

**To:** Potential Study Participants, AccessLex/LSSSE Bar Exam Success Initiative 2.0

**From:** Study Research Team

**Date:** December 2020

**Re:** Study Framework and Logistics

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## **INTRODUCTION**

This document provides an overview of the purpose, scope, and objectives of the AccessLex/LSSSE Bar Exam Success Initiative 2.0. In addition, it details the responsibilities of both the research team and study participants and associated logistical information. The information contained herein aims to provide details required to obtain the necessary approvals at your institution (from institutional review boards, general counsels, and/or others) to share the data with the research team.

The study will require extensive coordination between study schools and the research team. Our goal is to make these processes as seamless as possible, although some aspects will require more effort and labor than others. Since the analyses center on sensitive student data, all the required approvals (particularly those from institutional review boards, or “IRBs”) for participating in the study must be secured prior to sharing any data with the research team.

Please do not hesitate to contact the research team at [research@accesslex.org](mailto:research@accesslex.org) if you need further information about any aspect of the study.

## **STUDY TITLE**

A Longitudinal, Multivariate Analysis of Student Engagement, Law School Academic Performance and Bar Passage

## **RESEARCH TEAM**

### **Principal Investigators**

- Aaron N. Taylor (AccessLex): [ataylor@accesslex.org](mailto:ataylor@accesslex.org)
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### **Primary Contact**

- Tiffane Cochran (AccessLex): [research@accesslex.org](mailto:research@accesslex.org)

## STUDY BACKGROUND

In 2018, AccessLex launched the Bar Exam Success Initiative, in partnership with the Law School Survey of Student Engagement (LSSSE). The project explored factors influencing law school academic and bar exam performance. Analyzing data from more than 4,500 graduates of 20 participating law schools in 2018 and 2019, we examined how admission indicators (undergraduate GPA and LSAT score), academic performance (law school GPA), and nineteen student engagement factors (captured on the LSSSE survey) influenced academic and bar exam outcomes.

We found that law school GPA (LGPA) growth (the difference between first-semester and final GPA) is predictive of bar passage—at a rate three times greater than either LSAT or undergraduate GPA (UGPA). Holding all else constant,<sup>1</sup> an increase of 0.17 grade points, increases the predicted probability of bar passage by 11 percentage points across all 20 participating schools. Given this finding and others, we are launching a second iteration of the study that will extend understanding of factors that influence law school academic performance.

## STUDY OBJECTIVES

To pursue this research, we propose a longitudinal study that will follow the 2020-2021 cohort of first-year law students at each participating school through graduation and the subsequent bar exam administration. The study will have three components:

1. We will match academic and LSSSE data for students in each of their academic years (1L, 2L, and 3L) to examine the relationships between law school academic performance (LGPA and LGPA growth) and student engagement factors over the course of their matriculation.
2. When first-time bar exam data is available, we will examine the relationships between bar exam performance and both law school academic performance and student engagement.
3. Given our findings regarding the impact of LGPA growth on bar exam passage, we will explore whether UGPA growth predicts law school performance and, therefore, influences the odds of bar passage. Further, we will examine how the predictive power of UGPA growth compares to that of cumulative UGPA and LSAT score.

This project seeks to investigate the following questions:

1. How does student engagement in the 1L and 2L year correlate to academic performance in each year, respectively?
2. How does student engagement change throughout a law student's matriculation?
3. To what extent do changes in student engagement explain changes in academic performance in law school, particularly LGPA growth?

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<sup>1</sup> We control for: first-semester GPA, LSAT score, UGPA, race, gender, age, cohort year, jurisdiction (whether California or not), and each individual school (using a random effect).

4. How do changes in student engagement impact bar exam performance?
5. To what extent do various UGPA measures (most notably UGPA growth) relate to law school academic and bar exam performance?
6. How does UGPA growth compare to cumulative UGPA and LSAT score in predicting law school academic and bar exam performance?

By addressing these questions, we hope to:

1. Identify tangible strategies for increasing academic performance and bar exam passage at study law schools; and
2. Identify additional admission metrics that could be used to predict academic performance and bar exam success.

The study will employ a sophisticated multivariate regression research design that seeks to account for the complicated interplay of predictive factors and other phenomena that determine academic and bar exam performance. Student engagement theory, as conceptualized by LSSSE, will be a core theoretical frame.

## **THEORETICAL FRAMEWORKS**

The proposed research project will investigate relationships between: 1) law school academic performance, student engagement, and bar exam performance; and 2) UGPA growth and law school academic performance and bar exam performance.

The study will be rooted in two theoretical frames. The first is the straightforward notion that law school grades and class rank are the most powerful predictors of bar exam performance. Virtually all the empirical research on bar performance identify law school grades and class rank as the strongest predictors of bar performance.<sup>2</sup> Our results from the first phase of the AccessLex/LSSSE Initiative support these findings: of the variables we study, LGPA—whether first-semester, first-year or final—is the strongest predictor of bar passage and is three-to-four times stronger than either UGPA or LSAT score in most cases. The second frame is student engagement theory, which is based on the simple, yet powerful observation that the more engrossing the educational experience, the more students will gain from it. This is where we hope that the findings from this proposed study will provide illumination.

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<sup>2</sup> Katherine A. Austin, Catherine M. Christopher & Darby Dickerson, Will I Pass the Bar Exam?: Predicting Student Success Using LSAT Scores and Law School (2016). Available at SSRN: <http://ssrn.com/abstract=2832835>; Jane Yakowitz, *Marooned: An Empirical Investigation of Law School Graduates Who Fail the Bar Exam*, 60 J. LEGAL EDUC. 3 (2010); Stephen P. Klein & Roger Bolus, *The Size and Source of Differences in Bar Exam Passing Rates Among Racial and Ethnic Groups*, 66 THE BAR EXAMINER 8 (1997); Keith A. Kaufman, V. Holland LaSalle-Ricci, Carol R. Glass & Diane B. Arnkoff, *Passing the Bar Exam: Psychological, Educational, and Demographic Predictors of Success* 57 J. LEGAL EDUC. 205 (2007); Douglas Rush and Hisako Matsuo, *Does Law School Curriculum Affect Bar Examination Passage? An Empirical Analysis of the Factors Which Were Related to Bar Examination Passage between 2001 and 2006 at a Midwestern Law School*, 57 J. LEGAL EDUC. 224 (2007).

Student engagement is a holistic concept, encompassing “the choices and commitments of students, of individual faculty members, and of entire institutions.”<sup>3</sup> Fundamentally, the concept captures the intricate web of individual and institutional processes and actions that contribute to desired student outcomes.<sup>4</sup> Studying the “process indicators” comprising student engagement is important because “information on outcomes alone is virtually uninterpretable in the absence of information about key experiences.”<sup>5</sup>

Associations between student engagement and student success are well-documented. These two concepts tend to flow together. Much of the research literature positions student engagement factors as useful predictors of student success. In the context of legal education, higher levels of student engagement have been associated with various desired outcomes, such as higher grades. A recent study found twenty-one variables that were statistically significant predictors of LGPA.<sup>6</sup> Fifteen of the variables were student engagement factors, including the number of hours students spent per week participating in law school-sponsored activities (positive predictor) and the frequency in which students came to class without completing readings or assignments (negative predictor).

Our own research finds several engagement factors have meaningful relationships with bar passage: the extent to which respondents report that law school contributed to the development of their practical skills (positive), the number of hours of extracurricular legal experience (positive), and the number of hours devoted to other, non-law school responsibilities (negative).

The associations between student engagement and law school grades seem to betoken a relationship – potentially a predictive one – between student engagement and bar performance. This study will provide insights on the extent and nature of these relationships. The study will explore the extent to which this premise can be extended to undergraduate performance.

## **STUDY DESIGN AND METHODS**

Data analyses will be undertaken using quantitative research methods. Predictive relationships will be estimated using multivariate regression. Data will be obtained from participating law schools and through the LSSSE survey instrument. A sample school report can be found online and a report of the aggregated findings from the first phase of the study is forthcoming.

### **1. Data Collected from Participating Schools**

Listed below are the independent and dependent variables that will be used to construct the regression models and calculate correlations. When received, all identifiable information is

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<sup>3</sup> Alexander C. McCormick, Jillian Kinzie & Robert M. Gonyea, Student Engagement: Bridging Research and Practice to Improve the Quality of Undergraduate Education, in HIGHER EDUCATION: HANDBOOK OF THEORY AND RESEARCH 55 (M.B. Paulsen ed., 2013).

<sup>4</sup> *Id.* at 51.

<sup>5</sup> *Id.* at 48 (quoting A.W. Astin).

<sup>6</sup> Robert Detwiler, Assessing Factors Influencing Student Academic Success in Law 76 (unpublished dissertation) (2011), available at <http://utdr.utoledo.edu/cgi/viewcontent.cgi?article=1578&context=theses-dissertations>

stripped from these records to ensure student and school anonymization (see “Data Security and Confidentiality” below).

**Independent variables:**

- Demographical
  - Student/graduate name
  - Race/Ethnicity
  - Gender
  - Birth year
  - *Parental Education (SES)* (LSSSE will provide this information)
- Pre-admissions Factors
  - LSAT
  - UGPA
    - Within-major
    - First semester
    - First year
    - Second year (both second year only and cumulative)
    - Third year (both third year only and cumulative)
    - Fourth year (fourth year only)
    - Final (cumulative)
  - Undergraduate institution
  - Undergraduate major(s)
- Enrollment status
  - Full-time versus part-time
  - No longer enrolled (due to attrition or transfer out)

**Dependent Variables:**

- Bar exam result: Pass, Fail
- Scaled MBE score (where available)
- Bar exam score (where available)
- Bar exam jurisdiction
- Law School Academic Performance
  - Law school GPA
  - End of first semester
  - End of first year (spring semester)
  - Noncumulative first year
  - End of second year (spring semester)
  - Noncumulative second year
  - Noncumulative third year
  - Final/At graduation (cumulative)

## 2. Data Collected from LSSSE

Based at Indiana University, LSSSE has engaged in the most comprehensive study of the effects of legal education on law students. Questions and prompts appearing on the LSSSE survey are rooted in student engagement theory and, collectively, seek to untangle the intricacies of the law student experience. The responses yield important individual and aggregate insights about these experiences. The LSSSE survey is administered each spring. Since 2004, the LSSSE Survey has been administered to over 380,000 law students at 203 law schools in the U.S., Canada, and Australia.

Participating law schools will authorize LSSSE to release survey response data for their students to the research team. In analyzing the LSSSE data, the research team will conduct correlation analyses to measure the extent of relationships between response data and academic performance. The team will also conduct logit regression analyses to measure the extent to which the responses and other factors predict bar performance. These analyses will require that the survey data be tied to individual students, and therefore student-level reporting of both academic and survey data is necessary.

**Using the quantitative data from these sources, two multivariate regression models will be constructed:**

- **Model 1:** Measures the impact of student engagement factors on law school academic performance.
- **Model 2:** Explores the impact of UGPA growth (and other possible UGPA measures) on law school academic performance.
- **Model 3:** Like Model 1, but measures the impact of student engagement factors on bar exam performance (final report only; see project deliverables section below).
- **Model 4:** Like Model 2, but explores the impact of UGPA growth on bar exam performance (final report only; see project deliverables section below).

## STUDY SUBJECTS

The analyses will focus on students that enroll in classes for the first time in Fall 2020 (hereafter, the “cohort”) and follow the cohort through Spring 2023 (or Winter 2022 for schools with two-and-half-year curricula), regardless of status as part- or full-time. Students who transfer in at any point during the study period should not be included in the cohort. Study schools will administer the LSSSE to this cohort in the Spring of students’ 1L, 2L, and 3L years, with the years of greatest import being 1L and 3L. It is imperative that the LSSSE survey be administered to this specific group of students in each year. Bar exam data will be collected for students in this cohort that graduate in Spring 2023 and take the bar exam *for the first time* at the first administration post-graduation (in most cases, July 2023).

### 1. Important Note About Student Participation

Robust LSSSE participation is essential to the study. Therefore, participating schools must commit to ensuring that:

- a) At least 125 students in the class or 55 percent of students in the class respond to the LSSSE survey each year (whichever yields the highest number of respondents); and
- b) The same students must comprise the minimum response thresholds across the three survey administrations. Therefore, the initial pool of respondents in the first year will have to be larger than the minimums to account for inevitable study attrition in the subsequent years.

As an incentive, each student respondent will receive a \$25 gift card.

### **Project Deliverables**

This project will result in two primary deliverables. First, schools will receive individualized interim reports in the first two years and a final report in the last year. These reports will identify key findings and recommendations arising from our analyses of relationships between UGPA growth, law school academic performance, student engagement, and bar exam performance. Second, AccessLex Institute will prepare an aggregated, anonymized report that includes data from all schools. The analyses in the national report will benefit from the larger sample of students, which will, among other things, lead to greater statistical power thereby increasing our ability to detect the statistical significance of findings. As mentioned above, we will not include the names or other identifiable information of participating schools.

### **DATA SECURITY AND CONFIDENTIALITY**

AccessLex personnel will work with study law schools to facilitate the transfer of data securely via Secure FTP (SFTP) or encrypted Box Enterprise transfer. Data will then be housed in a secure, password-protected file on the AccessLex network. The data will be accessible only by the Principal Investigators and will be encrypted at rest.

The AccessLex network and security program meets or exceeds the SafeGuard rules from the Gramm- Leach-Bliley Act (GLBA). Security operations are built on the Critical Internet Security Controls of the SANS institute and the NIST Cybersecurity framework. Security intrusion monitoring, segmented firewalls, audit logs, and compliance software assist in data protection on AccessLex systems.

The PIs will replace each student name with a random ID number within one month of the data being transmitted via one of the two secure methods above from study law schools to the research team. Lists linking the random ID numbers to student names will be kept in a secure, password-protected file on the AccessLex network, separate from all other data files. The latter file will be accessible only by the Principal Investigators of the study. (Note: for any aggregated analyses, school-level identifiers will also be removed and replaced with a number.)

The “de-identified” data files (listing the random ID numbers in lieu of names) will be kept in a secure, password-protected file on the AccessLex network, accessible only to the research team. The PIs will remove any demographic characteristics shared by fewer than eight students at a study school from that school’s de-identified file. No data files will be shared with, or transferred to, parties outside of the PIs and members of the research team.

Files transferred from study schools to the research team will be destroyed at the conclusion of the research period (no more than three years after the initial transfer of files). The lists linking the random ID numbers to student names will be destroyed at the conclusion of the research period (no more than three years after each file’s transfer date). The de-identified data files will be maintained on a secure, password-protected file on the AccessLex network after the conclusion of the study.

## **HUMAN SUBJECTS**

**Number of Subjects:** The number of subjects will be equal to the number of first-year law students that enrolled for the first time in Fall 2020 (this excludes any students that transferred into the school in this year or converted from part-time to full-time status).

**Vulnerable Subjects:** N/A

**Compensation for subjects:** A \$25 gift card will be granted to cohort students that complete the LSSSE Survey in each year of the study.

**Additional compensation:** AccessLex will award \$1,000 to the cohort graduate with the most improved LGPA.

## **Population | Selection | Inclusion and Exclusion Criteria:**

This research is based on first-year law students that began their studies in Fall 2020, following this cohort through Spring 2023.

## **RISKS**

Data transmitted to the research team by study law schools will include identifiable information about students. In order to minimize the risks of accidental loss of confidentiality, data security procedures will be undertaken, as explained in the section of this document titled, Data Security and Confidentiality.

## **RESPONSIBILITIES OF STUDY LAW SCHOOLS**

In order to take part in the study, a law school must commit to:

1. Partnering with LSSSE to administer its survey in Spring 2021, Spring 2022, and Spring 2023;



- Schools with first-time bar passage rates below 75 percent in at least one of the last three years will qualify for a reimbursement of the LSSSE registration fee in years in which they meet the minimum response rate thresholds laid out below.
2. Ensuring that at least 125 students in the class or 55 percent of students in the class respond to the LSSSE survey each year (whichever yields the highest number of respondents);
    - The same students must comprise the minimum response thresholds across the three survey administrations. Therefore, the initial pool of respondents in the first year will have to be larger than the minimums to account for inevitable study attrition in the subsequent years.
  3. Sharing demographic and academic background information for students/graduates who fall within the scope of the analyses with AccessLex and LSSSE researchers;
  4. Transmitting data annually via one of the secure methods; and,
  5. Authorizing LSSSE to share survey response data from students;
  6. Allowing aggregated and anonymized data to be used in the building of a clearinghouse of relevant information as well as in reports, presentations, etc. **Identifiable school-level and student-level data will never be made public.**

## IMPORTANT DUE DATES

A critical component of this study is the coordination of information-sharing. Below are important dates by which important information should be conveyed:

### Study Timetable

A critical component of this study is the coordination of information-sharing. Below is information the research team will need:

- **Confirmation participation in the study – March 31, 2021:** Participation may be confirmed by emailing [research@accesslex.org](mailto:research@accesslex.org).
- **Name of study school contact person – March 31, 2021:** Study-related information from the research team will flow through a contact person designated by each participating school. The contact person will be responsible for distributing this information as needed to other relevant persons. The name of the designated contact person may be submitted by completing the survey provided in an email forwarded to your LSSSE contact person or by emailing [research@accesslex.org](mailto:research@accesslex.org).
- **Information regarding necessary institutional approvals to conduct study – April 30, 2021:** Approvals to share data with the research team may be required by individual institutions. Each study school contact person should contact (or arrange for someone to contact) appropriate parties within their institution (general counsels, IRBs) to review the Data Sharing Agreement. This is very important; research activities cannot begin until the Research Team has received the signed Data Sharing Agreement. Executed Data Sharing agreements should be provided to [research@accesslex.org](mailto:research@accesslex.org).

The following timeline provides a general idea of when important benchmarks should be met during the study period for participating law schools: (Note, schools may join the study initiative at a later date provided that they retroactively submit all data for the Fall 2021 entering students.)

## 2021

- **March–April**
  - LSSSE will administer the survey to cohort members based on information provided by the study schools
- **March–June**
  - Participating schools will inquire with relevant institutional offices about necessary approvals to share data and sign the Data Sharing Agreement.
- **May–July**
  - Participating schools submit first round of data via secure method to AccessLex Institute

## 2022

- **March–April**
  - LSSSE will administer the survey to cohort members based on information provided by the study schools
- **April–June**
  - AccessLex submits interim reports to study schools (examining various UGPA measures, including UGPA growth, and first-year performance)
- **May–July**
  - Participating schools submit second round of data via secure method to AccessLex Institute

## 2023

- **March–April**
  - LSSSE will administer the survey to cohort members based on information provided by the study schools
- **April–June**
  - AccessLex submits second interim reports (if applicable) to study schools (examining various UGPA measures, including UGPA growth, and first-year performance)
- **May–July**
  - Participating schools submit third round of data (no bar results) via secure method to AccessLex Institute
- **November–December**
  - Participating schools submit final round of data (bar exam results) via secure method to AccessLex Institute

## 2024

- **July–August**
  - AccessLex submits final reports to study law schools

## **INVESTIGATOR QUALIFICATIONS**

### **Principal Investigators**

#### **Aaron N. Taylor**

#### **Senior Vice President, Executive Director, AccessLex Center for Legal Education Excellence**

Aaron provides leadership and oversight for the AccessLex Center for Legal Education Excellence in Washington, DC. He joined AccessLex Institute in June 2017 from Saint Louis University School of Law, where he was a member of the law school faculty.

Before joining SLU LAW, Aaron served as associate dean for admissions and scholarships at the University of Arkansas at Little Rock William H. Bowen School of Law. He also co-directed the law school's Pre-Law Undergraduate Scholars (PLUS) Program, a pipeline initiative premised on fostering diversity within legal education and the profession. Aaron joined Bowen from Harvard University, where he directed admissions for five master's degree programs in the Graduate School of Education. Prior to that, he practiced ethics law in Washington, D.C.

From 2014 to 2018 Aaron served as director of the Law School Survey of Student Engagement, a national study that seeks to measure the effects of legal education on students.

Aaron's scholarly articles have appeared in journals published by American University, Howard University, University of Notre Dame, and University of New Mexico. His commentaries have appeared in numerous publications, including the Chronicle of Higher Education and the South Florida Sun Sentinel. He is also a frequent media commentator on education and diversity issues. Aaron received a Bachelor of Arts in political science from North Carolina A&T State University, a juris doctor from Howard University, and a doctorate in higher education leadership and policy from Vanderbilt University. He is also an alumnus of the Harvard University Administrative Fellowship Program.

#### **Tiffane Cochran**

#### **Managing Director of Research and Strategic Implementation, AccessLex Center for Legal Education Excellence**

Tiffane oversees research, evaluation and data initiatives for the AccessLex Center for Legal Education Excellence. She conceptualizes, leads and implements projects that support access, affordability and the value of legal education, specifically, and graduate and professional education more generally. She also manages the development and production of the Center's research reports and other data and research products, such as the AccessLex Resource Collections (ARC), Legal Education Data Deck, Analytix and XploreJD.

Tiffane previously served as a research analyst and director of research at AccessLex before assuming her current role. Prior to joining AccessLex, she worked as a research and policy analyst in the Office of Institutional Research, Planning, and Assessment at the University of Maryland, College Park and as a management consultant with the Monitor Group (now Monitor Deloitte). Tiffane holds a Bachelor of Arts degree in economics from Northwestern University and a Master of Arts degree in education leadership and policy studies with a concentration in higher education from the University of Maryland, College Park.

**Jason M. Scott**  
**Senior Research Methodologist, AccessLex Center for Legal Education Excellence**

Jason Scott is a senior research methodologist at AccessLex Institute, where he conducts and oversees research on a wide range of topics related to the bar exam and bar success, as well as legal education more generally. Most recently, he led the first phase of the AccessLex/LSSSE Bar Success Initiative, the findings for which will be presented at the annual meeting of the American Educational Researchers Association in 2021.

Before joining the AccessLex team in 2019, Jason was a senior research analyst at the Welfare Reform Academy at the University of Maryland, College Park, focusing largely on the areas on program evaluation methods and the rigorous assessment of the designs and findings of published research; early childhood education (and its effectiveness); and the intersection between child welfare and public assistance programs. His research has been published by the Campbell Collaboration and the Kansas Department for Children and Families and has been presented to the U.S. Department of Health and Human Services Administration for Children and Families. A former teacher, Jason is passionate about reducing inequities in education and educational outcomes. He holds a Master of Public Policy from the University of Maryland, College Park and a Bachelor of Arts in Policy Studies and Political Science from Syracuse University.

**Meera E. Deo**  
**Director of Law School Survey of Student Engagement Professor of Law at Thomas Jefferson School of Law**

Meera is the Director of LSSSE and Professor of Law at Thomas Jefferson School of Law in San Diego, CA. Throughout her academic career, Meera's scholarship has utilized original empirical research to examine legal education, including national, longitudinal, and mixed-method studies of the law student experience and the first formal empirical study of the personal and professional lives of legal academics.

She holds a doctorate in Sociology from UCLA, earned a J.D. from the University of Michigan Law School, and a B.A. in Interdisciplinary Studies from UC Berkeley. As a law student and new attorney, Meera was an intervening-defendant and member of the legal team supporting affirmative action in the landmark case of *Grutter v. Bollinger*. She practiced law with the ACLU National Legal Department and the California Women's Law Center before joining academia. Meera has held previous appointments at Berkeley Law, UCLA School of Law, and UCI Irvine School of Law. Her published work has appeared in leading law journals including UC Davis Law Review, Fordham Law Review, Hastings Law Journal, the Michigan Journal of Race & Law, the Harvard Journal on Racial & Ethnic Justice, and the Journal of Legal Education.

**Chad Christensen**  
**Project Manager, Law School Survey of Student Engagement**

Chad is Project Manager of the Law School Survey of Student Engagement (LSSSE). In this role, he leads daily operations and works closely with law school administrators and faculty to help them interpret and analyze their results and to better understand patterns of engagement at their law school.

Prior to joining LSSSE, Chad devoted more than a decade to student affairs working as a strategic manager for graduate and professional degree programs. During that time, he focused on enrollment management, professional student engagement and success, and organizational strategy. Most recently, he served as Senior Associate Director of Enrollment Management and Operations at Indiana University's Kelley School of Business where he was responsible for direct and operational leadership of three professional master's degree programs, two of which offered joint degrees with Indiana University's Maurer School of Law. Chad earned a Ph.D. in Higher Education and Student Affairs from Indiana University and a M.A. in English from the University of North Florida.