Pass Rates and Persistence on the New York Bar Examination

Including Breakdowns for Racial/Ethnic Groups

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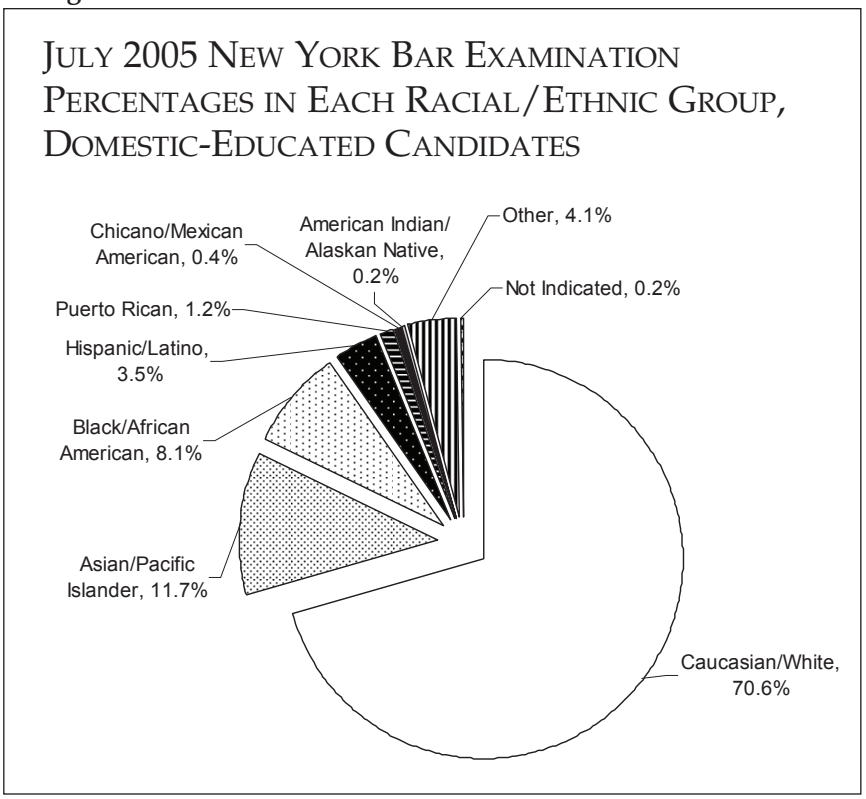
Three recent studies sponsored by the New York State Board of Law Examiners have provided extensive information on the characteristics and performance of candidates taking the New York Bar Examination (NY bar exam). The first study, completed in 2006,[1] examined the impact of an increase in the *passing score*[2] for the NY bar exam from 660 to 665 (implemented in July 2005) on candidate *pass rates* and projected what the pass rates would be if the passing score were increased to 670 or 675. These values of 660, 665, 670, and 675 translate to 132, 133, 134, and 135, respectively, on the MBE scale. The analyses described in that report were based on the results for candidates who took the NY bar exam in July 2005 and who agreed to participate in the study. The sample of candidates who agreed to provide data included over 90% of the candidates who took the July 2005 NY bar exam and therefore provided good estimates of the characteristics of the population of candidates who took that examination and for various subgroups in that population. A second study[3] reported a set of analyses similar to those from the first study but used data from a separate set of candidates who took the NY bar exam in February 2006. A third study[4] examined the subsequent performance in February 2006 and July 2006 of the July 2005 candidates who failed for the first time. The report for each of these studies is quite lengthy, and collectively, they contain a very extensive set of results.

This article summarizes some of the main results of the first and third studies and is necessarily quite selective. It focuses on three issues: (1) the initial performance of the domestic-educated candidates who took the New York bar exam for the first time in July 2005, (2) the persistence (in February and July of 2006) of the domestic-educated candidates who failed for the first time in July 2005, and (3) the pass rates for the domestic-educated first-time takers who failed in July 2005, as of February 2006 and as of July 2006. All three discussions include breakdowns by racial/ethnic group. For the complete results, please see the original studies available at the New York State Board of Law Examiners website (http://www.nybarexam.org).

Data

The development of the data sets included in the three reports was made possible by the New York State Board of Law Examiners (the Board), the Law School Admission Council (LSAC), law schools, and candidates to the New York Bar. The Board (1) coordinated the collective efforts, (2) collected demographic data (via an optional survey) from candidates when they applied to take the NY bar exam, and (3) assembled bar examination results from candidates after they completed the NY bar exam. LSAC provided Law School Admission Test (LSAT) scores, undergraduate grade-point averages, and

Figure 1



some demographic data for candidates who authorized release of these data. Law schools collaborated by providing law school GPAs from candidates who gave permission to share such information. All of these data were collected for the July 2005 data set for the first study. For the third study, the July 2005 data set was expanded to include performance on the February 2006 and July 2006 administrations, along with cumulative pass rates, of candidates who failed the NY bar exam for the first time in July 2005.

In analyzing the data, it was clear that the graduates of foreign law schools and the graduates of domestic law schools constituted distinct populations with different demographic characteristics and different pass rates. Foreign-educated candidates constituted about 21% of the New York candidates who agreed to participate in the study, and as a group, they differed from domestic-educated candidates on a number of demographic variables. Foreign-educated candidates tended to have relatively low scores on the bar examination and relatively high failure rates, and as a result were much more likely than domestic-educated candidates to be repeating the bar examination. Also, undergraduate GPAs, LSAT scores, and law school GPAs were not available for foreign-educated candidates. Because of the substantial differences between these two populations and lack of availability of certain data for foreign-educated candidates, most of the analyses of candidate performance were reported separately for domestic- and foreign-educated candidates, and this article focuses on the performance of the domestic-educated candidates.

Of the 7,252 July 2005 domestic-educated candidates, almost 50% were women, and slightly more than 50% were men. The great majority (over 70%) of the domestic-educated candidates were Caucasian/White, 11.7% were Asian/Pacific Islander, 8.1% were Black/African American, 3.5% were Hispanic/Latino, 1.2% were Puerto Rican, 0.4% were Chicano/Mexican American, 0.2% were American Indian/Alaskan Native, and 4.1% listed their race/ethnicity as "Other." Figure 1, above, displays the percentages by race/ethnicity as a pie chart.

Among the domestic-educated candidates, men were, on average, about half a year older than women when they graduated from law school (27.9 vs. 27.4), and they were a little more than half a year older when they took the bar examination in July 2005. Over 90% of the domestic-educated candidates taking the NY bar exam in July 2005 were taking it for the first time.

Although the domestic-educated first-time takers were almost evenly split between women and men, the women/men ratios varied across racial/ethnic groups. Men outnumbered women in the Caucasian/White group, but women outnumbered men in all of the other racial/ethnic groups, and in the Black/African American group, women outnumbered men by almost two to one.

Performance of Candidates Taking the New York Bar Exam in July 2005

Total scores on the NY bar exam are computed by combining three separate scaled and weighted scores from three separate components: the New York Essay Examination, which consists of five essay questions and one Multistate Performance Test (MPT) and has a weight of 50%, the Multistate Bar Examination (MBE), which includes 200 multiple-choice questions and has a weight of 40%, and the New York Multiple-Choice Test (NYMC), which includes 50 multiple-choice questions and has a weight of 10%. Using these weights, the scores on each component of the NY bar exam (the MBE, the Essay, and the NYMC) are combined and scaled to a 1,000-point scale. The MBE scores are multiplied by 5 and the essay scores and NYMC scores are scaled to the MBEx5 scores.

The *reliabilities* of the components of the NY bar exam are all fairly high. MBE scores have a reliability of about .90. Multiple-choice tests typically have high reliabilities, and long multiple-choice tests (the MBE has 200 items) tend to have especially good reliabilities. The New York Multiple-Choice test is much shorter than the MBE, and as a result has a somewhat lower reliability, about .78. The essay component (including the MPT) has a reliability of about .80. The total score on the NY bar exam that results when the three components are combined with the appropriate weights has a reliability of about .92.

The variability in performance across groups (first-time takers and repeat takers, and the various racial/ethnic groups) was generally much larger than the differences across components of the examination within any particular group. That is, groups that did relatively well on one component (e.g., the Essay) also tended to do well on the other two components (e.g., the MBE and the NYMC), and groups that didn't do so well on one component didn't do so well on the other components.

The one noteworthy exception to this generalization was a consistent tendency for women to do somewhat better than men on the essay component (about 2 points on the MBE scale) and for men to do somewhat better than women on the MBE (about 5 points on the MBE scale); this effect was not very large on average, but it was observed consistently across racial/ethnic groups, and for first-time takers and repeat takers. These two tendencies (women doing better on the essay component and men doing better on the MBE) tended to cancel out, and as a result, women and men did about equally well in terms of their total scores on the bar examination and their pass rates.

The first-time takers did better on the examination than the repeat takers. Candidates who had already taken the examination a number of times prior to July 2005 tended to have very low pass rates. The average score for domestic-educated first-time takers on the 0–1,000 scale was about 727 (145.4 on the MBE scale), and the average total score for domestic-educated repeat takers was about 624 (124.8 on the MBE scale), a difference of over one hundred points on the 1,000-point scale (about 21 points on the MBE scale).

Table 1

JULY 2005 NEW YORK BAR EXAMINATION, SCORE MEANS FOR RACIAL/ETHNIC GROUPS, DOMESTIC-EDUCATED FIRST-TIME TAKERS

Race/Ethnicity	MBE Scaled Score x 5*	Essay Scaled Score	NYMC Scaled Score	Total NY Bar Score
Caucasian/White (n = 4,818)	736 (72)	737 (68)	730 (75)	736 (62)
Asian/Pacific Islander (n = 740)	713 (74)	719 (73)	712 (78)	716 (65)
Black/African American (n = 430)	673 (67)	679 (67)	671 (82)	676 (59)
Hispanic/Latino (n = 214)	700 (82)	707 (68)	702 (78)	703 (67)
Total** (N = 6,585)	727 (74)	729 (71)	722 (78)	727 (64)

*MBE Scaled Score x 5 is the MBE scaled score (on a 0–200 scale) multiplied by 5 so that it is in a 0–1,000 range, similar to the total NY bar exam score.

**Total includes racial/ethnic groups with fewer than 20 candidates, which are not separately listed in the table.

NOTE: The numbers in parentheses are the standard deviations for each group on each bar exam component and total scores.

The average total score for domestic-educated repeat takers decreased systematically as the number of previous attempts increased. Domestic-educated second-time takers had an average of about 635 (127 on the MBE scale), third-time takers had an average of about 627 (125.4 on the MBE scale), and fourth-time takers had an average total score of about 620 (124 on the MBE scale).

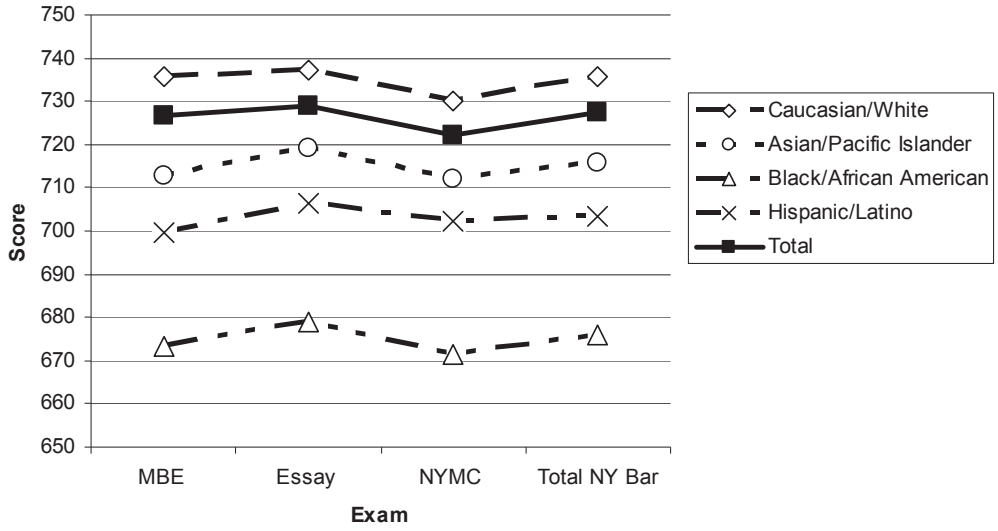
For the domestic-educated candidates taking the NY bar exam for the first time in July 2005, the racial/ethnic groups exhibited large differences in their average bar exam scores. Table 1 reports on the average bar exam scores for the four groups with fairly large sample sizes for the July 2005 administration of the NY bar exam. The Caucasian/White group had the highest average total score, 736 (147.2 on the MBE scale), followed by the Asian/Pacific Islander group, the Hispanic/Latino group, and the Black/African American group, which had an average score of 676 (135.2 on the MBE scale). The *standard deviation* (SD) for each group (shown in parentheses below the average score in Table 1) indicates the spread in the scores for the group, with about 68% of the group's scores within one SD of the *mean*. Note that the difference between the highest average score and the lowest average score across the groups is 60 points. For the domestic-educated candidates repeating the examination in July 2005, the differences across racial/ethnic groups were much less pronounced, with the averages ranging from about 631 (126.2 on the MBE scale) to about 613 (122.6 on the MBE scale).

A second point to notice in Table 1 is the relative consistency in each group's performance across the three subtests. The largest difference across the MBE, the Essay, and the NYMC for any of the groups is 8 points (1.6 points on the MBE scale), which is much smaller than the between-group differences on the subtests or on the total score.

Figure 2 presents essentially the same results as Table 1 in graphic form. Note that the profile of average scores for each group is relatively flat, and the variation across the subtests is much smaller than the

Figure 2

JULY 2005 NEW YORK BAR EXAMINATION, SCORE MEANS FOR RACIAL/ETHNIC GROUPS, DOMESTIC-EDUCATED FIRST-TIME TAKERS



range of differences across the groups. The groups with relatively high or low total scores had correspondingly high or low scores on all of the subtests.

As noted earlier, the difference in average total bar scores between men and women was relatively small. For domestic-educated first-time takers, the average total bar examination score was about 731 (146.2 on the MBE scale) for men and about 724 (144.9 on the MBE scale) for women.

The pass rates for the July 2005 administration reflected the average scores for different groups. The differences in pass rates were quite large across the racial/ethnic groups, with the Caucasian/White first-time takers having the highest pass rate (about 87%), and the Black/African American first-time takers having the lowest pass rate (about 54%), while the differences between men and women were quite small (about 85% for men and 82% for women).

Among the domestic-educated candidates, the repeat takers, as a whole, had much lower pass rates (about 23%) than the first-time takers (83%), and the repeat takers' pass rates tended to get lower as the number of previous attempts increased. Those who were repeating for the first time had higher pass rates (about 32%) than those repeating for the second time (about 26%), who in turn had higher pass rates than those who were repeating for the third or more times.

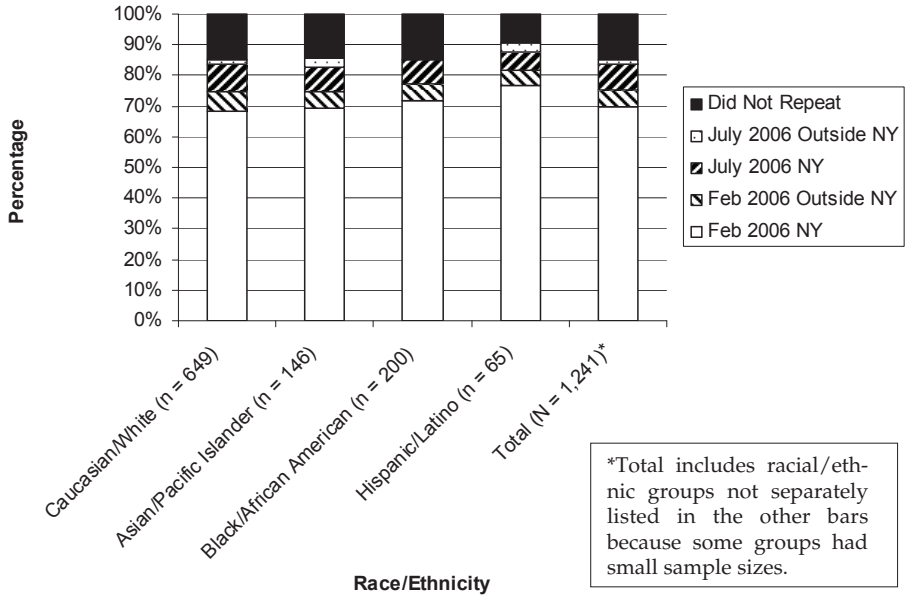
PERSISTENCE RATES OF CANDIDATES WHO FAILED IN JULY 2005

As expected, the domestic-educated candidates who failed the NY bar exam in July 2005 tended to retake the bar exam in 2006. Of the 1,241 domestic-educated candidates who failed the NY bar exam for the first time in July 2005, a total of 1,056 were identified as having retaken a bar examination in New York or another jurisdiction by July 2006. So at least 85% of the first-time-failing candidates repeated a bar examination by the following July.

Persistence is reported in Figure 3 for the total group and for the four racial/ethnic groups that had substantial numbers of candidates who failed for the first time in July 2005. Each bar corresponds to a particular group of candidates, with pieces of

Figure 3

NEW YORK BAR EXAMINATION, PERCENTAGES REPEATING IN FEBRUARY 2006 OR IN JULY 2006 FOR RACIAL/ETHNIC GROUPS, DOMESTIC-EDUCATED CANDIDATES FAILING FOR THE FIRST TIME IN JULY 2005



the bar corresponding to percentages not repeating, repeating in February 2006 in New York, repeating in February 2006 outside New York, repeating in July 2006 in New York, and repeating in July 2006 outside New York.

Overall, at least three-quarters of the domestic-educated candidates who failed the NY bar exam for the first time in July 2005 repeated a bar examination in February 2006. Although there are some differences in the percentages reported across groups, these differences are relatively small.[5] The Hispanic/Latino group had the highest persistence level in February 2006, but the difference between this group's level and the next-highest level is not large and may be due to sampling variability.

About 10% of the domestic-educated candidates who failed the NY bar exam for the first time in July 2005 repeated a bar examination in July 2006. This percentage is substantially smaller than the percentage of those repeating in February 2006. Candidates who repeated tended to do so at the next bar exam administration.

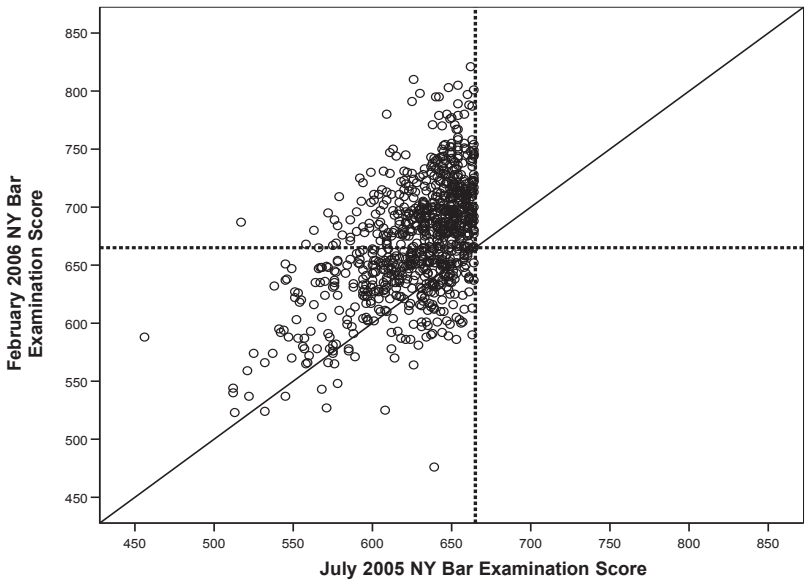
Note that these persistence rates are probably underestimates for a number of reasons. Some candidates could have taken a bar examination in 2006 in a different jurisdiction without being matched to the candidates who took the NY bar exam in July 2005. Of the 93 candidates who did not repeat the NY bar exam as of July 2006 after failing for the first time in July 2005, but were identified as taking a bar examination in another jurisdiction, 46 (or just under half) took the New Jersey Bar Examination. Some candidates who took both the NY bar exam and the New Jersey bar exam in July 2005 could have failed in New York and passed in New Jersey; such candidates would be classified in the study as having failed, and assuming that they did not take a bar examination in 2006, they would also be classified in the study as not persisting.

SCORE CHANGES BETWEEN JULY 2005 AND FEBRUARY 2006

Domestic-educated first-time takers who failed in July 2005 and retook the examination in February 2006 improved their scores by about 44 points (8.8 on the MBE scale) on average. However, some candidates achieved much larger increases and some candidates suffered declines in their scores between July

Figure 4

NEW YORK BAR EXAMINATION SCORES IN FEBRUARY 2006 VERSUS SCORES IN JULY 2005, DOMESTIC-EDUCATED FIRST-TIME TAKERS FAILING IN JULY 2005 AND REPEATING IN FEBRUARY 2006



Note: The diagonal line indicates the location of points for candidates with the same scores in July 2005 and February 2006. Points above this diagonal line indicate candidates whose scores improved between July 2005 and February 2006, and points below this diagonal indicate candidates whose scores decreased.

2005 and February 2006. The average scores increased on all three of the subtests (MBE, Essay, and NYMC), with the largest increase in the Essay scores and the smallest increase in the NYMC scores.

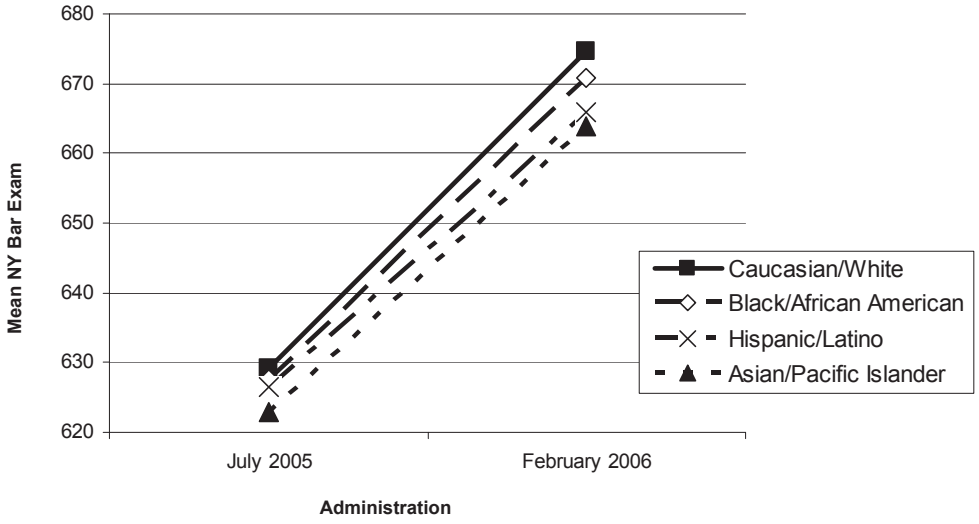
Figure 4 shows the relationship between individual candidate scores in July 2005 (on the horizontal or X axis) and scores on the February 2006 administration (on the vertical or Y axis) for candidates who took the NY bar exam for the first time in July 2005. Figure 4 illustrates a number of issues. First, there are no points corresponding to July 2005 scores greater than 665, or 133 on the MBE scale (i.e., to the right of the dotted vertical line); candidates with July 2005 scores greater than 665 would have passed and therefore would not have repeated the NY bar exam in February 2006.

Second, although there is a clear tendency for candidates with relatively high scores in July 2005 to get relatively high scores in February 2006, and for candidates with relatively low scores in July 2005 to get low scores in February 2006, the relationship is far from perfect. Some candidates with relatively high scores in July 2005 received relatively low scores in February 2006, and some candidates with relatively low scores in July 2005 received fairly high scores in February 2006. The diagonal line in Figure 4 indicates where the points would fall if the candidates received exactly the same scores in July 2005 and February 2006. The fact that most of the points are above the diagonal line indicates that most of the candidates who failed the NY bar exam for the first time in July 2005 received higher scores when they repeated the examination in February 2006, and in many cases the increases were quite substantial.

The dotted horizontal line in Figure 4 represents the passing score of 665 (133 on the MBE scale) for February 2006. For each of the points above this line, the candidate would have failed in July 2005 and passed in February 2006. The chances of passing in February 2006 are much better for candidates who

Figure 5

MEAN NEW YORK BAR EXAMINATION SCORES JULY 2005 TO FEBRUARY 2006 FOR RACIAL/ETHNIC GROUPS, DOMESTIC-EDUCATED CANDIDATES FAILING FOR THE FIRST TIME IN JULY 2005 AND REPEATING IN FEBRUARY 2006



had scores close to the passing score in July 2005 than they are for candidates who had scores far below the passing score in July 2005.

For the domestic-educated first-time takers who failed in July 2005, the average scores in July 2005 and in February 2006 were fairly consistent across the racial/ethnic categories, as illustrated in Figure 5; scores increase for each group and do so at a similar rate. The differences in change scores among these groups were not large enough to be statistically meaningful and were quite small compared to the differences in average scores across racial/ethnic groups that were found for all domestic-educated first-time takers in July 2005.

PASS RATE CHANGES BETWEEN JULY 2005 AND JULY 2006

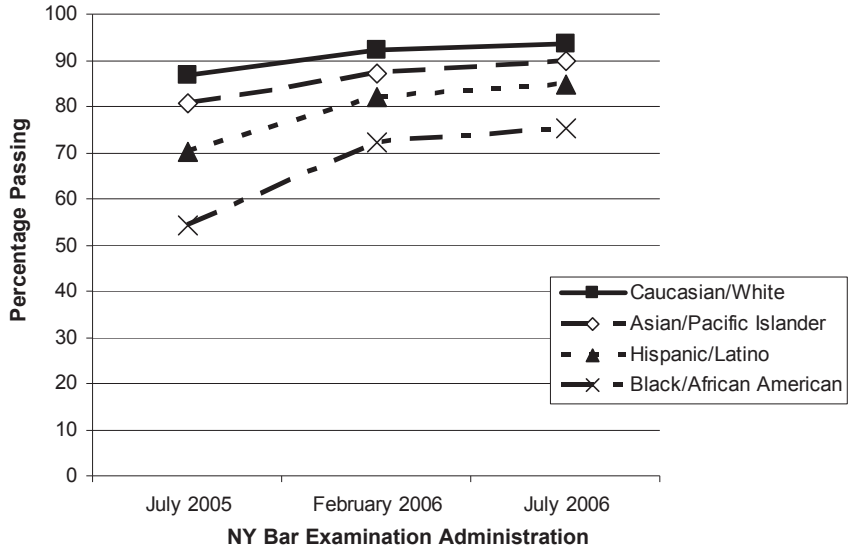
The candidates who failed the NY bar exam for the first time in July 2005 had opportunities to retake the NY bar exam in February and July 2006, and the cumulative pass rates necessarily increased or remained the same from July 2005 to February 2006 and July 2006.

The domestic-educated first-time takers who failed in July 2005 generally retook the NY bar exam in February 2006 and/or July 2006 (about 85% persisted in 2006), and achieved pass rates of about 57% in February 2006 and about 32% in July 2006. As a result of the high persistence rates of the first-time-failing candidates and their substantial pass rates when retaking the bar exam, the cumulative pass rates for the July 2005 first-time takers increased from about 83% in July 2005, to almost 90% in February 2006, and to just over 91% in July 2006. The increase was quite substantial from July 2005 to February 2006, but the additional increase from February 2006 to July 2006 was relatively modest.

The initial pass rate was slightly higher for domestic-educated first-time-taking men than for similarly situated women candidates (84.0% vs. 82.2%), and this difference of 1.8 percentage points shrank a bit between July 2005 and July 2006. By February 2006, the difference in cumulative pass rates was 1.4 percentage points (90.4% vs. 89.0%), and by July 2006, the difference was 1.0 percentage point (91.7% vs. 90.7%).

Figure 6

JULY 2005 NEW YORK BAR EXAMINATION EVENTUAL PASS RATES: JULY 2005 TO JULY 2006 FOR RACIAL/ETHNIC GROUPS, DOMESTIC-EDUCATED FIRST-TIME TAKERS



Among the first-time takers who failed in July 2005, the different racial/ethnic groups were similar in their persistence rates, in their average scores in July 2005, and in their average improvement in scores between July 2005 and February 2006. As a result, the differences in pass rates observed across racial/ethnic groups for the first-time takers in July 2005 diminished as the failing candidates had a chance to repeat the exam in February 2006 and then in July 2006. However, the differences in cumulative passing rates across racial/ethnic groups were still fairly large as of July 2006. While the cumulative pass rates for the Caucasian/White first-time takers increased by 6.6 percentage points, from 86.8% in July 2005 to 93.4% as of July 2006, and the cumulative pass rates for the Black/African American first-time takers increased by 20.9 percentage points, from 54.2% in July 2005 to 75.1% as of July 2006, the cumulative pass rate for the Black/African American group was still over 18 percentage points lower than that of the Caucasian/White group as of July 2006. Figure 6 displays these cumulative pass rates by racial/ethnic group.

Note that the candidates who failed in July 2005 and were not identified as persisting in New York (for whatever reason) are counted as not passing as of February 2006 and July 2006. Thus, they are included in the denominators in computing the pass rates, but they have no chance of contributing to the numerators because they did not take the New York bar exam in 2006. Some of these candidates were identified as taking bar examinations in different jurisdictions. Some may have already been admitted to the bar in other jurisdictions in July 2005 without being identified as having done so. Some may have decided not to practice law in the United States. If the non-persisters were removed from the calculations, the denominators would get smaller, and the pass rates would increase. The total pass rate for first-time takers who failed in July 2005 and repeated in February 2006 was 89.5%, and would increase to 93.1% if the non-persisters were excluded from the analysis. The total pass rate as of July 2006 was 91.1% and would increase to 94.7%. The pass rates increase by about 3.6 percentage points if the non-persisters are excluded from the analysis. These adjusted pass rates are probably overestimates of the pass rates and the original unadjusted pass rates are almost certainly underestimates. So the total pass rate as of July 2006 is probably between 91.1% and 94.7%.

The various subgroups all exhibited increases in pass rates when the non-persisters were removed from the calculations of the cumulative pass rates as of February 2006 and July 2006. The Caucasian/White pass rate as of July 2006 increased from 93.4% to 96.3%. The Asian/Pacific Islander pass rate as of July 2006 increased from 89.8% to 93.9%. The Black/African American pass rate as of July 2006 increased from 75.1% to 82.6%. The Hispanic/Latino pass rate as of July 2006 increased from 84.8% to 89.3%.

Characteristics of Candidates Who Failed in July 2005 and Passed in 2006

In examining the differences between July 2005 first-time-failing candidates who persisted and passed in 2006, those who persisted and failed, and those who did not persist, we found that the candidates who had July 2005 bar exam scores that were close to 665 had a better chance of passing the NY bar exam if they retook the bar exam in February 2006 or July 2006 than those with relatively low bar exam scores in July 2005. Also, July 2005 first-time-failing candidates who persisted and passed within a year of the first exam tended to have done somewhat better on a range of indicators of academic preparedness than those who persisted and failed. The candidates who persisted and passed in 2006 had higher average undergraduate GPAs, higher average LSAT scores, higher average law school grades (using two *scaling* methods), and higher average bar exam scores on their first attempt in July 2005 than the candidates who persisted but did not pass in 2006.

Those who did not persist (i.e., were not identified as having taken a bar exam in 2006) exhibited average academic achievement profiles that were not as good as those of candidates who persisted and passed, but were better than those of candidates who persisted and failed. It would be interesting and useful to find out more about why candidates did not persist in 2006.

Relationship Between Cumulative Pass Rates and Prior Achievement

Analyses of the relationship between a candidate's chances of passing the bar examination in July 2005, by February 2006, and by July 2006 and his or her prior achievement[6] suggest that performance in law school as measured by law school GPA is strongly related to the probability of passing the NY bar exam on the first try and to the probability of passing within a year of the first try. In general, performance in law school, as measured by law school GPA, was the best predictor of performance on the bar examination, accounting for about 40% to 47% of the *variance* (or variability) in bar examination scores (depending on the specific model employed).[7] Adding information about undergraduate GPA and LSAT scores (in addition to law school GPAs) to the prediction equations improved the accuracy of the prediction to cover about 56% of the variance in bar examination scores.

Since the bar examination is intended to assess each candidate's readiness for practice in terms of his or her competence in applying basic legal principles to practice situations, and since law schools presumably assess these skills in grading students, the existence of a positive relationship between law school GPA and performance on the bar examination was not surprising. Because law school GPA is, in turn, related to performance on measures of readiness for law school (LSAT scores and undergraduate GPAs), the positive relationship between bar exam scores and scores on measures of readiness for law school was also not very surprising. It seems that the candidates who do relatively well on the LSAT and undergraduate GPA tend to do relatively well in law

school, and subsequently tend to do relatively well on the bar examination.

Conclusions

The domestic-educated first-time takers who failed in July 2005 generally retook the NY bar exam in February 2006 and/or July 2006. As a result of their high persistence rates and fairly high pass rates when retaking the bar exam, the cumulative pass rates for the July 2005 first-time takers increased from about 83% in July 2005 to almost 90% in February 2006 and to just over 91% in July 2006.

Although we found large differences in scores and pass rates across different racial/ethnic groups for the domestic-educated first-time takers in July 2005, the pass rates for the July 2005 first-time-failing candidates when they repeated in February 2006 were quite similar across racial/ethnic group and gender categories.

The differences in pass rates across various subgroups diminished as the failing candidates had a chance to repeat the NY bar exam in February and July 2006, but the differences in cumulative pass rates across some subgroups were still fairly large as of July 2006. By July 2006, the cumulative pass rate for the Caucasian/White group was between 93.4% and 96.3% and that for the Black/African American group was between 75.1% and 82.6%.

In this article, we summarized some of the results of three studies sponsored by the New York State Board of Law Examiners. Each study contains a wealth of information regarding the characteristics and performance of candidates to the New York bar, and the three studies provide an example of successful collaboration and data sharing among several groups of stakeholders, including candidates to the New York bar. The endnotes below provide links to the studies, which are posted on the Board's website.

Glossary

Mean: The average of a set of scores. Technically, the mean is defined as the sum of the scores divided by the number of scores.

Pass rate: The percentage of a group of candidates that would pass at a particular passing score.

Passing score: The total numerical score on an examination that a candidate has to achieve in order to pass the examination.

Reliability: The consistency or repeatability of the scores produced by a measurement procedure; the precision in the scores yielded by a measurement instrument. Reliability is defined as the variance in "true" scores divided by the variance in observed scores. The observed score for an individual is assumed to consist of the true score plus an error component, and therefore the variance in observed scores is equal to the variance in the true scores plus the error variance. So the reliability is always between 0.0 and 1.0. Reliability can also be interpreted as a correlation coefficient, with values between 0.0 and 1.0. Higher values for reliability reflect greater precision and less random error, and low values for reliability reflect a higher proportion of random error and therefore less precision.

Scaling: The process of transforming a set of scores on a test so that they have the same mean (or average) and same standard deviation (or spread) as scores on another test. The intent of scaling is to make the scores comparable in the sense that an average score on both tests would be about the same, the highest scores on both tests are about the same, and the lowest scores on both tests are about the same. One commonly used scaling process converts temperature from Fahrenheit to Celsius.

Standard deviation (SD): A measure of the spread in a set of scores. Technically, the standard deviation is defined as the square root of the average squared deviation from the mean. About 68% of the scores in a distribution will be within one standard deviation of the mean.

Variance: A measure of the spread in a set of scores, equal to the square of the standard deviation.

ENDNOTES

1. Kane, M., Mroch, A., Ripkey, D., & Case, S. (2006). Impact of the Increase in the Passing Score on the New York Bar Examination. Madison, WI: National Conference of Bar Examiners. http://www.nybarexam.org/NCBEREP.htm.
2. See the attached Glossary for an explanation of passing scores and other italicized terms throughout this article.
3. Mroch, A., Kane, M., Ripkey, D., & Case, S. (2007). Impact of the Increase in the Passing Score on the New York Bar Examination: February 2006 Bar Administration. Madison, WI: National Conference of Bar Examiners. http://www.nybarexam.org/NCBEREP.htm.
4. Kane, M., Mroch, A., Ripkey, D., & Case, S. (2007). New York Bar Examination Performance in February and July 2006 for Candidates Failing for the First Time in July 2005. Madison, WI: National Conference of Bar Examiners. http://www.nybarexam.org/NCBEREP.htm.
5. These results on the persistence rates for the racial/ethnic groups are consistent with the results of the LSAC National Longitudinal Bar Passage Study (Wightman, 1998). Although some data in the LSAC report were interpreted as indicating that Black/African American candidates had substantially lower persistence rates than the Caucasian/White and Asian/Pacific Islander candidates (suggesting the existence of a "persistence gap"), this conclusion resulted from a misinterpretation of the results. Basically, ratios that were not persistence rates were interpreted as if they were persistence rates. See the "President's Page" by Erica Moeser and the attached column reprinted from LSAC's LAW SERVICES REPORT, No. 2000-4, December 2000 by Rennard J. Strickland, in the February 2001 BAR EXAMINER for a more detailed explanation.
6. The data for this analysis included a subsample of domestic-educated first-time takers who failed the NY bar exam in July 2005 and had undergraduate GPAs, LSAT scores, law school GPAs, and bar examination scores available.
7. A predictor that accounts for 40 to 50 percent of the variance in an outcome measure would generally be considered a strong predictor. For comparison, LSAC scores account for about 20 to 25 percent of the variance in first-time bar examination scores, and undergraduate GPA accounts for about 10 to 15 percent of the variance in first-time bar examination scores. The SAT scores, used in college admissions, account for about 25 percent of the variance in first-year GPAs in a typical college.

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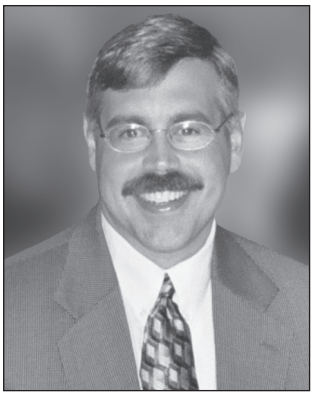

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