PREDICTIVE ABILITY OF THE FINAL GRADE IN UPPER-DIVISION, ELECTIVE BAR

SUBJECT COURSES ON FIRST-TIME MISSOURI BAR EXAMINATION TAKERS

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i

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Dedication

I would like to dedicate this to my parents, Robert and Kathleen Bryan, who have provided me with the confidence to complete my dissertation. You have shown me what hard work and dedication and love can accomplish.

To my Busia and Dziadzi, I only wish you both could be here to see me graduate. You were role models of unwavering love and support for our entire family. Thank you for all of the wonderful memories that you gave us.

I would not be the person I am today without these four wonderful people – thank you for all you have done for me. Love you

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TABLE OF CONTENTS

List of Tables

x

List of Figures

Chapter 1: Introduction

The goal of a law school graduate is to become a licensed attorney. "One of the hallmarks of a profession is the right to self-governance, including control over entry" (Glenn, 2002, p. 1698). "Historically the modern written bar exam was developed to ensure that law schools provided high quality legal education" (Hansen, 1995, p. 1235).

To become a licensed attorney, one must graduate from a law school and pass a state licensing bar examination. Law schools operate to educate and prepare their students for the licensing bar examination. Understanding which classes help law students succeed at passing the bar examination can be advantageous in designing the law school curriculum. "The bar examination, by testing competency in the most basic and essential analytical skills required for the practice of law, services a necessary function" (Darrow-Kleinhaus, 2004, p. 442). The purpose of this study is to examine the law school curricula at Saint Louis University School of Law to determine if the final grade in a bar course can predict Missouri bar examination passage for first-time takers.

Chapter 1 provides the rationale for this study along with a purpose statement, rationale, explanation of key terms and concepts and research questions.

Rationale

"[L]aw schools are hybrid institutions. One parent is the historic community of practitioners, for centuries deeply immersed in the common law and carrying on traditions of craft, judgements and public responsibility. The other heritage is that of the modern research university" (Sullivan, Colby, Wegner, Bond, & Shulman, 2007, p. 4). "These two strands of inheritance were blended by the inventors of the modern

1

American law school, starting at Harvard in the 1870s with President Charles William Eliot and his law dean, Christopher Columbus Langdell" (p. 4). "Modern legal education is really an open admissions program that is ranked and sorted by credentials and quality of applicants. Virtually everyone who seriously wants to go to law school can and will be admitted at some school. Once there, it is difficult to fail" (Day, 2003-2004, pp. 332-333). To become a licensed attorney, a law school graduate must pass a state licensing bar exam and it is this licensing exam which determines whether a law school graduate can practice law. "All jurisdictions have set minimal educational requirements to qualify a person for eligibility to sit for the bar examination. Almost all rely exclusively on ABA approval of a law school to determine whether the jurisdiction's legal education requirement for admission to the bar is satisfied" (American Bar Association, 2018, p. v).

"Since 1952, the Council of the Section of Legal Education and Admissions to the Bar (the Council) of the American Bar Association (the ABA) has been approved by the United States Department of Education as the recognized national agency for the accreditation of programs leading to the J.D. degree" (American Bar Association, 2018, p. v). Since the ABA is the recognized accreditor for United States law schools, it has developed the Standards and Rules of Procedures for all law schools. The Standards contain the requirements a law school must meet to obtain and retain ABA approval. Interpretations follow the Standards provide additional guidance concerning the implementation of a particular Standard. The Rules of Procedure govern the accreditation process and the process through which decisions concerning the status of individual schools are made" (American Bar Association, 2018, p. v).

Standard 316 in the 2018-2019 ABA Standards and Rules of Procedure for Approval of Law Schools is the current standard pertaining to bar examination passage, and requires a law school to demonstrate that 75 percent or more of graduates who graduated within the past five years and sat and passed a state licensing bar examination (pg. 24). The full standard can be found in the Appendix A. "In 1995, the ABA began publishing bar passage data in its annual guide to law schools. Two factors prompted this 'stepped-up' reporting on legal education: first, regulations promulgated by the Department of Education in 1994; and second, the birth of the *U.S. News and World Report* rankings, which include professional schools, in 1990" (Herzog, 2004, p. 22).

"Because the first-time bar pass rate is one of the major factors in the *U.S. News and World Report's* annual rankings, there is constant pressure to increase a school's ranking by increasing the bar pass rate" (Glenn, 2002, p. 1705). "The U.S. News rankings of 197 law schools fully accredited by the American Bar Association are based on a weighted average of the 12 measures of quality…" (Morse, 2017). Bar examination passage is part of the placement success section (0.20 weighted) of the total U.S. News law school rankings. "Success is determined by calculating employment rates for 2015 grads at graduated, (0.04 weight) and 10 months after (0.14 weight), as well as the bar passage rate…" (Morse, 2017). The bar examination passage rate is weighted at 0.02 and "…is the ratio of the bar passage rate of a school's 2015 graduating class to that jurisdictions overall state bar passage rate for first-time test-takers in winter 2015 and summer 2015" (Morse, 2017).

Falling national bar examination passage rates is another cause for concern not only for law schools, but the legal community and the general public (see Figure 1). The national passage rates for the July 2014 bar examination declined between four and twenty percentage points. (Martin, 2011, p. 1). "The percentage of students in a graduating class who pass the bar serves as a biannual institutional performance indicatory by which a school can measure itself against its peers. The pass rate alone is less meaningful than it would be with a corresponding sense of institutional impact on that pass rate" (Herzog, 2004, p. 2). Below is a ten-year summary chart showing bar passage rates for the United States and Missouri using data from *The Bar Examiner* (National Conference of Board Examiners, 2018).
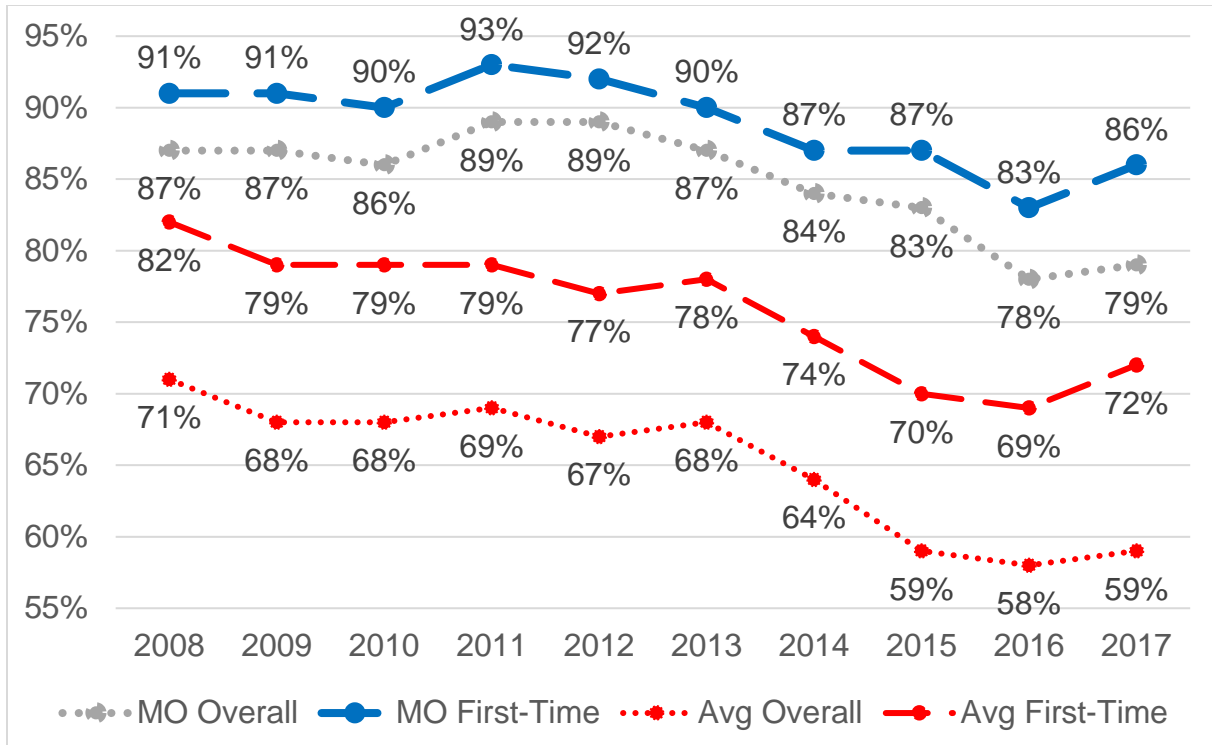
Figure 1: Ten-Year Summary for Missouri and U.S. States and Territories Bar Passage Rates

There has been a large amount of research on predicting a student's success in law school along with trying to predict passage of bar examinations; however, the prior research has only looked at test scores, previous grade point averages and demographic data (Lunneborg & Lunneborg, 1966; Carlson & Werts, 1976; Klein, 1991; Klein & Bolus, 1997; Wightman, 1998; Darrow-Kleinhaus, 2004; Kaufman, La-Salle-Ricci, Glass, & Arnkoff, 2007; Yakowitz, 2010; Georgakopoulos, 2013). Currently there are no empirical studies which examine the final grade of law school bar courses and if the final grade(s) can predict bar passage. This study will build upon previous research which has examined the relationship between bar passage and the number of bar courses taken during law school. "Research is needed into which institutional

5

characteristics and interventions are associated with improved performance on the bar exam" (Herzog, 2004, p. 2).

Purpose Statement

The purpose of this study was to examine the law school curricula at Saint Louis University School of Law to determine if the final grade in upper-division, elective bar subject courses heavily tested on the MBE and MEE can predict first-time Missouri bar examination passage for Saint Louis University School of Law Juris Doctorate graduates.

Research Design and Variables

The study performed quantitative analysis on archived data from two different sources to predict first-time bar passage for the Missouri bar examination. The data in this study was obtained from different sources at Saint Louis University: Banner® by Ellucian and Saint Louis University School of Law Bar Passage Spreadsheet. Student ID, gender, race/ethnicity, information regarding the bar courses (subject, course number, section number, course title and final grade) were acquired from the University enterprise resource planning Banner® by Ellucian system. The final grade in the Banner® system is a letter grade which was converted into its numerical equivalent as defined in the Saint Louis University School of Law Student Handbook. The following data was obtained from the School of Law: student ID, graduation term, final law school rank percentile, and month and date of first-time taking Missouri bar examination and bar passage.

The student provides the law school with their demographic information, such as race/ethnicity and gender on their application to the School of Law. Students can update these variables with the University. Documentation must be provided to make the change to gender while race/ethnicity can be updated anytime by the student via the online Banner® Self-Service portal.

Each Juris Doctorate graduating class is ranked at the end of each academic year. Saint Louis University School of Law ranks December, May and August graduates together as one J.D. class. While a graduate from different graduating classes may have the same final grade point average, their final rank and rank percentile will be different depending on the number of graduates in the class and the range of final grade point averages among the graduates. The final rank percentile allows the researcher to analyze the final grade in bar course(s) and bar passage in relation to where they rank among their fellow graduates and allow the researcher to compare results across graduating classes. The study also examined how the graduates in the bottom 30% of their graduating performed on their first Missouri bar examination and if the final grade in select upper-division, elective bar subject courses can predict first-time bar examination passage.

The dependent variable is first-time bar passage, which is either pass or fail. The School of Law receives a list of graduates who took the Missouri bar examination and their pass or fail status directly from the Missouri Board of Law Examiners typically two to three months after the February and July bar examinations.

Research Questions

1) Is there a statistically significant relationship between gender and first-time Missouri bar examination passage?

2) Is there a statistically significant relationship between being a minority student and first-time Missouri bar examination passage?

3) Is there a statistically significant relationship between being in the bottom thirty percent of the graduating class and first-time Missouri bar examination passage?

4) Is there a statistically significant difference on first-time Missouri bar examination passage by the total number of upper-division, elective courses taken?

5) Does the final grade of these heavily tested upper-division, elective bar subject courses (Evidence, Constitutional Law II, Criminal Procedure: Investigation) for the MBE predict first-time Missouri bar examination passage?

    Sub-Question: Does being in the bottom thirty percent of the graduating class affect the prediction of first-time Missouri bar examination passage?

6) Does the final grade of these heavily tested upper division, elective bar subject courses (Business Associations, Trusts & Estates and Secured Transactions) for the MEE predict first-time Missouri bar examination passage?

    Sub-Question: Does being in the bottom thirty percent of the graduating class affect the prediction of first-time Missouri bar examination passage?

Limitations

This study is limited to only Saint Louis University School of Law Juris Doctorate graduates between December 2010 and August 2018 whose first bar examination was in Missouri between February 2011 and July 2018. Saint Louis University School of Law does offer advanced law degrees (LL.M.) in Health Law and American Law for Foreign

8

Lawyers; however, graduates from these programs were excluded from this study. The limited nature of the study population does not allow the study results to be generalized to other law schools in the United States and other state bar examinations. Each law school has their own set curriculum and required set of courses including those they recommend as bar courses and each state has different topics on their bar examinations. The varied law school curriculums and state bar examination topics potentially limits this study being applicable to other states and law schools.

Only 'hard skills' for bar examination passage are being examined in this study. Hard skills can be defined as basic skills needed to be a lawyer such as legal research and writing, negotiations, briefing, etc. Other issues such as test anxiety, financial difficulties or family concerns may affect the bar takers state of mind while preparing for the examination and during the examination itself. These issues can affect the bar taker's ability to properly prepare and complete the bar examination. Future research should be done to understand how external factors affect the bar examination taker.

Definition of Terms

- 1L – First year of law school
- 2L – Second year of law school
- 3L – Third year of law school
- ABA – the American Bar Association and the accrediting body for law schools in the United States
- Bar courses – first-year required and upper-division, elective courses whose subject matter is tested on the Missouri bar examination

- DV – Dependent variable

- IV – Independent variable

- J.D. – Juris Doctorate which is the degree received upon graduating from law school

- LGPA – Final law school grade point average

- LSAC – Law School Admission Council

- LSAT – Law School Admission Test is administered by the Law School Admission Council

- MBE – Multistate Bar Examination

- MBLE – Missouri Board of Law Examiners

- MEE – Multistate Essay Examination

- MPRE – Multistate Professional Responsibility Exam

- MPT – Multistate Performance Test

- Missouri Bar Examination – the licensing examination administered by the Missouri Board of Law Examiners twice a year

- NCBE – the National Conference of Bar Examiners is a national organization working with state bar board examiners and law schools

- UBE – Uniform Bar Examination

- UGPA – Undergraduate Grade Point Average

Chapter Summary

"High quality legal education and a good bar pass rate are attainable goals throughout the law school universe regardless of the so-called standing (and raw

credentials) of the law school if the entire enterprise takes legal education and the bar examination seriously" (Day, 2003-2004, p. 324). Legal education is an ever changing landscape and with the influence of social media, accreditors, rankings, employers, graduates, current and future students law schools are searching to identify how they can better prepare their graduates for life after law school which includes passing a state licensing bar examination. Chapter 2 provides a summary of the relevant literature on law school curriculum, the parts of state bar examination and bar examination passage.

Chapter 2: Review of Literature

Introduction

"Historically the modern written bar exam was developed to ensure that law schools provided high quality legal education" (Hansen, 1995, p. 1235). To provide a foundation for the study of law school graduates passing their state licensing bar examination based on the final grade in bar courses, the researcher performed a review of literature relevant to the topic of the study. The researcher began by reviewing the national and state bar licensing agencies, Saint Louis University School of Law curricula and bar preparation program in addition to researching the following areas in legal journals and law reviews: bar examination passage, law school curriculum, history and changes of the licensing bar examination for lawyers, history of law schools and the development of the law school curriculum, the relationship between law school curriculum and the topics on the bar examination and studies on other factors which influence bar examination passage. Several themes emerged from this research: history of bar examinations; history of Missouri bar examination; other studies on bar examination passage focusing on LSAT scores and undergraduate grade point average and ethnicity; and the law school curriculum and the bar examination discussing the history of the law school curriculum, bar courses in the law school curriculum and other studies on law school course selection and bar passage.

This study adds to the limited literature on how the law school curriculum relates to bar examination passage. Many studies have been done using ethnicity, pre-law school test scores and undergraduate GPA, but none have looked at the final grade in

12

bar courses in the law school curriculum and if the grade can be used to predict bar examination passage. This study builds upon the few studies which have looked at the law school curriculum or bar courses in the law school curriculum and its relationship to the licensing bar examination.

Bar Examination

History of American bar examination

"The basic degree in law currently awarded in the United States is the Juris Doctor of J.D. degree. Once known as the LL.B. (for Bachelor of Laws and Letters), it has been replaced in all schools by the J.D." (Jarvis, 1996, p. 369). Graduating from law school with a J.D. degree does not entitle one to practice law. "Bar exams are used to distinguish those who have been admitted to legal practice from those who merely have a law degree" (Jarvis, 1996, p. 395). "The object of our bar examination is to test the qualification of an application for admission to the bar to practice law" (Blom, 1973, p. 10).

"The bar exam, in one format or another, is required in American jurisdictions as a condition of obtaining a license to practice law. The bar exam indeed helps to show the distinction between those who have graduated from law school and those who are admitted and licensed to practice" (Cabrera, 2000, pp. 1169-1170). "Before the advent of law schools, reading law was the means by which most persons became lawyers in the United States. Those with financial resources to do so, however, often opted to travel to London to study at one of the English inns of court" (Jarvis, 1996, p. 367).

13

During the colonial times through 1800, "…most colonies had also had a graded bar. When colonial legal apprenticeships were required, their lengths varied, but were generally long" (Hansen, 1995, pp. 1193-1994). Bar admission changed from 1800s through the Jacksonian era. "After the American Revolution, most states developed their own requirements for admission. The standards typically included a period of law student under a practitioner or judge, and varied greatly in length – generally ranging from one to five years" (Hansen, 1995, p. 1194). Some states still required a written or oral exam, but exceptions could be made for those who apprenticed for several years (p. 1194). "However, during the Jacksonian era (roughly the 1820s and 1830s), and continuing through the Civil War, standards for bar admission generally decreased and became far more erratic and whimsical. During the Jacksonian era, Americans grew increasingly distrustful of lawyers and felt that admission practices were elitist and contrary to the ideals of democracy. As a result of the growing distrust of the bar, most admissions standards disappeared or were greatly reduced to permit virtually any man to practice law" (Hansen, 1995, p. 1195). "In 1800, three-fourths of American jurisdictions (states and territories) required a specific delineated period of preparation for law practice, but by 1840, only a one-third of all jurisdictions had a defined period of preparation for law practice. Furthermore, by 1860, only about one-fourth of all jurisdictions had a specified period of law study" (Hansen, 1995, p. 1195).

"Prior to the Civil war there were virtually no law schools. If a university or law bar initiated a law school or formal legal educational program, it always failed within a few years. However, after the Civil War, there was a growing demand for expert legal advice to assist clients during the increasingly legalistic and regulatory society of the Industrial

Revolution" (Hansen, 1995, p. 1197). Despite the efforts made by universities and law bar, the large number of new practicing attorneys were entered through an apprenticeship or clerkship (Hansen, 1994-1995, p. 1198, Jarvis, 1995-1996, p. 366).

In 1870, Christopher Columbus Langdell and Theodore Dwight introduced two forms of legal education. The current form of standardized curriculum in law schools is attributed to Langdell. "Langdell's model of legal education included the case method and Socratic teaching, both still firmly in place in modern law schools" (Hansen, 1995, p. 1198). "Theodore Dwight proposed an alternative form of legal education … and a period of mandatory law clerking" (p. 1198). "Langdell's theory may have succeeded not because it was intrinsically superior to Dwight's, but because Langdell was from Harvard, perhaps the most influential education institution in America" (p. 1198-1199). In addition, two famous legal authors circulated Langdell's model of legal education to other universities (p. 1199) "Finally, Langdell's theory benefited from the aura of modern science, for he promoted his idea of legal education as the 'science of law'" (p. 1199).

"Once Langdell's theory of education gained preeminence, law schools proliferated to put it into practice. It was not until 1921 that the profession began to 'regulate' law schools by determining if they complied with its recommended standards of quality" (Hansen, 1994-1995, p. 1199). "The resulting disparity between approved and unapproved law schools is sometimes cited as the principle for the rise of the relatively standard written bar examination. However, the written bar exam principally developed as a replacement for oral bar exams, and not as a check on law schools" (Hansen, 1994-1995, p. 1200).

"Originally, most bar exams were conducted orally, either before a judge of the court to which admissions was sought or by one or more lawyers already admitted to the court" (Jarvis, 1995-1996, p. 374). Massachusetts became the first state to have a written bar examination in 1855 where the Massachusetts Court of Common Pleas "…required candidates who could not show three years of legal study to pass a written exam" between 1855 and 1859 (Jarvis, 1995-1996, p. 374). "In 1876, Suffolk Count (Massachusetts) Board revived the practice of requiring applicants to pass a written exam. … In 1877, the New York State Supreme Court introduced an exam that included both a written and an oral component. Within a short time, Idaho and Nevada also were experimenting with written tests" (Jarvis, 1996-1996, p. 374).

"Modern applicants must complete at least three-fourths of the credit required to earn a baccalaureate degree at an accredited college or university. Then the applicant must have completed all the requirements for graduation from an ABA-approved law school before being eligible for law practice" (Hansen, 1995, p. 1202). "A few states recognize graduation from a state-approved law school as fulfillment of the legal education requirement. But, a law degree from only a state-approved law school will usually not quality the applicant to sit for the bar in other states. In contrast, graduation from an ABA-approved law school satisfies the legal education requirement in all states" (Hansen, 1995, p. 1203).

At one time, graduates of many law schools were automatically admitted to the bar of the state in which their law school was located by virtue of a statutory exemption from the bar exam known as 'diploma privilege' (Jarvis, 1995-1996, p. 369). Diploma privilege experienced a boom after 1879 as law schools were created and peaked 1879

through 1920 (Hansen, 1995, pp. 1200-1201). "In the 1920s, the American Bar Association (ABA) unequivocally approved the written bar examination and rejected the diploma privilege as the preferred means to gain admission to law practice" (Hansen, 1994-1995, p. 1192). "The ABA stated, '[t]he American Bar Association is of the opinion that graduation from a law school should not confer the right of admission to the bar, and that every candidate should be subject to an examination by pubic authority to determine his fitness" (Hansen, 1994-1994, p. 1201).

In 1971, The National Conference of Bar Examiners and the American Bar Association reaffirmed the 1921 statement and adding justification for the bar exam: "Bar examinations… encourage law graduates to study subjects not taken in law school. They require the applicant to review all she has learned in law school with a result that he is made to realize the interrelation of the various divisions of the law – to view the separate subject courses which he took in law school as a related whole. This is the curriculum of most law schools does not achieve. Also it is the first time many of the applicants will have been examined by persons other than those who taught them, a valuable experience in preparation in appearing before a completely strange judge" (Hansen, 1994-1995, p. 1201). Now, diploma privilege only remains an option in the state of Wisconsin benefitting only the graduates from the University of Wisconsin and Marquette University (p. 369).

The National Conference of Bar Examiners (NCBE) "…was founded in September 1931 to provide a 'national organization through which state boards of bar examiners could cooperate with each other, with the law school community, and with the organized bar" (Jarvis, 1996-1996, p. 378). "The bar exam does not seek to test, not

could it possibly test, all of the skills associated with the practice of law. Rather the bar examiners have organized what can be tested effectively and test only those skills" (Darrow-Kleinhaus, 2004, p. 442). "The bar examination, as currently configured, is a prototypical high stakes test that in many ways resembles the SAT and LSAT" (Glenn, 2002, p. 1701). The current structure of the bar examination consists of four parts: Multistate Professional Responsibility Exam (MPRE), Multistate Bar Examination (MBE), Multistate Essay Examination (MEE) and Multistate Performance Test (MPT) (Day, 2003-2004; Jarvis, 1995-1996).

"The Multistate Professional Responsibility Exam (MPRE) is a two-hour, 60 question multiple-choice examination … that is administered three times per year. It is required for admission to the bars of all but three U.S. jurisdictions (Maryland, Wisconsin, and Puerto Rico" (www.ncbex.org/exams/mpre). "The MPRE was developed by the NCBE and first used in March 1980. Unlike the other NCBE's other tests, applicants can take the MPRE while still in law school (Jarvis, 1995-1996, p. 384). "The purpose of the MPRE is to measure an examinee's knowledge and understanding of established standards related to a lawyer's professional conduct" (National Conference of Board Examiners, 2018).

"The MBE is meant to weed out those candidates possessing anything less than mastery of the black letter law with a level of detailed sophistication" (Darrow-Kleinhaus, 2004, p. 449). The first Multistate Bar Examination (MBE) was given in 1972 and "… is a six-hour, 200 multiple choice question exam prepared and scored by the National Conference of Bar Examiners (NCBE)" (Jarvis, 1995-1996, p. 378). "The purpose of the MBE is to assess the extent to which an examinee can apply fundamental legal

principles and legal reasoning to analyze given fact patterns" (National Conference of Board Examiners, 2018, Jurisdictions Administering the MBE; Case, Susan, 2009, p. 28). "The point of the exam question is to create a hypothetical universe and test the candidate's knowledge and thought process within that limited universe. The ability to read carefully and rely on the facts presented and the reasonable inferences that can be drawn from them is a critical legal skill – one that the MBE seeks to test" (Darrow-Kleinhaus, 2004, p. 449). "The questions focus on the understanding of legal principles rather than memorization of local case or statutory law" (Case, 2009, p. 28). Of the 200 multiple choice questions, 25 are unscored pretest question which are used to test future questions. The remaining 175 questions are distributed evenly with 25 questions from each of the seven topics: Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, and Torts (National Conference of Board Examiners, 2018). "The … areas tested by the MBE are required courses in virtually every law school: they represent the core substance of legal education" (Darrow-Kleinhaus, 2004, p. 451). "Each of the questions on the MBE is designed to be answered according to generally accepted fundamental legal principles…" (National Conference of Board Examiners, 2018, Preparting for the MBE).

The NCBE also developed the Multistate Essay Examination (MEE) which is comprised of six thirty-minute essay questions. (Jarvis, 1996, p. 33). The MEE was "…designed to relieve individual state boards of bar examiners from the onerous task of having to draft bar exam essay questions, in much the same way that the MBE allows such boards to avoid having to develop bar exam multiple choice questions" (p. 33). "The purpose of the MEE is to test the examinee's ability to (1) identify legal issues

raised by a hypothetical factual situation; (2) separate material which is relevant from that which is not; (3) present a reasoned analysis of the relevant issues in a clear, concise, and well-organized composition; and (4) demonstrate an understanding of the fundamental legal principles relevant to the probably solutions of the issues raised by the factual situation" (National Conference of Board Examiners, 2018, Jurisdictions Administering the MEE).

The primary distinction between the MEE and the Multistate Bar Examination (MBE) is the MEE requires the examinee to demonstrate an ability to communicate effective in writing" (National Conference of Board Examiners, 2018, Jurisdictions Administering the MEE). "The bar essay exam, … is used to test the quality and reasonableness of one's judgment in identifying issues, recognizing and analyzing key facts, and applying the relevant legal standards to those facts" (Alphran, Washington, & Eagan, 2011, p. 28). "There is a strong correlation between bar examination scores (both MBE and essay) and law school grades. This result suggests that bar examination scores and law school grades are measuring the same legal skills and knowledge" (Carlson & Werts, 1976, p. vii). The following areas of law may be covered on the MEE: Business Associations (Agency and Partnership; Corporations and Limited Liability Companies), Civil Procedure, Conflict of Laws, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Family Law, Real Property, Torts, Trusts and Estates (Decedents' Estates; Trust and Future Interests), and Article 9 (Secured Transactions) (National Conference of Board Examiners, 2018, Preparing for the MEE). "Bar examiners rely on essays for the same reason that law teachers do: writing a well-constructed legal essay is a learned skill that requires mastery of the law and the nature of logical argument"

(Darrow-Kleinhaus, 2004, p. 446). As one can see, the subjects being tested during the Missouri and Illinois bar examinations are not related to participation in the legal profession. The purpose of the bar examination is to "… test the ability of an applicant to identify legal issues in a statement of facts, such as may be encountered in the practice of law, to engage in a reasoned analysis of the issues, and to arrive at a logical solution by the application of fundamental legal principles, in a manner which demonstrates a thorough understanding of these principles" (Moeser & Corneille, ed., 2008, p. ix). The test should not be designed to test memory, rather "[i]ts purpose is to protect the public, not to limit the number of lawyers admitted to the practice" (p. ix).

Alaska became the first state to offer the Multistate Performance Test (MPT) in July 1982 with California adding the MPT to its bar examination in 1983. (Jarvis, 1995-1996, p. 386). "The MPT is designed to test an examinee's ability to use fundamental lawyering skills in a realistic situation and complete a task that a beginning lawyer should be able to accomplish. MPT is not a test of substantive knowledge. Rather, it is designed to evaluate certain fundamental skills lawyers are expected to demonstrate regardless of the area of law in which the skills arise" (National Conference of Board Examiners, 2018, Jurisdictions Administering the MPT). "The MPT requires examinees to (1) sort detailed factual materials and separate relevant from irrelevant facts; (2) analyze statutory, case, and administrative materials for applicable principles of law; (3) apply the relevant law to the relevant facts in a manner likely to resolve a client's problem; (4) identify and resolve ethical dilemmas, when present; (5) communicate effectively in writing; and (6) complete a lawyering task within time constraints" (National Conference Board of Examiners, 2018, Preparing for the MPT).

Missouri bar examination

Effective with the February 2011 bar examination, the state of Missouri became the first of two states to adopt the Uniform Bar Examination for their state licensure exam (National Conference of Bar Examiners, 2018, Jurisdictions That Have Adopted the UBE). "The Uniform Bar Examination (UBE) is coordinated by NCBE and is composed of the Multistate Essay Examination (MEE), two Multistate Performance Tests (MPT) tasks, and the Multistate Bar Examination (MBE). It is uniformly administered, graded and scored by user jurisdictions and results in a portable score that can be transferred to other UBE jurisdictions" (National Conference of Bar Examiners, 2018, Jurisdictions That Have Adopted the UBE).

"The UBE is more than just a shared set of test components. At its essence, it is an agreement to give full faith and credit to examination scores generated in participating jurisdictions based upon the fact that all UBE jurisdictions uniformly administer, grade, and score the same examination" (Early, 2011, p. 17). "The UBE offers uniformity and consistency in test questions and grading rubrics among participating jurisdictions and ensures the same level of exam quality and comparability of scores among jurisdictions" (Miles, 2010, p. 8). "Jurisdictions that adopt the UBE are merely using the same high-quality examination to determine whether applicants have demonstrated the fundamental knowledge and skills necessary to begin practice" (Early, 2011, p. 17). "The UBE provides greater transparency in test development, administration and score, and jurisdictions do not have to incur the costs of test development" (Miles, 2010, p. 8).

22

"To maintain scoring consistency and comparability of scores, all UBE jurisdictions will adhere to the following: MEE and MPT scores will be combined and scaled to the MBE. The MBE scores and the combined MEE/MPT scores will be weighted equally. The precise allocation will be MBE at 50%, MEE at 30% and MPT at 20%. MEE essays and MPT scores will be graded based on uniform criteria. UBE jurisdictions will use the same MEE essay questions" (Case, 2009, p. 33). The written-component scores (MEE and MPT) are scaled to the MBE using the standard deviation method" (Early, 2011, p. 19). "Under the UBE testing structure, any individual jurisdiction can continue to test examinees on state-specific law and/or rules of practice and procedure either by attaching an additional test to its bar examination or by adding a continuing legal education… to the licensing process" (Miles, 2010, p. 9).

Each jurisdiction independently sets the requirements for admission to their state based on the transferred UBE score. (Early, 2011, p. 20). "It remains the responsibility of each UBE jurisdiction to set the passing score that it concludes represents proof of minimum competence to practice law within its borders and to determine all other admission requirements" (p. 17). Other decisions left to the control of the jurisdictions are as follows:

Jurisdictions will retain control over who may sit for the tests and who will be admitted.

Jurisdictions will determine their own passing standards.

Jurisdictions will continue to make character and fitness decisions.

Jurisdictions will continue to make ADA decisions.

Jurisdictions will continue to determine educational requirements.

Jurisdictions will continue to grade their own essays using their preferred score scales. (Case, 2009, p. 33).

Other Studies on Bar Examination Passage

LSAT scores and grade point average

In 1966, Clifford E. Lunneborg and Patricia W. Lunneborg looked at 980 University of Washington School of Law students who began law school between autumn 1956 and 1964 to study their pre-admission statistics to help determine law school performance (p. 935). "The most important conclusion from this analysis is that there are several items of biographic or educational information which can be used together with the LSAT total score and a measure of overall undergraduate academic performance to increase the predictability of success in law school" (p. 940). "A series of multiple regression analyses was undertaken to identify pre-admission variables useful in predicting several criteria of law school success. … LSAT total scores and undergraduate academic performance were consistently the strongest predictors… not only of first year law school GPA but also of continuance in school and eventual passage of the bar examination" (p. 943).

Alfred B. Carlson and Charles E. Werts (1976) studied the relationships between law school predictors such as LSAT score and undergraduate GPA to bar examination results. They found the "[u]ndergraduate grade-point average and the LSAT are related to performance throughout law school and on the bar examination" (p. vii). "[T]he strength of the relationship between the LSAT and bar examination performance is equal to or greater than that between the LSAT and first-year law grades" (p. 31).

24

"When LSAT scores are held constant, the correlations between cumulative law grades and bar examination measures is about .50. The bar examination is clearly strongly related to law school performance" (p. 52). "The LSAT and undergraduate grade-point average have a moderately strong relationship with performance on the bar examination. The strength of this relationship between LSAT scores and bar examination results is stronger between undergraduate grades and bar exam results" (p. 37).

Nicholas Georgakopoulous found similar results in 2013 in that the undergraduate grade point average does not have a significant effect on bar exam passage (p. 21). He studied graduates of McKinney School of Law Indiana University – Indianapolis who took the February and July 2012 bar exam with analyses on first-time test takers and those who took the bar exam for a second time. "1L GPA is not statistically significant in explaining bar passage. Granted, it is a component of law school GPA, but upper class courses have significant differences" (p. 12). "Law school GPA relates strongly with bar passage. LSAT, which may plausibility relate to innate ability, has a much noisier relation to bar passage" (p. 21).

The LSAC National Longitudinal Bar Passage study in 1998 found "…that law school grades and LSAT scores are strong predictors of bar examination outcomes and that there are significant differences on both of these predictor variables among ethnic groups (Wightman, p. 80). Kaufman, LaSalle-Ricci, Glass and Arnkoff found similar results to the LSAC National Longitudinal Bar Passage study. "Analyses of the educational variables indicate that those who passed the bar exam on their initial attempt had significantly better LGPAs, class ranks, and LSAT scores than did those

who failed, with regression analysis showing LGPA to be a stronger predictor of the bar exam performance than LSAT" (2007, pp. 217-218). "Finding that if students have the same LGPA, they are more likely to do equally well on the bar exam, regardless of whether one of them is a minority student. Further, a candidate in the bottom quarter [of the class] is much less likely to pass than is a candidate in the next quarter" (Darrow-Kleinhaus, 2004, p. 453). "In attempts to account for the source of differences in bar passage rates, what was found to matter was the candidate's LGPA. This relationship was found to be about three times stronger than the one between LSAT scores and LGPAs (or between LSAT and bar scores)" (p. 458).

Ethnicity

In 1980, Stephen P. Klein conducted a study "…designed to assess the extent to which the discrepancies in passing rates between various sex and racial/ethnic groups were a function of the differences in the relative academic achievement levels of the applicants in these groups versus some general characteristic(s) of the examination that differentially affected their performance on it" (p. 15). He found "…whatever was producing the performance differentials between racial/ethnic groups in law school as probably also at work on the bar examination" (p. 15). "Rather they were due to differences between the groups in the degree to which they possessed the general skills and knowledge that are required to get high grades in law school" (p. 17).

Klein examined the disparities in bar exam passing rates in 1990-1991 and reported that law school quality, test type, reader characteristics, subject matter, time limits, and test wiseness are not related to the differences in bar examination passage among racial/ethnic groups (pp. 520-523). "The higher the law school grade point

26

average (LGPA), the greater the likelihood the applicant will pass" (p. 523). The law school final grade point average is the better predictor of passage. "The disparity between two racial/ethnic groups in mean LGPA corresponds almost perfectly to the difference between them in mean bar scores. … In short, the gap between whites and blacks on LGPA corresponds to the gap between them in bar scores" (pp. 523-524).

Stephen P. Klein and Roger Bolus examined "…the size of the differences in passing rates among racial/ethnic groups…" (1997, p. 8). They found "[o]n the average, members of racial/ethnic minority groups do less well on the bar exam than their classmates" (p. 15). "In short, the differences in passing rates among racial/ethnic groups stem from differences in their legal skills and abilities rather than from unique feature of the test" (p. 15). "One interpretation of these trends is that many minority students simply need more time than their classmates to make up for their short-comings in their educational backgrounds before entering college or law school" (p. 15).

Klein and Bolus also found "[t]he grades applicants earn in law school are highly predictive of how well they do on the bar exam. This is true for all racial/ethnic groups" (1997, p. 12). Almost all of the student in the top fifty percent of their class passed the bar examination on their first attempt regardless of their race/ethnicity. (p. 13). There are several factors which affect the variation in bar passage rates between minority groups and whites such as: which racial/ethnic groups are studied; whether initial (first-timer) or eventual passing rates are examined; the relative stringency of the state's pass/fail decisions; and the reliability of the state's pass/fail decisions (p. 8). Linda Wightman on behalf of the Law School Admissions Council (LSAC) did a longitudinal bar passage study starting with the fall class of 1991. "The LSAC National Longitudinal

Bar Passage Study was undertaken primarily in response to rumors and anecdotal reports suggesting that bar passage rates were so low among examinees of color that potential applicants were questioning the wisdom of investing time and resources necessary to obtain a legal education" (Wightman, 1998, p. iii). The study found the eventual bar passage rate for examinees of color was 84.7 percent while the eventual bar passage rate for all examinees as 94.8 percent. … Among those examinees of color who eventually passed, between 94 and 97 percent passed after one or two attempts and 99 percent passed by the third attempt" (pp. viii-ix). "Both first-time bar passage rates and eventual bar passage rates were significantly lower for examinees of color than they were for white examinees" and [p]ass rates were lowest for black examinees, the group which made up the largest proportion of examinees of color (p. 80).

Yakowitz found in 2010 "the striking difference between J.D.-holders and those who never pass the bar is disproportionate number of minority never-passers. Black and Hispanic law school graduates are at least twice as likely as white graduates to become a never-passer" (p. 19). She found "[m]inority JDs are not more likely to become never-passers *because* they are minorities; rather, they are more likely to become never-passers because of their LSAT, UG GPA and law school grades are lower on average than those of white law school graduates (p. 20). "For all races, except Hispanic, foreign-born JDs were more than likely to end up as bar-failers than the US born, suggesting that foreign culture and language barriers might cause a real disadvantage in the licensure process" (p. 21).

"Finding that if students have the same LGPA, they are more likely to do equally well on the bar exam, regardless of whether one of them is a minority student. Further,

a candidate in the bottom quarter [of the class] is much less likely to pass than is a candidate in the next quarter" (Darrow-Kleinhaus, 2004, p. 453). Kaufman, LaSalle-Ricci, Glass and Arnkoff results echoed Darrow-Kleinhaus's findings between ethnicity and first-time bar examination passage. The significant relationship between these two variables found the important predictor was not ethnicity, but the difference in final law school grade point average between the groups. There was no significant relationship between ethnicity and bar examination passage for second-time takers who failed on their first attempt. (2007, p. 219).

Relationship between the Law School Curricula and the Bar Examination

History of law school curricula

Before the advent of law schools, reading law was the means by which most persons become lawyers in the United States. Those with the financial resources to do so, however, often opted to travel to London to study at one of the English inns of court" (Jarvis, 1996). "Modern law schools teach using the Langdellian method, a method developed by Christopher Columbus Langdell. Langdell designed this method, a combination of appellate case study and guided classroom question and answer, to promote critical analysis and independent work habits" (Holifield, 2005-2006, p. 131). The University of Chicago Law School was founded in 1891 and opened for classes in 1902. "The entire curriculum consisted of: 1L: Contracts, Torts, Property, Pleading, Criminal Law, Agency, and Persons. 2L/3L, Conveyancing, Wills and Future interests, Corporations, partnership, Sales, Bills and Notes, Bankruptcy, Carriers, Equity Pleading, Equity, Trusts, Suretyship and Mortgage, Conflict of Laws, Damages,

29

International Law, Constitutional Law, Roman Law, Jurisprudence, Taxation, Public Offers, Administrative Law, Municipal Corporations, Insurance, Admiralty, and Federal Practice" (Timeline 1900s, 2002-2003).

The University of Michigan Law School "… curriculum in 1859-60 covered only a dozen general topics: equity, criminal law, evidence, contracts, contracts, personal property, commercial law, real property, wills, easements, domestic relations, and pleading and practice" (Curriculum, n.d.). Harvard Law School's first-year curriculum in the 1870s included contracts, property, torts, criminal law and civil procedure (History, 2017).

"The bar examination permeates and controls the fundamental aspects of legal education at law schools across the country" (Howarth, 1997, p. 927). The curriculum is similar at most law schools consisting of a "…set of core courses: constitutional law, contracts, criminal law, property law, torts, civil procedure and legal writing" (Sullivan, Colby, Wegner, Bond, & Shulman, 2007, p. 4). After the first year, they choose among elective courses that reflect legal practice specialty areas such as tax law, health law, etc. "The school sponsored legal clinics, moot court competitions, supervised practice trials and law journals give the students who participate opportunities to practice the legal skills of working with clients, conducting appellate arguments and research and writing" (p. 4). The 'core' courses in a law school's are very likely to be the courses tested on the jurisdiction's bar exam" (Howarth, 1997, p. 928). "During law school, the focus is on teaching the evolutionary development of legal doctrines, and law school exams test the student's ability to engage in legal discourse with an emphasis on the subtle distinctions and nuances of the law" (Alphran, Washington, & Eagan, 2011, p.

28). "The case method of legal instruction can be understood as precisely this process: development in the classroom of the student's mastery of legal language and of the mental categories and techniques by which it is structured, literally a speech that can be understood by only those initiated into true speech" (Chase, 1979, p. 344).

The American Bar Association (ABA) has conducted two major surveys of law school curricula in the past thirty years. The first curriculum survey reviewed 1992 through 2002 and the second survey was a continuation looking at years 2002 through 2010. The "[g]oal was to produce a comprehensive survey of law school curricula at ABA-approved law schools, with special attention to changes, innovations and trends in legal education…" (Carpenter, p. 6).

The first curriculum survey compiled data from two sources: "…ABA annual questionnaires for 1992-1993 and 2002-2003; and … the results from an electronic survey produced by the Curriculum Committee and distributed to the law schools in September 2003" (p. 8). Five area of legal education curricula were examined in this study:

1. Requirements for graduation, including credits required, upper division course requirements, and joint degrees offered by institutions

2. First year course requirements, include course and credit hours and first year legal writing

3. Upper division curriculum, including core and elective curriculum, skills and clinical offerings, and noted increases and decreases in particular courses

4. Post-JD and non-JD degrees

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5. Distance education courses, including synchronous and asynchronous offerings
    (p. 8).

The survey looked at course requirements beyond the first-year curriculum looking at bar courses. "In surveying the upper division curriculum, we explored whether the tested subject matter of individual state bar examinations plays a prominent role in a law schools' determination of which upper division courses to require" (p. 17). What was "…discovered is that there is little statistical evidence to suggest the 'bar factor' drove law school decision-making of which upper division courses were required in 2002. Only in the case of newly ABA-approved law schools – those schools ABA-approved post-1992 – can one see some correlation between the schools' required curriculum and state bar course coverage" (pp. 17-18). "Tested subject matter of bar examination does not appear to play a prominent role in a law school's determination of which courses to require for graduation" (p. 6). In 2002, the total number of upper division curriculum course titles ranged from under thirty courses to more than two hundred and forty with the average of ninety-one course titles for the one hundred and eighty-seven ABA-approved law schools and eighty-four course titles as the median. (p. 31).

The second curricula survey covered 2002 through 2010. It was a "[c]omprehensive empirical review of significant aspects of current law school curricula, but additionally, the 2010 survey employs baseline results from the 2002 Survey to track curricular trends and changes since 2002" (Carpenter, 2012, p. 13). "Since the 2002 survey was published, law schools have faced a changing legal market amid an economic downturn and increased competition as the ABA-approved ranks have swelled. … Results of the 2010 survey reveal that law school faculties are engaged in efforts to review and revise

their curriculum to produce practice ready professionals" (p. 2014). "Our hope is that in providing objective data on widespread current curricular practices, the 2010 survey will stimulate further examination and discussion of law school curriculum" (p. 19).

Data from the 2010-2011 annual ABA questionnaire was combined with results from a survey which closed in March 2011 to all ABA-approved law schools where one hundred and sixty-seven law schools or eighty-three percent of law schools. (pp. 18-19). In the required curriculum, "[t]ested subject matter of bar examinations does not appear to play a prominent role in a law school's determination of which courses to require for graduation" and "[f]ewer law schools had upper division distribution requirements in 2010 than 2002" (p. 15). "By 2010, nearly all respondents had instituted a voluntary academic support program…" and "…forty-nine percent of respondents offered a bar preparation course for credit" (p. 16).

Bar courses AKA the informal curriculum

"[S]tate supreme courts gear their bar admission criteria principally to formal educational requirements largely set by the … ABA" (Van Alstyne, Jr., Julin, & Barnett, 1990, pp. 127-128).

The 2002-2010 American Bar Association Section of Legal Education and Admission to the Bar curricula survey asked questions to discern the relationship between tested bar subjects and law school curricula. "For the 2002 survey, we explored whether the tested subject matter of individual state bar examinations plays a prominent role in a law school's determination of which upper division courses to require. We repeated this research in 2010. To do this we isolated several commonly required upper division course that are not tested subjects and that are not on the Multi-

33

State Bar Examination" (Carpenter, 2012, p. 32). "All states except Louisiana hold a national multi-state bar examination that tests the following six subjects in a multiple-choice format: Constitutional Law, Contracts/Sales, Criminal Law/Procedure, Evidence, Real Property and Torts" (p. 40). Law school courses were matched to the required topic and then reviewed to determine if the subject was a required part of the state's bar examination. If the subject was required by the state bar examination, then the other law schools in the same state were examined to determine if the subject was required at the law school. In addition, the survey examined the reverse looking at the state bar examination to the law school requirements (p. 33).

The subjects reviewed were Taxation, Business Associations, Trusts & Estates (Wills), Family Law (Domestic Relations) and Remedies. "Similar to conclusion in 2002, we discovered that there is little statistical evidence to suggest that the 'bar factor' drives decision making regarding which upper division courses to require. Our research in 2010 revealed that was equally true for law schools with national or regional reputations, public or private institutions, and single or dual division law schools" (p. 33). Bar examination subjects "… did not appear to be the primary motivation to require the course for graduation" (p. 33).

"New to the [2002-2010] survey, [the Academic Support and Bar Readiness] section of the report explores whether, and to what extent, law schools have instituted mandatory and voluntary academic support and bar preparation courses. Results reveal that law schools have responded to the importance of those adjunctive courses and services with programs and courses that extend through the curriculum" (p. 62).The ABA changed Standard 302 in 2008 to allow schools offer bar preparation courses for

34

credit "In 2010, 79 law schools (49%) offered a bar prep course for credit while 82 did not" (p. 67). The full text of Standard 302 can be found in Appendix B.

Saint Louis University School of Law graduates are required to complete 91 credit hours to earn their Juris Doctorate degree for both full-time and part-time students. Each student completes the required first-year core curriculum of thirty hours. Beyond the required first-year curriculum, law school students can choose to take any number of elective courses based on their interests or career goals. The only additional curricular requirements beyond the first-year core curriculum are four requirements of a legal profession course, perspectives on law course, seminar and a professional skills or experiential learning course.

The first-year core curriculum at Saint Louis University School of Law consists of: Contracts I and II, Civil Procedure I and II, Legal Research and Writing I and II, Torts, Criminal Law, Constitutional Law I, Property, and Introduction to Legal Studies. All of these courses with the exception of Introduction to Legal Studies, which is a legal skills course, and Legal Research and Writing are tested on the Missouri bar examination (Saint Louis University School of Law, 2018-2019). J.D. students are encouraged to complete some of the upper division, elective courses whose subject matter is tested on the Missouri bar examination (AKA bar courses). These courses are Business Administration, Conflicts of Law, Constitutional Law II, First Amendment, Remedies, Criminal Procedure: Investigation, Criminal Procedure: Adjudication, Evidence, Family Law, Federal Courts, Real Estate Transactions, Trusts and Estates, and Secured Transactions (Saint Louis University School of Law Office of Academic Support, 2017).

The Academic Resource Center in the School of Law at Saint Louis University makes available to student's information regarding the courses taught at the law school which will be tested on the Uniform Bar Examination (which includes Missouri), Illinois and California bar examinations. *Choosing SLU Law Courses for the Uniform Bar Exam* details the MBE and MEE portions of the bar examination along with a list of the areas of law which can be tested on the Uniform Bar Exam and the corresponding SLU Law course. A list of the Missouri bar exam subjects and related SLU Law courses can be found in Table 1. (Saint Louis University School of Law Office of Academic Support, 2017).

Excluding first-year courses, there are a total of fourteen upper-division bar subject courses students are recommended to take. Of these fourteen courses, three are listed as must-haves for the Multistate Bar Examination (MBE) and three for the Multistate Essay Exam (MEE). "The MEE and the Multistate Practice Test (MPT) scores are scaled to the MBE and UBE total scores are calculated by NCBE. The MBE is weighted 50%, the MEE 30%, and the MPT 20%" (National Conference of Board Examiners, 2018, UBE Scores). "The MBE subjects are also tested on the Multistate Essay Exam, the essay portion of the Uniform Bar Exam" (Saint Louis University School of Law Office of Academic Support, 2017).

Table 1: Choosing SLU Law Courses for the Uniform Bar Examination

Missouri Bar Exam Subject	Related SLU Law Course
Business Associations	**Business Associations
Conflict of Laws	Conflict of Laws
Constitutional Law	*Constitutional Law I **Constitutional Law II **First Amendment
Contracts	*Contracts I and II Remedies
Criminal Law and Procedure	*Criminal Law **Criminal Procedure: Investigation **Criminal Procedure: Adjudication
Evidence	**Evidence
Family Law	Family Law
Federal Civil Procedure	*Civil Procedure I and II Federal Courts
Real Property	*Property Real Estate Transactions
Torts	*Torts Remedies
Trusts and Estates	**Trusts and Estates
Uniform Commercial Code	**Secured Transactions
*Required first-year courses	
**Considered priorities for exam preparation	

Evidence, Constitutional Law II and Criminal Procedure: Investigation are the three upper-division bar subject courses indicated as must haves in preparing for the MBE portion of the bar examination. Business Associations, Trusts and Estates and Secured Transactions are the three upper-division bar subject course listed as the must haves in preparing for the MEE portion of the bar examination. (Saint Louis University School of Law Office of Academic Support, 2017).

Students with a cumulative grade point average below 2.500 at the end of every semester are place on academic restrictions at the School of Law until their grade point average rises to a 2.500 or above. (Saint Louis University School of Law, 2018-2019). Students who are on academic restrictions are limited in the course selection for the

upcoming term based on their enrollment; however, they all must register for the designated bar subject courses. "Full-time students must register for a minimum of 3 courses, totaling a minimum of 8 credit hours, in a designated bar exam courses" and "[p]art-time students must register for a minimum of 2 courses , totaling a minimum of 5 credit hours, in designated bar exams courses" (Saint Louis University School of Law, 2018-2019).

Bar Examination Prep Courses

"[P]reparing students to pass the bar examination is not just a matter of strengthening classroom-based knowledge of torts and other subjects; it is also a matter of developing distinctive test-taking competencies that involve discrete skills (such as answering MBE-style questions) and test-taking strategies" (Conison, 2014, p. 18). "The [bar review] course simply puts all the rules tested in the jurisdiction in a structured, cohesive package; it does not teach anyone how to analyze, write an essay, or think through a problem. It assumes that the candidate learned these skills in law school" (Darrow-Kleinhaus, 2004, p. 451). Kaufman, LaSalle-Ricci, Glass and Arnkoff in 2007 found "[t]he number of practice tests taken prior to their first bar-exam related significantly to first-time performance, but as would be expected, not to second-time performance following an initial failure. In fact, on average, graduates who passed the bar exam on their first try took almost twice as many practice tests as did those who failed" (p. 218).

The University of the District of Columbia David A. Clark School of Law (UDC-DSCL) created a bar skills preparation program to improve its bar passage rate. "The focus of this study is on the impact of those programmatic variables on the bar passage

rate and specifically whether the bar skills preparation program and PTEX impact the bar passage rate" (Alphran, Washington, & Eagan, 2011, p. 10). "The UDC-DSCL study of the improvement in bar passage rates is the first to use a logistical regression analysis for all variables. [O]ur results reveal that our bar support programs have had statistically significant impact on bar passage. For the entire study period, there was a 14.7% difference between bar passage rates on first attempt (first time takers) for those who participated in the bar review class versus those who did not participate" (Alphran, Washington, & Eagan, 2011, p. 12). "For the students in the bottom half of the class, there was a 25.0% improvement in the bar passage rates of students who took the Bar Skills/PTEX practicum versus those who did not participate in the class" (Alphran, Washington, & Eagan, 2011, p. 36).

"Over the whole period, UDC-DCSL GPA, LSAT scores, and the bar review class/PTEX were statistically significant variables in explaining the odds of bar passage for students with a low GPA. Most significantly, the results show that holding UGPA, UDC-DCSL cumulative GPA and LSAT scores constant, the odds of a low GPA student passing the bar exam on the first time was 157% higher if they took the bar skills program/PTEX practicum than if they did not take the class" (Alphran, Washington, & Eagan, 2011, p. 39).

William Mitchell created bar examination workshops with the objective being skills reinforcement. "Experience tells us that the reason most people fail is not lack of substantive knowledge, but the failure to correctly apply substance to the exam's hypotheticals" (Cabrera, 2000, p. 1186).

Studies on course selection and bar passage rate

The ABA's 2002-2010 survey on law school curricula also looked at distribution requirements among the law schools. "This question sought information on whether law schools had an upper division requirement where students were required to select one or more courses from a prescribed list" (Carpenter, 2012, p. 38). "In 1992, of the 146 respondents to that question, 23 law schools (16%) required students to select from a designated group of courses. That number increased to 24% in 2002 when, of the 152 respondents, 37 respondents reported distribution requirements. In 2010, that number dropped to 15 law schools (9%)" (p. 38).

The 2002-2010 ABA survey on law school curriculum found 78% (118 law schools) require courses beyond those required under ABA Standard 302 in 2002 with 76% (124 law schools) reported similar course requirements (p. 31). "In 2002, Constitutional Law, Evidence and Business Organizations (in that order) were the most often required upper division courses" (p. 55). "Four courses were selected by more than half of the respondents as highly recommended but not required: Wills/Trusts and Estates (91 law schools, 64%), Business Organizations (91 law schools, 64%), Federal Taxation (80 law schools, 56%), and Commercial Law (72 law schools, 50%). In addition, Criminal Procedure was selected by 68 law schools (48%) and Evidence by 63 law schools (44%)" (p. 55).

The dissertation "Does Law School Curriculum Affect Bar Examination Passage? An Empirical Analysis of the Factors Which Were Related to Bar Examination Passage Between 2001 and 2006 at a Midwestern Law School" examined the number of bar courses taken during law school to determine if the number of bar courses taken had an

effect on bar examination passage and found "[t]he effect of taking these courses on bar examination passage was found to be highly dependent on class rank by law school quartile" (Rush, 2008, p. 131). Logistic regression on the entire population found the final J.D. GPA, LSAT scores and the number of bar courses taken were predictors of bar passage. For the second quartile and for graduates in the bottom 10% percent, there was no statistically significant difference in the number of bar courses taken between those who passed and those who failed the bar examination.

In 2013 while studying the relationship of LSAT and GPA to bar passage, Nicholas Georgakopoulous stated "[t]he concern … is that students may select upper class courses for easy grades rather than educational strategy and preferences for legal specialty" (Georgakopoulos, 2013, p. 12). He compared three theories on the selection process of upper division courses for law students. "Shopping theory – students who need to raise their GPA determine which upper class courses give easy grades and take those. Inflation theory – upper class courses cease to distinguish significantly among students and give high grades to most. Learning theory – students who significantly raise their GPA in upper class courses do so because the likely small size of the classes and the fact that the student selected the class, which may indicate student interest or motivation, combine to produce a better educational outcome of the student" (Georgakopoulos, 2013, p. 12). "The data show upper class GPA increases bar passage very strongly. Therefore, the data are inconsistent with the first two theories, shopping and inflation. The third, that students learn most in electives, is fully consistent with the data" (p. 13).

Chapter Summary

In the early days of the United States, one did not go to a college or university to become a lawyer; rather they apprenticed under a practicing attorney and learned about the law and legal practice from their mentor. Once an apprentice has served between one and five years, they would become a licensed attorney via an oral exam in front of the judiciary. The written bar examination would come must later in later in the journey of becoming a practicing attorney. The formalization of institutions of higher education and the introduction of formal legal curriculum in the 1870s started the process for standardizing the legal education for an attorney. Part of this standardization process included the development of a written bar examination to replace the oral exam with Massachusetts becoming the first state to develop and introduce a written bar examination in 1855.

The discussion of what makes a good lawyer is on-going and the answer depends on whom is asked. The American Bar Association (ABA) has developed standards accredited law schools must adhere to remain accredited. These standards provide a blueprint on the minimum educational requirements a graduate must complete prior to earning their Juris Doctorate degree and being able to sit for a state licensing examination. Part of the ABA Standards include admitting students the law schools feel have the ability to pass the bar examination. Admitted students should know the legal education at their law school will prepare them for passing the state licensing bar examination, because without passing the bar examination a J.D. graduate cannot practice the law.

There have been research studies and analyses trying to determine if gender, ethnicity, enrollment status, LSAT, UGPA or law school final GPA, just to name a few, are predictors of passing the bar examination. Missing from the research are studies which look closely at the curriculum in law schools and how specific courses, especially bar subject courses can better prepare a graduate for the bar examination. The purpose of this study was to examine the law school curricula at Saint Louis University School of Law to determine if the final grade in an upper-division, elective bar subject courses heavily tested on the MBE and MEE can predict first-time Missouri bar examination passage for Saint Louis University School of Law Juris Doctorate graduates.

Chapter 3 outlines the methodology and research methods used in this study. The chapter reviews the research problem, the data collection process, the dependent and independent variables and the data analysis techniques which were used.

This study investigated statistically whether the final grade in bar courses can predict Missouri bar passage for first-time test takers. In addition, it looked at those first-time test takers in the bottom thirty percentile of their graduating class as the School of Law wants to find new ways to work with these students to ensure they can pass the licensing bar examination. This study examined the February 2011 through July 2018 Missouri bar examination pass rate for first-time test takers for graduates of Saint Louis University School of Law between December 2010 and August 2018 to determine if there is any relationship between bar passage and the final grade on bar courses taken during law school. Demographic data of the students was also examined to determine if they have any effect on bar passage for first-time Missouri test-takers.

Purpose of Study

The purpose of this study was to examine the law school curricula at Saint Louis University School of Law to determine if the final grade in upper-division, elective bar subject courses heavily tested on the MBE and MEE can predict first-time Missouri bar examination passage for Saint Louis University School of Law Juris Doctorate graduates

Variables

Dependent variable

DV (1) Bar Passage is a dichotomous categorical variable with coded values of 1 = pass and 0 = fail

44

Independent variables

IV (1) Total number of upper-division, elective bar subject classes taken is a continuous interval variable that is the number of elective upper division bar subject courses taken

IV (2) Final grade in Evidence is an interval variable and there will be one grade for the class. The original values were letter grades which were converted to their numerical equivalents. The variable will be null if the student did not take the class. The following grading definitions can be found on page 82 of the 2018-2019 Saint Louis University School of Law Student Handbook.

- A+ = 4.000
- A = 4.000
- A- = 3.700
- B+ = 3.300
- B = 3.000
- B- = 2.700

- C+ = 2.300
- C = 2.000
- C- = 1.700
- D = 1.000
- F = 0.000

IV (3) Final grade in Constitutional Law II is an interval variable and there will be one grade for the class. The original values were letter grades which were converted to their numerical equivalents. The variable will be null if the student did not take the class. The following grading definitions can be found on page 82 of the 2018-2019 Saint Louis University School of Law Student Handbook

- A+ = 4.000
- A = 4.000
- A- = 3.700
- B+ = 3.300
- B = 3.000
- B- = 2.700

- C+ = 2.300
- C = 2.000
- C- = 1.700
- D = 1.000
- F = 0.000

IV (4) Final grade in Criminal Procedure: Investigation is an interval variable and there will be one grade for the class. The original values were letter grades which were converted to their numerical equivalents. The variable will be null if the student did not take the class. The following grading definitions can be found on page 82 of the 2018-2019 Saint Louis University School of Law Student Handbook.

- A+ = 4.000
- A = 4.000
- A- = 3.700
- B+ = 3.300
- B = 3.000
- B- = 2.700

- C+ = 2.300
- C = 2.000
- C- = 1.700
- D = 1.000
- F = 0.000

IV (5) Final grade in Business Associations is an interval variable and there will be one grade for the class. The original values were letter grades which were converted to their numerical equivalents. The variable will be null if the student did not take the class. The following grading definitions can be found on page 82 of the 2018-2019 Saint Louis University School of Law Student Handbook.

- o A+ = 4.000
- o A = 4.000
- o A- = 3.700
- o B+ = 3.300
- o B = 3.000
- o B- = 2.700

- o C+ = 2.300
- o C = 2.000
- o C- = 1.700
- o D = 1.000
- o F = 0.000

IV (6) Final grade in Trusts and Estates is an interval variable and there will be one grade for the class. The original values were letter grades which were converted to their numerical equivalents. The variable will be null if the student did not take the class. The following grading definitions can be found on page 82 of the 2017-2018 Saint Louis University School of Law Student Handbook.

- o A+ = 4.000
- o A = 4.000
- o A- = 3.700
- o B+ = 3.300
- o B = 3.000
- o B- = 2.700

- o C+ = 2.300
- o C = 2.000
- o C- = 1.700
- o D = 1.000
- o F = 0.000

IV (7) Final grade in Secured Transactions is an interval variable and there will be one grade for the class. The original values were letter grades which were converted to their numerical equivalents. The variable will be null if the student did not take the class. The following grading definitions can be found on page 82 of the 2018-2019 Saint Louis University School of Law Student Handbook.

- o A+ = 4.000
- o A = 4.000
- o A- = 3.700
- o B+ = 3.300
- o B = 3.000
- o B- = 2.700

- o C+ = 2.300
- o C = 2.000
- o C- = 1.700
- o D = 1.000
- o F = 0.000

IV (8) Bottom Thirty Percent – Yes is a categorical variable with values of 0 = No and 1 = Yes if the graduate's final J.D. grade point average placed them in the 71st and 100th percentile of their individual graduating class.

IV (9) Gender is a dichotomous categorical variable coded as 1 = female and 0 = male

IV (10) Minority student is a categorical variable coded as 1 = Yes indicating the following race/ethnicities: Asian, American Indian/Alaskan Native, Black or African American, Hispanic/Latino and Pacific Islander and 0 = No representing White or Caucasian, Two or more races, Other or Unknown and International

These variables were another way to develop a better picture of students who pass or fail the bar exam. The variables can be grouped into either educational or demographic variables. Demographic variables consist of gender and race/ethnicity. Number of upper-division, elective bar subject courses, final grade in bar subject course, and the bottom thirty percent are the educational variables.

Research Questions

1) Is there a statistically significant relationship between gender and first-time Missouri bar examination passage?

2) Is there a statistically significant relationship between being a minority student and first-time Missouri bar examination passage?

3) Is there a statistically significant relationship between being in the bottom thirty percent of the graduating class and first-time Missouri bar examination passage?

4) Is there a statistically significant difference on first-time Missouri bar examination passage by the total number of upper-division, elective courses taken?

5) Does the final grade of these heavily tested upper-division, elective bar subject courses (Evidence, Constitutional Law II, Criminal Procedure: Investigation) for the MBE predict first-time Missouri bar examination passage?

Sub-Question: Does being in the bottom thirty percent of the graduating class affect the prediction of first-time Missouri bar examination passage?

6) Does the final grade of these heavily tested upper division, elective bar subject courses (Business Associations, Trusts & Estates and Secured Transactions) for the MEE predict first-time Missouri bar examination passage?

> Sub-Question: Does being in the bottom thirty percent of the graduating class affect the prediction of first-time Missouri bar examination passage?

Population

Saint Louis University School of Law Juris Doctorate graduates between December 2010 and August 2018 who took the Missouri bar examination as their first bar examination between February 2011 and July 2018. This population was chosen because Missouri became an UBE state beginning with the February 2011 bar exam.

Data Collection

The archived data in this study was obtained from different sources at Saint Louis University: Banner® by Ellucian and the School of Law. Student ID, gender, race/ethnicity, information regarding the bar courses (term the course was taken, subject, course number, section number, course credits, course title and final grade) was collected from the university enterprise resource planning system Banner® by Ellucian. The following data was obtained from the School of Law Bar Passage Spreadsheet: student ID, graduation term, final law school GPA, rank year, final law school rank, final law school rank percentile, and month and date of first-time taking Missouri bar examination and bar passage.

After approval from the Institutional Review Board, the School of Law forwarded the bar passage data to the Office of Institutional Research at Saint Louis University.

The Office of Institutional Research pulled the bar course data from Banner and merged with the bar passage data. The data spreadsheet was de-identified before being sent to the researcher for the study.

Data Analysis

Data analysis began with descriptive statistics to ensure the data does not violate the assumptions of the statistical tests which were run. "Testing of assumptions usually involves obtaining the descriptive statistics on your variables. These descriptive statistics include the mean, standard deviation, range of scores, skewness and kurtosis" (Pallant, 2016, p. 53). In addition, descriptive statistics, describe the characteristics of the sample along with dependent and independent variables and can help answer some of the research questions (p. 53). "Descriptive statistics includes the construction of graphs, charts, and tables and the calculation various descriptive measures such as averages, measures of variation, and percentiles" (Weiss, 2002, p. 4). Frequency tables are produced by analysis of categorical variables while mean, median and standard deviation are produced for continuous variables.

Chi-square test for independence explores "…the relationship between two categorical variables. … This test compares the observed frequencies or proportions of cases that occur in each of the categories with the values that would be expected if there was no association between the two variables being measured" (Pallant, 2016, p. 218). The chi-square test was used to determine if there is significant difference between the dependent variable and each of the following independent variables: gender, minority student and bottom thirty percent. Assumptions for the chi-square test

49

for independence include having categorical variables, independence of observations and all cells must have expected counts greater than five (Laerd Statistics, 2016).

Effect size provides information regarding the strength of the association of a nominal by nominal relationship and Phi (φ) and Cramer's V are both measures of the strength by association. Phi is only appropriate when there are two dichotomous variables and Cramer's V is used in all other cases. "Both these measures can be interpreted in the same manner as a correlation (Phi ranges from -1 to +1) (Laerd Statistics, 2016).

Independent samples t-test were performed to examine whether passing or failing the Missouri bar examination for the first-time was significantly different in the means on the number of upper-division, elective bar subject courses that were taken. "An independent samples t-test is used when you want to compare the mean score on some continuous variable, for different groups of participants" (Pallant, 2016, p. 244). Assumptions of homogeneity of variance was assessed using the Levene's test for equality of variances. Strength of association, also known as effect size, "…indicates the relative magnitude of the differences between means, or the amount of the total variance in the dependent variable that is predictable from knowledge of the levels of the independent variable" (Pallant, 2016, p. 212). *Cohen's d* uses standard deviations to indicate the difference in means between the two groups. A small effect size using *Cohen's d* is .2, medium is .5 and large is .8 (p. 212).

Regression was used to determine if the independent (predictor) variables explain the categorical dependent variable. "In standard multiple regression, all the independent (or predictor) variables are entered into the model simultaneously. Each

independent variable is evaluated in terms of its predictive power, over and above that offered by all the other independent variables" (Pallant, 2016, p. 150). However, multiple regression is best suited when there is a continuous dependent variable and is not the ideal statistical test to use when there is a categorical dependent variable. As the dependent variable of bar passage for this study is a categorical variable, the statistical test of logistic regression must be used instead of multiple regression.

"Logistic regression allows you to test models to predict categorical outcomes with two or more categories. Your predictor (independent) variables can be either categorical or continuous, or a mix of both in the one model" (Pallant, 2016, p. 169). "It provides an indication of the relative importance of each predictor variable or the interaction among your predictor variables. It provides a summary of the accuracy of the classification of the cases based on the model, allowing the calculation of the sensitivity and specificity of the model and the positive and negative predictor values" (p. 172). "Evaluation of the logistic regression model includes the overall model evaluation and a classification table showing the percentage of correct predictions. The overall model significance for the binary logistic regression was examined using the χ2 omnibus test of model coefficients. The Nagelkerke R2 was examined to assess the percent of variance accounted for by the independent variables. Predicted probabilities of an event occurring will be determined by Exp (β)" (Intellectus Statistics, 2018). Sample size, multicollinearity, and outliers are assumptions of logistic regression to be considered. Multicollinearity is about the relationship between the independent variables. "Multicollinearity exists when the independent variables are highly correlated (r=.0 and

above)" (Pallant, 2016, p. 152). Outliers are extreme scores in the dataset and can be removed from the data.

Chapter Summary

Chapter 3 provides a template for the research methodology which was used to gather and then analyze the data collected for this study. This chapter contains the researchers outline on the research as it corresponds to (a) purpose of study, (b) variables, (c) research questions, (d) population, (e) data collection, and (f) data analysis.

In summary, this study sought to examine the predictive power of the final grade in select upper-division, elective bar subject courses on the pass rate for first-time Missouri bar examination takers for graduates from Saint Louis University School of Law. Descriptive statistics, chi-square test for independence, independent sample t-test and binary logistic regression analysis were used to examine the dependent and independent variables and the relationship among those variables.

52

Chapter 4: Data Analysis

Introduction

The purpose of this study was to examine the law school curricula at Saint Louis University School of Law to determine if the final grade in an upper-division, elective bar subject courses heavily tested on the MBE and MEE can predict first-time Missouri bar examination passage for Saint Louis University School of Law Juris Doctorate graduates. Also examined was whether being in the bottom thirty percent of the graduating class along with the final grade in the upper-division, elective bar subject course could predict first-time Missouri bar examination passage. Both items were analyzed through binary logistic regression models. Gender and race/ethnicity were analyzed via chi-square test of independence as part of the study. This chapter reviews the data preparation, cleaning and analysis of data.

Data Preparation

The School of Law compiled the list of first-time Missouri bar examination test-takers between February 2011 and July 2018 along with their final rank percentile and graduation term and sent the data to the Office of Institutional Research which combined the demographic and upper-division, elective bar subject courses with the bar passage data. The combined data was deidentified prior to being provided to the researcher.

Initial analysis of the data showed there were three graduates whose first-time taking the Missouri bar examination was between February 2011 and July 2018; however, these three exam takers graduated prior to December 2010. These graduates

were excluded from the data set because their graduation dates are outside the parameters for this study.

The data set had one row per graduate including demographic, final grade for the upper-division, elective bar subject course, final law school G.P.A. and rank and first-time bar examination results. The University changed its course numbering system from three-digits to four-digits during the time period of this study and the bar course information was grouped by course and section number in the data set. The researcher first grouped the bar subject courses first by course number and then by course title to combine the three-digit and four-digit course entries into one column. Course information was organized so there was only one entry per course title for each graduate. If a graduate took the course more than once, the higher grade was retained. A new column called 'Count of Bar Courses' was created and is the count of the upper-division, elective bar subject courses taken by the graduate.

Data was uploaded to SPSS Statistics Version 25 software. After data was reviewed, variable labels and values were added. An additional variable called Bottom 30% with values of 0 = No and 1 = Yes was added. Graduates whose final J.D. class rank was in the 71st and 100th percentile of their individual graduating class were coded as Yes and the remaining were coded as No.

Descriptive Statistics

There was a total of 1,327 J.D. students who graduated between December 2010 and August 2018 and took the Missouri bar examination between February 2011 and July 2018. Of these graduates, 1,179 (88.8%) passed the Missouri bar examination

on their first attempt while 148 (11.2%) failed the bar examination. Men made up 52.2%

(n = 693) of the study population while there were 634 female graduates (47.8%).

Table 2: Frequencies of Race/Ethnicity

	Frequency	Percent	Valid Percent	Cumulative Percent
Asian	28	2.1	2.1	2.2
Black/African American	63	4.7	4.7	6.9
American Indian/Alaskan Native	3	.2	.2	7.1
Hispanic/Latino	50	3.8	3.8	10.9
White/Caucasian	1,128	85.0	85.0	95.9
Two or More Races	36	2.7	2.7	98.6
Other/Unknown	17	1.3	1.3	99.8
International	2	.2	.2	100.0
Total	1,327	100.0	100.0	

Table 2 shows the frequency values for the race/ethnicity of the graduates.

White/Caucasian students make up 85.0 percent of the population. Because no other

race/ethnicity is greater five percent, a new variable called Minority Student was created

and is the combined race/ethnicity values of Asian, American Indian/Alaskan Native,

Black/African American, Hispanic/Latino and Pacific Islander as 1 (Yes) and

White/Caucasian, Two or More Races, International, and Unknown as 0 (No) with

values shown in Table 3.

Table 3: Frequencies of Minority Student

	Frequency	Percent	Valid Percent	Cumulative Percent
No	1,183	89.1	89.1	89.1
Yes	144	10.9	10.9	100.0
Total	1,327	100.0	100.0	

There are a total of thirteen upper-division, elective bar subject courses

recommended for those taking the Missouri Bar examination. Graduates in this study

55

took between one and eleven upper-division, elective bar subject courses with the mean

being 6.38 courses and the median of 6.00 courses. Table 4 provides the frequencies

for the number of upper-division, elective bar subject courses taken.

Table 4: Frequencies of the Number of Upper-Division, Elective Bar Subject Courses

	Frequency	Percent	Valid Percent	Cumulative Percent
1	1	.1	.1	.1
2	10	.8	.8	.8
3	50	3.8	3.8	4.6
4	122	9.2	9.2	13.8
5	224	16.9	16.9	30.7
6	296	22.3	22.3	53.0
7	277	20.9	20.9	73.9
8	203	15.3	15.3	89.1
9	101	7.6	7.6	98.8
10	30	2.3	2.3	99.0
11	13	1.0	1.0	100.0
Total	1,327	100.0	100.0	

Business Associations (n = 1,244) and Evidence (n = 1,230) were the top two

upper-division, elective bar subject courses taken by graduates in this study. At the

other end of the spectrum, Conflict of Laws (n = 127) and First Amendment (n = 185)

were the two classes taken the least by graduates who took the Missouri bar for the first

time between February 2011 and July 2018. Table 5 shows the descriptive statistics for

all thirteen upper-division, elective bar subject courses. The frequency tables on the

final grade for each of the upper-division, elective bar subject courses can be found in

Appendix C.

Table 5: Descriptive Statistics for Upper-Division, Elective Bar Subject Courses

		Bus Assoc	Con Law II	Conflicts of Law	Crim Pro: Adj	Crim Pro: Inv	Evidence	Family Law	Federal Courts	First Amendme	Real Estate	Remedies	Sec Trans	Trusts & Estates
N	Valid	1244	938	127	462	1008	1230	379	259	185	490	375	660	1113
	Missing	83	389	1200	865	319	97	948	1068	1142	837	952	667	214
Mean		3.06	3.10	3.12	3.08	3.03	2.96	2.99	3.01	2.98	2.87	2.98	3.07	3.11
Median		3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.30
Std. Dev		.50	.50	.50	.55	.53	.64	.57	.60	.49	.57	.58	.51	.51
Min		1.00	.00	1.70	1.00	.00	.00	1.00	1.00	1.00	1.00	1.00	1.00	.00
Max		4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00

This study examined only six of the thirteen upper-division, elective bar subject courses recommended for those taking the Missouri bar examination. Evidence, Constitutional Law II and Criminal Procedure: Investigation are recommended as must-haves for the Multistate Bar Examination (MBE) portion of the Uniform Bar Examination (UBE). For the Multistate Essay Examination (MEE), Business Associations, Trusts and Estates and Secured Transactions are recommended must have bar subject courses.

The graduates for each December, May and August are considered one graduating class and graduates are given one final class rank after August degrees are conferred. Each graduate is ranked using their final law school cumulative grade point average. Transfer students are not given a numerical rank since they did not begin their law school education at Saint Louis University; however, they can determine what their rank percentile using their final J.D. G.P.A. This study examined those graduates whose final J.D. grade point average placed them in the 71st and 100th percentile (bottom 30%) of their individual graduating class. 27.1 percent (n = 360) were in the bottom 30 percent

of their graduating class with 72.9 percent (n = 967) were ranked in the 70th or above
percentile.

Findings

Research Question #1

Is there a statistically significant relationship between gender and first-time
Missouri bar examination passage?

Results

A Chi-square test of independence was conducted between first-time Missouri
bar examination passage and gender. All expected cell frequencies were greater than
five. There was not a statistically significant relationship between first-time Missouri bar
examination passage and gender, X^2 (1) = 2.631, p = .105 and the association was
small, Phi (φ) = -.045. Table 6 shows the breakdown of first-time Missouri bar
examination pass/fail by gender.

Table 6: First-Time Missouri Bar Examination Pass/Fail and Gender

			Gender		
			Male	Female	Total
1st Time P/F	Fail	Count	68	80	148
		Expected Count	77.3	70.7	148.0
		% within 1st Time P/F	45.9%	54.1%	100.0%
	Pass	Count	625	554	1,179
		Expected Count	615.7	563.3	1,179.0
		% within 1st Time P/F	53.0%	47.0%	100.0%
Total		Count	693	634	1327
		Expected Count	693.0	634.0	1,327.0
		% within 1st Time P/F	52.2%	47.8%	100.0%

Research Question #2

Is there a statistically significant relationship between being a minority student and first-time Missouri bar examination passage?

Results

A Chi-square test of independence was conducted between first-time Missouri bar examination passage and minority student. All expected cell frequencies were greater than five. There was a statistically significant relationship between first-time Missouri bar examination passage and being a minority student, X^2 (1) = 34.469, $p <$ .0005 suggesting the two variables are related to one another. The association was small, Phi (φ) = -.161. Table 7 below shows the breakdown of first-time Missouri bar examination pass/fail by minority student variable.

Table 7: First-Time Missouri Bar Examination Pass/Fail and Minority Student

			Minority Student		
			No	Yes	Total
1st Time P/F	Fail	Count	111	37	148
		Expected Count	131.9	16.1	148.0
		% within 1st Time P/F	75.0%	25.0%	100.0%
	Pass	Count	1072	107	1179
		Expected Count	1051.1	127.9	1179.0
		% within 1st Time P/F	90.9%	9.1%	100.0%
Total		Count	1183	144	1327
		Expected Count	1183.0	144.0	1327.0
		% within 1st Time P/F	89.1%	10.9%	100.0%

Because the minority student variable was found to be statistically significant in the first Chi-square test, the researcher did another Chi-square test to determine the association between being a minority student and being in the bottom thirty percent. All expected cell frequencies were greater than five. There was a statistically significant

59

relationship between being in the bottom thirty percent of the graduating class and being a minority student, X^2 (1) = 76.058, $p <$ .0005 suggesting the two variables are related to one another. The association was moderate, Phi (φ) = .239. Table 8 below shows the breakdown of the minority student variable by the bottom thirty percent.

Table 8: Bottom 30% of Graduating Class and Minority Student

| | | | Minority Student | | |
			No	Yes	Total
Bottom 30%	No	Count	906	61	967
		Expected Count	862.1	104.9	967.0
		% within Bottom 30%	93.7%	6.3%	100.0%
	Yes	Count	277	83	360
		Expected Count	320.9	39.1	360.0
		% within Bottom 30%	76.9%	23.1%	100.0%
Total		Count	1183	144	1327
		Expected Count	1183.0	144.0	1327.0
		% within Bottom 30%	89.1%	10.9%	100.0%

Research Question #3

Is there a statistically significant relationship between being in the bottom thirty percent of the graduating class and first-time Missouri bar examination passage?

Results

A Chi-square test of independence was conducted between first-time Missouri bar examination passage and bottom thirty percent of the graduating class. All expected cell frequencies were greater than five. There was a statistically significant relationship between first-time Missouri bar examination passage and being in the bottom thirty percent of the graduating class, X^2 (1) = 209.798, $p <$ .0005 suggesting the two

60

variables are related to one another. The association was moderate, Phi (φ) = -.398.

Table 9 below shows the breakdown of first-time Missouri bar examination pass/fail by the bottom thirty percent variable.

Table 9: First-Time Missouri Bar Examination Pass/Fail and Bottom 30% of Graduating
        Class

			Bottom 30%		
			No	Yes	Total
1st Time P/F	Fail	Count	34	114	148
		Expected Count	107.8	40.2	148.0
		% within 1st Time P/F	23.0%	77.0%	100.0%
	Pass	Count	933	246	1179
		Expected Count	859.2	319.8	1179.0
		% within 1st Time P/F	79.1%	20.9%	100.0%
Total		Count	967	360	1327
		Expected Count	967.0	360.0	1327.0
		% within 1st Time P/F	72.9%	27.1%	100.0%

Research Question #4

Is there a statistically significant difference on first-time Missouri bar examination passage by the total number of upper-division, elective courses taken?

Results

An independent sample *t*-test was performed to determine if there were differences in first-time Missouri bar examination passage by the number of upper-division, elective bar subject courses taken. There were 148 graduates who failed ($M = 6.11$, $SD = 1.804$) the Missouri bar examination on their first attempt and 1,179 who passed ($M = 6.42$, $SD = 1.715$) the Missouri examination on their first attempt. There was homogeneity of variance, as assessed by Levine's test for equality of variances (*p*

61

= .996). There was a statistically significant difference between first-time Missouri bar examination takers, with those who failed the bar examination taking fewer upper-division, elective bar subject courses than those who passed on their first attempt, M = -.309, 95% CI [-.604, -.014], t (1325) = -2.055, p = .040, d = .17613.

Statistical significance is easily found large data sets such as the one used in this study. A finding of statistical significance does not always indicate practical significance. *Cohen's d* was used to determine the strength of association between the number of upper-division, elective courses taken and first-time Missouri bar examination passage. An effect size calculator for *t*-test was used to determine *Cohen's d* by "…calculating the mean difference between your two groups, and then by dividing the result by the pooled standard deviation" (Stangroom, 2018). The Cohen's d statistic was found to be .17613 which indicates a very small association. Therefore, although the mean difference was found to be statistically significant, the mean difference of -.309 is of little practical importance.

Research Question #5

Does the final grade of these heavily tested upper-division, elective bar subject courses (Evidence, Constitutional Law II, Criminal Procedure: Investigation) for the MBE predict first-time Missouri bar examination passage?

Sub-Question: Does being in the bottom thirty percent of the graduating class affect the prediction of first-time Missouri bar examination passage?

Results

Binary logistic regression model was run with Evidence, Constitutional Law II and Criminal Procedure: Investigation as the independent variables and first-time bar

62

examination pass/fail as the dependent variable. Bottom 30% variable was entered in the second block of covariates in the regression model. This created two regression models with the first examining the three bar subject courses and first-time bar examination pass/fail while the second model determined how much extra the variation on the dependent variable can be attributed to being in the bottom thirty percent of the graduating class.

Of the 1,327 graduates in the study population, 690 (52.0%) took Evidence, Constitutional Law II and Criminal Procedure: Investigation during their time in law school. The Omnibus Tests of Model Coefficients "…provides the overall statistical significance of the model (namely, how well the model predicts categories compared to no independent variables)" (Laerd Statistics, 2015). The binary logistic regression model was statistically significant, X^2 (3) = 78.604, p < .0005. The model explained between 10.8% (Cox & Snell R^2) and 22.7% (Nagelkerke R^2) of the variance in first-time pass/fail and correctly classified 89.3% of the cases with specificity at 5.9% and sensitivity at 98.4%. All three predictor variables of Evidence, Constitutional Law II and Criminal Procedure: Investigation were found to be statistically significant (see Table 10). Criminal Procedure: Investigation had the strongest predictor of first-time bar examination passage with an odds ratio of 3.606 indicating for every increase in the final grade, a graduate was 3.6 times more likely to pass the Missouri bar examination on their first attempt. For every increase in the final grade for Evidence, a graduate was 2.1 times likely to be a first-time Missouri bar examination passer.

Table 10: Logistic Regression First-Time Missouri Examination Results for Courses
Recommended for MBE

		B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I. for EXP(B)	
								Lower	Upper
Step 1[a]	Evidence	.761	.224	11.513	1	.001	2.140	1.379	3.321
	Con Law II	.680	.320	4.516	1	.034	1.974	1.054	3.697
	Crim Pro: Inv	1.282	.298	18.543	1	.000	3.606	2.011	6.464
	Constant	-5.586	.999	31.235	1	.000	.004		

a. Variable(s) entered on step 1: Evidence, Con Law II, Crim Pro: Inv.

The bottom thirty percent variable was entered in the second block of the binary logistic regression model and it was statistically significant, X^2 (4) = 102.365, p < .0005. This model explained between 13.8% (Cox & Snell R^2) and 29.0% (Nagelkerke R^2) of the variance in first-time pass/fail and correctly classified 89.7% of the cases with specificity at 1.5% and sensitivity at 99.4%. As shown in Table 11, two of the four predictor variables of Evidence, Constitutional Law II and Criminal Procedure: Investigation and Bottom 30% were found to be statistically significant. Evidence and Constitutional Law are no longer statistically significant when the variable of being in the bottom thirty percent of the graduating class was added to the regression model. Criminal Procedure: Investigation was still statistically significant with odds ratio of 2.428 indicating for every increase in the final grade the likelihood of passing the Missouri bar examination on the first attempt would increase 2.4 times. Being in the bottom thirty percent of their graduating class was statistically significant indicating that being in the bottom thirty percent will result in a decreased probability of not passing the Missouri bar examination on the first attempt.

Table 11: Logistic Regression First-Time Missouri Examination Results for Courses Recommended for MBE and Being in the Bottom 30% of Graduating Class

		B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I.for EXP(B)	
								Lower	Upper
Step 1ª	Evidence	.347	.242	2.067	1	.151	1.415	.881	2.273
	Con Law II	.218	.332	.430	1	.512	1.244	.648	2.386
	Crim Pro: Inv	.887	.311	8.147	1	.004	2.428	1.320	4.463
	Bottom 30%	-1.780	.379	22.070	1	.000	.169	.080	.354
	Constant	-1.051	1.329	.625	1	.429	.350		

a. Variable(s) entered on step 1: Bottom 30%.

Research Question #6

Does the final grade of these heavily tested upper division, elective bar subject courses (Business Associations, Trusts & Estates and Secured Transactions) for the MEE predict first-time Missouri bar examination passage?

Sub-Question: Does being in the bottom thirty percent of the graduating class affect the prediction of first-time Missouri bar examination passage?

Results

This research question was addressed by a binary logistic regression model with Business Associations, Trusts and Estates and Secured Transaction entered as the independent variables entered in the first step and the Bottom 30% variable entered in the second step of the regression model. Keeping the upper-division, elect bar subject courses in the first block for the second regression model controls for these variables. This model looked to determine how much extra the variation on the dependent variable can be attributed to being in the bottom thirty percent of the graduating class.

Of the 1,327 graduates in the study population, 555 (41.8%) took Business Associations, Trusts and Estates and Secured Transactions during their time in law

65

school. The binary logistic regression model was statistically significant, X^2 (3) = 55.651, $p < .0005$. This model explained between 9.5% (Cox & Snell R^2) and 19.7% (Nagelkerke R^2) of the variance in first-time pass/fail and correctly classified 90.1% of the cases with specificity at 7.0% and sensitivity at 99.6%. Of the three predictor variables in the regression model, only Business Associations and Secured Transactions were found to be statistically significant (see Table 12). Business Associations had the strongest predictor of first-time bar examination passage with an odds ratio of 3.956 indicating for every increase in the final grade, a graduate was four times more likely to pass the Missouri bar examination on their first attempt. For every increase in the final grade for Secured Transactions, a graduate was 2.4 times likely to be a first-time Missouri bar examination passer.

Table 12: Logistic Regression First-Time Missouri Examination Results for Courses
　　　　　Recommended for MEE

		B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	Upper
Step 1^a	Bus Assoc	1.375	.333	17.085	1	.000	3.956	2.061	7.594
	Trusts & Estates	.557	.325	2.938	1	.087	1.745	.923	3.299
	Sec Trans	.879	.301	8.539	1	.003	2.409	1.336	4.344
	Constant	-6.049	1.204	25.259	1	.000	.002		

a. Variable(s) entered on step 1: Bus Assoc, Trusts & Estates, Sec Trans.

The bottom thirty percent variable was entered in the second block of the binary logistic regression model and was also statistically significant, X^2 (4) = 83.104, $p < .0005$. The model explained between 13.9% (Cox & Snell R^2) and 28.7% (Nagelkerke R^2) of the variance in first-time pass/fail and correctly classified 89.4% of the cases with specificity at 0.0% and sensitivity at 99.6%. As shown in Table 13, only one of the four

66

predictor variables of Business Associations, Trusts and Estates and Secured

Transactions and Bottom 30% were found to be statistically significant. Business

Associations and Secured Transactions are no longer statistically significant when the

variable of being in the bottom thirty percent of the graduating class was added to the

regression model. Being in the bottom thirty percent of their graduating class was

statistically significant indicating that being in the bottom thirty percent will result in a

decreased probability of not passing the Missouri bar examination on the first attempt.

Table 13: Logistic Regression First-Time Missouri Examination Results for Courses
Recommended for MEE and Being in the Bottom 30% of Graduating Class

| | | B | S.E. | Wald | df | Sig. | Exp(B) | 95% C.I.for EXP(B) | |
								Lower	Upper
Step 1ª	Bus Assoc	.658	.371	3.152	1	.076	1.932	.934	3.995
	Trusts & Estates	-.046	.353	.017	1	.897	.955	.478	1.909
	Sec Trans	.386	.325	1.410	1	.235	1.471	.778	2.779
	Bottom 30%	-2.164	.443	23.850	1	.000	.115	.048	.274
	Constant	.411	1.754	.055	1	.815	1.508		

a. Variable(s) entered on step 1: Bottom 30%.

Chapter Summary

This study was designed to determine if the final grade in upper-division, elective

bar subject courses would have a predictive behavior on first-time Missouri bar

examination pass/fail results. Descriptive statistics were reviewed for any outliers or

data elements which needed to be combined or removed. Chi-square test of

Independence was performed to determine if there was a statistically difference

between gender, minority and being in the bottom thirty percent of the graduating class.

Gender were found to be not statistically significant while minority and being in the

bottom thirty percent of the graduating class were statistically significant to the dependent variable. An independent sample t-test found statistical significance on the number of upper-division, elective bar subject courses taken on first-time Missouri bar examination passage; however, while the results were statistically significant the mean difference was so small and had no practical significance.

Binary logistic regression models were run on upper-division, bar subject courses identified by the School of Law as important for the MBE and MEE portions of the UBE. There were three bar subject courses in each of the regression models with being in the bottom thirty percent of the graduating class was added to the second model of each regression model. All three highly recommended bar subject courses for the MBE (Evidence, Constitutional Law II and Criminal Procedure: Investigation) were found to be statistically significant. Criminal Procedure: Investigation had the strongest predictor of first-time bar examination passage showing for every increase in the final grade, a graduate was 3.6 times more likely to pass the Missouri bar examination on their first attempt. When the bottom thirty percent variable was added, Criminal Procedure: Investigation is the only course found to be statistically significant.

A second binary logistic regression model was run on the courses highly recommended for the MEE portion of the UBE and only Business Associations and Secured Transactions were found to be statistically significant. When the second model was run with bottom thirty percent added as an independent variable, none of the recommended courses were statistically significant.

The next chapter will provide additional analysis to the findings of the six stated research questions analyzed in the study. Limitations regarding the population, applying results to other law schools and recommendations for future research are discussed.

Chapter 5: Conclusions

Introduction

Law schools have become increasingly concerned over the decline in overall and first-time bar examination passage in the recent years. The conversation of first-time bar examination pass/fail rates is regenerated every September and October when the July bar results are released by each state, again in February when law schools must report their bar passage statistics to the American Bar Association and for a third time in March when the *U.S. & World Report* Best Law School Rankings are released. "The percentage of students in a graduating class who pass the bar serves as a biannual institutional performance indicatory by which a school can measure itself against its peers. The pass rate alone is less meaningful than it would be with a corresponding sense of institutional impact on that pass rate" (Herzog, 2004, p. 2).

The enrollment of J.D. students at ABA-accredited law schools has been on a steady decline since a historic high of 145,239 in Fall 2010 (American Bar Association, 2011) to 110,156 in Fall 2017 (American Bar Association, 2017). In 2017, 59% of 70,857 bar examination takers across the country passed the bar examination compared to 71% of overall bar examination takers in 2008. In the state of Missouri overall bar examination passage has also declined from 87% to 79% between 2008 and 2017 in Missouri. The first-time taker pass rate follows the same trend for the state of Missouri dropped from 91% in 2008 to 86% in 2017, while the overall first-time pass rate has also decreased from 82% in 2008 to 72% in 2017 (National Conference of Board Examiners, 2018).

70

Because a school's accreditation, rank and reputation can benefit or be harmed from the bar examination passage rate of its graduates, law schools seek to identify how they can better prepare their students for the bar examination. The purpose of this study was to examine the law school curricula at Saint Louis University School of Law to determine if the final grade in the upper-division, elective bar subject courses heavily tested on the MBE and MEE can predict first-time Missouri bar examination passage for Saint Louis University School of Law Juris Doctorate graduates. In addition, those in the bottom thirty percent of their graduating class will be analyzed to determine being in the bottom thirty percent along with the final grade in the upper-division bar subject courses can predict first-time Missouri bar examination passage.

Study Conclusions

Chi-square test for independence were performed to determine there was a significant difference in first-time Missouri bar passage based on gender, being a minority student and on being in the bottom thirty percent of the graduating class. This test allows the researcher to compare the observed and expected frequency to determine if there is an association between the variables.

The chi-square test found no significant differences between men and women and first-time bar examination passage. This result is different than the outcomes reached by Wightman in 1998 and Rush in 2008. Both studies found a small, statistically negative association being a female bar examination taker. Rush's 2008 study population was graduates from Saint Louis University School of Law who were first-time Missouri bar examination takers. He found "…females passed the Missouri bar examination at a 79.6% rate, whereas males passed the Missouri bar examination at an

71

86.3% rate" (Rush, 2008, p. 86). The current study found first-time female Missouri bar examination takers passed at a rate of 87.5%, while first-time male takers of the Missouri bar examination passed at a rate of 90.2%.

Previous studies have found minority students tend to have a higher fail rate on the licensing bar examination (Darrow-Kleinhaus, 2004; Kaufman, LaSalle-Ricci, Glass and Arnkoff, 20117; Klein, 1980; Klein and Bolus, 1997; Wightman, 1998; Yakowitz, 2010). This study's outcome was similar to prior research on ethnicity and bar examination passage. A new variable called minority student was created because 85.0 percent of the study population was Caucasian and the other individual race/ethnicity groups had small cell counts. Asian, American Indian/Alaskan Native, Black/African American, Hispanic/Latino and Pacific Islander were consolidated as Yes (1) and White/Caucasian, Two or More Races, International and Unknown were consolidated as No (0) on the minority student variable. A Chi-square test for independence was run on the minority student variable on first-time Missouri bar examination passage and it was found to be statistically significant. Minority students who were first-time Missouri bar examination takers passed at a rate of 74.3% while non-minority students passed the Missouri bar examination on their first attempt at a rate of 90.6%

Since the first chi-square test was found to be statistically significant, a second chi-square test was conducted run on minority student and being in the bottom thirty percent of the graduating class. This second test found a statistically significant relationship between being in the bottom thirty percent of the graduating class and being a minority student. This result is in line with prior research finding "[o]n the average, members of racial/ethnic minority groups do less well on the bar exam than

their classmates" (Klein & Bolus, 1997, p. 15). Minority students were observed to be in the bottom thirty percent of their graduating class at a rate of 23.1% (n = 83) while the expected count was 39 (10.8%). Non-minority students were observed to be in the bottom thirty percent of their graduating class at a rate of 76.9% (n = 277), but the expected count to be in the bottom thirty percent was 321 (89.2%).

The current study looked at graduates in the bottom thirty percent of their graduating class to determine if this would have effect on first-time bar examination passage. A graduate's final J.D. grade point average placed them in the 71st and 100th percentile of their individual graduating class would be classified as Yes in the bottom thirty percent variable. A Chi-square test of independence was done on the two variables and was found to be statistically significant. Those in the bottom thirty percent of their graduating class were passing the Missouri bar examination on their first attempt at a rate of 20.9% (n = 246) while the expected count was 320 (27.1%). This result coincides with prior research "a candidate in the bottom quarter [of the class] is much less likely to pass than is a candidate in the next quarter" (Darrow-Kleinhaus, 2004, p. 453).

While prior research found the number of upper-division, elective bar subject course had significant differences when comparing those who failed or passed their first-time bar examination; less than one percent of the difference in first-time bar examination passage can be explained by the number of upper-division, elective bar subject courses taken (Rush, 2008, pp. 130-131). The same study examined the number of upper-division, elective bar subject courses taken by graduates in each quartile of the law school rank and found the number of upper-division, elective bar

subject courses was only statistically significant for those graduates in the third quartile of their graduating class (p. 132). An independent sample *t*-test was performed to determine if there were differences in first-time Missouri bar examination passage by the number of upper-division, elective bar subject courses taken. There were 148 graduates who failed (*M* = 6.11, *SD* = 1.804) the Missouri bar examination on their first attempt and 1,179 who passed (*M* = 6.42, *SD* = 1.715) the Missouri examination on their first attempt. There was a statistically significant difference (*M* = -.309, 95% *CI* [-.604, -.014), *t* (1,325) = -2.055, *p* = .996, *d* = .17613) between first-time Missouri bar examination passers and failers, with those who failed the bar examination for the first time taking fewer upper-division, elective bar subject courses than those who passed on their first attempt. Although the mean difference was found to be statistically significant, the mean difference of -.309 is of little practical importance because the total amount of variance in the dependent variable of first-time bar examination pass/fail that is predictable by the number of upper-division, elective bar subject courses taken was small (*d* =.17613). *Cohen's d* uses standard deviations to indicate the difference in means between two groups and *Cohen's d* guidance for effect size is .2 is small, .5 is medium and .8 is large (Pallant, 2016, p. 212).

The final two research questions used binary logistic regression to predict if the - final grade in an upper-division, elective bar subject course could predict first-time Missouri examination passage. There are thirteen upper-division, elective bar subject courses recommended by Saint Louis University School of Law for graduates who plan to take the Missouri bar examination. Because of the large variance in the number of graduates who took each of the courses, regression analysis on all of the thirteen

upper-division bar subject courses would produce skewed results. The researcher focused on two sections of the Uniform Bar Examination (UBE) which make up eighty percent of the total score. The Multistate Bar Examination (MBE) comprises fifty percent of the total score and the courses of Evidence, Constitutional Law II and Criminal Procedure: Investigation are listed by the School of Law as must have courses in preparation for the MBE portion of the exam. The Multistate Essay Exam (MEE) comprises thirty percent of the final bar exam score and the School of Law, upon review of the most heavily tested subject areas and level of difficulty, recommends students who wish to take the Missouri examination take Business Associations, Trusts and Estates and Secured Transactions in preparation for the bar examination.

The first binary logistic regression model was run using the three courses highly recommended for the MBE portion of the UBE. Of the 1,327 graduates in the study population, 690 (52.0%) took Evidence, Constitutional Law II and Criminal Procedure: Investigation during their time in law school. The binary logistic regression model was statistically significant, X^2 (3) = 78.604, $p < .0005$ and explained between 10.8% (Cox & Snell R^2) and 22.7% (Nagelkerke R^2) of the variance in first-time pass/fail and correctly classified 89.3%. All three predictor variables of Evidence, Constitutional Law II and Criminal Procedure: Investigation were found to be statistically significant with Criminal Procedure: Investigation having the strongest predictor of first-time bar examination passage with an odds ratio of 3.606 indicating for every increase in the final grade, a graduate was 3.6 times more likely to pass the Missouri bar examination on their first attempt. For every increase in the final grade for Evidence, a graduate was 2.1 times likely to be a first-time Missouri bar examination passer. For every increase in the final

grade for Constitutional Law, a graduate was 1.9 times likely to be a first-time Missouri bar examination passer.

The bottom thirty percent variable was entered in the second block of the binary logistic regression model and this model was found statistically significant, X^2 (4) = 102.365, p < .0005 with the model explaining between 13.8% (Cox & Snell R^2) and 29.0% (Nagelkerke R^2) of the variance in first-time pass/fail and correctly classified 89.7%. Evidence and Constitutional Law, which were statistically significant in the first model, are no longer statistically significant when the variable of being in the bottom thirty percent of the graduating class was added to the regression model. Criminal Procedure: Investigation was still statistically significant with odds ratio of 2.428 indicating for every increase in the final grade the likelihood of passing the Missouri bar examination on the first attempt would increase 2.4 times; however, this is a decrease from an odds ratio of 3.606 in the first regression model. Being in the bottom thirty percent of their graduating class was statistically significant indicating that being in the bottom thirty percent will result in a decreased probability of not passing the Missouri bar examination on the first attempt. The addition of the bottom thirty percent variable also increased the model's ability to explain the variance in first-time Missouri bar examination from 10.8% - 22.7% to 13.8% - 29.0%.

A secondary binary logistic regression model examined the relationship among the final grade Business Associations, Trusts and Estates and Secured Transaction which bar subject courses highly recommended by the School of Law in preparation for the MEE portion of the UBE with the bottom 30% variable was entered in the second step of the regression model.

Of the 1,327 graduates in the study population, 555 (41.8%) took Business Associations, Trusts and Estates and Secured Transactions during their time in law school. The binary logistic regression model was statistically significant, X^2 (3) = 55.651, $p < .0005$ and this model explained between 9.5% (Cox & Snell R^2) and 19.7% (Nagelkerke R^2) of the variance in first-time pass/fail and correctly classified 90.1% of the cases. Of the three predictor variables in the regression model, only Trusts and Estates was found to be not statistically significant. Business Associations had the strongest predictor of first-time bar examination passage with an odds ratio of 3.956 indicating for every increase in the final grade, a graduate was four times more likely to pass the Missouri bar examination on their first attempt. For every increase in the final grade for Secured Transactions, a graduate was 2.4 times likely to be a first-time Missouri bar examination passer.

The bottom thirty percent variable was entered in the second block of the binary logistic regression model and was found to be statistically significant, X^2 (4) = 83.104, $p < .0005$ with the model explaining between 13.9% (Cox & Snell R^2) and 28.7% (Nagelkerke R^2) of the variance in first-time pass/fail and correctly classified 89.4% of the cases. Business Associations and Secured Transactions are no longer statistically significant when the variable of being in the bottom thirty percent of the graduating class was added to the regression model and Trusts and Estates was still found to not be statistically significant. Being in the bottom thirty percent of their graduating class was the only variable found to be statistically significant indicating being in the bottom thirty percent will result in a decreased probability of not passing the Missouri bar examination on the first attempt. The addition of the bottom thirty percent variable also increased the

77

model's ability to explain the variance in first-time Missouri bar examination from 9.5% - 19.7% to 13.9% - 28.7%.

Limitations

The limited nature of the study population does not allow the study results to be generalizable to other law schools in the United States and other state bar examinations. This study was limited to only Saint Louis University School of Law Juris Doctorate graduates between December 2010 and August 2018 whose first bar examination was in Missouri between February 2011 and July 2018. Each law school has their own set curriculum and required set of courses including those they recommend as bar courses and each state has different topics on their bar examinations. The varied law school curriculums and state bar examination topics potentially limits this study being applicable to other states and law schools. This population for this study was chosen because Missouri became a Uniform Bar Exam (UBE) state in February 2011 and provided a clean-cut line in bar passage statistics.

The large variances in the number of students who took each of the upper-division, elective bar subject courses can be considered a limitation. In addition, the courses are taught by different faculty who can teach one a bar subject course dramatically different than another law professor. The possibility the graduates are not being taught the same skills, by different faculty members in the same bar subject courses could skew not only the final grade in the course, but also as to whether the graduate passes or fails the bar examination on their first attempt.

Only 'hard skills' for bar examination passage are being examined in this study. Hard skills can be defined as basic skills needed to be a lawyer such as legal research

and writing, negotiations, briefing, etc. Other issues such as test anxiety, financial difficulties or family concerns may affect the bar takers state of mind while preparing for the examination and during the examination itself. These issues can affect the bar taker's ability to properly prepare and complete the bar examination. Future research should be done to understand how external factors affect the bar examination taker.

Future Research

The researcher was not able to add all thirteen of the upper-division, elective bar subject courses into the logistic regression model because many of the bar subject courses had cases with less than three values. Transformation of the current data set to combine cases which had less than three data points would be a recommendation for future research. Analysis all of the upper-division, elective bar subject courses together against first-time Missouri bar examination passage would be helpful for the School of Law to determine which of the courses have a larger impact on bar examination passage. Additionally, examination of Saint Louis University's first-time bar examination passage in Illinois on the same upper-division, elective bar subject courses should be conducted.

This study focused on the final grade in upper-division, elective bar subject courses recommended by the School of Law Academic Services office for those planning on taking the Missouri bar examination. Research on how a student scores on a specific subject on the bar examination compared to their final grades in comparable bar subject courses taken during law school would be an important area of future research. This would allow law schools to analyze and determine where their students exceed and struggle on subject matters for the UBE and how they can change their

curriculum or teaching methods to help their students. The issue at hand with this type of research is he National Board of Bar Examiners and most individual states do not release any individualized test scores back to the student's law school. Releasing the individual scores back to law schools could provide an opportunity for the academic unit to determine where their curriculum exceeds and where it fails in preparing students for the practice of law and the licensing bar examination.

Future research also needs to examine what outside factors influence the graduate's ability to study and prepare for the bar examination immediately after graduation. Anecdotal stories can be found around any law school; however, concrete research as to what external factors affect the graduate while they are preparing for the bar examination should be considered. If law schools had data indicating what external forces can lead to failure on the bar examination, then they could prepare and work with students on how to handle these issues prior to graduation.

Gender was not found to be statistically significant in the current study which is opposite of other earlier research which found that being female was a negative influence on bar examination passage. Future investigation into the influence of gender on first-time bar examination should be conducted to determine the reason for this shift.

Closer examination of the law school grading standards (bell curve) and how these grading standards affect first-time bar examination passage at other law schools is a recommendation. The concept of the bell curve puts a percentage of students into the top and the bottom of the class. Prior research has found that those in the bottom thirty percent have a higher probability of not passing the bar examination and

80

examination of how the law school grading standards affect bar examination passage and whether these standards should be changed.

Further research on first-time bar examination passage for students who are on Academics Restrictions, and those who took Legal Methods, Advanced Legal Methodology and Advanced Legal Analysis and Strategies to see how if academic restrictions and these courses can predict or affect bar examination passage.

Recommendations

Research in this study found that those students in the bottom thirty percent are the ones with the increased chance of not passing the bar examination on their first-attempt. In addition, the study also a significant relationship between being a minority student and being in the bottom thirty percent of their graduating class. The researcher recommends that law schools look for additional ways to support not only those in the bottom thirty percent of the graduating class, but also minority students.

The researcher recommends that the law school examines the curriculum and focus on how they can help students prepare for the bar examination during law school. Teaching the subjects on the bar examination is only part of education process, students should also be prepared on how to take the bar examination. Incorporating the testing methods of the bar examination into the curriculum, especially for bar subject courses, can only provide the law students with experience and practice for the bar examination.

Another recommendation would be to examine ways to provide additional support to the minority students in law school. One way would be to offer a bridge

81

program for minority students entering law school which could be similar to the collegiate TRIO programs which provides support and services to first-generation students, those from a modest income household or students with a disability. It could also mimic the Law School Admission Council (LSAC) PreLaw Undergraduate Scholars (PLUS) program which is for undergraduate students in their first two years of college who are from racial and ethnic minorities who are underrepresented in the legal community.

Conclusion

The purpose of this study was to examine the law school curricula at Saint Louis University School of Law to determine if the final grade in an upper-division, elective bar subject courses heavily tested on the MBE and MEE can predict first-time Missouri bar examination passage for Saint Louis University School of Law Juris Doctorate graduates. In addition, the study also looked at whether being in the bottom thirty percent of their graduating class and the final grade in an upper-division, elective bar subject course influenced first-time Missouri bar examination passage.

The study found for those courses recommended for the MBE portion of the UBE (which represents 50% of the total score), all three were statistically significant in the model indicating for every increase the final grade in each of the three courses could only contribute positively to the graduate passing the Missouri bar examination on their first attempt. However, when the variable of being in the bottom thirty percent of their graduating class was added to the model; only Criminal Procedure: Investigation and being in the bottom thirty percent of the graduating class were found to be statistically significant. Criminal Procedure: Investigation has a positive value on first-time Missouri

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examination passage for every increase in the final grade, while being in the bottom thirty percent of the graduating class has a negative association with passing the Missouri bar examination on their first attempt.

Of the three upper-division bar subject courses recommended for the MEE portion (30% of final score) on the UBE, only Business Associations and Secured Transactions were found to be statistically significant. For every increase in the final grade in Business Associations, a student increases their odds of passing the Missouri bar examination on the first attempt four times, while Secured Transactions increases the odds 2.4 times. When the variable of being in the bottom thirty percent of the graduating class was added to the regression model, Business associations and Secured Transactions were no longer found to be statistically significant. The only statistically significant variable in this model was being in the bottom thirty percent of the graduating class which has a negative effect on first-time Missouri bar examination passage.

Appendix A

**ABA Standards and Rules of Procedure for Approval of
Law Schools Standard 316**

The 2018-2019 standard is found on page 24 and is as follows: (a) A law school's bar passage rate shall be sufficient, for purposes of Standard 301(a), if the school demonstrates that it meets any one of the following tests: (1) That for students who graduated from the law school within the five most recently completed calendar years: (i) 75 percent or more of these graduates who sat for the bar passed a bar examination; or (ii) in at least three of these calendar years, 75 percent of the students graduating in those years and sitting for the bar have passed a bar examination.

In demonstrating compliance under sections (1)(i) and (ii), the school must report bar passage results from as many jurisdictions as necessary to account for at least 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. (2) That in three or more of the five most recently completed calendar years, the school's annual first-time bar passage rate in the jurisdictions reported by the school is no more than 15 points below the average first-time bar passage rates for graduates of ABA-approved law schools taking the bar examination in these same jurisdictions.

In demonstrating compliance under section (2), the school must report first-time bar passage data from as many jurisdictions as necessary to account for at least 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of

frequency. When more than one jurisdiction is reported, the weighted average of the results in each of the reported jurisdictions shall be used to determine compliance.

(b) A school shall be out of compliance with this Standard if it is unable to demonstrate that it meets the requirements of paragraph (a)(1) or (2).

(c) A school found out of compliance under paragraph (b) and that has not been able to come into compliance within the two-year period specified in Rule 13(b) of the Rules of Procedure for Approval of Law Schools, may seek to demonstrate good cause for extending the period the law school has to demonstrate compliance by submitting evidence of: (1) The law school's trend in bar passage rates for both first-time and subsequent takers: a clear trend of improvement will be considered in the school's favor, a declining or flat trend against it. (2) The length of time the law school's bar passage rates have been below the first-time and ultimate rates established in paragraph A: a shorter time period will be considered in the school's favor, a longer period against it. (3) Actions by the law school to address bar passage, particularly the law school's academic rigor and the demonstrated value and effectiveness of its academic support and bar preparation programs: value-added, effective, sustained and pervasive actions to address bar passage problems will be considered in the law school's favor; ineffective or only marginally effective programs or limited action by the law school against it.

(4) Efforts by the law school to facilitate bar passage for its graduates who did not pass the bar on prior attempts: effective and sustained efforts by the law school will be considered in the school's favor; ineffective or limited efforts by the law school against it. (5) Efforts by the law school to provide broader access to legal education

85

while maintaining academic rigor: sustained meaningful efforts will be viewed in the law school's favor; intermittent or limited efforts by the law school against it. (6) The demonstrated likelihood that the law school's students who transfer to other ABA-approved schools will pass the bar examination: transfers by students with a strong likelihood of passing the bar will be considered in the school's favor, providing the law school has undertaken counseling and other appropriate efforts to retain its well-performing students. (7) Temporary circumstances beyond the control of the law school, but which the law school is addressing: for example, a natural disaster that disrupts operations or a significant increase in the standard for passing the relevant bar examination(s). (8) Other factors, consistent with a law school's demonstrated and sustained mission, which the school considers relevant in explaining its deficient bar passage results and in explaining the school's efforts to improve them.

Appendix B

**ABA Standards and Rules of Procedure for Approval of
Law Schools Standard 302**

The 2018-2019 standard is found on page 15 and is as follows: A law school shall establish learning outcomes that shall, at a minimum, include competency in the following: (a) Knowledge and understanding of substantive and procedural law; (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context; (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

Interpretation 302-1

For the purposes of Standard 302(d), other professional skills are determined by the law school and may include skills such as, interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

Interpretation 302-2

A law school may also identify any additional learning outcomes pertinent to its program of legal education.

Table 14: Final Grade Frequency Table for Business Associations

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	D	6	.5	.5	.5
	C-	11	.8	.9	1.4
	C	45	3.4	3.6	5.0
	C+	75	5.7	6.0	11.0
	B-	208	15.7	16.7	27.7
	B	388	29.2	31.2	58.9
	B+	310	23.4	24.9	83.8
	A-	118	8.9	9.5	93.3
	A+/A	83	6.3	6.7	100.0
	Total	1244	93.7	100.0	
Missing	System	83	6.3		
Total		1327	100.0		

Table 15: Final Grade Frequency Table for Conflict of Law

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	C-	2	.2	1.6	1.6
	C	2	.2	1.6	3.1
	C+	5	.4	3.9	7.1
	B-	23	1.7	18.1	25.2
	B	46	3.5	36.2	61.4
	B+	23	1.7	18.1	79.5
	A-	9	.7	7.1	86.6
	A+/A	17	1.3	13.4	100.0
	Total	127	9.6	100.0	
Missing	System	1200	90.4		
Total		1327	100.0		

Table 16: Final Grade Frequency Table for Constitutional Law II

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	F	1	.1	.1	.1
	D	1	.1	.1	.2
	C-	9	.7	1.0	1.2
	C	31	2.3	3.3	4.5
	C+	57	4.3	6.1	10.6
	B-	126	9.5	13.4	24.0
	B	259	19.5	27.6	51.6
	B+	303	22.8	32.3	83.9
	A-	67	5.0	7.1	91.0
	A+/A	84	6.3	9.0	100.0
	Total	938	70.7	100.0	
Missing	System	389	29.3		
Total		1327	100.0		

Table 17: Final Grade Frequency Table for Criminal Procedure: Adjudication

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	D	2	.2	.4	.4
	C-	10	.8	2.2	2.6
	C	19	1.4	4.1	6.7
	C+	32	2.4	6.9	13.6
	B-	58	4.4	12.6	26.2
	B	133	10.0	28.8	55.0
	B+	118	8.9	25.5	80.5
	A-	40	3.0	8.7	89.2
	A+/A	50	3.8	10.8	100.0
	Total	462	34.8	100.0	
Missing	System	865	65.2		
Total		1327	100.0		

Table 18: Final Grade Frequency Table for Criminal Procedure: Investigation

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	F	2	.2	.2	.2
	D	4	.3	.4	.6
	C-	9	.7	.9	1.5
	C	42	3.2	4.2	5.7
	C+	69	5.2	6.8	12.5
	B-	192	14.5	19.0	31.5
	B	305	23.0	30.3	61.8
	B+	220	16.6	21.8	83.6
	A-	83	6.3	8.2	91.9
	A+/A	82	6.2	8.1	100.0
	Total	1008	76.0	100.0	
Missing	System	319	24.0		
Total		1327	100.0		

Table 19: Final Grade Frequency Table for Evidence

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	F	6	.5	.5	.5
	D	10	.8	.8	1.3
	C-	39	2.9	3.2	4.5
	C	73	5.5	5.9	10.4
	C+	135	10.2	11.0	21.4
	B-	174	13.1	14.1	35.5
	B	338	25.5	27.5	63.0
	B+	230	17.3	18.7	81.7
	A-	99	7.5	8.0	89.8
	A+/A	126	9.5	10.2	100.0
	Total	1230	92.7	100.0	
Missing	System	97	7.3		
Total		1327	100.0		

90

Table 20: Final Grade Frequency Table for Family Law

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	D	8	.6	2.1	2.1
	C-	5	.4	1.3	3.4
	C	19	1.4	5.0	8.4
	C+	28	2.1	7.4	15.8
	B-	49	3.7	12.9	28.8
	B	122	9.2	32.2	60.9
	B+	91	6.9	24.0	85.0
	A-	37	2.8	9.8	94.7
	A+/A	20	1.5	5.3	100.0
	Total	379	28.6	100.0	
Missing	System	948	71.4		
Total		1327	100.0		

Table 21: Final Grade Frequency Table for Federal Courts

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	D	4	.3	1.5	1.5
	C-	2	.2	.8	2.3
	C	21	1.6	8.1	10.4
	C+	20	1.5	7.7	18.1
	B-	30	2.3	11.6	29.7
	B	71	5.4	27.4	57.1
	B+	67	5.0	25.9	83.0
	A-	21	1.6	8.1	91.1
	A+/A	23	1.7	8.9	100.0
	Total	259	19.5	100.0	
Missing	System	1068	80.5		
Total		1327	100.0		

Table 22: Final Grade Frequency Table for First Amendment

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	D	1	.1	.5	.5
	C-	1	.1	.5	1.1
	C	7	.5	3.8	4.9
	C+	18	1.4	9.7	14.6
	B-	40	3.0	21.6	36.2
	B	57	4.3	30.8	67.0
	B+	40	3.0	21.6	88.6
	A-	9	.7	4.9	93.5
	A+/A	12	.9	6.5	100.0
	Total	185	13.9	100.0	
Missing	System	1142	86.1		
Total		1327	100.0		

Table 23: Final Grade Frequency Table for Real Estate Transactions

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	D	7	.5	1.4	1.4
	C-	8	.6	1.6	3.1
	C	36	2.7	7.3	10.4
	C+	56	4.2	11.4	21.8
	B-	125	9.4	25.5	47.3
	B	109	8.2	22.2	69.6
	B+	90	6.8	18.4	88.0
	A-	34	2.6	6.9	94.9
	A+/A	25	1.9	5.1	100.0
	Total	490	36.9	100.0	
Missing	System	837	63.1		
Total		1327	100.0		

92

Table 24: Final Grade Frequency Table for Secured Transactions

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	D	5	.4	.8	.8
	C-	8	.6	1.2	2.0
	C	14	1.1	2.1	4.1
	C+	56	4.2	8.5	12.6
	B-	96	7.2	14.5	27.1
	B	179	13.5	27.1	54.2
	B+	196	14.8	29.7	83.9
	A-	61	4.6	9.2	93.2
	A+/A	45	3.4	6.8	100.0
	Total	660	49.7	100.0	
Missing	System	667	50.3		
Total		1327	100.0		

Table 25: Final Grade Frequency Table for Trusts & Estates

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	F	1	.1	.1	.1
	D	15	1.1	1.3	1.4
	C-	11	.8	1.0	2.4
	C	33	2.5	3.0	5.4
	C+	26	2.0	2.3	7.7
	B-	124	9.3	11.1	18.9
	B	319	24.0	28.7	47.5
	B+	430	32.4	38.6	86.2
	A-	78	5.9	7.0	93.2
	A+/A	76	5.7	6.8	100.0
	Total	1113	83.9	100.0	
Missing	System	214	16.1		
Total		1327	100.0		

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