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THE SECRET TO 85% FIRST-TIME BAR PASSAGE RATES

JEFFREY S. KINSLER¹ AND DAVID L. HUDSON, JR.²

Low bar passage rates are no longer the exception; they are the rule. The scores on the Multistate Bar Exam (“MBE”) reached their lowest level ever on the February 2017 exam.³ The national passage rate for the February 2016 bar exam was 49% — for the first time on record, a majority of examinees failed a bar exam. The national passage rate for the February 2017 bar exam was even worse.⁴ The results on the California bar exam, for example, were “absolutely abysmal” with a passage rate of about 34%.⁵ It was the state’s worst performance in eight years.⁶ Massachusetts recently witnessed its lowest bar passage rates in twenty-three years.⁷ Indiana also recently witnessed an all-time low passage rate of 48%.⁸ Mississippi and North Carolina also experienced bar passage rates well below 50% on the Feb. 2017 exam.⁹

Low bar passage rates are no longer just a public relations nightmare; two law schools were recently shut down due in large part to terrible bar passage

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3. Debra Cassens Weiss, *Multistate Bar Exam Scores Drop to Lowest Point Ever; Is There a Link to Low-end LSAT Scores?*, ABA JOURNAL (Apr. 12, 2017, 7:00 AM), http://www.abajournal.com/news/article/multistate_bar_exam_scores_drop_to_lowest_point_ever_are_low_end_lsat_score/.

4. Staci Zaretsky, *MBE Scores for February Bar Exam Reach All-Time Low*, ABOVE THE LAW (Apr. 10, 2017, 2:01 PM), <https://abovethelaw.com/2017/04/mbe-scores-for-february-bar-exam-reach-historic-all-time-low/>.

5. Staci Zaretsky, *California’s Bar Exam Results Are Absolutely Abysmal*, ABOVE THE LAW (May 12, 2017, 10:19 PM), <http://abovethelaw.com/2017/05/californias-bar-exam-results-are-absolutely-abysmal/>.

6. Dominic Fracassa, *California Bar Exam Pass Rate Continues to Slump*, SAN FRANCISCO CHRONICLE, (May 15, 2017, 3:26 PM), <http://www.sfchronicle.com/business/article/California-bar-exam-pass-rate-continues-to-slump-11147846.php>.

7. Greg Ryan, *Massachusetts Hits Historic High for Law Students Failing Bar Exam*, BOSTON BUSINESS JOURNAL (Apr. 4, 2017).

8. *February 2017 Bar Exam Results Released*, THE INDIANA LAWYER (Apr. 17, 2017), <http://www.theindianalawyer.com/february-2017-bar-exam-results-released/PARAMS/article/43404>.

9. Joe Patrice, *This State Has Some of the Worst Bar Exam Results We’ve Ever Seen*, ABOVE THE LAW (Apr. 18, 2017, 12:24 PM), <http://abovethelaw.com/2017/04/this-state-has-the-worst-bar-exam-results-weve-seen-and-thats-saying-something/>; Staci Zaretsky, *Law Schools Duel for the Worst Bar Exam Passage Rate Ever*, ABOVE THE LAW (Mar. 29, 2017, 12:46 PM), <http://abovethelaw.com/2017/03/law-schools-duel-for-the-worst-bar-exam-passage-rates-ever/>.

rates, and many more are at risk of closing.¹⁰ Moreover, the American Bar Association (“ABA”) recently placed two law schools on probation and censured another law school for, *inter alia*, low bar passage rates.¹¹ The ABA is likely to adopt stricter bar passage rules in the near future.¹² As a consequence, dozens of law schools need to find a solution to ever-declining bar passage rates.

Some law schools have found success with bar exam preparation courses.¹³ These schools realize that it is not enough to rely on commercial bar prep courses.¹⁴ As Professor Mario W. Maneiro wrote in 2016: “If we expect students to treat bar exam study as a ‘full-time job,’ then we must ourselves treat it as a full-time job and more, and be willing to expend whatever time is needed to deliver individualized assistance in writing, analysis, and practice to all of our students.”¹⁵

10. On October 31, 2016, Indiana Tech announced it was closing its law school; this announcement came shortly after it was reported that Indiana Tech’s pass rate on the July 2016 Indiana bar exam was 8.33%. See Fatima Hussein, *Indiana Tech Will Shut Down Law School*, INDY STAR (Oct. 31, 2016), <http://www.indystar.com/story/news/education/2016/10/31/indiana-tech-shut-down-law-school/93063296/>. On April 20, 2017, Whittier College announced it was closing its law school; one reason given for the closure was Whittier’s 22% first-time pass rate on the July 2016 California bar exam. See Sonali Kohli, et al., *Whittier Law School Is Closing, Due in Part to Low Student Achievement*, LOS ANGELES TIMES (Apr. 20, 2017), <http://www.latimes.com/local/education/la-me-edu-whittier-law-school-closing-20170420-story.html>.

11. On March 27, 2017, Arizona Summit Law School was placed on probation. ABA Sec. of Legal Educ. & Admissions to the Bar, *Council Decision Notice of Probation and Specific Remedial Action Arizona Summit Law School March 2017*, AMERICAN BAR ASSOCIATION (Mar. 27, 2017), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/March2017CouncilOpenSessionMaterials/2017_march_arizona_summit_probation_remedial_action_notice.authcheckdam.pdf; On November 14, 2016, Charlotte School of Law was placed on probation. ABA Sec. of Legal Educ. & Admissions to the Bar, *Council Decision Notice of Probation and Specific Remedial Action Charlotte School of Law November 2016*, AMERICAN BAR ASSOCIATION (Nov. 15, 2016), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/PublicNoticeAnnouncements/2016_november_charlotte_probation_public_notice.authcheckdam.pdf; On October 22, 2016, Valparaiso University School of Law was censured. ABA Sec. of Legal Educ. & Admissions to the Bar, *Council Decision Notice of Probation and Specific Remedial Action Valparaiso University School of Law November 2016*, AMERICAN BAR ASSOCIATION (Nov. 15, 2016), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/PublicNoticeAnnouncements/2016_november_valparaiso_censure.authcheckdam.pdf.

12. The ABA Section of Legal Education and Admissions to the Bar tried to adopt a stricter bar passage rule in February 2017, but the proposed rule was rejected by the ABA’s House of Delegates. See Karen Sloan & Celia Ampel, *ABA Rejects Stricter Bar-Pass Rule for Law Schools*, THE NATIONAL LAW JOURNAL (Feb. 6, 2017),

13. David L. Hudson, Jr., *Schools Add Bar Exam Class to Curriculum and Find Success*, ABA JOURNAL (Apr. 2016), http://www.abajournal.com/magazine/article/schools_add_bar_exam_class_to_curriculum_and_find_success.

14. See Mario W. Maneiro, *We Should Not Rely on Commercial Bar Reviews to Do Our Job: Why Labor-Intensive Comprehensive Bar Examination Preparation Can and Should Be a Part of the Law School Mission*, 19 CHAP. L. REV. 545 (2016).

15. *Id.* at 595–96.

Many schools have taken heed and implemented bar preparation courses either as free-standing courses or as an integral part of their academic support program.¹⁶ On April 1, 2016, the *ABA Journal* published an article on the subject of law school bar preparation courses.¹⁷ Three law schools were featured in that article: Belmont University College of Law (“Belmont”), Florida International University College of Law (“FIU”), and the University of Missouri-Kansas City School of Law (“UMKC”).¹⁸ According to the *ABA Journal*, these law schools are out-performing their peers on bar exams due in part to in-house bar preparation courses.¹⁹ The story in the *ABA Journal*, however, was published several months before the ABA released complete bar exam results for calendar-year 2015; those results were released on December 15, 2016.²⁰

With complete 2015 bar exam results now available, the purpose of this article is to substantiate the thesis of the *ABA Journal* article and to provide more information about these three successful bar exam programs. The article will also show that these three schools did outperform their peers on the bar exam in 2015. Belmont, FIU, and UMKC each had a first-time bar passage rate of 85% or higher, a remarkable accomplishment in this era of plummeting bar passage rates.

Section I of this article will examine whether the three law schools featured in the *ABA Journal* (Belmont, FIU, and UMKC) truly excelled on bar exams in 2015. Using linear regression analyses, Section II will address a more important question: whether those law schools actually outperformed their peers on bar exams in 2015? Section III will disclose, based on available evidence, whether Belmont, FIU, and UMKC continued to outperform other law schools on the bar exam in 2016 (and February 2017). Finally, Section IV will describe in detail a successful law school bar preparation course.

I. DID BELMONT, FIU, AND UMKC TRULY EXCEL ON THE BAR EXAM IN CALENDAR-YEAR 2015?

In 2015, the national average first-time bar passage rate for graduates of ABA-approved law schools was 74%.²¹ State first-time bar passage rates

16. See Adam G. Todd, *Academic Support Programs: Effective Support Through a Systematic Approach*, 38 GONZ. L. REV. 187 (2003).

17. Hudson, *supra* note 13.

18. *Id.*

19. *Id.*

20. These reports are available at <http://www.abarequreddisclosures.org/>. Calendar-year 2016 bar exam results will not be published until December 15, 2017.

21. See Nat'l Conf. of Bar Exam'rs, *2015 Statistics*, NATIONAL CONFERENCE OF BAR EXAMINERS, <http://www.ncbex.org/dmsdocument/195> (last visited Oct. 31, 2017).

ranged from a high of 89% (Iowa) to a low of 58% (Vermont).²² The first-time bar passage rate for graduates of ABA-approved law schools was 68% in Florida, 87% in Missouri, and 78% in Tennessee.²³

For each law school, the ABA calculates two bar passage rates, namely “Composite Average First-Time Bar Passage Rate” and “Composite Average First-Time Bar Passage Rate Differential.”²⁴ The Composite Average First-Time Bar Passage Rate requires some explanation. Pursuant to ABA Standard 316, law schools must report bar passage results from as many jurisdictions as necessary to account for at least 70% of their graduates who took the bar exam for the first time that year. Schools must start with the jurisdiction in which the highest number of graduates took the bar for the first time and proceeding in descending order of frequency.²⁵ For 2015, some law schools reported the results for 100% of their test-takers,²⁶ while others reported just enough jurisdictions to exceed 70%.²⁷ Many law schools report first-time bar passage statistics for only one state to reach 70%; in such cases, the school’s passage rate in that state constitutes its “Composite Average First-Time Bar Pass Rate.”²⁸ For schools reporting bar exam results from multiple jurisdictions, the bar passage rate for all graduates taking the bar for the first time in those reported jurisdictions constitutes its “Composite Average First-Time Bar Pass Rate.”²⁹ The Composite Average First-Time Bar Pass Rate offers insight into the percentage of a law school’s students who are passing the bar examination on their first attempt.

Understanding the Composite Average First-Time Bar Pass Rate Differential also necessitates some explanation. The Composite Average First-Time Bar Pass Rate Differential is the difference between a law school’s

22. *Id.* at 24–27.

23. *Id.* at 24–26.

24. See Nat’l Conf. of Bar Exam’rs, *2016 Statistics*, NATIONAL CONFERENCE OF BAR EXAMINERS, <http://www.ncbex.org/pdfviewer/?file=%2Fdocsdocument%2F205> (last visited Oct. 31, 2017).

25. ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2016–2017 (ABA 2016).

26. See ABA Standard 509 Disclosures, BELMONT U., (2016), <http://www.abarequireddisclosures.org> (Select “Belmont University” and “2016”) (2017); See ABA Standard 509 Disclosures, CHAPMAN U., (2016), <http://www.abarequireddisclosures.org/> (Select “Chapman University” and “2016”) (2017).

27. See ABA Standard 509 Disclosures, U. OF ARIZONA, (2016), <http://www.abarequireddisclosures.org> (Select “The University of Arizona” and “2016”) (2017); See ABA Standard 509 Disclosures, ROGER WILLIAMS U., (2016), <http://www.abarequireddisclosures.org/> (Select “Roger Williams University” and “2016”) (2017).

28. See ABA Standard 509 Disclosures, ALB. L. SCH. OF UNION U., (2016), <http://www.abarequireddisclosures.org> (Select “Albany Law School of Union University” and “2016”) (2017) (reporting results from only New York); See ABA Standard 509 Disclosures, U. OF BALT. SCH. OF L., (2016), <http://www.abarequireddisclosures.org/> (Select “University of Baltimore School of Law” and “2016”) (2017).

29. See ABA Standard 509 Disclosures, BELMONT U., (2016), <http://www.abarequireddisclosures.org> (Select “Belmont University” and “2016”) (2017).

Composite Average First-Time Bar Pass Rate and the weighted bar passage rate for ABA graduates in the reported jurisdictions.³⁰ The Composite Average First-Time Bar Pass Rate allows for consideration of the relative differences in bar passage rates among jurisdictions, as passage rates vary significantly from state to state.³¹

A. 2015 BAR EXAM PASS RATES FOR BELMONT, FIU, AND UMKC

Belmont, a private law school located in Nashville, Tennessee, enrolled 103 new students in 2012.³² That class (the graduating class of 2015) had a Median LSAT Score of 154 (tied for 120th out of 202 ABA-approved law schools) and a median undergraduate grade point average (UGPA) of 3.33 (tied for 114th out of 202 ABA-approved law schools).³³ In addition, that class had an 15.5% first-year attrition rate and a 5.4% second-year attrition rate.³⁴ Belmont's Composite Average First-Time Bar Pass Rate for 2015 was 93.02%; its Composite Average First-Time Bar Pass Rate Differential was 14.94%.³⁵ Belmont reported results for 100% of its graduates who took a bar exam for the first time in 2015.³⁶

FIU, a public law school located in Miami, Florida, enrolled 155 new students in 2012.³⁷ That class (the graduating class of 2015) had a Median LSAT Score of 156 (tied for 95th out of 202 ABA-approved law schools) and a median UGPA of 3.60 (tied for 47th out of 202 ABA-approved law schools).³⁸ In addition, that class had a 10.8% first-year attrition rate and a 0.7% second-year attrition rate.³⁹ FIU's Composite Average First-Time Bar Pass Rate for 2015 was 87.12%; its Composite Average First-Time Bar Pass

30. See ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2016-2017 § 316(a)(2) at 24 (ABA 2016).

31. See Nat'l Conf. of Bar Examiners, *2016 Statistics*, NATIONAL CONFERENCE OF BAR EXAMINERS, at 19–26, <http://www.ncbex.org/pdfviewer/?file=%2Fdmsdocument%2F205>.

32. ABA Standard 509 Disclosures (2012), BELMONT U., <http://www.abarequireddisclosures.org> (2017).

33. Autumn Allison, *Law School Confident Before Accreditation Visit*, BELMONT VISION (Sep. 26, 2012), <http://belmontvision.com/2012/09/law-school-confident-before-accreditation-visit/>.

34. ABA Standard 509 Disclosures (2013, 2014), BELMONT U., <http://www.abarequireddisclosures.org> (2017).

35. ABA Standard 509 Disclosures (2016), BELMONT U., <http://www.abarequireddisclosures.org> (2017).

36. *Id.*

37. ABA Standard 509 Disclosures (2012), FLA. INT'L U., <http://www.abarequireddisclosures.org> (2017).

38. *Id.*

39. ABA Standard 509 Disclosures (2013, 2014), FLA. INT'L U., <http://www.abarequireddisclosures.org> (last visited Oct. 26, 2017).

Rate Differential was 19.33%.⁴⁰ FIU reported results for 98.51% of its graduates who took a bar exam for the first time in 2015.⁴¹

UMKC, a public law school located in Kansas City, Missouri, enrolled 153 new students in 2012.⁴² That class (the graduating class of 2015) had a Median LSAT Score of 152 (tied for 140th out of 202 ABA-approved law schools) and a median UGPA of 3.22 (tied for 147th out of 202 ABA-approved law schools).⁴³ In addition, that class had a 13.3% first-year attrition rate and a 2.0% second-year attrition rate.⁴⁴ UMKC's Composite Average First-Time Bar Pass Rate for 2015 was 84.80%; its Composite Average First-Time Bar Pass Rate Differential was -2.54%.⁴⁵ UMKC reported results for 88.03% of its graduates who took a bar exam for the first time in 2015.⁴⁶

B. COMPOSITE AVERAGE FIRST-TIME BAR PASSAGE RATE RANKINGS

To put the performance of Belmont, FIU, and UMKC — three typical ABA-approved law schools — in perspective, the following chart lists the top fifty law schools for Composite Average First-Time Pass Rates, as reported on ABA Standard 509 Reports, for calendar-year 2015.⁴⁷

Rank	Law School	Composite Average First-Time Pass Rate
1	YALE UNIVERSITY	96.32%
2	NEW YORK UNIVERSITY	96.23%

40. ABA Standard 509 Disclosures (2016), FLA. INT'L U., <http://www.abarequireddisclosures.org> (last visited Oct. 26, 2017).

41. *Id.*

42. ABA Standard 509 Disclosures (2012), U. OF MISS.-KAN. CITY, <http://www.abarequireddisclosures.org> (2017).

43. *Id.*

44. ABA Standard 509 Disclosures (2013, 2014), U. OF MISS.-KAN. CITY, <http://www.abarequireddisclosures.org> (2017).

45. ABA Standard 509 Disclosures (2016), U. OF MISS.-KAN. CITY, <http://www.abarequireddisclosures.org> (2017).

46. *Id.*

47. These reports are available at <http://www.abarequireddisclosures.org/>.

3	HARVARD UNIVERSITY	95.03 %
4	KANSAS, UNIVERSITY OF	94.85 %
5	VIRGINIA, UNIVERSITY OF	93.94 %
6	CHICAGO, UNIVERSITY OF	93.83 %
7	MICHIGAN, UNIVERSITY OF	93.66 %
8	CORNELL UNIVERSITY	93.33 %
9	BELMONT UNIVERSITY	93.02 %
10	COLUMBIA UNIVERSITY	92.71 %
11	ALABAMA, UNIVERSITY OF	91.34 %
12	PENNSYLVANIA, UNIVERSITY OF	91.33 %
13	BOSTON UNIVERSITY	91.21 %
14	WASHINGTON AND LEE UNIVERSITY	91.12 %
15	OHIO STATE UNIVERSITY	91.04 %
16	WASHINGTON, UNIVERSITY OF	90.45 %
17	STANFORD UNIVERSITY	90.13 %
18	MISSOURI, UNIVERSITY OF	89.47 %
19	QUINNIPIAC UNIVERSITY	89.41 %
20	IOWA, UNIVERSITY OF	89.10 %
21	GEORGIA, UNIVERSITY OF	88.83 %

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22	NEBRASKA, UNIVERSITY OF	88.76 %
23	BOSTON COLLEGE	88.70 %
24	GEORGIA STATE UNIVERSITY	88.44 %
25	OKLAHOMA, UNIVERSITY OF	88.12 %
26	TEXAS AT AUSTIN, UNIVERSITY OF	87.77 %
27	DUKE UNIVERSITY	87.76 %
28	COLORADO, UNIVERSITY OF	87.59 %
29	SETON HALL UNIVERSITY	87.50 %
30	ILLINOIS, UNIVERSITY OF	87.30 %
31	SOUTHERN CALIFORNIA, UNIVERSITY OF	87.18 %
32	FLORIDA INTERNATIONAL UNIVERSITY	87.12 %
33	FLORIDA, UNIVERSITY OF	87.02 %
34	INDIANA UNIVERSITY - BLOOMINGTON	86.96 %
35	VILLANOVA UNIVERSITY	86.54 %
36	CALIFORNIA-LOS ANGELES, UNIVERSITY OF	86.44 %
37	VANDERBILT UNIVERSITY	86.26 %
38	MISSISSIPPI, UNIVERSITY OF	85.97 %
39	CINCINNATI, UNIVERSITY OF	85.87 %
40	DRAKE UNIVERSITY	85.87 %

41	NORTHWESTERN UNIVERSITY	85.77 %
42	GEORGETOWN UNIVERSITY	85.67 %
43	WILLIAM AND MARY LAW SCHOOL	85.51 %
44	TENNESSEE, UNIVERSITY OF	85.26 %
45	WASHINGTON UNIVERSITY	85.17 %
46	AKRON, UNIVERSITY OF	85.15 %
47	CALIFORNIA-BERKELEY, UNIVERSITY OF	85.10 %
48	MISSOURI-KANSAS CITY, UNIVERSITY OF	84.80 %
49	ARIZONA STATE UNIVERSITY	84.78 %
50	LOUISVILLE, UNIVERSITY OF	84.76 %

Despite average input statistics, all three of the law schools featured in the *ABA Journal* finished in the top fifty law schools for Composite Average First-Time Pass Rate. It seems that the in-house bar preparation courses at these law schools, as the *ABA Journal* suggests, made the bar exam “a surmountable hurdle.”⁴⁸

C. COMPOSITE AVERAGE FIRST-TIME BAR PASS RATE DIFFERENTIAL RANKINGS

Moreover, Belmont and FIU ranked in the top 50 for Composite Average First-Time Pass Rate Differential, as reported on ABA Standard 509 Reports, for calendar-year 2015:⁴⁹

Rank	Law School	Composite First-Time Bar Pass Rate Differential
1	SOUTHERN CALIFORNIA, UNIVERSITY OF	23.48%

48. See Maneiro, *supra* note 14.

49. These reports are available at <http://www.abarequreddisclosures.org/>. UMKC ranked 127th in Composite Average First-Time Pass Rate Differential for calendar-year 2015

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2	STANFORD UNIVERSITY	22.63%
3	YALE UNIVERSITY	21.49%
4	CALIFORNIA-LOS ANGELES, UNIVERSITY OF	21.42%
5	CALIFORNIA-BERKELEY, UNIVERSITY OF	21.40%
6	VIRGINIA, UNIVERSITY OF	20.05%
7	HARVARD UNIVERSITY	19.64%
8	MICHIGAN, UNIVERSITY OF	19.54%
9	FLORIDA INTERNATIONAL UNIVERSITY	19.33%
10	FLORIDA, UNIVERSITY OF	19.23%
11	ARIZONA STATE UNIVERSITY	18.97%
12	NEW YORK UNIVERSITY	18.11%
13	CORNELL UNIVERSITY	17.14%
14	WASHINGTON AND LEE UNIVERSITY	17.07%
15	CHICAGO, UNIVERSITY OF	17.03%
16	NORTH CAROLINA, UNIVERSITY OF	16.96%
17	SETON HALL UNIVERSITY	16.23%
18	CALIFORNIA-IRVINE, UNIVERSITY OF	15.89%
19	GEORGIA, UNIVERSITY OF	15.14%
20	GEORGIA STATE UNIVERSITY	14.99%
21	BELMONT UNIVERSITY	14.94%
22	ARIZONA, UNIVERSITY OF	14.80%
23	TEXAS AT AUSTIN, UNIVERSITY OF	14.64%
24	COLUMBIA UNIVERSITY	14.59%
25	WAKE FOREST UNIVERSITY	14.59%
26	OKLAHOMA, UNIVERSITY OF	13.77%
27	LOUISIANA STATE UNIVERSITY	13.64%
28	LOYOLA MARYMOUNT UNIVERSITY-LA	13.53%
29	PENNSYLVANIA, UNIVERSITY OF	13.51%
30	DUKE UNIVERSITY	13.42%
31	CAMPBELL UNIVERSITY	13.02%
32	BOSTON UNIVERSITY	12.41%
33	OHIO STATE UNIVERSITY	12.41%
34	FLORIDA STATE UNIVERSITY	12.21%
35	GEORGETOWN UNIVERSITY	12.14%

36	COLORADO, UNIVERSITY OF	11.84%
37	WILLIAM AND MARY LAW SCHOOL	11.41%
38	SOUTHERN METHODIST UNIVERSITY	11.27%
39	CALIFORNIA-DAVIS, UNIVERSITY OF	10.46%
40	VILLANOVA UNIVERSITY	10.45%
41	ALABAMA, UNIVERSITY OF	10.33%
42	VANDERBILT UNIVERSITY	10.28%
43	WASHINGTON, UNIVERSITY OF	10.11%
44	EMORY UNIVERSITY	9.79%
45	BOSTON COLLEGE	9.70%
46	NORTHWESTERN UNIVERSITY	9.36%
47	WAYNE STATE UNIVERSITY	8.97%
48	KANSAS, UNIVERSITY OF	8.72%
49	STETSON UNIVERSITY	8.61%
50	CHAPMAN UNIVERSITY	8.55%

This chart supports the proposition that bar preparation programs are increasing bar passage rates. It is obvious that Belmont, FIU, and UMKC performed well on the bar exam in 2015. The more important question, however, is: Are these law schools outperforming their peers (*i.e.*, schools with similar LSAT scores and UGPAs) on the bar exam?

II. DID BELMONT, FIU, AND UMKC ACTUALLY OUTPERFORM THEIR PEERS ON THE BAR EXAM IN CALENDAR- YEAR 2015?

To determine whether a law school is outperforming its peers, a linear regression analysis must be used to control for differences in input statistics.⁵⁰ In other words, when compared to law schools with similar input statistics (LSAT scores and UGPAs), are Belmont, FIU, and UMKC truly outperforming their peers in terms of preparing students for the bar exam? As shown below, the answer is yes.

50. In a simple linear regression, the x functions as the independent variable and the y as the dependent variable, using the "x" to predict the "y". See KRYZSZTOF J. CIOS ET AL., DATA MINING: A KNOWLEDGE DISCOVERY APPROACH 348 (2007).

The R-squared of linear regression analysis "is a statistical measure of how close the data are to the fitted regression line.... [I]t is the percentage of the response variable variation that is explained by a linear model." Falling between 0 and 1, a zero would indicate that the model does not predict any of the variability in the response data while a 1 would indicate the variability predicts 100% of the response data. See Jim Frost, *Regression Analysis: How Do I Interpret R-squared and Assess the Goodness-of-Fit?*, THE MINITAB BLOG (May 30, 2013), <http://blog.minitab.com/blog/adventures-in-statistics-2/regression-analysis-how-do-i-interpret-r-squared-and-assess-the-goodness-of-fit>.

Using the most recent data available from the ABA, this section compares 2012 input credentials — Median LSAT Scores and Median UGPAs — with 2015 first-time bar passage rates to determine which law schools over-performed in terms of preparing students to pass the bar exam. To measure the value added by law schools, this article relies upon the input data (UGPAs and LSATs) and output data (bar passage) for 194 ABA-approved law schools.⁵¹ For input data, this article uses the “50th Percentile LSAT Total” and “50th Percentile GPA Total” reported by law schools on 2012 Standard 509 Information Reports.⁵² These metrics were selected because LSAT scores and UGPAs are the two primary factors considered by law school admissions offices.⁵³ For output data, this article utilizes the Composite Average First-Time Bar Pass Rate and the Composite Average First-Time Bar Pass Rate Differential for each law school. The bar passage rates are for calendar-year 2015, which is the year most members of the 2012 entering class would have taken the bar exam.⁵⁴

This section assesses law schools’ over-performance and under-performance utilizing linear regression analysis of LSAT and UGPA for those students entering law school in 2012 and Composite Average First-Time Bar Pass Rate and Composite Average First-Time Bar Pass Rate Differential for those taking the bar exam in 2015, the most recent year for which the data is available. This analysis was conducted using four metrics: (1) Median LSAT and Composite Average First-Time Bar Pass Rate; (2) Median UGPA and Composite Average First-Time Bar Pass Rate; (3) Median LSAT and Composite Average First-Time Bar Pass Rate Differential; and (4) Median UGPA and Composite Average First-Time Bar Pass Rate Differential. As a final study, the article aggregates the number of standard deviations from the mean of the variance from each of these four metrics, thereby equally weighting the four, to determine an overall performance score. Based upon this final

51. Eleven ABA-approved law schools were excluded from this study because of missing or inconsistent data. First, the two diploma-privilege law schools (Wisconsin and Marquette) were excluded because they do not report bar examination passage data. Second, the three ABA-approved law schools in Puerto Rico (Inter American University School of Law, Pontifical Catholic University of Puerto Rico School of Law, and University of Puerto Rico School of Law) were excluded because at the time of this study, their students took the LSAT in English but took the bar exam in Spanish, creating language-based consistency problems in comparing performance on the input measure (LSAT) and the output measure (bar exam performance). Third, six law schools, specifically Hamline, Penn State, Penn State-Dickinson Law, Rutgers-Camden, Rutgers-Newark, and William Mitchell, dramatically changed structure between 2012 and 2015; thus, there are consistency problems with the data for these schools. The article also excluded North Texas and Indiana Tech, which did not enroll students in 2012, and all state-accredited law schools.

52. These totals include all full-time and part-time students matriculating during the period of October 6, 2011 through October 5, 2012.

53. Law Sch. Admission Council, *How Law Schools Determine Whom To Admit*, APPLYING TO LAW SCHOOL, <https://www.lsac.org/jd/applying-to-law-school/whom-to-admit> (last visited Oct. 26, 2017).

54. Belmont, like nearly every other law school, offers a three-year program.

analysis, the top twenty schools in terms of over-performing predicted expectations for bar passage based upon UGPA and LSAT scores of incoming students are as follows:

Rank	Law School
1	BELMONT UNIVERSITY
2	GEORGIA STATE UNIVERSITY
3	OKLAHOMA, UNIVERSITY OF
4	FLORIDA INTERNATIONAL UNIVERSITY
5	CAMPBELL UNIVERSITY
6	SETON HALL UNIVERSITY
7	KANSAS, UNIVERSITY OF
8	AKRON, UNIVERSITY OF
9	WIDENER-COMMONWEALTH
10	LOUISIANA STATE UNIVERSITY
11	WIDENER UNIVERSITY-DELAWARE
12	MISSISSIPPI COLLEGE
13	GONZAGA UNIVERSITY
14	QUINNIPIAC UNIVERSITY
15	TEXAS A&M UNIVERSITY
16	MISSOURI-KANSAS CITY, UNIVERSITY OF
17	CLEVELAND STATE UNIVERSITY
18	ELON UNIVERSITY
19	FLORIDA, UNIVERSITY OF
20	STETSON UNIVERSITY

Remarkably, all three of the law schools featured in the *ABA Journal* finished in the top twenty in terms of over-performing predicted expectations for bar passage. It is unlikely a coincidence that Belmont, FIU, and UMKC — three average law schools — finished in the top twenty in terms of preparing students for the bar exam. It stands to reason that their bar preparation courses are the explanation for such success.

A. MEDIAN LSAT AND COMPOSITE AVERAGE FIRST-TIME BAR PASS RATE

Not surprisingly, as a law school's Median LSAT score increased for students who entered law school in 2012, its Composite Average First-Time Bar

Pass Rate similarly increases.⁵⁵ Based upon the linear regression analysis comparing law schools' 2012 Median LSAT and 2015 Composite Average First-Time Bar Passage Rate, the linear regression line, meaning the predicted Composite Average First-Time Bar Passage Rate for a law school, is equal to the law school's Median LSAT multiplied by .014 subtracted by 1.4363 (Predicted Composite Average First-Time Bar Pass Rate = .014 (Median LSAT) – 1.4363). The R-squared for the resulting regression line is .5437.

Because of the nature of a linear regression analysis, half of the variance necessarily is below the line and half above the predicted line. Positive variance numbers mean that the law school over-performed. That is, the law school's graduates passed the bar exam at a higher percentage than would be predicted based upon the linear regression analysis. Negative variance numbers mean that the law school under-performed. That is, the law school's graduates passed the bar exam at a lower percentage than would be predicted based upon the linear regression analysis. The variance is the disparity between how the law school actually performed with its Composite Average First-Time Bar Pass Rate in comparison to the predicted rate. The rank-ordering of the top ten over-performing law schools, along with that variance, for the assessment metric of Median LSAT and Composite Average First-Time Bar Pass Rate, is listed below:

Rank	Variance	Law School
1	21.05%	BELMONT UNIVERSITY
2	18.68%	KANSAS, UNIVERSITY OF
3	16.39%	MISSISSIPPI COLLEGE
4	15.63%	MISSOURI-KANSAS CITY, UNIVERSITY OF
5	14.64%	QUINNIPIAC UNIVERSITY
6	14.58%	AKRON, UNIVERSITY OF
7	13.30%	MISSOURI, UNIVERSITY OF
8	12.60%	MISSISSIPPI, UNIVERSITY OF
9	12.50%	DRAKE UNIVERSITY
10	12.35%	FLORIDA INTERNATIONAL UNIVERSITY

55. Delece Smith-Barrow, *Compare LSAT Scores, Bar Exam Performance for Law Schools*, U.S. NEWS & WORLD REPORT (Apr. 4, 2016, 8:00 AM), <https://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2016-04-04/compare-lsat-scores-with-bar-exam-performance-for-law-schools/>.

All three of the law schools showcased in the *ABA Journal* are ranked in the top ten law schools in terms of preparing students to pass the bar exam. According to the regression analysis, a law school with a Median LSAT Score of 154 (e.g., Belmont) should have had a Composite Average First-Time Bar Passage Rate of about 72%; Belmont exceeded the predicted rate by more than twenty-one points. A law school with a Median LSAT Score of 156 (e.g., FIU) should have had a Composite Average First-Time Bar Passage Rate of about 75%; FIU exceeded the predicted rate by more than twelve points. A law school with a Median LSAT Score of 152 (e.g., UMKC) should have had a Composite Average First-Time Bar Passage Rate of about 69%; UMKC exceeded the predicted rate by nearly sixteen points. Thus, all three law schools significantly outperformed their peers in terms of preparing students for the bar exam. Such evidence suggests that bar preparation programs can substantially increase the bar passage rates at law schools with average (or even below average) input statistics.

B. MEDIAN UGPA AND COMPOSITE AVERAGE FIRST-TIME BAR PASS RATE

As with Median LSAT, as a law school's Median UGPA increased for students who entered law school in 2012, its Composite Average First-Time Bar Pass Rate similarly increases. Based upon the linear regression analysis comparing law schools' 2012 Median UGPA and 2015 Composite Average First-Time Bar Passage Rate, the linear regression line, meaning the predicted Composite Average First-Time Bar Passage Rate for a school, is equal to the law school's Median UGPA multiplied by .4116 subtracted by .6405 (Predicted Composite Average First-Time Bar Passage Rate = .4116 (Median UGPA) - .6405). The R-squared for the resulting regression line is .6234.

Again, because of the nature of a linear regression analysis, half of the variance necessarily is below the line and half above the predicted line. Positive variance numbers mean that the law school over-performed. That is, the law school's graduates passed the bar exam at a higher percentage than would be predicted based upon the linear regression analysis. Negative variance numbers mean that the law school under-performed. That is, the law school's graduates passed the bar exam at a lower percentage than would be predicted based upon the linear regression analysis. The variance is the disparity between how the law school actually performed with its Composite Average First-Time Bar Pass Rate in comparison to the predicted rate. The rank-ordering of the top ten over-performing law schools, along with that variance, for the assessment metric of Median UGPA and Composite Average First-Time Bar Pass Rate, is listed below:

Rank	Variance	Law School
1	20.01%	BELMONT UNIVERSITY
2	16.31%	MISSOURI-KANSAS CITY, UNIVERSITY OF
3	14.84%	KANSAS, UNIVERSITY OF
4	14.09%	DRAKE UNIVERSITY
5	13.93%	QUINNIPIAC UNIVERSITY
6	13.78%	GEORGIA STATE UNIVERSITY
7	12.80%	GONZAGA UNIVERSITY
8	11.81%	OKLAHOMA, UNIVERSITY OF
9	11.70%	WIDENER UNIVERSITY- DELAWARE
10	11.41%	TEXAS A&M UNIVERSITY

Two of the three law schools featured in the *ABA Journal* are ranked in the top ten law schools in terms of preparing students to pass the bar exam.⁵⁶ According to the regression analysis, a law school with a median UGPA of 3.33 (*e.g.*, Belmont) should have had a Composite Average First-Time Bar Passage Rate of about 73%; Belmont exceeded the predicted rate by more than twenty points. A law school with a median UGPA of 3.22 (*e.g.*, UMKC) should have had a Composite Average First-Time Bar Passage Rate of about 68%; UMKC exceeded the predicted rate by more than sixteen points. A law school with a median UGPA of 3.60 (*e.g.*, FIU) should have had a Composite Average First-Time Bar Passage Rate of about 84%; FIU exceeded the predicted rate by about three points. Thus, all three law schools outperformed their peers in terms of preparing students for the bar exam. Again, such evidence suggests that bar preparation programs can substantially increase the bar passage rates at law schools with average (or even below average) input statistics.

C. MEDIAN LSAT AND COMPOSITE AVERAGE FIRST-TIME BAR PASS RATE DIFFERENTIAL

As a law school's Median LSAT increased for students who entered law school in 2012, its Composite Average First-Time Bar Pass Rate Differential similarly increases. Based upon the linear regression analysis comparing law schools' 2012 Median LSAT and 2015 Composite Average First-Time Bar Pass Rate Differential, the linear regression line, meaning the predicted Composite Average First-Time Bar Passage Rate Differential for a school, is

56. FIU ranked 80th in the Median UGPA and Composite Average First-Time Bar Pass Rate analysis.

equal to the law school's Median LSAT multiplied by .0136 subtracted by 2.1241 (Predicted Composite Average First-Time Bar Pass Rate Differential = .0136 (Median LSAT) – 2.1241). The R-squared for the resulting regression line is .6291.

As previously indicated, because of the nature of a linear regression analysis, half of the variance necessarily is below the line and half above the predicted line. Positive variance numbers mean that the law school over-performed. That is, the law school's graduates passed the bar exam at a higher percentage rate differential than would be predicted based upon the linear regression analysis. Negative variance numbers mean that the law school under-performed. That is, the law school's graduates passed the bar exam with a lower rate differential than would be predicted based upon the linear regression analysis. The variance is the disparity between how the law school actually performed with its Composite Average First-Time Bar Pass Rate Differential in comparison to the predicted rate differential. The rank-ordering of the top ten law schools, along with that variance, for the assessment metric of Median LSAT and Composite Average First-Time Bar Pass Rate Differential, is listed below:

Rank	Variance	Law School
1	19.58%	FLORIDA INTERNATIONAL UNIVERSITY
2	17.91%	BELMONT UNIVERSITY
3	15.99%	CAMPBELL UNIVERSITY
4	13.76%	SETON HALL UNIVERSITY
5	12.68%	FLORIDA, UNIVERSITY OF
6	12.53%	LOUISIANA STATE UNIVERSITY
7	12.45%	FLORIDA A&M UNIVERSITY
8	11.30%	OKLAHOMA, UNIVERSITY OF
9	11.16%	GEORGIA STATE UNIVERSITY
10	10.91%	AKRON, UNIVERSITY OF

Two of the three law schools featured in the *ABA Journal* are ranked in the top ten law schools in terms of preparing students to pass the bar exam.⁵⁷ According to the regression analysis, a law school with a Median LSAT Score of 156 (e.g., FIU) should have had a Composite Average First-Time Bar Passage Rate Differential of about .25%; FIU exceeded the predicted rate by more than nineteen points. A law school with a Median LSAT Score of

57. UMKC ranked 59th in the Median LSAT and Composite Average First-Time Bar Pass Rate Differential analysis.

154 (*e.g.*, Belmont) should have had a Composite Average First-Time Bar Passage Rate Differential of about -3%; Belmont exceeded the predicted rate by nearly eighteen points. A law school with a Median LSAT Score of 152 (*e.g.*, UMKC) should have had a Composite Average First-Time Bar Passage Rate Differential of about -6; UMKC exceeded the predicted rate by more than three points. Thus, all three law schools outperformed their peers in terms of preparing students for the bar exam. Again, such evidence indicates that bar preparation programs can substantially increase the bar passage rates at law schools with average (or even below average) input statistics.

D. MEDIAN UGPA AND COMPOSITE AVERAGE FIRST-TIME BAR PASS RATE DIFFERENTIAL

As with the three previous metrics, as a law school's Median UGPA increases so does its Composite Average First-Time Bar Pass Rate Differential. Based upon the linear regression analysis comparing law schools' 2012 Median UGPA and 2015 Composite Average First-Time Bar Pass Rate Differential, the linear regression line, meaning the predicted Composite Average First-Time Bar Passage Rate Differential for a school, is equal to the law school's Median UGPA multiplied by .3826 subtracted by 1.2856 (Predicted Composite Average First-Time Bar Passage Rate Differential = $.3826 (\text{Median UGPA}) - 1.2856$). The R-squared for the resulting regression line is .6291.

As noted above, because of the nature of a linear regression analysis, half of the variance necessarily is below the line and half above the predicted line. Positive variance numbers mean that the law school over-performed. That is, the law school's graduates passed the bar exam at a higher percentage rate differential than would be predicted based upon the linear regression analysis. Negative variance numbers mean that the law school under-performed. That is, the law school's graduates passed the bar exam with a lower rate differential than would be predicted based upon the linear regression analysis. The variance is the disparity between how the law school actually performed with its Composite Average First-Time Bar Pass Rate Differential in comparison to the predicted rate differential. The rank-ordering of the top fifteen law schools, along with that variance, for the assessment metric of Median UGPA and Composite Average First-Time Bar Pass Rate Differential, is listed below:

Rank	Variance	Law School
1	16.09%	BELMONT UNIVERSITY
2	15.70%	CAMPBELL UNIVERSITY
3	15.63%	ELON UNIVERSITY

4	14.61%	GEORGIA STATE UNIVERSITY
5	12.88%	LOUISIANA STATE UNIVERSITY
6	11.88%	UNIVERSITY OF LA VERNE
7	11.86%	OKLAHOMA, UNIVERSITY OF
8	11.68%	STETSON UNIVERSITY
9	11.63%	TEXAS A&M UNIVERSITY
10	11.23%	NORTH CAROLINA, UNIVERSITY OF
11	10.88%	SETON HALL UNIVERSITY
12	10.44%	FLORIDA, UNIVERSITY OF
13	10.16%	CALIFORNIA-IRVINE, UNIVERSITY OF
14	10.15%	FLORIDA INTERNATIONAL UNIVERSITY
15	10.14%	WIDENER UNIVERSITY- DELAWARE

Two of the three law schools showcased in the *ABA Journal* are ranked in the top fifteen law schools in terms of preparing students to pass the bar exam.⁵⁸ According to the regression analysis, a law school with a median UGPA of 3.33 (e.g., Belmont) should have had a Composite Average First-Time Bar Passage Rate Differential of about -1%; Belmont exceeded the predicted rate by more than sixteen points. A law school with a median UGPA of 3.60 (e.g., FIU) should have had a Composite Average First-Time Bar Passage Rate Differential of about 9%; FIU exceeded the predicted rate by more than ten points. A law school with a median UGPA of 3.22 (e.g., UMKC) should have had a Composite Average First-Time Bar Passage Rate Differential of about -5.3; UMKC exceeded the predicted rate by more than three points. Thus, all three law schools outperformed their peers in terms of preparing students for the bar exam. Such evidence suggests that bar preparation programs can substantially increase the bar passage rates at law schools with average (or even below average) input statistics.

E. OVER-PERFORMANCE AND UNDER-PERFORMANCE BASED UPON AN AGGREGATE OF THE STANDARD DEVIATIONS OF THE VARIANCES FROM EACH THE FOUR ANALYZED METRICS

One final means of assessment of over-performance and under-performance was conducted. The standard deviation of the variances from each of

58. UMKC ranked 65th in the Median UGPA and Composite Average First-Time Bar Pass Rate Differential analysis.

the four metrics discussed above were calculated. The standard deviations of the variances for each of four metrics are as follows: Median LSAT and Composite Average First-Time Bar Pass Rate (0.084441612 or approximately 8.44%), Median UGPA and Composite Average First-Time Bar Pass Rate (0.075789659 or approximately 7.58%), Median LSAT and Composite Average First-Time Bar Pass Rate Differential (0.068977457 or approximately 6.90%), and Median UGPA and Composite Average First-Time Bar Pass Rate Differential (0.065488766 or approximately 6.55%). The number of standard deviations from the mean for each variance for each law school in all four metrics was then determined, and then the number of standard deviations from the mean for each law school for each of the four metrics were aggregated. This approach allowed for equal weighting of the law school's performance on each of the metrics while avoiding the problem of scaling caused by the differences between LSAT and UGPA and Composite Average First-Time Bar Pass Rate and Composite Average First-Time Bar Pass Rate Differential. This standard deviation aggregation allows for an analysis combining all four metrics discussed above. The rank-ordering of the top twenty law schools along with the number of standard deviations from the mean aggregated across the four metrics are listed below:

Rank	Standard Deviation Aggregate	Law School
1	10.18644	BELMONT UNIVERSITY
2	6.788501	GEORGIA STATE UNIVERSITY
3	6.25685	OKLAHOMA, UNIVERSITY OF
4	6.245559	FLORIDA INTERNATIONAL UNIVERSITY
5	6.226784	CAMPBELL UNIVERSITY
6	5.820428	SETON HALL UNIVERSITY
7	5.788068	KANSAS, UNIVERSITY OF
8	5.639127	AKRON, UNIVERSITY OF
9	5.560729	WIDENER-COMMONWEALTH
10	5.455673	LOUISIANA STATE UNIVERSITY
11	5.284214	WIDENER UNIVERSITY-DELAWARE
12	5.282059	MISSISSIPPI COLLEGE
13	5.109223	GONZAGA UNIVERSITY
14	5.002615	QUINNIPIAC UNIVERSITY
15	4.929217	TEXAS A&M UNIVERSITY

16	4.890254	MISSOURI-KANSAS CITY, UNIVERSITY OF
17	4.859701	CLEVELAND STATE UNIVERSITY
18	4.807906	ELON UNIVERSITY
19	4.490916	FLORIDA, UNIVERSITY OF
20	4.435713	STETSON UNIVERSITY

Remarkably, all three law schools featured in the *ABA Journal* finished in the top twenty in terms of over-performing predicted expectations for bar passage. Odds are, this is not a coincidence; most likely, the bar preparation courses at Belmont, FIU, and UMKC are the reason for such success.

III. BAR EXAM PERFORMANCE SINCE 2015

As shown above, the three law schools featured in the *ABA Journal* substantially outperformed their peers on the bar exam in 2015. Although complete 2016 bar passage data will not be available until December 15, 2017, are those three law schools, based on available data, continuing to perform well on bar exams?

A. BELMONT

1. FIRST-TIME PASS RATES

Belmont enrolled eighty-two new students in August 2013.⁵⁹ That class (graduating class of 2016) had a median LSAT score of 155 (tied for 95th out of 203 ABA-approved law schools) and a median UGPA of 3.42 (tied for 85th out of 203 ABA-approved law schools).⁶⁰ In addition, that class had an 11% first-year attrition rate and a 2.7% second-year attrition rate.⁶¹ Of the seventy-two graduates of the Class of 2016, sixty-eight sat for the July 2016 bar exam. Despite average LSAT scores and UGPAs, Belmont's Class of 2016 achieved a first-time pass rate—all states—on the July 2016 exam of 88.24%. The national average first-time pass rate of graduates of ABA-approved law schools on the July 2016 bar exam was 74%.⁶²

Further, Belmont's first-time pass rate on the February 2016 (1/1) and February 2017 (1/1) Tennessee bar exams was 100%.⁶³

59. ABA Standard 509 Disclosures (2013), BELMONT U., <http://www.abarequireddisclosures.org> (2017).

60. *Id.*

61. ABA Standard 509 Disclosures (2014, 2015), BELMONT U., <http://www.abarequireddisclosures.org> (2017).

62. Nat'l Conf. of Bar Exam'rs, *2016 Statistics*, NATIONAL CONFERENCE OF BAR EXAMINERS, <http://ncbex.org/pdfviewer/?file=%2Fdmsdocument%2F205/> (last visited Oct. 31, 2017).

63. Tenn. Bd. of Law Exam'rs, *Feb 2016 TN Schools Summary of Statistics*, STATISTICS, http://www.tnble.org/sites/default/files/february_2016_tn_schools_summary_of_statistics.pdf; Tenn.

2. ULTIMATE PASS RATES

To date, the Class of 2015 has had four opportunities to take a bar exam.⁶⁴ Of the eight-seven graduates of that class, eighty-six have taken a bar exam; of those eighty-six, eighty-three have passed at least one bar exam.⁶⁵ Thus, after four opportunities, the ultimate pass rate—all states—of the Belmont's Class of 2015 is 96.51%.⁶⁶

Belmont's Class of 2016 has had two opportunities to take a bar exam.⁶⁷ Of the seventy-two graduates of that class, sixty-nine have taken a bar exam; of those sixty-nine, sixty-six have passed at least one bar exam.⁶⁸ Thus, after two opportunities, the ultimate pass rate—all states—of the Class of 2016 is 95.65%.⁶⁹ Thus, Belmont's ultimate pass rate for each of its past two graduating classes exceeds 95%.⁷⁰

B. FIU

FIU enrolled 158 new students in August 2013.⁷¹ That class (graduating class of 2016) had a median LSAT score of 156 (tied for 89th out of 203 ABA-approved law schools) and a median UGPA of 3.59 (tied for 35th out of 203 ABA-approved law schools).⁷² In addition, that class had a 13.8% first-year attrition rate and a 0.7% second-year attrition rate.⁷³

FIU's first-time pass rate on the February 2016 Florida bar exam was 84.6%, the highest rate in the state of Florida.⁷⁴ FIU's first-time pass rate on the July 2016 Florida bar exam was 87.5%, the highest rate in the state of

Board of Law Exam'rs, *Feb 2017 TN School Statistics*, STATISTICS, http://www.tnble.org/sites/default/files/feb_2017_tn_schools_summary_of_statistics.pdf.

64. The Class of 2015 graduated in May 2015 and thus were eligible to sit for the July 2015 bar exam, the February and July 2016 bar exams, and the February 2017 bar exam.

65. Belmont Class of 2015 Bar Results (on file).

66. *Id.*

67. The Class of 2016 graduated in May 2016 and thus were eligible to sit for the July 2016 bar exam and the February 2017 bar exam.

68. Belmont Class of 2016 Bar Results (on file).

69. *Id.*

70. *Id.*

71. ABA Standard 509 Disclosures, FLA. INT'L U., 1 (2013), <http://www.abarequreddisclosures.org/> (Select "FIU" and "2013") (2017).

72. *Id.*

73. ABA Standard 509 Disclosures, FLA. INT'L U., 2 (2014), <http://www.abarequreddisclosures.org/> (Select "FIU" and "2014") (2017); ABA Standard 509 Disclosures, FLA. INT'L U., 2 (2015), <http://www.abarequreddisclosures.org/> (Select "FIU" and "2015") (2017).

74. Fla. Bd. Of Law Exam'rs, *February 2016 General Bar Examination Overall Method* (Apr. 11, 2016),

https://www.floridabarexam.org/_85257bfe0055eb2c.nsf/52286ae9ad5d845185257c07005c3fe1/082c539f6245872085257f9200485121.

Florida.⁷⁵ FIU's first-time pass rate on the February 2017 Florida bar exam was 78.9%, the second-highest rate in Florida.⁷⁶ Hence, FIU is continuing to excel on the bar exam.

C. UMKC

UMKC enrolled 172 new students in August 2013.⁷⁷ That class (graduating class of 2016) had a median LSAT score of 152 (tied for 130th out of 203 ABA-approved law schools) and a median UGPA of 3.26 (tied for 134th out of 203 ABA-approved law schools).⁷⁸ In addition, that class had a 6.2% first-year attrition rate and a 1.2% second-year attrition rate.⁷⁹ UMKC's 2016 and 2017 pass rates are not yet available.

IV. EXAMINING BAR PREPARATION COURSES

Although the bar preparation courses at Belmont, FIU, and UMKC are structured quite differently, they have two common characteristics: hard work and a commitment to academic rigor — by both students and professors. Unquestionably, bar preparation courses are very difficult to teach, requiring far more time and effort than a typical law school course. For example, some bar preparation courses have more exams in one semester than many law school courses would have in one decade. In many ways, teaching a bar preparation course is a year-round job.

As examples of successful bar preparation courses, this section will provide a description of the three school's bar preparation programs.

A. BELMONT

Belmont's Bar Refresher Course is a five-credit, letter-graded, mandatory course that students must take in their final semester.⁸⁰ It focuses on the seven subjects tested on the Multistate Bar Exam: Contracts (including

75. Fla. Bd. Of Law Exam'rs, *July 2016 General Bar Examination Overall Method* (Sep. 19, 2016), https://www.floridabarexam.org/_85257bfe0055eb2c.nsf/52286ae9ad5d845185257c07005c3fe1/95960882122575be85258034004be367.

76. Fla. Bd. of Law Exam'rs, *February 2017 General Bar Examination Overall Method* (Apr. 10, 2017), https://www.floridabarexam.org/_85257bfe0055eb2c.nsf/52286ae9ad5d845185257c07005c3fe1/f84b5b4c568910c5852580fe0051eca6.

77. ABA Standard 509 Disclosures, UMKC, 1 (2013), <http://www.abarequireddisclosures.org/> (Select "Mo.-Kan. City" and "2013") (2017).

78. *Id.*

79. ABA Standard 509 Disclosures, UMKC, 2 (2014), <http://www.abarequireddisclosures.org/> (Select "Mo.-Kan. City" and "2014") (2017); ABA Standard 509 Disclosures, UMKC, 2 (2015), <http://www.abarequireddisclosures.org/> (Select "Mo.-Kan. City" and "2015") (2017).

80. Syllabus for Bar Refresher Course (on file). The following references Belmont's course as it will be taught in the spring of 2017. The course has gone through some modifications since its introduction in 2014.

Sales), Constitutional Law, Criminal Law/Procedure, Evidence, Federal Civil Procedure, Real Property, and Torts. This course is intended to be a supplement to — not a substitute for — summer bar review courses, such as Barbri. A passing grade in the course is required for graduation.

The course is mostly substantive in nature, but some essay and MPT skills are included in the instruction.⁸¹ The course focuses on learning the seven subjects tested the MBE and, more importantly, applying those subjects to novel, complex fact-patterns.⁸²

Belmont's course was created (and is taught) by Jeff Kinsler, who was Belmont's Founding Dean. He has been teaching bar preparation courses since 1996. He helped Appalachian School of Law more than double its bar passage rate between 2002 and 2005,⁸³ and helped Elon University School of Law's charter class achieve an 83% first-time pass rate and a 92% pass rate after two bar exam opportunities.⁸⁴

The only required textbook is Barbri's Multistate Outlines, which Barbri provides to the students pursuant to a contract it has with Belmont.⁸⁵ Dean Kinsler also provides lecture outlines and/or PowerPoint slides for each topic.⁸⁶

The key to the course is the variety of assessment tools used during the semester. To successfully complete the course, a student must earn at least 60% (332.4 points) of the maximum possible points (554 points); the maximum points are comprised of seventeen exams/tests, specifically:

- a. 100 points—Mid-Term Exam (comprised of four 30-minute essay questions covering all topics in weeks one through eight);
- b. 100 points—Final Exam (comprised of 100 multiple-choice questions covering all nine MBE topics);
- c. 210 points—Five Subject-Specific Exams (each exam consists of multiple-choice questions and essay questions);
- d. 90 points—Three MPT Exams (each comprised of one 90-minute Multistate Performance Test);
- e. 24 points—Four Lab Essays (each comprised of one 30-minute essay question); and
- f. 30 points—Three Lab MPTs (each comprised of one 90-minute Multistate Performance Test).⁸⁷

81. *Id.*

82. *Id.*

83. *Top Schools with Increased Bar Exam Results*, PRELAW MAGAZINE, Win. 2008, at 14.

84. Philip Craft, *Elon Law Class of 2009 Achieves 92 Percent Bar Passage Rate*, ELON UNIVERSITY (Apr. 6, 2010, 3:42 PM), <http://www.elon.edu/E-Net/Article/49430>.

85. Syllabus for Bar Refresher Course, *supra* note 80.

86. Syllabus for Bar Refresher Course, *supra* note 80.

87. Syllabus for Bar Refresher Course, *supra* note 80.

Belmont's course is rigorous and if students do not perform at a certain level, the consequences are severe. If a student fails to earn 60% of the possible points, the student will not pass the course.⁸⁸ The 60% level was chosen because in most states students must earn between 65% and 70% of the points to pass the bar exam (e.g., to pass the Tennessee bar exam, students must earn 67.5%); a student who earns 60% or higher in early May has a reasonable likelihood of reaching 65% by late July.

Belmont also has a very solid legal writing program that contributes significantly to the writing skills of their students. In the first legal writing course students complete an MPT-type assignment.⁸⁹ Then, the students must complete numerous MPT exams in Professor Kinsler's bar course.⁹⁰ This probably explains why Belmont students perform so well on the writing portion of the bar exam, as well as the MBE.

B. UMKC

The UMKC bar exam program owes its existence to the talented Wanda Temm, author of *Clearing the Last Hurdle: Mapping Success on the Bar Exam*.⁹¹ Temm joined the UMKC faculty as a full-time legal writer instructor in 1991.⁹² In the early 2000s, the school suffered a drop in bar exam passage rates and a blue-ribbon task force was convened to examine the causes of the decline in bar scores. One conclusion that arose out of the task force was that the school needed to be more proactive in helping students prepare for the bar exam.⁹³

The UMKC program consists of two parts: (1) an elective course during the school year called Legal Analysis & Method, and (2) a summer bar prep program that Professor Temm coordinates around the summer bar courses offer by leading bar prep companies BarBri, Kaplan, and Themis.⁹⁴

Temm uses her own book *Clearing the Last Hurdle* as the text for both courses. In the elective course — Legal Analysis & Methods — Temm focuses on developing legal skills for students to better handle MBE, essay, and MPT questions.⁹⁵ She teaches this two-credit-hour course in both the fall

88. Syllabus for Bar Refresher Course, *supra* note 80.

89. Syllabus for Legal Analysis & Methods (on file).

90. Syllabus for Bar Refresher Course, *supra* note 80.

91. See Law School Faculty Directory Webpage, UMKC, <http://law.umkc.edu/directory/faculty-directory/name/wanda-temm/> (last visited Oct. 31, 2017); WANDA M. TEMM, *CLEARING THE LAST HURDLE: MAPPING SUCCESS ON THE BAR EXAM* (2d ed. 2015).

92. Interview with Wanda Temm, Dir. of Bar Serv., UMKC, in Nashville, Tennessee. (May 5, 2017).

93. *Id.*

94. *Id.*

95. Syllabus for Legal Analysis & Methods, *supra* note 89.

and spring semesters. Students take the course in their third-year of law school.⁹⁶ In the elective course, Temm does not attempt to cover every subject on the Missouri Bar Exam, but instead, focuses on the MBE subjects of Torts and Evidence and the essay subject of Secured Transactions.⁹⁷

The law school invites, but does not force, the bottom 20% of the class to take this elective course. Approximately 15% of the school's students take this elective course.⁹⁸ Temm teaches the entire course by herself. According to Temm, the course has had a positive impact on bar exam passage rates for the school's graduates.⁹⁹

The other course, a summer course, is linked to three leading bar prep programs — Barbri, Kaplan, and Themis; 90% of the schools' graduates participate in this course. The summer course features several one-hour lectures on the following subjects: Putting the Pieces Together, Preparing for the Multistate Performance Test, MBE Strategies Part I, MBE Strategies Part II, MBE Strategies Part III, Mind-Maps for the Bar Exam Part I, Mind Maps for the Bar Exam Part II, and Secured Transactions Strategies.¹⁰⁰ During the summer course, bar applicants submit numerous essays and MPTs to Professor Temm and three other professors for grading.¹⁰¹ According to Professor Temm, “[d]uring the summer program we cover everything and focus on strategies for answering questions.”¹⁰²

The course has had a direct impact on bar exam success. The school's bar passage rate jumped 20% the year after implementing the course.¹⁰³ According to Temm, since the school started keeping data on the summer course program in 2005, 95% of students who actively participated in the summer course passed the bar exam, while only 40% of those who did not actively participate in the program passed the bar exam.¹⁰⁴

UMKC involves many faculty in helping students prepare for the bar exam.¹⁰⁵ If a student is having trouble with a particular subject, Temm will contact a favorite professor of that student to offer encouragement.¹⁰⁶ “I let the deans and faculty know when stress is rising and ask them to contact students they know with a ‘you can do this’ message of encouragement,” she explains. “It helps create a culture where the law school continues to support

96. *Id.*

97. *Id.*

98. Interview with Wanda Temm, *supra* note 92.

99. Interview with Wanda Temm, *supra* note 92.

100. Syllabus for the UMKC summer bar prep course (on file).

101. Interview with Wanda Temm, *supra* note 92.

102. Interview with Wanda Temm, *supra* note 92.

103. Interview with Wanda Temm, *supra* note 92.

104. Interview with Wanda Temm, *supra* note 92.

105. Interview with Wanda Temm, *supra* note 92.

106. Interview with Wanda Temm, *supra* note 92.

its students through the attainment of their goal — their license.”¹⁰⁷ “We are a student-oriented school and our faculty is very engaged in what students go through during the bar exam study process,” she explains.¹⁰⁸

A central facet of the school’s success, according to Temm, is the school’s legal writing faculty.¹⁰⁹ “All of our bar prep faculty are legal writing faculty,” Temm explains. “Legal writing faculty are the best diagnosticians of analysis and organization issues in both essays and MPTs. They can more easily identify what is tripping a student up in achieving a higher score. Moreover, our legal writing program does some fundamental things that contribute to better performance on the bar exam.”¹¹⁰ Temm explains that in her advanced legal writing class, she assigns an MPT for students to perform. This helps give the students valued practice when they confront the actual MPT(s) on the bar exam.¹¹¹

C. FIU

For several years, Florida International has had the highest passage rate on the Florida bar exam.¹¹² The school had the highest bar passage rate on the July 2015, the February 2016, and the July 2016 bar exams.¹¹³ On the February 2017, Florida International finished a close second to Miami University School of the Law. The two schools “blew away the competition.”¹¹⁴

The success should be attributed to the school’s comprehensive and integrated bar exam program. “I am a firm believer that helping students succeed in law school and the bar exam starts from the instant they start walking our halls,” says Professor Raul Ruiz, director of the school’s bar exam preparation.¹¹⁵ “Rather than becoming a school that teaches to the test, we have worked hard to develop a synergy between our doctrinal faculty and our skills-based courses.”¹¹⁶

The bar exam program culminates in a four-credit bar preparation course taught by Professor Ruiz titled “U.S. Law & Procedure.”¹¹⁷ “This is one of

107. Interview with Wanda Temm, *supra* note 92.

108. Interview with Wanda Temm, *supra* note 92.

109. Interview with Wanda Temm, *supra* note 92.

110. Interview with Wanda Temm, *supra* note 92.

111. Interview with Wanda Temm, *supra* note 92.

112. Jennifer Lacayo, *FIU Law Graduates Earn Highest Florida Bar Passage Rate for Third Time in a Row*, FIU News, Sep. 19, 2016, <http://news.fiu.edu/2016/09/fiu-law-graduates-earn-highest-florida-bar-passage-rate-for-third-time-in-a-row/104157>.

113. *Id.*

114. Staci Zaretsky, *Most Law Schools Did Horrendously on this State’s Bar Exam*, ABOVE THE LAW (Apr. 11, 2017), <http://abovethelaw.com/2017/04/most-law-schools-did-horrendously-on-this-states-bar-exam>.

115. Interview with Raul Ruiz, Dir. of Bar Preparation, FLA. INT’L UNIV. COLL. OF LAW, in Nashville, Tennessee. (May 18, 2017)(on file).

116. *Id.*

117. *Id.*

the most progressive bar prep courses in any American law school and I have designed it from the ground up to provide our students with everything they need to study effectively with their commercial bar preparation course.”¹¹⁸ The course covers both MBE and the Florida state law parts of the Florida Bar Exam.¹¹⁹ “The class is designed around principles of cognitive learning theory, such as forced recall and spaced repetition,” explains Ruiz.¹²⁰ “Teaching students how to learn is more important to me than what to learn for the test.”¹²¹ Professor Ruiz prides himself on providing “extensive individualized feedback on both multiple choice and essay questions.”¹²² While the course is an elective, Professor Ruiz says that nearly 97% of the students take the course.¹²³

Florida International also incorporates its alums into the bar exam program. This part of the program — called the “Bar Exam Success Program” — features Florida International alums serving as one-on-one mentors with a student during the student’s bar exam study.¹²⁴ Professor Ruiz explains that students study habits after graduation “is very important to us because it allows us to provide them with the guidance they need to focus their efforts.”¹²⁵ Professor Ruiz calls this “the most forward-thinking aspect” of the school’s “Academic Excellence Program.”¹²⁶ Ruiz receives help during this process from Professor Louis N. Schulze, Jr., an assistant dean and Professor of Academic Support.¹²⁷

“The Bar Exam Success Program allows us to be a resource for our students,” explains Ruiz.¹²⁸ “We can monitor their progress and provide early warnings for them if their study efforts or habits are not yielding the results they should for a successful bar examination.”¹²⁹

An additional facet of FIU’s success relates to its superior legal writing program, what the school calls its “Legal Skills and Values” program.¹³⁰ “Because Florida’s bar exam has an essay component, the Legal Skills & Values program at FIU Law no doubt helps our students pass the bar,” says Louis Schmolze, an Assistant Dean and Professor of Academic Support, who

118. *Id.*

119. *Id.*

120. *Id.*

121. *Id.*

122. *Id.*

123. *Id.*

124. *Id.*

125. *Id.*

126. *Id.*

127. See Law School Faculty Directory Webpage, FIU, <https://law.fiu.edu/faculty/directory/louis-n-schulze-jr/> (last visited Oct. 30, 2017).

128. Interview with Raul Ruiz, *supra* note 115.

129. Interview with Raul Ruiz, *supra* note 115.

130. Syllabus of Legal Skills and Values classes (on file).

oversees the legal writing program.¹³¹ Dean Schmolze insists that an effective legal writing program is “crucial” in part because at least half of most state bar exams involve writing essays or multistate performance tests.¹³²

D. COMMON FEATURES OF THE BAR PREP PROGRAMS

All three schools share similarities in their school’s bar preparation programs. First and foremost, all three have an accomplished faculty member — Kinsler at Belmont, Temm at UMKC, and Ruiz at Florida International — whose primary job is to implement a sound, effective bar preparation program.¹³³ Many schools may not be fortunate to have such a faculty member who is familiar with enough bar exam topics to lead a class by herself or himself. If that is the case, the school should consider recruiting such a person.

All three school bar exam courses cover much of the material on their respective state bar exams.¹³⁴ The schools realize that not all of their graduates are going to take the state bar where the school is located. However, the schools have made the strategic decision to focus their attention and resources to the state bar where most of their graduates will take.

A third common feature seems to be at least implicit support for the school’s bar prep programs either from the upper level administration, other faculty, or concerned alums. All three schools boast an effective legal writing program, which is essential to bar exam success.¹³⁵

Predictably, the schools also differ in their bar prep programs. Belmont’s bar prep course is a required course, while the courses at UMKC and Florida International are electives.¹³⁶ Second, the courses differ in their coverage of the material. For example, Belmont’s Bar Prep course covers all seven subjects of the MBE, while UMKC’s course covers only two MBE subjects.¹³⁷ Additionally, UMKC and Florida International have worked their alumni into assisting as mentors or listening boards for students studying for the bar exam.¹³⁸ Belmont, a much newer law school, does not incorporate its alumni into the bar exam study process — at least on a formal basis.

The success of these three schools shows that a bar preparation course can have an indelible impact on the success of students on the bar exam. The

131. Interview with Louis Schmolze, Assistant Dean, FLA. INT’L UNIV. COLL. OF LAW, in Nashville, Tennessee. (May 19, 2017)(on file).

132. *Id.*

133. See Interview with Wanda Temm, *supra* note 92; See also Interview with Raul Ruiz, *supra* note 115.

134. *Id.*

135. *Id.*

136. *Id.*

137. *Id.*

138. *Id.*

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three schools' programs also show that there is not a one-size-fits-all way to success. Schools can improve their bar passage rates in different ways with a properly implemented bar preparation course.¹³⁹

139. Scott Johns, *Empirical Reflections: A Statistical Evaluation of Bar Exam Program Interventions*, 54 U. LOUISVILLE L. REV. 35, 35–36 (2016) (finding that “the empirical evidence supports our hypothesis that bar passage program interventions translate into higher bar exam scores, particularly for graduates who struggled academically in law school.”).