

ATTACHMENT A

**Report on February Bar Pilot Project Years Two and Three:
University of Arizona James E. Rogers College of Law**

June 21, 2016

On December 10, 2012, the Arizona Supreme Court issued an Order amending Rule 34, Rules of the Supreme Court, on an experimental basis, effective January 1, 2013, until December 31, 2015. The amendment allows law students who meet certain criteria to take the Arizona bar examination during February of their third year in law school. In February 2014, the first students took the bar exam pursuant to this amendment.

In September 2014 we submitted a report to the Court describing our implementation of the experimental program. We also requested that the Court either make the reform permanent or extend the terms of the amendment to Rule 34 for an additional three years. On January 7, 2015, the Court extended the effectiveness of the amendments to Rule 34 through the February 2017 Arizona Uniform Bar Examination. The Court also ordered petitioners to file a supplemental report by June 30, 2016.

In our view, the Feb Bar pilot has been a resounding success and should be made permanent.

Statistics

	# and % pass among UA early bar takers	% pass all UA first-time takers	% pass among all first-time takers	% pass among all takers
Feb. 2014	20/24 83%	79%	71%	64%
Feb. 2015	28/35 80%	79%	66%	59%
Feb. 2016	17/24 71%	71%	61%	49%

The 24-35 students who have taken the February bar represent 20-25% of all JD students in their final year. As described below, we have made institutional changes building on the February bar initiative that inure to the benefit of all JD students.

Implementation

Unlike our sister schools, we do not impose a GPA cutoff for Feb bar takers, and we allow Law Review and Journal members to take the Feb bar. We do require each student to take a detailed individualized diagnostic assessment, designed in cooperation with one of the large commercial bar prep providers. We make that assessment available to all 3L students, whether they are taking the Feb bar or not. The assessment identifies substantive and procedural strengths and weakness for each student. One of a small group of faculty members meets individually with each student in order to review their assessments, determine whether they are ready to take the Feb bar, and to develop a plan for bar study and professional development.

Feb bar takers have several options for the January/February timeframe, when they are limited to a maximum of 2 units. We encourage them to enroll in a recently developed 2-unit course, *Pre-Bar Professional Skills Study*, designed by Professor Rob Williams. The course was designed to improve student chances for success on the bar examination, provide a path to the post-February bar experiential learning curriculum, and offer a head start on developing the fundamental skills needed for success in practice.

We encourage all Feb bar takers to take a commercial bar prep course, and we obtain a number of scholarships for students who might otherwise not be able to afford such a course.

In order to accommodate Feb bar takers, we implemented a new spring curriculum focused heavily on experiential learning. After the administration of the bar exam, we offer a menu of 8-week courses that include a heavy focus on experiential learning. These courses include *Advanced Professionalism and Law Practice*, *Trial Advocacy*, *Negotiation and Mediation Advocacy*, *Trade Secrets*, *Transactional Practice*, *Advanced Family Law Practice*, *Corporate Governance*, *IP Transactional Drafting*, *White Collar Crime: Ethics and Compliance*, and a number of government and corporate externships.

We opened these new Feb bar classes to all upper level students, with first priority to the February bar takers, and they have proven highly popular. In designing this curriculum, we formed a large working group led by Professor Susie Salmon and composed of judges, members of the bar ranging from big firm lawyers to sole practitioners to government lawyers, faculty, and students.

We have found that the Feb bar takers are on the whole very engaged in their post-bar classes. Far from "checking out," we found over the three years that the students were energized and focused. Some of them said that they felt much closer to being a member of the profession, which matched well with the experiential focus of the curriculum.

Student Outcomes

Bar Exam. In each of the three years that the Feb bar pilot has operated, the 3L students from the University of Arizona have passed the Arizona Bar Exam at a rate equal to or better than the pass rate for all U of A first-time takers, and well above the pass rate for all first-time takers.

Employment. Over the course of three years, many Arizona Law students have reported that taking and passing the February bar examination immediately improved their job prospects. For those who took the Feb bar in 2014 and 2015, nearly all were employed by the end of the summer following the bar exam. For Feb 2016 takers, as of now over 50% of those who passed the bar have jobs. Over the course of three years:

- At least two students were offered judicial clerkships shortly after the bar results were released. One noted: "You don't need to pass the bar in order to work as a clerk here, but I believe the fact that I had passed the bar made me more competitive. Passing meant that I was able to start immediately, which a number of judges desired, and I did not need to ask for accommodations while working in order to study. . . I sincerely hope that the Court continues to allow students to take the bar early."
- Many students have described the wonderful feeling of knowing that they had passed bar when they walked across the stage at graduation.
- Another noted that some of her coworkers could only work part-time because of their bar studies, while she was able "to stay on the rest of the summer and get a jump start on learning the ropes...."

- Other students have described generally the boost to their job search prospects that passing the bar has had.
- One student said he had not obtained any interviews prior to passing the bar; upon informing potential employers that he had passed the bar exam, he received several interviews with both public and private employers and a job offer within a week.
- Another reported that she got her dream job as soon as she informed her future employer that she had passed the bar exam.
- Another noted that “If I had to go back I would do it again and again . . . I truly hope this becomes a permanent measure.”
- One student noted the positive effect on his employment – a part-time job that turned into a full-time job because he had been admitted to the bar. He recommended the February bar to most of the 1Ls and 2Ls he knows.

Other Considerations.

Arizona Law students who opted to take the February Arizona bar examination over the past three years had myriad reasons. One student was expecting his second child in mid-May and planned to spend the summer as a stay-at-home dad. Another student wanted to spend the summer with her children before beginning a job in September. Other students have remarked about the money they saved by being able to begin work in May, rather than having to take out additional loans in order to spend the summer studying for the July bar exam, and the fall waiting for the results. Another student used the summer to engage in volunteer legal work. A few students intend to practice in Arizona and other non-UBE states, and so planned to take other bar exams in July. Some students who just missed a passing score in Arizona were able to take their score to another jurisdiction to be admitted.

Lessons Learned

As we have administered the diagnostic test to more students, we have learned to help them work through whether to take the Feb bar, and to develop effective study plans. We continue to find that some students wait until the last minute to complete and turn in their character and fitness materials, no matter how hard we push them to complete the materials early in the process. Although there may be reasons for an applicant not to complete the character and fitness materials – e.g., if they want a UBE score but do not plan to be admitted in Arizona – we will continue to internally track whether and when our students complete and turn in their character and fitness materials.

Evaluation

From our point of view, the three-year February Bar Pilot Project has been very successful. The students who have taken the February bar exam have reported a very positive experience, and have recommended it to their rising 3L classmates. The students remained engaged throughout their final semester of classes. The bar passage rate has ranged between 10 and 14% higher than the rate for all first-time takers. There is a great deal of excitement among students who want to sit for the February bar exam. And we continue to field inquiries from other jurisdictions considering allowing 3Ls to sit for the February bar exam.

We hope the Court will agree that the pilot should be made permanent. Because of the Court’s willingness to allow this pilot project, Arizona has led the way in allowing another avenue for students to

enter the profession. It gives students a path that allows them to enter practice sooner, and therefore to save money, and gives them a leg up in finding employment.

Recommendation

We respectfully ask that the Court make the February bar option in Rule 34 permanent.