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# The Big Bad Wolf: Helping Students Conquer Fears of the Bar Exam through P.A.S.S. - Preparation, Assessment, Self-Directed Reflection, and Support

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In light of the national decline in bar pass rates, coping with and addressing a law school's bar passage rate is viewed by some as an insurmountable undertaking. However, I see it as an invaluable opportunity to redefine who are as law professors. Most importantly this challenge provides an opportunity for us as educators to train future attorneys to become self-aware, confident, and component to handle the challenges presented by the legal profession.

The American Bar Association ("ABA") has made it quite clear to accredited law schools and those seeking accreditation that bar passage is now a paramount factor in retaining and obtaining accreditation. To that end, year after year, proposals are being reviewed by the ABA with the overall goal of defining what is an acceptable bar passage rate for ABA approved law schools. As a result, some law schools find themselves scrambling to implement programming and courses aimed

at facilitating success on the bar exam. While some will argue the bar exam itself should be the major focus of a law school's curriculum, others will argue in the alternative that the bar exam does not accurately assess the worthiness of a law school graduate to practice law. Irrespective of the side of the argument you take, it is undeniable that helping students to acknowledge and conquer their fears associated with the bar exam is a necessary step to assist them in passing the bar exam.

Often bar examinees' fears are rooted in familial or community pressure to pass, as well as standardized testing anxieties, past failures, self-doubt, or fear of the unknown. For many bar takers, irrespective of their rank at graduation, the bar exam is cloaked in mystery, which in turn perpetuates the "Big Bad Wolf" phobia associated with the exam. While some students are able to turn the fear and anxiety into moti-

vation to pass the bar exam, far too many become paralyzed by it. Ultimately it is that very fear and anxiety that results in students' failing the bar exam, *before* they even begin. In addition to the emotional toll on graduates, failure on the bar exam can wreak havoc on a law school's chances of being in compliance with ABA Standards, and affect both the reputation and rank of the school. Under the current interpretation of ABA Accreditation Standard 316, a law school can meet the bar pass requirement by: showing that 75% of its graduates who took the



## *The Big Bad Wolf (Cont'd)*

bar exam in at least three of the previous five years passed, or showing that its graduates' first-time bar pass rate was no more than 15 points below the average bar pass rate for ABA-approved schools in states where its graduates took the bar.

This conversation is even more relevant in light of the fact that the ABA council of the Section of Legal Education and Admissions to the Bar recently approved revisions to Standard 316. Under the proposed revision, the time period for compliance would decrease from five years to two years, which directly impacts the number of attempts graduates will have to pass the bar exam. In addition, the proposed revisions would eliminate the first-time bar passage rate test – also referred to as the “gap standard” – which allows for comparative measures within each jurisdiction. Ultimately, the proposed revisions would move

the standard from a multidimensional measure, to a sole test for compliance under ABA Standard 316.

Before we can begin to explore recommendations for addressing and combating students' fears of the bar exam, we must first explore the root cause of the problem: the fear students possess about the exam. I had the pleasure of teaching and developing course content for a credit-bearing bar, law, and skills course for third-year students. This course was specifically designed to enhance students' critical thinking and legal reasoning skills and teach bar exam strategies, while surveying heavily tested content areas within the seven subjects tested on the Multistate Bar Exam (“MBE”).

It was apparent during the very *first* class there was widespread fear in the room among students who ironically were within months of graduating and preparing for the bar exam. I began the class that day by describing in detail the Multistate Bar Exam (“MBE”). Next, I showed the documentary, “A Lawyer Walks into the Bar.” The purpose of showing the documentary was to put a real face on the bar exam and to put into perspective the commitment that was necessary to be successful on the exam. By the end of the documentary, what I initially presumed was fear on the faces of my students

soon shifted to panic for a large portion of the class. I knew that before I could move forward with the planned curriculum for the course, it was imperative that I get to the root of the fear and panic. Failure to do so would result in many of my students *failing before they began*. I needed to know the things my students feared the most about the bar exam. To get to the root of their fears, I developed a series of reflective writing assignments that were specifically designed to serve as a tool for students to honestly express their fears and reservations about the bar exam. Through these reflective writing assignments, it was also my goal to create a judgment-free zone so students felt safe to be honest and open about their fears.

The first reflective writing assignment in the three-part series was titled, “The Three Things I Fear the Most about the Bar Exam.” The candidness and honesty of my students was remarkable. It was as if they were waiting for someone to ask that very question. In each of the submissions there was a proverbial sigh, as if they were finally free to talk about this pressing concern. It is important to note that students enrolled in this course represented the top, middle and bottom of their law school class, yet the fears they expressed were collective and uniform. The fears included: (1) not being able to manage the stress, anxiety and actual workload during the 10-12 week bar study period; (2) the repercussions and stig-



## *The Big Bad Wolf (Cont'd)*

ma associated with not passing the bar exam on the first attempt; (3) the concern that they were not equipped or adequately prepared to take the most important exam of their educational career; and (4) the final and most consistent fear was letting down their families, friends, and community. I provided direct feedback to each of my students. In my comments, I challenged them to work hard in the course and to use the course to conquer their fears of the bar exam. At the end of the course (four months later), my students completed their final reflective writing assignment, titled, "I Will PASS the Bar Exam on the First-Attempt because . . ." This assignment gave students a chance to reflect back to the first writing assignment (about fear) and then bring the experience full circle. The final writing assignment also gave students the opportunity to address all they learned that semester, including their personal growth, their increased comfort with the bar exam (both content and structure), and most importantly, their increased confidence that they could pass the bar exam on the first attempt.

While I set out to empower

my students by helping them conquer their fears related to the bar exam, my experience teaching the course highlighted far more. As a result of that experience and working directly with bar takers for over 10 years, I developed a list of recommendations. Collectively the P.A.S.S. recommendations are designed to aid law schools as they work to equip students with tools to be both successful in law school and to ultimately conquer their fears of the bar exam.

### **"P.A.S.S. - Preparation, Assessment, Self-Directed Reflection, and Support"**

#### **Preparation**

*"You know, I look back on my law school career and have so many regrets. Why didn't I study harder? Why did I never find a study group to join? Why didn't I tell my kids to do more often? Which leads me to my first fear. Did I learn enough to even prepare myself for bar prep? Perhaps not. Perhaps this review will not be a review at all. Perhaps this review will be three years of what I was supposed to learn crammed into 3 short months. Which then leads me to my next fear. OMG! What if the few things I did learn escape me when it comes time to perform? Do they have Viagra for mental performance? Note to self: call doctor." - Anonymous Student*

#### **Recommendations:**

- Talk to students about the bar exam *early* and *often*, not just in the final year of law school. Discuss the bar exam with students in terms of it being a comprehensive exam at the end that requires adequate preparation and commitment throughout law school, starting in the first year.
- Require or encourage students to take bar related courses, especially students that are experiencing academic difficulty after the first year of law school.
- Provide assistance to students that exhibit academic deficiencies early in law school. Consider a specialized track for students that don't perform well after the first year of law school to help these students tackle their deficiencies while increasing their chances of success (i.e. Students with a 2.4 or below must take "x" number of bar-related courses and meet with their faculty advisor "a" number of times).

#### **Assessment**

*"Multiple Choice is my arch nemesis. In my life story, the day of the bar exam will later become known as "Massacre in Downtown Tampa." My brain will be on vacation the day of the exam." - Anonymous Student*

#### **Recommendations:**

- Provide formative and summative assessments with feedback in doctrinal courses, *early* and *often*. Meaningful feedback coupled with encouraging stu-

## *The Big Bad Wolf (Cont'd)*

dents to remediate their weaknesses, is a necessary component of the learning cycle.

- Strongly recommend or require mandatory first-year final exam review with the goal of encouraging students to self-assess their performance. At this stage students will have the opportunity to seek assistance with their deficiencies in advance of graduation.
- Administer a mock bar exam (or comprehensive exam) during the second year of law school to provide students with the opportunity to assess their knowledge of the black letter law, well in advance of graduation.
- Provide more opportunities throughout the curriculum for students to engage in advanced legal analysis and experiential learning. These types of exercises and learning tasks will serve to promote more active engagement among students.

### Self-Directed Reflective Writing

*“I will also have to tell my parents that I failed the exam and my Father is already critical of my every move and nothing I do is ever good enough for him. I am basically a terrible child if something he wishes does not go as planned. In fact, he thinks my mind is already ‘perverted’ because I am going to be a divorce lawyer, lawyers are evil, and I couldn't pass chemistry and be-*

*come a respectable doctor like him.” - Anonymous Student*

### Recommendations:

- Incorporate reflective writing throughout the curriculum, starting in the first year of law school. Directed reflective writing provides students with a tool to evaluate their learning and heighten their self-awareness.
- Provide opportunities for students to receive feedback and targeted strategies to address concerns identified in their reflective writing.

### Support

*“I am now faced with the impending doom of the Bar Exam, something my husband won't quite let me out of no matter how much I beg to go to medical school. Avoidance is obviously no longer an option. And, here I sit, me and my fears (that no one at home understands) waiting to go to slaughter.” – Anonymous Student*

### Recommendations:

- Create a “judgment-free zone” where students can be honest about their fears and reservations about law school and the bar exam.
- Provide support to bar takers during the bar study period through mentoring provided by faculty, alums, and local attorneys. Emotional support is key for students preparing for the exam.

- Assist students with developing a life plan rather than a law school-style study schedule. This will help students to understand early in the process that bar exam preparation is distinctly different from how they prepared for their course work while in law school.
- Dispel myths about the bar exam early; don't simply ignore the myths. This step will help students to address their fears and reservations, while furthering the goal of getting students to gain a healthy understanding and respect for what is required to sufficiently prepare for the bar exam.

It is essential that we assess the needs of students and be willing to make the necessary adjustments to our courses and overall curriculums to help students optimize their chances of success in law school and on the bar exam. While the credentials of students vary from law school to law school, there are still major commonalities in the students we serve. Understanding that bar examinees' fears are rooted in familial or community pressure to pass, standardized testing anxieties, past failures, self-doubt, or fear of the unknown is the first step in turning this challenge into an opportunity. Failing to acknowledge these fears and the needs of our students, could result in damaging consequences not only for law schools, but also for the legal profession.