

MINORITY GROUP PERFORMANCE ON THE CALIFORNIA BAR EXAMINATION

Stephen P. Klein, Ph.D.  
Roger Bolus, Ph.D.

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## EXECUTIVE SUMMARY

There are large differences in passing rates among racial/ethnic groups on the bar exam. The passing rate of white first time takers is usually about twice as high as the rate of black first timers. Over 90 percent of the whites would pass if the standard for passing was lowered to a point that would result in 50 percent of the blacks passing. The Asian applicant pass rate is slightly below the white rate and the Latino rate is between the Asian and black rates.

Over 50,000 applicants passed the California exam in the ten-year period between 1977 and 1986. Ten percent of these lawyers were members of a minority group. Minority group members make up about 14 percent of all first timers. Thus, there is about 4 percent difference between the minority applicant share of the examinee population and their representation in the group that is eventually licensed to practice.

During the past 10 years, the Committee of Bar Examiners has examined several possible sources of the differences in passing rates among racial/ethnic groups. This research has shown that bar exam scores are closely related to an applicant's academic ability as indicated by that applicant's law school grades and admission test scores. In fact, the combination of academic ability and law school attended can explain virtually all of the differences in passing rates among groups. For instance, when used together, these factors can predict an applicant's pass/fail status with 80 percent accuracy.

Adding race to this set of predictors does not improve accuracy by even one percent. And, racial/ethnic group, by itself, is only a very weak predictor of whether an applicant will pass because a significant percentage of minority applicants earn higher bar scores than many of their white classmates.

Research also has shown that:

- o A larger percentage of minority than white applicants graduate from the most selective schools in the state and a larger percentage of minority than white applicants graduate from American Bar Association (AB) approved schools. Thus, relatively low minority passing rates do not stem from minority applicants being denied access to the better schools.
- o Minority and white readers agree with each other on the grades that should be assigned to essay answers written by both minority and white applicants. Thus, the reader's race does not affect the score assigned.
- o Substantially increasing the time applicants are given to answer multiple choice and essay questions does not narrow the differences in average scores among racial/ethnic groups.
- o Differences among racial/ethnic groups are just as large on the MBE (multiple choice) section as they are on the essay and Performance Test sections of the exam. The same result was obtained with an experimental oral version of the exam.
- o The differences among groups are essentially the same across all the subject matter areas covered by the exam.
- o Differences in performance level between white and minority students are not due to some general skill in taking multiple choice or essay tests. This was demonstrated by a study that showed that minority and white students earned equally low scores on the bar exam when they took it during their first few weeks of law school.

- o Rule changes governing the exam have not differentially affected minority passing rates. These rule changes include: (1) no longer allowing applicants some choice in which essay questions they answer, (2) discontinuing the bifurcation rule that allowed applicants to pass by passing one part of the exam on one administration and another part on a subsequent administration, and (3) converting the written scores to the same score distribution as the applicants' MBE scores.

The eventual passing rate (i.e., the percentage who pass after several attempts) is much higher than the initial rate. Although this is true for all groups, it is especially true for minority applicants. For instance, about two-thirds of the minority applicants from ABA schools eventually pass. However, there is no first attempt bar exam score that distinguishes well between those who will and will not eventually pass.

An analysis of Law School Admission Test (LSAT) scores at ABA schools suggests that most black and Latino applicants would not have been accepted at their school were it not for special admissions programs. In other words, their LSAT scores are almost always well below those of their white classmates. And, the LSAT is a good predictor of law school grades (and bar scores) for both white and minority students.

The minority applicants' lower average LSAT scores and thereby predicted law school grades probably reflects an educational disadvantage that accumulated over the 20+ years prior to admission. This disadvantage is not eliminated during law school as evidenced by the large difference in average law school grades between white and minority students. However, most minority applicants do eventually pass. Thus, they may simply need more time to prepare for the exam than their white classmates. It also appears that special admissions programs are effective in that they bring into law schools many minority students who do not meet their school's normal selection standards, but who nevertheless ultimately become licensed to practice.

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During the past 10 years, the Committee of Bar Examiners has examined several possible sources of the differences in passing rates among racial/ethnic groups on the California Bar Exam. This report summarizes the results of that research.

Part 1 of the report presents data on the size of the disparities in bar passing rates and scores among four groups: whites, Asians, Latinos, and blacks. Part 2 describes the results of studies that have sought to identify the sources of these differences. Part 3 shows how the disparities in bar scores among groups are associated with differences in their law school grades and admissions test scores. Part 4 contrasts a group's initial with its eventual passing rate. The last section summarizes these findings and discusses their implications. The reference section lists all the studies that report racial/ethnic data.

The following abbreviations are used throughout:

ABA = American Bar Association  
LSAT = Law School Admissions Test  
LGPA = Law school grade point average  
MBE = Multistate Bar Examination (200 multiple choice questions)  
PT = Performance Test of clinical legal skills

From 1977 to 1983, the California exam consisted of the MBE and from 9 to 15 essay questions. In July 1983, the exam was changed to its present structure of the MBE, six essay questions, and a two-problem PT. Six hours (1 day) is currently devoted to each of these three sections.

### DIFFERENCES AMONG GROUPS

In 1977, the Committee of Bar Examiners began collecting data on the racial/ethnic composition of the applicants to the bar. These data were gathered by means of a mailed questionnaire that applicants were asked to complete and return to the Committee before they took the exam. The questionnaire asked applicants to indicate the racial/ethnic group to which they belonged; and, they were given assurance that their answers would be used solely for research purposes.

Figure 1 shows the passing rate of July first time takers from California law schools that are accredited by the ABA. These data indicate relatively large and consistent differences among groups over time. Moreover, all groups show a general decline in passing rates since 1980.

Fluctuations in passing rates over time are most likely due to variations in the difficulty of the exam from one year to the next and to changes in the average ability level of the applicants taking the exam. In addition, on a given exam, there is often less than 200 California ABA first timers in any one minority group. Thus, some of the variation also may be due to chance.

The differences in passing rates among groups is mirrored in their total bar exam scores. Figure 2 presents data about the performance of all July 1984 first timers (i.e., regardless of the type of school from which they graduated). There are four arrays of data in this figure, one for each racial group. Each array has five vertical bars. Reading from left to right, these vertical bars correspond to the 10th, 25th, 50th (with an asterisk), 75th, and 90th percentile points in the distribution of scores. For instance, 50 percent of the blacks and 90 percent of the whites had total scores of 1160 or higher.

A score of 1260 or higher was required for passing the July 1984 exam. An inspection of Figure 2 reveals that minority applicants were not clustered just beneath the passing score. In fact, the passing score would have to be lowered by 100 points to produce a 50 percent passing

rate among blacks. Such a decrease would result in about 90 percent of the whites passing. Because of the large differences in the number of applicants in each racial group, lowering the passing score will result in far more white than Latino or black applicants passing the exam.

Figure 2 also shows that several minority applicants earn much higher bar exam scores than some white applicants. For example, the top 10 percent of the blacks had higher scores than 50 percent of the whites. And, the top 10 percent of the Asians did as well as the top 25 percent of the whites. Because of this overlap, racial/ethnic group is only a weak predictor of total bar exam scores (e.g., these scores can be predicted six times more accurately with LGPA than with applicant race).

#### SOURCE OF DISPARITIES STUDIES

Several studies have examined whether the differences in passing rates and average scores among racial/ethnic groups can be explained by a variety of factors, such as the exam's time limits and content coverage. This section summarizes the results of that research.

##### Type of Law School

A study of the July 1977 exam revealed that minority group first timers are more likely than white first timers to come from the more prestigious law schools in the state. For instance, 30 percent of the whites, but less than 20 percent of the minority applicants graduated from a non-ABA approved law school. Of those who did graduate from an ABA school, minority applicants were much more likely to come from the most selective schools (as indicated by the average LSAT scores of their graduates). For instance, only 23 percent of the whites graduated from the top five schools compared to 44 percent of the Asians, 38 percent of the Latinos, and 48 percent of the blacks.

An analysis of the July 1984 data revealed the same pattern. This analysis classified the 33 schools with at least 18 applicants into three groups on the basis of the average LSAT scores of their white

graduates who took the bar exam for the first time. Figure 3 shows that over 50 percent of the minority applicants, but only 31 percent of the whites, graduated from the most selective schools.

There is an almost perfect relationship between a school's mean LSAT score and its bar exam passing rate. The higher the average LSAT score, the higher the passing rate. Thus, the relatively low passing rates of minority applicants does not stem from their being denied access to what are generally considered to be the better law schools and the ones that have the highest overall passing rates.

### Test Taking Ability

It has been hypothesized that whites tend to do better on exams than nonwhites because they are just better at taking tests. In other words, whites earn higher bar exam scores because they are supposedly better test takers rather than their actually attaining a greater mastery of the legal skills and knowledge that are tested.

This hypothesis was examined by administering the bar exam to novice law students at four ABA approved schools. These students took various portions of the July 1985 exam within a few weeks of their starting law school. And, their answers were graded along with those of all of the regular applicants (and in way that prevented the readers from knowing which answers were written by the novices).

This study indicated that: (1) white and nonwhite novices earned equally low scores on all three sections of the bar exam (MBE, PT, and Essay), (2) white novices tended to have higher LSAT scores than nonwhite novices, and (3) there was almost no correlation between LSAT and bar exam scores among novices, but a strong correlation between these measures among graduates. Taken together, these findings suggest that some general skill in taking tests is not the source of differences between racial groups on the bar exam. They also show that the LSAT predicts bar exam scores only after the applicant has had the benefit of a legal education.



### Reader Characteristics

In the early 1970's, it was suggested that low minority passing rates stemmed in part from almost all of the essay readers being white. It was hypothesized that minority applicants were not receiving the grades they deserved because the way they answered a question was qualitatively different (not better or worse) than the way in which whites organized and explained the same information.

This hypothesis was tested by having white, black, and Latino lawyers grade the answers written by white, black, and Latino applicants to two essay questions on the July 1974 exam. The readers in this study only saw the question and the answer. They did not know the race of the person who wrote the answer or the grade assigned to it by the state bar's regular reader. The special readers also could use whatever grading criteria they felt were appropriate.

On both questions, there was no systematic relationship between an applicant's and a reader's race. In other words, white, black, and Latino readers rank ordered the quality of the answers in about the same way. White readers did not give the answers written by white applicants any higher grades than did the black or Latino readers. And, the readers who belonged to the same race agreed with each other regarding the relative quality of the answers to the same degree that they agreed with the readers who belonged to a different race.

These findings suggest that the score on an essay answer is not affected by whether the race of the reader who graded it is the same or different than the race of the applicant who wrote it. The Committee of Bar Examiners has nevertheless adopted the practice of insuring minority representation on the team of readers assigned to each essay question and PT problem.

### Time Limits

Two experiments that were conducted in conjunction with the July 1980 examination show that differences in passing rates among groups do not stem from the exam's time limits.

In the Essay Time Limits Study, one group of applicants was given 55 minutes to answer a typical bar exam essay question and then 90 minutes to answer a different question. A second group was given the same sequence of time limits, but the opposite order of questions. Thus, both questions were answered under both time limits.

Applicants were assigned randomly to groups. All the answers to a question were merged into one batch so that readers did not know the time limit under which an answer was written. The answers were then graded in the normal manner; e.g., points were assigned in 5-point intervals on a 0 to 100-point scale. These procedures were replicated several times with different groups so that we could measure the effect of time limits on four separate questions.

Applicants who had 90 minutes to answer a question earned an average of four more points on that question than did those who had only 55 minutes to answer it. However, one third of the applicants received a higher score on the 55-minute than on the 90-minute question. Further analyses revealed that the amount an applicant benefited from the extra time was not related to race. In other words, minority applicants did not gain any more points on the average than did white applicants as a result of having an extra 35 minutes to answer. The size of the benefit derived from the extra time also was unrelated to an applicant's assessment of the adequacy of the essay test's time limits.

The same type of study was conducted with the MBE. Some applicants had 55 minutes whereas others had 90 minutes to answer the same set of 30 MBE items. And, the experiment was replicated with a second set of 30 items so that each applicant answered one set under the 55 minute time limit and another set under the 90 minute limit.

The results of the MBE Time Limits Study were consistent with those from the Essay Time Limits Study. There was a slight increase in average score as a result of the extra time (0.87 points per 30 items), some applicants scored higher under the shorter time limit than under the longer one, and there was no relationship between an applicant's race (or attitude regarding the adequacy of the MBE's time limits) and how much that applicant benefited from the extra time.

It is evident from these two studies that even a substantial increase in the time applicants are given to answer examination questions would not reduce the differences in scores and passing rates among racial groups.

#### Test Format

Minority applicants do about as well on one section of the exam (MBE, Essay, or PT) as they do on any other section. In other words, once differences in the overall difficulty and reliability of the sections are controlled, a minority group's average score on one section is about the same as it is on any other section.

Figure 4 illustrates this pattern by showing where the median July 1984 minority applicant falls in the distribution of white applicant scores. For instance, the average MBE score among Latino applicants is at the 25th percentile in the distribution of white applicant MBE scores.

Figure 4 also shows that the gap between white and minority applicants tends to be slightly greater on the MBE than on the other sections. Analyses of previous and subsequent exams show the same trend. This small, but consistent deviation is most likely due to the MBE's greater reliability (differences in average scores between groups automatically get smaller as the reliability of the test decreases...there would be no difference between groups if the scores were based solely on chance).

The Committee also explored what would happen to minority passing rates if the exam included oral and written problems that simulated closely the types of tasks lawyers are often required to perform or problems

that measured certain trial practice skills. These studies found the same general rank ordering of groups as in Figures 1 and 2.

The only exception to this trend is that on the oral tasks, blacks earned about the same average score as Asians and Latinos (but still well below the white average). However, oral task scores were less reliable (i.e., more subject to chance) than the written scores; and, the more scores are affected by chance, the greater the likelihood that different groups will receive the same average score. Thus, the large difference in passing rates between white and nonwhites would not be reduced appreciably by adding reliably scored oral tasks to an exam that already included the Essay and MBE.

It also is academic to consider the use of oral tasks on the California bar exam because of costs and other considerations. They compromise test security, standardized administration procedures, and timely score reporting. In addition, they provide an opportunity for bias because graders would observe an applicant's race, sex, age, and other irrelevant characteristics.

#### Test Content

The differences among racial groups in total MBE score that are illustrated in Figure 4 also are present in each of the six content areas measured by this exam. This trend is shown in Figure 5. If the questions in one content area tend to be relatively easier than in another content area, then this difference is true for all groups. No one area is particularly difficult or easy for a given group.

Studies of the July 1974 and July 1980 MBE further indicated that none of the questions on this test were especially difficult for one group. If a question is relatively difficult for one group compared to its average score, then it also is relatively difficult for another group compared to its average. And, within a given range of total MBE scores (such as all applicants with scores between 135 and 145), there was no

difference among racial groups in their likelihood of answering a given question correctly.

Comparable analyses of essay questions yielded the same result. Thus, whatever is producing the disparities in passing rates between racial groups, its effect is felt equally across all the content areas that are tested.

### Bar Exam Rules

The bar exam was changed in several ways during the past 10 years. We examined the possible effect of three of these changes on minority passing rates by comparing these rates before and after the changes were implemented. The three changes we investigated were: (1) elimination of optional questions, (2) introduction of the PT, and (3) adoption and later cancellation of the so called "bifurcation" rule.

Prior to the July 1980 exam, the Essay test consisted of three sections. Each section had five questions and an applicant was instructed to answer four of them. Thus, applicants could exercise some choice in which questions they chose to answer. As of the July 1980 exam, the Essay test was shortened to 9 questions and applicants were instructed to answer all of them. The time allocated to answer a question also was increased from 52 to 60 minutes.

Figure 1 shows that eliminating the optional questions had no adverse effect on performance. In fact, most groups performed better on the July 1980 exam than they did on any exam before or since even though this exam is the one on which the change presumably would have been felt the strongest. Figure 1 also shows there was no sudden or consistent decline in the passing rate corresponding to the introduction of the PT in July 1983. In most groups, the July 1983 passing rate was higher than it was a year later.

In April 1977, the Committee offered applicants two ways of passing the exam. One method involved achieving a combined MBE plus Essay score

that was above the pass/fail line for the total exam. The other method involved passing the Essay on one test date and the MBE on a different administration. Applicants could pass the exam by means of the latter method beginning with the February 1978 exam.

For a variety of reasons, this so called "bifurcation" rule did not produce a general increase in passing rates. This situation and other administrative considerations led to its discontinuation in July 1983. However, applicants who passed only one part of the exams given between February 1982 and February 1983 could still use the rule through July 1984.

Because repeaters are the only applicants whose pass/fail status could be affected by the bifurcation rule, we examined their success rate on the exams before this rule took effect (2/77 through 7/77), while it was operative (2/78 through 7/84), and after it was fully rescinded (2/85 through 7/86). Figure 6 shows that repeaters in all four racial groups had a slightly higher passing rate before the rule was implemented than when it was in force. Blacks were the only group whose passing rate fell by more than one percentage point after the rule was eliminated.

In short, neither the bifurcation rule nor the other changes discussed above had any appreciable effect on the large differences in passing rates between racial groups. These differences were present before and after the changes were made.

#### ACADEMIC ABILITY

Bar exam scores are closely related to an applicant's academic ability as measured by that applicant's law school grades and admission scores. And, differences in academic ability between racial groups can explain essentially all of the differences in their average bar exam scores and passing rates.

This pattern of results was demonstrated in a study of the July 1977 exam. That study found no systematic relationship between race and bar exam scores after an applicant's law school grades, admission test scores, and law school were accounted for. This finding held for both the MBE and Essay sections of the exam as well as the total score.

Our analysis July 1984 data shows the same pattern of results. In this analysis, we compared how well various sets of variables, such as LGPA and LSAT, were able to predict an applicant's pass/fail status. We then examined whether adding applicant race to the prediction system improved out ability to forecast an applicant's bar scores. If it did, then it would suggest that race was influencing these scores.

For the purposes of this analysis, "passing" a section was defined as earning a score that was 70 percent of the maximum possible score on that section. We defined the effect of "school" as the degree to which the applicants at a school (as a group) tended to do better or worse on the exam than would be predicted on the basis of their average LSAT score. Graduates of the same school therefore received the same "score" on the school variable. And, in order to combine data across schools, we converted the LGPAs at a school to a score distribution that had the same mean and standard deviation as that school's LSAT scores.

Table 1 shows that applicant race had little or no impact on predictive accuracy once we controlled for LGPA, LSAT score, and school. This was true on each section and the exam as a whole. For instance, we predicted correctly the pass/fail status on the entire exam of 79.1 percent of the applicants on the basis their LGPAs alone. Adding LSAT to the prediction system increased accuracy by 0.4 percent and adding school increased it another 0.5 percent. Once these variables were accounted for, adding race did not increase predictive accuracy.

These results are consistent with those obtained in a comparison of white and Latino graduates from the University of New Mexico law school on that state's bar exam. LGPA's at this school were highly correlated with bar exam scores, and once there was a control for LGPA and LSAT,

including applicant race in the prediction equation increased the accuracy of forecasting pass/fail status by less than 2 percent.

The close relationship between LGPA, race, and bar exam success rates are illustrated in Figure 7. This figure presents the data for two highly respected ABA schools in California that had relatively large numbers of minority group applicants taking the July 1984 exam. The data for each group are presented in the same form as was used in Figure 2; i.e., the left hand vertical bar corresponds to the 10th percentile in the group, the next bar corresponds to the 25th percentile, etc. The number in the box shows the percentage of applicants in the group who passed the exam.

Two important findings are evident in this figure. At both schools, the grades of 75 percent of the black and Latino applicants place them in the bottom quarter of their class; and, 50 percent of these applicants are in the bottom 15 percent. Secondly, the rank ordering of the groups in terms of passing rate is generally consistent with their LGPAs. This latter finding is illustrated clearly in Table 2. This table presents data on all July first timers and shows that in each racial group, there is a close association between academic ability and bar exam success rate. The higher the ability level, the higher the passing rate.

#### EVENTUAL SUCCESS RATE

Over 50,000 applicants passed the California exam in the ten-year period between 1977 and 1986. Table 3 shows that one in ten of these lawyers is a member of a minority group. This rate was obtained in every year studied. Minority group members make up about 14 percent of all first timers. Thus, there is about 4 percent difference between their share of the examinee population and their representation in the population of those licensed to practice.

Eventual passing rates (i.e., the percentage who pass after several attempts) among minority applicants are much higher than their initial rates. Table 4 illustrates this finding with applicants who took the



exam for the first time in 1977, 1981, 1982, or 1984. For instance, 39 percent of the Latinos passed on their first attempt and 29 percent passed after one or more subsequent attempts. Thus, Hispanics had an eventual passing rate of 66 percent.

Another 8 percent of the Latinos failed on their first attempt and did not repeat the exam. However, their LGPAs and LSAT scores suggested that the Latino eventual passing rate would have risen another 2 or 3 percent if this 8 percent had tried a few more times. A similar increase in eventual passing rates probably would be obtained in the other minority groups if their nonrepeating initial fails had made more than just one attempt to pass.

In recent years, about two-thirds of all the minority applicants from ABA schools eventually pass the exam. And, while there is a moderate correlation between initial score and eventual pass/fail status, there is no initial score that clearly differentiates between those who do and do not eventually pass.

#### SUMMARY AND CONCLUSIONS

This report summarizes ten years of research on the performance of Asians, blacks, Latinos, and whites on the California bar exam. These studies indicate there are very large and consistent differences among these groups in both passing rates and bar exam scores.

These differences are similar to those observed among law schools. For instance, Figure 8 shows the passing rate at one ABA school is more than double the rate at another ABA school. These differences probably stem from some schools attracting more able students than others. Differences in passing rates among racial groups also appear to be due to differences in the average academic ability levels of these groups.

However, several studies have examined whether there are other empirically supported explanations for the observed disparities. These studies have found that the differences do not stem from the type of law

school attended. In fact, minority applicants are more likely to have graduated from the most prestigious law schools (as indicated by the average LSAT scores of their graduates) than are white applicants.

Research also has shown that the differences in passing rates among groups are not related to some general or abstract ability to take tests; the racial composition of the readers who grade the answers; the time limits imposed; the test formats used (multiple choice, essay, or PT); the subject matter areas covered by the exam; whether applicants are given some choice in which questions to answer; or whether they are allowed to pass the exam in sections.

Differences in passing rates among groups do correspond closely with differences in their law school grades and admission scores which in turn are highly related to bar exam scores. In other words, minority applicants tend to have lower LGPAs and LSAT scores than their white classmates. For instance, at two California ABA law schools with large minority enrollments, 75 percent of the black and Latino applicants had grades that placed them in the bottom quarter of their class.

The differences in bar passage rates among groups disappear once we control for LGPA, LSAT, and the general effect of the applicant's school. This finding was illustrated on the July 1984 exam where these three variables predicted overall bar success rate with 80 percent accuracy. Adding race to the prediction system did not increase accuracy by even one tenth of one percent.

Large differences in passing rates among racial groups are deceptive. They hide the fact many minority applicants earn higher bar exam scores than their white classmates, that over 5,000 minority applicants passed the California exam in the last 10 years, and that one person in ten who passes this exam is a racial/ethnic minority group member. Moreover, most minority applicants eventually pass the exam and two out of three of the ABA minority first timers eventually pass.

These are important and encouraging statistics for those minority applicants who do not pass on their first or second attempt. We also

know that applicants who come close to passing but fail on their first attempt are likely to succeed after one or more subsequent tries.

This situation has led some to suggest that the gap between minority and white passing rates would be narrowed by simply lowering slightly the score required for passing. However, plots of score distributions show that this strategy would not be effective because minority applicants (and particularly blacks and Latinos) are not bunched just beneath the pass/fail line whereas there is a large group of white applicants in this zone. And, there is no initial bar exam score that distinguishes well between those who do and do not eventually pass.

A comparison of LSAT scores suggests that many if not most of the successful black and Latino applicants would not have attended an ABA or California accredited law school (let alone taken the bar exam) were it not for special admissions programs. In other words, their average LSAT scores and undergraduate grades are well below those of their white classmates. The same pattern holds for their law school grades.

Given this situation, we should not expect a large percentage of minority students to overcome an educational disadvantage in three years of law school that accumulated over the 20+ years prior to law school. Many minority applicants will simply need more time to prepare for the exam than will white applicants. However, a large number of minority applicants do eventually pass. Thus, special admissions programs are bringing into law schools many minority students who do not meet normal admissions standards, but who nevertheless do get licensed to practice.

## REFERENCES

The reports listed below were prepared by the authors. The Committee of Bar Examiners and the authors also prepare summary reports on each exam that contain data about the performance of racial groups.

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An analysis of the relationship between clinical legal skills and bar examination results (1982). (PR-82-1)

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An analysis of the Performance Test on the July 1983 California Bar Examination (1984). (PR-84-2)

How the bifurcation rule affected the percent passing California's General Bar Examination (1985). (PR-85-5)

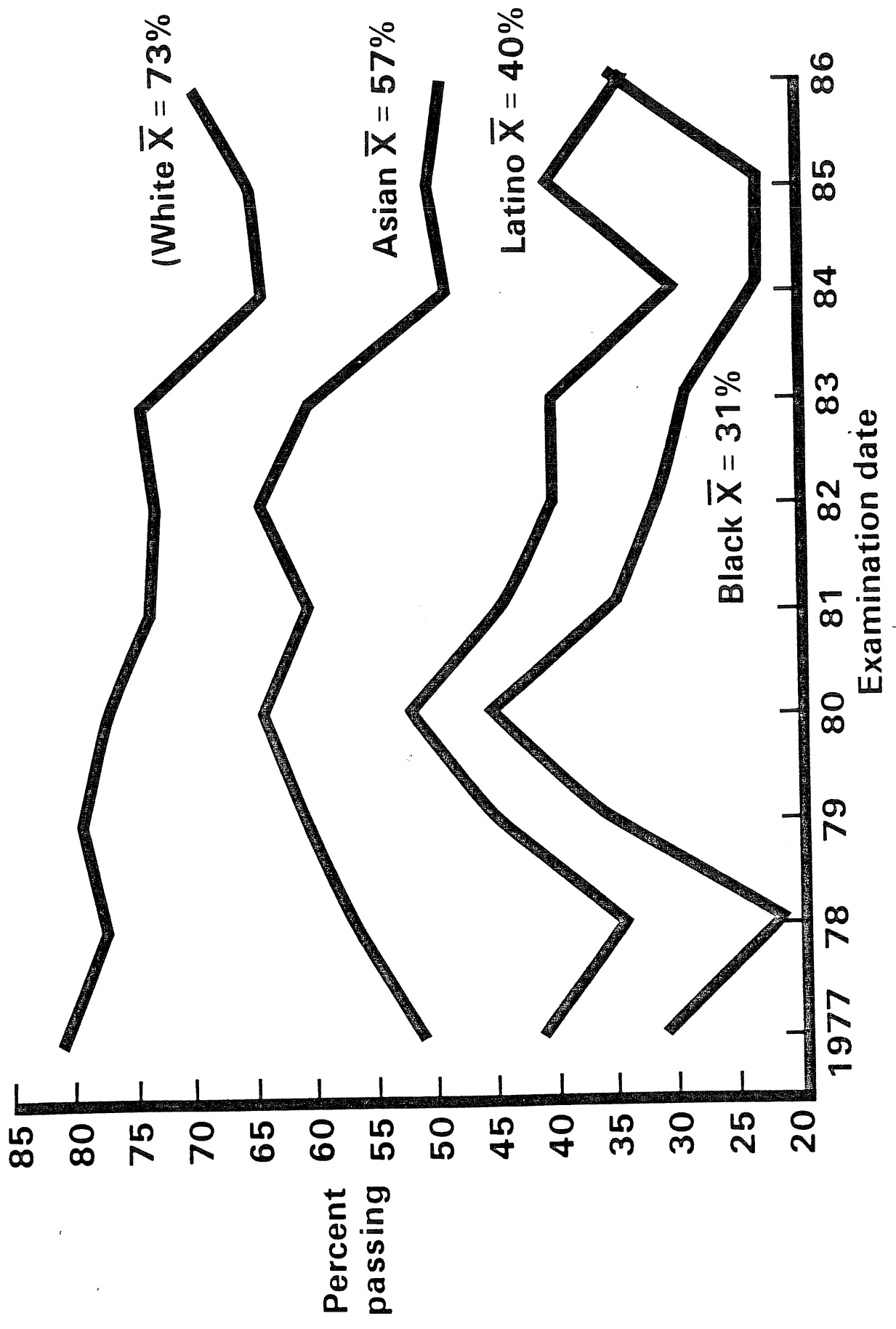
The performance of novice law students and law school graduates on the bar exam (1986). (PR-86-2)

A comparison of initial and eventual passing rates on the California Bar Examination (1987) (PR-87-5).

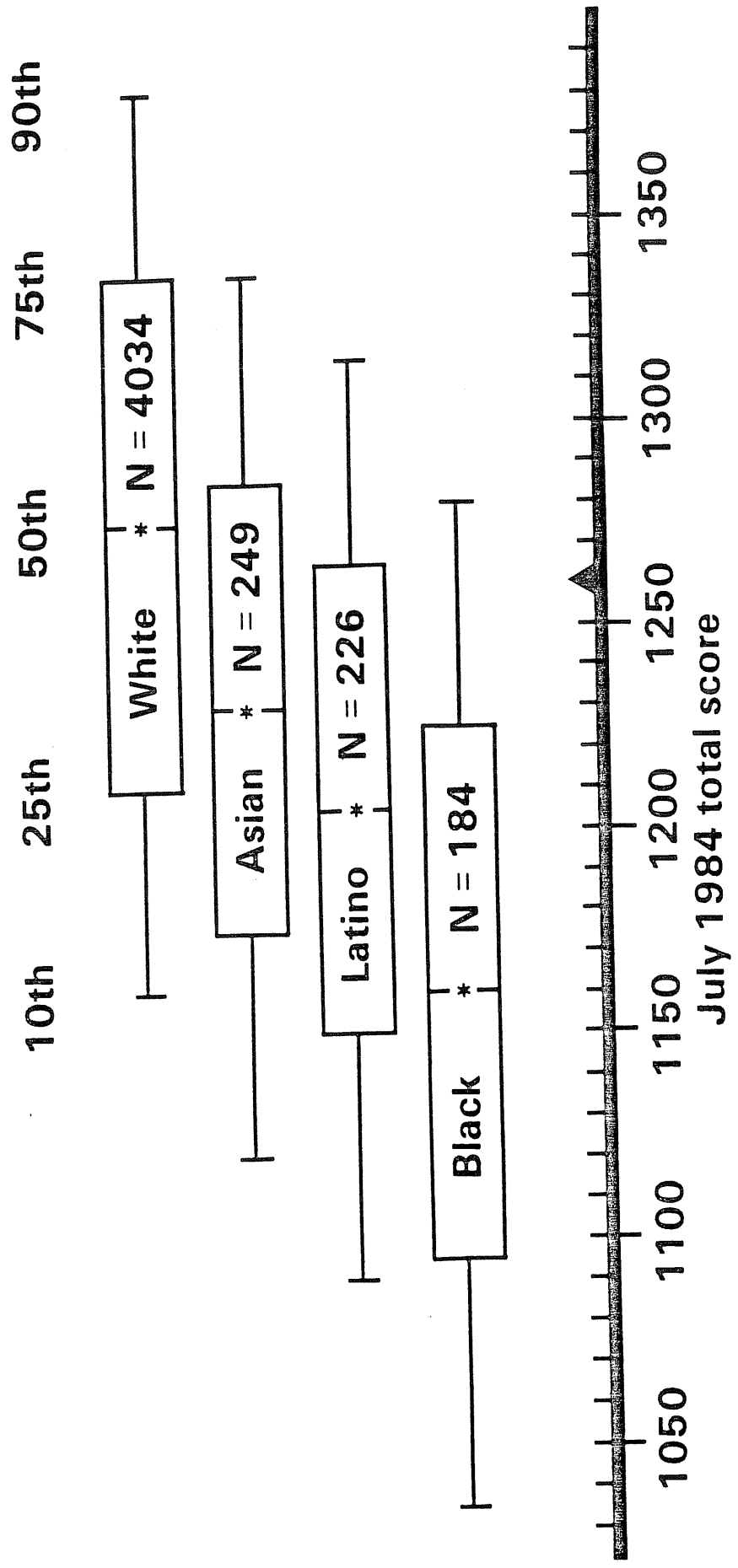
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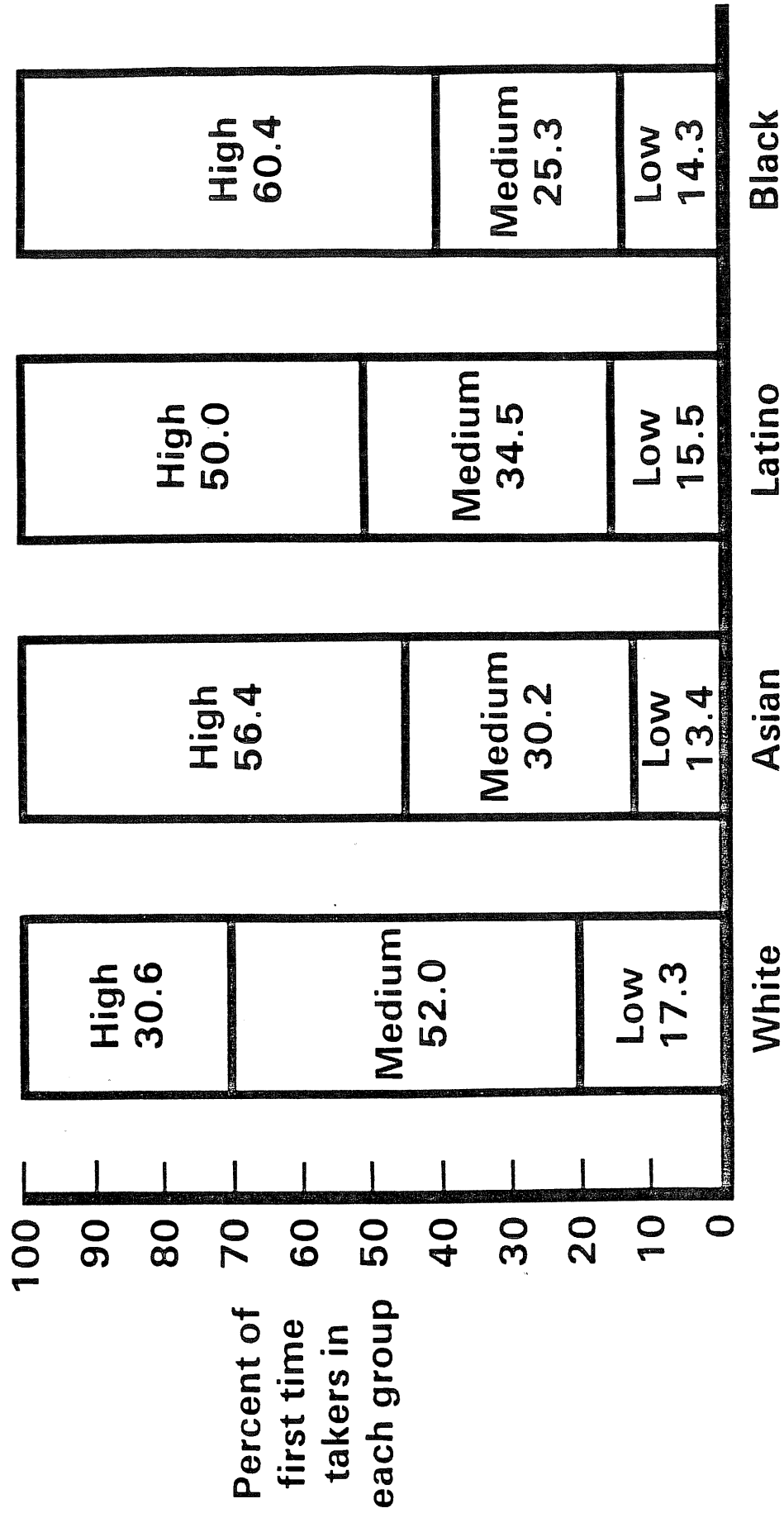
# JULY PASSING RATES FOR FIRST TIME TAKERS FROM CALIFORNIA ABA SCHOOLS



# MINORITY FIRST TIMERS EARN MUCH LOWER TOTAL SCORES THAN WHITE FIRST TIMERS



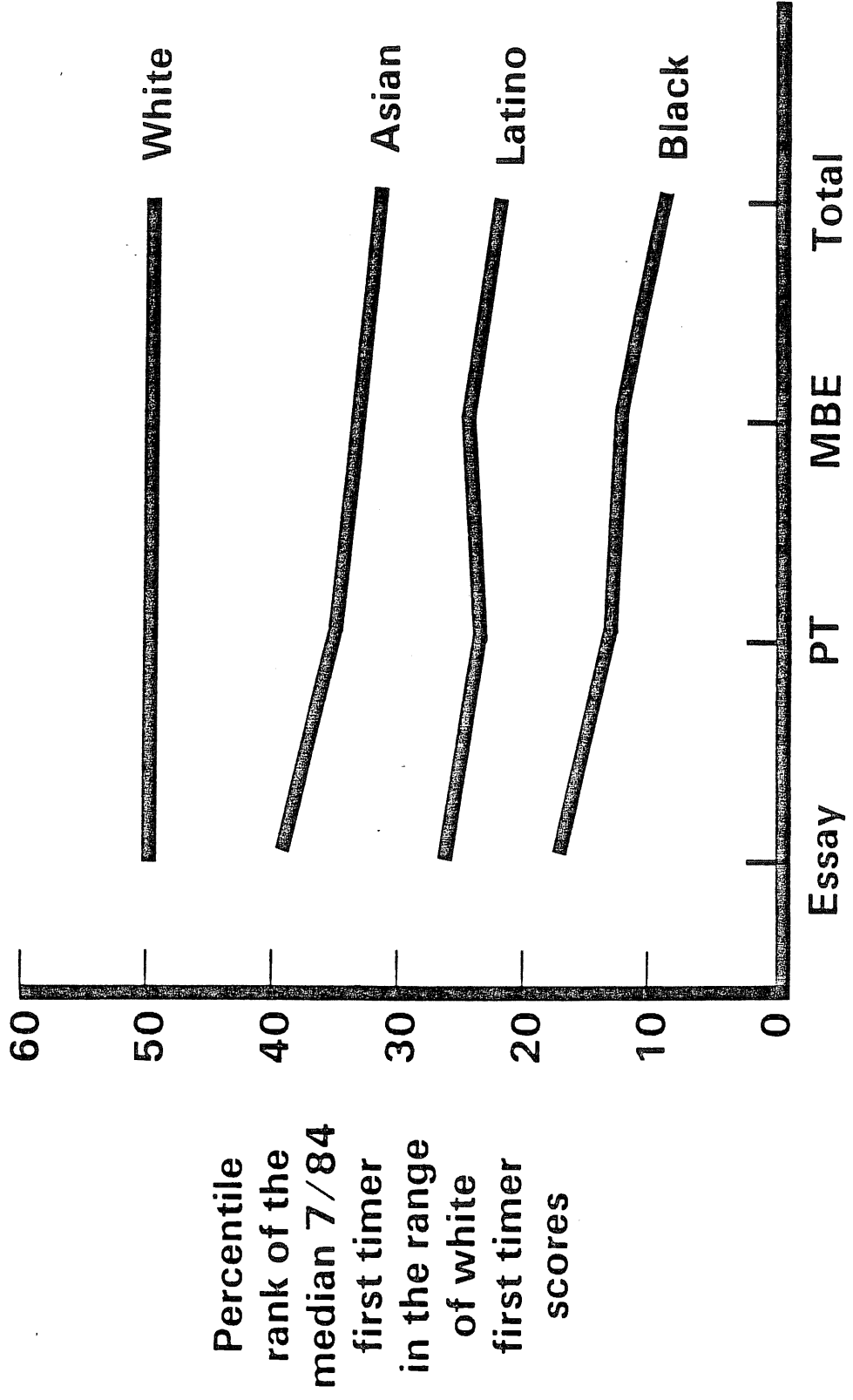
**MINORITY APPLICANTS ARE MORE LIKELY TO GRADUATE FROM THE MORE SELECTIVE SCHOOLS THAN WHITE APPLICANTS**



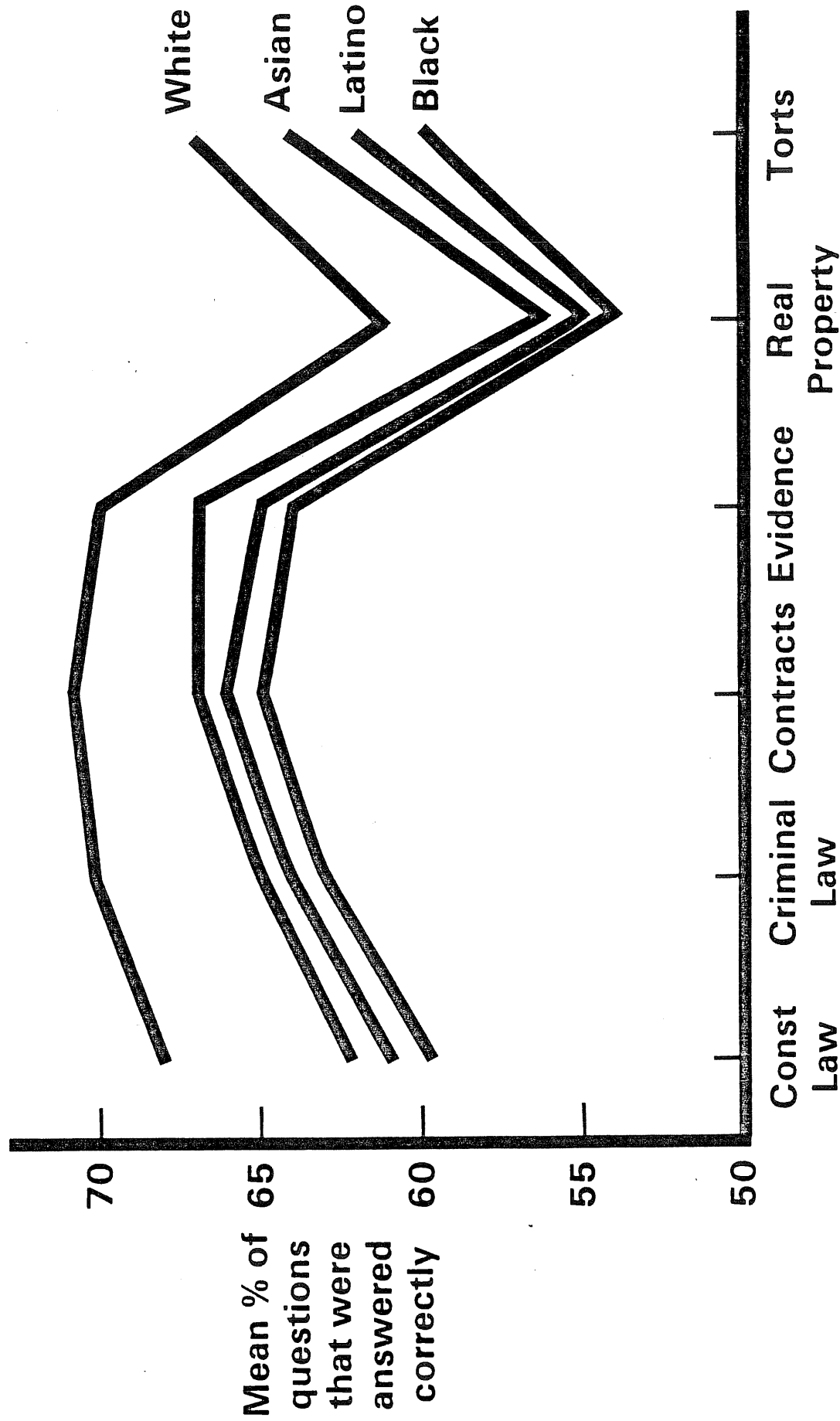
Percent of July 1984 first timers from schools with high, medium, and low average white LSAT scores



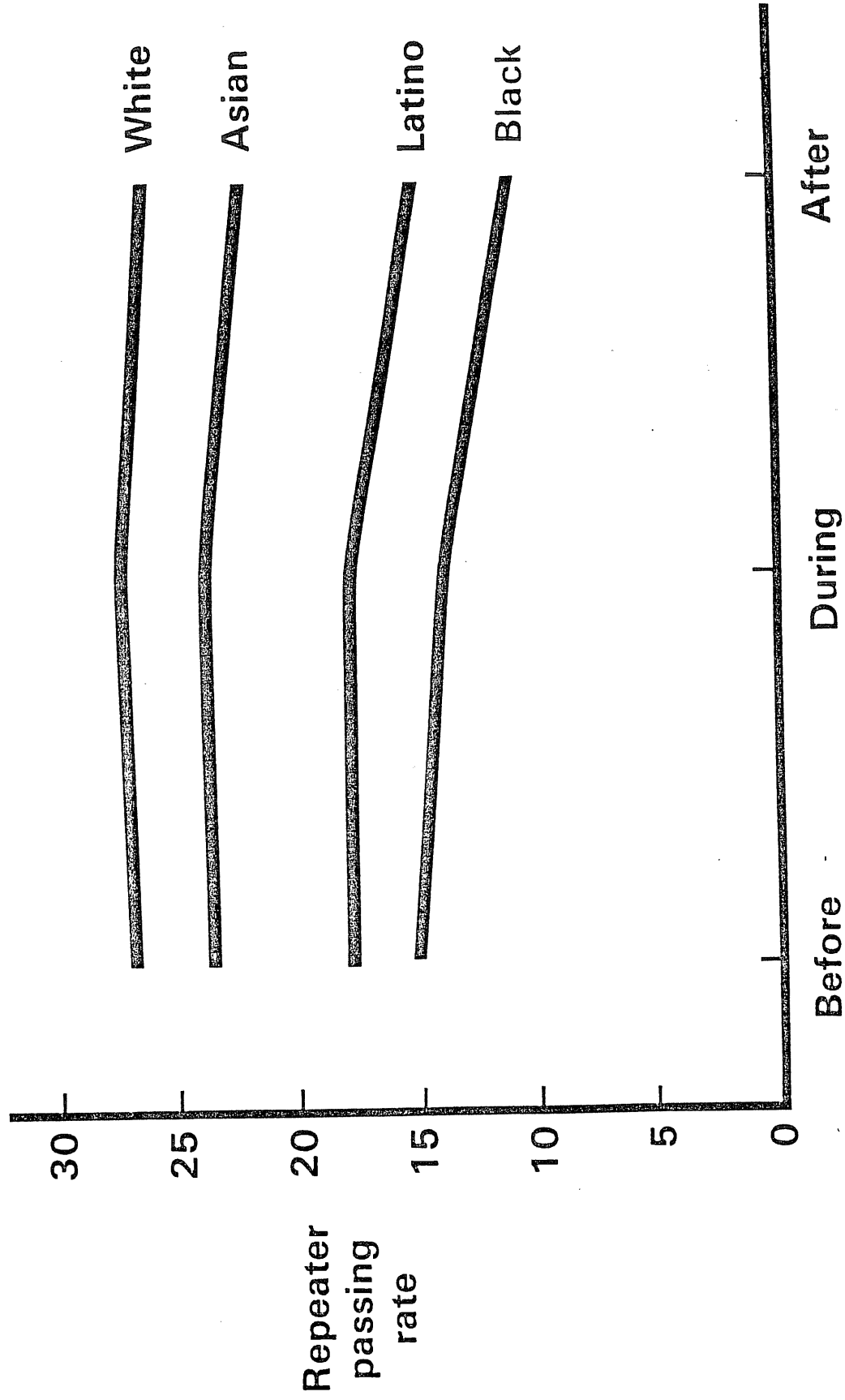
# SIMILAR DIFFERENCES AMONG GROUPS ACROSS TEST TYPES



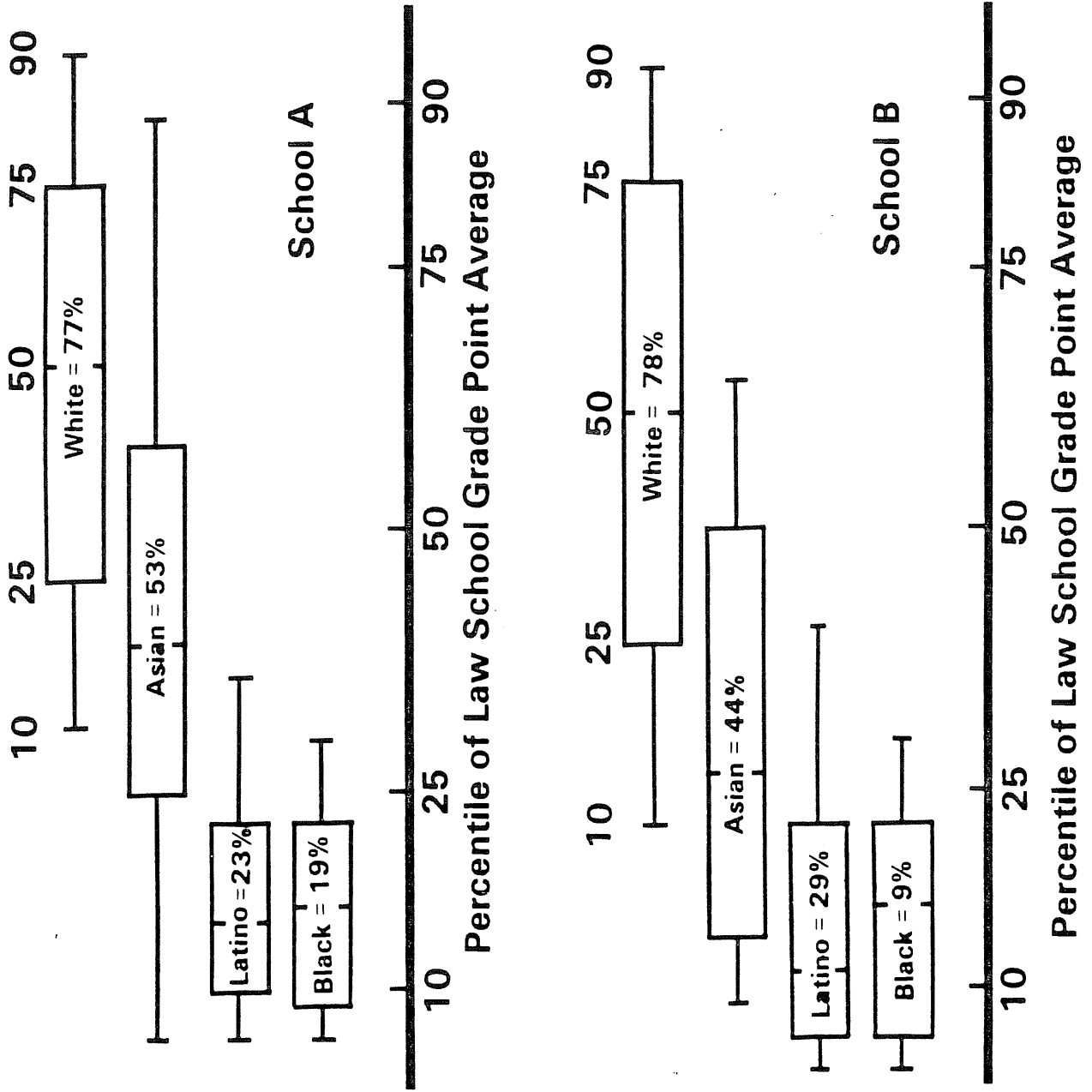
# DIFFERENCES AMONG GROUPS ARE CONSISTENT ACROSS MBE SUBJECT MATTER AREAS



# REPEATER PASSING RATE NOT AFFECTED BY BIFURCATION RULE



# LAW SCHOOL GRADES AND JULY 1984 FIRST TIMER PASSING RATES





**ADDING RACE DOES NOT IMPROVE THE PREDICTION  
OF PASS/FAIL STATES**

Predictors	Percent classified correctly			
	MBE	Essay	PT	Total
LGPA	74.9	75.5	69.5	79.1
LGPA & LSAT	75.8	75.5	70.0	79.5
LGPA & LSAT & school	75.9	76.5	71.1	80.0
LGPA & LSAT & school & race	75.9	76.8	71.6	80.0

# JULY 1984 FIRST TIMERS WITH SIMILAR LEVELS OF ACADEMIC ABILITY HAD SIMILAR PASSING RATES

Relative standing on combined measure of academic ability	Percent Passing			
	White	Asian	Latino	Black
Lowest 25%	9	3	4	3
Next 25%	35	26	36	28
Next 25%	66	60	63	*
Highest 25%	92	89	*	*

Combined measure of academic ability = LGPA + LSAT

\*Not enough applicants to obtain a reliable rate.

Table 3

## RACIAL/ETHNIC COMPOSITION OF PASSING APPLICANTS

Year	Number of applicants who passed	Percent from each group				
		White	Asian	Latino	Black	Other
1977	5,341	91	2	3	2	1
1978	5,528	91	3	3	2	1
1979	6,210	90	3	3	3	1
1980	5,517	90	3	4	2	1
1981	5,112	90	3	3	3	1
1982	5,116	89	3	4	3	1
1983	5,105	89	4	4	2	1
1984	4,236	89	4	3	3	1
1985	4,997	89	4	4	2	1
1986	4,763	89	4	4	3	1
Total	51,928	89.7	3.2	3.5	2.5	1.1



## EVENTUAL PASSING RATES BY RACIAL/ETHNIC GROUP

Group	White	Asian	Latino	Black
Passed on first try	67	49	37	25
Passed after > 1 try	17	24	29	23
Eventual pass	84	73	66	48
Failed on only try	5	9	8	13
Failed after > 1 try	11	18	26	39
Eventual fail	16	27	34	52

Entries are the average percentages for four cohorts of July first time takers: 1977, 1981, 1982, and 1984.