

# Breaking Down Bar Passage: Examining the Predictive Utility of Academic Performance and Student Characteristics on Subscale Scores of the Uniform Bar Exam—A Follow-Up Study

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## I. Introduction

In the early 1990s, the American Bar Association (ABA) established a task force of lawyers, judges, and legal educators to collectively develop what is widely known today as the MacCrate Report—an extensive 414-page document detailing a comprehensive list of the competencies necessary for all lawyers to possess and which all law schools essentially have a moral and ethical obligation to instill in their students.<sup>1</sup> The report included a detailed collection of recommendations for improving American legal education, with the task force calling for radical reform to both law school curriculum as well as the material assessed on the bar exam itself. Ultimately, the result was a

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1 Eugene E. Clark, *Legal Education and Professional Development—An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap*, 4 LEGAL EDUC. REV. 201 (1993); John J. Costonis, *MacCrate Report: Of Loaves, Fishes, and the Future of American Legal Education*, 43 J. LEGAL EDUC. 157 (1993); Linda A. Trujillo, *The Relationship Between Law School and the Bar Exam: A Look at Assessment and Student Success*, 78 U. COLO. L. REV. 69 (2007).

push for an increased emphasis on legal skills and values, and a reduction in the emphasis placed on legal doctrine.<sup>2</sup>

Nearly two decades later, *Educating Lawyers: Preparation for the Profession of Law*—which would later be known as the Carnegie Report—received similar widespread attention for its campaign soliciting law schools to adapt their strategies to better meet the demands of the legal profession.<sup>3</sup> Likewise, countless academics and legal scholars have joined the discourse to help move the needle toward better harmonizing legal education, the bar exam, and the legal profession and active practice of the law. Researchers have investigated everything from law school curriculum and academic supports<sup>4</sup> to optimal teaching and learning strategies<sup>5</sup> to the utilization of assessment and evaluation in higher education and law school.<sup>6</sup> Few topics in the literature, however, receive more attention than bar passage and the various factors that contribute to law students' passing the bar.<sup>7</sup> This emphasis is not altogether

2 *Id.*

3 2 WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND & LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007).

4 Meera E. Deo, Walter R. Allen, A.T. Panter & Charles Daye, *Struggles & Support: Diversity in US Law Schools*, 23 NAT'L BLACK L.J. 71 (2009); Susan D. Landrum, *Drawing Inspiration from the Flipped Classroom Model: An Integrated Approach to Academic Support for the Academically Underprepared Law Student*, 53 DUQ. L. REV. 245 (2015); Wendy Larcombe, Letty Tumbaga, Ian Malkin, Pip Nicholson & Orania Tokatlidis, *Does an Improved Experience of Law School Protect Students Against Depression, Anxiety and Stress?: An Empirical Study of Wellbeing and the Law School Experience of LLB and JD Students*, 35(2) SYDNEY L. REV. 407 (2013); Anthony Niedwiecki, *Law Schools and Learning Outcomes: Developing a Coherent, Cohesive, and Comprehensive Law School Curriculum*, 64 CLEV. ST. L. REV. 661 (2015).

5 Leah M. Christensen, *Legal Reading and Success in Law School: An Empirical Study*, 30 SEATTLE U. L. REV. 603 (2006); Shailini Jandial George, *Teaching the Smartphone Generation: How Cognitive Science Can Improve Learning in Law School*, 66 ME. L. REV. 163 (2013); ELIZABETH MERTZ, *THE LANGUAGE OF LAW SCHOOL: LEARNING TO "THINK LIKE A LAWYER"* (2007); Craig John Newbery-Jones, *Trying to Do the Right Thing: Experiential Learning, E-Learning and Employability Skills in Modern Legal Education*, 6 EUR. J.L. & TECH. (2015).

6 ALEXANDER W. ASTIN & ANTHONY LISING ANTONIO, *ASSESSMENT FOR EXCELLENCE: THE PHILOSOPHY & PRACTICE OF ASSESSMENT & EVALUATION IN HIGHER EDUCATION* (2d ed. 2012); Michael A. Bailey, Jeffrey S. Rosenthal & Albert H. Yoon, *Grades and Incentives: Assessing Competing Grade Point Average Measures and Postgraduate Outcomes*, 41 STUD. HIGHER EDUC. 1548 (2016); Olympia Duhart, *It's Not for a Grade: The Rewards and Risks of Low-Risk Assessment in the High-Stakes Law School Classroom*, 7 ELON L. REV. 491 (2015); Herbert N. Ramy, *Moving Students from Hearing and Forgetting to Doing and Understanding: A Manual for Assessment in Law School*, 41 CAP. U. L. REV. 837 (2013).

7 Derek Alphan, Tanya Washington & Vincent Eagan, *Yes We Can, Pass the Bar: University of the District of Columbia, David A. Clarke School of Law Bar Passage Initiatives and Bar Pass Rates—From the Titanic to the Queen Mary!*, 14 U.D.C. L. REV. 9 (2011); Kathrine A. Austin, Catherine Martin Christopher & Darby Dickerson, *Will I Pass the Bar Exam: Predicting Student Success Using LSAT Scores and Law School Performance*, 45 HOFSTRA L. REV. 753 (2017); Andrea A. Curcio, *Society of American Law Teachers Statement on the Bar Exam*, 52 J. LEGAL EDUC. 446 (2002); Nicholas L. Georgakopoulos, *Bar Passage: GPA and LSAT, Not Bar Reviews* (Ind. Univ. McKinney Sch. of L., Research Paper No. 2013-30, 2013); Carol Goforth, *Why the Bar Examination Fails to Raise the*

surprising, considering the modern-day pressures law schools face regarding ABA accreditation standards, the fierce competition for new students, and given the fact that the bar exam itself still ultimately acts as a barrier to the legal profession.<sup>8</sup>

A clear example of this research is Farley et al.'s *A Deeper Look at Bar Success: The Relationship Between Law Student Success, Academic Performance, and Student Characteristics*.<sup>9</sup> In that work, Farley et al.<sup>10</sup> built upon prior research<sup>11</sup> by taking a broader approach to the factors that might contribute to bar passage—exploring student performance from beginning to end of the law school career, and parsing out the most significant indicators of bar passage likelihood. The article not only holds important implications for legal scholarship and bar passage research in general, but effectively acts as a catalyst for the current study and lays the foundation for further investigation.

Farley et al.'s<sup>12</sup> original work focused on examining the relationship between various components of law students' academic performance—those taking place both before students enter law school and during law school—and first-time bar passage. The researchers investigated the impact of student demographic characteristics, participation (or lack thereof) in various academic activities (e.g., support programs, upper-level bar courses), and students' subsequent

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*Bar*, 42 OHIO N.U. L. REV. 47 (2015); Andrew P. Morriss & William D. Henderson, *Measuring Outcomes: Post-Graduation Measures of Success in the US News & World Report Law School Rankings*, 83 IND. L.J. 791 (2008); Emmeline Paulette Reeves, *Teaching to the Test: The Incorporation of Elements of Bar Exam Preparation in Legal Education*, 64 J. LEGAL EDUC. 645 (2015); G.S. Rosin, *Unpacking the Bar: Of Cut Score and Competence*, 32 J. LEGAL PRO. 67 (2008); LINDA F. WIGHTMAN, LAW SCH. ADMISSIONS COUNCIL, LSAC NATIONAL LONGITUDINAL BAR PASSAGE STUDY (1998); Joshua Yakowitz, *Marooned: An Empirical Investigation of Law School Graduates Who Fail the Bar Exam*, 60 J. LEGAL EDUC. 3 (2010).

8 Christopher D. Iacono, *Legally Unhappy: How US News and Law Schools Have Failed and How This Can Be Fixed*, 37 TOURO L. REV. 219 (2021); Albert Yoon & Jesse Rothstein, *Choice as Revelation: Using Students' Enrollment Decisions to Rank US Law Schools* (Oct. 15, 2022), <https://ssrn.com/abstract=4023587>.

9 Amy N. Farley, Christopher M. Swoboda, Joel Chanvisanuruk, Keanen M. McKinley, Alicia Boards & Courtney Gilday, *A Deeper Look at Bar Success: The Relationship Between Law Student Success, Academic Performance, and Student Characteristics*, 16 J. EMPIRICAL LEGAL STUD. 605 (2019).

10 *Id.*

11 Olufunmilayo B. Arewa, Andrew P. Morriss & William D. Henderson, *Enduring Hierarchies in American Legal Education*, 89 IND. L.J. 941 (2014); Goforth, *supra* note 7, at 48; Landrum, *supra* note 4, at 245; Taylor K. Odle, Ji Yeon Bae & Manuel S. González Canché, *The Effect of the Uniform Bar Examination on Admissions, Diversity, Affordability, and Employment Across Law Schools in the United States*, 45 EDUC. EVALUATION & POL'Y ANALYSIS 520 (2022); Alex Wellen, *The \$8.78 Million Maneuver*, N.Y. TIMES (July 31, 2005), <https://www.nytimes.com/2005/07/31/us/education/the-878-million-maneuver.html>.

12 Farley et al., *supra* note 9, at 605.

performance on the bar exam.<sup>13</sup> This research was published in the wake of downward trends observed among bar passage rates across the United States between the years 2008 and 2017<sup>14</sup> and sought to help law schools wrestle with important questions about bar success, the role of legal education, and the policies that impact students, programs, and academic outcomes. The present article builds upon this 2019 work and reflects the findings of a follow-up analysis—conducted using the same predictive factors highlighted in the original study—and examines them in relation to student performance on the three components of the Uniform Bar Exam: 1) the Multistate Bar Examination (MBE), 2) the Multistate Essay Examination (MEE),<sup>15</sup> and the 3) Multistate Performance Test (MPT). Because most of the existing literature, including the original Farley et al.<sup>16</sup> study, examines bar performance as a unidimensional construct—often simplified into a binary indicator of bar passage—there is currently little known about student predictors of performance on subscales of the modern bar examination.

To add to this body of knowledge, this article begins with a brief history of the evolution of the bar exam and its intended purpose. It then outlines the multiple components of the Uniform Bar Exam and provides a short recap of the existing bar passage literature—focusing primarily on the findings from the Farley et al.<sup>17</sup> analysis. We then define the methods used in the present study, discuss the results of our analyses, describe how our findings build upon those of Farley et al.,<sup>18</sup> and examine how our results correspond to contemporary changes to the bar exam. Implications for educational research and legal educational policy and practice are also discussed. We conclude with a description of the present study's limitations and recommendations for future research.

### *A. The Modern Bar Examination*

The bar examination was originally established in the United States in an effort to certify to the public and society at large that American lawyers not only possessed the key skills and values necessary to successfully practice the law, but that upon their graduation from law school legal practitioners would be certified competent enough to conduct legal research, communicate and negotiate effectively, perform factual investigations, and be able to

13 *Id.*

14 National Conference of Bar Examiners, *Multistate Bar Examination* (2018) [hereinafter NCBE].

15 *See* Farley et al., *supra* note 9, at 605. The authors used bar data from the state of Ohio in this study. It is worth noting that while the Ohio bar exam did not actually incorporate the MEE section of the UBE during the time of the study, it did include a written essay section that is a close approximation.

16 *See id.*

17 *Id.*

18 *Id.*

counsel clients.<sup>19</sup> It is worth noting that the bar exam has undergone several transformations since its origin.<sup>20</sup>

Before the 1970s, most state bar exams consisted primarily of essay questions. But in 1972, the National Conference of Bar Examiners (NCBE) developed the Multistate Bar Exam (MBE)—a multiple-choice test section that offered a more time- and cost-effective way to equalize the grading system across U.S. states.<sup>21</sup> Over the next thirty years, the NCBE would offer two additional exam sections: 1) the Multistate Essay Examination (MEE), added in 1988, and 2) the Multistate Performance Test (MPT), added in 1997, both of which individual states could choose to option into before the adoption of the Uniform Bar Exam (UBE) in 2018.<sup>22</sup> Ultimately, these three exam sections—the MBE, MEE, and the MPT—would be combined to form the modern-day UBE now adopted by thirty-six U.S. states.<sup>23</sup> In the sections of this paper that follow, we describe each of these bar exam components, their stated purpose, their unique scoring structure, and how they relate to legal education.

### *B. Multistate Bar Exam (MBE)*

According to the National Council of Bar Examiners (NCBE), the stated 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.”<sup>24</sup> This 175-question multiple-choice examination assesses examinees’ abilities in the following content areas: property law, torts, contract law, civil procedure, criminal law, criminal procedure, evidence, and constitutional law.<sup>25</sup> Examinees are expected to display proficiency in interpreting and applying legal principles, analyzing facts, and making judgments about hypothetical situations, counseling and advocating for their clients, etc.<sup>26</sup>

Research examining the validity and reliability of the MBE suggests that MBE scores do not necessarily translate to subject matter expertise within specific areas of the law; instead, the data show that proficiency in one content area tested on the MBE is generally accompanied by proficiency in other

19 See Clark, *supra* note 1, at 1; see Trujillo, *supra* note 1, at 69.

20 Andrei Zakhareuski, *UBE States: Which States Have Adopted the Uniform Bar Exam?*, BAR PREP HERO (June 17th, 2024), <https://barprephero.com/learn/uniform-bar-examination-states/>.

21 Robert M. Jarvis, *An Anecdotal History of the Bar Exam*, 9 *Geo. J. LEGAL ETHICS* 359 (1995).

22 See NCBE, *supra* note 14, in (2021).

23 See Zakhareuski, *supra* note 20.

24 See NCBE, *supra* note 14, in 2021.

25 Sarah M. Bonner & Jerome V. D’Agostino, *A Substantive Process Analysis of Responses to Items from the Multistate Bar Examination*, 25 *APPLIED MEASUREMENT EDUC.* 1 (2012); see NCBE, *supra* note 14, in 2021.

26 Jarvis, *supra* note 21, at 359; Sandra L. Smetanka, *The Multi-State Performance Test: A Measure of Law Schools’ Competence to Prepare Lawyers*, 62 *U. Pitt. L. Rev.* 747 (2000).

content areas as well.<sup>27</sup> Although weighting can vary slightly by jurisdiction (e.g., Nevada and Virginia),<sup>28</sup> for UBE states, the MBE accounts for about 50% of test-takers' overall bar score—making test-takers' performance on this section critically important to their overall likelihood of passing the bar. Examinees are awarded one point for each correctly answered question on the MBE, corresponding to a maximum of 175 possible raw points total, which, after scale conversion, provides examinees with a scaled MBE score between 1 and 200.<sup>29</sup> Statistical adjustments are used in the process of converting raw MBE scores to scaled MBE scores to account for varying test difficulty levels between multiple administrations, so that scaled scores are comparable across versions.<sup>30</sup>

### C. *Multistate Essay Exam (MEE)*

The Multistate Essay Examination (MEE) is a series of six 30-minute short essay questions that are designed to test content similar to that of the MBE. The MEE seeks to assess examinees' substantive legal knowledge as well as their ability to identify legal issues, distinguish relevant information, and present a well-reasoned, clear, and concise analysis of various hypothetical legal scenarios.<sup>31</sup> The main difference between the MEE and the MBE is that the MEE requires examinees to be able to demonstrate their abilities and communicate effectively in writing.

The grading of the MEE is typically determined by state, as each jurisdiction tends to have its own policy with respect to the relative weight given to the MEE and other bar subscale scores.<sup>32</sup> For all Uniform Bar Exam (UBE) jurisdiction states (and most non-UBE jurisdiction states), the MEE accounts for about 30% of examinees' overall bar score.<sup>33</sup> However, there are some exceptions to this. Delaware and Mississippi, for example, weight the MEE at 40% and 45% respectively.<sup>34</sup> Scaled MEE scores can range from 1–6, 1–10, or even 20–60 (e.g., New York), depending on jurisdiction, and are often graded by practicing attorneys or judges as opposed to law school professors.<sup>35</sup> Since the MEE tends to account for about 30% of overall bar score in most states, and an overall bar score ranging from 65 to 70% (depending on jurisdiction) is about

27 See Bonner & D'Agostino, *supra* note 25, at 25.

28 See NCBE, *supra* note 14, in 2021.

29 *Id.*

30 *Understanding the Bar Exam Curve*, BARBRI, <https://www.barbri.com/bar-exam-curve/> (Sept. 12, 2024) [hereinafter BARBRI]; see NCBE, *supra* note 14, in 2021.

31 Amy Gaiennie, *Evolution of the Bar Exam*, ABA FOR LAW STUDENTS (Nov. 4, 2021), [https://www.americanbar.org/groups/law\\_students/resources/student-lawyer/bar-admissions-and-exam/evolution-of-the-bar-exam/](https://www.americanbar.org/groups/law_students/resources/student-lawyer/bar-admissions-and-exam/evolution-of-the-bar-exam/); see NCBE, *supra* note 14, in 2021.

32 NCBE, *supra* note 14, in 2021.

33 See BARBRI, *supra* note 30, in 2022; see NCBE, *supra* note 14, in 2021.

34 NCBE, *supra* note 14, in 2021.

35 *Id.*

the minimum score required to pass,<sup>36</sup> it would technically be possible for an examinee to fail the MEE and still pass the bar. However, since the content areas tested in the MEE mirror those tested on the MBE (50% of overall bar score), and research has shown that proficiency in one MBE content area is generally correlated with proficiency in other content areas,<sup>37</sup> it is unlikely that extremely low MEE scores would correspond to overall success on the bar.

#### *D. Multistate Performance Test*

Finally, the Multistate Performance Test is composed of two ninety-minute, closed-universe writing problems—one or both of which may be administered to examinees as part of the bar exam, depending on jurisdiction. Unlike the MBE and the MEE, the MPT is supposed to be representative of an assignment that might be given to a new practicing attorney (e.g., a case file, task memorandum, rules, regulations, library of cases, etc.), rather than an assessment of substantive knowledge.<sup>38</sup> The purpose of the MPT is to assess an examinee's ability to utilize "fundamental lawyering skills" in a realistic situation and successfully complete a task regardless of the area of law in which those skills are applied.<sup>39</sup>

The MPT typically accounts for about 20% of an examinee's overall bar score in UBE jurisdictions.<sup>40</sup> Each question is awarded a raw score ranging between 0 and 6 (or possibly between 1 and 10 in some cases), which is then converted to an overall scaled score. The MPT and the MEE combine to form a total of 200 possible scaled points—with the MPT accounting for approximately 80 of those (40 points per question), and the MEE accounting for the remaining 120 points.<sup>41</sup> However, some non-UBE states—like Mississippi and Nevada, for example—assign less overall weight to the MPT than UBE jurisdictions do. The MPT accounts for only 15% of an examinee's overall bar score in Mississippi and only 10.5% in Nevada.<sup>42</sup> Beyond this, some non-UBE states elect to score only one of the two MPT questions offered on the exam as opposed to both.<sup>43</sup>

The MPT remains one of the most opaque sections of the bar exam overall and is arguably the most contested in the literature. While there has been some research dedicated to investigating how well law schools help prepare their

36 *MEE Grading & Scoring: What You Need to Know*, JD ADVISING, <https://jdadvising.com/mee-grading-scoring-what-you-need-to-know/> (last visited 2022) [hereinafter JD ADVISING]; see NCBE, *supra* note 14, in 2021.

37 See Bonner & D'Agostino, *supra* note 25, at 25.

38 Gaiennie, *supra* note 31, in 2021.

39 See NCBE, *supra* note 14, in 2021.

40 See BARBRI, *supra* note 30, in 2022; see NCBE, *supra* note 14, in 2021.

41 See JD ADVISING, *supra* note 36, in 2022; see NCBE, *supra* note 14, in 2021.

42 NCBE, *supra* note 14, in 2021.

43 *Id.*

students for the MPT section of the bar,<sup>44</sup> a great deal more work is needed in this space. Given the surge in UBE adoption across the United States and the corresponding increase in the weighting of the MPT, combined with the fact that the skills tested on the MPT are more practical in nature than the recall of the substantive knowledge taught in many first-year law school courses, it seems evident that gaining a better understanding of the MPT would be critical to the success of new lawyers entering the legal profession. Moreover, the challenges associated with the MPT will be even further compounded by the forthcoming adoption of the NexGen Bar Exam—set to be administered for the first time in July 2026<sup>45</sup>—which will include an even larger emphasis on the applied portions of the bar exam.

#### *E. 2026 NextGen Bar Exam*

In response to much of the contested MPT literature, the NextGen Bar Exam is being designed to improve upon the structure of the UBE by increasing the testing focus on students' skill sets and lawyering abilities while slightly deemphasizing concern for the memorization of legal knowledge and facts.<sup>46</sup> The NextGen exam builds upon clinical legal education, legal writing and analysis, and alternative dispute resolution programs.<sup>47</sup> Essentially, the exam has been designed to help equilibrate the litigation knowledge and skills section with transactional legal practice understanding, and this new content reflects many of the contemporary changes being made in modern-day law school curricula across the United States.<sup>48</sup>

#### *F. Bar Passage*

While there is a fair amount of research dedicated to bar passage, the majority of the literature leading up to Farley et al.<sup>49</sup> is focused primarily on investigating law school success factors in fragments. For example, several researchers have proposed that a significant relationship exists between student LSAT scores and bar success,<sup>50</sup> but many of these results have been mixed and/or disputed. At least some of this debate may have its roots in differing interpretations of the published relationships presented in the extant literature. For example, the Law School Admissions Council (LSAC) found a modest (.30) correlation between LSAT score and bar passage in one of its

44 Stephen D. Jamar, *Using the Multistate Performance Test in an LRW Course*, PERSPS.: TEACHING LEGAL RSCH. & WRITING 118 (2000); Robert R. Kuehn & David R. Moss, *A Study of the Relationship Between Law School Coursework and Bar Exam Outcomes*, 68 J. LEGAL EDUC. 623 (2019).

45 See NCBE, *supra* note 14, in 2023.

46 KAPLAN, <https://www.kaptest.com/study/bar/new-next-gen-bar-exam/> (last visited 2023); see NCBE, *supra* note 14, in 2023.

47 NCBE, *supra* note 14, in 2023.

48 *Id.*

49 See Farley et al., *supra* note 9, at 605.

50 Alphan et al., *supra* note 7, at 9; Austin et al., *supra* note 7, at 753; Georgakopoulos, *supra* note 7; Goforth, *supra* note 7, at 47; WIGHTMAN, *supra* note 7, at 7.



national longitudinal studies.<sup>51</sup> While this represents a statistically significant correlation, the LSAC also specifically noted that only 9% of the variance in overall bar score could be explained by variance in LSAT score.<sup>52</sup> Other scholars have proposed promising results regarding the reliability of the relationship between LSAT scores and MBE section scores specifically,<sup>53</sup> but on the whole, LSAT scores appear to explain very little about how students fundamentally perform on the entirety of the bar exam.

Beyond law school admissions test scores, researchers have investigated the predictive power of factors like undergraduate grade point average (UGPA) on bar success as well,<sup>54</sup> though these findings have also been challenged in the literature.<sup>55</sup> Law school grades have taken center focus in some studies,<sup>56</sup> while other studies have been dedicated to investigating student demographic characteristics and highlighting the racial disparities prevalent in bar passage rates.<sup>57</sup> However, because very few studies have investigated these fragmented student success factors (e.g., UGPA, law school grades, student demographics, etc.) while controlling for, or in tandem with, other important characteristics (e.g., work experience type/duration, college major, criminal record, etc.), the utility of this existing scholarship is admittedly limited.<sup>58</sup>

*G. Enter Farley et al. (2019)*

In an effort address the limitations of prior studies, Farley et al.<sup>59</sup> set out to explore a more comprehensive set of student success factors in relation to bar passage than those previously studied in isolation. The 2019 Farley study utilized a single case-study design, consistent with much of the literature to date, and conducted logistic regression analysis to determine the predictive

51 LINDA F. WIGHTMAN, LAW SCH. ADMISSIONS COUNCIL, LSAC NATIONAL LONGITUDINAL BAR PASSAGE STUDY (1998);

52 *Id.*

53 Douglas R. Ripkey & Susan M. Case, *A National Look at MBE Performance Differences Among Ethnic Groups*, THE BAR EXAMINER (2007) <https://thebarexaminer.ncbex.org/wp-content>.

54 Alexis Brunet Marks & Scott A. Moss, *What Predicts Law Student Success? A Longitudinal Study Correlating Law Student Applicant Data and Law School Outcomes*, 13 J. EMPIRICAL LEGAL STUD. 205 (2016); David K. Rush & Hiroshi Matsuo, *Does Law School Curriculum Affect Bar Examination Passage? An Empirical Analysis of Factors Related to Bar Examination Passage During the Years 2001 through 2006 at a Midwestern Law School*, 57 J. LEGAL EDUC. 224 (2007), <https://core.ac.uk/reader/76622190>.

55 Alphan et al., *supra* note 7, at 9; Austin et al., *supra* note 7, at 753; Georgakopoulos, *supra* note 7.

56 Cathrine Martin Christopher, *Eye of the Beholder: How Perception Management Can Counter Stereotype Threat Among Struggling Law Students*, 53 DUQ. L. REV. 163 (2015); Austin et al., *supra* note 7, at 753; Goforth, *supra* note 7, at 47.

57 Curcio *supra* note 7, at 446; ALI SUBOTNICK, LLYN FOULKES 76 (2013); David Williams, *Do Racial Preferences Affect Minority Learning in Law Schools?*, 10 J. EMPIRICAL LEGAL STUD. 171 (2013).

58 See Marks & Moss, *supra* note 54, at 13.

59 See Farley et al., *supra* note 9, at 605.

utility of multiple temporal configurations of law school data—from pre-law school factors (e.g., demographic characteristics, LSAT scores, UGPA, etc.) and in-law school factors (e.g., first-year GPA, class rank, etc.) to those only available at the time of graduation (e.g., final law school GPA, upper-level bar courses taken, etc.)—on a student’s likelihood of passing the bar.<sup>60</sup> One finding of note was the limited explanatory power that demographic and admissions data had on bar passage likelihood when statistically controlling for experiences that take place after students are actively enrolled in law school.<sup>61</sup> Both LSAT and UGPA initially presented as strong indicators of bar passage, but statistical significance was diminished for both factors as well as for all demographic variables when student performance in law school was included in the predictive models.

Farley et al.’s<sup>62</sup> results indicated that student performance in the first year of law school (1L) actually provides significant predictive information and meaningful insights into bar success. While students’ LSAT scores and UGPAs appeared to vary slightly depending on what GPA quartile a student was placed in after the first law school semester, bar passage rates varied considerably—with almost all students who did not pass the bar on their first attempt falling into the bottom half of the class during that time. However, it was Farley et al.’s<sup>63</sup> *3L model* (see Results section), which included student demographics, incoming credentials, and all in-law school performance factors up through graduation (i.e., through the third year of law school), that yielded the most significant explanatory power overall. The *3L model* was able to accurately predict four out of five students who would go on to fail the bar exam on their first attempt, and researchers found both cumulative law school GPA and total number of upper-level bar courses taken to be statistically significant predictors of bar success likelihood—even when controlling for 1L performance.<sup>64</sup> These research findings suggest that student experiences within an institution provide much more predictive power than data collected prior to matriculation.

This work not only added substantially to the bar passage literature but generated further investigation. Farley et al.<sup>65</sup> demonstrated that a student’s third year (3L) of cumulative performance in law school could more accurately predict whether that student was likely to pass the bar on their first attempt than either their 1L year or their pre-law factors (e.g., LSAT, UGPA, etc.) would suggest. However, while these results provided helpful information related to “if” a student is likely to pass the bar, they do not offer much insight

60 *Id.*

61 *Id.*

62 *Id.*

63 *Id.*

64 *Id.*

65 *Id.*

into “how” that student may perform on the bar. In other words, a follow-up investigation was necessary to determine how, if at all, these predictors were related to students’ scores on the three components of the Uniform Bar Exam (UBE)—namely, the Multistate Bar Examination (MBE), the Multistate Essay Exam (MEE), and the Multistate Performance Test (MPT). The present article outlines the results of said follow-up analysis focusing on the subscale scores of the UBE and discusses findings within the context of Farley et al.’s<sup>66</sup> original work.

## II. Research Methods

The aim of this study was to explore student success factors that contribute to law student performance on the three components of the Uniform Bar Exam (UBE). Research was conducted on students attending a public research university law school in the state of Ohio and thus reflects a single-case study design in parallel with Farley et al.<sup>67</sup> Although the state of Ohio did not officially adopt the UBE until 2018, the subsections of the Ohio bar exam—the Multistate Bar Exam (MBE), the Multistate Performance Test (MPT), and the written essay section of the exam—have mirrored those of the UBE since the year 2001,<sup>68</sup> making the present data uniquely suitable for discussion within the context of the UBE. Additionally, while single-case studies can often be chastised for their perceived limitations in scope, inherent research bias, and lack of generalizability, they can also offer levels of depth, conceptual validity, and contextual understanding frequently wanting in other study designs,<sup>69</sup> provided the researchers are clear about their unit of investigation and the appropriateness of the transferability of results in similar contexts.<sup>70</sup> The preceding section of this article details the research questions underlying the present investigation and outlines the data sources and analytical approach employed therein.

### A. Research Questions

The overarching goal in the original Farley et al.<sup>71</sup> study was to investigate what could be learned about law students’ likelihood of first-time bar passage from a large collection of available student data. The present study propels that agenda a step further, and asks: What can that same large collection of available student data tell us about how students perform on each subcomponent of the bar exam, and what still remains unknown? This article explores the following three research questions:

66 *Id.*

67 *Id.*

68 Supreme Court of Ohio, 2024.

69 Bent Flyvbjerg, *Social Science that Matters*, 2 *FORESIGHT EUR.* 38 (2005).

70 John Gerring, *What Is a Case Study and What Is It Good For?*, 98 *AM. POL. SCI. REV.* 341 (2004).

71 See Farley et al., *supra* note 9, at 605.

- **RQ1:** How accurately are we able to predict MBE, written essay (Ohio), and MPT performance, and how do those predictors differ from models of overall bar passage?
  - **RQ2:** What is the relationship between law student participation in experiential skills courses and programs (clinics, externships, clerkships) and MPT performance?
  - **RQ3:** What is the relationship between law student participation in a bar exam writing course and MPT performance?

This research seeks to contribute to the literature by providing additional detail and nuance to the broader, more cohesive narrative Farley et al.<sup>72</sup> began surrounding the various influences on bar passage and student success that take place within a university.<sup>73</sup>

### *B. Student Sample*

Data for this study was obtained from the University of Cincinnati College of Law, a large urban public R1 university located in the Midwest. The UC law school is largely considered one of the United States' premier small urban public law schools, is classified as a "regional elite" program,<sup>74</sup> and is among the top five oldest, continuously operating law schools in the country. The majority of graduates sit for the Ohio bar exam—the rates of which had declined over the time period assessed in the present study (see Figure 1) and were consistent with nationwide trends during that period.<sup>75</sup>

Longitudinal administrative records as well as bar performance data were deidentified and utilized in the present study to develop a thorough picture of bar passage at the University of Cincinnati. Bar performance data included overall passage rates, both raw and scaled overall bar examination scores, and individual student subscale scores.

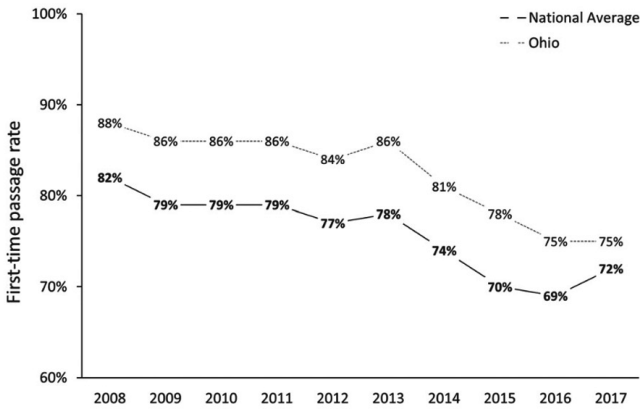
72 *Id.*

73 *See Marks & Moss, supra* note 54, at 13.

74 *See Arewa et al., supra* note 11, at 989.

75 *See Farley et al., supra* note 9, at 605.

**Figure 1: National and Ohio First-Time Bar Passage Rates**



*Note: Figure 1 presents both Ohio and national first-time bar-passage data from 2008 to 2017, which were drawn from the National Counsel of Bar Examiners 2017 statistics and helped lay the foundation for the original 2019 study.<sup>76</sup>*

### C. Participants

The research team collected admissions, demographic, course performance, academic intervention, support program participation, and bar examination data from five cohorts of students admitted to the University of Cincinnati College of Law between the years of 2009 and 2013, who ultimately graduated between 2012 and 2016. Bar examination data included both a binary indicator of bar exam passage and total, as well as subcomponent scores on the Ohio bar mirroring those of the UBE. Because the data available for the 67% (n=402) of students who sat for the Ohio bar was far more comprehensive than that of the data available for the 20% (n=124) of out-of-state testers (i.e., Ohio bar data included subscale scores in addition to an overall bar passage indicator), only in-state bar examinees were selected as the population of interest.

Table 1 outlines total in-state bar examinee count broken down by cohort and provides basic demographic information for each group. Average undergraduate grade point averages (UGPA) and Law School Admissions Test (LSAT) scores (i.e., incoming academic qualifications for law school) are outlined as well. Consistent with national trends during this period, about a 30% decrease (n=39) in total student enrollment and about a 20% (n=15) decrease in total bar examinees was observed between the 2012 and 2016 cohorts. The percentage of underrepresented minorities (URM) in the sample fluctuated marginally, but URMs accounted for only a minor fraction of the total population across all five years. Finally, though both UGPA and LSAT scores decreased slightly, bar exam performance scores seemed to fluctuate rather than trend one way or another.

76 See NCBE, *supra* note 14, in 2017; See Farley et al., *supra* note 9, at 614.

**Table 1: Demographic Data for First-Time Ohio Bar-Takers by Cohort Year**

Grad Cohort	Admission	Ohio Bar n	% Female	% URM	Mean UGPA	Mean LSAT	Mean Bar Score	% Bar Pass	Mean MPT	Mean MBE	Mean Written
2012	138	84	46%	5%	3.51	159	443.60	89%	8.60	147.93	296.79
2013	144	68	43%	3%	3.53	161	454.24	90%	8.93	151.81	301.18
2014	119	62	33%	2%	3.59	159	446.15	90%	8.85	147.48	298.63
2015	103	60	39%	4%	3.48	158	453.14	88%	8.88	149.65	302.01
2016	99	69	40%	6%	3.46	158	445.18	91%	8.86	147.74	297.47

Note: See the Multistate Performance Test (MPT), Multistate Bar Exam (MBE), and Written Essay Exam Sections above for subscale score range reference.

#### D. Analytical Approach

Multiple regression was employed to explore the predictive utility of both student-level variables at the time of admission (e.g., LSAT scores, UGPA, etc.) as well as law school performance variables produced during the program of study (e.g., course taking, course performance data, etc.) on overall bar exam score and on MBE, written essay, and MPT subscale scores of the Ohio bar exam in accordance with the research questions listed above. In keeping with Farley et al.,<sup>77</sup> model performance was compared across various temporal configurations ranging from pre-law school performance (i.e., admissions data), to in-law school and post-law school performance factors taking place throughout the trajectory of students' law school career (e.g., 1L GPA, 3L GPA, coursework taken, etc.). Adjusted R-squared values were compared across each model.

Adjusted R-squared, unlike a standard scale-invariant R-squared statistic (i.e., coefficient of determination), takes into consideration the number of predictor variables added to a linear regression model—as well as the usefulness of those predictors—when describing the proportion of variance explained by that model.<sup>78</sup> Therefore, when there are multiple variables in a model, as is the case in the present study, using adjusted R-squared is most beneficial, as it allows for the comparison across models with differing numbers of independent variables.

### III. Results

The results presented in this section are organized into two parts. The first part provides a brief overview of Farley et al.'s<sup>79</sup> original findings. The second

77 See Farley et al., *supra* note 9, at 605.

78 Jeremy Miles, *R-Squared, Adjusted R-Squared*, 1655 *ENCYCLOPEDIA OF STATISTICS IN BEHAVIORAL SCIENCE* 1657 (2005).

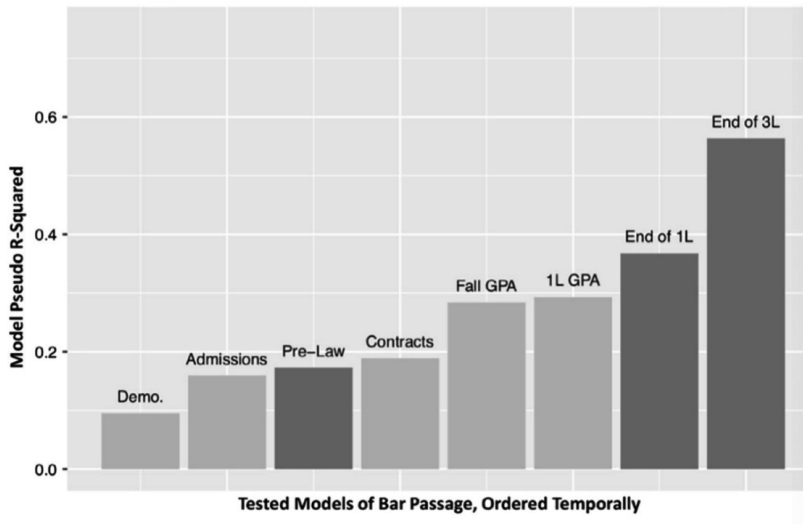
79 See Farley et al., *supra* note 9, at 605.

part summarizes the results of the predictive models in the present study to address the research questions posed above.

A. *Reviewing Farley et al.’s 2019 Overall Bar Passage Results*

Farley et al.<sup>80</sup> conducted descriptive analysis of retention and attrition across five student cohorts’ law school courses of study to isolate the population of students who 1) matriculated through the traditional course of law school, 2) graduated from law school, and 3) sat for the Ohio bar exam. Researchers then conducted logistic regression analysis in the final sample of 385 students to explore predictors of bar passage and compared predictive models across multiple time points—starting with law school admission (i.e., a *pre-law* model), following through students’ first year of study (i.e., a *post-1L* model), and concluding with factors available only upon law school graduation (i.e., a *post-3L* model). Figure 2 outlines the results of the Farley et al. 2019 analysis.

**Figure 2: Farley et al. Pseudo R-squared Across Various Temporal Models of Bar Passage**



Note: Figure 2 presents Farley et al.’s<sup>81</sup> pseudo R-squared estimates, or empirical estimates, of how well a given model explains the outcome of interest for eight models of bar passage, ordered by the timing of the availability of various predictors. The models highlighted in dark gray represent the nested pre-law, post-1L, and post-3L models. The models represented in light gray bars are not nested models, meaning they do not incorporate all predictors that precede them.<sup>82</sup>

80 See *id.* at 621.

81 *Id.*

82 *Id.*

Farley et al.'s<sup>83</sup> results showed that the first- and second-semester law school models, *fall GPA* and *end of 1L* respectively, were both more predictive of bar passage than the *pre-law* school model. While the *fall GPA* model included only first-semester law school grades, the *end of 1L* model incorporated all *pre-law* model predictor variables as well as all data available by the end of the first year of law school (i.e., first- and second-semester 1L GPA). The researchers then incorporated a *contracts* model into the analysis. This model housed only a single predictor variable—1L students' performance in a contracts law course—which was not considerably significant on its own, but since contracts law had the strongest predictive power of all law school courses in the data, and since the *Contracts-only* model proved to be more predictive of bar passage than the *pre-law* model, it helped to further demonstrate the limitations inherent to relying on pre-law credentials alone to predict bar passage.<sup>84</sup>

Ultimately, though, it was the *end of 3L* model that incorporated all prior model predictors as well as final law school GPA and total number of upper-level bar courses each student had taken—the latter two factors of which were both individually statistically significant (even when 1L performance was held constant)—that proved to be the most significant predictive model of first-time bar passage overall. While the initial *pre-law* model was able to accurately identify about a third of the students who went on to fail the bar, the *end of 1L* model was able to identify about 60%, and the final *end of 3L* model was able to identify 80%. The 3L model yielded the most significant explanatory power compared to all other models in the study, leading authors to conclude that student bar performance is most strongly associated with in-law school performance factors.<sup>85</sup>

### B. Predicting UBE Subscale Scores

For the purposes of the present follow-up study, multiple regression was employed to explore the relationship between the University of Cincinnati law students' pre- and in-law school performance factors and their subsequent scores on the MBE, written essay, and MPT sections of the Ohio bar exam—sections mirroring those of the Universal Bar Exam (UBE)—in accordance with RQ1 listed above. Table 2 outlines model estimates across the same eight temporal configurations outlined in Farley et al.'s<sup>86</sup> study; beginning with admissions, moving through 1L, and spanning all the way through law school graduation (*end of 3L*). The models are ordered chronologically according to the timing availability of each of the various predictors. The *pre-law* models house all information available at the point of law school admission, including student demographics, undergraduate major selection, and incoming performance credentials (e.g., LSAT, UGPA, etc.). The *1L*

83 *Id.*

84 *Id.*

85 *Id.*

86 *Id.*



models incorporate information available within and just after the first year of law school. And finally, the 3L models include all predictors in both the *pre-law* and 1L models as well as all other available in-law school performance data through students' law school graduation (e.g., final GPA and upper-level bar course count).

**Table 2: Linear Models of Subscale Performance for First-Time Ohio Bar-Takers**

Variable Category	Predictor Variable	Total Adjusted R <sup>2</sup>	MPT Adjusted R <sup>2</sup>	MBE Adjusted R <sup>2</sup>	Written Adjusted R <sup>2</sup>
Demographics	Female, Age, URM	0.081	0.040	0.107	0.050
Admissions	LSAT, UGPA, ACT, Undergraduate Major	0.157	0.065	0.186	0.092
Pre-law	LSAT, UGPA, ACT, Undergraduate Major + Female, Age, URM	0.169	0.092	0.225	0.103
Contracts	Contract Law Course	0.201	0.060	0.193	0.150
Fall GPA	First law school semester GPA	0.323	0.149	0.286	0.254
1L GPA	First & second law school semester GPA	0.386	0.162	0.336	0.310
End of 1L	First & second law school semester GPA + LSAT, UGPA, ACT, Undergraduate Major + Female, Age, URM	0.424	0.192	0.416	0.332
3L	Final law school GPA + First & second law school semester GPA + LSAT, UGPA, ACT, Undergraduate Major + Female, Age, URM	0.489	0.199	0.478	0.380
End of 3L	Upper-level bar course count + Final law school GPA + First & second law school semester GPA + LSAT, UGPA, ACT, Undergraduate Major + Female, Age, URM	0.502	0.197	0.496	0.387

*Note: This table presents adjusted R<sup>2</sup> estimates, or empirical estimates, of how well a given model explains R<sup>2</sup> values: <0.33 are considered weak, 0.33–0.5 are weak-moderate, 0.5–0.67 are moderate, 0.67–0.75 are moderate-strong, and 0.75+ are considered strong.<sup>87</sup>*

Consistent with Farley et al.'s<sup>88</sup> original findings, results from this secondary subscales analysis indicate that the demographics and admissions data models held the least predictive power on overall bar score and on each bar exam subscale score overall. Additionally, the *end of 1L* model yielded significantly more predictive power than the *pre-law* models, while the 3L and *end of 3L* models held the most predictive utility overall. When comparing adjusted R-squared values across the three bar subscales, we see that our *end of 1L* and *end of 3L* models appeared to explain the most variability in students' Multistate Bar Exam (MBE) scores, producing adjusted R-squared values of .42 and .50

87 Murat Yolsal, *Acceptable Ranges of R-Square in Social Sciences?* (Munich Pers. RePEc Archive, Paper No. 115769, 2021).

88 See Farley et al., *supra* note 9, at 605.

respectively, though these effect sizes are moderate. In terms of predicting written essay scores, adjusted R-squared values for both the *end of 1L* (.33) and *end of 3L* (.39) models were relatively low. Our predictive models proffered the least amount of explained variability for students' Multistate Performance Test (MPT) scores, however, producing adjusted R-squared values of .20 or less across all eight temporal configurations.

A closer look into the relationship between law school performance factors and MPT scores revealed considerable variation in individual student performance. In fact, over 40% of all bar-takers in the sample had a difference of 2 points or more in their MPT scores—which is not inconsiderable, given that all MPT scale scores ranged between 0 and 12. As previously mentioned, the skills tested on the MPT section of the bar tend to require more practical lawyering knowledge than the sections that require testers to simply recall substantive knowledge learned throughout the course of their law school career. This considered, further investigation was needed to better understand the relationship between law student coursework and MPT scores.

Farley et al. demonstrated that the number of upper-level bar courses (i.e., nonrequired, post-first-year courses designed specifically to test content on the Ohio bar exam) that students elected to take was significantly related to their likelihood of passing the bar—with each additional upper-level bar course taken increasing the odds of bar passage by 2.1, even when controlling for final law school GPA, 1L factors, incoming performance credentials, and student demographics. This suggests that regardless of students' relative performance in their law school coursework, the type of courses they take and the frequency with which they take those courses can have important implications for their future success on the bar.

With this in mind, we examined the students' MPT performance relative to the total number of experiential learning courses and upper-level bar writing courses they had taken throughout their law school career—addressing RQ<sub>2</sub> and RQ<sub>3</sub> of this study in the process. Overall, while MPT scores seemed to vary slightly depending on which GPA quartile students were placed in following their first law school semester, their participation in upper-level bar writing courses did not play a significant role in their MPT performance. Table 3 breaks down students' mean MPT scores by participation (or lack thereof) in upper-level bar writing courses. Experiential learning courses included law clinic courses, simulation courses, and field experience courses (e.g., clerkships, externships, etc.). There was a slightly negative, but statistically insignificant ( $p > .05$ ) relationship observed between experiential coursework and MPT scores—due in part to the fair amount of selection bias observed across these course types in the data. Ultimately, student performance in experiential learning courses did appear to be somewhat related to MPT scores, but the relationship was no stronger than that of the relationship between MPT scores and nonexperiential learning courses.

**Table 3: MPT Scores by GPA Quartile Relative to ULB Writing Course Participation**

1L GPA Quartile	Mean MPT Score		Mean Persuasive MPT		Mean Objective MPT	
	Bar Writing Participant (n = 105)	Non-Participant (n = 246)	Bar Writing Participant (n = 105)	Non-Participant (n = 246)	Bar Writing Participant (n = 105)	Non-Participant (n = 246)
Bottom 25 %	7.5	6.8	3.8	3.2	3.7	3.5
25-50%	7.8	8.9	4.1	4.9	3.7	4.1
50-75%	9.9	8.8	4.9	4.2	5.0	4.6
Top 25%	10.9	10.2	5.4	5.1	5.4	5.1

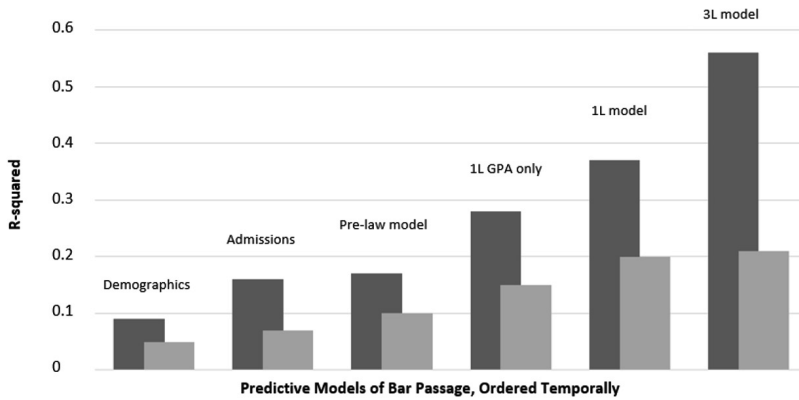
Note: Each MPT (persuasive and objective) question was scored 1–7, meaning participated had a total possible MPT score ranging between 1 and 14.

Taken together, the results of this follow-up analysis indicate that performance on the bar exam is not necessarily fixed or predetermined. Overall, there was low to moderate improvement in the predictive power of Farley et al.’s<sup>89</sup> original eight temporal configuration models when adding student bar exam subscale scores into the equation. The *end of 1L* and *end of 3L* models, which yielded the most predictive power in the original study, still maintained more predictive utility across MBE, written essay, and MPT subscale scores than all *pre-law* models in the present analysis—with the *3L* models holding the most predictive power overall. Looking at each subscale, the *end of 1L* and *end of 3L* models explained the most variability in MBE scores, though not an altogether significant amount. They also helped explain some of the variability in written essay scores, but little to no variability in MPT scores. Figure 3 illustrates the predictive utility of the eight temporal configuration models on overall bar passage from Farley et al.<sup>90</sup> versus MPT subscale scores from present study. The researchers interpret the results of this secondary follow-up analysis to suggest that while in-law school factors still appear to be the most significant predictors of overall bar passage, their predictive utility relative to student subscale scores on the Ohio bar—situated within the context of the UBE—requires further research.

89 See *id.*

90 *Id.*

**Figure 3: Explained Variation in Overall Bar Passage Farley et al. vs. MPT Subscales**



Note: The dark gray bars represent the  $pR^2$  estimates, or empirical estimates, of how well each of Farley et al.'s<sup>91</sup> original eight predictive models explained overall bar passage. The light gray bars represent the adjusted  $R^2$  estimates of how well those same eight predictive models explained variation in MPT subscale scores in the current analysis.

#### IV. Discussion & Implications for Legal Education, Policy & Practice

Consistent with Farley et al.'s results,<sup>92</sup> results from this secondary subscales analysis support the notion that student experiences within an institution ultimately hold more weight in terms of predicting bar exam success than data collected prior to law school matriculation. However, the extent to which these pre- and in-law school success factors can reliably predict student scores on the MBE, written essay (or MEE in other jurisdictions), and MPT subsections of the Uniform Bar Exam is less certain. While model effect sizes for each of the three subscales in the present study were relatively small compared to their effects on the overall likelihood of bar passage observed in Farley et al.,<sup>93</sup> similar patterns of predictive utility were observed across the eight temporal configuration models. For example, the *pre-law* models—which incorporated students' demographics and admissions information—had the most limited predictive utility on overall bar scores as well as on MBE, written essay, and MPT scores. Similarly, student performance at the end of the first year of law school (i.e., the *end of 1L* model) explained almost double the variability in overall bar score and across all three subscales when compared to students' incoming credentials alone (i.e., the *pre-law* models). Finally, the *end of 3L*

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

model, which included all student performance and coursework information available at the point of law school graduation, had the strongest predictive power on overall bar score and across all bar exam subscale scores—with the exception of the MPT subscale.

Interestingly, none of the predictive models in this study were able to explain much variability in students' MPT scores. Even the 3L models—including most notably the total number of upper-level bar writing courses and experiential learning courses students had taken—were only able to produce adjusted R-squared values of .20 at best. By comparison, these same predictors yielded pseudo-R-squared values of about .74 for overall bar passage in the original Farley et al.<sup>94</sup> analysis. Student participation in upper-level bar writing courses appeared to have little to no impact on student MPT scores, while participation in experiential learning courses actually showed an inverse (though not statistically significant) relationship with MPT. These inconclusive findings suggest a need for additional research and deeper study of the Multistate Performance Test specifically; this is particularly poignant given the increasing weight of MPT scores in many states and the evolving national context that followed the adoption of UBE. Additionally, these findings provide timely support for the ongoing development and upcoming administration of the 2026 NextGen Bar Exam.

It is worth noting that the results obtained from the present analysis reflect data gathered from only a single law school, but they admittedly give rise to certain questions pertaining to the validity of the MPT section of the UBE, legal education, and the practical application of the law in the legal profession in general. More research exploring these relationships across contexts is necessary, especially considering the impending launch of the 2026 NextGen Bar; but increased collaborations between legal educators, statisticians, educational researchers, and pedagogical experts could help ensure that future studies include more robust law student performance and bar outcome data across multiple bar jurisdictions. Beyond this, future scholars might consider taking unmeasured predictors, including qualitative data, into consideration. On the whole, the legal education community could stand to benefit considerably from this additional research—and even more so, perhaps, from institutions with comparably lower bar passage rates than the University of Cincinnati. This could help in establishing whether in-school experiences ultimately do matter more than students' admissions credentials in terms of predicting bar passage.

#### *A. Limitations*

It is important to acknowledge that the findings from the present study are limited in scope. Because the student success predictors used in the present analysis mirrored those employed in the original Farley et al.<sup>95</sup> study, the insights gleaned from our results related to bar performance are limited to

94 *Id.*

95 *Id.*

students who 1) self-selected to sit for the bar exam after graduation, 2) took the bar in a single jurisdiction, and 3) attended a single institution where the vast majority of students are ultimately successful on the bar. There is still a need for multisite research that incorporates student data from diverse legal institutions and across multiple bar exam jurisdictions. Additionally, the ubiquitous adoption of the Uniform Bar Examination provides the opportunity for more advanced analysis on bar performance and lays the groundwork for performance comparisons across students, states, and jurisdictions—which will ultimately serve to augment law student success literature even further.

## V. Conclusion

In the introduction of this article, we illustrated that throughout history, it has been repeatedly suggested that legal education institutions possess a moral and ethical obligation to instill certain competencies in their legal graduates. Law schools bear the responsibility of adequately training, preparing, and educating their students to be capable and productive members of the legal profession. New lawyers are expected to be able to conduct legal research, communicate and negotiate effectively, perform factual investigations, and successfully counsel their clients<sup>96</sup>—all skills that are ostensibly tested on the bar exam. Therefore, developing an intricate understanding of law student success, the bar exam and its various components (i.e., UBE subscale scores), as well as the respective relationships these factors share with law school coursework, is ultimately rooted in the very purpose and inherent responsibilities of legal education. Overall, the results of the present study provide further support for Farley et al.'s<sup>97</sup> notion that *legal education matters*—namely, what students accomplish after matriculating through law school is much more indicative of their future bar success than their incoming credentials or demographic characteristics may suggest. However, our results also highlight the need for more comprehensive investigations of student performance on the multiple subcomponents of the UBE—particularly the MPT—in relation to law school coursework. Finally, taking into consideration the upcoming 2026 NextGen Bar Exam's amplified focus on testing MPT-like skills and abilities, and its simultaneous removal of many MBE- and MEE-like questions, the findings from the present study supply particularly timely research opportunities for the legal education community. This research not only augments the findings of Farley et al.'s original study but adds conceptually to bar exam research and the law student success literature at large.

96 See Clark, *supra* note 1, at 1; Trujillo, *supra* note 1, at 69.

97 See Farley et al., *supra* note 9, at 605.