

Section 6: Outcomes for Bar Failers

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Project SEAPHE is making the first serious effort (of which we're aware) to study the population of law school graduates who do not get admitted to a state bar. We are using data from the National Study of College Graduates (NSCG) as well as a large and growing collection of interviews that the project has conducted over the last eight months to understand what life is like for law school graduates who don't pass the bar. This section discusses our preliminary results.

Results from the 1993 National Survey of College Graduates

The 1993 NSCG is a National Science Foundation/Census Bureau study in which a large sample of college graduates were sent a detailed questionnaire about their careers. The survey included questions about licensure status and reasons for not practicing in one's highest-degree field that enabled us to identify a set of law school graduates who did not pass the bar exam. Long-term prospects for graduates who failed the bar exam tell a consistent story. The career of bar failers will generally start off rocky, putting them at a disadvantage even compared to an average college graduate their same age. But by the middle of their careers, the bar failers will be better off in terms of salary, job stability, and employer loyalty, though they will never catch up to lawyers of their same age on any of these criteria.

Salary for College Graduates, Lawyers, and Bar Failers

	Total	First Ten Career Years	30+ Career Years
College Graduates	\$43,000	\$38,000	\$51,000
Lawyers	\$70,000	\$52,000	\$90,000
Bar Failers	\$51,000	\$40,000	\$66,000

The average salary for a bar failer at the start of his or her career was almost the same as an average college graduate, and they will be saddled with at least \$100,000 in law school debt. (Our interviews have found stunningly little variance in the debt of law school graduates who go on to fail the bar exam.) But generally, bar failers end up faring better than the average college graduate over the course of their lives. On average, a bar failer's salary increased by \$3,500 per year compared to college graduates' average annual salary increase of \$2,900. By the end of their careers, bar failers made a full \$15,000 premium over the salary of college graduates their same age (and lawyers made \$24,000 more than the bar failers.)

The early career path for a bar failer will be highly unstable—both bar failers AND lawyers were more likely than college graduates to be unemployed, get laid-off, or get

fired during the first part of their career, though employment instability for lawyers drops precipitously mid-career (perhaps because the field is purged as lawyers decide to leave practice.) Eventually, bar failers also surpassed college graduates in terms of employment stability. Lawyers are also much more likely than college graduates, and even more likely than bar failers, to continue working for the same employer long-term.

The Importance of Studying Bar Failers

None of these factors—salary, stability, or employer loyalty, can be used independently to find that bar failers are less happy, or less successful in their lives, but together they suggest that failing the bar exam has real costs to law school graduates, at least in the short-term. Our interviews with recent graduates that have failed a bar exam confirm that the starts to their careers are frustrating. Many interviewees found contract work that keeps them in the law firm environment, but some have taken temp jobs and positions in retail. They often “feel stuck”, and like they are in “career purgatory.”

Bar failure is often thought to not constitute to large an impediment so long as the law school graduate eventually passes, but the interviews are not consistent with this assumption. Since about half of our interviewees eventually passed a bar exam, we were able to compare the job prospects of the two groups (non-passers and eventual passers.) With the exception of interviewees graduating from high-tiered law schools with offers at larger firms, we found very little difference in short-term job placement.

These findings have great significance to minorities and to the legal community because minority law school graduates are disproportionately likely to suffer the hardships caused by attending law school, taking on law school debt, and then failing to pass the bar exam. The magnitude of these hardships are important in evaluating the cost of bar failure risk. Furthermore, from a consumer protection perspective, an incoming law student should be aware of both the scale of the risk that he might not pass the bar, and the scale of the consequences.

We cannot at this point know how the average bar failer would compare to the average college graduate if he or she had not gone to law school. Many hypotheses seem plausible—perhaps an average bar failer has roughly the same ability and potential as an average college graduate and has therefore gained some long-term benefit from having attended law school. Or perhaps law school graduates (bar failers included) have quite a bit more potential than the average college graduate, meaning that law school was a stumbling block in the bar failer’s natural trajectory. We have begun analyses to test these hypotheses.