

To: Deans
Law Faculty
Students
Staff

From: Bar Passage Task Force

Date: January 8, 2018

UPDATE TO REPORT OF THE BAR PASSAGE TASK FORCE

Introduction

Under the leadership of Chair, Leo Romero, members of the Bar Passage Task Force reviewed the results of UNM School of Law graduates on the February 2017 and July 2017 bar examination administrations in light of New Mexico's transition to the UBE and the school's declining bar passage rates in 2015 and 2016. The Deans had previously charged the Task Force to make recommendations that would help our graduates pass the bar examination and improve our bar results. The Deans appointed the following members of the Task Force:

- Leo Romero, Professor Emeritus (Chair)
- Marsha Baum, Associate Dean for Academic Affairs and Chair of the Curriculum Committee
- Kip Bobroff, Visiting Professor
- Robert Desiderio, Professor Emeritus
- Heather Harrigan, Assistant Dean for Students & Career Services
- Serge Martinez, Professor
- Jannette Mondragon, 3L Student and Member of the NALSA
- David Stout, Professor

The Task Force was pleased to see that the UNM first-time bar passage rate increased significantly in both 2017 sittings – to 87% in February (+16% year-over-year) and 91% in July (+23% year-over-year). Additionally, the pass rate for repeat takers increased in both sittings in 2017, to 53% in February (+9% year-over-year) and 60% in July (+37% year-over-year).

Members of the Task Force reviewed available data and analysis generated from the Office of Institutional Analytics which included information from individuals who sat for the bar examination in July 2016, February 2017, and July 2017. The relevant data included admissions credentials, law school performance, bar course selection, and participation in a commercial bar review course. The data analyst advised that the dataset is too small to conduct predictive analytics, which would require at least 1000 datasets or approximately 10 years of graduate data.

Not surprisingly, Task Force members noted a positive correlation between bar passage and:

- Undergraduate GPA
- 1L GPA
- Cumulative law GPA
- LSAT
- Performance on law courses covering bar topics
- High percentage completion of a commercial bar preparation course (e.g., BarBri, Kaplan, Themis)

While these historical predictors correlated with bar passage, it is worth noting that they were not outcome determinative. For example, in the Class of 2017, one graduate with a 134 LSAT passed on the first attempt, while a classmate with a 156 LSAT was unsuccessful.

Although the Task Force is encouraged by the 2017 results, members want to reinforce the importance of monitoring the bar examination results of UNM graduates and the continuation of many of its previous recommendations. Moreover, passage rates continue to be unequal by racial and ethnic background and suggest that these disparities should be examined by the faculty.

RECOMMENDATIONS

Data Collection

Because predictive models will require additional datasets, the Task Force recommends to the deans that resources continue to be allocated to the automation and analysis of relevant data.

Curriculum and Bar Courses

The Task Force again decided that there is not enough data to recommend requiring additional courses for graduation. The Task Force continues to recommend that our students be advised of the bar courses and encouraged to enroll in a broad range of courses that include graduation requirements, bar subjects, skills courses, and other areas of interest.

The Task Force commends the work of the Curriculum Committee and Associate Dean of Academic Affairs, Marsha Baum, in designing a schedule that avoids significant conflicts for bar courses to the extent possible and that meets student demand for bar courses by offering high demand classes each semester or removing class size limits.

The Task Force continues to endorse the Curriculum Committee's recommendation to the Deans that core and bar course faculty meet regularly to discuss course coverage in their courses to ensure consistency across sections for topical coverage and identify gaps in coverage that might need to be filled with additional course offerings.

Testing Policies and Practices

The Task Force continues to recommend that faculty be encouraged to consider providing more opportunities for closed-book, timed, and multiple choice exams and other opportunities for formative feedback such as mid-term exams. Faculty members are encouraged to access relevant resources in developing course and exam material including fellow faculty members, the Center for Teaching Excellence, Associate Dean for Faculty Development, Nathalie Martin, and Beth Kaimowitz, Director of Academic Success. The Task Force also continues to recommend that the administration provide assistance to faculty members in writing multiple choice questions.

The Task Force also recognizes that students are responsible for their own learning and encourages all students to seek feedback from faculty members regarding their performance on assignments and exams. This individualized

feedback is essential for academic performance, bar passage, and professional development.

Student Retention and Advising

Based on a review of the class of 2017 data, the Task Force continues to recommend that the faculty continue to consider a change to the *Bulletin and Handbook of Policies* as follows:

Mandatory Academic Advising

Students who have a cumulative GPA above 2.25 but below 2.5 must attend an academic advisement session with the Academic Dean or the Academic Dean's designees during the subsequent term's enrollment period to discuss future course selection.

Academic Warning

1. Any student whose cumulative law school GPA falls within the range of 2.00-2.25 will be placed on Academic Warning and will be notified by the Dean or Dean's designee.
2. Students placed on Academic Warning will be encouraged to seek support from the Office of Student & Career Services and the Director of Academic Success in order to improve their academic standing. Additionally, students placed on Academic Warning must attend an academic advisement session with the Director of Academic Success during the subsequent term's enrollment period to discuss future course selection.

The Task Force is encouraged that the Student Retention, Suspension and Readmission Committee is currently examining the proposal and plans to bring it before the full faculty in the Spring Semester.

Academic Support

The Task Force recommends the continuation of the Advanced Legal Analysis course that provides regular feedback throughout the course of a semester.

Additionally, the Task Force recommends that all students continue to be given the NCBE's outlines for the Multistate Bar Examination, Multistate Essay Examination, and Multistate Performance Test. This year, all first-year students were offered these materials in the professional development binder provided by the Office of Student & Career Services. The material is provided to upper-class students electronically via email.

Teaching

The Task Force recommends that faculty members teaching bar courses be given the NCBE outline that describes the scope of issues tested in their doctrinal area and copies of released MBE multiple choice questions on an annual basis.

The Task Force continues to recommend that faculty teaching bar courses

- Be available to answer any relevant questions raised by students during bar study
- Create attack outlines for issues commonly tested in their assigned subject area
- Conduct a one-hour attack outline/roadmap/approach review/Q&A on the subject in the weeks leading up to the bar examination
- For MBE subjects, attend the MBE review sessions for their subject in the Mario Mainero supplemental course and be available to respond to live questions

The law school's license for the videos of the Mario Mainero supplemental bar course will expire after the July 2018 administration of the bar examination. The Task Force recommends that the Deans and the faculty evaluate the need to continue or replace the supplemental bar program.

The Taskforce commends the faculty, especially Christine Zuni Cruz and Margaret Montoya, for nimbly offering a three-credit bar preparation course in the Spring 2017 semester. The course, offered as a pilot, had impressive results with all 5 students successfully completing the bar exam on their first attempt. The Curriculum Committee should analyze whether the results of the course can be replicated and its cost effectiveness in order to determine if and how it should be offered again.

Financial Assistance

The Task Force continues to recommend that the Deans and the Director of Admissions and Financial Aid search for financial assistance for recent graduates in need of financial support during bar study.

Future Action Items

The Task Force recommends that the Deans continue to provide adequate resources to properly collect and analyze the data.

The Task Force also strongly recommends that the Deans assign to a standing committee on-going review of bar performance and the law school's efforts to improve bar exam performance. Specifically, the faculty should continue to evaluate the differing results by racial and ethnic background and implement strategies to close the gap.

Conclusion

The Task Force, though pleased with the 2017 bar examination results, strongly recommends both students and faculty avoid complacency. Do not assume that our bar passage rate will always be above 90%. The Class of 2017, mindful of the lower performance on the July 2016 bar exam, worked extremely hard to prepare for the exam, and the faculty took an active role in their preparation. The Task Force recommends continued attention to bar examination preparation by students and faculty.

Respectfully submitted,
Bar Passage Task Force