

INITIAL AND EVENTUAL PASSING RATES ON THE CALIFORNIA BAR EXAMINATION BY SCHOOL AND SCHOOL TYPE FOR SIX COHORTS OF FIRST TIMERS

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This report describes the procedures that were used and the results obtained in a longitudinal analysis of eventual passing rates on the California Bar Exam. Results are reported by school and school type for six cohorts of first time takers from 38 non-ABA approved law schools plus summary data across 20 California ABA approved schools. Each cohort was followed over six administrations of the exam. Appendices contain data by school, cohort, and school type.

Procedures

We examined the initial (first timer) and eventual passing rates of candidates from California ABA approved, California Accredited, and three types of Unaccredited law schools, namely: Correspondence, Distance Learning, and Fixed-Facility. We did not track graduates of non-California ABA law schools or those who took the Attorneys' exam.

Candidates were defined as having eventually passed if they passed on their first attempt or if they retook the exam and passed by the fifth time it was offered following their initial attempt, i.e., a total of six opportunities to pass including their first one. For example, July 2005 first timers were deemed eventual passers if they passed by the time the February 2008 results were released. We used a six-exam window because cross-sectional data show that 99% of those who pass the California exam do so by their sixth try (there is no limit on the number of times a candidate may take the exam).

We tracked six cohorts of applicants. The first cohort began with those who took the exam for the first time in February 2003. This cohort was followed through and including the July 2005 exam. The most recent cohort consisted of those who took the exam for the first time in July 2005. To insure comparability, each cohort was tracked for six consecutive administrations of the exam, i.e., including the first one they took.

The analysis included candidates who took the exam once, failed, and did not try again. Candidates who were not successful on their first attempt did not necessarily sit for all the California exams they could have taken during their five exam follow-up period and a few probably took the exam again after their six exam window closed, but if they did, cross-sectional data indicate they had a very low likelihood of passing.

Results

Table 1 combines data across the six cohorts to show the number and percentage of candidates who passed on their first attempt, passed after their first attempt, failed despite retaking the exam one or more times, and failed without trying again within their follow-up period. These data indicate that when results are summed across schools, 88.2% of the graduates from California ABA approved law schools eventually passed the exam – 68.6% passed on their first try and another 19.7% passed after a total of two or more attempts.

Graduates of California Accredited schools and applicants from Unaccredited schools had eventual passing rates of 49.2% and 43.6%, respectively. The Unaccredited schools had a lower eventual passing rate than the California Accredited schools because of the low eventual passing rate of graduates from Unaccredited Fixed-Facility schools. Table 2 shows that unaccredited Correspondence and Distance Learning schools had the same or even a higher eventual passing rate than California Accredited school graduates. A number of Unaccredited law schools had no first timers in the years included in this research and are therefore not included in the applicable tables.

Table 3 shows that following candidates for up to six exams rather than just three exams resulted in a small but significant increase in eventual passing rates. This was especially true at the California Accredited schools where the eventual passing rate for the six exam window was 8.7% higher than the rate for the three exam window. Less than one in five applicants from an Unaccredited Fixed-Facility school passed within the three exam window. The difference in eventual passing rates between the six and three exam windows was smaller at the California ABA schools because so many of their graduates passed on their first try.

Table 4 shows that about two-thirds of the 2,691 candidates who passed after taking the exam two or more times did so by their second attempt. Only 6% of the successful repeaters passed as a result of taking the exam more than four times.

Appendix A and B

Appendix A shows the initial and six exam eventual passing rates for each of the three cohorts that began with a February exam and the three that began with a July exam. Each table also shows the results by the year in which the candidate sat for the exam for the first time. There is a separate table for each school type.

The three cohorts that began in July had higher eventual passing rates than the three that began in February. This difference most likely resulted from July first timers having higher average bar exam scores (and thereby having a higher first timer passing rate) than February first timers. For example, there were 449 candidates from ABA approved schools who took the California bar exam for the first time in February of 2003. Within this cohort, 256 candidates (57%) passed on their first try and 105 (23%) passed after taking the exam one or more additional times up to a total of six. Thus, this cohort had a $57\% + 23\% = 80\%$ eventual passing rate. In contrast, the cohort of 3311 ABA first timers that took the exam for the first time in July 2003 had a first timer passing rate of 71% and an eventual rate of 89%.

Annual eventual passing rates were fairly stable across cohorts. For instance, eventual passing rates for the combined February and July exams for 2003, 2004, and 2005 at ABA schools were 88%, 86%, and 87%, respectively. The corresponding eventual passing rates at California Accredited schools were 50%, 50%, and 45%. Results for the three types of Unaccredited schools were less consistent across years, perhaps because they had fewer candidates per cohort (e.g., all six cohorts combined had only 133 Correspondence school candidates).

Appendix B shows the six exam eventual passing rate in each cohort and overall for each school studied. There is a separate table for each school type. A comparison of the far right hand column of each table shows that the eventual passing rates at ABA schools were almost always higher than they were at the California accredited schools, but the passing rates at the Accredited schools were not consistently higher than the rates at Unaccredited schools.¹ In fact, on the average, graduates of Unaccredited Correspondence and Distance Learning schools actually had a slightly higher eventual rate than did graduates of Accredited schools.

Conclusions

At all of the five types of schools studied, eventual passing rates were significantly higher than initial rates. This was particularly true at the California Accredited and Unaccredited schools because these schools had much lower first timer passing rates than did the ABA approved schools. On the average, less than 50% of the graduates from the non-ABA approved schools passed the exam within three years of their first attempt. Findings were fairly stable across the six cohorts studied.

¹ Because of software constraints, the percentages in Appendix A and B were truncated rather than rounded (e.g., a value of 17.9 was set to 17). This had no material impact on results or conclusions. Exact percentages may be calculated from the applicant counts in the tables.

Table 1
 Number and Percentage of Candidates Initially and Eventually Passing (after a total of 6 exams) by School Type

	ABA		CA Accredited		All Unaccredited		Total	
	N	%	N	%	N	%	N	%
Pass 1 st Try	8,142	68.6	277	25.0	143	26.9	8,562	63.4
Pass >1 Try	<u>2,334</u>	<u>19.7</u>	<u>268</u>	<u>24.2</u>	<u>89</u>	<u>16.7</u>	<u>2,691</u>	<u>19.9</u>
Subtotal	10,476	88.2	545	49.2	232	43.6	11,253	83.3
Fail >1 Try	1,025	8.6	469	42.3	239	44.9	1,733	12.8
Fail only 1 Try	<u>375</u>	<u>3.2</u>	<u>93</u>	<u>8.4</u>	<u>61</u>	<u>11.5</u>	<u>529</u>	<u>3.9</u>
Subtotal	1,500	11.8	562	50.8	300	56.4	2,262	16.7
Grand total	11,876	100.0	1,107	100.0	532	100.0	13,515	100.0

N = number of takers

Table 2

Number and Percentage of Candidates Initially and Eventually Passing (after a total of 6 exams) by Type of Unaccredited School

	<u>Correspondence</u>		<u>Distance Learning</u>		<u>Fixed-Facility</u>		<u>Total</u>	
	N	%	N	%	N	%	N	%
Pass 1 st Try	54	40.6	67	34.0	22	10.9	143	26.9
Pass >1 Try	<u>21</u>	<u>15.8</u>	<u>33</u>	<u>16.8</u>	<u>35</u>	<u>17.3</u>	<u>89</u>	<u>16.7</u>
Subtotal	75	56.5	100	50.8	57	28.2	232	43.6
Fail >1 Try	47	35.3	73	37.1	119	58.9	239	44.9
Fail only 1 Try	<u>11</u>	<u>8.2</u>	<u>24</u>	<u>12.2</u>	<u>26</u>	<u>12.9</u>	<u>61</u>	<u>11.5</u>
Subtotal	58	43.5	97	49.2	145	71.8	300	56.4
Grand total	133	100.0	197	100.0	202	100.0	532	100.0

Table 3
 Eventual Passing Rates by School Type for a 3 and a 6 Exam Window

School Type	3 Exams	6 Exams	Difference
ABA	83.2	88.2	5.0
CA Accredited	40.5	49.2	8.7
Unaccredited	36.8	43.6	6.8
All School Types	77.9	83.3	5.4

Table 4
 Number and Percentage of Repeaters Who Passed by Number of Exams Taken

Number of exams taken to pass	School Type						Total
	ABA	CA Accredited	Correspondence	Distance Learning	Fixed-Facility		
2	1,554	136	10	19	11		1,730 (64%)
3	396	65	8	7	8		484 (18%)
4	266	43	2	5	10		326 (12%)
5	98	18	0	1	4		121 (5%)
6	20	6	1	1	2		30 (1%)
Total	2,334	268	21	33	35		2,691 (100%)

APPENDIX A

Results by Cohort

Six Exam Window

ABA SCHOOLS	Cohorts Beginning in February												Cohorts Beginning in July												All Cohorts											
	Year						All Exams						Year						All Exams						Year											
	2003		2004		2005		2003		2004		2005		2003		2004		2005		2003		2004		2005		2003		2004		2005							
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%						
Pass 1st Try	256	57%	241	50%	284	58%	781	55%	2370	71%	2367	69%	2624	70%	7361	70%	2626	69%	2608	67%	2908	68%	8142	68%	2608	67%	2908	68%	8142	68%						
Pass > 1 Try	105	23%	115	23%	86	17%	306	21%	617	18%	661	19%	750	20%	2028	19%	722	19%	776	19%	836	19%	2334	19%	776	19%	836	19%	2334	19%						
Fail > 1 Try	68	15%	99	20%	78	16%	245	17%	241	7%	277	8%	262	6%	780	7%	309	8%	376	9%	340	8%	1025	8%	376	9%	340	8%	1025	8%						
Fail only 1 Try	20	4%	27	5%	35	7%	82	5%	83	2%	101	2%	109	2%	293	2%	103	2%	128	3%	144	3%	375	3%	128	3%	144	3%	375	3%						
Total	449	100%	482	100%	483	100%	1414	100%	3311	100%	3406	100%	3745	100%	10462	100%	3760	100%	3888	100%	4228	100%	11876	100%	3888	100%	4228	100%	11876	100%						

A total of 9,882 applicants (83.2%) passed within the three exam window.

CALIFORNIA ACCREDITED SCHOOLS	Cohorts Beginning in February										Cohorts Beginning in July										All Cohorts									
	Year					All Exams					Year					All Exams					Year					All Exams				
	2003		2004		2005		2003		2004		2005		2003		2004		2005		2003		2004		2005		2003		2004		2005	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Pass 1st Try	21	20%	30	28%	22	21%	73	23%	67	24%	70	26%	67	25%	204	25%	88	23%	100	27%	100	27%	89	24%	277	25%				
Pass > 1 Try	24	22%	20	19%	16	15%	60	19%	78	28%	66	25%	64	24%	208	26%	102	27%	86	23%	80	21%	268	24%						
Fail > 1 Try	58	55%	46	44%	52	51%	156	50%	105	38%	103	39%	105	39%	313	39%	163	43%	149	40%	157	43%	469	42%						
Fail only 1 Try	2	1%	8	7%	11	10%	21	6%	20	7%	25	9%	27	10%	72	9%	22	5%	33	8%	38	10%	93	8%						
Total	105	100%	104	100%	101	100%	310	100%	270	100%	264	100%	263	100%	797	100%	375	100%	368	100%	364	100%	1107	100%						

A total of 448 applicants (40.5%) passed within the three exam window.

UNACCREDITED: CORRESPONDENCE SCHOOLS	Cohorts Beginning in February						Cohorts Beginning in July						All Cohorts											
	2003			2004			2005			All Exams			2003			2004			2005			All Years		
	N		%	N		%	N		%	N		%	N		%	N		%	N		%	N		%
Pass 1st Try	12	52	11	55%	8	36%	31	47%	10	41%	9	37%	4	20%	23	33%	22	46%	20	45%	12	28%	54	40%
Pass > 1 Try	2	8%	4	20%	4	18%	10	15%	5	20%	4	16%	2	10%	11	16%	7	14%	8	18%	6	14%	21	15%
Fail > 1 Try	8	34%	3	15%	10	45%	21	32%	8	33%	9	37%	9	45%	26	38%	16	34%	12	27%	19	45%	47	35%
Fail only 1 Try	1	4%	2	10%			3	4%	1	4%	2	8%	5	25%	8	11%	2	4%	4	9%	5	11%	11	8%
Total	23	100%	20	100%	22	100%	65	100%	24	100%	24	100%	20	100%	68	100%	47	100%	44	100%	42	100%	133	100%

A total of 69 applicants (51.9%) passed within the three exam window.

UNACCREDITED: DISTANCE LEARNING SCHOOLS	Cohorts Beginning in February												Cohorts Beginning in July												All Cohorts											
	2003						2004						2005						2003						2004						2005					
	N		%		N		%		N		%		N		%		N		%		N		%		N		%		N		%		N		%	
	All Exams		All Exams		All Exams		All Exams		All Exams		All Exams		All Exams		All Exams		All Exams		All Exams		All Exams		All Exams		All Exams		All Exams		All Exams		All Exams		All Exams			
Pass 1st Try	9	42%	8	33%	24	45%	41	41%	3	21%	11	36%	12	21%	12	21%	26	26%	12	34%	19	35%	36	33%	67	34%										
Pass > 1 Try	3	14%	7	29%	5	9%	15	15%	3	21%	2	6%	13	23%	18	18%	6	17%	9	16%	18	16%	33	16%												
Fail > 1 Try	6	28%	8	33%	19	35%	33	33%	6	42%	13	43%	21	38%	40	40%	12	34%	21	38%	40	37%	73	37%												
Fail only 1 Try	3	14%	1	4%	5	9%	9	9%	2	14%	4	13%	9	16%	15	15%	5	14%	5	9%	14	12%	24	12%												
Total	21	100%	24	100%	53	100%	98	100%	14	100%	30	100%	55	100%	99	100%	35	100%	54	100%	108	100%	197	100%												

A total of 88 applicants (44.7%) passed within the three exam window.

UNACCREDITED: FIXED-FACILITY SCHOOLS	Cohorts Beginning in February						Cohorts Beginning in July						All Cohorts							
	Year						Year						Year							
	2003		2004		2005		2003		2004		2005		2003		2004		2005			
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%		
Pass 1st Try	4	18%	2	9%	1	4%	7	10%	5	9%	3	8%	11	16%	7	9%	4	6%	22	10%
Pass > 1 Try	5	22%	2	9%	2	8%	9	13%	9	16%	9	25%	13	19%	11	14%	11	18%	35	17%
Fail > 1 Try	13	59%	15	71%	16	69%	44	66%	33	61%	17	47%	38	55%	48	64%	33	55%	119	58%
Fail only 1 Try			2	9%	4	17%	6	9%	7	12%	7	19%	6	8%	9	12%	11	18%	26	12%
Total	22	100%	21	100%	23	100%	66	100%	54	100%	36	100%	136	100%	68	100%	59	100%	202	100%

A total of 39 applicants (19.3%) passed within the three exam window.

APPENDIX B

Results by School Within School Type

Six Exam Window

CALIFORNIA ACCREDITED LAW SCHOOLS	Initial Exam																	
	Feb 2003		Jul 2003		Feb 2004		Jul 2004		Feb 2005		Jul 2005		All					
	%	N	%	N	%	N	%	N	%	N	%	N	%	N				
	pass		pass		pass		pass		pass		pass		pass					
Cal Northern School Of Law	1	0%	11	54%	2	50%	5	40%			15	53%	34	50%				
Empire College School Of Law	5	60%	15	60%	4	75%	20	65%	2	50%	16	50%	62	59%				
Glendale University College Of Law	3	0%	8	87%	3	0%	13	53%	3	0%	15	46%	45	46%				
Humphreys College Laurence Drivon Law School			10	70%			8	62%	2	50%	11	45%	31	58%				
John F. Kennedy University School Of Law	17	35%	28	32%	17	47%	16	43%	23	30%	11	54%	112	38%				
Lincoln Law School Of Sacramento	1	0%	34	61%	3	33%	38	71%			28	53%	104	61%				
Lincoln Law School Of San Jose	6	33%	23	47%	4	50%	15	60%	3	0%	17	35%	68	44%				
Monterey College Of Law			13	38%	1	100%	12	25%	2	50%	15	46%	43	39%				
New College of CA			21	47%	1	0%	24	37%	5	0%	25	60%	76	44%				
San Francisco Law School	1	0%	15	40%	5	40%	18	27%	1	0%	11	27%	51	31%				
San Joaquin College Of Law			28	64%	2	0%	26	61%	6	50%	36	69%	98	63%				
Santa Barbara College Of Law	9	77%	4	75%	12	83%	7	42%	11	72%	9	55%	52	69%				
Southern California Institute Of Law-SB	2	50%	2	100%	1	0%	2	0%	1	0%	3	0%	11	27%				
Southern California Institute Of Law-Ventura	4	25%	6	50%	1	0%	2	50%	2	0%	2	50%	17	35%				
Trinity Law School	19	26%	14	21%	15	26%	14	21%	14	21%	12	33%	88	25%				

CALIFORNIA ACCREDITED LAW SCHOOLS	Initial Exam												All	
	Feb 2003		Jul 2003		Feb 2004		Jul 2004		Feb 2005		Jul 2005		All	
	%	N	%	N	%	N	%	N	%	N	%	N	%	N
	pass		pass		pass		pass		pass		pass		pass	
University Of West La San Fernando Valley	66%	9	77%	9	66%	6	83%	6	40%	5	33%	3	65%	38
University Of West Los Angeles Law School	40%	20	65%	26	33%	15	53%	26	50%	12	42%	28	48%	127
Ventura College Of Law	75%	8	33%	3	75%	12	58%	12	66%	9	50%	6	64%	50
All	42%	105	53%	270	48%	104	51%	264	37%	101	49%	263	49%	1107

UNACCREDITED CORRESPONDENCE LAW SCHOOLS	Initial Exam												All		
	Feb 2003		Jul 2003		Feb 2004		Jul 2004		Feb 2005		Jul 2005				
	%	N	%	N	%	N	%	N	%	N	%	N			
	pass	pass	pass	pass	pass	pass	pass	pass	pass	pass	pass	pass			
California Southern University		3	33%							1	100%	2	0%	6	33%
Newport University School Of Law	3	33%	1	0%	1	100%			1	100%				6	50%
Northwestern California University	6	33%	4	75%	2	0%	2	100%	2	50%	5	20%	21	42%	
Oak Brook College Of Law And Gov. Policy	11	90%	8	75%	11	81%	14	57%	6	66%	11	45%	61	68%	
Taft Law School	3	33%	8	62%	6	83%	7	28%	11	45%	2	0%	37	48%	
University Of Honolulu School Of Law										1	0%			1	0%
West Coast School Of Law							1	100%						1	100%
All	23	60%	24	62%	20	75%	24	54%	22	54%	20	30%	133	56%	

UNACCREDITED DISTANCE LEARNING LAW SCHOOLS	Initial Exam													
	Feb 2003		Jul 2003		Feb 2004		Jul 2004		Feb 2005		Jul 2005		All	
	%	N	%	N	%	N	%	N	%	N	%	N	%	N
	pass		pass		pass		pass		pass		pass		pass	
Abraham Lincoln University	11	54%	10	30%	10	60%	10	20%	13	38%	11	36%	65	40%
Concord Law School	10	60%	4	75%	14	64%	20	55%	40	60%	43	46%	131	55%
West Haven University School Of Law											1	100%	1	100%
All	21	57%	14	42%	24	62%	30	43%	53	54%	55	45%	197	50%

UNACCREDITED FIXED-FACILITY LAW SCHOOLS	Initial Exam												All	
	Feb 2003		Jul 2003		Feb 2004		Jul 2004		Feb 2005		Jul 2005		All	
	N	% pass	N	% pass	N	% pass	N	% pass	N	% pass	N	% pass	N	% pass
American College Of Law	2	0%	18	16%	6	0%	3	0%					29	10%
California Southern Law School	8	50%	7	71%	6	33%	9	33%	9	22%	9	55%	48	43%
Irvine University College Of Law	1	0%							1	0%			2	0%
Larry H. Layton School Of Law							1	100%	2	0%	1	0%	4	25%
Pacific Coast University School Of Law			5	60%	3	33%	9	55%	2	0%	9	22%	28	39%
Pacific West College Of Law	1	0%	2	0%	2	0%	2	0%	3	33%	5	20%	15	13%
People's College Of Law	1	0%					3	33%	1	0%			5	20%
University Of Northern California	2	0%	10	20%	2	0%	20	20%	2	0%	5	20%	41	17%
University Of San Luis Obispo	6	83%	1	100%					1	0%	4	50%	12	66%
Western Sierra Law School	1	0%	3	33%	2	50%	7	0%	2	0%	3	33%	18	16%
All	22	40%	46	32%	21	19%	54	25%	23	13%	36	33%	202	28%