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# By the Numbers: How California Law Schools Fared on the Bar Exam

Cheryl Miller, The Recorder

December 12, 2016

SACRAMENTO — Just five of 21 California law schools accredited by the American Bar Association had at least 75 percent of their graduates pass the July bar exam, a proposed new benchmark rate that in coming years could spell trouble for some institutions.

[Facing the loss](#) of its authority to accredit law schools, the ABA's Council of the Section of Legal Education and Admission to the Bar voted in October to [tighten bar passage requirements](#). If the ABA's House of Delegates approves the new rules at its February meeting, at least 75 percent of a school's alumni must pass the bar within two years of graduation, instead of the current five-year window. The requirement could start as early as the July 2017 exam.

The overall pass rate for this year's summer exam [was 43 percent](#), the lowest figure for a July sitting in 32 years. First-time test-takers from ABA-accredited schools did better as a group—62 percent passed. But, with success rates in all groups slipping in recent years, questions abound about how to raise scores to meet the 75 percent threshold.

“This is on every dean's radar in a big way,” said Francis “Jay” Mootz, dean of McGeorge School of Law, University of the Pacific.

First-time and repeat test-takers from UC-Irvine, UCLA, Stanford, University of Southern California and UC-Berkeley met or passed the 75 percent rate, [according to records](#) provided by the State Bar to The Recorder. Seven other schools, including McGeorge, had first-time pass rates that ranged from 61 percent to 72 percent, suggesting that their graduates may be able to meet the ABA's proposed pass threshold within two years.

The nine remaining schools had pass rates below 57 percent. At some campuses, less than one-third of exam-takers passed the bar.

David Faigman, acting chancellor and dean of UC-Hastings College of the Law, said in an email to campus officials and students that the school's first-time pass rate—51 percent—was “horrific.”

“I am personally and professionally embarrassed by our bar performance,” Faigman wrote. “Indeed, I apologize to our graduates on behalf of myself and the institution.”

Faigman said that after noting previous declines in scores he had ordered several departments

reorganized and taken other steps that will take time to show results. Hastings students who did not pass the 2016 exam will be eligible for a free test-prep service, study groups and faculty support, he said.

“As an aside, let me express my utter incredulity with the conduct of the Committee of Bar Examiners of the State Bar of California,” Faigman wrote, noting that California’s bar pass rate for first-time takers was 21 percentage points below New York’s. “The California Bar is effectively saying that 38 percent of graduates from ABA accredited law schools are not qualified to practice law. This is outrageous and constitutes unconscionable conduct on the part of a trade association that masquerades as a state agency.”

Some scholars have questioned whether the dropping test scores reflect other forces in the market: Are less-capable students attending law school now more than ever as would-be students, shunning the burden of crippling academic debt, pursue other career opportunities?

Kevin Johnson, dean of UC-Davis School of Law, said he doesn’t think that’s the case.

The first-time pass rate for UC-Davis School of Law dipped to 72 percent in July, down from 74 percent in 2015 and 86 percent in 2014. At the same time, incoming students’ Law School Admission Test scores and undergraduate grade-point averages have remained constant, Johnson said.

“That fact makes one wonder what has triggered the decline and whether the grading of the California bar exam is becoming stricter,” Johnson wrote in an emailed statement.

Asked about such criticisms and questions, the California Committee on Bar Examiners said in a statement that its members had discussed the issue at a recent meeting “and authorized its psychometric consultant to study the variations in the passing rates.”

That study is expected to be completed in late January or February. “The committee will meet again in January to discuss whether additional studies can or should be completed,” the bar statement said.

Mootz and others have questioned the test’s ability to gauge the likelihood that a graduate will succeed as a lawyer.

Robert Anderson, an associate professor at Pepperdine University who has studied bar exam issues, [noted](#) in a recent blog post that California has the second highest score requirement in the nation for the multistate bar exam. If those who sat for the July exam in California had instead taken the test in New York, 70 percent would have passed based on that state’s scoring, Anderson said.

“To me it’s troubling that we appear to be keeping people out of the profession,” Mootz said. “I don’t think the bar exam tests anything close to all the skills you need to be a lawyer.”

*The statistics report for the July 2016 California bar exam is posted below.*

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Contact Cheryl Miller at [cmiller@alm.com](mailto:cmiller@alm.com). On Twitter: [@CapitalAccounts](#)

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