



What it takes to pass today's nasty bar exam

New research shows that your LSAT score is not indicative of how you will do on the bar exam. But your grades in civil procedure and legal research and writing are. What should you do if you did poorly in those courses?

BY TYLER ROBERTS

Case Western Reserve University School of Law posted a bar-passage rate of 93 percent for the July 2017 exam, an increase of 15 percentage points from the prior year. The leap reflects significant improvements to the law school's curriculum, which is heavy on experiential learning and skills development.

James Walsh was a member of Case Western Reserve's 2017 graduating class, the first to complete all three years of the revamped curriculum. He passed the bar on his first try. There is no secret to his success, he said, just hard work.

"Case really nurtured our critical-thinking skills, teaching us what to focus on,"

Walsh said. "That gives us the ability to navigate through a murky and difficult fact pattern, which is what you will get on the bar exam."

Since 2011, law school applicant pools have grown smaller and incoming undergraduate GPAs and LSAT scores have dropped. Since 2014, bar-passage rates also have declined.

A link has been drawn between low LSAT scores and sub-par bar exam performance. But recent studies indicate that LSAT scores are not the final determining factor for who passes the bar and who does not. In fact, the strongest indicator of bar exam success appears to be a student's law school GPA.

Nicholas Georgakopoulos, who compiled data comparing law school GPAs and bar exam success, said this is good news for students searching to improve their chances of passing the bar.

“What students learn in law school is very important,” said Georgakopoulos, a law professor at Indiana University Robert H. McKinney School of Law. “The data reinforces the idea that what students are learning in class matters.”

Case Western Reserve’s new curriculum requires second- and third-year students to take four of six bar-tested subjects not covered during their first year. Bar-tested courses have closed-book examinations to replicate the conditions of the bar exam. Also, faculty who teach bar-related courses are encouraged to add midterm tests and other periodic assessments, rather than relying on one final exam.

“Our goal is to teach a set of skills, or core competencies, that will help our students be highly successful as lawyers,” said Jessica Berg, co-dean of Case Western Reserve. “We do this by balancing experiential and hands-on learning with substantive subject matter.”

First-year grades have a strong statistical relationship to bar passage, according to a study co-authored by Catherine Christopher, director of bar prep resources at Texas Tech University School of Law. The study found that a student’s performance in two first-year courses in particular — civil procedure and legal research and writing — were highly predictive of bar exam performance.

Christopher explained that the predictive value of these two classes could be attributed to the skills students learn. In civil procedure, for example, students are required to grasp complex statutory and common law rules while mastering intricate details of abstract subject matter. Likewise, legal research and writing courses teach students fundamental legal skills.

“These classes require students to perform many lawyering skills simultaneously,” she said. “Skills that you need to be a lawyer are the same skills that you need to pass the bar exam.”

Such skills are the basic building blocks of a legal education, Berg said. Learning these skills early on is crucial to understanding and handling more complex subject matter.

Students who fail to grasp the skills taught in first-year courses may end their first year with a low GPA. Still, there is time for those students to pick up the

skills necessary to pass the bar. In a separate study titled “Bar Passage: GPA and LSAT, not Bar Reviews,” Georgakopoulos discovered that upper-class GPA was a similarly strong indicator of bar exam success.

Georgakopoulos said students do well in law school once they begin to understand legal reasoning and start thinking like lawyers. That “a-ha! moment,” as Georgakopoulos described it, often occurs in the second or third year, once students begin taking courses they are more interested in.

“It does not matter much whether you did poorly in your first year of law school,” Georgakopoulos said. “There is a moment in every law school student’s career when they have an epiphany, something clicks, and they become capable of legal analysis.”

The predictive power of law school GPAs is extraordinary. In Georgakopoulos’ study, first-time bar exam takers with law school GPAs higher than 3.2 passed the bar at a rate of 95 percent, whereas those with GPAs below 2.6 passed the bar at a rate of less than 10 percent.

These numbers come from a small sample of IU McKinney School of Law graduates. Other law schools have different GPA requirements, which may result in lower or higher median GPAs. The takeaway is that students get out of law school what they put into it. Those who compete for top grades are most likely to learn the legal analysis skills needed to pass the bar.

Students also pick up legal analysis skills through extracurricular activities that provide opportunities to reinforce the substantive lessons they learn in class. Christopher’s data shows that students who were involved in extracurricular programs tended to do better on the bar exam.

Students who work on a legal journal, for example, might learn to create sharp legal arguments, use clear language and question authority. Clinic participation and other experiential programs, such as moot court, may also positively influence a student’s bar exam success. Results from Christopher’s study show that students who participated in these types of programs tended to have significantly higher law school GPAs and higher bar exam scores.

Walsh testifies to the benefit of extracurricular activities. As a member of the Case Western Reserve Law Review and a volunteer with one of the school’s legal clinics, he developed the discipline to grapple with complex legal subjects and figure out how



James Walsh was a member Case Western Reserve’s 2017 graduating class, the first to complete all three years of the revamped curriculum. He passed the bar on his first try. There is no secret to his success, he said, just hard work.

certain facts would implicate application of the law.

“Those two things put together allow you to enter the bar exam with confidence,” Walsh said.

Extracurricular activities in and of themselves may not lead to bar exam success, however. As Christopher explains in her paper, these groups of students tend to be self-selecting, with the most motivated students putting in extra effort outside of class. If this is true, then it reinforces the idea that bar passage comes from effort.

“You can’t cut corners in law school,” Georgakopoulos said. “You have to work hard to get good grades. That is the only way students will pass the bar exam.”

Looking back to the relationship between LSAT scores and bar passage, national data indicate that law students with high LSAT scores tend to enroll in more competitive J.D. programs, and graduates of those programs tend to perform better on the bar. While competitiveness among top law students may be reflected in law school rankings, it can also be developed at less competitive schools through rigorous testing and high GPA requirements.

Chapman University Fowler School of Law introduced for-credit bar-prep courses in 2011 aimed at increasing the intensity with which students prepared for the bar. Focusing on both the structure and the

substance of the bar exam, students are given numerous practice exams and other graded assessments throughout the semester. In turn, they receive quick, individualized feedback. The school's bar-passage rate improved to 82 percent in 2012.

Professor Mario Mainero, director of academic achievement and bar services at Chapman Fowler School of Law, said the success of each graduating class hinges on the intensity and rigor with which students practice for the bar exam.

"There is no way around it. Studying for the bar is an awful lot of work," Mainero said.

Simply participating in a bar-prep program is not enough. There has to be a significant buy-in to the intensity of the program by a cohort of students. Without it, Mainero said, such programs do not work.

In 2016, for example, Chapman's bar-passage rate was only 57 percent. Even though it was 14 percentage points higher than the state average, it was only a shadow of the school's success in previous years. The reason?

"The intensity buy-in was not there," Mainero said. "Students did not do the

work, and the quality of the product dropped off."

Now, Chapman Law monitors each student's progress, tracking the number of essays turned in and the topics written about. The school's goal is to ensure that each student is comfortable with the substance and structure of bar exam questions. Mainero said that once again he is beginning to see the level of intensity that made Chapman Law's program successful in previous years.

Doing well in law school is essential to passing the bar, even though some students think they can coast by with minimal effort and rely on a commercial bar-prep course. For those students, no amount of bar prep can make up for the lessons they should have learned in class, Georgakopoulos said.

In his study, Georgakopoulos looked at two groups of students. One purchased an expensive national bar-prep course. The other purchased a local bar-prep course. The study revealed there was little to be gained by purchasing the expensive national prep program. In fact, bar prep seemed to benefit only a small portion of students.

The nationally recognized bar-prep course made the biggest difference for students with average grades. It made not statistical difference for students with high law school GPAs.

"This indicates that students should be more focused on the lessons that they learn in class, rather than preparing for the bar," Georgakopoulos said. "When the time to take the bar exam does come, success will be determined more by law school effort than bar review courses."

Walsh is now a lawyer working for a local litigation firm. Looking back on his experience at Case Western and preparing for the bar, he recognizes that there is no shortcut to success. It wasn't his innate ability or the commercial bar-prep course he took that helped him pass the exam. Rather, he credits his success to the long hours he spent toiling over case law to prepare for class, writing for his law review and representing clinic clients.

"The most successful students are the most hardworking," he said from his new office. "In fact, the best lawyers I know are still in the office right now."

It was after 6:30 p.m. on a Tuesday.



Complete your bar prep with
MBE Law Decks

You're about to spend a lot of money on your bar prep course. Be sure you maximize that investment. We can help you work on your test-taking skills with over 1200 bar exam questions. We track your strengths and weaknesses as well as your guesses. Let us show you where to focus your studying. Try it for free!

www.cewebinar.com/mbe-law-decks

CE Webinar™



How to muscle up for the bar

Heavy lifting during law school is the best way to train for the grueling exam.

BY TYLER ROBERTS

Think you can wait until the day after graduation to start preparing for the bar? Think again. While commercial bar-prep courses are useful for reviewing substantive subject matter before the big test, the real training starts on the first day of your first semester.

Passing the bar does not require innate talent or a photographic memory (wouldn't that be nice), but it does require a whole lot of hard work during law school.

Developing effective study habits, understanding legal analysis, becoming an efficient communicator and committing the law to memory are just a few of the things that will help you succeed. Much like muscle memory, those skills should be second nature when the bar exam comes along.

"I tell students to focus a lot on first-year courses and take them seriously," said Ashley Heidemann, founder of JD Advising, LLC. "It will come back to haunt them if they don't, and it will help them if they do."

First-year classes provide the foundational skills that will carry you through law school and the bar exam, she said. Your ability to grasp basic legal concepts will affect your ability to handle the more complex subject matter tested on the exam.

One foundational skill that is indispensable for success is legal reasoning. Bar examiners look for robust analyses and strong arguments, and test takers who fail to meet that expectation will fail the exam.

If you struggle with legal analysis, it may have less to do with your analytical skills and more to do with how you are learn-

ing the law. Heidemann said that when students have difficulty applying the law to fact patterns, it usually stems from a poor understanding of legal rules. It is impossible to put together the puzzle without all the pieces.

"The bar exam tests on the nuances of the law," she said. "If students skip the step of memorization and move straight to practice problems, their analyses are usually very thin."

To avoid this pitfall, Heidemann says, she tells students to figure out how they learn best and use that to their advantage. Visual learners should focus on using flow charts and outlines. Auditory learners should seek out podcasts and recorded lectures. Regardless of the process, committing the law to memory requires discipline and endurance.

"Once you have created your outline, you will need to spend a lot of time on specific sections, especially those you do not understand well," Heidemann said. "It is not fun, and it is a lot of work."

Repetition is key, Heidemann explained. Even after you have mastered a section of your outline, you need to review the material every week or so to retain what you have learned. When the bar exam comes around, the study skills and discipline will be rewarded.

"Do the work now, because it doesn't get any easier," said James Walsh, a 2017 Case Western Reserve University School of Law graduate who passed the bar on his first try. "The No. 1 skill is doing the work. You have to spend your time mastering this stuff. That is what makes you successful."

Wading through class material is an essential part of strengthening your lawyering skills, Walsh explained. It means you are progressing. When you spend two or three hours grappling with a complex legal issue, you begin to identify patterns in how courts, judges and lawmakers handle legal concepts. Nuance is not something you come to understand just by looking at statutes and skimming case law.

While first-semester performance is critical to building core competencies for the bar exam, the second and third years of law school are equally as important. There are strong statistical ties between upper-class GPAs and bar-exam success. This indicates that the skills required to pass the bar can also be learned in non-core classes.

The upper-level classes you choose are important and can go a long way toward preparing you for the bar exam. If you struggled in a specific first-year course, Heidemann suggests taking related upper-level courses to fill any gaps in your knowledge. For example, a student who does poorly in first-year contract law may want to take sales and leases.

Heidemann also tells students to take a class in evidence.

"It is just too complex to learn in two days," she said.

Other classes that are key to preparation for the bar include secured transactions, constitutional law, estate planning and family law. Walsh took criminal procedure in his final semester of law school, which allowed him simply to skim his bar-prep outline of that area before moving on to other subjects.

Mario Mainero, director of academic achievement and bar services at Chapman University Fowler School of Law, is a former California Bar Exam grader. He offers this advice to students: Do the work, memorize substance, learn the structure, practice and repeat.

"The process of learning the law is important," Mainero said. "Without process, you will not produce the quality that bar examiners are looking for."

Bar exam success ultimately comes down to muscle memory. The more you do in law school to strengthen your skills, the less you'll have to worry about the bar exam, Heidemann said. Not only will you have a stronger understanding of bar exam subject matter but also you will have the skills to navigate the nuances of complex bar exam problems. Moreover, you will know what learning methods work best for you.