



# The State Bar of California

## **Simulation of the Impact of Different Bar Exam Cut Scores on Bar Passage, by Gender, Race/Ethnicity, and Law School Type**

**Office of Research and Institutional Accountability**

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The State Bar of California compiled historical California Bar Exam data and conducted a simulation analysis following discussions about the potential impact of different cut scores on test takers' pass rates by gender, race/ethnicity, and law school type. The tables presented in this report show the number of exam takers who would have passed the bar exam if the cut score had been 1300, 1330, 1350, and 1390.<sup>1</sup> The tables also show how the pass rate changes and the difference in the number of exams taken as the simulated cut score changes. The simulations presented in this report should not be construed to imply any position of the State Bar regarding the propriety of the current cut score, or any of the hypothetical cut scores evaluated. The issue was previously addressed in the standard setting study conducted in 2017.<sup>2</sup>

## **DATA AND METHODS**

The simulations are based on archival data on results from 21 bar exams administered over a span of 11 years, from February 2009 to February 2019. The data allows tracking of the bar exam results for more than 85,000 examinees, who collectively took more than 140,000 exams. Table 1 shows summary statistics on the total number of exams under consideration by gender, race/ethnicity, and law school type.

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<sup>1</sup> The specific hypothetical cut scores included were selected by a law school dean who spearheaded the production of this simulation.

<sup>2</sup> See Final Report on the 2017 California Bar Exam Studies:  
<https://www.calbar.ca.gov/Portals/0/documents/reports/2017-Final-Bar-Exam-Report.pdf>

**Table 1. Number of Bar Examinees and Exams Taken from February 2009 to February 2019, by Race/Ethnicity, Gender, and Law School Type**

	Unique Examinees	Exams Taken
Total	85,727	143,198
<b>Gender</b>		
Male	43,787	73,289
Female	41,386	69,082
No Response	554	827
<b>Race Ethnicity</b>		
Asian	18,510	32,728
Latino	9,166	17,944
African American	4,417	9,841
White	48,917	75,633
Other	1,384	2,558
No Response	3,333	4,494
<b>Law School Type</b>		
CA ABA Approved	42,922	63,912
Out-of-State ABA	15,587	24,732
CA Accredited	5,173	14,714
CA Unaccredited	2,221	6,447
US Attorneys	13,849	19,739
Other	5,975	13,654

To illustrate how the simulation results are calculated, Table 2 presents the experience of a hypothetical examinee. The examinee took the exam four times over three years, achieving a range of scores from 1289 at the lowest to 1395 at the highest. With the current cut score of 1440, the examinee did not pass the exam and stopped trying after the fourth attempt. Under all four hypothetical cut scores, however, they were able to pass the exam, although they would not have passed until the fourth attempt if the cut score were 1390. When they passed the exam under a hypothetical cut score, *subsequent attempts in the data are removed from the calculation* for that particular scenario. Thus, under the scenarios of 1300 and 1330, the number of exams taken for this person would be calculated as two; under the scenario of 1350, the number of exams taken would be counted as three.

**Table 2. An Example of Simulated Exam Outcomes for a Repeat Examinee**

Exams Taken	Total Score	Hypothetical Cut Scores				Current Cut Score
		1300	1330	1350	1390	1440
February 2009	1289	F	F	F	F	F
July 2009	1335	P	P	F	F	F
July 2010	1360	-	-	P	F	F
February 2011	1395	-	-	-	P	F

Note: P = pass, F = fail

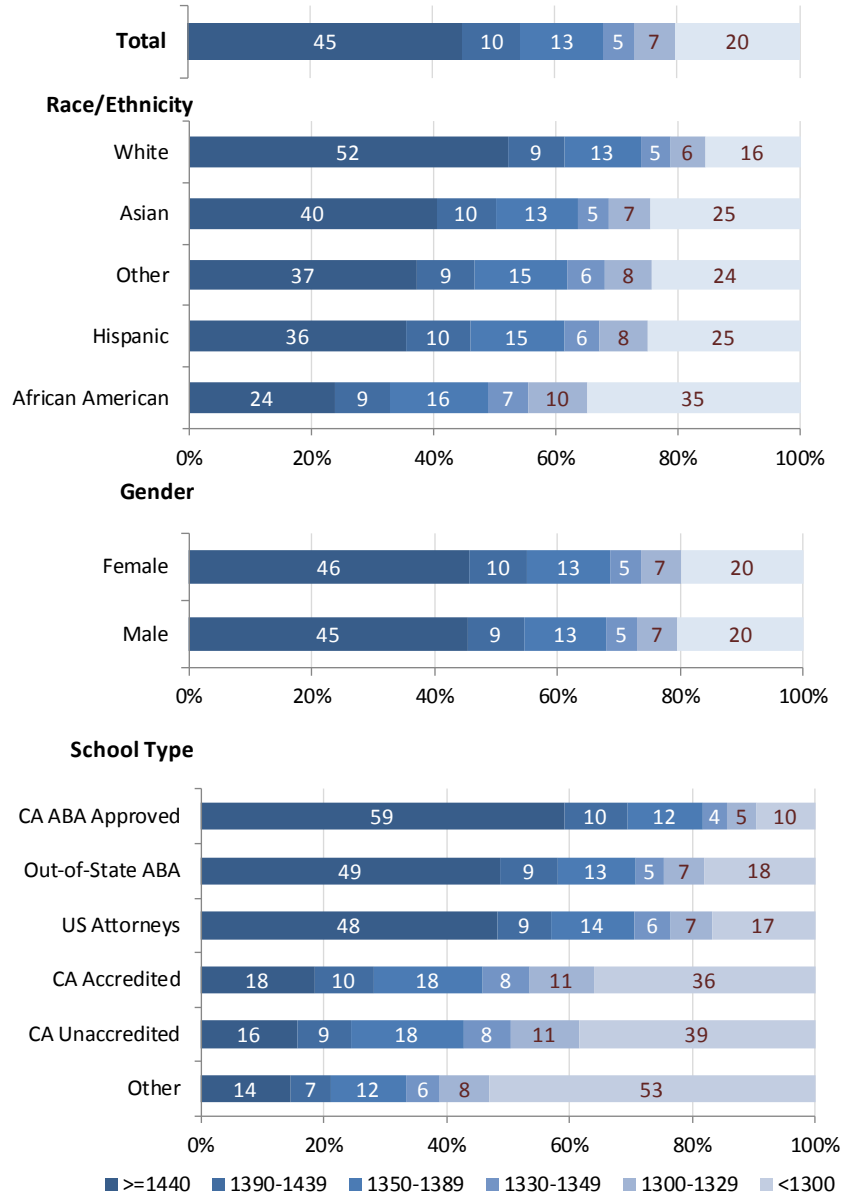
## SIMULATION RESULTS

The simulation exercise produces three sets of results under each hypothetical cut score: (1) impact on the number of examinees passing the exam; (2) impact on the pass rate; and (3) impact on the number of exams taken in aggregate.

The impacts of the several cut score hypotheticals are different for various subgroups, reflecting the variation of actual bar exam performance for each subgroup. In general, a group with a higher bar pass rate under the current cut score of 1440 would see a smaller impact from a lower cut score, compared to a group with a lower bar pass rate.

As background information to assist in interpreting the simulations, Figure 1 shows the distribution of bar exam scores at different ranges for all exams included in this exercise. Note that, under the current cut score of 1440, 59 percent of examinees graduating from a California ABA law school passed the bar exam, compared to 18 percent of examinees who graduated from a California-accredited law school. In simulating the impact from lowering the cut score to 1390, Table 3 shows that examinees graduating from ABA law schools would see a 4 percent increase in the number of examinees passing the bar exam, compared to a 14 percent increase for examinees graduating from California-accredited law schools. The difference reflects the larger base of ABA law school graduates passing the bar exam under the current cut score compared to California-accredited law schools. More subgroup comparisons of the simulation results can be viewed in a separate [Excel file](#).

**Figure 1. Distribution of Bar Exam Performance: All Exams from February 2009 to February 2019, by Race/Ethnicity, Gender, and Law School Type**



**Impact on the Number of Examinees Passing the Exam**

Table 3 contains the results of the simulation’s impact on the number of examinees passing the bar exam. The first column, labeled “Current at 1440,” shows the number of examinees covered in this analysis who actually passed the bar exam. The next four columns calculate the number of examinees who would have passed the exam under each of the hypothetical lower cut scores. The additional examinees passing the exam are shown in the following four columns. Increases in examinees passing the exam, in percentage terms relative to the actual passers, are

shown in the last four columns. At 1390, for example, the table shows that 3,741 more examinees would have passed the exam, a total gain of 5.8 percent.

### **Impact on Pass Rate**

Table 4 shows the pass rate and how it changes under the different scenarios. As with Table 3, the column “Current at 1440” shows actual data to use as the point of comparison. The 45 percent shown in the first row of the first column of Table 4 represents the 65,025 examinees who passed the bar exam out of all exams taken (143,198, shown in Table 5). At the hypothetical cut score of 1390, the pass rate would have been 53 percent, which represents an increase of 8 percentage points, shown in the last column.

### **Impact on the Number of Exams Taken**

The first column in Table 5 shows the actual number of exams taken over the period covered in this analysis. As shown in Table 2, the number of exams taken would decrease as examinees passed the exam with fewer attempts. At a hypothetical cut score of 1390, the table shows that a total of 128,702 exams would have been taken. Compared to the actual count of 143,198, it represents a decrease of nearly 15,000 exams taken, a reduction of approximately 10 percent, as shown in the last column.

### **Data for Intersectional Analyses**

The simulation results presented in Tables 3 to 5 are limited by the three subgroup categories in which comparisons cannot be made across subgroup intersections, such as between white and African American females from ABA or California-accredited law schools. An Excel file is provided with this report to make possible these types of dynamic, multidimensional comparisons.

**Table 3. Simulation of Bar Exam Outcomes: Impact on Number of Examinees Passing the Exam**

	Current at 1440	Simulated Number of Examinees Passing Exam				Number of Additional Examinees Passing Exam				Percent Increase in Examinees Passing Exam			
		1300	1330	1350	1390	1300	1330	1350	1390	1300	1330	1350	1390
<b>Total</b>	65,025	77,913	75,570	73,740	68,766	12,888	10,545	8,715	3,741	20%	16%	13%	6%
<b><i>Race/Ethnicity</i></b>													
Asian	13,229	16,159	15,603	15,190	14,109	2,930	2,374	1,961	880	22%	18%	15%	7%
African American	2,345	3,499	3,257	3,098	2,639	1,154	912	753	294	49%	39%	32%	13%
Latino	6,377	8,086	7,756	7,539	6,878	1,709	1,379	1,162	501	27%	22%	18%	8%
White	39,400	45,839	44,734	43,786	41,283	6,439	5,334	4,386	1,883	16%	14%	11%	5%
Other	954	1,219	1,178	1,132	1,027	265	224	178	73	28%	23%	19%	8%
No Response	2,720	3,111	3,042	2,995	2,830	391	322	275	110	14%	12%	10%	4%
<b><i>Gender</i></b>													
Male	33,214	39,797	38,635	37,675	35,134	6,583	5,421	4,461	1,920	20%	16%	13%	6%
Female	31,464	37,666	36,502	35,648	33,263	6,202	5,038	4,184	1,799	20%	16%	13%	6%
No Response	347	450	433	417	369	103	86	70	22	30%	25%	20%	6%
<b><i>Law School Type</i></b>													
CA ABA Approved	37,729	41,680	41,105	40,630	39,097	3,951	3,376	2,901	1,368	10%	9%	8%	4%
Out-of-State ABA	12,033	14,419	13,970	13,652	12,735	2,386	1,937	1,619	702	20%	16%	13%	6%
CA Accredited	2,705	4,157	3,869	3,628	3,082	1,452	1,164	923	377	54%	43%	34%	14%
CA Unaccredited	1,008	1,711	1,561	1,467	1,191	703	553	459	183	70%	55%	46%	18%
US Attorneys	9,573	12,498	11,954	11,490	10,334	2,925	2,381	1,917	761	31%	25%	20%	8%
Other	1,977	3,448	3,111	2,873	2,327	1,471	1,134	896	350	74%	57%	45%	18%

**Table 4. Simulation of Bar Exam Outcomes: Impact on Pass Rate**

	Current at 1440	Simulated Exam Pass Rate				Percentage Point Increase in Pass Rate			
		1300	1330	1350	1390	1300	1330	1350	1390
Total	45%	77%	70%	66%	53%	31	25	20	8
<i><b>Race/Ethnicity</b></i>									
Asian	40%	70%	64%	59%	48%	30	24	19	8
African American	24%	56%	47%	42%	30%	33	24	18	6
Latino	36%	69%	61%	56%	43%	34	26	21	8
White	52%	83%	77%	73%	60%	31	25	21	8
Other	37%	71%	64%	58%	45%	34	26	20	7
No Response	61%	86%	81%	78%	68%	25	20	17	7
<i><b>Gender</b></i>									
Male	45%	77%	70%	65%	53%	31	25	20	8
Female	46%	77%	70%	66%	54%	31	25	20	8
No Response	42%	67%	63%	59%	47%	25	21	17	5
Total	45%	77%	70%	66%	53%	31	25	20	8
<i><b>Law School Type</b></i>									
CA ABA Approved	59%	90%	85%	81%	69%	31	26	22	10
Out-of-State ABA	49%	80%	73%	68%	57%	31	24	20	8
CA Accredited	18%	51%	42%	36%	24%	32	23	17	6
CA Unaccredited	16%	47%	38%	33%	21%	32	22	17	6
US Attorneys	48%	82%	76%	70%	56%	34	27	21	8
Other	14%	34%	29%	25%	18%	20	14	11	4



**Table 5. Simulation of Bar Exam Outcomes: Impact on Exams Taken**

	Current at 1440	Simulated Number of Exam Takers				Reduction in the Number of Exams Taken				Percent Decrease of Exams Taken			
		1300	1330	1350	1390	1300	1330	1350	1390	1300	1330	1350	1390
<b>Total</b>	143,198	101,374	107,414	112,429	128,702	41,824	35,784	30,769	14,496	29%	25%	21%	10%
<b><i>Race/Ethnicity</i></b>													
Asian	32,728	22,974	24,377	25,572	29,281	9,754	8,351	7,156	3,447	30%	26%	22%	11%
African American	9,841	6,209	6,859	7,356	8,781	3,632	2,982	2,485	1,060	37%	30%	25%	11%
Latino	17,944	11,705	12,657	13,403	15,874	6,239	5,287	4,541	2,070	35%	29%	25%	12%
White	75,633	55,133	57,915	60,293	68,273	20,500	17,718	15,340	7,360	27%	23%	20%	10%
Other	2,558	1,721	1,849	1,963	2,302	837	709	595	256	33%	28%	23%	10%
No Response	4,494	3,632	3,757	3,842	4,191	862	737	652	303	19%	16%	15%	7%
<b><i>Gender</i></b>													
Male	73,289	51,810	54,915	57,535	65,866	21,479	18,374	15,754	7,423	29%	25%	21%	10%
Female	69,082	48,891	51,810	54,186	62,050	20,191	17,272	14,896	7,032	29%	25%	22%	10%
No Response	827	673	689	708	786	154	138	119	41	19%	17%	14%	5%
<b><i>Law School Type</i></b>													
CA ABA Approved	63,912	46,237	48,272	50,099	56,796	17,675	15,640	13,813	7,116	28%	24%	22%	11%
Out-of-State ABA	24,732	18,074	19,154	19,946	22,463	6,658	5,578	4,786	2,269	27%	23%	19%	9%
CA Accredited	14,714	8,197	9,300	10,143	12,792	6,517	5,414	4,571	1,922	44%	37%	31%	13%
CA Unaccredited	6,447	3,620	4,097	4,436	5,599	2,827	2,350	2,011	848	44%	36%	31%	13%
US Attorneys	19,739	15,185	15,833	16,494	18,338	4,554	3,906	3,245	1,401	23%	20%	16%	7%
Other	13,654	10,061	10,758	11,311	12,714	3,593	2,896	2,343	940	26%	21%	17%	7%