

THE TESTING COLUMN

INTERPRETING PASS RATES

by Susan M. Case, Ph.D.

After each February and July administration of the bar exam, bar administrators focus on the immediate issues of grading, combining scores, and then looking at pass rates. We all know the February scores tend to be lower than the July scores, but the statistics issue provides us with an opportunity to sit back and look at the bigger picture over time.

Every time the test is given, we calculate an average score (the mean) and a measure of the spread of scores (the standard deviation, also known as the 'SD'). These means and SDs are calculated for both the individual jurisdictions and for the total population of test takers. Exams administered to large numbers of examinees tend to produce scores that, for most examinees, fall within 3 SD units below the mean and 3 SD units above the mean, following a typical normal bell-shaped curve. The SD for the MBE is about 15.0 scale points; 3 SD units are about 45 points in both February and July. In February, the mean is about 135.0. In general terms, this implies that MBE scale scores for most examinees in February are between 90.0 (135 - 45) and 180.0 (135 + 45). In July, the mean is about 140, which means that the MBE scale scores for most examinees in July are between 95 (140 - 45) and 185 (140 + 45).




During the past 10 years, the total pass rates for jurisdictions based on their overall examination population, including both first-takers and repeaters, have averaged 67%. The lowest average pass rate was in 2002 when the average across jurisdictions was 63%, and the highest average pass rate across jurisdictions was in 1994 when the average was 74%.

The figure on page 52 shows the average pass rates across jurisdictions over the past decade. You can see a very slight downward trend, but optimists may also be able to see a slight turnaround in the past year.

Pass rates vary significantly across jurisdictions, with mean pass rates over the decade ranging from 50% to 88%. California (50%), D.C. (54%), Alabama (60%), and Delaware (60%) have had the lowest pass rates, in contrast to Utah, Montana, South Dakota, New Mexico, and Nebraska, which have average pass rates of at least 85%. Is this because the exams vary in difficulty, and the standards vary in stringency? Or is it because the examinees vary in their level of competence? Is this because of variability in the quality of training, in the quality of schools, the quality of examinee preparation? Did the schools change their admission standards, admit a differing number of at-risk students, or did the effectiveness of the schools vary over time? These data do not provide answers to these questions; we can only speculate.

The changes in pass rates over time within jurisdictions are also interesting. Pass rates for Minnesota, Colorado, Texas, Iowa, Maryland, and Utah were remarkably consistent, varying less than 10 percentage points over the past decade. In contrast, pass rates for Arkansas, Wyoming, Alaska, Michigan, Rhode Island, Illinois, Nevada, Ohio, and Indiana have all varied by more than 20 points. Some of this variation may be due to changes in the pass/fail standard, but variation is also seen in jurisdictions where the standard has remained stable. If the standard did not change, is the variation because the

education has changed, because the quality of students has changed, or because of some other factor?

As always, small amounts of new information result in as many questions as answers. However, as Sir Arthur Conan Doyle said in *Scandal in Bohemia*, "It is a capital mistake to theorize before one has data." In this case, we are looking at ways to increase our database so that we can answer some of these questions. 

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AVERAGE PASS RATES ACROSS JURISDICTIONS 1994-2003

