

A Preliminary Study Looking Beyond LSAT and LGPA: Factors During the Bar Study Period That May Affect Bar Exam Passage*

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EXECUTIVE SUMMARY

This grant project is a two-part study. Part I involved a study of LSAT scores, law school performance and bar passage, see *Measuring Law Student Success from Admissions Through Bar Passage: More Data the Bench, Bar and Academy Need to Know*. Part I found, amongst other things, that at the schools studied, the combination of LSAT score, first-year and upper-level doctrinal course performance only accounts for about 30% of variance in bar passage for both schools, leaving 70% of variance in bar passage unknown. This part of the grant study project [Part II] is an initial foray into exploring additional factors that may explain bar exam pass barriers so that schools may begin to develop appropriate interventions. In particular, in Part II, we focus on an under-studied area: the bar study period [the time between law school graduation and taking the bar exam].

For this portion of the grant project, we developed a self-report survey that sought to identify factors occurring during the bar study period that may affect bar exam success. The questions collected information about bar review course attendance and engagement with study materials; bar study plans; study methods, including the use of study groups; study environment; financial factors; employment and family obligations that might create barriers to success; study motivation; self-confidence; issues associated with being a first generation college or graduate student; and general physical and mental health issues. The survey ended with an open-ended question: “What would you do differently, knowing what you know now about bar preparation?” The survey was distributed via email for the six weeks immediately following the July, 2018 bar exam – while studying was still fresh in respondents’ minds, but before they had bar exam results. We had a response rate of over 50%. In our analyses, we used data only from first time takers because the majority of bar takers are first time bar examinees, and we wanted to understand how they prepared for the bar exam without prior bar-taking experience. We measured the majority of areas categorically, except for study motivation and self-confidence, which we measured continuously.

While our sample size was too small to reach generalizable conclusions, initial observations provide insights into potential factors that may influence bar passage. For example, initial results suggest some differences in essay question practice methods that warrant further exploration. In particular, we found that those who failed were less likely than those who passed to write essay questions under timed conditions and less likely to engage with their study groups to actively review essay question answers. Additionally, when asked if any factors interfered with their plans, results indicate that, of the students who failed, all consistently noted that the material took longer to learn than anticipated and that factor affected their study plans, while only approximately 50% of those who passed said the material took longer to learn than anticipated. We also found differences in how examinees used their study groups, finding that those who passed tended to use the study groups for both active engagement with the substantive material and practice questions, and as a source of emotional support and camaraderie. Another observed difference involved self-reported self-confidence and motivation levels, with those who failed reporting, on average, lower self-motivation and lower-self-confidence levels throughout the bar study period.

Given the small sample size, this study has significant limitations when it comes to making any meaningful generalizable conclusions. However, even with a small “N” we did observe some issues and patterns that warrant further study. We also found that a post-bar exam survey may be a useful tool to help schools identify issues that may affect bar passage so that appropriate interventions may be developed. Because factors that affect students during the bar study period may vary from school to school, we provide a copy of the survey in the Appendix to this report so that schools may use it, or a modified version of it, to survey their own graduates in order to design school-specific interventions.

Abstract

Most research on bar passage has focused on relationships between LSAT scores, law school academic performance and bar exam performance. To date, little attention has been given to the relationships between student bar exam preparation and their bar exam performance. This research looks at an under-studied area: the time between graduation and the bar exam. It uses a self-report survey to help identify study methods, non-cognitive skills, and other potential factors that may relate to bar passage. The study makes some preliminary observations about potential factors relating to bar passage including: examinees' essay question practice methods, their motivation and self-confidence levels, the way examinees use study groups, and their expectations about the amount of substantive material and how long it will take to learn that material. It suggests ways the data may be further developed and used to help identify potential interventions. It also notes that because bar pass barriers may be school-specific, schools should consider using the survey, or some version thereof, to identify bar study period risk factors for their own students in order to identify the interventions that would be most helpful for their graduates. The Appendix includes the survey questions.

Key words: bar exam, student success, bar passage, bar failure, essay questions, practice tests, motivation, self-confidence

Introduction

As the data from Report Part I indicates,¹ at the schools studied for this grant project, as well as at many other law schools, LSAT scores and law school performance leave a significant percentage of variance in bar passage or bar exam failure unexplained (Farley, Swoboda, Chanvisanuruk, McKinley, & Boards, 2018; Austin, Christopher & Dickinson, 2017). While significant focus has been placed upon studying admissions factors and law school performance, little attention has been devoted to studying how students prepare for the bar exam in the period between graduation and the exam. Factors occurring during that period may contribute to bar pass success or failure. It is important for law schools to identify those factors so that they can design appropriate interventions. This portion of the study seeks to start that process by designing a survey that helps law schools identify potential barriers to bar exam passage occurring during the bar exam study period.

Literature Review

There are numerous studies relating admissions data and law school performance or course enrollment to bar passage (Farley et al., 2018; Austin, et al., 2017; Johns, 2018; Kuehn & Moss, 2019). However, few studies have looked at what is happening during the bar preparation period – the period between law school graduation and taking the bar exam. The most comprehensive published study to date that focuses on the bar study period has data from people who took the exam over fifteen years ago. That study used self-report survey data and previously validated instruments that assess test anxiety, worry, personality traits and time management behaviors, seeking data from bar examinees who took the exam between 1998 and 2002. (Kaufman, LaSalle-Ricci, Glass, & Arnkoff, 2007). Other, more recent, studies focusing on the bar preparation period have looked at whether practice tests, combined with feedback, improve bar passage (Johns, 2016; Mainero, 2016). An ongoing study seeks information about relationships between psychological and metacognitive factors and law school performance, bar preparation, and bar performance (Quintanilla, Erman, Murphy, & Walton, 2019). This study's survey looks at both study methods and some non-cognitive factors that may relate to bar passage via a self-report survey of July 2018 first-time bar takers.

One question about the bar study period is whether, and how, examinees engage with practice exam questions. One study found that for first time bar takers, the number of practice tests related to bar passage, with those who passed taking almost twice as many practice tests as those who failed (Kaufman et al., 2007). Another study found that students who took multiple practice essay questions and submitted those for feedback, were more likely to pass the bar exam (Mainero, 2016). Participation in a bar passage program that focused on practice tests, feedback, and skills building workshops was found to have a small relationship to bar passage (Johns 2016). Bar preparation companies also have

¹ This grant project involved a two-part study. Part I involved a study of LSAT scores, law school performance and bar passage. Part II is the subject of this report and involved developing a survey to identify factors occurring during the bar study period that may affect bar passage. A separate report was written for Part I. See A. Curcio, H. Jiang, M. Bilek, J. Cino & A. Robbins (2019). *Measuring Law Student Success from Admissions Through Bar Passage: More Data the Bench, Bar and Academy Need to Know*. That report should be available via the AccessLex website.

data suggesting that completing a significant number of practice tests relates to bar passage (“BAR Review Course Options,” n.d.). In this study’s survey, we did not ask about the number of practice tests taken or submitted for bar preparation company or faculty feedback. Instead, we sought information about how examinees engaged with practice tests and model answers in the absence of any law school sponsored structured feedback programs. For example, we asked whether examinees reviewed all explanations for both correct and incorrect multiple choice question options, whether they fully wrote out their essay answers, whether they took practice tests under timed conditions, etc.

Given the volume of material to be learned, one would assume that time management over the course of the bar study period is another important factor in bar exam passage. One study used the Time Management Behavioral Study scale to assess whether time management skills played a role in bar passage (Kaufman et al., 2007). That scale is a self-report survey that measures time management strategies in context of work environments and respondents’ perceptions about the control they exercise over their time (Kaufman et al., 2007). Using that scale, the study found no relationship between time management skills and bar exam success (Kaufman et al., 2007). This study’s survey asked respondents direct questions about time management, study plans, and included open-ended questions that gave respondents the opportunity to talk about issues such as the volume of material they needed to learn and the sufficiency of the time they allocated to learn that material.

Another area that merits exploration in context of the bar preparation period are non-cognitive factors. For example, studies indicate motivation impacts academic success (Liu & Hou, 2018) and anecdotal experience suggests motivation relates to bar exam success (Berman, 2013). Anecdotal observations also suggest that self-confidence plays a role in bar passage (Berman, 2013), with one scholar suggesting that hope and optimism – i.e. the ability to identify goals and belief that those goals are achievable – affect bar passage (Cochran, 2010). On the opposite end of the spectrum, scholars have identified anxiety and stress levels (Von Der Embse & Witmer, 2014) as playing a role in high stakes test taking success on exams such as the bar exam, with one study finding that high levels of test anxiety “was debilitating to bar exam passage” (Kaufman et al., 2007). This study’s survey asked examinees to self-report motivation and self-confidence levels during the bar study period. It also asked open-ended questions which allowed respondents to self-identify issues such as test anxiety as factors interfering with their bar study plans.

Peer support has been linked to undergraduate academic success, particularly for first generation students and students from under-represented communities (Dennis, Phinney, & Chuateco, 2005). The impact of peer support has been posited to play a role in bar success (Cochran, 2010) and an ongoing study is examining the role factors such as growth mindset and belonging play in bar passage (Quintanilla, Erman, Murphy, & Walton, 2019). To the extent peer support can be derived from bar study group peers, this study survey sought information about examinees’ participation in study groups, and how they used those groups both to improve learning and as a means of social support.

Finally, in addition to the above issues, stressors such as employment time commitments (Trujillo, 2007; Cabrera, 2000; White, 2002), financial issues (White, 2002; Curcio, 2002), and childcare or family obligations (Curcio, 2002; White, 2002) during the bar study period also may relate to bar exam passage. One study found that while work hours did not statistically relate to bar passage, those who failed often worked more hours than those who passed (Kaufman et al., 2007). This study survey sought data about these factors as well.

Research Question

Looking only at the bar study period, how do bar preparation study methods, non-cognitive factors (e.g., stress, self-confidence, motivation, and anxiety), and other life challenges (e.g., financial, employment and familial obligations), relate to examinees' bar exam performance?

Overview

To the extent LSAT scores and performance in doctrinal courses predict bar exam passage, they leave a significant percentage of variance in bar passage or bar exam failure unexplained. For this reason, as a part of a larger internal data analysis project at Georgia State University College of Law [GSU COL], we began seeking an explanation of additional factors related to bar passage, with a focus on the bar study period. This project involved the development of a self-report survey and initial analyses of survey data from recent GSU COL graduates to explore how factors other than law school performance may contribute to student bar exam success. We gathered granular information about bar study strategies (e.g., study methods, study plan, approaches to using practice questions) as well as non-cognitive and personal factors (e.g., motivation, stress, work/family obligations). This portion of the grant project sought to lay the groundwork for moving from anecdotal evidence to a data-based analysis of factors occurring during the bar study period that may contribute to bar passage/failure.

Methodology

Participants

A total of 166 GSU COL students who took July 2018 Georgia Bar Exam were targeted for the formal bar exam survey.² Of the 166 students contacted, 83 responded to our survey request. For this analysis, we excluded one LLM student, three repeat takers and seven JD first-time bar takers who were not included in the Part I dataset.³ Thus, we had 72 JD students' responses that we used for this analysis. Of the 72 students, four failed and 68 passed on their first attempt.

Procedures

Two pilot studies were conducted to gather qualitative information regarding how bar exam takers prepared for bar exams and potential factors that they believed affected their bar exam performance. Both pilot studies targeted the same population. A total of 194 GSU COL alumni who graduated between Summer 2016 and Fall 2017 were contacted for the two pilot surveys in mid-

² We did not survey students taking the bar exam in other states because of the variability in bar exam formats and pass rates, and because only a small percentage of GSU COL graduates take an exam other than the Georgia Bar Exam.

³ We excluded repeat takers because they face different issues than first-time takers (Kaufman et al., 2007) and we did not have a sufficient sample size to compare their issues to those of first-time takers. We also excluded the one LLM student who responded to the survey because our experience working with LLM students suggests that they also likely have different bar passage issues than first-time takers. Seven JD student respondents also were not included because, for various reasons, we did not have institutional data available to include those seven in Part I of this study. For consistency's sake between Part I and Part II, we excluded those seven from this study. Of those seven, six respondents passed and one failed.

February and May 2018, respectively. We had a 34% response rate for the first pilot study and a 42% response rate for the second pilot study.

The first pilot study was an open questionnaire that aimed to collect responses regarding factors affecting respondents' ability to study for the bar exam and sought to identify what additional support GSU COL could provide to assist students in bar preparation. The second pilot study was a pre-test survey constructed with quantified qualitative data from the first pilot study. The information gathered in the pilot studies was used to develop the survey.⁴

The formal survey was administrated online starting the Monday after the July, 2018 bar exam. We administered the survey while the exam, and studying for it, was still fresh in examinees' memories but before they knew the results. Examinees received an email survey invitation request from a law school professor many of them knew, and one with a reputation for caring about student learning. After the initial solicitation, those not responding received follow up email requests for the next five weeks. The email asked them to participate to help GSU COL figure out how best to support its students in preparing for the bar exam.

The IRB approved survey included an informed consent page. It contained 70 questions covering a range of topics related to bar exam preparation and study. No questions were required and some questions branched [See Appendix A, Survey]. The survey took approximately 10-15 minutes to complete.

Areas to measure

The survey asked a wide range of questions related to bar preparation and other issues that might affect studying and ultimately bar passage [See Appendix A, Survey]. The questions collected information about bar review course attendance and engagement with study materials; bar study plans; study methods, including the use of study groups; study environment; financial factors; employment and family obligations that might create barriers to success; study motivation; self-confidence; issues associated with being a first generation college or graduate student; and general physical and mental health issues. The survey ended with an open-ended question: "What would you do differently, knowing what you know now about bar preparation?" We ultimately used data only from first time takers because the majority of bar takers are first time bar examinees, and we wanted to understand how they prepared for the bar exam without prior bar-taking experience because issues confronting first and repeat takers may vary (Kaufman et al., 2007). We measured the majority of areas categorically, except for study motivation and self-confidence, which we measured continuously. By exploring these factors, the survey information sought to provide insight into interventions that schools can use to help students first-time bar takers avoid risk factors for failure that occur during the bar study period.

Analytical Strategies

The survey contained categorical and qualitative questions with a small number of respondents. Considering unbalanced sample sizes of the students who passed and failed, the analytical strategies are

⁴ For example, one issue not on our radar was study space issues. However, from the pilot study we discovered that some examinees had difficulty finding a study space conducive to their bar study needs. We included a study space question in the survey.

limited. Descriptive analysis (e.g., frequency, cross-tabulations) were computed by using SPSS and STATA.

Quantified qualitative analyses were applied to responses to open-ended questions by using Atlas.ti, a sophisticated computer-assisted qualitative data analytical program (CAQDAP). This analytical program allows us to link the codes to text to develop hypertext that permits one to perform complex model and network building. Using open thematic coding techniques, qualitative data were coded and extracted into main themes and quantified using SPSS. All coding was performed at the word, phrase, sentence, and paragraph levels.

Results

We had a small number of survey respondents who were first-time bar takers (N=72). Considering unbalanced groups of four examinees who failed and 68 who passed the July 2018 bar exam, we note that our data results are not generalizable. However, the results identify issues we believe warrant continued exploration.

What Interfered with initial bar study plan

Of the 72 survey respondents, 84.7% students reported they had a bar preparation plan. When asked if any factors interfered with their plans, results indicate that, of the students who failed, all consistently noted that the material took longer to learn than anticipated and that factor affected their study plans, while only 50% of those who passed said the material took longer to learn than anticipated (Table 1). Also, compared to the group of students who passed, it appears that, stress/anxiety, motivational challenges, and health challenges were more frequently reported as factors that interfered with the original bar study plan for those students who failed (Table 1).

Table 1. *Self-Reported Factors that Interfered Bar Takers' Initial Study Plan*

Bar Exam Outcome	M	B	F	FO	WO	SL	SFE	S/A	D	P
Failed (N=4)	100.0%	50.0%	25.0%	-	25.0%	25.0%	-	75.0%	25.0%	50.0%
Passed (N=68)	51.5%	66.2%	5.9%	30.9%	26.4%	4.4%	35.3%	54.4%	14.7%	4.4%

Notes.

1. Only four survey takers who failed responded to these questions.
2. M = Material took longer to learn than I anticipated
3. B = Burn out/motivational challenges
4. F = Financial issues
5. FO = Family obligations
6. WO = Work obligations
7. SL = Study location availability
8. SFE = Social/family events
9. S/A = Stress/anxiety
10. D = Depression
11. P = Physical health challenges

Use of study groups

Of the four students who failed, three students reported they had a study partner/group for bar exam preparation. Of the 68 students who passed, 23 students reported that they used study group(s). While noting the small “n” and unbalanced sample size do not allow us to make any conclusions, we do note some differences amongst the respondents. As summarized in Table 2, results show, on average, that those who failed used study groups differently than those who passed. Those who passed tended to use the groups more actively for essay practice. They also tended to engage with each other more about substantive questions and used each other for camaraderie and emotional support. Below we report quantitative information and students’ qualitative responses to the “other” category.

Table 2. Study Group Activities by First Time Bar Results

First Time Bar Results	Group Study	Essay: Outlining answers together	Essay: Writing answers together	Essay: Reviewing answers together	Developing joint outlines	Using flashcards together	Watching videos together	Group texts/email about questions	Practicing multiple choice questions	Other, please specify
Failed (N=3)	Yes	-	-	33.3%	-	-	66.7%	66.7%	66.7%	33.3%
Passed (N=23)	Yes	34.8%	13.0%	52.2%	13.0%	34.8%	56.5%	95.7%	73.9%	13.0%

Notes for “Other” (All responses are exported directly into a Word document without any changes to wording, punctuation, or grammar):

Failed group: “Talk about the black letter law and what we learned or what we weren't sure of”;

Passed group:

1. “Nightly phone calls to go over any questions we had from that day.”
2. “emotional support”
3. “complained about how terrible bar prep is”

Essay question practice methods

Of the respondents who failed the bar exam, 100% reported they *never* wrote essays under timed condition during the bar study period (Table 3). In contrast, of those who passed, 28 (39%) reported they always practiced essay writing under timed conditions, 33 (46%) reported practicing under timed conditions “after practicing some essays untimed”, and only 11 (15%) reported never practicing under timed conditions (Table 3).

Table 3. Frequency of the Way of Writing Essays Under Timed Conditions During Bar Study Period by First Time Bar Results

		First Time Bar Result	
		Failed	Passed
		Column N %	Column N %
When did you write essays under timed conditions during bar study period?	Always	-	38.8%
	After practicing some essays untimed	-	46.3%
	Never	100%	14.9%
	N	4	67

Motivation during the bar study period

A. Quantitative Data

Results indicated that, of the respondents who failed, the majority reported they were “somewhat motivated” or “barely motivated” during the bar study period. In contrast, of those students who passed, all reported being either “highly motivated” or “somewhat motivated” during the bar study period (Table 4).

Table 4. Level of Motivation during the Bar Study Period

First Time Bar Result	Level of motivation during the bar study period			
	Highly motivated	Somewhat motivated	Barely motivated	Not motivated at all
Failed (N=4)	-	75.0%	25.0%	-
Passed (N=68)	55.9%	44.1%	-	-

B. Qualitative Data

We conducted a quantified qualitative analysis to understand the barriers and facilitators of staying motivated throughout the bar study period. Results from all respondents indicate that students reported fatigue (22.2%), too much material (11.1%), and the long length of the bar preparation period (13.3%) as the top three factors that hindered their ability to stay motivated throughout the bar study period (Figure 1). Below are sample responses to the question: “What hindered your ability to stay motivated throughout the bar study period?”

“General fatigue.”

“It was difficult to keep momentum since it last long....[sic].”

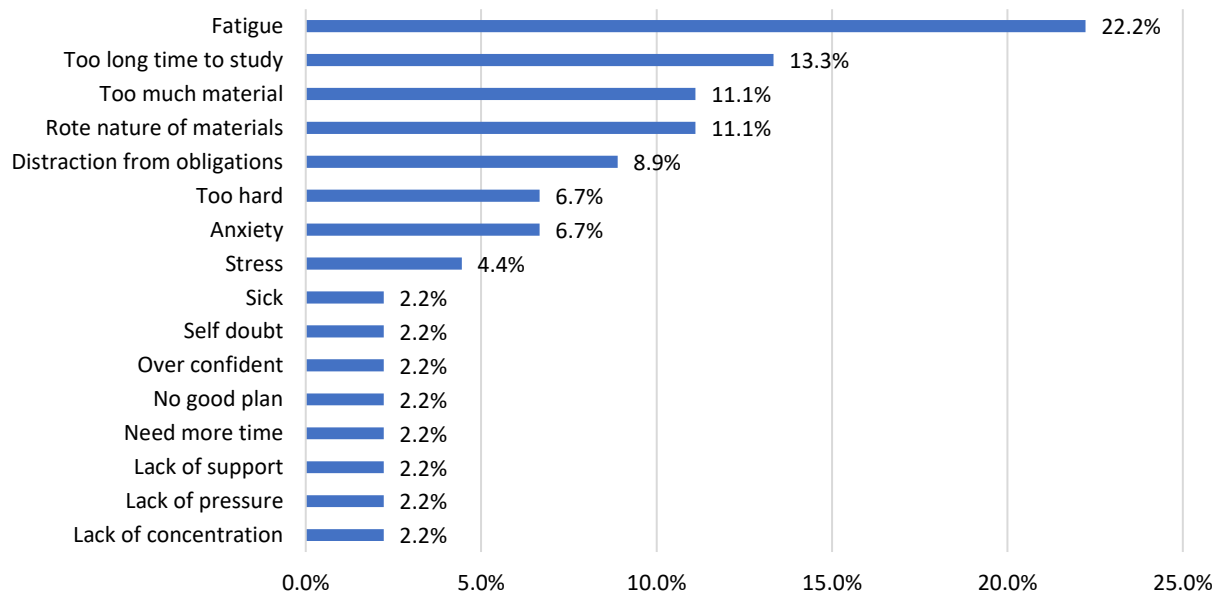


Figure 1. Factors that Hinder Students’ Ability to Stay Motivated During the Bar Study Period

On the other hand, fear of failure/desire to pass (51.1%), study group (10.0%), and family/social support/encouragement (10.0%) are top three factors that helped examinees stay motivated (Figure 2). Amongst the comments to the open ended question, “What helped your ability to stay motivated throughout the bar study period?” were comments such as: “Fear of failure”; “Study group consisting of classmates who were studying as well for the Bar Exam, and having a network for both stress relief and questions.”

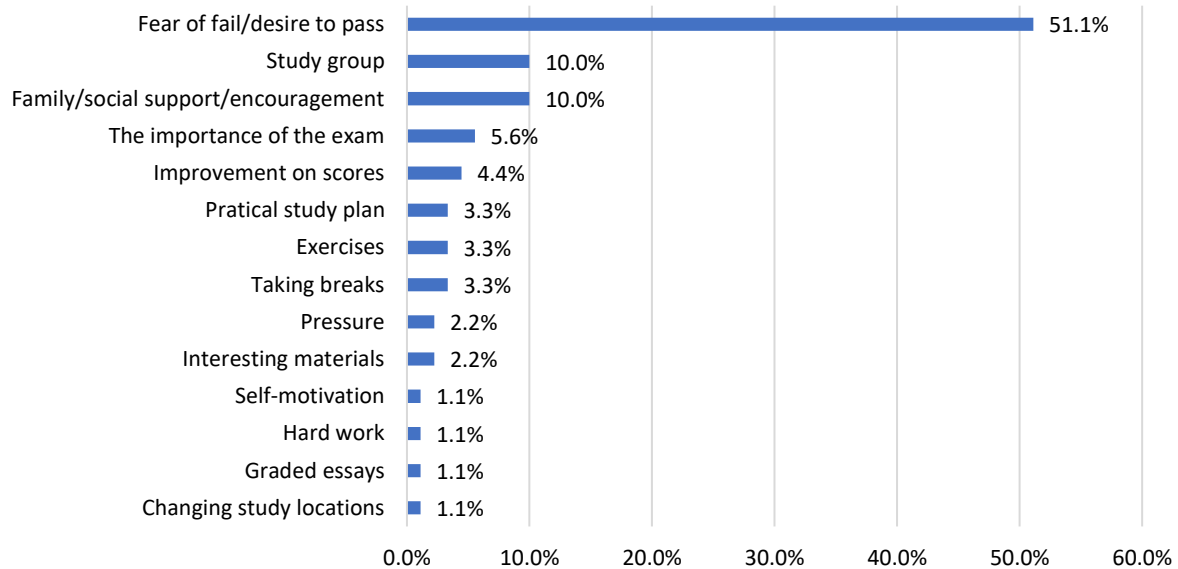


Figure 2. Factors that Help Students’ Ability to Stayed Motivated During the Bar Study Period

Confidence in ability to pass the exam

Regarding bar examinees’ self-reported confidence in their capability to pass the bar exam, we found those bar examinees who failed were more likely to report “no confidence” throughout bar preparation period than those who passed (Figure 3).

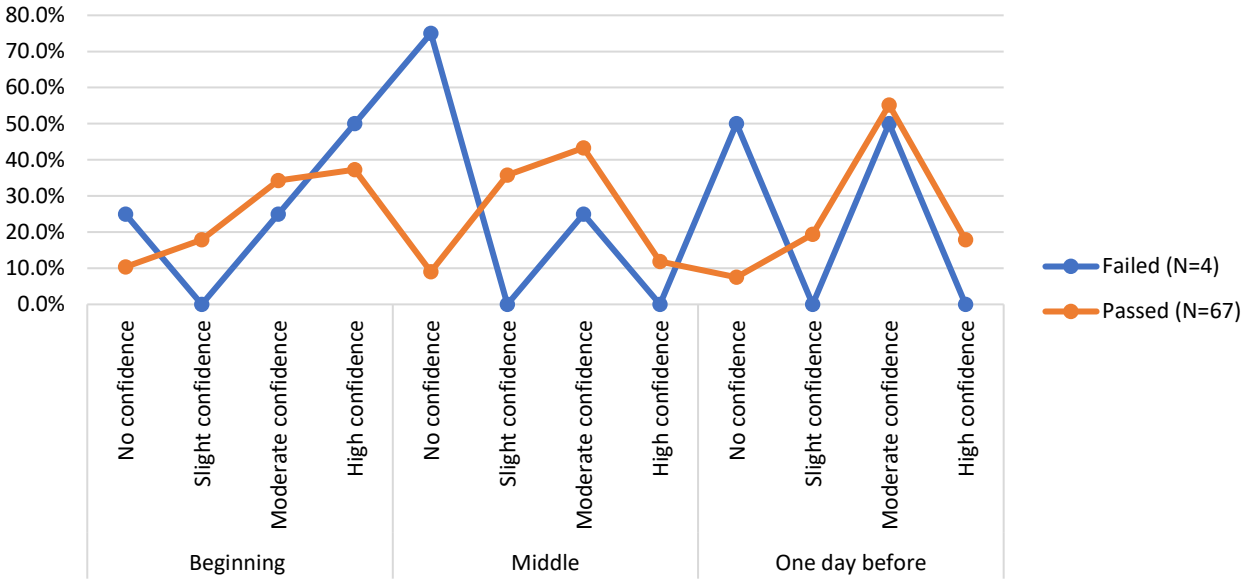


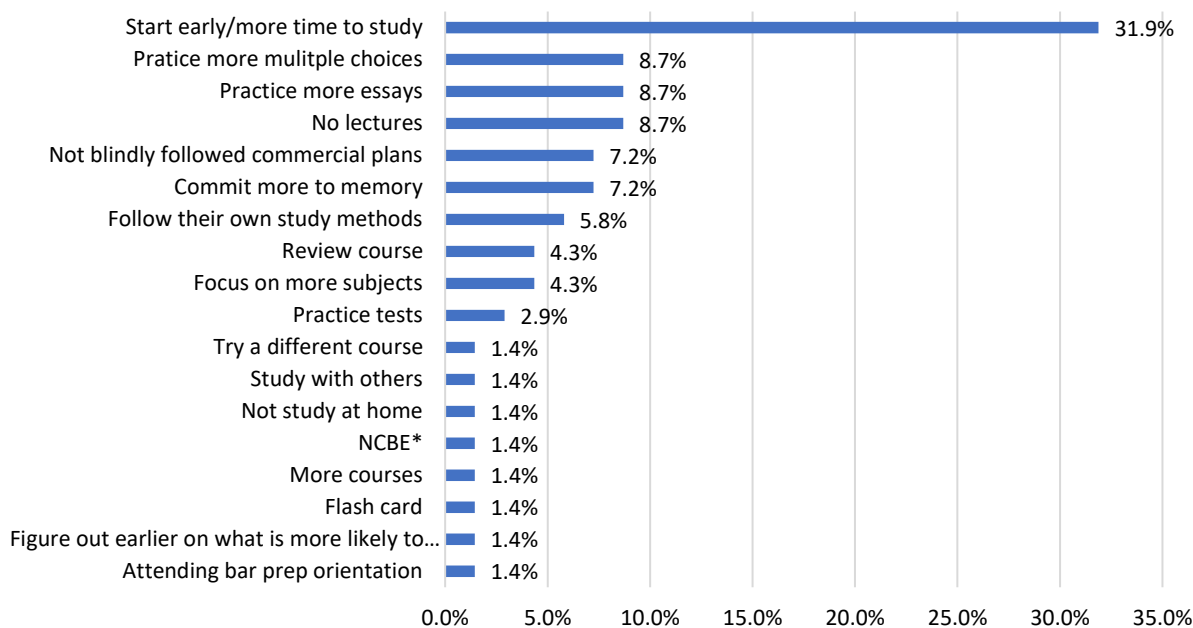
Figure 3. Self-Reported Confidence in Capability to Pass the Bar Exam by Bar Preparation Period

Open ended question responses

When asked “What would you do differently, knowing that you now know about bar preparation?” the results indicated 31.9% of the survey respondents reported they would start earlier or build in more time to study, followed by “practice more multiple choices” (8.7%), “practice more essays” (8.7%), and “no lectures” (8.7%) (Figure 4). Representative comments of “start early/need more time to study” are noted below:

“Started studying during the last semester of law school (probably around March).”

“If I didn't have to study for the finals at school and had spare time (no work), I would start bar prep at least 4 months before the bar exam.”



* We do not know what the student who identified "NCBE" was referring to.

Figure 4. What First-Time Bar Examinees Would Do Differently

Discussion

Part I of this grant project confirms what other studies have found: LSAT scores and law school grades still leave a significant portion of bar exam results unexplained. We believe that in addition to looking at admissions and law school predictors, exploring the bar study period beyond data provided from bar preparation companies provides important insight into bar exam passage risk factors that schools may use to identify and develop appropriate interventions.

Bar preparation companies obtain quantitative data regarding both practice multiple choice and essay questions. With essay questions, the companies compile data on the number of essays that a student writes and submits for review. However, their data is under-inclusive because it only captures completed essays submitted to the company for formal feedback, and some bar preparation companies limit the number of submissions allowed. Beyond the administration of full practice tests, most bar preparation companies do not track whether students write practice essay questions under timed conditions, whether they fully write out practice answers or just outline them, whether they are self-testing with open or closed book preparation, or how they are using the tests for self-assessment. These factors may have a measurable impact on outcomes.

In this survey, we sought to supplement the data available from bar preparation companies with more granular information about study methods. For example, the survey asked students how often they practiced taking essay questions under timed conditions, and how they practiced essay responses, e.g. outlining versus writing out answers, practicing via open versus closed book methods, etc.

Initial results suggest some differences in essay question practice methods that warrant further exploration – in particular, whether examinees regularly are practicing essay responses under timed conditions and whether they are discussing responses with study groups. To the extent future studies confirm what we have found, that there is a relationship between whether one practices essay writing under timed conditions and bar failure, interventions can focus on that issue. Additionally, although our small sample size did not allow us to gather sufficient data on other issues such as whether students are only outlining versus fully writing out answers, whether they are writing out answers without looking at study guides or other materials, etc., those issues may also come to light with a larger sample size.

Another issue this survey identified is time management. While one study found time management did not relate to bar passage (Kaufman et al., 2007) initial results from this survey suggests that for many examinees, time management may play a role in bar passage. Every respondent who failed found that the material took longer to learn than anticipated, while this was true for only half of those who passed. Additionally, in answering the open-ended question, “What would you do differently?” almost one third of bar examinees, regardless of whether they passed or failed, stated that they would start earlier or plan better to have more time to study. These results suggest that making appropriate plans to master the voluminous amounts of information examinees need to know may be a factor in bar passage. It raises questions about andragogy⁵ and retention, specifically, what is the ideal starting point for early preparation regarding both substantive material and exam taking skills. This issue is ripe for further study.

Stressors such as employment time commitments (Trujillo, 2007) financial issues (White, 2002; Curcio, 2002; Wightman, 1998) and childcare or family obligations (Curcio, 2002; Wightman, 1998) during the bar study period also have been posited as affecting bar exam passage. We do not have sufficient data from this study to draw any conclusions about any of those issues, although we note that students who failed reported more financial issues than was reported by those who passed. Future surveys should continue to explore these issues and interventions that may address them.

Factors such as peer support have been linked to undergraduate academic success, particularly for first generation students and students from under-represented communities (Dennis et al., 2005). This study does not have sufficient data to draw any initial conclusions about the value of peer support and, in fact, future surveys should delve into that issue in more detail, looking at particular mechanisms of peer support or group study that contribute to bar passage. To the extent study groups constitute one form of peer support and students use study groups, the initial results suggest that how students use those groups may make a difference. For example, active engagement with the group on essay questions, and emotional support interactions, may be a type of peer support that positively relates to bar passage. The study also seeks to identify first generation students and any issues unique to that cohort. While the response rate did not allow for any analyses of that issue, we suggest that future studies continue to explore this issue. To the extent first generation issues affect bar passage, researchers could then explore whether constructed learning communities can offset variances between students who are first generation and those who may have generational access to higher education. The data about the most effective form of study group engagement could also inform the structure of, and guidance provided to, those learning communities.

⁵ Andragogy is defined as the method and principles used in teaching adult learners.

Finally, some scholars postulate that issues such as self-confidence and motivation affect bar exam passage (Berman, 2013; Cochran, 2010). This study shows that this area of research is ripe for further study, with those failing suffering from both lower motivation levels and lower self-confidence than those who passed. Anxiety is another factor that affects high stakes testing (Von Der Embse & Witmer, 2014) and one study found that high levels of test anxiety related to bar failure (Kaufman, 2007). In this study, those who failed more frequently reported issues of anxiety and stress than those who passed. Again, because of small sample size, this study has its limitation when it comes to making any meaningful conclusions. However, given the data from other studies, and the preliminary data we found, there is likely sufficient data to identify high levels of anxiety as a barrier to bar exam success and it may be time to begin designing and testing the efficacy of interventions on this issue.

Limitations and areas for future study

As noted repeatedly throughout the discussion section, due to small sample size, this study could not produce definitive findings. What we were able to do, based upon our initial analyses, is identify areas we believe are ripe for further research, such as: how students practice essay writing, how students use study groups; the impact of financial and physical health challenges; and the impact of stress, anxiety, motivation and self confidence levels during the bar study period.

The survey covered a wide range of areas and likely should be shorter. To the extent the survey duplicates data gathered by bar preparation companies, such as information about online versus in person course attendance, those questions could be eliminated. Additionally, we sought information about the role social media distractions play in bar passage – an issue that some suggest affects academic success (Rosen, Carrier, & Cheever, 2013) and that may affect bar passage. Our initial data did not support the supposition that social media use affected bar passage. However, the sample size was small. Additionally, on an issue such as social media use, self-reporting may skew the results because of response bias – i.e. people know the answer they should give to the question. Thus, it may be better to study the role of social media distractions in some way other way than a self-report survey.

Another issue is a sample size problem. Because the bar exam is only administered twice a year and most law schools have a relatively small number of students taking the bar exam, collecting sufficient self-report survey data is challenging in context of producing large-scale generalizable results. We believe that future studies should be done on a national level, perhaps by organizations such as the Law School Admissions Council, or the National Conference of Bar Examiners. At a minimum, future studies should use inter-institutional data both to create a bigger “N” and to provide a more robust data set. That said, law schools’ students may vary in terms of issues they confront during the bar exam preparation period. Thus, there is value in schools administering the survey to their own graduates to identify issues that may be prevalent at a given school.

Finally, the small sample size did not allow us to make comparisons between repeat and first-time takers. Information from a survey such as this may be useful as schools look at issues unique to repeat takers so that they can develop interventions geared to that cohort. If future surveys were done on a national level, or at least included multiple institutions, looking at differences between first time and repeat takers is an area ripe for exploration.

Conclusion

This study was an initial foray into the use of a survey to help identify risk and plus factors affecting bar exam passage. While the survey response rate [50%] was in the acceptable range, the total number of respondents does not allow us to make any generalizable conclusions. However, even with a small “N” we did observe some issues and patterns that warrant further study. We also found that a survey can be developed to help identify issues that may affect bar passage so that appropriate interventions may be put into place. Finally, the survey we developed could be further refined in light of the initial findings reported, and we encourage others interested in this issue to use that survey as a starting point for additional research.

References

- Austin, K, Christopher, C., & Dickerson, D. (2016). Will I pass the bar exam: predicting student success using LSAT scores and law school performance? *Hofstra Law Review*, 45, 753–766. Retrieved from <https://scholarlycommons.law.hofstra.edu/hlr/>
- BAR Review Course Options. (n.d.). Retrieved from Kaplan Test Prep website: <https://www.kaptest.com/bar-exam>
- Berman, S. J. (2013). *Pass the bar exam: A practical guide to achieving academic and professional goals*. Chicago, Illinois: American Bar Association.
- Cabrera, R. (2000). Working to improve: A plan of action for improving the bar exam pass rate. *William Mitchell Law Review*, 27(2), 1169–1191. Retrieved from <https://open.mitchellhamline.edu/wmlr/vol27/iss2/44>
- Cochran, R. A. (2010). Hope, again: Hope theory in bar exam preparation. *Duquesne Law Review*, 48(2), 513–532.
- Curcio, A. A. (2002). A better bar: Why and how the existing bar exam should change. *Nebraska Law Review*, 81(1), 363–423. Retrieved from <http://digitalcommons.unl.edu/>
- Dennis, J. M., Phinney, J. S., & Chuateco, L. I. (2005). The role of motivation, parental support, and peer support in the academic success of ethnic minority first-generation college students. *Journal of College Student Development*, 46(3), 223–236. <https://doi.org/10.1353/csd.2005.0023>
- Farley, A. N., Swoboda, C. M., Chanvisanuruk, J., McKinley, K. M., & Boards, A. (2018). Law student success and supports: Examining bar passage and factors that contribute to student performance (SSRN Scholarly Paper No. ID 3237546). Retrieved from <https://papers.ssrn.com/abstract=3237546>
- Johns, S. (2018). A statistical exploration: Analyzing the relationship (if any) between externship participation and bar exam scores. *Oklahoma City University Law Review*, 42, 281–308.

- Johns, S. (2016). Empirical reflections: A statistical evaluation of bar program interventions. *University of Louisville Law Review*, 54, 35–72.
- Kaufman, K. A., LaSalle-Ricci, V. H., Glass, C. R., & Arnkoff, D. B. (2007). Passing the bar exam: Psychological, educational, and demographic predictors of success. *Journal of Legal Education*, 57, 205–223. Retrieved from <https://www.jstor.org/stable/42894021>
- Kuehn, R. R., & Moss, D. R. (2019). A study of the relationship between law school coursework and bar exam outcomes. *Journal of Legal Education*. Advance February 26, 2019 draft publication provided by author.
- Liu, Y., & Hou, S. (2018). Potential reciprocal relationship between motivation and achievement: A longitudinal study. *School Psychology International*, 39(1), 38–55.
- Mainero, M. W. (2016). We should not rely on commercial bar reviews to do our job: Why labor-intensive comprehensive bar examination preparation can and should be a part of the law school mission. *Chapman Law Review*, 19, 545–596. Retrieved from <https://www.chapman.edu/law/publications/chapman-law-review/subscriptions-back-issues/index.aspx>
- Quintanilla, V. D., Erman, S., Murphy, M. C., & Walton, G. (2019). *Status Update: Designing Productive Mindset Interventions that Promote Excellence on the Bar Exam*. Retrieved from <http://www.calbar.ca.gov/Portals/0/documents/reports/Diversity-Inclusion-Plan-Report.pdf>
- Rosen, L. D., Carrier, M. L., & Cheever, N. A. (2013). Facebook and texting made me do it: Media induced task-switching while studying. *Computers in Human Behavior*, 29(3), 948–958. <https://doi.org/10.1016/j.chb.2012.12.001>
- Trujillo, L. A. (2007). The relationship between law school and the bar exam: Look at assessment and student success. *University of Colorado Law Review*, 78(1), 69–114.

Von Der Embse, N. P., & Witmer, S. E. (2014). High-stakes accountability: Student anxiety and large-scale testing. *Journal of Applied School Psychology, 30*(2), 132–156.

<https://doi.org/10.1080/15377903.2014.888529>

White, R. A. (2002). AALS survey of law schools on programs and courses designed to enhance bar examination performance. *Journal of Legal Education, 52*(3), 453–465. Retrieved from JSTOR

Appendix - Survey



Q1 Which commercial bar review course did you take?

- Kaplan (1)
- Bar-Bri (2)
- Themis (3)
- Adaptibar (4)
- Ameribar (5)
- Other, please specify (6) _____
- I did not take a bar review course. (7)

Q2 If you took a bar review course, which of the following best describes how you attended the course?

- Attended live lectures only (1)
- Switched between live lectures and online lectures (2)
- Attended live lectures and supplemented with online lectures for areas I did not understand (3)
- Only viewed online lectures (4)
- Did not attend lectures or view online material, just used the study materials provided (5)

Display This Question:

If If you took a bar review course, which of the following best describes how you attended the course? = Switched between live lectures and online lectures

Or If you took a bar review course, which of the following best describes how you attended the course? = Attended live lectures and supplemented with online lectures for areas I did not understand

Or If you took a bar review course, which of the following best describes how you attended the course? = Only viewed online lectures

Q3 If you used on-line lectures, did you watch the entire video in one sitting without pausing?

Yes (1)

No (2)

Display This Question:

If If you used on-line lectures, did you watch the entire video in one sitting without pausing? = No

Q4 If no, did you pause and review the video for any of the following reasons? (Check all that apply)

Speed of lecturer (1)

Unfamiliar vocabulary (2)

English is my second language (3)

Confusion about the substantive material/law (4)

Outside distractions (5)

Other, please specify (6) _____

Q5 Did you complete the scripted Bar Notes (i.e., fill in the blank notes)?

Yes (4)

No (5)

Q6 Did you take your own notes?

Yes (4)

No (5)

Q7 Did you take notes **IN ADDITION** to the scripted Bar Notes?

Yes (1)

No (2)

Q8 How often did you follow the course syllabus for your bar review course?

Always (5)

Most of the time (6)

Sometimes (8)

Never (9)

Q9 Did you have an alternative syllabus?

Yes (7)

No (8)

Display This Question:

If How often did you follow the course syllabus for your bar review course? = Always

Or How often did you follow the course syllabus for your bar review course? = Most of the time

Or How often did you follow the course syllabus for your bar review course? = Sometimes

Q10 Did you find studying multiple subjects in one day distracting?

- Yes (1)
 - No (2)
-

Q11 How often did you access Social Media/Texts while studying?

- In response to new messages, posts, etc. (1)
- Around every 15 minutes (2)
- Around every 30 minutes (3)
- Around once per hour (4)
- Less than hourly (5)
- Never (6)

End of Block: Bar prep course

Start of Block: Study plan

Q12 Did you have a bar preparation study plan?

- Yes (7)
 - No (8)
-

Display This Question:

If Did you have a bar preparation study plan? = Yes

Q13 What the following factors did you consider when developing your study plan? (check all that apply)

- Amount of material to learn (1)
- Personal study strengths/weakness (2)
- Financial obligations (3)
- Family obligations (4)
- Social/family events (5)
- Work obligations (6)
- Study location availability (7)
- Need for rest periods (8)
- Stress management (9)
- Health and wellness (10)

Display This Question:
If Did you have a bar preparation study plan? = Yes

Q14 In developing your bar study plan(s), did you (check all that apply)

- Rely upon commercial bar review syllabus (1)
- Consult with faculty mentor (2)
- Consult with attorney you know (3)
- Consult with other students (4)
- Consult with family members (5)
- Other, please explain (6) _____

Display This Question:
If Did you have a bar preparation study plan? = Yes

Q15 How long were you able to follow your bar study plan(s) for?

- Not at all (1)
 - 1-2 weeks (2)
 - 3-4 weeks (3)
 - 5-6 weeks (4)
 - 7-8 weeks (5)
 - 9 or more than 9 weeks (6)
-

Q16 Which, if any, of the following interfered with your ability to follow your original bar study plan? (check all that apply)

- Materials took longer to learn than I anticipated (1)
- Burn out/motivational challenges (2)
- Financial issues (3)
- Family obligations (5)
- Work obligations (6)
- Study location availability (7)
- Social/family events (8)
- Stress/anxiety (9)
- Depression (10)
- Physical health challenges (11)
- Other, please specify (12) _____
- None of the above (13)

End of Block: Study plan

Start of Block: Study methods

Q17 Did you ever score less than 60% on any a subject matter in the multiple choice practice questions?

- Yes (1)
- No (2)

Display This Question:

If Did you ever score less than 60% on any a subject matter in the multiple choice practice questions? = Yes

Q18 If yes, did you review that subject matter?

- Yes (1)
- No (2)

Display This Question:

*If Did you ever score less than 60% on any a subject matter in the multiple choice practice questions? = Yes
And If yes, did you review that subject matter? = Yes*

Q19 How did you review that subject matter? (Check all that apply)

- Re-read the bar prep materials (1)
- Reviewed the video (2)
- Used flashcards (3)
- Attempted more questions (4)
- Reviewed answer explanations (6)
- Other, please explain (5) _____

Q20 When you took multiple choice questions and you got the answer **right**, did you usually:

- Immediately move on to the next question (1)
 - Review why your answer was correct (2)
 - Review the reasons for the incorrect answers (4)
 - Review the reasons for all answers (correct and incorrect) (3)
-

Q21 When you took multiple choice questions and you got the answer **wrong**, did you usually:

- Immediately move on to the next question (1)
 - Review the correct answer (2)
 - Review the reasons your answer was incorrect (3)
 - Review the reason for your incorrect answer and the correct answer (5)
 - Review the reasons for all answers (correct and incorrect) (4)
-

Q22 How often did you practice essays using the IRAC/CRAC method?

- Always (1)
- Most of the time (2)
- Sometimes (3)
- Never (4)

Q23 How did you usually practice essay questions?

Wrote out complete answers only (1)

Outlined answers instead of writing complete answers (2)

Outlined before starting to write the complete answer (3)

Waited until I mastered/felt comfortable with the black letter law before attempting an essay (4)

▼ Yes (1) ... No ~ No ~ No ~ No (30)

Q24 When did you write essays under timed conditions during bar study period?

Always (1)

After practicing some essays untimed (2)

Never (3)

Q25 While writing practice essay answers, how often did you consult bar prep or other substantive law sources?

Always (1)

Most of the time (2)

Sometimes (3)

Never (4)

Display This Question:

If While writing practice essay answers, how often did you consult bar prep or other substantive law... = Always

Or While writing practice essay answers, how often did you consult bar prep or other substantive law... = Most of the time

Or While writing practice essay answers, how often did you consult bar prep or other substantive law... = Sometimes

Q26 When did you stop consulting bar prep or other substantive law sources while you were writing your practice essay answers?

- Early in my bar study period (1)
 - Mid-way through my bar study period (2)
 - In the last week or two of bar study period (3)
 - I did not stop consulting substantive law sources during the practice writing process (4)
-

Q27 While writing practice essay answers, how often did you check the model answer while you were writing out your own answer?

- Always (1)
- Most of the time (2)
- Sometimes (3)
- Never (4)

End of Block: Study methods

Start of Block: Study group

Q28 Did you have a study partner/group for bar exam preparation?

- Yes (1)
 - No (2)
-

Display This Question:

If Did you have a study partner/group for bar exam preparation? = Yes

Q29 If you had a bar exam study partner/group, on average, how often did you meet?

- Daily (1)
- Several times per week (2)
- Once per week (3)
- By subject matter as needed (4)

Display This Question:

If Did you have a study partner/group for bar exam preparation? = Yes

Q30 If you had a study partner/group, what did you do as a study group? (Check all that apply)

- Essay: Outlining answers together (1)
- Essay: Writing answers together (2)
- Essay: Reviewing answers together (3)
- Developing joint outlines (4)
- Using flashcards together (5)
- Watching videos together (7)
- Group texts/email about questions (8)
- Practicing multiple choice questions (9)
- Other, please specify (6) _____

End of Block: Study group

Start of Block: Academic subjects

Q31 In retrospect, are there any bar tested subjects that you wish that you had taken?

Yes (1)

No (2)

Display This Question:

If In retrospect, are there any bar tested subjects that you wish that you had taken? = Yes

Q32 If yes, check all that apply:

- Family law (1)
- GA Civil Procedure (2)
- Trust and Estates (3)
- Advanced Evidence (4)
- Sales and Secured Transactions (5)
- Commercial Paper (6)
- Corporations (7)
- Remedies (10)
- Constitution Law II (9)
- Criminal Procedure Investigation (8)
- Criminal Procedure Adjudication (12)
- Other, please specify (11) _____

End of Block: Academic subjects

Start of Block: Study environment

General2 This section is trying to understand your personal factors related to bar study preparation.

Q33 Did you have consistent access to your primary study space?

- Yes (1)
- No (2)

Display This Question:

If Did you have consistent access to your primary study space? = No

Q34 If no, please explain:

End of Block: Study environment

Start of Block: Financial factors

Q35 What was your plan for paying for the bar review course?

- Self-pay (1)
- Family (2)
- Employer pay (3)
- Loan (4)
- Served as company representative (5)
- Other source(s), please specify (6) _____

Q36 Was it necessary for you to develop a financial management plan for living expenses during the bar exam?

- Yes (1)
- No (2)

Display This Question:

If Was it necessary for you to develop a financial management plan for living expenses during the ba... = Yes

Q37 If yes, did your financial plan include? (Check all that apply)

Housing (1)

Food (2)

Transportation (3)

Parking (4)

Child care (5)

Entertainment (6)

Utilities (8)

Credit card debt (9)

Other, please specify (7) _____

Display This Question:

If Were you able follow your financial management plan? = Yes

Q38 Were you able follow your financial management plan?

Yes (1)

No (2)

Display This Question:

If Were you able follow your financial management plan? = No

Q39 If no, what kept you from following your financial management plan? (Check all that apply)

- Unexpected expenses (1)
- Expenses higher than budgeted for (2)
- Unexpected loss of income (3)
- Money I expected via loans or gifts did not come through (4)
- Other, please specify (5) _____

End of Block: Financial factors

Start of Block: Time to study (family obligations)

Q40 While studying for the bar exam, what was your family status:

- Single (1)
- Single, significant other (spouse) (2)
- Single, with minor child(ren) (3)
- Married (4)
- Married, with minor child(ren) (5)

Display This Question:

If While studying for the bar exam, what was your family status: = Single, with minor child(ren)

Or While studying for the bar exam, what was your family status: = Married, with minor child(ren)

Q41 If you have a child(ren), did you have a minor child care plan(s) for during the bar study period?

- Yes (1)
- No (2)

Display This Question:

*If While studying for the bar exam, what was your family status: = Single, with minor child(ren)
Or While studying for the bar exam, what was your family status: = Married, with minor child(ren)
And If you have a child(ren), did you have a minor child care plan(s) for during the bar study period? = Yes*

Q42 On average, did you have child care:

- 1-2 hours/day (1)
- 3-4 hours/day (2)
- 5-6 hours/day (3)
- 7 or more hours/day (4)
- Weekends only (6)
- Other, please specify (5) _____

Q43 Did you experience any issues with your child care plan during your bar study period?

- Yes (1)
- No (2)

Display This Question:

If Did you experience any issues with your child care plan during your bar study period? = Yes

Q44 If yes, what challenges arose? (Check all that apply)

- Caregivers were unavailable (1)
- Child(ren) got sick (2)
- Insufficient funds to pay for day care/camp (3)
- Other things interfered with time for study while child(ren) were being cared for (4)
- Wanted to spend more time with my children/family (5)
- Other, please specify (6) _____

End of Block: Time to study (family obligations)

Start of Block: Time to study (work obligations)

Q45 Did you work (for pay or in an internship) during bar exam preparation?

- Yes (1)
- No (2)

Display This Question:

If Did you work (for pay or in an internship) during bar exam preparation? = Yes

Q46 If yes, did you work:

- Full-time (1)
- Part-time (2)
- Paid internship (3)
- As needed/gig economy style (4)
- Unpaid internship/volunteer (5)

Display This Question:

If Did you work (for pay or in an internship) during bar exam preparation? = Yes

Q47 Did your employer allow you to adjust your work schedule to accommodate bar preparation?

- Yes (1)
- No (2)

Display This Question:

If Did you work (for pay or in an internship) during bar exam preparation? = Yes

Q48 Did you reduce your work hours during your bar exam preparation period?

- Yes (1)
- No (2)

Display This Question:

If Did you work (for pay or in an internship) during bar exam preparation? = Yes

Q49 If yes, when did you start reducing your work hours?

- One week before the bar exam (1)
- Two weeks before the bar exam (2)
- Three weeks before the bar exam (3)
- Four to five weeks before the bar exam (4)
- The entire bar study period (5)

Display This Question:

If Did you work (for pay or in an internship) during bar exam preparation? = Yes

Q50 On average, how much less time did you work per week for your bar exam?

- 1-5 hours/week (1)
 - 6-10 hours/week (2)
 - 11-15 hours/week (3)
 - 16-20 hours/week (4)
 - 21 or more hours/week (5)
-

Q51 Did you have less study time than you expected to have?

- Yes (1)
 - No (2)
-

Display This Question:

If Did you work (for pay or in an internship) during bar exam preparation? = Yes

Q52 If yes, why did you have less time than expected (Check all that apply)

- Increase professional workload (1)
- Family demands (2)
- Procrastination (3)
- Other, please specify (4) _____

End of Block: Time to study (work obligations)

Start of Block: Study motivation

Q53 How motivated were you during the bar study period?

- Highly motivated (1)
- Somewhat motivated (2)
- Barely motivated (3)
- Not motivated at all (4)

Display This Question:

*If How motivated were you during the bar study period? = Somewhat motivated
Or How motivated were you during the bar study period? = Barely motivated
Or How motivated were you during the bar study period? = Not motivated at all*

Q54 What hindered your ability to stay motivated throughout the bar study period?

Display This Question:

*If How motivated were you during the bar study period? = Highly motivated
Or How motivated were you during the bar study period? = Somewhat motivated
Or How motivated were you during the bar study period? = Barely motivated*

Q55 What helped your ability to stay motivated throughout the bar study period?

End of Block: Study motivation

Start of Block: Self-Confidence

Q56 In the beginning of the bar preparation period, how confident were you in your capability to pass the bar exam?

- No confidence (1)
- Slight confidence (2)
- Moderate confidence (3)
- High confidence (4)

Q57 In the middle of the bar preparation period, how confident were you in your capability to pass the bar exam?

- No confidence (1)
- Slight confidence (2)
- Moderate confidence (3)
- High confidence (4)

Q58 On the day before bar exam began, how confident were you in your capability to pass the bar exam?

- No confidence (1)
- Slight confidence (2)
- Moderate confidence (3)
- High confidence (4)

End of Block: Self-Confidence

Start of Block: Other factors

Q59 Are you in the first generation of your family to have attended college?

Yes (5)

No (6)

Q60 Are you in the first generation of your family to have attended law school?

Yes (1)

No (3)

Q61 If no, please tell us any of the following people in your family have taken the bar exam (Check all that apply).

Parent (1)

Grandparent (2)

Sibling (3)

Spouse (4)

Child (5)

Aunt/Uncle (6)

Other, please specify (7) _____

Q62 Are you in the first generation of your family to take a bar exam?

Yes (4)

No (5)

Q63 Do you have a lawyer who actively mentored you during your bar preparation?

Yes (4)

No (5)

Q64 What did you do to stay physically healthy while studying for the bar exam?

Regular exercise (1)

Occasional exercise (2)

Health eating (3)

Maintained regular sleep schedule (4)

Other, please specify (5) _____

None of the above (6)

Q65 What did you do to stay mentally healthy while studying for the bar exam?

Q66 Did you face any of the following challenges during bar exam preparation? (Check all that apply)

- Extended physical illness (1)
 - Chronic medical condition (2)
 - Depression (3)
 - Accident (4)
 - Death in family (5)
 - Moving (6)
 - Change in relationship status (7)
 - Birth of child (8)
 - Other, please specify (9) _____
 - None of the above (10)
-

Q67 What would you do differently, knowing that you now know about bar preparation?
