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**Hope, Again: Hope Theory in Bar Exam Preparation**

Rebecca A. Cochran

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Hope, Again: Hope Theory in Bar Exam Preparation

Rebecca A. Cochran*

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"You may possess only a small light, but uncover it, let it shine, use it in order to bring more light and understanding to the hearts and minds of men and women. Give them not Hell, but hope and courage." John Murray (1741–1815)

I. INTRODUCTION

Even law students who begin their studies with high hope or who learned hopeful strategies during law school may find their bright futures have dimmed by graduation. This article addresses hope in law students in their final term of study and in their initial bar exam preparation after graduation. As students prepare to leave law school, hope often needs renewal, goals need rephrasing, and potential graduates may need an extreme mental make-over. Law faculty have a role to play in this final chapter, just as they did in the first semester of law school.

This article first develops further the specific characteristics, goals, and coping mechanisms of high hope people to complete the
portrait of this mindset and how it is outwardly demonstrated. Second, just as hope served as a predictor of law school success and the basis for law faculty methods to engender hope, hope and its characteristics can engage and inform both students and faculty in working toward bar exam success. Among a host of fixed, immovable bar exam predictors, a hopeful mindset is one variable that can be enhanced by law faculty while preparing students and graduates for the bar exam. Finally, the article provides specific strategies for refurbishing hope during law school bar preparation courses and during exam study.

II. THE PSYCHOLOGY AND STUDY OF THE HOPE THEORY

Martin and Rand assessed hope at the start of law school—i.e., the first semester. They noted that traditional predictors of success in law school are the student's score on the Law School Admissions Test (LSAT) and the student's undergraduate grade point average. However, they also added a third possible predictor—hope—and assessed the entering law student's level of hope using the Hope Scale. According to their findings, the Hope Scale score proved a stronger predictor of success in the first semester of law school than did the student's LSAT score, and ranked second to the undergraduate grade point average. Martin and Rand also opined that high hope entering law students also tended to have less test anxiety.

In fact, a list of the characteristics and coping skills of high hope thinkers would simultaneously describe the qualities needed to face the challenges of law school. Law schools have been termed the ideal "breeding ground" for depression, anxiety, and stress-related illnesses. The hopeful mindset Martin and Rand found


2. See id. at 209-10.
3. Id. at 211 (the study used the Adult Hope Scale, described in footnotes 38 and 39 and accompanying text).
4. Id. at 213.
5. Id. at 216. See, e.g., C.R. Snyder et al., Hope and Academic Success in College, 94 J. EDUC. PSYCHOL. 820, 820 (2002) (high hope in college students lessened test anxiety).
6. See Martin & Rand, supra note 1, at 214-17.
7. Id. at 206 (citing Ruth Ann McKinney, Depression and Anxiety in Law Students: Are We Part of the Problem and Can We Be Part of the Solution?, 8 J. LEGAL WRITING INST. 229, 229 (2002)).
in successful first semester students offered those law students an alternative law school experience.

Unfortunately, the term "hope" is such a vague and emotion-laden term that prescribing a hopeful mindset as a useful response to the study of law can raise a few eyebrows, if not outright scorn. Psychology professor Dr. C. R. Snyder, writing for a general audience on the topic in 1994, recognized clearly the dangers of talking about "this thing called hope." Dr. Snyder first defined what hope is not. Hope is not unrealistic "Pollyanna-like" thinking or optimism without plans or goals; it is not a type of learned optimism that works to minimize and limit failure; it is not a type A egocentric and hard driving personality; it is not a group of positive emotions and self-esteem; and it is not intelligence or previous achievement.

Hope, as defined and studied by Dr. Snyder, is a mental set in which we have the willpower to move toward a goal and the way-power or mental capacity to construct one or more effective plans or paths to reach that goal. Snyder’s hope studies found that people with a hopeful mind set: (A) exhibited specific, observable characteristics; (B) set certain specific types of goals for themselves; and (C) demonstrated specific types of coping skills in the face of stress and challenges.

The characteristics of high hope people include a sense of mental energy. This mental energy allows them to pursue their goals. High hope people also exhibit a specific perception of control that relies upon their own internal sources of power. They are more likely to look to their internal sources than to expect the controlling, powerful forces in their lives to be imposed upon them by external forces and people. Those with a high hope mindset perceive themselves as able problem-solvers. When under stress, they become very task oriented and turn to several and alternative ways to get to their desired goals. High hope people are competitive, but are competitive because they enjoy the chance

9. Id. at 13-27.
10. Id. at 16-24.
11. Id. at 5.
12. Id. at 10-12.
13. Snyder, supra note 8, at 47.
14. Id. at 44-45.
15. Id.
16. Id. at 45.
17. Id.
to test their skills. Their type of competition is one focused on the process of moving toward a goal, rather than the actual achievement. Part of their pleasure in competition is interacting with other people. High hope people also exhibit a healthy sense of self-esteem; however, their sense of self-esteem is shown privately, rather than publicly. Finally, high hope thinkers show a positive affect; their mental state is characterized as one of full concentration, engagement, and high energy.

Goal setting also serves to distinguish high hope thinkers. High hope people have well defined goals and create small steps in the process to achieve these goals. They are likely to believe that they will reach their goals, even when they encounter initial setbacks or impediments to their goals.

High hope people have well developed coping skills they call upon as they meet with obstacles on the path to their goals. They tend to minimize negative events, seek instead to endure, and work to stop the negative from "snowballing" into a larger negative force. They will view an obstacle—an exam or a dissertation—as one step in the process of achieving their goal, rather than as the absolute, fatal step that will put an end to all of their efforts. High hope people rely on a social network of friends they can call on in good times and bad. They are able to focus on the task at hand rather than be distracted by worry and doubts about themselves. Their coping skills often include using humor to cope with the frustrations and bumps in the road toward their goals. Sustaining and renewing hope is a key ability; prayer and exercise are both reported as methods used to clear the mind and renew hope. High hope people may tend to take better care of their health. Finally, they are observed to age well by being able to engage in their goals and exhibiting a neutral acceptance of their deaths.

18. SNYDER, supra note 8, at 45-46.
19. Id. at 46.
20. Id.
21. Id. at 46-47.
22. Id. at 47-48.
23. See Martin & Rand, supra note 1, at 217.
24. See id.
25. SNYDER, supra note 8, at 59-60.
26. Id. at 60-61.
27. Id. at 59.
28. Id. at 61.
29. Id. at 61-63.
30. SNYDER, supra note 8, at 63.
31. Id. at 63-64.
III. HOPE ENTERS LAW SCHOOL

The high hope mindset Dr. Snyder documented sounds like the ideal gift to send law students as they encounter the challenges of law school. Such a mindset might serve to help inoculate them from the documented distress and depression that the law school experience may provoke in students. The Martin and Rand study affirms the benefit of entering law school with a high hope mindset—the first semester students' Hope Scale scores served to predict their success in the first semester of law school.

Martin and Rand also suggest building a hopeful mindset by providing specific teaching techniques during first-year classes that might help to support and encourage a high hope mindset. These teaching techniques are directed at adult learners in law school. Hope Scale scores are set around age twenty and remain relatively stable throughout adulthood. However, "as adults we still are open to change in overall hope." Thus, in the law school setting, efforts to build hope in adult students, is a plausible goal.

Law school students cope with and respond to law school, which may be viewed as a series of ever-heightening hurdles. Each law student begins law school with several personal or professional goals in mind. An informal survey of law students—from first semester to final semester—produced a wide range of goals. These self-reported goals included: achieving high grades to be able to transfer to a higher ranked law school; achieving law review membership; achieving moot court team membership; achieving mock trial team membership; retaining or achieving an academic scholarship; obtaining part-time work while in law school; obtaining full time legal work after graduation; undertaking a prestigious externship; achieving recognition for pro bono service; excelling at work in a clinic; graduating in the top ten percent, top twenty-five percent, or top-half of the class; retaining personal relationships or marriage while in law school; and meeting family expectations as the first family member in professional school or as one of many in professional school. A few students will ap-

32. Martin & Rand, supra note 1, at 206 nn.7-10 and accompanying text.
33. Id. at 213. In addition, research with entering college students found that Hope Scale scores significantly predicted first semester college grades. Snyder, supra note 8, at 54.
34. Martin & Rand, supra note 1, at 230.
35. Id.
36. Snyder, supra note 8, at 68.
37. Id. at 70.
proach graduation having met many of their goals. Some will have met none of them.

Law school semesters pass and “even if students begin law school hopeful, some may lose hope as the days, weeks, and months wear on.”\(^3\) Applying hope theory to law school, the path to a goal or several goals may be blocked with the result that goal-directed, hopeful thinking can diminish to a point of indifference, or what Dr. Snyder termed “the death of hope.”\(^3\) Specific reactions to the blocked goals are influenced by the importance of the goal, if there are several goals are involved; the severity of the impediment to reach the goal; and the duration span of the blockage.\(^4\) The loss of hope progresses on a documented, defined path from “hopeful thinking, to rage and despair at the blockage of goals, to the ending point of apathy about goals in general.”\(^4\)

Hope turns into rage when important goals are blocked and remain blocked despite efforts undertaken to address the obstacles and reach the goals.\(^4\) When success as a goal—such as an academic goal—is blocked, rage may endure for minutes, hours, days, months, or even years.\(^4\) One hopeful aspect of rage is that it suggests the student is still fighting actively against the obstacles or impediments to the goal.\(^4\) While the fight continues, the higher hope students may be able to identify new ways to achieve the goal or perhaps modify the goal and move forward.\(^4\)

During law school, a student may seek the help of faculty, peers, academic support specialists, and others, to overcome the obstacles. As seen in the informal survey, success or satisfactory progress in law school involves not one, but many goals. Law school progress may involve family members, great financial hardship, and long-lasting debt.\(^4\) Law school success may also seem more “public” than other types of education. High-performing students may receive honors like law review and moot court; some future

\(^{38}\) Martin & Rand, supra note 1, at 217.
\(^{39}\) SNYDER, supra note 8, at 117.
\(^{40}\) Id.
\(^{41}\) Id. at 116.
\(^{42}\) Id. at 117-18. Rage is defined as a form of strong anger with a sharp focus. Id. at 117.
\(^{43}\) Id. at 118.
\(^{44}\) SNYDER, supra note 8, at 118.
\(^{45}\) Id.
\(^{46}\) Daniel R. Suvor, Officially Speaking: Raising Tuition vs. Access to Legal Education, STUDENT LAW., Apr. 2008, at 2 ("[A]verage law school debt load for a 2005 graduate was $83,181 for a private school and $54,509 for a public school.").
employers limit their interest in applicants by these activities and class rank.

If a way forward is not found and the obstacles remain, then over time, rage may evolve into despair.47 "Rage is an active, outward expression of goal blockage; despair is a passive, inward expression about the possible insurmountable nature of that blockage."48 The law student, who once sought help and planned new ways of resolving problems and reaching goals, retreats into cynicism about those same goals. Immobilization and defeat set in.

The person in despair continues to think about the goals not reached. When the goals remain blocked, apathy replaces despair and any thoughts about the goals have "evaporated."49 A person experiencing apathy has abandoned her or his goals; with apathy, "hope comes to a complete stop" and may remain stopped for hours or a lifetime.50

IV. HOPE FINISHES LAW SCHOOL AND PREPARES FOR THE BAR EXAM

As law students approach the last term of law school, graduation, and the bar exam, they may arrive in the classroom in states of high hope, rage, despair, or apathy. Or, they may not be able to bring themselves to arrive at all. A law school bar passage course is not universally offered or required.51 Some law students may "disappear" in their final year or final semester to avoid the whole prospect of graduation, the bar exam, and law practice. A new set of challenging goals like passing the bar exam and finding legal work will not be readily embraced by those who have already abandoned their earlier set of law school goals.

The similarities in law school goals and bar exam goals are clear to students and bar passage faculty alike. The bar exam goals will

47. Snyder, supra note 8, at 118-19.
48. Id. at 119.
49. Id. at 119-20.
51. In August 2008, the American Bar Association deleted Interpretation 302-7, which had prohibited law schools from counting the academic credit for a bar examination preparation course toward the minimum requirements established for graduation in ABA Standard 304, and also prohibited requiring the successful completion of a bar examination preparation course as a condition of graduation. See Louis N. Schulze, Jr., Balancing Law Student Privacy Interests and Progressive Pedagogy: Dispelling the Myth that FERPA Prohibits Cutting-Edge Academic Support Methodologies, 19 WIDENER L.J. 215, 245 n.169 (2009).
involve competition; few state bar exam pass rates approach 100%.52 The bar exam goals require high energy, focus, stamina, and resilience for intense study—the characteristics of high hope. Success or failure in achieving the bar passage goals is “public” in the sense that names of those who pass may be published on a website. The bar exam goals have serious financial consequences because a job offer may be conditional on passage and licensure. Bar loan payments become due whether the graduate has passed or failed the bar exam.

Bar exam faculty, therefore, face many of the same challenges with graduating students that the law faculty faced when those same students entered law school.53 At the close of law school, however, student success or lack of success in meeting law school goals is known. Law students will also likely have a sense, if not evidence, that predictors for success on the bar exam will be tied closely to their law school performance. Hope theory observes that levels of hope in adults are not inflexible; within a narrow range, levels can ebb and flow or wax and wane. Hope theory research also teaches that faculty can play an important role in maintaining and creating hope in law students.54 At the close of law school, bar exam faculty seek to engender hope in law students and graduates as they prepare for the bar exam.

The principles suggested to legal faculty to engender hope in law students may be adapted and modified to address graduating law students and law graduates.55 The principles are: “(A) help [students] formulate or reframe goals; (B) increase [students’] autonomy; (C) model the learning process; (D) help [students] understand grading as feedback rather than . . . evaluation; and (E) model and encourage agentic thinking.”56

In bar exam preparation, the last principle may also serve as the first characteristic for good bar exam preparation faculty. In order to model and encourage agentic thinking, bar exam faculty should themselves exude a confidence and sense ability to succeed.

52. 2008 Statistics, B. EXAMINER, MAY 2009, at 8-9, available at http://www.ncbex.org/fileadmin/mediafiles/downloads/Bar_Admissions/2008_Stats.pdf (Montana, the state with the highest pass rate, reported a 91% pass rate for all applicants taking the Montana Bar Exam in 2008.).
53. “Bar exam faculty” are defined as those who work with students and graduates as they prepare to sit for a bar exam. The term includes a wide range of faculty and staff within a law school and varies widely within each school in number, title, and responsibilities.
54. Martin & Rand, supra note 1, at 218-30.
55. Id. at 205.
56. Id.
Indeed, “it is difficult to model hope for others if you do not have hope yourself.”

The members of bar passage faculty working in the University of Dayton School of Law’s “Road to Bar Passage Program” took the eight-item Hope Scale inventory. All made “perfect” scores, meaning for each of eight items, the response was a 4—definitely true.

A hopeful bar exam faculty is a good start. But like the law students and graduates we teach, as weeks and months pass and bar results are reported, the faculty increasingly needs to rely on a set of well established teaching methods to model hopeful thinking consistently. Each principle articulated to engender hopeful thinking in law students is put to its own test in bar exam preparation.

A. **Reframing Goals to Offer Hope for Bar Exam Success**

The task of reframing goals for bar passage must necessarily acknowledge and build from what goals may still remain from the student’s law school goals. Among the students sitting in the classroom may be those who retain high hope, and those who have so little hope they have implicitly, if not explicitly, abandoned their goal to practice law. For all students, the goal of passing a bar exam needs to be set in a context that provides both information and hope.

To create an accurate and hopeful context, bar exam faculty can provide students with accurate and complete information about bar exam predictors and bar exam performance. Bar exam success predictors are legion; are often discussed among law students; and when left unaddressed inevitably seem to generate fear, rumor, speculation, and poor decisions in bar preparation. Fortunately, bar exam predictors have been the focus of a fair amount of research over the past decade. The Law School Admission Council published its national longitudinal study of bar passage data in 1998; it concluded that “both LGPA [law school grade point aver-

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57. *Id. at 231* (citing C.R. Snyder et al., *Hope Theory, Measurements, and Applications to School Psychology*, 18 SCH. PSYCHOL. Q. 112, 132 (2003)).

58. The eight-item Hope Scale directions state to select the number that best describes you: “1 = Definitely false”; “2 = Mostly false”; “3 = Mostly True”; “4 = Definitely true.” SNYDER, supra note 8, at 25-26. The eight items: “1. I energetically pursue my goals.”; “2. I can think of many ways to get out of a jam.”; “3. My past experiences have prepared me well for my future.”; “4. There are lots of ways around a problem.”; “5. I’ve been pretty successful in life.”; “6. I can think of many ways to get the things in life that are most important to me.”; “7. I meet the goals that I set for myself.”; “8. Even when others get discouraged, I know I can find a way to solve the problem.” *Id.*
age) and LSAT score are significantly related to bar [exam] outcomes. . . . But a model that includes only these two . . . variables leaves a substantial amount of the variability in bar examination outcomes (approximately 68 percent) still unexplained.65 Later researchers have helped to fill in some of the sixty-eight percent of bar examination variables left unexplained by the LSAC study.

Some variables appear at birth, some evolve during law school, and others develop during the window of time devoted to bar exam preparation after law school. These variables that exist beyond LSAT scores and law school grade point averages include: age,60 gender,61 race and ethnicity,62 family obligations,63 financial hardship,64 working during bar study,65 presence or absence of a “firm

59. LINDA F. WIGHTMAN, LSAC NATIONAL LONGITUDINAL BAR PASSAGE STUDY 77 (Law School Admission Council, Inc. 1998). See, e.g., STEPHEN P. KLEIN & ROGER BOLUS, ANALYSIS OF JULY 2004 TEXAS BAR EXAM RESULTS BY GENDER AND RACIAL/ETHNIC GROUP (Dec. 15, 2004), http://www.ble.state.tx.us/one/analysis_0704te.htm (“We also found that a significant portion of the differences in bar exam scores between applicants is not attributable to differences in their admissions credentials, law school grades, gender, or racial/ethnic group.”).

60. Richard Cabrera, Working to Improve: A Plan of Action for Improving the Bar Exam Pass Rate, 27 WM. MITCHELL L. REV. 1169, 1180 (2000) (including age as a risk factor after observing lower pass rates in older exam applicants and citing to LSAC Study data that older graduates had a reduced chance of passing the bar the first time, or eventually).

61. Susan M. Case, The Testing Column, Men and Women: Differences in Performance on the MBE, 75 B. EXAMINER 44, 44 (2006) (reporting results of National Conference of Bar Examiners study showing “that men outperform women on the MBE by about 5 points, which is about 1/3 of a standard deviation, . . . a difference of this size is statistically significant”); KLEIN & BOLUS, supra note 59, at 4 (“Men scored slightly higher than women on the MBE whereas the reverse was true on [the rest of the exam] . . . so that overall, men and women had virtually identical mean total scale scores.”).

62. Stephen P. Klein & Roger Bolus, The Size and Source of Differences in Bar Exam Passing Rates Among Racial and Ethnic Groups, 66 B. EXAMINER 8, 12-15 (1997) (probability for passing the same state’s bar exam is the same for applicants with close law school grade points from the same law school without regard to race or ethnicity); KLEIN & BOLUS, supra note 59, at 5 (“Using . . . racial/ethnic group designations . . . Whites and Asians had statistically significantly higher bar exam passing rates and mean bar exam test scores than their classmates.”). Douglas R. Ripkey & Susan M. Case, A National Look at MBE Performance Differences Among Ethnic Groups, 76 B. EXAMINER 21, 23-25 (2007) (discussing study of about eighty percent of the first time MBE takers of July 2006 exam reporting MBE performance with highest average in White candidates, followed by Asian, Hispanic, and Black, a pattern also occurring in pre-entry measures of UGPA and LSAT).


64. AALS Survey, supra note 63, at 454 (listing financial struggles as risk factor); Curcio, supra note 31, at 391 (listing financial problems as risk factor, especially when applicant cannot afford commercial vendor bar review courses).

65. AALS Survey, supra note 63, at 454 (listing working during bar preparation as risk factor); Cabrera, supra note 60, at 1171 (working while preparing for exam as risk factor);
intent" to practice law;\textsuperscript{66} level of effort during law school;\textsuperscript{67} law school ranking;\textsuperscript{68} seeking exam accommodations for the bar exam;\textsuperscript{69} academic services offered during law school;\textsuperscript{70} the state bar's "cut score";\textsuperscript{71} bar passage programs during and after law school;\textsuperscript{72} use of commercial bar review courses;\textsuperscript{73} diligence during

\textit{Lorenzo A. Trujillo, The Relationship Between Law School and the Bar Exam: A Look at Assessment and Student Success, 78 U. COLO. L. REV. 69, 113 (2007) (recommending that responses to bar passage issues at law school include discouraging working while studying for the bar exam); KLEIN & BOLUS, supra note 59, at 8 ("A small but statistically significant piece of the variances in bar examination scores . . . is related to whether the candidate worked for more than 20 hours during the five weeks leading up to the exam.").}

\textsuperscript{66} Denise Riebe, \textit{A Bar Review for Law Schools: Getting Students on Board to Pass Their Bar Exams}, 45 BRANDEIS L.J. 269, 310-11 (2007) (opining that students need a "firm intent" to sit for an pass a bar exam because career doubts and questioning whether they want to be lawyers "undermin[es] their bar preparation processes").


\textsuperscript{68} KLEIN & BOLUS, supra note 59, at 7 (observing that schools ranking includes LSAT scores and data organized by school reflects this, but noting that "one school's mean total bar exam scale score was 10 points higher than what would be expected on the basis of its mean LSAT score (the odds of a difference of this size occurring by chance are less than 5 in 100)").

\textsuperscript{69} AALS Survey, supra note 63, at 454 (noting risk factor of identified learning issues with requests for exam accommodations for bar exam).

\textsuperscript{70} Trujillo, supra note 65, at 110 (stating that law schools can support bar exam passage by assessing law student learning styles and providing academic services during the first year and beyond); Adam G. Todd, \textit{Academic Support Programs: Effective Support Through a Systemic Approach}, 38 GONZ. L. REV. 187, 204-11 (2003) (describing academic support program measures during law school that improved a law school's bar passage rate).

\textsuperscript{71} Gary S. Rosin, \textit{Unpacking the Bar: Of Cut Scores and Competence}, 32 J. LEGAL PROF. 67, 69 (2008) ("The broad ranges of bar passage rates and of state grading practices call into question the stewardship of the states regarding admission to the practice of law . . . But, differences in state bar exam cut scores and in MBE scaling are associated with large differences in the bar passage rates of law schools with equivalent LSAT scores.").

\textsuperscript{72} Linda Jellum & Emmeline Paulette Reeves, \textit{Cool Data on a Hot Issue: Empirical Evidence that a Law School Bar Support Program Enhances Bar Performance}, 5 NEV. L.J. 646, 648 (2005) ("Our statistical analysis supports the conclusion that a bar support program has improved the University of Richmond School of Law's bar passage rate. More specifically, the bar support program has led to a dramatic improvement for those students most at risk of failing the examination: the bottom half of the graduating class.").

\textsuperscript{73} KLEIN & BOLUS, supra note 59, at 7 (noting "almost all the applicants" in the study used one or more commercial bar review courses and benefited from activities of attending lectures, using books and study guides; also noting use of hard copy materials "had a statistically significant effect" and use of Internet lessons was not as strong as the hard copy).
bar preparation;\textsuperscript{74} and psychological factors, including self-handicapping,\textsuperscript{75} social support\textsuperscript{76} and test anxiety.\textsuperscript{77}

The message behind the list of factors: there are many and they are movable. Students are encouraged to use the list of factors to create goals for themselves that, when reached, will enhance their likelihood of passing a bar exam. Admittedly, some are rather immovable—age is always a variable targeted by student jokes. But the humor helps the discussion turn to a more hopeful frame of focus. Among this list of factors, many remain achievable or remain “on the table” for those with lower LSAT scores and with lower law school grade point averages who are initially discouraged at the prospect of bar exam preparation. When the factors are presented on a pie chart, they divided between the thirty-eight percent attributed to LSAT and law school grade point average and sixty-eight percent to the other variables. The document is titled: “Move the Movables.” Rather than hand wringing over an LSAT score achieved years earlier, the focus is on setting new goals for bar passage and supporting the goals with research and evidence to show proven paths to attain the goals.

To further enhance hope, the new bar preparation goals are framed as “learning goals” which are goals that “reflect a desire to learn new skills and master new tasks.”\textsuperscript{78} Whether highly successful in law school or not, bar exam skills and tasks are often new or novel to law students. New skills and tasks are a chance to

\textsuperscript{74} Keith A. Kaufman et al, \textit{Passing the Bar Exam: Psychological, Educational, and Demographic Predictors of Success}, 57 J. LEGAL EDUC. 205, 218 (2007) (“The number of practice tests taken prior to their first bar exam related significantly to first-time performance . . . . In fact, on average, graduates who passed the bar exam on their first try took almost twice as many practice tests as did those who failed.”).


\textsuperscript{76} Irwin G. Sarason, \textit{Test Anxiety, Stress, and Social Support}, 41 J. PERSONALITY 101 (1981) (discussing social support research finding social support can come from peers or teachers and has an especially positive effect on highly-anxious subjects and seems to reduce anxiety and self-preoccupation).

\textsuperscript{77} Douglas H. Powell, \textit{Behavioral Treatment of Debilitating Test Anxiety Among Medical Students}, 60 J. CLINICAL PSYCHOLOGY 853 (2004) (discussing study of medical students with test anxiety when taking series of medical licensing exams; finding anxiety may create a “dual deficit” by affecting both test preparation and test performance). \textit{See also} PETER BECKER, \textit{FEAR REACTIONS AND ACHIEVEMENT BEHAVIOR OF STUDENTS APPROACHING AN EXAMINATION, IN ACHIEVEMENT, STRESS AND ANXIETY} 275, 287 (Heniz Krohne & Lothar Laux, eds., 1982) (finding aversion to, dislike, and fear of an exam contributes to improper and inconsistent preparation and suggesting simulated exams and feedback as responses).

\textsuperscript{78} Martin & Rand, \textit{ supra} note 1, at 218-219 (stating that goal reframing includes helping law students formulate learning rather than performance goals.)
build on or to create skills not fully developed in law school. A series of twenty\textsuperscript{79} or thirty-minute\textsuperscript{80} essays written back to back over a period of a six-hour day; performance tests spanning ninety minutes;\textsuperscript{81} and two- to three hundred multiple choice items, requiring an average of 1.8 minutes on each item,\textsuperscript{82} are daunting but different, and they will often require all takers to build new skills. The new tasks that lie ahead can be a leveling field that offers hope and renewed determination to bar exam students regardless of LSAT score and law school grade point average.

After initially reframing goals, then comes the task of encouraging concrete, rather than abstract, goals.\textsuperscript{83} “Passing the bar the first time” makes for a general goal, but without a detailed plan to reach specific goals set out on a timeline. Law faculty may have offered this support in law school by way of syllabi and other suggestions, but bar study may bring emphatic, detailed, or conflicting suggestions and schedules for study. Similar to the first semester of law school, specific plans and advice for reaching the goal of first time bar passage come from sources near and far: the graduates who sat last year; mothers, fathers, cousins, and other lawyer family members and friends; commercial bar vendors who distribute detailed study schedules and specific numbers of practice questions to perform; the lawyers at the firm where the student works; faculty members who recall their efforts of five, ten, or twenty years ago; and the list goes on. The barrage of these very concrete plans to reach the goal of bar passage can be numbing and result in mistrust and frustration.

The bar passage faculty can assist in offering concrete goals and timelines by basing them on reliable evidence gathered from more


\textsuperscript{81} National Conference of Bar Examiners, The Multistate Performance Test (MPT), http://www.ncbex.org/multistate-tests/mpt/ (last visited Mar. 25, 2010). MultiState Performance Tests (MPT) are written and offered to jurisdictions by the National Conference of Bar Examiners (NCBE). \textit{Id.}


\textsuperscript{83} Martin & Rand, \textit{supra} note 1, at 26-27.
than a few family members or law school faculty. Each year detailed surveys are sent to graduates who have taken a bar exam. The survey is sent to graduates after the exam, but before results are released. The questions asked have changed since the initial survey in 2003, but the information gleaned works, in part, to build a detailed picture of a bar exam study schedule. By compiling survey results, the bar passage faculty in 2010 can support student planning for bar passage goals with specific information gleaned from hundreds of graduates from the same law school over the past seven years who passed the bar exam the first time they sat and who did not pass the first time they sat. The new bar exam students are encouraged to “reverse engineer” and account for their own strengths and weaknesses. For example, if the surveys indicate the average number of multiple choice items practiced by first time passers is 1900, then a plan for the next two months will include a specific number each day to reach the goal. Or the goal may be adjusted if multiple choice questions pose a larger challenge to an individual student.

The surveys also help the next group of bar takers to formulate other goals beyond numbers. Survey narratives may describe any number of specific methods the graduates used during bar study to formulate goals and maintain hope. Rather than relying on other sources to create detailed goals for them, the bar exam students rely on not just a few resources, but hundreds of detailed responses from graduates who received much the same education at the same institution and who passed the bar the first time they sat.

Bar exam students struggle to view bar exam study as getting something accomplished (an “approach goal”) instead of “trying to prevent something from happening” (an “avoidance goal”). It is nearly impossible not to view the goal as prevention—trying not to fail the bar exam when failure has such large consequences. One approach goal that has evolved is the “dragon slayer approach,” as applied to certain areas of the law. Whether these areas are challenging to all or some bar exam students, annually some heavily tested bar topic drives bar exam students to distraction. These include, among others: the rule against perpetuities, the statute of frauds, damages, void and voidable title, and others. The challenge is to slay a dragon—to master a topic never really under-

84. Martin & Rand, supra note 1, at 222-23.
85. This term developed among bar exam students and became part of the program vocabulary.
stood in law school that now returns to haunt during bar exam study. Bar exam students report or announce a particularly useful chart, diagram, or fact pattern they created that finally explains this area of the law. Frequently these documents are preserved and shared with the next group of bar exam students to encourage an approach of mastery rather than failure prevention.

B. Offering Student Autonomy within the Confines of Bar Exam Study

Because hope "correlates positively with perceptions of control," law school faculty are advised to provide or to promote the perception of greater student control in law school teaching. Student autonomy may be minimal in law school and bar exam study alike. Although the name is unfortunate, "choose your poison" is another technique used in bar exam preparation. Surveyed bar exam students list the types of activities and strategies they engaged in during the course of their study. This list is then offered to next group of entering bar exam students. It includes: reading outlines; viewing the "talking head," as the taped vendor lectures are termed; writing flashcards; writing outlines; drawing flow-charts or diagrams; outlining essay answers; writing out full essay answers; taking multiple choice items from released exams and vendor simulations; outlining performance test answers; writing out performance tests in full; meeting with others to share teaching a topic; reading texts on approaches and strategies to memorizing or taking a particular exam format; physical exercise; talking to a supportive person; listening to music; or other activities deemed to be study breaks or rewards. During weeks and months of bar preparation, bar exam study is like the radio station that plays jazz music—it plays jazz all day, every day, all year round. But reminding bar exam students that they are choosing the order and rotation of their bar study tasks for any given study day's agenda can help give the perception of control over their own learning.

86. Martin & Rand, supra note 1, at 223.
87. Over the several years of bar passage work, this descriptive label evolved among students and entered the program's vocabulary.
C. Explicitly Modeling and Detailing Bar Exam Learning

To engender hope during bar exam study, bar exam faculty should explicitly encourage students to develop step by step processes in response to each question format. Similar to the “think aloud” processes used in law school to model legal analysis, the process in bar exam preparation also serves the goal of combating exam anxiety or panic. The bar exam students are encouraged to develop detailed, stepped processes, and offered a variety of samples to consider. Multiple choice questions in particular generate different approaches as debates arise over details like whether to review the four choices before reading the fact pattern, to view the four choices like true or false statements, to look for the correct answer first, or to eliminate ones seen as incorrect. By experimenting with different processes, a preferred approach is settled on for consistent use. Each exam taker may have a slightly different set of steps, but each will articulate a detailed process to use. Thus, on exam day, the process will support each question’s reading and analysis whether it is the first multiple choice question or the last, the first essay of the morning, or the twelfth essay at the end of the day.

Trial and error plays a role as exam takers’ complete practice questions not only to learn and test content, but to fine tune the question-taking process. Again, advice from other sources seems to be freely offered: the best “tricks” to use for each question format are discussed non-stop, and legends of bar exams past and other folklore surfaces. Bar exam faculty instead should turn the focus on the bar exam students, asking them to articulate aloud their own analysis as they read an essay question or multiple choice item. The process focuses the student on analysis and separates the question’s content from the analytical process they undertake in their effort to answer the question.

D. Encouraging Practice and Providing Feedback

Because practice is one variable that favors success and is a variable open to all bar exam students, bar exam faculty should emphasize practice as a means of learning content and analytical process, rather than viewing practice only as an evaluation of their progress. This dual focus or dual purpose means that scores

88. Martin & Rand, supra note 1, at 224-25.
achieved and percentages correct in practice are only one part of a larger picture.

Feedback on practice essays and performance tests maintains a goal of improvement and the need for further practice in front of the writers throughout the study period. Bar exam faculty should employ specific techniques in feedback on practice answers. First, the feedback consistently comes from a specific audience—the "five-minute" reader. Bar examiners and others typically state reading can take no more than five minutes per essay. Therefore, when faculty feedback asks the writer for numbered sub-parts, labels, or a fairly rigid organization, it is only because these are demands made by the reader who has only five minutes to devote to the essay answer.

Next, feedback acknowledges that at the time the writer is producing the essay answer, the rules of law in the answer may be weak. Having reviewed all of the rules of evidence in two days, the writer may be able to spot the issues, but unable to state all the rules of law. The feedback expressly recognizes that the rules of law are still being acquired, but still insists on clear organization, following the call of the question closely, using available facts, and other requirements for a strong essay answer. The message sent is that weak knowledge of the rules is not a reason to procrastinate until the final days before the exam to begin writing practice essays. In fact, writing the essays will help the writer clarify what rules are strong and what rules still need to be acquired or fine tuned in the weeks ahead.

Feedback to bar exam writers also acknowledges explicitly the sometimes outrageous nature of bar exam questions, while still insisting on the requirements for strong essay writing. A bar exam faculty member may write: "It certainly is exciting to face seven distinct criminal acts in a thirty-minute essay! But, we still have to allot our time and space so as to completely answer the question."

In addition, bar exam faculty feedback acknowledges that bar examiners' expectations may differ from those in law school exams, but also emphasize that these expectations can be met. For example: "Yes, in this question the facts are few and a bit fuzzy, but we can't whine about that in our answer. The five-minute

reader does not want to see you wasting space informing her that there are not enough facts to reach a conclusion. Conclude on the facts you have and move on.”

Bar exam faculty typically provide frequent feedback. Some bar preparation courses require weekly essay writing. Therefore, the feedback can consistently look forward to suggest improvement in the essay by trying out a certain technique or organization to improve the essay’s format or writing, or to save time or space in the reading and writing process to be able to complete the next essay within the required time and space allotments. The expectation of the next practice essay answer communicates the belief that there will be a next practice answer submitted and that there are ways to improve each essay moving forward.

E. Modeling and Encouraging Agentic Thinking in Bar Exam Preparation

Among the variables for bar exam success open to all bar exam takers are the psychological aspects of encouraging hope and recognizing the stresses of bar exam study that undermine hope. Legal educators are encouraged to tell “stories of hope.” The narratives written on the annual bar exam surveys frequently provide stories of hope and those stories are supplemented in e-mails and phone calls after results are posted. One narrative illustrates the writer’s weaknesses and strengths as she prepared for the bar exam. She passed the first time she sat, but her story began from a position of weakness at graduation. Her introduction: “graduated in May 2007; law school GPA 2.68; class rank 125/171; very poor legal writing skills.” Her first day of bar study demonstrated that she had low hope and wanted to view one misstep as a fatal obstacle: “Actually I missed the first day of bar study. I was very upset and felt like giving up. I was having a bad day, couldn’t find my keys, and my wallet was with my keys and so I didn’t have money to call a cab to get me to the law school. I was convinced that this was an omen of my eventual bar failure. I e-mailed Prof. Cochran.”

Stories of hope are a regular, popular feature passed down to each group of bar exam takers. As they embark on their studies,

90. See, e.g., Board of Bar Examiners, The Supreme Court of Ohio, Instructions to Applicants for the Ohio Bar Examination (on file with author). Ohio Bar Exam essays are allotted thirty minutes each and written on the front and page of a lined page of paper or on laptop within a 3900 character limit. Id.
91. Martin & Rand, supra note 1, at 228.
bar faculty post stories on the bar passage website (with the authors’ permission). Whether termed stories of hope or a form of social support, the experiences of other graduates from their law school, facing similar challenges, strikes a chord with bar exam students.

Social support during bar exam study can be derived from earlier narratives, bar study peers, and bar exam faculty. The bar passage website posts announcements, materials, suggestions, and anything that works to keep bar exam students from becoming isolated.92 Brief messages are posted at regular time-tested intervals; for example, the annual “Fourth of July freak out” as the calendar turns to the month of the exam is acknowledged and addressed on the website. Because levels of hope vary among the bar exam students and high levels of stress accompany bar exam preparation, the website allows only for faculty posting, not for student posting. Students are encouraged to e-mail bar exam faculty directly rather than posting publicly on the website.

Desensitization or visualizing the experience of the days of the bar exam also offers hope and serves to reduce test anxiety. In addition to practice questions, simulated exams that mimic the test conditions and duration of the actual exams help relieve fear and anxiety in approaching the actual bar exam.93 Stamina—both mental and physical—plays a large part in the bar exam, an exam of two or three days of time-pressured performance. The simulation allows students to acknowledge the stress and prepare in advance to respond well to it.

V. HOPE, AGAIN AND AGAIN

Bar passage statistics are frequently reported in terms of “first-time” takers and “repeaters.” The ABA’s new bar passage standard explicitly recognizes the role of repeaters in formulating an ultimate bar passage rate for a law school’s graduates.94 Unfortunately, the more often graduates retake the bar exam, the less

92. Kaufman et al., supra note 74, at 216 n.53 and accompanying text.
93. See BECKER, supra note 77, at 289 (suggesting simulated exams and feedback to the exams help to reduce exam anxiety).
94. ABA Standard 301(a) states: “A law school shall maintain an educational program that prepares its students for admission to the bar, and effective and responsible participation in the legal profession.” SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, AM. BAR ASS’N, 2009-2010 STANDARDS FOR APPROVAL OF LAW SCHOOLS 19 (2009), available at http://www.abanet.org/legaled/standards/2009-2010%20StandardsWebContent/Chapter3.pdf. Interpretation 301-6 defines a “sufficient” bar pass rate for Standard 301(a) in a few alternative measurements. Id. at 19-21.
likely it becomes they will pass.\textsuperscript{95} Hope theory teaches that when one path to a goal is blocked, the next step is to look for a different pathway. For repeat takers, a different pathway may be more individualized attention in a tutoring setting with individual critique, tailored practice, and attention to particular issues such as test anxiety or stamina. Bar preparation for the repeater may offer hope similar to that of a personal coach, who offers a detailed training schedule of long runs and sprints, diet, and flexibility exercises that are developed specifically for an individual athlete who is training for a specific goal, to complete a marathon or other event or competition.

VI. CONCLUSION

Law school students may leave law school with high hope intact, enraged, in despair, or filled with apathy from the journey. Yet all arrive with the ability to “move the movables”—to move and enhance those bar success variables that remain open to improvement. Bar passage support based on the principles of the hope theory will not overcome all obstacles in the pathway to bar passage success, but it teaches a mindset and can model characteristics that aid students in forging their own paths to this goal.

\textsuperscript{95} Cabrera, \textit{supra} note 60, at 1180 n.74.