

# California State Bar to Study Bar Exam

By: John MacLeod

March 29, 2017



Law school graduates are required to pass the California Bar Exam, a rigorous multi-day test, to become licensed California attorneys. Over the last three years the bar exam pass rate has declined significantly, dropping to just 43% for the summer 2016 exam, reaching the lowest pass rate in 32 years. This decline, and the uproar from California law schools, has grabbed the attention of the California State Bar.

To add context, the 43% pass rate from the July 2016 exam was based on all test takers. This dropped from a pass rate for all test takers from 55% in 2013, 48% in 2014, and 46% in 2015. Historically, first time test takers from ABA-accredited California law schools tend to fair better on the exam. While these test takers scored better, they also experienced a significant decline in pass rate from 76% in 2013, to 68% in 2014, to 62% in 2015 and 2016.

Some suggest that the pass rate decline has resulted from law schools enrolling less qualified students; people who were likely to fail the bar, but not likely to get into law school in the first place. According to Law School Transparency, enrollment in law schools has fallen 28% since 2010, and it has become easier to get into law school with incoming classes holding progressively lower LSAT scores and GPAs compared to prior classes.

The declining pass rate has also brought attention to the high minimum pass score, or cut score, required to pass the California Bar Exam. California maintains a minimum pass score higher than almost every other state; California test takers may fail the California Bar Exam while outperforming test passers in other states.

Many California law schools have called for the pass score to be lowered (in line with pass rates of other states), arguing that California's arbitrarily high pass score has contributed to the low pass rate. It's worth noting, however, that California has maintained the same high minimum pass score for more than 30 years.

The California State Bar will be conducting a study to determine whether California should maintain its minimum pass score. Interestingly, this year California will shift from a three-day test to a two-day test which might affect the pass rate.

Most people borrow to pay for law school. Obviously, the financial and emotional burden to pay down student loan debt (which can easily exceed \$150,000-\$200,000) is considerably heavier without a license to practice law.

Arguments against lowering the pass score include protecting and ensuring the quality of legal representation provided by California lawyers. The real question is whether a lower minimum pass score (in line with other jurisdictions) leaves a sufficiently high barrier to adequately protect these interests. There are those at this firm who howl in protest at this suggestion, arguing that there has never been a shortage of lawyers in California and we need not add to the pool of individuals incompetently practicing law and exposing the public to the costs of legal incompetence.