

ANALYSIS OF CHANGES IN TEST SCORES AND PASSING RATES ON THE CALIFORNIA BAR EXAM FROM 1997 TO 2002

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During the past decade, there has been a fairly steady decline in the percentage of first timers passing California's General Bar Exam (GBX). For example, the first-timer passing rate on the July 1994 and July 2002 exams were 78 and 65 percent, respectively. This report examines some of the factors that were related to this decline. As background for what follows, the next section of this report summarizes the GBX's structure and scoring practices. We then describe the samples of applicants used in this study and the results of our analyses. We conclude with a discussion of our findings.

Exam Structure

California's GBX has two parts—the Multistate Bar Examination (MBE) and a written section. The MBE contains 200 multiple-choice items. MBE raw scores (i.e., the number of questions answered correctly) are adjusted ("equated") for possible differences in average question difficulty across administrations of the exam. As a result of this process, a given MBE scale score indicates about the same level of proficiency regardless of the particular version of the test taken.

The written section consists of six 1-hour essay questions and two 3-hour performance test (PT) questions. Answers are graded in 5-point intervals on a 40 to 100-point scale. Readers are instructed to assign a score of "65" to an answer that they consider to be a "marginal fail" and a "70" to an answer that is a "marginal pass." An applicant's total written raw score equals the sum of the six essay scores plus two times the sum of the two PT scores. Hence, the maximum possible written raw score is 1,000 points.

Total written raw scores are normally converted to a score distribution that has the same mean and standard deviation as the distribution of the applicants' MBE scale scores. The resulting written scale scores are then combined with the MBE scores to compute the total scores that are used to make pass/fail decisions. However, this report presents the results with the written raw scores on the 1,000-point scale because these scores reflect the readers' assessment of the absolute quality of the applicants' answers.

Analysis Sample

To provide a consistent basis for comparisons, the analyses below used all the first timers who took the full General Bar Examination (i.e., both the MBE and Written sections) and who also had a Law School Admission Test (LSAT) score. Preliminary analyses indicated that about 94 percent of the first timers had an LSAT score, that this percentage was fairly stable across the nine July exams studied, and that the small differences that did occur were not systematically increasing or decreasing over time.

Trends in Scores and Passing Rates

Table 1 contrasts the mean scores and passing rates on the nine July exams studied. This table shows LSAT, MBE, and Written raw scores were generally dropping over these nine years, as were passing rates. This relationship was not perfectly consistent, but the general trend on all four indicators was clearly downwards. For example, almost all of the values in the 1994 to 1997 period were higher than almost all the values in the 1998 to 2002 period. Indeed, only 4 of the 36 values in Table 1 deviated from this pattern. These are in bold italics.

Table 1
Number of Applicants in Analysis Sample, Means, and Passing Rates by Exam

Exam	Number of Applicants	LSAT Score	MBE Score	Written Raw Score	Percent Passing
1994	4694	158.1	152.7	689.4	77.7
1995	5118	158.0	150.9	675.1	73.0
1996	5374	157.9	149.6	683.9	68.6
1997	5571	158.3	151.3	669.7	74.4
1998	5373	157.4	148.2	670.0	64.3
1999	5188	157.5	148.5	658.5	63.5
2000	4996	157.2	149.7	657.4	66.7
2001	4969	157.5	150.8	652.3	70.0
2002	4882	157.2	148.7	648.4	64.6

The three test scores studied (LSAT, MBE, and Written raw) had different means and standard deviations. Hence, to assess whether they exhibited the same sized decrease over time, it was first necessary to convert the differences between the 1994 and 2002 values to an "effect" size. In the context of this analysis, the effect size is the difference between the 1994 and 2002 values divided by the standard deviation.

Table 2 shows that the decline in mean MBE scores and passing rates between 1994 and 2002 was about 2.5 times larger than the decline in average LSAT scores during this period. The decline in mean Written raw scores was three times larger than the change in MBE scores and passing rates. The comparability of the declines in mean MBE scores and passing rates stems in part from the scaling of written scores to the MBE for the purposes of computing the total scores that are used to make pass/fail decisions.

Table 2
Differences in Mean Scores and Passing Rates Between 1994 and 2002

	LSAT Score	MBE Score	Written Score	Percent Passing
1994 minus 2002	0.93	3.91	41.0	13.1
Standard Deviation	8.10	14.1	45.5	46.2
Effect Size	0.11	0.28	0.90	0.28

The standard deviation for a test score was the mean of its standard deviations over the nine exams. The standard deviation for the percent passing was equal to 100 times the square root of pq where p = the average proportion passing across the nine exams and q = average proportion failing. Standard deviations on a measure were fairly constant across exams.

Demographic Trends

Table 3 shows that over the nine exams studied, there was a general increase in the percentage of minority (defined as anyone who was not a non-Hispanic white) and female applicants as well as the percentage that were graduates of American Bar Association (ABA) approved law schools. Between 1994 and 2002, there was a 10 percentage point increase in the percentage of minority applicants, an 8 point increase in the percentage who were women, and a 6-point increase in the percentage who graduated from ABA law schools within the past year.

Table 4 shows the change in mean scores and passing rates between 1994 and 2002 for various groups. These data indicate that most groups experienced similar declines in scores and passing rates over the nine-year period, but a few had a larger decrease than others on one or more measures. For example, graduates of California accredited schools had an especially large drop in mean LSAT and MBE scores between these two exams.

Table 3
Demographic Characteristics of the Analysis Sample by Exam

Exam	Percent Minority	Percent Female	Percent ABA
1994	20	44	80
1995	23	43	79
1996	26	47	80
1997	28	47	82
1998	28	46	82
1999	29	46	84
2000	27	47	84
2001	30	48	86
2002	30	52	86

Table 4
Differences in Mean Scores and Passing Rates Between 1994 and 2002
By Gender, Racial/Ethnic Group, and School Type*

Group	LSAT Score	MBE Score	Written Raw Score	Percent Passing
Female	0.48	3.45	36.2	9
Male	1.10	3.65	46.5	16
White	0.87	3.09	40.0	11
Asian	0.06	2.36	30.6	8
Hispanic	1.37	3.46	37.4	11
Black	0.73	4.96	42.3	15
Other	-0.26	5.64	50.6	22
ABA	1.82	4.56	42.5	15
CA Accredited	2.70	7.01	48.4	20
Unaccredited	1.90	1.37	52.3	22
All Others	0.53	3.22	48.2	18

* Difference = 1994 value – 2002 value

Summary and Discussion

The average bar exam scores of July first timers on the GBX (and their passing rates) have been gradually sliding downwards during the last nine years. For example, the passing rate was about 13 percentage points higher in 1994 than it was in 2002. One factor that may have contributed to this decline is the decrease in LSAT scores that occurred during this period because these scores provide a consistent measure of the overall academic ability of the students coming into law school. However, the drop in bar scores was larger than the drop in LSAT, so this does not appear to be the sole reason for the decrease in bar scores. Another factor that may have contributed to the decline was the increase during this period in the percentage of minority applicants taking the test; i.e., because they tend to earn lower bar scores (and law school grades) than their non-minority classmates (Table 5).

The decline in bar scores and passing rates is directly opposite to what would be expected on the basis of other changes over time in the composition of the applicant pool. Specifically, women and ABA graduates generally earn higher total bar exam scores than other applicants and the percentage of woman taking the exam increased by 8 percentage points whereas the ABA percentage increased by 6 points (see Table 3). Thus, these changes would normally be expected to increase essay scores and the passing rate. One explanation for why these changes did not coincide with an increase in bar scores is that some California accredited schools became ABA accredited during the study period and this may have diluted the pool of highly qualified applicants. The gender effect may be related to schools taking female students who were as a group somewhat less qualified than their predecessors. Other factors may relate to changes in law school admission standards, grading and educational practices, and retention policies.

Table 5
 Mean LSAT, MBE, and Written Scores and Percent Passing
 By Gender, Racial/Ethnic Group, and Law School Type*

Group	Number of Applicants	Mean LSAT	Mean MBE	Mean Written	Percent Passing
Female	20,950	157.1	148.0	670.8	69
Male	23,871	158.3	151.9	64.4	69
White	30,723	158.6	151.9	672.7	74
Asian	5,769	157.3	147.2	663.8	66
Hispanic	3,404	153.9	144.7	652.8	55
Black	2,054	151.9	141.4	640.4	44
All Others	4,215	157.7	148.5	657.6	54
ABA	38,164	158.9	151.3	672.3	74
CA Accredited	4,221	148.3	141.5	640.8	40
Unaccredited	475	145.4	137.0	619.7	26
All Others	3,305	157.7	147.7	650.5	57

* A small percentage of applicants were missing gender, racial/ethnic group, and/or a school code.