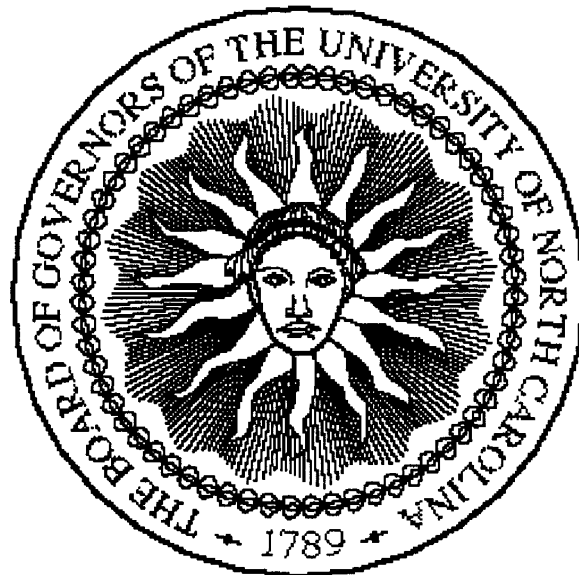


# **Report on 2005 UNC Pass Rates on NC Bar Examination**

**Presented to the Committee on Educational  
Planning, Policies, and Programs**



**General Administration  
The University of North Carolina  
August 10, 2006**

## UNC Pass Rates on NC Bar Examination

This report presents data on the UNC institutional and system-wide pass rates on the Law Board Examination. All pass rates are reported for first-time test takers only. Institutional pass rates exclude the scores of graduates who take the test in another state and identify their preparatory institution on the registration form.

This report differs from annual reports on licensure pass rates in individual professional areas in that it compares each institution's pass rate with the national average pass rate. The comparison is shown in the shaded column of each table, and is expressed as a percentage of the national average pass rate. Thus, a value of 105.0 in this column would indicate that an institution's pass rate is 5.0 percent above the national average.

Data presented in Table 1 indicate that system-wide the UNC percentage pass rate on the Bar Examination (80.2%) was above the national average of 76 percent. The North Carolina Bar exam is given each year in the last weeks of February and July. It consists of a Multistate Bar Exam (MBE), a multiple-choice exam prepared by the National Conference of Bar Examiners, and reviewed by the Board of Law Examiners, and an essay exam that is prepared and graded by the North Carolina Board of Law Examiners. The MBE score counts 40 percent, and the essay exam 60 percent, of a candidate's total score.

The nationally standardized MBE is given in all but two states – Washington and Louisiana. It is a 200-item multiple-choice examination covering Constitutional Law, Contracts, Criminal Law, Evidence, Real Property, and Torts. Both raw and scaled scores are computed for each applicant. Raw scores on different

forms of the test are scaled to ensure that grades are comparable across administrations of the examination.

**Table 1. Law: First-time Test Takers' Pass Rates (2005)**

Institution	Number of Test Takers	Number who Passed	% Passing Exam	% of Nat'l Pass Rate
NCCU	96	69	72%	95%
UNC CH	141	121	86%	113%
National (2005)	58,781	44,471	76%	

Because the essay portion of the exam, and the weight assigned to it, are unique to the state, the passing score on the full Bar exam varies by state. In North Carolina, the essay exam consists of 12 questions worth 10 points each, and each question is graded by a single member of the board who looks for issue recognition and legal analysis. A model answer is prepared by the full Board of Examiners and once the answer is found the grader stops reading. The grade is not based on writing style, grammar, or organization, but rather on the presence of sound legal analysis and issue recognition. The following page provides a ten-year history of pass rates.

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<sup>1</sup>National data compiled and presented by the National Conference of Bar Examiners on their web site, [www.ncbex.org](http://www.ncbex.org)

## UNC Bar Examination Results, 1996-2005

Year	N.C. Central			UNC-Chapel Hill		
	Took Bar Exam	Number Passed	% Passed	Took Bar Exam	Number Passed	% Passed
1996	80	50	63%	177	158	89%
1997	72	58	81%	157	143	91%
1998	82	60	73%	172	154	90%
1999	87	46	53%	146	128	88%
2000	85	59	69%	154	124	81%
2001	82	58	71%	131	116	89%
2002	69	47	68%	140	128	91%
2003	79	54	68%	173	149	86%
2004	71	51	72%	146	121	83%
2005	96	69	72%	141	121	86%

UNC-GA ProgAssess/Bar.AT001.U/6-2-06

TO: Alan Mabe, Vice President for Academic Planning  
General Administration, University of North Carolina

FROM: Jack Boger, Dean  
UNC School of Law ("Carolina Law")

DATE: July 31, 2006

RE: North Carolina Bar Passage Rates

I offer the following report in response to your request for information about passage rates on the North Carolina bar examination by graduates of the University of North Carolina School of Law, about what Carolina Law is doing to improve the rates, and about our expectations for the future.

We are pleased that our students pass the North Carolina bar at rates far higher than the national average, but we are not at all satisfied by performances rates that have dipped into the mid 80 percent range for several years since 2002, after consistent performances in the high 80 to low 90 percent range in earlier years (as reflected in the table entitled UNC Bar Examination Results, 1996-2005 that is part of your **Report on the 2005 UNC Pass Rates on the North Carolina Bar Examination**).

We have this past year engaged in a serious study of possible explanations for this trend, some preliminary conclusions of which I will share below. We have simultaneously undertaken a series of concrete steps to improve the bar performance of our graduates.

#### The Williford Report

Under the direction of Interim Dean Gail Agrawal and former Associate Dean for Academic Affairs Joseph Kennedy, Carolina Law undertook a study in 2005-2006 in collaboration with Lynn Williford of the UNC Office of Institutional Research and Assessment. The effort began by reexamining a prior Carolina Law study of bar passage rates, completed by the faculty in the year 2000, that reported "a high correlation between class rank and performance on the bar examination . . . [s]pecifically, [that] those who did not pass the examination were nearly all in the bottom third of the class."

The 2006 study examined all graduating Carolina Law students from 1999 through 2005 who elected to take the North Carolina bar. The study used data on student demographic characteristics, undergraduate performance, Law School Admission Test scores, law school courses selected, law school grades received, extra-curricular activities

as well as other available data. Williford conducted multiple regression analyses to isolate those factors that might correlate with bar failure.

Williford's still-preliminary report finds that overall, 86% of North Carolina bar registrants from Carolina Law during the years studied had passed the bar on the first occasion, while 75% of those who retook the exam on a second or successive occasion did so, yielding an overall passage rate by Carolina Law graduates of more than 94%. Larger percentages of those who initially failed the bar were female than male, were in the bottom quarter of their class on LSAT scores, had final first-year grades in the bottom quarter of their first-year law class, were African American, Native American, or Asian American, were over 30 years old when entering law school, and/or had attended less selective undergraduate institutions. After considering the effect of all of these factors, Williford concludes that "[f]inal cumulative [law school] grade point average was the single strongest predictor of bar examination success among the variables available for this analysis."

In an important respect, this is positive news. It means that those students who have been identified by Carolina Law professors as the weakest students (those who received the lowest grades in law school classes) are the graduates who have the most difficulty in passing the North Carolina bar. Yet we believe the wisest response to these results is not simply to raise the LSAT and GPA standards required for admission to Carolina Law, or to eject most students in the bottom third of the first-year class. Indeed, while students in the bottom third of the Carolina Law graduating class are more likely to fail the bar, still nearly two-thirds, or approximately 64% of those in the bottom third, pass on the first attempt. Among the bottom third who do fail the bar examination, "LSAT scores and undergraduate grade point average predicted grades in Law School, and [law school] grades predicted bar passage rates." Interestingly, "demographic characteristics and participation in various courses and activities did not make a statistically significant contribution to the prediction of bar examination passage," once graduates' LSAT scores and undergraduate GPAs had been taken into account. (The Williford study acknowledges that it does not consider certain other possible factors that, some other studies have suggested, might be relevant to bar passage, such as the socioeconomic background of students and disruptive life events that have occurred during law school, such as divorce, marriage, or family death).

#### Carolina Law's Academic Support Programs

Carolina Law offers a very strong program of advanced legal classes, seminars, and experiential learning to its second and third year students, preparing them for an exceptionally wide range of legal careers: for federal and state judicial clerkships, major national and regional law firm practice, government service, public interest jobs, and smaller private practices throughout North Carolina and the region and nation. The very heterogeneity of Carolina Law's mission, and the diverse and demanding career aspirations of its student body, dictate that Carolina Law does not devote itself, in the second and third years, primarily to the more delimited mission of preparing students for North Carolina bar passage. This broader mission serves most of our students extremely

well. We are aware, however, that some students will need special help to succeed in law school and to prepare for the bar.

Carolina Law has therefore long offered a voluntary, supplemental program of legal preparation and training for first-year students, called LEAP, pioneered by Professor Ruth McKinney, the Director of the Carolina Law's Writing and Learning Resources Center. This program is targeted especially to entering Carolina students with some demographic or achievement marker (age, young children, second career status, racial or socioeconomic status, relatively weak college performance) suggesting that special help might be useful. Volunteer participants are offered a pre-entry week of training, as well as individual and group assistance throughout the first semester. A follow-up program is offered in the second semester of the first year to all students who wish to improve their academic performances.

This past spring, Carolina Law unveiled a new program, called SOAR (Summer Opportunity to Achieve Results on the Bar Exam), targeted expressly at increasing bar passage. SOAR was operated through Carolina Law's Writing and Learning Resources Center; it was extended both to May 2006 Carolina Law graduates and to other alumni taking the July 2006 bar exam. The program was directed by Amy Flanary-Smith, the interim deputy director of the Writing and Learning Resources Center, which also runs the first-year LEAP program. SOAR offered essay practice and answer feedback, support and coaching, and weekly workshops (Making a Plan, The Devil in the Details (went over things like lunch, hotels, parking, etc.), Assail the Essays, Where to Go from Here: The Highest and Best Use of July). Additionally, Professor Flanary-Smith set up an Internet Blackboard site that housed pertinent information such as past bar exam questions. The bottom 20% of the graduating class of 2006 class was specifically invited to participate in SOAR.

Carolina Law professors and staff individually contacted Carolina law graduate who had failed the February 2006 bar and attempted to identify what the graduate thought their problem areas might be, how they studied for the bar exam, and whether they were planning on taking the NC bar examination again in July of 2006. The personal connection was very helpful to these repeat takers; each was offered referrals to tutors and to our SOAR program.

Carolina Law also offered again a bar success program, taught by Professor Denise Riebe, author of *Pass the Bar!* Riebe offered three sessions, as in years prior (one on general exam information and two on essay writing) and this year offered a new fourth session on generalized bar exam information. Additionally, the UNC Alumni Relations Office has spearheaded an initiative to bring lunch under a welcoming tent to Carolina graduates between the morning and afternoon sessions of the July bar exam in Raleigh. Several members of the faculty and staff greet and have lunch with our graduates during these tailgate lunches.

### A Brand New, Targeted Academic Support Program

Finally, Carolina Law is poised to hire in 2006-2007 a full-time faculty member to join the Writing and Learning Resource Center, allowing that program to add a focus on strengthening the legal skills and bar readiness of Carolina Law students, especially those in the bottom one-third of each class. While the LEAP program has focused for twenty years on first-year students, and while the new SOAR program supports graduates during the summer as they prepare to take the July bar examination, this new academic support program will free faculty to identify and work affirmatively with students at the greatest risk of bar failure from the end of their first year through law school graduation.

We are firmly committed, in the coming three years, to lift the rate of first-time bar passage of Carolina Law students from the mid-80 percent level into the low- to mid-90 percent range. We hope, with the additional focus provided by SOAR and the expanded academic support program, that Carolina Law graduates heretofore most likely to fail will now succeed, passing the North Carolina bar at significantly higher rates. We will report to you next year and thereafter on the success of our augmented efforts. We will also continue our work with Lynn Williford to analyze the performance of our graduates.

## **North Carolina Central School of Law**

August 1, 2006

Office of the Dean

North Carolina Central University School of Law graduates taking the bar exam for the first time have shown steady improvement in 2004 and 2005 in comparison to 2002 and 2003. The law school's July 2005 bar passage was 81 per cent with 65 students out of a total of 80 students passing the test. Earlier the February 2005 bar passage rate for first time takers was 40 per cent with 4 students out of a total of 10 students passing the test. The combined pass rates are 76% for 2005.

The greatest success in improving bar passage has clearly been with students taking the bar exam in July. July is when most law school graduates take the bar exam nationwide. First time takers who take the bar exam in February have traditionally been difficult to reach for assistance from the law school. This is primarily due to a new class of students poised to graduate. The major focus is on preparation of the graduating class for the July bar exam. Historically, the February bar exam has the smallest number of students taking the exam and produces a much lower bar passage percentage in comparison to those taking the exam in July.

NCCU School of Law is examining methods to reach out to our students taking the exam in February. The idea is to have those students incorporated into the law school's overall bar preparation initiative.

This year the American Bar Association's Section on Legal Education (the accrediting wing of the ABA) recently approved law schools offering bar preparation courses for credit. NCCU School of Law is moving to transform our North Carolina Statutory Interpretations course to a bar preparation class consistent with ABA standards. The new bar preparation course will be matched with our existing "Invest in Success" program with a design to create increased percentage points with bar passage rates. The "Invest in Success" program at our law school is largely responsible for the improved July bar passage rates our law school has experienced in the last two years.

It should be noted that close to 90 per cent of NCCU School of Law students from the graduating class of 2005 have now passed the state bar exam.

NCCU School of Law will continue to examine methods for improving first time bar passage rates.

Raymond C. Pierce  
Dean and Professor of Law  
North Carolina Central University  
School of Law