

PRESIDENT'S PAGE

by Erica Moeser

Another NCBE year is getting into full swing. We are looking at an ambitious agenda of long-range plans prompted by the study and reflection that has followed the publication of the job analysis that was completed during the summer of 2012. The job analysis, you will recall, posed questions about what new lawyers are actually doing in their first practice experiences as well as what knowledge and skills they perceive to be important in doing their jobs. (The job analysis resides on the NCBE website at www.ncbex.org under Publications.)



Committee is from wrestling with all these ideas. But this is only the beginning—the next year will be spent digging deeper into the work that was done last year and formulating action plans that will enable the NCBE Board to proceed to the next generation of test instruments, some of which will be refinements and some of which may be new.

Nothing precipitous is going to occur, and this is why the *Long Range Planning Committee* has been tasked with this important work. The committee members are approaching their assignments with thought and care.

Over the course of the past year, NCBE's Long Range Planning Committee, co-chaired by Diane F. Bosse of New York and David R. Boyd of Alabama, pursued investigations of such topics as whether to increase or reduce the topics covered on our tests, whether some content areas currently tested in an essay format should also be tested in a multiple-choice format, whether to extend the time allotted to the Multistate Bar Examination (MBE) to an amount greater than six hours, whether to structure our grading guidelines for the Multistate Essay Examination (MEE) and Multistate Performance Test (MPT) to explicitly grade the quality of writing, whether to assess legal research skills or legal writing skills (perhaps by separate test instruments), and whether and how to incorporate notions of professionalism into test instruments. Finally, the Long Range Planning Committee grappled with the idea of experimenting with a new type of test item format that might span the gap between essay and multiple-choice questions.

If you are breathless from reading the last paragraph, imagine how winded the Long Range Planning

There are two important developments to report via this column that are relevant to boards of bar examiners and the courts they serve. These developments intertwine. First, there is the free fall in law school applications that is now stretching across several years. While the response of many law schools has been to reduce the size of their entering classes, a number of law schools have dipped slightly lower into the applicant pool to fill seats, resulting in a downward adjustment of the mean LSAT scores and undergraduate grade point averages, two important admission credentials. Both phenomena have major implications for bar examiners.

Fewer matriculants will undoubtedly translate into fewer graduates who seek licenses a few years from now. This will affect bar examining boards that are self-funding, as many are. In addition, those matriculants who are accepted with weaker credentials are more likely to struggle with passing the bar examination. The MBE—to which most jurisdictions (correctly) scale the written portions of their examinations—provides a consistent measure over time, and a weakening of the

bar examination applicant pool will inevitably yield lower passing percentages across jurisdictions.

The reduction of law school enrollments came starkly into focus when I reviewed data furnished by the ABA Section of Legal Education and Admissions to the Bar and calculated the staggering percentage of change in law school matriculants between 2010 and 2012. (See the chart on pages 6–7.) When that information is coupled with the news that law school applications were also down for the class entering in fall 2013, the immediate future is troubling. Note in particular the figures for flagship public institutions that are already hard hit by declining state support—one must worry about the future availability of publicly supported legal education if the seats that have been eliminated are not restored. (The matriculant figures provided in the chart are those that were reported to the Section of Legal Education by the respective law schools. Information about fall 2013 matriculants will be available in spring 2014.)

The second important and related development relates to the extent to which bar admission agencies and courts permit the disclosure of name-specific bar passage information to law schools. There is a compelling need for this information to be available in that individuals contemplating the expenditure of time and money for a legal education should be able to compare bar passage rates from school to school.

Happily, as shown in the chart on page 7, 12 jurisdictions, including New York and California, already routinely share this information with all law schools from which their examinees graduated. Twenty more routinely notify in-state law schools and furnish the information to out-of-state law schools on request. Twelve jurisdictions provide the information to law schools only upon request—but they do provide it. And 12 jurisdictions do not release the information at all, although one does provide the names of passing candidates.

As law schools scramble for matriculants, and as there is already some observed slippage in the credentials necessary for admission at some schools, the bar admissions community needs to step up and provide name-specific pass/fail data to law schools, which can then in turn report their bar passage outcomes to the accreditors. This is one way to make the process honest and transparent for would-be law students. I earnestly hope that bar examiners will work to join the jurisdictions in the far left column of the chart. To the extent that NCBE can help by serving as a distribution center, we are willing to relay information for any jurisdiction that wishes to assign the administrative task to us.


As a final note, the Standards Review Committee of the ABA Section of Legal Education is in the final stages of recommending changes to the Standards that govern the accreditation of law schools. One key provision that should be of interest to bar examiners is what is now identified as proposed Standard 315. Known as the “bar passage standard,” it seeks to articulate an objective basis on which to judge if a law school is failing to produce graduates capable of passing a licensing examination. Proposed Standard 315 is a work in progress at this point, but that progress can be followed by visiting the Section’s website at www.americanbar.org.

Bar examiners and members of state courts are significant stakeholders in the decisions that are made about the language in the proposed Standard, and I encourage all with an interest in this subject to express views when the proposal is circulated.

Finally, all of these items tie together—declining numbers of law school graduates, with declining law school entrance credentials in some cases; state board budgets that are unable to adjust when applicant numbers fall; and facts and figures about one’s chances of success after the law school investment has been made—and all deserve serious thought by bar examining boards as we approach 2014.

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It is with great regret that I report that Mark Carlin, most recently Secretary of the NCBE Board of Trustees, has been compelled to resign for health reasons. Mark, who also chaired the District of Columbia bar admissions committee, rendered conscientious service to this organization since joining the Board in August 2007. We will miss him. Judge Thomas Bice, a former chair of

the Iowa Board and a member of the NCBE Board since August 2008, has been elected to serve as Secretary, and Patrick R. Dixon of California, another former state chair, has been elected to serve the two years remaining of Judge Bice's term. I look forward to working with Tom as an officer and Pat as the newest member of the Board of Trustees. 

Change in Law School Matriculants from 2010 to 2012

LAW SCHOOL	Total Matriculants			% Change, 2010 to 2012	LAW SCHOOL	Total Matriculants			% Change, 2010 to 2012
	2010	2011	2012			2010	2011	2012	
AKRON, UNIVERSITY OF	177	175	165	-6.78%	GEORGETOWN UNIVERSITY	591	579	575	-2.71%
ALABAMA, UNIVERSITY OF	161	160	149	-7.45%	GEORGIA STATE UNIVERSITY	224	223	191	-14.73%
ALBANY LAW SCHOOL OF UNION UNIVERSITY	236	235	196	-16.95%	GEORGIA, UNIVERSITY OF	248	225	188	-24.19%
AMERICAN UNIVERSITY	502	475	491	-2.19%	GOLDEN GATE UNIVERSITY	320	229	227	-29.06%
APPALACHIAN SCHOOL OF LAW	127	146	75	-40.94%	GONZAGA UNIVERSITY	183	176	132	-27.87%
ARIZONA STATE UNIVERSITY	191	168	151	-20.94%	HAMLIN UNIVERSITY	227	205	124	-45.37%
ARIZONA, UNIVERSITY OF	157	137	109	-30.57%	HARVARD UNIVERSITY	561	559	555	-1.07%
ARKANSAS, UNIVERSITY OF	138	136	133	-3.62%	HAWAII, UNIVERSITY OF	113	116	102	-9.73%
ARKANSAS AT LITTLE ROCK, UNIVERSITY OF	157	139	150	-4.46%	HOFSTRA UNIVERSITY	365	370	320	-12.33%
ATLANTA'S JOHN MARSHALL LAW SCHOOL	265	264	181	-31.70%	HOUSTON, UNIVERSITY OF	266	252	212	-20.30%
AVE MARIA	203	151	113	-44.33%	HOWARD UNIVERSITY	156	137	130	-16.67%
BALTIMORE, UNIVERSITY OF	363	328	364	0.28%	IDAHO, UNIVERSITY OF	130	130	102	-21.54%
BARRY UNIVERSITY	254	267	293	15.35%	ILLINOIS, UNIVERSITY OF	228	184	198	-13.16%
BAYLOR UNIVERSITY	183	142	143	-21.86%	INDIANA UNIVERSITY-BLOOMINGTON	250	240	201	-19.60%
BOSTON COLLEGE	261	268	245	-6.13%	INDIANA UNIVERSITY-INDIANAPOLIS	282	314	259	-8.16%
BOSTON UNIVERSITY	268	242	210	-21.64%	INTER AMERICAN UNIVERSITY OF P.R.	869	246	129	-85.16%
BRIGHAM YOUNG UNIVERSITY	150	145	140	-6.67%	IOWA, UNIVERSITY OF	203	180	155	-23.65%
BROOKLYN LAW SCHOOL	486	390	365	-24.90%	JOHN MARSHALL LAW SCHOOL	539	512	498	-7.61%
CALIFORNIA WESTERN SCHOOL OF LAW	382	283	309	-19.11%	KANSAS, UNIVERSITY OF	165	134	140	-15.15%
CALIFORNIA-BERKELEY, UNIVERSITY OF	286	254	263	-8.04%	KENTUCKY, UNIVERSITY OF	135	130	136	0.74%
CALIFORNIA-DAVIS, UNIVERSITY OF	196	192	189	-3.57%	LA VERNE, UNIVERSITY OF	166	55	44	-73.49%
CALIFORNIA-HASTINGS, UNIVERSITY OF	383	414	317	-17.23%	LEWIS AND CLARK COLLEGE	247	226	214	-13.36%
CALIFORNIA-LOS ANGELES, UNIVERSITY OF	308	319	304	-1.30%	LIBERTY UNIVERSITY	135	99	83	-38.52%
CAMPBELL UNIVERSITY	162	191	160	-1.23%	LOUISIANA STATE UNIVERSITY	222	236	199	-10.36%
CAPITAL UNIVERSITY	246	206	182	-26.02%	LOUISVILLE, UNIVERSITY OF	143	132	140	-2.10%
CASE WESTERN RESERVE UNIVERSITY	236	192	154	-34.75%	LOYOLA MARYMOUNT UNIVERSITY-LOS ANGELES	403	391	376	-6.70%
CATHOLIC UNIVERSITY OF AMERICA	274	232	141	-48.54%	LOYOLA UNIVERSITY-CHICAGO	292	274	287	-1.71%
CHAPMAN UNIVERSITY	212	160	166	-21.70%	LOYOLA UNIVERSITY-NEW ORLEANS	246	242	237	-3.66%
CHARLESTON SCHOOL OF LAW	295	224	174	-41.02%	MAINE, UNIVERSITY OF	95	91	87	-8.42%
CHARLOTTE SCHOOL OF LAW	468	529	626	33.76%	MARQUETTE UNIVERSITY	247	213	224	-9.31%
CHICAGO, UNIVERSITY OF	205	191	184	-10.24%	MARYLAND, UNIVERSITY OF	296	276	264	-10.81%
CHICAGO-KENT	310	308	286	-7.74%	MCGEORGE SCHOOL OF LAW	346	225	249	-28.03%
CINCINNATI, UNIVERSITY OF	144	119	103	-28.47%	MEMPHIS, UNIVERSITY OF	158	144	112	-29.11%
CLEVELAND STATE UNIVERSITY	195	167	140	-28.21%	MERCER UNIVERSITY	166	149	129	-22.29%
COLORADO, UNIVERSITY OF	180	163	152	-15.56%	MIAMI, UNIVERSITY OF	489	447	426	-12.88%
COLUMBIA UNIVERSITY	404	406	366	-9.41%	MICHIGAN STATE UNIVERSITY	299	307	295	-1.34%
CONNECTICUT, UNIVERSITY OF	186	181	150	-19.35%	MICHIGAN, UNIVERSITY OF	376	359	344	-8.51%
CORNELL UNIVERSITY	205	204	191	-6.83%	MINNESOTA, UNIVERSITY OF	260	246	205	-21.15%
CREIGHTON UNIVERSITY	144	135	130	-9.72%	MISSISSIPPI COLLEGE	212	214	151	-28.77%
CUNY	163	171	120	-26.38%	MISSISSIPPI, UNIVERSITY OF	199	180	157	-21.11%
DAYTON, UNIVERSITY OF	414	177	133	-67.87%	MISSOURI, UNIVERSITY OF	148	133	133	-10.14%
DENVER, UNIVERSITY OF	301	297	291	-3.32%	MISSOURI-KANSAS CITY, UNIVERSITY OF	156	149	153	-1.92%
DEPAUL UNIVERSITY	312	298	273	-12.50%	MONTANA, UNIVERSITY OF	85	85	80	-5.88%
DETROIT MERCY, UNIVERSITY OF	257	223	189	-26.46%	NEBRASKA, UNIVERSITY OF	145	128	134	-7.59%
DICKINSON SCHOOL OF LAW	228	185	162	-28.95%	NEVADA-LAS VEGAS, UNIVERSITY OF	145	140	139	-4.14%
DISTRICT OF COLUMBIA, UNIVERSITY OF THE	131	131	125	-4.58%	NEW ENGLAND SCHOOL OF LAW	393	385	450	14.50%
DRAKE UNIVERSITY	155	142	128	-17.42%	NEW MEXICO, UNIVERSITY OF	116	113	228	96.55%
DREXEL UNIVERSITY	146	147	140	-4.11%	NEW YORK LAW SCHOOL	641	488	443	-30.89%
DUKE UNIVERSITY	238	211	209	-12.18%	NEW YORK UNIVERSITY	476	450	451	-5.25%
DUQUESNE UNIVERSITY	212	191	139	-34.43%	NORTH CAROLINA CENTRAL UNIVERSITY	206	166	248	20.39%
ELON UNIVERSITY	132	130	99	-25.00%	NORTH CAROLINA, UNIVERSITY OF	254	248	238	-6.30%
EMORY UNIVERSITY	293	246	253	-13.65%	NORTH DAKOTA, UNIVERSITY OF	83	83	83	0.00%
FAULKNER UNIVERSITY	145	124	127	-12.41%	NORTHEASTERN UNIVERSITY	220	217	168	-23.64%
FLORIDA A&M	288	281	217	-24.65%	NORTHERN ILLINOIS UNIVERSITY	135	103	109	-19.26%
FLORIDA COASTAL	808	671	580	-28.22%	NORTHERN KENTUCKY UNIVERSITY	199	178	174	-12.56%
FLORIDA INTERNATIONAL	161	151	155	-3.73%	NORTHWESTERN UNIVERSITY	274	264	259	-5.47%
FLORIDA STATE UNIVERSITY	199	200	187	-6.03%	NOTRE DAME, UNIVERSITY OF	172	183	177	2.91%
FLORIDA, UNIVERSITY OF	310	295	284	-8.39%	NOVA SOUTHEASTERN UNIVERSITY	386	354	369	-4.40%
FORDHAM UNIVERSITY	477	479	433	-9.22%	OHIO NORTHERN UNIVERSITY	120	112	79	-34.17%
FRANKLIN PIERCE LAW CENTER	192	146	74	-61.46%	OHIO STATE UNIVERSITY	230	211	173	-24.78%
GEORGE MASON UNIVERSITY	303	186	147	-51.49%	OKLAHOMA CITY UNIVERSITY	224	201	172	-23.21%
GEORGE WASHINGTON UNIVERSITY	523	474	398	-23.90%					

Change in Law School Matriculants from 2010 to 2012 (continued)

LAW SCHOOL	Total Matriculants			% Change, 2010 to 2012
	2010	2011	2012	
OKLAHOMA, UNIVERSITY OF	174	153	155	-10.92%
OREGON, UNIVERSITY OF	177	183	147	-16.95%
PACE UNIVERSITY	299	242	178	-40.47%
PENNSYLVANIA, UNIVERSITY OF	250	266	243	-2.80%
PEPPERDINE UNIVERSITY	222	202	208	-6.31%
PHOENIX SCHOOL OF LAW	392	450	447	14.03%
PITTSBURGH, UNIVERSITY OF	259	230	210	-18.92%
PONTIFICAL CATHOLIC UNIVERSITY OF P.R.	289	304	244	-15.57%
PUERTO RICO, UNIVERSITY OF	197	194	196	-0.51%
QUINNIAC COLLEGE	163	123	127	-22.09%
REGENT UNIVERSITY	168	154	142	-15.48%
RICHMOND, UNIVERSITY OF	146	154	153	4.79%
ROGER WILLIAMS UNIVERSITY	198	194	151	-23.74%
RUTGERS UNIVERSITY-CAMDEN	269	282	116	-56.88%
RUTGERS UNIVERSITY-NEWARK	283	224	225	-20.49%
SAMFORD UNIVERSITY	166	152	121	-27.11%
SAN DIEGO, UNIVERSITY OF	330	300	246	-25.45%
SAN FRANCISCO, UNIVERSITY OF	281	246	220	-21.71%
SANTA CLARA UNIVERSITY	371	287	237	-36.12%
SEATTLE UNIVERSITY	324	322	284	-12.35%
SETON HALL UNIVERSITY	358	266	196	-45.25%
SOUTH CAROLINA, UNIVERSITY OF	239	213	213	-10.88%
SOUTH DAKOTA, UNIVERSITY OF	75	90	62	-17.33%
SOUTH TEXAS COLLEGE OF LAW	461	424	404	-12.36%
SOUTHERN CALIFORNIA, UNIVERSITY OF	220	199	188	-14.55%
SOUTHERN ILLINOIS UNIVERSITY-CARBONDALE	144	120	112	-22.22%
SOUTHERN METHODIST UNIVERSITY	254	232	218	-14.17%
SOUTHERN UNIVERSITY	320	258	268	-16.25%
SOUTHWESTERN UNIVERSITY	410	404	351	-14.39%
ST. JOHN'S UNIVERSITY	341	293	264	-22.58%
ST. LOUIS UNIVERSITY	334	295	205	-38.62%
ST. MARY'S UNIVERSITY	301	255	248	-17.61%
ST. THOMAS UNIVERSITY (FL)	275	251	216	-21.45%
ST. THOMAS, UNIVERSITY OF (MN)	336	171	143	-57.44%
STANFORD UNIVERSITY	180	180	180	0.00%
STETSON UNIVERSITY	360	344	296	-17.78%
SUFFOLK UNIVERSITY	563	538	528	-6.22%
SUNY-BUFFALO	219	175	203	-7.31%
SYRACUSE UNIVERSITY	252	255	243	-3.57%
TEMPLE UNIVERSITY	326	270	253	-22.39%
TENNESSEE, UNIVERSITY OF	169	160	120	-28.99%

LAW SCHOOL	Total Matriculants			% Change, 2010 to 2012
	2010	2011	2012	
TEXAS A&M	253	236	258	1.98%
TEXAS AT AUSTIN, UNIVERSITY OF	389	370	308	-20.82%
TEXAS SOUTHERN UNIVERSITY	212	219	185	-12.74%
TEXAS TECH UNIVERSITY	244	236	227	-6.97%
THOMAS JEFFERSON SCHOOL OF LAW	422	440	387	-8.29%
THOMAS M. COOLEY LAW SCHOOL	1,583	1,161	897	-43.34%
TOLEDO, UNIVERSITY OF	157	136	123	-21.66%
TOURO COLLEGE	280	260	242	-13.57%
TULANE UNIVERSITY	258	259	249	-3.49%
TULSA, UNIVERSITY OF	146	108	110	-24.66%
UTAH, UNIVERSITY OF	122	114	97	-20.49%
VALPARAISO UNIVERSITY	207	218	163	-21.26%
VANDERBILT UNIVERSITY	193	193	173	-10.36%
VERMONT LAW SCHOOL	212	151	171	-19.34%
VILLANOVA UNIVERSITY	251	218	220	-12.35%
VIRGINIA, UNIVERSITY OF	368	357	356	-3.28%
WAKE FOREST UNIVERSITY	165	185	125	-24.24%
WASHBURN UNIVERSITY	169	124	130	-23.08%
WASHINGTON AND LEE UNIVERSITY	144	121	187	29.86%
WASHINGTON UNIVERSITY (MO)	276	243	201	-27.17%
WASHINGTON, UNIVERSITY OF (WA)	186	182	176	-5.38%
WAYNE STATE UNIVERSITY	197	181	148	-24.87%
WEST VIRGINIA UNIVERSITY	137	141	140	2.19%
WESTERN NEW ENGLAND COLLEGE	168	106	108	-35.71%
WESTERN STATE SCHOOL OF LAW	242	237	144	-40.50%
WHITTIER COLLEGE	303	274	227	-25.08%
WIDENER UNIVERSITY	389	313	221	-43.19%
WIDENER UNIVERSITY-HARRISBURG	178	155	106	-40.45%
WILLAMETTE UNIVERSITY	158	141	133	-15.82%
WILLIAM AND MARY SCHOOL OF LAW	217	217	196	-9.68%
WILLIAM MITCHELL COLLEGE OF LAW	357	309	258	-27.73%
WISCONSIN, UNIVERSITY OF	246	242	215	-12.60%
WYOMING, UNIVERSITY OF	82	69	77	-6.10%
YALE UNIVERSITY	205	205	203	-0.98%
YESHIVA UNIVERSITY	382	379	374	-2.09%
TOTALS:	52,541	47,187	42,976	-18.20%
CALIFORNIA-IRVINE, UNIVERSITY OF*		89	119	33.71%
MASSACHUSETTS DARTMOUTH, UNIVERSITY OF			71	

* % Change from 2011 to 2012

Source: American Bar Association Section of Legal Education and Admissions to the Bar

Pass/Fail Disclosure of Bar Exam Results

Jurisdiction automatically discloses name-specific pass/fail information to law schools from which test-takers graduate.	Jurisdiction automatically discloses name-specific pass/fail information to in-state law schools. Out-of-state law schools must request information from jurisdiction.	All law schools must request name-specific pass/fail information from jurisdiction.	Jurisdiction does not provide name-specific pass/fail information to law schools.
CA	AR	AK	AL
CT	FL	AZ	GU
IL	GA	CO	HI
KS	IN	DC	MP
MD	KY	DE	NH*
ME	LA	IA	NJ
NE	MA	ID	OR
NY	MN	MI	PR
OK	MO	NV	PW
VT	MS	PA	SD
WA	MT	SC	VI
WI	NC	TX	WY
	ND		
	NM		
	OH		
	RI		
	TN		
	UT		
	VA		
	WV		

*Provides passing information only