

ATTORNEY REGULATION ADVISORY COMMITTEE
EARLY TESTING REPORT
December 10, 2014

On December 10, 2012, the Arizona Supreme Court amended Rule 34, Rules of the Supreme Court, on an experimental basis to allow law students to take the Arizona Uniform Bar Examination in their third year of law school. R-12-0002. The early examination pilot began with the July, 2013 examination and continues until December, 2015. In its order, the Supreme Court tasked the petitioners and the Attorney Regulation Advisory Committee (ARC) with submission of an interim report regarding the program. ARC now files its report.

Early Examination

After the Court authorized the Early Examination Pilot, the three Arizona law schools modified their curricula to meet rule requirements, including the addition of experiential programs and exam study courses. The February, 2014 Uniform Bar Examination was the first examination in which a large number of third year students tested early. A total of 37 students participated from the three Arizona law schools, including 1 from Arizona Summit, 24 from the University of Arizona, and 12 from Arizona State University.

Performance Statistics

1. Exam Passage

A total of 397 applicants tested, with 254 passing; accordingly, the overall pass rate for the February 2014 examination was 63.7%. 33 early testers passed the examination, achieving a passing rate of 89.1%.

2. Admission to Practice

By May 31, 33% of non-early testing applicants were prepared to be, and were admitted. By May 31, 65% of early testers were prepared to be, and were admitted. By May 31, all early exam testers from Arizona Summit and Arizona State University were admitted. Of the early testers from the University of Arizona, 46% had completed the necessary steps and were admitted by May 31.

Among the issues preventing admission were failed exam, failure to submit or timely submit a Character Report, failure to take the MPRE, failure to complete the online course in Arizona law, and failure to receive/prove a JD degree.

Participant Survey

Students participating in early examination were surveyed anonymously twice, once in January as the semester began, and again immediately after results were released in May. In the earlier survey, 11% of participants voiced some dissatisfaction with law school administrators or curricula, and

indicated a lack of communication about the program at the schools. In January, 7 of 27 respondents, or 26%, indicated they would not recommend the program to others.

In the May survey, however, students voiced strong support for the program and indicated that earlier licensure and qualifying for immediate employment opportunities were primary reasons for participating. One student attached a value of \$40,000 to the ability to take the exam early, citing his earlier income and not having to borrow for living expenses between graduation and the July bar exam. In May, all survey respondents said they would recommend the program to others.

Information-Gathering and Feedback from Arizona Law Schools

On September 10, 2014, the Attorney Regulation Advisory Committee invited representatives from the three Arizona law schools to appear, answer questions, and offer input regarding the value and whether the program should be extended beyond 2015. All schools characterized their experiences as positive, and the program as promising.

1. The University of Arizona

Professor Robert Williams and student Julia Palfreyman appeared on behalf of the University of Arizona. The professor explained the curriculum and testing put into place to implement the program. A number of experiential programs were created, with the goal of more practical education. Diagnostic testing was created for January, to aid in identifying students who may need additional test prep assistance. Administrators from the University of Arizona did not screen applicants or remind applicants of admission requirements; this likely contributed to the comparatively poor readiness of applicants to be licensed as of May 31. Professor Williams indicated the school would do more to insure timely compliance with admission requirements, and would work closely to provide additional support to students who failed the exam.

2. Arizona State University

Assistant Dean Thomas Williams and Professor Judy Stinson appeared on behalf of ASU, explaining that they were pleased with their student outcomes from February 2014. Eleven of twelve participants were employed in full-time, long-term legal jobs by mid-summer. ASU enforced hour limitations as a condition for participation, screened applicants and took a mentorship approach. These administrators took a one-on-one approach to first assess motivation then shepherd applicants through administrative and testing requirements to ensure compliance and early admission. Two new courses and enhanced clinical opportunities were created to provide transition into practice.

3. Arizona Summit

Associate Dean Keith Swisher appeared on behalf of Arizona Summit. Summit adopted and will continue to require a GPA minimum for applicants, The initial program was small, based on an individualized mentoring relationship with each participant. The school expect to

continue enforcement of other criteria, including completion of an advanced writing course and a bar strategies class.

Projections for the Future

Twenty-four students from the University of Arizona participated in the February 2014, early testing. The University of Arizona will have forty-one participants in February 2015.

Twelve students from Arizona State University participated in the February 2014, early testing. Arizona State University will have twelve participants in February 2015.

One student from Arizona Summit participated in the February 2014, testing. Arizona Summit will again have one participant in February 2015.

Options

One February exam cycle has occurred since the early examination pilot project began. The February 2014, exam administration did not present administrative or implementation issues for CLD staff. As the program expands, more time is needed to ensure that rules are adequate to provide direction and structure to the program. At the time of adoption of the program, schools discussed allowing a select group of 3L students to participate. With the proposed growth, it appears that some schools are expanding to include a larger portion of their 3L students.

Lack of student engagement in the final semester proved to be a fatal flaw in Georgia's early testing program, the last broad early exam program in the US, which was discontinued in 1990. In depth information should be gathered to ensure effective student engagement during the final semester. The only information-gathering mechanism used so far has been voluntary anonymous surveys, to which every early testing applicant did not respond. In order to gather more complete information, the Court might benefit from the schools' assessing student engagement, selection criteria, communication, and administration support in a more systematic way.

Based on the limited data from the February 2014 exam, it appears that the outcomes (pass rate, admission rate and earlier employment) are consistent with the pilot program goals; however, additional exam cycles and test data is needed to draw definitive conclusions. At the September ARC meeting, Arizona law school administrators voiced support for extension of the pilot program, and/or urged that the program be made a permanent option. The school all specifically noted the need to allow significant advance planning for first and second year students in terms of targeted curriculum offerings and scheduling.

ARC recognizes two options: 1) to make early examination permanent now, or 2) continue the pilot program for at least two years, to allow more than one exam administration. The first option would formalize the program and provide assurance to schools and students that the program will exist for future students. The second option would allow the Court to continue gathering information for measurement of success and outcomes, including additional time and more widespread use of early testing. After consideration at its December 10 meeting, ARC recommends the Court adopt the second option.