

# Don't Lower the Bar

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Water is wet. The sky is blue. Lowering the bar to make the bar exam easier will result in more legal malpractice. We know these things to be true, so why mention them? There are those who are horrified by the mere suggestion that making it easier to become a lawyer in California will mean more lawyers will be committing malpractice. Who are these morons? They are a group of California law school deans anxious about plummeting bar exam passage rates. A passing score for the California bar exam is 1,440 on a 2,000-point scale. That's the highest of any state except Delaware (1,450 score required). Most other states have passing scores between 1,330 and 1,350.

Two Pepperdine University law professors have gotten these deans worked into a lather by publishing their study which concludes that making it easier for aspiring attorneys to pass the state's notoriously tough exam will likely result in more lawyer misconduct and malpractice. I did not need to read a study to know this, but these deans are saying that the study's conclusions are wrong. In a March op-ed in the Los Angeles Times, UC Hastings College of the Law dean David Faigman characterized the state's high bar passage score as unjustified, and argued for a reset to match to an equivalent of New York's 133 passing score for the multistate bar exam, or the national median of 135. But you have to ask, do these deans have a dog in the fight? Are they being influenced in any way to this conclusion?

Yes, they are. Law schools are having a hard time filling seats. They are lowering school admission standards and admitting students they would never before have admitted. Some of these people do not belong in law school because they are not up to the academic challenge of it. But they get admitted and they graduate. Then they hit the California bar buzz saw and realize that a small fortune was wasted on law school tuition. This gives the law schools and the deans a black eye. We should all be offended that they want to solve their problem of declining applications by cursing the rest of us to dealing with people that should not be allowed in by lowering the bar. Those people are trouble. And when has anyone ever said, "You know what we need? More lawyers. There just aren't enough of those around."