms of reported bar passage rates—to the law schools in jurisdictions that have them. As such, we have chosen to include the law schools—University of Wisconsin, Marquette University, and University of New Hampshire—that benefit from these jurisdiction-specific advantages through alternatives to licensure within our analysis but exclude these schools from the results.²²

We also had to deal with underlying anomalies in the bar passage data as reported by the NCBE and to the ABA with respect to one state’s bar averages and all law school’s bar passage rates within that state in one year. That state is Georgia, and the year in question is 2019, in which both statewide bar passage averages and law-school-specific bar passage rates were inflated.²³ As with our approach to diploma privileges, we have chosen to include Georgia law schools—including the University of Georgia and Georgia State University—in our analysis but to exclude their 2019 figures in the results. Together, these research decisions yield an analysis that is comprehensive, systematic, fair, and tailored to the unique context of legal education.

C. Quantitative Methods

Discovering the “secret sauce” behind a law school’s bar success is a complex endeavor, because many factors contribute to a law school’s bar passage rate. Furthermore, school-level bar passage rates change annually—

²² See Appendix Table 1. We note that the state of Wisconsin is the only state that offers a true diploma privilege for law school graduates of the accredited law schools within the state. See, e.g., *Diploma Privilege*, UNIV. OF WISCONSIN-MADISON LAW SCHOOL, https://law.wisc.edu/current/diploma_privilege/. New Hampshire offers diploma privilege for a portion of its only law school’s graduating class every year through an alternative, competency-based licensing program, the Daniel Webster Scholars program. See Natalie Runyon, *Exploring Diploma Privilege and Alternatives for Attorney Licensure*, THOMPSON REUTERS, April 13, 2021, <https://www.thomsonreuters.com/en-us/posts/legal/diploma-privilege/>. The Daniel Webster Scholars program at the University of New Hampshire comprises about 24 students per year, or about one third of a typical graduating class for the law school. To paraphrase the program’s namesake’s oral argument before the Supreme Court of the United States in the *Dartmouth College v. Woodward* case, it is admittedly a small program, and yet, there are those who love it. Finally, we note that the University of Wisconsin and Marquette University would place in the top two spots in our rankings, and the University of New Hampshire would place fifth, if these schools had been included in the rankings.

²³ The ABA statistics listed a pass rate of 65.36% for the Georgia Bar Exam in 2019, see https://www.americanbar.org/groups/legal_education/resources/statistics/, but that figure appeared to be materially lower than the first-time results for the February and July 2019 exams, see <http://www.gabaradmissions.org/georgia-bar-examination-statistics>. Later corrections appear to have been made for individual school disclosures, see <http://abarequireddisclosures.org/BarPassageOutcomes.aspx>, but not in the aggregate data on which we relied.

and not uncommonly substantially—which means that results from a model using only one year of data will also be volatile from year to year. Other factors often vary widely year-over-year, such as attrition and transfer rates.²⁴ And although a school’s median LSAT score and class size are relatively stable over time, it is apparent that just as no single factor should be used to predict bar passage rates, so too should no single year be used. Thus, to analyze which law schools’ graduates overperform and underperform their expected bar exam passage rate, we employed a classic value-added modeling approach, using multiple data points over six years of available data.²⁵

1. Composite Indices under a Classic Value-Added Modeling Design

First, we predicted the bar passage rate for a given year at a given law school based on that law school class’ incoming credentials: 25th, 50th, and 75th percentile figures for LSAT and UGPA. In our initial prediction model, we also considered other characteristics of the law school class cohort, including race, gender, attrition, and incoming transfer students. However, given that our regression analysis revealed that the predictive impact of most

²⁴ We recognize that there is lively debate about the relationship between academic attrition and transfer of law students at a given law school and the resulting bar performance of that law school’s bar examinee cohort at a later point in time. *See, e.g.*, Rory Bahadur & Kevin Ruth, *Quantifying the Impact of Matriculant Credentials & Academic Attrition Rates on Bar Exam Success at Individual Schools*, 99 U. DETROIT MERCY L. REV. 6 (2021); Rory Bahadur, *Blinded by Science? A Reexamination of the Bar Ninja and Silver Bullet Bar Program Cryptids*, 49 J.L. & EDUC. 241 (2020); Louis N. Schulze, *Using Science to Build Better Learners: One School’s Successful Efforts to Raise Its Bar Passage Rates in an Era of Decline*, 68 J. LEGAL EDUC. 230 (2019); Jerry Organ, *Part Two: The Impact of Attrition on the Composition of Graduating Classes of Law Students—2013-2016*, LEG. WHITEBOARD (October 2, 2015), <https://lawprofessors.typepad.com/legalwhiteboard/2015/10/part-two-the-impact-of-attrition-on-the-composition-of-graduating-classes-of-law-students-2013-2016.html>; and Jerry Organ, *Part One: The Composition of Graduating Classes of Law Students—2013-2016*, LEG. WHITEBOARD (December 29, 2014), <https://lawprofessors.typepad.com/legalwhiteboard/2014/12/the-composition-of-graduating-classes-of-law-students-2013-2016-part-one-.html>. Indeed, some schools—like Belmont University, Liberty University, and Florida International University change their class composition through academic attrition—between matriculation and graduation—more blatantly than other schools, ostensibly to improve bar passage likelihood. *See* Bahadur, Ruth, & Jones *supra* note 9. However, as we detail below, the addition of attrition or transfer rates did not meaningfully improve the predictive power of the streamlined model we ultimately employed and also posed problems from the perspective of multicollinearity of the independent variables. *See, e.g.*, note 19, *supra*, and note 26, *infra*.

²⁵ The value-added modeling technique was popularized by Harvard economist Raj Chetty as a way to attribute a student’s gains on standardized testing—above prior year baselines—to the student’s teacher in the elementary and secondary school setting. *See, e.g.*, Raj Chetty, John N. Friedman, & Jonah E. Rockoff, *The Long-Term Impacts of Teachers: Teacher Value-Added and Student Outcomes in Adulthood*, NAT’L BUR. ECON. RESEARCH, Paper No. w17699 (2011).

of these control characteristics were absorbed by the incoming student credential predictors, LSAT and UGPA, we streamlined the predictive model to include only a cohort's entering credential variables.²⁶In other words, we found that the credentials on front end were so closely related to bar exam performance on the back end that other factors were largely baked into those front-end credentials.

Next, from our predictive model measuring a given law school cohort's predicted bar success, we then examined that same law school class three years later at the time of their first bar examination to plot its actual bar passage

²⁶ By removing other predictors, such as race, attrition and transfer variables, the precision of model's estimates actually improved. Yet, we acknowledge that our model does not examine the fairness of any particular outcome of the bar exam as it relates to student credentials. Instead, it identified schools whose graduates tend to outperform those credentials. However, we recognize that bar performance is a multifaceted issue and that this modeling design departs from traditional sociological models, where factors like race are important control variables. *See, e.g.*, NYBoLE, *supra* note 8 (finding that LSAT underpredicts bar passage for nonwhite students); and Joan Howarth, *Teaching in the Shadow of the Bar*, 31 U.S.F. L. REV. 927, 928 (1997) (citing the NBCE's own data reflecting race and gender disparities in bar passage from the late 1990s). Additionally, some studies have argued that the law school admissions process and the law school experience for racial minorities are inequitable, which yields lower-than-expected bar exam performance among racial minorities to the extent the bar exam is measuring similar things. *See, e.g.*, NYBoLE, *supra* note 8 at Appendix Table C1 (noting an independent effect of race, but controlling for LSAT medians and law school selectivity only, not three measures of LSAT scores and UGPA, as our study does); and William C. Kidder, *The Bar Examination and the Dream Deferred: A Critical Analysis of the MBE, Social Closure, and Racial and Ethnic Stratification*, 29 L. & SOC. INQUIRY 547, 578-79 (2004) (arguing that controlling for law school grades and LSAT scores as "tautological insofar as the 'proof' of fairness requires an unexamined assumption about the presence of fairness"). Likewise, many scholars feel strongly that attrition is an important factor in a given cohort's ultimate bar success. *See, e.g.*, Bahadur & Ruth, *supra* note 24; and Jerome Organ, *Attrition Analysis for 2018, 2019, 2020 – with a Focus on Ethnicity*, TAXPROF BLOG (December 22, 2020), https://taxprof.typepad.com/taxprof_blog/2020/12/attrition-analysis-for-2018-2019-2020-with-a-focus-on-ethnicity.html (discussing the importance of the intersection of attrition and race). We do not dispute either claim; yet, because our analysis indicates that the inclusion of neither race nor attrition improved our model's predictive power, we elected not to include them as covariates in our ultimate predictive model. We are not alone in this finding. *See, e.g.*, Roger Bolus, *Performance Changes on the California Bar Exam: Part 2* (2018), <https://www.calbar.ca.gov/Portals/0/documents/admissions/Examinations/Bar-Exam-Report-Final.pdf> ("As observed previously, there was no statistically significant effect of race on final P[ass]/F[ail] status after controlling for other measures in the model."); Jane Yankowitz, *Marooned: An Empirical Investigation of Law School Graduates Who Fail the Bar Exam*, 60 J. LEGAL ED. 3, 20 (2010) ("In fact, the bar passage study data confirms what bar exam validation studies had found before: that race does not play a statistically significant role in bar passage when LSAT scores, undergraduate GPA, and law school GPA are controlled.") (compiling studies); and Cecil J. Hunt, II, *Guests in Another's House: An Analysis of Racially Disparate Bar Performance*, 23 FLA. ST. U. L. REV. 721, 765-67 (1996) (acknowledging the correlation between LSAT scores and bar passage while rightly critiquing the bar exam as barrier to entry in the legal profession, particularly for people of color).

rates—specifically, the bar passage differentials across all jurisdictions where 10 or more students from that class sat for the bar exam. We use the error term between the actual and predicted bar passage rate to represent the value that a law school adds (or subtracts) from its students for each law school in a given year between 2014, when the entering class of 2011 graduated and sat for the bar exam, and 2019, the most recent available year of bar examinee data not impacted by the COVID-19 pandemic.

In creating the performance indices upon which our value-added analysis is predicated, we performed a few calculations to normally distribute the data for our main independent variables, LSAT and UGPA. First, we created indices for LSAT and UGPA that were scaled by the total points available in each category (4.00 and 180, respectively) along the three components of each independent variable we have (75th percentile, median, and 25th percentile) and summed the result. For example:

$$lsat_index = (1/3)*(lsat_75pct/180) + (1/3)*(lsat_median/180) + (1/3)*(lsat_25pct/180)$$

and

$$gpa_index = (1/3)*(gpa_75pct/4) + (1/3)*(gpa_median/4) + (1/3)*(gpa_25pct/4)$$

These indices provide a new scaled value, between 0 and 1, for each law school in a given year for each of our principal independent variables. Then, we created an overall composite index for each law school in a given year, roughly weighted by the predictive power of the LSAT (0.6), reserving the rest of the performance index for UGPA (0.4). For example:

$$composite_index = 0.6*lsat_index + 0.4*gpa_index$$

Next, we standardized—or z-scored—this weighted composite index. Standardization is preferable even to the aforementioned scaled and weighted composite index, because it fits—as nearly as possible—the data on a normal distribution, given a mean of zero. It also improves the interpretability of the values of the composite index, as these values are expressed in terms of standard deviation above or below the mean. All of these changes optimized the predictive power of the inputs of a given incoming law school class in creating estimates of the class' expected bar performance three years later.

Our key dependent variable was a bar passage differential variable that we carefully designed. To create this variable, we weighted each law school's differential from the state bar passage rate in a given year by the proportional fraction of exam takers from a given school in that jurisdiction over all exam takers from that law school in a given year—so long as the law school had 10

or more graduates sit for the bar in that jurisdiction for the first time. This meant that we considered up to as many as five jurisdictions for a given law school in a given year. For example:

$$\begin{aligned} \text{bar_diffpassrt_alljuris} = & \\ & ((\text{bar_diffpassrt_1juris} * (\text{bar_totaltakers_1juris} / \text{bar_totaltakers_alljuris})) + \\ & ((\text{bar_diffpassrt_2juris} * (\text{bar_totaltakers_2juris} / \text{bar_totaltakers_alljuris})) + \\ & ((\text{bar_diffpassrt_3juris} * (\text{bar_totaltakers_3juris} / \text{bar_totaltakers_alljuris})) + \\ & ((\text{bar_diffpassrt_4juris} * (\text{bar_totaltakers_4juris} / \text{bar_totaltakers_alljuris})) + \\ & ((\text{bar_diffpassrt_5juris} * (\text{bar_totaltakers_5juris} / \text{bar_totaltakers_alljuris})) \end{aligned}$$

Interpreting the values that this variable yields would have been tricky, if not pointless, if the values of this dependent variable were not standardized along the same lines that the input variable, or composite index, had been standardized. As such, we standardized this output variable as well.

From these standardized independent and dependent variables, we began our value-added modeling analysis. This entails: (1) regressing the standardized bar passage differential for a given law school in a given year on the 3-year-lag standardized composite LSAT/UGPA index; and (2) predicting the “*y-hat*”, or expected outcome of the standardized bar passage differential value from the OLS regression model in step one, based on the coefficients of the 3-year-lag standardized composite LSAT/UGPA index. In other words, the standardized composite index for a given law school (e.g., Pepperdine University Caruso School of Law) in a given year (e.g., 2016) is used to predict that cohort’s standardized bar passage differential value of that cohort three years later (e.g., 2019). The last step in the value-added modeling analysis is to look at the actual standardized bar passage differential value of that cohort and measure the distance between the actual and predicted standardized bar passage differential values of that cohort. The difference between the actual and predicted values is known as a “residual,” and this residual, one can argue, is the value-added—or value-subtracted—by the cohort’s having attended the law school.

This classic value-added modeling design was useful as a preliminary investigation of our research question; that is, the classic value-added modeling approach is useful in determining which law schools’ graduates perform better or worse than they were predicted to perform on the bar exam as a function of their entering credentials. However, we think that the classic value-added modeling approach is inappropriate in the context of year-over-year analysis of law schools’ bar performance. Although seeing whether a given law school surpassed its predicted bar passage rate in a given year is somewhat meaningful, the reality is that many of the law schools that beat their predicted bar passage rates—based on the classic value-added model—also fell at or below, and sometimes well below, state bar passage averages. Likewise, many

schools that performed at or just below their predicted rates were often well above the average modal state bar passage rate.

This reality of the bar passage conundrum limits the appeal of a classic value-added modeling design, because it does not accurately signal which law schools exceeded their bar passage predictions and did well in doing so or which law schools performed worse than they should have but still handily beat state averages. In short, the classic value-added modeling approach signals only which law schools beat their predicted rates but without also signaling how those schools fared relative to graduates of other schools taking the same exams. Thus, we improved upon the classic value-added model by considering both the value-added residual *and* the actual standardized-bar-passage differential rate—which we call “*bar_pi*” below, short for bar performance index—collectively, and not the residual solely, as the measure of value the law school adds to its graduates. This improvement on the model is represented in four transformative iterations of the model described below.

2. *A Modified Value-Added Modeling Design to Fit the Law School Context*

The first modification of the classic value-added modeling design we chose to make in tailoring the predictive model to the context of legal education was aimed at rewarding those law schools that outperformed their predicted bar passage rates as well as state averages. Thus, law schools that have a positive value for their standardized-bar-passage differential rate, or *bar_pi*—meaning that their students did better than average on the bar exams that their graduates took—and beat their predicted bar passage differential rate were rewarded by having their value-added residual added to their *bar_pi*. Adding these law schools’ value-added residual on top of their *bar_pi* allows us to clearly see the best schools on both of the criteria in which we have the greatest interest: (a) those schools that do well, across multiple state jurisdictions, on the bar exam; and (b) those schools that beat their predicted differential performance.

Second, we reasoned that law schools with a positive value on their *bar_pi* but that did not beat their predicted bar passage differential rate (i.e., had a negative value-added score) should get the penalty of having their residual—or value-subtracted—added to their *bar_pi*, resulting in a decrease to their observed *bar_pi*. The majority of the schools in this category were schools that marginally underperformed their expected differentials, and thus, this transformation is not much of a penalty at all, holding them about where they were relative to other schools before the benefit we instituted for law schools that overperformed both their predicted bar passage rates and state bar passage averages. However, this transformation is an important step with respect to the fairness of our rankings. It also serves our ultimate goal of identifying schools that do the most with the students they have in terms of

preparing them for success on the bar exam.

Third, we concluded that law schools that have a negative value on their *bar_pi* but that managed to beat their predicted bar passage differential rate (i.e., had a positive value-added score) should get the benefit of having their value-added residual added to their *bar_pi*. Not performing well on the bar exam, relative to state averages, carries its own penalty, but in our view, that penalty should be mitigated somewhat by performing better than expected. This transformation does just that, nudging the schools that did better than expected but not as well as state bar passage averages a little closer to the standardized mean of zero.

Fourth, and finally, we felt that law schools with a negative value on their *bar_pi* and that also did not beat their predicted bar passage differential rate should get the penalty of having their value-subtracted residual added to their *bar_pi*, taking them further away from the mean of zero. In other words, schools that underperformed state bar passage averages in which their students sat for the bar exam *and* underperformed their predicted rates—even considering the students they admitted and matriculated—should receive a modest penalty. Like our second transformation, this penalty is marginal, as almost every school in this category in any year missed their predictions by less than half of a standard deviation and in many cases by far less than that. However, this transformation has the effect of drawing out the left tail of the distribution, modestly away from the mean. We think that this adjustment is appropriate, given that our value-added model considers the inputs of students these schools admitted and makes predictions based on their incoming credentials relative to all other schools.

The advantage of these transformations is that each transformation helps to highlight the law schools that do well or poorly on both of the criteria that we use to operationalize of bar success. And importantly, all of these transformations can still be interpreted in standard deviations, because we have standardized the base units of each independent and dependent variable in the model. Finally, these adjustments to the value-added modeling design are not only warranted to reflect a proper operationalization of bar success and the realities of legal education, they are novel contributions to the legal education literature.

D. Quantitative Results

In our analytical dataset, we possessed data spanning six observation years for every law school accredited by the ABA. After excluding law schools that benefit from the diploma privilege and closed law schools, our analytical data contained observations for 192 law schools over the six-year span—minus, of course, one year of observation from the Georgia law schools in 2019—each

year of which we aggregated to the law school through averaging. Our analysis indicates that, of these 192 law schools in our dataset, 25 law schools have added value to their graduates by a factor of 1.5 standard deviation or more, on average. In total, most law schools—121 law schools—average a positive value to their graduates, following the value-added modeling transformations we performed, and a majority of these schools—81 law schools—netted a modest average value-added score between 0 and 1 standard deviation above the mean. However, 71 law schools average a negative value to their graduates, and 18 law schools—17 of which are currently accredited by the ABA—recorded value losses of 0.75 standard deviation or more, with nine of those schools exceeding a one standard deviation value loss or greater. A report of the top-25 and bottom-17 law schools is available, below, in the Appendix.

We recognize that any ranking of law schools will inevitably draw attention about which schools are ranked in which spot. For our purposes, however, the ranking was a means to an end. Once we identified overperforming schools, we could survey that cohort to identify the practices that might contribute toward their cumulative success. Likewise, it gave us an opportunity to contrast the practices of this cohort with different cohorts of schools that have had different levels of success.

It should come as no surprise that law schools that have invested heavily in their students' bar success—such as Florida International University and University of North Carolina—do very well under this operationalization of the link between entering credentials and first-time bar success.²⁷ For these schools, the return on investment for the bar success initiatives they have undertaken is high, catapulting them to the top of our distribution. Likewise, many of the law schools that lead in the *US News & World Report* rankings, like Stanford University, University of California - Berkeley, University of California - Los Angeles, University of Michigan, and University of Virginia, emerge at or near the top of this combined measurement of bar success. Conversely, most of the law schools that recorded significant average value losses are schools that the *US News & World Report* does not rank. These schools include Appalachian School of Law, Southern University, Western New England University, Golden Gate University, Thomas Jefferson School of Law, Texas Southern University, and Western Michigan University Cooley School of Law.

By no means does our quantitative analysis validate the methodology used

²⁷ Notably, both of these law schools, plus the University of New Hampshire, which we chose to exclude from reporting in our rankings because of its alternative to licensure that confers a diploma privilege to a sizable portion of its graduates, have instituted considerable curricular and extra-curricular reforms that redound to their students' success on the bar exam. See Louis N. Schulze, Jr., *Helping Students Pass the Bar Exam: Five Law Schools Share Their Successful Strategies*, 88 BAR EXAMINER 8 (2019).

by *US News & World Report* in its annual rankings of law schools. However, we draw this comparison between our findings and the distribution of law schools in the annual rankings, because—at some level—we expected to encounter them *a priori*. We did not, however, expect some of the top-25 law schools and a number of top-50 law schools in the annual rankings to sink as far toward the mid-point of the distribution in our analysis. Yet, several of these law schools did exactly that. But there are a few surprises that emerged in the top group of overperforming law schools, specifically: Baylor University, Belmont University, Campbell University, Liberty University, and Louisiana State University. Finding these surprises was one implicit purpose of the first phase of our study: to discover not only which law school's graduates were doing well on the bar exam but whether those law schools exceed their bar success projections. With this phase of our analysis complete, we sought to understand how these law schools achieved their success—and what they were doing differently from every other law school.

II. PHASE TWO: THE BAR SUCCESS SURVEY

Our effort to identify schools that overperform on the bar exam was the beginning, not the end, of our inquiry. Schools have occasionally identified school-specific programs that they believe contribute to their students' bar exam success.²⁸ But we wanted to offer a qualitative look at these schools to identify potential common traits. We drew up a series of questions, built upon some of the practices identified by other schools, as potentially useful opportunities for exploration. Ultimately, these questions formed the basis for a survey that we administered in the Fall 2020 academic semester. Specifically, our survey queried: student-oriented and institutional-oriented challenges the respondents' law schools experienced; curricular and extra-curricular reforms to combat bar passage problems; reforms targeted at at-risk students as well as all students; hiring personnel focused on bar success and academic support; and financial resources dedicated to implementing bar success initiatives.

Using the Qualtrix platform, we distributed this survey to 25 schools that performed at least 1.5 standard deviations above the median in bar exam performance. Thirteen schools among our best-performing schools answered our qualitative questionnaire about their approach to academic success and bar exam support.²⁹ The schools represented a diversity of geographic regions and

²⁸ See note 13, *supra* (surveying literature).

²⁹ We surveyed multiple administrators at a law school. In some cases, we received no more than two responses from a law school. At times, they differed. We did not add weights, because we think it adds further context to the responses. This increases the total number of responses we received. Additionally, percentages are presently based on the total number of respondents to each question.

a range of incoming student predictors. We also distributed our survey to seventeen schools that performed in the middle of our quantitative distribution, with ten respondents; seventeen schools that performed at the bottom of expected performance, with eleven respondents; and 25 schools randomly selected elsewhere in the distribution, with sixteen respondents. While our analysis focuses on top-performing schools, a discussion of the full distribution of results is illuminating in several contexts.³⁰

We identify six major takeaways. First, student-oriented challenges to bar success, as identified by respondents to our survey, center more on personal traits including work ethic, distraction, and financial cost rather than incoming academic metrics. Second, most respondents to our survey indicated that first-year law school performance is the principal focus for identifying at-risk students. Third, among the responding law schools, many focused on hiring bar personnel and ensuring faculty buy-in and implementation of academic success programs as mechanisms for achieving bar success. Fourth, curricular strategies for bar success overwhelmingly focus on overall first-year academic support and third-year bar exam preparation rather than any particular substantive curricular focus. Fifth, extra-curricular strategies employed at law schools responding to our survey emphasized more general support, including faculty support and stress management, rather than particular techniques or methods. Sixth, top-performing schools are not spending extravagantly more resources, and in many instances are spending less, than other schools to achieve bar success.

A. How Law Schools Measure Bar Exam Success

There are many different ways of identifying “success” when it comes to bar exam outcomes, and we wondered how schools—particularly those identified as over- and underperforming by our previous analysis—measure success. To that end, we asked respondents to identify and rank their top three choices among a list of nine constructs. The aggregate results across all law school respondents were enlightening.

³⁰ Throughout this Article, we use “Top,” “Middle,” “Random,” and “Bottom” to identify these cohorts of respondents. We note that the response rates we received were fairly high, given that our survey was conducted amidst major institutional shifts brought on by the global COVID-19 pandemic and efforts toward a renewed commitment to racial justice in legal education in the wake of events during the summer of 2020. As such, we were deeply humbled by the responses we received to this survey, as we know full well that time and resources were scarce in Fall 2020.

Table 1 – All Respondents	
<i>Question: There are different approaches that law schools may use to measure bar success. Thinking about the last five years, how has your law school measured bar success? (Respondents could add and rank up to three choices; all schools' survey respondents below.)</i>	
Outperforming the statewide first-time average of the one state where the bulk of our graduates take the bar	59%
Ensuring that every student who attempts a bar exam passes on the first attempt	56%
Outperforming our peer schools' first-time bar exam performance	52%
Ensuring that our students receive the support they need while preparing for the bar exam	41%
Ensuring that our most at-risk students pass the bar exam on the first attempt	30%
Ensuring that at least 75% of our graduates pass a bar exam within two years of graduation	22%
Ensuring that every student who attempts a bar exam ultimately passes one	20%
Outperforming the statewide first-time average of the top few states where the bulk of our graduates take the bar	17%
Ensuring that our most at-risk students ultimately pass a bar exam	11%

The single greatest indicator of success was determined by a metric used in the *U.S. News & World Report* law school rankings. These rankings include “bar passage rate” as one factor, the ratio of the bar passage rate of a school’s graduating class to that jurisdiction’s overall state bar passage rate for first-time test-takers in calendar year.³¹ It is only 2.25% of the most recent rankings, but it still dominates how law schools identify “success.” A related item we surveyed, outperforming “the top few states” as opposed to just one state, was near the bottom of our results, suggesting a strong competition exists between and among law schools on a more localized level—or further suggesting that respondents care most about the *US News* metric, as opposed to closely related measures of success. Relatedly, the third most-popular option, outperforming

³¹ See Robert Morse, Kenneth Hines, Eric Brooks, Juan Vega-Rodrigues, and Ari Castonguay, Methodology: 2022 Best Law Schools, *US News & World Report*, March 29, 2021, <https://www.usnews.com/education/best-graduate-schools/articles/law-schools-methodology> (describing the publication’s methodology for the rankings it published in 2021, based on data from 2020, and noting that “[t]his is the ratio of the bar passage rate of a school’s 2019 graduating class to that jurisdiction’s overall state bar passage rate for first-time test-takers in winter and summer 2019. The jurisdiction listed is the state where the largest number of 2019 graduates took the state bar exam. The National Conference of Bar Examiners provided the state bar examination pass rates for first-time test-takers in winter and summer 2019.”).

peer schools' first-time bar exam performance, is another competitive advantage point. If schools are vying for prospective students and trying to identify ways that differentiate them from peer schools, bar passage rate is a popular choice.

“Ensuring that every student who attempts a bar exam passes on the first attempt” might be the most intuitive indicator of success, but it was the second-most popular option, and even that only mustered 56% of respondents who identified it among the top three. Providing overall assistance to students or ensuring that at-risk students pass the bar exam were less popular indicators. “Ultimate” bar passage rate responses were among the lowest responses, as schools prioritized first-time pass rates, even after the enactment of ABA Standard 316.

Among the subset of top-performing schools, the responses looked a little different than the aggregated distribution of respondents from all law schools:³²

Table 2 – Top Performers	
<i>There are different approaches that law schools may use to measure bar success. Thinking about the last five years, how has your law school measured bar success? (Respondents could add and rank up to three choices; outperforming law schools' responses only.)</i>	
Ensuring that every student who attempts a bar exam passes on the first attempt	60%
Outperforming our peer schools' first-time bar exam performance	60%
Outperforming the statewide first-time average of the one state where the bulk of our graduates take the bar	53%
Ensuring that our students receive the support they need while preparing for the bar exam	40%
Ensuring that our most at-risk students pass the bar exam on the first attempt	33%
Ensuring that every student who attempts a bar exam ultimately passes one	20%
Ensuring that our most at-risk students ultimately pass a bar exam	20%
Outperforming the statewide first-time average of the top few states where the bulk of our graduates take the bar	20%
Ensuring that at least 75% of our graduates pass a bar exam within two years of graduation	7%

³² We note that the differences between Tables 1 and 2 are marginal, with the top three items being essentially the same, albeit in a different order. However, the highest percentage items among top-performers indicate that there are indeed differences in terms of how these schools frame success: to wit, prioritizing first-time bar passage and beating peer competition at doing so.

As these schools have demonstrated extended success, these schools were focused on the competitive advantages of bar exam performance. But tied for the top response was ensuring that *every* student passed on the first attempt, a testament to the confidence in academic success programs assisting the entirety of a graduating class. The least popular response, “Ensuring that at least 75% of our graduates pass a bar exam within two years of graduation,” tracks the American Bar Association’s minimum requirements for accredited law schools. Schools that experienced enduring success are focused on other metrics. Indeed, the low rate of overperforming law schools’ respondents who indicated that the 75% ultimate bar passage threshold is a concern suggests that exceeding this threshold is to be expected at these law schools. That is, consistently clearing the threshold, while gaining an advantage over peer law schools, could indeed induce a law school toward the pursuit of ensuring that every student who attempts the bar passes on the first try. In order to do so, a law school must consider student-centered challenges and risk factors.

B. Student-oriented Challenges and Risk Factors

To examine the student-oriented challenges and risk factors facing the law schools that we surveyed, we first asked, “What student-oriented challenges has your law school experienced in ensuring bar success for your law school’s graduates?” Here, we asked respondents to sort twelve challenges into categories of greatest, average, and smallest challenges. Below are the responses from overperforming schools identifying what they saw as among the school’s “greatest challenges”:

Table 3 – Top Performers	
<i>Question: Nationally, the rate of bar passage has declined over the last five years. What student-oriented challenges has your law school experienced in ensuring bar success for your law school’s graduates? (Answer identified as “greatest challenges” as opposed to “average challenges” or “smallest challenges.”)</i>	
Student distraction due to work, life, or other items competing for their time	73%
Financial cost to students	40%
Motivating students in their law-school work ethic	33%
Assisting students on academic probation	27%
LSAT profile of incoming students	13%
Other	13%
Academic dismissal policy and application	7%

LSAC index profile of incoming students	7%
Quality and quantity of students transferring into the law school	7%
Quality and quantity of students transferring out of the law school	7%
Student buy-in to bar success programs	7%
UGPA of incoming students	7%

These concerns focus on the competing time commitments,³³ finances, and work ethic of students—not their incoming academic predictors. Admissions concerns were nearly non-existent. The tally, of course, might reflect the moment of the fall of 2020—students faced unique pressures during remote learning and shutdowns. Additionally, admissions figures had been stable if not improving around the country for years.

We can also compare these areas across quantiles. There was some convergence, but notable differences for the bottom quantile. In the table below, boldface items had the most popular answer for the quantile, italicized the lowest.

Table 4 – All Respondents (by Quantile)

<i>Question: Nationally, the rate of bar passage has declined over the last five years. What student-oriented challenges has your law school experienced in ensuring bar success for your law school's graduates? (Answer identified as "greatest challenges" as opposed to "average challenges" or "smallest challenges.")</i>				
<i>Challenges</i>	<i>Top</i>	<i>Middle</i>	<i>Random</i>	<i>Bottom</i>
Student distraction due to work, life, or other items competing for their time	73%	60%	50%	50%
Financial cost to students	40%	40%	50%	25%
Motivating students in their law school work ethic	33%	30%	31%	50%
Assisting students on academic probation	27%	50%	6%	17%
LSAT profile of incoming students	13%	30%	19%	92%
Other	13%	30%	13%	8%
Academic dismissal policy and application	7%	40%	19%	0%

³³ Indeed, this result stands to reason: students who have dependent children or other family members simply have a lot of commitments—especially when it comes to the months of bar study. And if they need to work during those months to support family, time management will only go so far.

LSAC index profile of incoming students	7%	20%	13%	58%
Quality and quantity of students transferring into the law school	7%	10%	19%	0%
Quality and quantity of students transferring out of the law school	7%	10%	6%	50%
Student buy-in to bar success programs	7%	10%	44%	25%
UGPA of incoming students	7%	10%	0%	58%

Similar concerns could be traced across the top, middle, and random quantiles. But admissions concerns dominated those who performed at the bottom of our outcomes—LSAT profile being the top concern, followed by incoming UGPA and incoming LSAC index. Students transferring out of the law school were also a higher concern. Curiously, a fairly large portion of the law schools in the middle of our distribution reported that the academic dismissal policy and its application, as well as assisting students on academic probation, were significant issues. The nearly singular presence of this phenomenon among the law schools in the middle of the distribution could be a signal of challenges unique to these schools around deciding what to do with students the law school has already identified as at-risk.

Relatedly, we asked about how schools identify at-risk students among thirteen factors based on their academic performance or habits. Law school respondents to our survey reported the factors that follow as “significant” risk factors; however, we report the results for top-performing law schools:

Table 5 – Top Performers	
<i>Question: Some reforms target at-risk students. How does your law school identify at-risk students based upon their academic performance or habits? (Answers identified as “significant” factors as opposed to “sometimes a factor” or “rarely if ever a factor.”)</i>	
Low cumulative 1L GPA	87%
Students who fall below a certain fixed GPA threshold	80%
Low Fall 1L GPA	60%
Low Spring 1L GPA	60%
Students who fall below a certain percentile GPA threshold	53%
Faculty feedback to administration on student performance	13%
Poor performance in a 1L academic success course	13%
An extremely low grade in any one 1L course	6%

LSAC index profile of student	6%
Poor attendance record	6%
LSAT score of student	0%
Significant disparity between Fall 1L GPA and Spring 1L GPA	0%
UGPA of student	0%

Overperforming law schools recognize that it a student’s first-year law school performance should be the focus of identifying at-risk students, and overall first-year performance at that.³⁴ While our model relies on the LSAT and UGPA as predictors of bar passage success, these schools all achieved excellent bar passage outcomes above and beyond the predicted success of their graduates on these metrics. Appropriately enough, for these schools, admissions predictors are not a significant cause for concern. Indeed, the three highest responses of “rarely if ever considered a risk factor” included LSAC index profile of students (12), UGPA of student (10) and LSAT score of student (7).

Moreover, the top overperforming law school group was not limited to the schools with cohorts of graduates possessing unusually high predictors of bar success—based on their entering credentials—as if only the most selective schools have the luxury of viewing admissions statistics as a low-risk proposition. About half of the schools in the top of our ranking (and about half of survey respondents) did not have unusually high predictors of bar success.

Instead, these survey answers might reflect a few things. First, these schools are aware that 1L GPA is so much better a predictor of bar exam success that any LSAT or UGPA concerns largely wash away once 1L grades arrive, and they model risk accordingly. Second, it might be the case that schools are confident in the ability of their academic success programs to elevate students to bar exam success regardless of incoming metrics (subject, of course, to law school performance). Third, schools might be able to retain high-quality students and academically dismiss poor performers at a higher

³⁴ Certainly, this is consistent with a great body of research that finds that, at least the institutional level, 1L GPA is highly associated with bar exam performance. *See, e.g.*, Aaron N. Taylor, Jason M. Scott, and Josh Jackson, *It’s Not Where You Start, It’s How You Finish: Predicting Law School and Bar Success*, ACCESSLEX INST., Working Paper (March 24, 2021), https://www.accesslex.org/sites/default/files/2021-03/LSSSE%20National_Report.pdf (finding that a one standard deviation increase in 1L GPA is associated with a “402 percent increase in the odds of bar passage” and, as well, that LSAT and UGPA are positively associated with bar performance).

rate.

Similar responses could be found across quantiles, with one notable exception. Schools in the bottom quantile were fairly likely to identify “LSAT score of student” and “UGPA of student” as “significant factors” in identifying at-risk students. While 1L GPA and fixed GPA thresholds were still the leading responses, bottom quantile schools continued to look at admissions metrics as a risk factor.

Relatedly, we asked law schools a separate question: how they identified at-risk students based on their personal traits. Among these ten categories, responses identifying at-risk students based on personal traits as a “significant” factor were lower than the academic performance categories in Table 5. Of note, however, are mental health disabilities and students for whom English is not their first language. These traits reflect student challenges approaching learning more generally and are consistent with student-oriented challenges identified earlier. Table 6 presents the distribution of responses from overperforming law schools.

<i>Question: How does your law school identify at-risk students based upon their personal traits? (Answers identified as “significant” factors as opposed to “sometimes a factor” or “rarely if ever a factor.”)</i>	
Students with a mental health disability (e.g., anxiety disorder, depression, etc.)	46%
Students for whom English is not their first language	38%
Students with a job	12%
Students from underrepresented racial minority or ethnic minority groups	8%
Students identified as economically disadvantaged	8%
Nontraditional students	0%
Students with a disciplinary record	0%
Students with families to support	0%
Students with significant student loan burdens	0%
Veterans	0%

Law schools, then, were more likely to identify overall barriers to student success based upon traits like work ethic, distraction, and financial cost rather than admissions metrics. First-year law school performance is the primary focus for identifying at-risk students over admissions metrics or personal characteristics. Distraction or mental health may well have scored highly in Fall

2020 as remote administration of the bar exam during a global pandemic pressed upon law schools.

C. Institutional Challenges

Personnel, practices, and policies that sustain high bar outcomes reflect institutional priorities and investments. Law schools that achieve bar exam success do so as institutions. To that end, we asked schools to name the greatest and smallest institutional challenges to bar exam success among ten categories. Here are what the respondents from overperforming law schools identified as the greatest challenges:

Table 7 – Top Performers	
<i>What institutional-oriented challenges has your law school experienced in ensuring bar success for your law school's graduates? (Answer identified as "greatest challenges" as opposed to "average challenges" or "smallest challenges.")</i>	
Hiring personnel to support bar success	50%
Faculty buy-in to bar success programs	36%
Course offerings and curriculum	29%
Implementing best practices	29%
Identifying best practices	21%
Retaining personnel to support bar success	21%
Inability to change academic policy	14%
Training faculty/staff	14%
Frequent changes to academic policy	7%
Other	0%

Hiring personnel was the greatest barrier, a sign of how the focus on academic success is driven by a school's commitment to dedicated personnel to support bar success. Faculty buy-in was also a higher concern at some institutions. Perhaps, this reflects the notion that a lack of faculty support generally—or even specifically of faculty support for the hiring of faculty or personnel dedicated to bar support—would rub off on students and make students less inclined to participate in relevant programming without faculty support. Likewise, faculty buy-in is a necessary condition precedent to all manner of faculty governance issues, like hiring, and may also be critical to

achieving bar success, to the extent that faculty consider bar coverage in planning their courses. Yet, by comparison, academic policy-related concerns were low. That is, schools that have high success in the bar exam were not inclined to identify academic policies as challenges.

While law schools identified the foregoing concerns as the greatest barriers to bar success, here is what respondents to our survey from overperforming law schools identified as the *smallest* challenges—that is, the things they believe they are already handling successfully.

Table 8 – Top Performers	
<i>What institutional-oriented challenges has your law school experienced in ensuring bar success for your law school's graduates? (Answer identified as "smallest challenges" as opposed to "average challenges" or "greatest challenges.")</i>	
Frequent changes to academic policy	64%
Inability to change academic policy	57%
Faculty buy-in to bar success programs	43%
Hiring personnel to support bar success	36%
Retaining personnel to support bar success	36%
Training faculty/staff	36%
Course offerings and curriculum	29%
Identifying best practices	29%
Implementing best practices	21%
Other	0%

Our top performing respondents seemed to recognize that the academic policy was little barrier to achieving desired success. This suggests consistency in keeping working policies in place while maintaining flexibility and responsiveness where necessary. It is also worth observing that more schools in this group said that faculty buy-in was among their *smallest* concerns, in contrast to those who identified it among the *greatest* concerns, reflecting institutional variation. Possibly, this finding may also provide insight into how essential faculty are at different institutions to ensuring student participation in bar success—or, maybe, the extent to which the administration funds and supports bar preparation and support separate of faculty input.

D. Curricular Options

Curricular choices also may drive bar success. Schools may choose to implement specific courses, institute particular teaching or grading methods, or provide academic support for students who struggle with the curriculum. We drew upon 24 categories of curricular options to ask what reforms aimed at bar success have been used. Among respondents, particularly those in the top-performing law schools quantile, the most popular methods were in two categories: first-year academic support, and bar preparation courses in the third year.

Table 9 – Top Performers	
<i>Several law schools have begun to institute curricular reforms to combat bar passage problems. What sort of curricular reforms aimed at bar success have been enacted at your law school?</i>	
Increased first-year academic support	69%
Bar exam preparation courses in the spring 3L year	63%
Bar exam preparation courses in the fall 3L year	50%
Increased size or frequency of bar prep courses	31%
Other	25%
Bar-style performance test questions in the curriculum	19%
Increased faculty focus on bar-tested topics	19%
A required 1L academic skills course	13%
Bar-style essay questions in substantive course exams	13%
Bar-style multiple choice questions in substantive course exams	13%
Letter grades in lieu of pass/fail for bar preparation courses	13%
More credit hours in required substantive courses on bar-tested topics	13%
Shift toward closed book exams	13%
Substantive third-year curricular requirements	13%
Faculty mentoring of students	8%
Flipped classroom environments	8%
More 1L legal writing credits	8%

More required substantive courses on bar-tested topics	8%
Pre-law academic support	8%
Requiring faculty to implement formative assessments into the curriculum	8%
Shift toward timed in-person exams	8%
Increased oral faculty feedback on exams	0%
Increased written faculty feedback on exams	0%
Turning required substantive courses from one term into multiple terms	0%

While other studies have discussed substantive course or curricular changes or particular pedagogical techniques in the classroom, these options are rare and scattered among our survey's respondents. This is at least in part consistent with evidence that performance on the bar exam appears to work independent of performance in any given substantive law school subject.

We report only the results of the survey from the highest-performing law school, but there was general convergence about these tactics across quantiles. The most popular responses across quantiles include increasing first-year academic support and spring 3L bar exam support—they were the two most popular options in the middle and random quantiles, and in the top four of the bottom quantile. Schools in the middle, random, and bottom quantiles scattered more alternative options elsewhere. “Faculty mentoring of students” was a more popular option elsewhere, too.

Notably, among schools in the bottom quantile, 83% included more required substantive courses on bar-test topics, and 83% required faculty to implement formative assessment into the curriculum. 75% required a 1L academic skills course, and 75% increased faculty focus on bar-tested topics. These were far more popular options than other quantiles' respondents. It might be that these schools have pursued a model that “buckling down and studying hard” across the entirety of the law school curriculum is the pathway to success. But this is not what other schools tend to do. And the amount of memorization needed for bar exam success appears to work best in the time closest to the bar exam itself, which is why spring 3L courses tend to be more popular across quantiles.

Furthermore, these are not novel strategies for the most successful schools. Spring 3L bar prep courses have been around for 4 or more years at the 8 of 9 schools that responded to in this category; fall 3L bar prep support at 5 of the 7 schools that responded in this category; and increased first-year academic support at 7 of the 9 schools that responded in this category. Notably, among other schools in our survey cohort who identified increased first-year support as a topic of development, only 10 of the 24 schools that

responded had done so for the last 4 or more years. The majority have been developing it more recently. It might portend greater bar success at more law schools in the future.

We also asked whether these programs were open to all students; open to all students, but at-risk students are targeted; open to all students, but required for at-risk students; or required for all students. Increased first-year academic support was required at only 3 of 10 schools that responded. And bar exam preparation courses? They were required at 0 schools that responded, neither the fall (of 7 schools) or spring (of 9 schools).

When we asked schools to identify which change had the “most positive impact,” Spring 3L bar programs were the runaway winner, followed by “other.”

There appears to be a form of buy-in for these programs among students at these institutions, and it suggests that students are motivated to participate in optional programs. It also may reflect that the totality of support in all its facets may assist students, regardless of whether they participate in bar-specific programs. Holistic success admittedly makes identifying isolated causes of success more challenging, but it offers flexibility for institutions looking at a broader suite of options.

E. Extra-curricular Options

While curricular options may provide popular opportunities to see bar success, we thought about extra-curricular options, too. Law schools might offer bar preparation courses outside the curriculum, provide students with preferred study techniques, or ensure sustainable academic support. We asked schools about 21 strategies we identified as extra-curricular. Here were the responses from top-performing schools:

Table 10 – Top Performers	
<i>Several schools have begun to institute extra-curricular reforms to combat bar passage problems. What sort of extra-curricular reforms aimed at bar success have been enacted at your law school?</i>	
Expanding academic support available to students	69%
Faculty support for students during bar preparation	50%
Stress management support	50%
Teaching study time management techniques	50%
Teaching exam time management techniques	44%
Encouraging particular study methods	38%

One-off bar preparation workshops	38%
Peer tutoring support to first-year students	38%
Encouraging or mandating handwritten note-taking	25%
Hired more people in academic support roles	25%
Increased salaries of those in academic support	19%
Financial assistance in the form of grants or scholarships for the bar exam	13%
Subsidizing bar preparation courses like BarBri or Kaplan	13%
Mandating bar prep courses like BarBri or Kaplan	6%
Mandating particular study methods	6%
New student orientation focus on bar examination	6%
Offering a preliminary bar exam at the 1L year	6%
Reorganized administration to provide better management and oversight for academic support	6%
Increased funding or opportunities for passive support systems like resources centers or libraries	0%
More stringent admissions policies	0%
Purchasing bar preparation courses for students like BarBri or Kaplan	0%

Instead of specific tools for success, it appears that broad but straightforward measures, like expanded academic and faculty support, have been most successful. Among these, the ones identified as the most positive were expanding academic support (4), faculty support during prep (4), encouraging particular study methods (3), and peer tutoring (2).³⁵

These programs, too, at the top schools were generally open to all students without any particularized focus on at-risk students. A few programs “targeted” at-risk students. But among 64 answers about how these programs were targeted, only one respondent for one program identified that the program was “required for at-risk students.”

Less popular methods include subsidizing, purchasing, or mandating commercial bar prep programs; and first-year bar-focused policies. Other particularized methods were not widely considered. For instance, handwritten

³⁵ It’s also possible that more general measures are more likely to attract a broader number of respondents than more specific measures, anyway.

note-taking has received some scholarly attention as pedagogically beneficial,³⁶ but schools are not making it a focus of their study techniques.

Like curricular options, the extracurricular options also saw convergence in responses across quantiles. “Expanding academic support available to students” was consistently the most popular choice. Notably, however, among the other quantiles outside of the top performers, between 25% and 40% of respondents reported purchasing bar preparation courses for students, while 0% of top-performing law schools reported doing so. Additionally, on closer comparison, 0% of schools in the top quantile, about one third of the random and middle schools, and 75% of bottom schools identified “more stringent admissions policies” as an extra-curricular mechanism to combat bar passage problems, once again reflecting a different ethos among overperforming law schools to do the most with the students they admit and ultimately graduate.

F. Personnel and Costs

Some of our questions specifically asked about personnel, but we offered an additional question to quantify the changes or additions of personnel committed to bar success or academic support. Were schools shifting responsibility among existing faculty or staff, or were they hiring new people? What sort of faculty status did these hires have?

In terms of personnel hired or given new responsibilities concerning academic support, there was no particular consensus. Respondents offered various answers, either hiring one non-tenure-status person as either faculty or staff (5) or shifting responsibilities among existing personnel (4). Despite this heterogeneity, there was some coalescence around what our top performing respondents are not doing: hiring more than one person, or hiring tenure-stream faculty, were not chosen as responses.

³⁶ See, e.g., Mike Allen, Luke LeFebvre, Leah LeFebvre, & John Bourhis, *Is the Pencil Mightier than the Keyboard? A Meta-Analysis Comparing the Method of Notetaking Outcomes*, 85 S. COMM’N J. 143 (2020); Colleen P. Murphy, Christopher J. Ryan, Jr., & Yajni Warnapala, *Notetaking Modes and Academic Performance in Two Law School Courses*, 68 J. LEGAL EDUC. 207 (2019) (finding that handwriting notes was associated with improved performance in two required courses in the law school curriculum); and Pam A. Mueller & Daniel M. Oppenheimer, *The Pen Is Mightier Than the Keyboard: Advantages of Longhand Over Laptop Note Taking*, 25 PSYCHOLOGICAL SCIENCE 1159 (2014) (“In three studies, we found that students who took notes on laptops performed worse on conceptual questions than students who took notes longhand.”).

Table 11 – Top Performers	
<i>To what extent in the last 5 years has your law school hired or reassigned personnel so that their primary job duties are dedicated to bar success or academic support?</i>	
We have hired one full-time person with non-tenure-stream faculty status to do so	23%
We have hired one full-time staff member to do so	15%
We have shifted responsibility among existing non-tenure-stream faculty members to do so	15%
We have shifted responsibility among existing staff members to do so	8%
We have shifted responsibility among existing tenure-streak faculty members to do so	8%
We have hired more than one full-time person with non-tenure-stream faculty status to do so	0%
We have hired more than one full-time person with tenure-stream faculty status to do so	0%
We have hired more than one full-time staff member to do so	0%
We have hired one full-time person with tenure-stream faculty status to do so	0%

We asked schools to report the amount of financial resources in a given year implementing these measures. Unsurprisingly, the range varied widely, but we could discern some trends. Top-performing schools offered a range of \$0 to \$500,000, with a median of \$208,000. This figure is slightly more, but not dramatically so, than our middle quantile (\$154,000 median) and our random cluster of law schools (\$198,000 median), but much less than the bottom quantile (\$358,000 median). Qualitatively, it seems to us that there is no doubt that the work needed to assist a student with lower initial entry credentials requires more resources than the work necessary to assist a student with high entering credentials, and the pool of schools in our lowest quantile tend to have students with lower entering credentials. Yet, it seems that the top-performing schools are not outlandishly outspending other schools in academic success programs. Instead, it is likely that they are simply acting efficiently with the resources they have at their disposal.

G. Summary of Findings

We recognize that any qualitative survey instrument is incomplete, and additionally, we cannot infer causation from any particular law school tactic to bar performance success or failure. We are also confident that, while we measured several dozen different dimensions, new or alternative dimensions of bar success will arise as fruitful areas of study. Nevertheless, we believe that we have identified some consistent themes that schools can consider as they look to improve bar performance, while noting that there are multiple paths for law

schools to outperform expectations based on law school typology, characteristics of the students they serve, and the kinds of programming they use to support their students' bar success.

Our survey results indicate that there is a fair disparity not only between overperforming and underperforming law schools in terms of how they approach bar success for their students but also among overperforming law schools, suggesting that bar success need not be a one-size-fits-all endeavor. Several overperforming law schools that do not enjoy an elite *US News & World Report* ranking have a multi-faceted approach to curricular and extracurricular reforms geared toward supporting students on the bar exam, and this approach appears to redound to their students' success on the bar exam. Some law schools in this category that are highly ranked by *US News & World Report* do not have a systematic approach to ensuring their students' success on the bar exam and still benefit from their students' considerable success on the bar exam. Yet, other schools do not dedicate much in the way of financial resources or personnel to bar success but have an academic program tailored to their students' success on the bar exam. In light of these differences, we draw the following conclusions to assist law schools in making decisions about how to approach bar success, based primarily on the responses of overperforming law schools to our survey.

First, overperforming law schools overwhelmingly still measure bar success not by an ultimate bar passage rate within two years of graduation but by ensuring that every student who attempts the bar exam passes on the first attempt. This prioritization on first-time bar passage reflects not only the reality that these law schools' graduates tend to outperform expectations of first-time bar passage that we were able to identify through our quantitative methodology, but it also likely represents an ethos about bar success at these schools from which an organizational emphasis on bar success flows at varying degrees.

Next, overperforming law schools—regardless of the LSAT and UGPA profiles of the students they admit—tended to recognize that the greatest student-oriented challenges to ensuring their students' bar success were not the incoming academic predictors of bar success. That is, the law schools that overperformed expectations of bar success rated academic indicators of student success as a challenge to ultimate bar success at much lower levels than all other quantiles of law schools. And not all law schools in the overperforming group had the luxury of students with the leading academic profiles in the nation on which they could rely to achieve first-time bar passage. Thus, the recognition by law schools in the top quantile that student distraction due to work, life, or other items competing for their students' time, and the financial costs of law school and bar preparation programs is a recognition of two things: (1) that these law schools can add value to their students, regardless of their students' entering academic credentials, and

thereby increase the likelihood that their students will be successful on the bar exam; and (2) that these law schools can mitigate these threats to their students' bar success by designing and implementing reforms with the greatest student-oriented challenges in mind. Examples of low-cost reforms—to the law student and law school, alike—that potentially mitigate these two greatest threats to bar success identified by overperforming law schools include increased first-year academic support and bar exam preparation courses in the 3L curriculum.

This approach has clearly benefitted the law schools in the top quantile. However, many of the law schools in the bottom quantile overwhelmingly do not opt for either of these approaches but rather require students to take more substantive courses tested on the bar-exam, require faculty to implement formative assessments into the curriculum, and require increased faculty focus on bar-tested topics—almost none of which any other quantile of law school is doing in as great of numbers. Moreover, the greatest return on investment seems to come from academic support program and 3L bar prep programs that are optional. Despite this result, we note that faculty buy-in to bar success programs was reported as an institutional challenge at a handful of law schools, which indicates that some faculty members may still be in denial about the value of these important initiatives. However, there appears to be a form of buy-in for these programs among students at the overperforming law schools we identify, suggesting that targeting but not requiring these programs may achieve an optimal result.

Likewise, the overperforming law schools in our distribution tend to identify at-risk students based on their first-year GPA as opposed to entering academic predictors or even personal characteristics that might disadvantage the students' bar success prospects. While this may not be the best strategy when considering each student holistically, it clearly ensures that student academic support measures can be directly targeted at the students who most need them and is in line with the reality that law school academic performance is perhaps the best predictor of bar success. Again, this approach departs from the schools in the bottom quantile, which tended to focus on a student's academic predictors of performance on entry to law school as an identifying risk factor. Perhaps the difference between responses from law schools in the overperforming and underperforming groups hints, again, at an ethos ostensibly adopted at overperforming law schools that all law students admitted to their school in can be educated for success on the bar exam. In fact, the majority of the top law schools in our distribution seek to expand support programs to be available to all students.

Of course, in a time of limited resources in higher education, martialing the necessary fiscal and human resources to implement any bar success initiative may be more difficult than ever before. Across all law school typologies and quantiles in our distribution, resource challenges—from hiring

and retaining personnel to support bar success to identifying and implementing best practices—were notable institutional challenges in the responses to our survey. Yet, the top-performing law schools tend to spend about as much, on average, as the law schools in the middle of the distribution and far less than the lowest-performing law schools to implement these bar success measures. Thus, it seems that underperforming law schools need not generate new capital to tackle the problem of bar success but instead use their resources more efficiently. In fact, our results suggest that law schools do not need to empty their coffers to outperform expectations. Rather, many have bar success personnel on faculty. And nearly all overperforming law school respondents have an ethos and expectation of bar success that elicits buy-in from faculty and students and take holistic approach to bar success through multiple curricular and extra-curricular avenues, including several of the available options we have identified above.

CONCLUSION

Bar passage success has been said to rely on many factors: “matriculant credentials, systemic racism, privilege, academic attrition, transfer rates, and pedagogy.”³⁷ This truism points to the fact that bar success is multifaceted problem; however, this problem is not unknowable or unsolvable. Our research demystifies the bar passage conundrum presently facing law schools, as they seek to inform potential and current law students, the legal education community, and the broader public about the value they provide. First, through a novel application of the value-added modeling design, we identify overperforming and underperforming law schools based on the extent to which they beat predicted bar success, accounting for the students they admit in each law school cohort, and state bar passage averages in the jurisdictions in which their graduates sit for the bar exam.

Once identified, we surveyed the law schools that both over- and underperformed on the bar exam, and others, over a 6-year time period to discern how these law schools approach their students’ success on the bar exam. Our results suggest that overperforming law schools prioritize bar success by focusing bar support on first-time bar passage, and not by ultimate bar passage. Likewise, while underperforming law schools see their students’ academic credentials as an impediment to bar success, the law schools with the greatest value-added bar success do not and instead mitigate risk of bar exam failure by implementing reforms to first-year academic support and third-year bar preparation. Finally, while many of the overperforming law schools that

³⁷ See Bahadur, *supra* note 18, at 30.

responded to our survey have bar support personnel on faculty, nearly all possessed an expectation of bar success—that was infused into faculty and students at these law schools—and took a holistic approach to ensuring successful bar results for their graduates.

The results from our study operationalize the value that law schools provide to their students in a common-sense way, while simultaneously affording an opportunity for law schools to consider what best practices might look like and to choose to adopt a set of practices that is sensible for their particularized context. The results of our study should both reinforce existing practices and encourage a focus on different practices for any law school. Indeed, our results may be obvious to the academic support community, but they may also provide evidence to administrators and faculty who have been hesitant to change existing practices or to invest in the appropriate kinds of changes that redound to their students' success on the bar exam. Ultimately, it is our hope that this research yields a better understanding of effective bar success reforms that are presently underway at our law schools and to which we, in the legal academy, can look to improve our students' realization of success on the bar exam.

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APPENDIX

Appendix Table 1: Overperforming Law Schools									
VA Rank	Law School	Year	VA Score	VA Avg.	Bar 1	Bar 2	Bar 3	Bar 4	Bar 5
1	FLORIDA INT'L UNIV.	2014	0.5288622	3.419847367	FL				
1	FLORIDA INT'L UNIV.	2015	3.377533	3.419847367	FL				
1	FLORIDA INT'L UNIV.	2016	3.829617	3.419847367	FL				
1	FLORIDA INT'L UNIV.	2017	3.232184	3.419847367	FL				
1	FLORIDA INT'L UNIV.	2018	4.514825	3.419847367	FL				
1	FLORIDA INT'L UNIV.	2019	5.036063	3.419847367	FL				
2	STANFORD UNIV.	2014	2.05044	2.851075	CA	NY			
2	STANFORD UNIV.	2015	2.459873	2.851075	CA	NY			
2	STANFORD UNIV.	2016	3.425697	2.851075	CA	NY			
2	STANFORD UNIV.	2017	3.338486	2.851075	CA	NY			
2	STANFORD UNIV.	2018	3.607106	2.851075	CA	NY	DC		
2	STANFORD UNIV.	2019	2.224848	2.851075	CA	NY			
3	SOUTHERN CALIFORNIA, UNIV.	2014	2.438149	2.683668333	CA				
3	SOUTHERN CALIFORNIA, UNIV.	2015	3.103571	2.683668333	CA				
3	SOUTHERN CALIFORNIA, UNIV.	2016	3.917037	2.683668333	CA				
3	SOUTHERN CALIFORNIA, UNIV.	2017	2.634527	2.683668333	CA	NY			
3	SOUTHERN CALIFORNIA, UNIV.	2018	1.919375	2.683668333	CA				
3	SOUTHERN CALIFORNIA, UNIV.	2019	2.089351	2.683668333	CA	NY			
4	CALIFORNIA-BERKELEY, UNIV. OF	2014	2.606702	2.534165833	CA				
4	CALIFORNIA-BERKELEY, UNIV. OF	2015	2.297808	2.534165833	CA				
4	CALIFORNIA-BERKELEY, UNIV. OF	2016	2.189593	2.534165833	CA	NY			
4	CALIFORNIA-BERKELEY, UNIV. OF	2017	2.741209	2.534165833	CA	NY			
4	CALIFORNIA-BERKELEY, UNIV. OF	2018	3.449189	2.534165833	CA	NY			
4	CALIFORNIA-BERKELEY, UNIV. OF	2019	1.920494	2.534165833	CA	NY			
5	NORTH CAROLINA, UNIV. OF	2014	2.777846	2.472640667	NC				
5	NORTH CAROLINA, UNIV. OF	2015	2.166893	2.472640667	NC	NY			
5	NORTH CAROLINA, UNIV. OF	2016	1.770362	2.472640667	NC	NY	GA		
5	NORTH CAROLINA, UNIV. OF	2017	2.753872	2.472640667	NC	NY	GA		
5	NORTH CAROLINA, UNIV. OF	2018	3.475974	2.472640667	NC	NY	DC		

5	NORTH CAROLINA, UNIV. OF	2019	1.890897	2.472640667	NC	NY			
6	BELMONT UNIV.	2014	-0.3030577	2.13557186	TN				
6	BELMONT UNIV.	2015	No report	2.13557186	TN				
6	BELMONT UNIV.	2016	1.596437	2.13557186	TN				
6	BELMONT UNIV.	2017	2.496514	2.13557186	TN				
6	BELMONT UNIV.	2018	3.696496	2.13557186	TN				
6	BELMONT UNIV.	2019	3.19147	2.13557186	TN				
7	MICHIGAN, UNIV. OF	2014	1.633188	2.127152667	NY	IL	MI	CA	MD
7	MICHIGAN, UNIV. OF	2015	2.37883	2.127152667	NY	CA	IL	MI	
7	MICHIGAN, UNIV. OF	2016	2.981958	2.127152667	NY	CA	MI	IL	MD
7	MICHIGAN, UNIV. OF	2017	1.23429	2.127152667	NY	CA	IL	MI	MD
7	MICHIGAN, UNIV. OF	2018	2.051994	2.127152667	NY	MI	IL	CA	DC
7	MICHIGAN, UNIV. OF	2019	2.482656	2.127152667	NY	IL	CA	MI	DC
8	FLORIDA STATE UNIV.	2014	0.8782837	2.093451283	FL				
8	FLORIDA STATE UNIV.	2015	1.220348	2.093451283	FL				
8	FLORIDA STATE UNIV.	2016	1.779719	2.093451283	FL				
8	FLORIDA STATE UNIV.	2017	1.745075	2.093451283	FL				
8	FLORIDA STATE UNIV.	2018	4.091868	2.093451283	FL				
8	FLORIDA STATE UNIV.	2019	2.845414	2.093451283	FL				
9	CALIFORNIA-LOS ANGELES, UNIV.	2014	0.9623221	2.05723735	CA				
9	CALIFORNIA-LOS ANGELES, UNIV.	2015	2.452626	2.05723735	CA	NY			
9	CALIFORNIA-LOS ANGELES, UNIV.	2016	2.094793	2.05723735	CA	NY			
9	CALIFORNIA-LOS ANGELES, UNIV.	2017	1.930259	2.05723735	CA	NY			
9	CALIFORNIA-LOS ANGELES, UNIV.	2018	2.875437	2.05723735	CA	NY			
9	CALIFORNIA-LOS ANGELES, UNIV.	2019	2.027987	2.05723735	CA	NY			
10	VIRGINIA, UNIV. OF	2014	1.818573	2.019383333	NY	VA	CA	TX	PA
10	VIRGINIA, UNIV. OF	2015	2.316802	2.019383333	NY	VA	CA	TX	PA
10	VIRGINIA, UNIV. OF	2016	1.206122	2.019383333	NY	VA	CA	TX	GA
10	VIRGINIA, UNIV. OF	2017	1.96653	2.019383333	NY	VA	CA	TX	DC
10	VIRGINIA, UNIV. OF	2018	2.602935	2.019383333	NY	VA	DC	CA	TX
10	VIRGINIA, UNIV. OF	2019	2.205338	2.019383333	NY	VA	DC	TX	CA
11	CAMPBELL UNIV.	2014	2.96666	2.00802705	NC				
11	CAMPBELL UNIV.	2015	2.144381	2.00802705	NC				

11	CAMPBELL UNIV.	2016	0.8853342	2.00802705	NC
11	CAMPBELL UNIV.	2017	3.476116	2.00802705	NC
11	CAMPBELL UNIV.	2018	0.2385121	2.00802705	NC
11	CAMPBELL UNIV.	2019	2.337159	2.00802705	NC
12	YALE UNIV.	2014	0.926769	1.944690833	NY CA
12	YALE UNIV.	2015	2.266554	1.944690833	NY CA
12	YALE UNIV.	2016	2.695154	1.944690833	NY CA MD
12	YALE UNIV.	2017	1.652312	1.944690833	NY CA DC
12	YALE UNIV.	2018	2.456775	1.944690833	NY CA DC
12	YALE UNIV.	2019	1.670581	1.944690833	NY DC CA MA
13	LOUISIANA STATE UNIV.	2014	2.29676	1.924447	LA
13	LOUISIANA STATE UNIV.	2015	2.105024	1.924447	LA
13	LOUISIANA STATE UNIV.	2016	1.096208	1.924447	LA TX
13	LOUISIANA STATE UNIV.	2017	0.746776	1.924447	LA TX
13	LOUISIANA STATE UNIV.	2018	2.539051	1.924447	LA TX
13	LOUISIANA STATE UNIV.	2019	2.762863	1.924447	LA TX
14*	GEORGIA, UNIV. OF	2014	1.166155	1.9126486	GA NY
14*	GEORGIA, UNIV. OF	2015	2.158256	1.9126486	GA
14*	GEORGIA, UNIV. OF	2016	2.181847	1.9126486	GA
14*	GEORGIA, UNIV. OF	2017	2.010292	1.9126486	GA
14*	GEORGIA, UNIV. OF	2018	2.046693	1.9126486	GA
14*	GEORGIA, UNIV. OF	2019	5.231262	1.9126486	GA
15	DUKE UNIV.	2014	1.996997	1.8042761	NY CA NC TX MA
15	DUKE UNIV.	2015	0.0875366	1.8042761	NY CA NC TX
15	DUKE UNIV.	2016	1.800952	1.8042761	NY CA NC
15	DUKE UNIV.	2017	2.401705	1.8042761	NY CA NC IL TX
15	DUKE UNIV.	2018	2.390173	1.8042761	NY CA TX NC
15	DUKE UNIV.	2019	2.148293	1.8042761	NY NC TX DC CA
16	HARVARD UNIV.	2014	1.564713	1.782695	NY CA MA
16	HARVARD UNIV.	2015	1.866647	1.782695	NY MA CA
16	HARVARD UNIV.	2016	1.593806	1.782695	NY CA MA MD IL
16	HARVARD UNIV.	2017	1.492268	1.782695	NY CA MA DC TX
16	HARVARD UNIV.	2018	2.178364	1.782695	NY CA MA DC IL

16	HARVARD UNIV.	2019	2.000372	1.782695	NY CA MA DC IL
17	WAKE FOREST UNIV.	2014	0.5956904	1.7441653	NC NY
17	WAKE FOREST UNIV.	2015	1.815175	1.7441653	NC VA NY
17	WAKE FOREST UNIV.	2016	2.876992	1.7441653	NC VA NY
17	WAKE FOREST UNIV.	2017	3.43702	1.7441653	NC NY GA VA
17	WAKE FOREST UNIV.	2018	0.6920694	1.7441653	NC NY SC
17	WAKE FOREST UNIV.	2019	1.048045	1.7441653	NC NY
18*	GEORGIA STATE UNIV.	2014	1.541939	1.73551506	GA
18*	GEORGIA STATE UNIV.	2015	2.420701	1.73551506	GA
18*	GEORGIA STATE UNIV.	2016	1.454943	1.73551506	GA
18*	GEORGIA STATE UNIV.	2017	0.9488193	1.73551506	GA
18*	GEORGIA STATE UNIV.	2018	2.311173	1.73551506	GA
18*	GEORGIA STATE UNIV.	2019	4.028753	1.73551506	GA
19	CHICAGO, UNIV. OF	2014	0.372523	1.711613817	IL NY CA
19	CHICAGO, UNIV. OF	2015	1.496042	1.711613817	IL NY CA
19	CHICAGO, UNIV. OF	2016	2.455578	1.711613817	IL NY CA TX
19	CHICAGO, UNIV. OF	2017	2.469522	1.711613817	IL NY CA TX
19	CHICAGO, UNIV. OF	2018	0.9465249	1.711613817	IL NY CA TX
19	CHICAGO, UNIV. OF	2019	2.529493	1.711613817	IL NY CA TX
20	PENNSYLVANIA, UNIV. OF	2014	2.391192	1.645425033	NY PA
20	PENNSYLVANIA, UNIV. OF	2015	0.7525412	1.645425033	NY PA
20	PENNSYLVANIA, UNIV. OF	2016	2.771467	1.645425033	NY PA CA DE
20	PENNSYLVANIA, UNIV. OF	2017	1.419422	1.645425033	NY PA CA
20	PENNSYLVANIA, UNIV. OF	2018	1.097699	1.645425033	NY PA CA DC MA
20	PENNSYLVANIA, UNIV. OF	2019	1.440229	1.645425033	NY PA CA MA
21	ILLINOIS, UNIV. OF	2014	1.021552	1.60288165	IL NY
21	ILLINOIS, UNIV. OF	2015	0.0669029	1.60288165	IL
21	ILLINOIS, UNIV. OF	2016	1.624475	1.60288165	IL
21	ILLINOIS, UNIV. OF	2017	1.859199	1.60288165	IL CA NY
21	ILLINOIS, UNIV. OF	2018	1.303025	1.60288165	IL
21	ILLINOIS, UNIV. OF	2019	3.742136	1.60288165	IL
22	BAYLOR UNIV.	2014	1.452331	1.597396467	TX
22	BAYLOR UNIV.	2015	0.2596467	1.597396467	TX

22	BAYLOR UNIV.	2016	0.4447441	1.597396467	TX					
22	BAYLOR UNIV.	2017	2.43252	1.597396467	TX					
22	BAYLOR UNIV.	2018	3.083253	1.597396467	TX					
22	BAYLOR UNIV.	2019	1.911884	1.597396467	TX					
23	WASHINGTON & LEE UNIV.	2014	1.54465	1.5881795	VA	NY				
23	WASHINGTON & LEE UNIV.	2015	2.48404	1.5881795	VA	NY	MD			
23	WASHINGTON & LEE UNIV.	2016	1.480244	1.5881795	VA	NY				
23	WASHINGTON & LEE UNIV.	2017	0.4550947	1.5881795	VA	NY				
23	WASHINGTON & LEE UNIV.	2018	3.902903	1.5881795	VA	NY				
23	WASHINGTON & LEE UNIV.	2019	-0.3378547	1.5881795	VA	NY				
24	LIBERTY UNIV.	2014	-0.5479424	1.5767936	VA					
24	LIBERTY UNIV.	2015	1.216731	1.5767936	VA	FL				
24	LIBERTY UNIV.	2016	3.246178	1.5767936	VA					
24	LIBERTY UNIV.	2017	1.857344	1.5767936	VA					
24	LIBERTY UNIV.	2018	2.058109	1.5767936	VA					
24	LIBERTY UNIV.	2019	1.630342	1.5767936	VA					
25	VANDERBILT UNIV.	2014	2.134553	1.549353517	TN	NY	TX	GA	FL	
25	VANDERBILT UNIV.	2015	0.3584281	1.549353517	TN	NY	CA	IL	TX	
25	VANDERBILT UNIV.	2016	1.556513	1.549353517	NY	TN	TX	CA		
25	VANDERBILT UNIV.	2017	1.468291	1.549353517	NY	TN	TX	GA	CA	
25	VANDERBILT UNIV.	2018	2.194141	1.549353517	NY	TN	TX	GA		
25	VANDERBILT UNIV.	2019	1.584195	1.549353517	TN	NY	TX	DC	CA	

Appendix Table 2: Underperforming Law Schools

VA Rank	Law School	Year	VA Score	VA Avg.	Bar 1	Bar 2	Bar 3	Bar 4	Bar 5	
175	UIC-JOHN MARSHALL LAW SCHOOL	2014	-0.3987848	-0.83674623	IL					
175	UIC-JOHN MARSHALL LAW SCHOOL	2015	-0.7505292	-0.83674623	IL					
175	UIC-JOHN MARSHALL LAW SCHOOL	2016	-0.9174978	-0.83674623	IL					
175	UIC-JOHN MARSHALL LAW SCHOOL	2017	-0.7491156	-0.83674623	IL					
175	UIC-JOHN MARSHALL LAW SCHOOL	2018	-1.120085	-0.83674623	IL					
175	UIC-JOHN MARSHALL LAW SCHOOL	2019	-1.084465	-0.83674623	IL					
176	WESTERN STATE COLL. OF LAW	2014	-0.3900747	-0.85194193	CA					

176	WESTERN STATE COLL. OF LAW	2015	-0.7594347	-0.85194193	CA
176	WESTERN STATE COLL. OF LAW	2016	-0.9575695	-0.85194193	CA
176	WESTERN STATE COLL. OF LAW	2017	-0.7951497	-0.85194193	CA
176	WESTERN STATE COLL. OF LAW	2018	-1.02923	-0.85194193	CA
176	WESTERN STATE COLL. OF LAW	2019	-1.180193	-0.85194193	CA
177	APPALACHIAN SCHOOL OF LAW	2014	-1.467377	-0.864309	VA TN KY
177	APPALACHIAN SCHOOL OF LAW	2015	-1.238075	-0.864309	VA KY
177	APPALACHIAN SCHOOL OF LAW	2016	-1.353839	-0.864309	VA
177	APPALACHIAN SCHOOL OF LAW	2017	0.602055	-0.864309	VA
177	APPALACHIAN SCHOOL OF LAW	2018	No report	-0.864309	
177	APPALACHIAN SCHOOL OF LAW	2019	No report	-0.864309	
178	SOUTHERN UNIV.	2014	-0.7878265	-0.86621903	LA
178	SOUTHERN UNIV.	2015	-0.9927875	-0.86621903	LA
178	SOUTHERN UNIV.	2016	-0.5767546	-0.86621903	LA
178	SOUTHERN UNIV.	2017	-1.611993	-0.86621903	LA
178	SOUTHERN UNIV.	2018	-1.116713	-0.86621903	LA
178	SOUTHERN UNIV.	2019	-0.1112396	-0.86621903	LA
179	OKLAHOMA CITY UNIV.	2014	-0.7149097	-0.87408565	OK
179	OKLAHOMA CITY UNIV.	2015	-0.7327207	-0.87408565	OK
179	OKLAHOMA CITY UNIV.	2016	-0.8039586	-0.87408565	OK TX
179	OKLAHOMA CITY UNIV.	2017	-0.9286282	-0.87408565	OK TX
179	OKLAHOMA CITY UNIV.	2018	-0.8952347	-0.87408565	OK TX
179	OKLAHOMA CITY UNIV.	2019	-1.169062	-0.87408565	OK TX
180	FAULKNER UNIV.	2014	-1.117859	-0.87712992	AL
180	FAULKNER UNIV.	2015	-1.215813	-0.87712992	AL GA
180	FAULKNER UNIV.	2016	-0.1370715	-0.87712992	AL
180	FAULKNER UNIV.	2017	-1.376102	-0.87712992	AL
180	FAULKNER UNIV.	2018	-1.349387	-0.87712992	AL
180	FAULKNER UNIV.	2019	-0.066547	-0.87712992	AL
181	WESTERN NEW ENGLAND UNIV.	2014	-0.5746565	-0.88484582	MA CT
181	WESTERN NEW ENGLAND UNIV.	2015	-0.8306738	-0.88484582	CT MA NY
181	WESTERN NEW ENGLAND UNIV.	2016	-0.7794706	-0.88484582	MA CT NY
181	WESTERN NEW ENGLAND UNIV.	2017	-1.064429	-0.88484582	CT NY MA

181	WESTERN NEW ENGLAND UNIV.	2018	-1.008773	-0.88484582	CT	MA
181	WESTERN NEW ENGLAND UNIV.	2019	-1.051072	-0.88484582	MA	CT
182	NEW ENGLAND LAW BOSTON	2014	-0.7171358	-0.90599507	MA	NY
182	NEW ENGLAND LAW BOSTON	2015	-1.024356	-0.90599507	MA	NY
182	NEW ENGLAND LAW BOSTON	2016	-1.077786	-0.90599507	MA	NY
182	NEW ENGLAND LAW BOSTON	2017	-0.855163	-0.90599507	MA	NY NH
182	NEW ENGLAND LAW BOSTON	2018	-1.008773	-0.90599507	MA	NY
182	NEW ENGLAND LAW BOSTON	2019	-0.7527566	-0.90599507	MA	
183	SOUTHERN ILLINOIS UNIV.	2014	-0.2807946	-0.96870082	IL	
183	SOUTHERN ILLINOIS UNIV.	2015	-0.8707467	-0.96870082	IL	MO
183	SOUTHERN ILLINOIS UNIV.	2016	-0.9108196	-0.96870082	IL	MO
183	SOUTHERN ILLINOIS UNIV.	2017	-1.102275	-0.96870082	IL	MO
183	SOUTHERN ILLINOIS UNIV.	2018	-1.220265	-0.96870082	IL	MO
183	SOUTHERN ILLINOIS UNIV.	2019	-1.427304	-0.96870082	IL	MO
184	CHARLESTON SCHOOL OF LAW	2014	-0.4697968	-1.00672193	SC	
184	CHARLESTON SCHOOL OF LAW	2015	-0.6414446	-1.00672193	SC	
184	CHARLESTON SCHOOL OF LAW	2016	-0.8796522	-1.00672193	SC	
184	CHARLESTON SCHOOL OF LAW	2017	-1.322672	-1.00672193	SC	
184	CHARLESTON SCHOOL OF LAW	2018	-1.315045	-1.00672193	SC	
184	CHARLESTON SCHOOL OF LAW	2019	-1.411721	-1.00672193	SC	NC DC
185*	ATLANTA'S JOHN MARSHALL LAW	2014	-1.425079	-1.01964127	GA	
185*	ATLANTA'S JOHN MARSHALL LAW	2015	-1.169062	-1.01964127	GA	
185*	ATLANTA'S JOHN MARSHALL LAW	2016	-1.164608	-1.01964127	GA	
185*	ATLANTA'S JOHN MARSHALL LAW	2017	-1.336029	-1.01964127	GA	
185*	ATLANTA'S JOHN MARSHALL LAW	2018	-1.269242	-1.01964127	GA	
185*	ATLANTA'S JOHN MARSHALL LAW	2019	0.2461724	-1.01964127	GA	
186	GOLDEN GATE UNIV.	2014	-0.8084119	-1.04031132	CA	
186	GOLDEN GATE UNIV.	2015	-0.8373532	-1.04031132	CA	
186	GOLDEN GATE UNIV.	2016	-0.9174978	-1.04031132	CA	
186	GOLDEN GATE UNIV.	2017	-1.169062	-1.04031132	CA	
186	GOLDEN GATE UNIV.	2018	-1.26479	-1.04031132	CA	
186	GOLDEN GATE UNIV.	2019	-1.244753	-1.04031132	CA	
187	TOURO COLL.	2014	-0.7060055	-1.08446508	NY	

187	TOURO COLL.	2015	-1.004321	-1.08446508	NY
187	TOURO COLL.	2016	-1.173514	-1.08446508	NY
187	TOURO COLL.	2017	-1.233623	-1.08446508	NY
187	TOURO COLL.	2018	-1.218039	-1.08446508	NY
187	TOURO COLL.	2019	-1.171288	-1.08446508	NY
188	DISTRICT OF COLUMBIA, UNIV.	2014	-0.8507096	-1.14717043	MD VA
188	DISTRICT OF COLUMBIA, UNIV.	2015	-1.126763	-1.14717043	MD DC
188	DISTRICT OF COLUMBIA, UNIV.	2016	-1.095597	-1.14717043	DC MD
188	DISTRICT OF COLUMBIA, UNIV.	2017	-1.155704	-1.14717043	DC MD
188	DISTRICT OF COLUMBIA, UNIV.	2018	-1.251433	-1.14717043	DC MD
188	DISTRICT OF COLUMBIA, UNIV.	2019	-1.402816	-1.14717043	DC
189	THOMAS JEFFERSON SCH. OF LAW	2014	-1.026582	-1.20225136	CA
189	THOMAS JEFFERSON SCH. OF LAW	2015	-1.292911	-1.20225136	CA
189	THOMAS JEFFERSON SCH. OF LAW	2016	-1.249416	-1.20225136	CA
189	THOMAS JEFFERSON SCH. OF LAW	2017	-1.540344	-1.20225136	CA
189	THOMAS JEFFERSON SCH. OF LAW	2018	-0.9020038	-1.20225136	CA
189	THOMAS JEFFERSON SCH. OF LAW	2019	No report	-1.20225136	
190	BARRY UNIV.	2014	-0.8751565	-1.21310515	FL
190	BARRY UNIV.	2015	-1.398364	-1.21310515	FL
190	BARRY UNIV.	2016	-1.454019	-1.21310515	FL
190	BARRY UNIV.	2017	-0.9146524	-1.21310515	FL
190	BARRY UNIV.	2018	-1.387233	-1.21310515	FL
190	BARRY UNIV.	2019	-1.249206	-1.21310515	FL
191	TEXAS SOUTHERN UNIV.	2014	-1.180193	-1.302265	TX
191	TEXAS SOUTHERN UNIV.	2015	-1.242528	-1.302265	TX
191	TEXAS SOUTHERN UNIV.	2016	-1.438436	-1.302265	TX
191	TEXAS SOUTHERN UNIV.	2017	-1.349387	-1.302265	TX
191	TEXAS SOUTHERN UNIV.	2018	-1.302636	-1.302265	TX
191	TEXAS SOUTHERN UNIV.	2019	-1.30041	-1.302265	TX
192	WESTERN MICHIGAN UNIV.	2014	-1.224314	-1.3734945	MI NY IL PA TX
192	WESTERN MICHIGAN UNIV.	2015	-1.391686	-1.3734945	MI FL NY
192	WESTERN MICHIGAN UNIV.	2016	-1.175696	-1.3734945	MI FL IL NY GA
192	WESTERN MICHIGAN UNIV.	2017	-1.618761	-1.3734945	MI FL NY

192	WESTERN MICHIGAN UNIV.	2018	-1.276126	-1.3734945	MI	FL	IL	TX
192	WESTERN MICHIGAN UNIV.	2019	-1.554384	-1.3734945	MI	FL	IL	

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