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I Think I Can: How Self-Efficacy and Self-Regulation Impacts Black and Latinx Bar Examinees

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I Think I Can: How Self-Efficacy and Self-Regulation Impacts Black and Latinx Bar Examinees

Erin Lain*

This study examined experiences of bar exam takers of color who passed on either the first or the second time. The theories of self-efficacy and self-regulation served as a conceptual framework for this study and were used to shape the interview questions as well as the data analysis. Eight participants were interviewed who graduated from law school within the last five years, passed the bar exam on either the first or second time, and identified as Black or Latinx. Through analysis of the participants' interviews, nine themes emerged. Participants who passed on the first time overcame academic insecurity early on, were mindful of study strategies that worked, and found support. Participants who passed on the second attempt were isolated in studying and experienced outside distractions, but when taking the exam the second time, found their familiarity with the bar exam relieved stress. Finally, both groups found balance in studying, were aware of their ethnic and racial background, and experienced nervousness and anxiety during the exam. Each of these findings had implications for the participants' self-efficacy and self-regulation while preparing for and taking the bar exam.

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INTRODUCTION

The legal profession has been identified as the least diverse profession in the United States, with 5% of all attorneys identifying as Black and 5% identifying as Hispanic.¹ The pipeline into the legal profession is equally unrepresentative, with Black first-year law students making up 7.9% and Hispanic law students making up 12.5% of all law students.² These statistics fall short when compared to the national population, of which Blacks make up 13.4% and Hispanics 18.3%.³ Table 1 provides ethnic demographic statistics for law school applicants over a ten-year period. Trends show that the number of minority applicants is increasing, yet it is not proportional to the national population.⁴

Table 1
Ethnic Makeup of Law School Applicants from 2004-2018⁵

Year	Black	White	Hispanic	Total Minority Applicants	Total Applicants
2008	9314	52758	4813	76299	82429 ⁶
2009	9843	54522	5154	79173	86074 ⁷
2010					87476 ⁸

¹ Deborah L. Rhode, *Law Is the Least Diverse Profession in the Nation. And Lawyers Aren't Doing Enough to Change That*, WASH. POST (May 27, 2015), <https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that/> (discussing the lack of diversity in the legal profession); AM. BAR ASS'N, ABA NATIONAL LAWYER POPULATION SURVEY: 10-YEAR TREND IN LAWYER DEMOGRAPHICS, https://www.americanbar.org/content/dam/aba/administrative/market_research/National_Lawyer_Population_Demographics_2008-2018.pdf (last visited Sept. 26, 2019).

² *ABA Law School Data: JD Total FY Class Enrollment Data, Aggregate, Fall 2018*, AM. BAR ASS'N, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/2018-fall-fyclass-enrollment-gender-race-aggregate.xlsx (last visited Sept. 26, 2019).

³ *Quick Facts*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/US/PST045218> (last visited Sept. 26, 2019).

⁴ *See id.*

⁵ *Current Volume Summaries by Region, Race/Ethnicity, Sex & LSAT Score*, LAW SCH. ADMISSION COUNCIL, <https://www.lsac.org/data-research/data/current-volume-summaries-region-raceethnicity-sex-lsat-score> (last visited Sept. 26, 2019). Total minority applicants include applicants who identify as American Indian/Alaskan Native, Asian/Pacific Islander, Black/African American, Caucasian/White, Hispanic/Latino, and Puerto Rican. *See id.* at 2.

⁶ *Current Volume Summary: ABA Fall 2008 Applicant and Application Counts*, LAW SCH. ADMISSION COUNCIL 1, 2, <https://www.lsac.org/system/files/inline-files/current-volume-summary-080808.pdf> (last visited Sept. 9, 2021).

⁷ *Current Volume Summary: ABA Fall 2009 Applicant and Application Counts*, LAW SCH. ADMISSION COUNCIL 1, 2, <https://www.lsac.org/system/files/inline-files/current-volume-summary-080809.pdf> (last visited Sept. 9, 2021).

⁸ *Current Volume Summary: ABA Fall 2010 Applicant and Application Counts*, LAW SCH. ADMISSION COUNCIL 1, 2, <https://www.lsac.org/system/files/inline-files/current-volume-summary-080810.pdf> (last visited Sept. 9, 2021). The table line entry for 2010 reports only the total number of applicants because, for some reason not

2011	9101	43215	5456	66136	78881 ⁹
2012	9378	43756	7038	67486	67957 ¹⁰
2013	8508	38249	6469	62799	59426 ¹¹
2014	8118	34360	6239	57737	54527 ¹²
2015	8196	33431	6568	56724	53548 ¹³
2016	8496	35097	7371	59948	56126 ¹⁴
2017	8406	35264	7424	60263	56168 ¹⁵
2018	8956	38494	8061	65623	67226 ¹⁶

Despite increasing numbers of minority applicants, those who apply to law school are not admitted at a proportional rate. Over the past five years, the number of Black students who have matriculated to law school has decreased from 8.9% in 2013 to 7.9% in 2018.¹⁷ Hispanic and Latinx representation among law students has increased from 9.7% in 2013 to 12.5% in 2018.¹⁸ Although the increase in representation for Hispanics may be due to better admission practices, it should also be noted that the numbers of all individuals applying to law school has decreased sharply¹⁹. Additionally, neither of these percentages match general population data.²⁰

specified on the LSAC's website or in its *Fall 2010 Applicant and Application Counts* report, LSAC published only the total number of applicants, and did not break the numbers down by race or ethnicity.

⁹ *Current Volume Summary: ABA Fall 2011 Applicant and Application Counts*, LAW SCH. ADMISSION COUNCIL 1, 2, <https://www.lsac.org/system/files/inline-files/current-volume-summary-080811.pdf> (last visited Sept. 9, 2021).

¹⁰ *ABA Fall 2012 Applicant and Application Counts*, LAW SCH. ADMISSION COUNCIL 1, 2, <https://www.lsac.org/system/files/inline-files/current-volume-summary-080812.pdf> (last visited Sept. 9, 2021).

¹¹ *ABA Fall 2013 Applicant and Application Counts*, LAW SCH. ADMISSION COUNCIL 1, 2–3, <https://www.lsac.org/system/files/inline-files/current-volume-summary-080813.pdf> (last visited Sept. 9, 2021).

¹² *ABA Fall 2014 Applicant and Application Counts*, LAW SCH. ADMISSION COUNCIL 1, 2, <https://www.lsac.org/system/files/inline-files/current-volume-summary-080814.pdf> (last visited Sept. 9, 2021).

¹³ *Current Volume Summary*, LAW SCH. ADMISSION COUNCIL 1, 2–3, <https://www.lsac.org/system/files/inline-files/current-volume-summary-080815.pdf> (last visited Sept. 9, 2021).

¹⁴ *Current Volume Summary*, LAW SCH. ADMISSION COUNCIL 1, 2–3, <https://www.lsac.org/system/files/inline-files/current-volume-summary-080816.pdf> (last visited Sept. 9, 2021).

¹⁵ *Current Volume Summary*, LAW SCH. ADMISSION COUNCIL 1, 2–3, <https://www.lsac.org/system/files/inline-files/current-volume-summary-080817.pdf> (last visited Sept. 9, 2021).

¹⁶ *Current Volume Summary*, LAW SCH. ADMISSION COUNCIL 1, 4, <https://www.lsac.org/sites/default/files/media/VolumeSummaryOriginalFormat%208-8-2018.pdf> (last visited Sept. 9, 2021).

¹⁷ *See Statistics Archives*, AM. BAR ASS'N, https://www.americanbar.org/groups/legal_education/resources/statistics/statistics-archives/ (last visited Sept. 26, 2019) (These figures were calculated from the matriculation data provided on this page).

¹⁸ *See id.* (These figures were calculated from the matriculation data provided on this page).

¹⁹ *See id.* (These figures were calculated from the application data provided on this page).

²⁰ *See id.*; *See Quick Facts*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/US/PST045218> (last visited Sept. 26, 2019). (Comparing calculated ABA data on matriculation based on race and ethnicity to U.S. Census data on race and ethnicity).

A. *The Bar Exam as a Factor in the Lack of Lawyer Diversity*

The bar exam also contributes to the lack of diversity among lawyers. Studies have shown that there is a significant gap in bar passage rates based on ethnicity.²¹ The gap between White test takers and their non-White counterparts is a significant barrier to diversifying the legal profession.²² This gap has been noted in multiple articles starting in the 1970s when schools were in the middle of desegregation.²³ In 1998, the Law School Admission Council conducted a longitudinal study of bar passage rates for the nation's law school class that started in 1991.²⁴ Table 2 demonstrates the first-time bar pass rates by ethnicity.

Table 2

Number and percentage of study participants by ethnic group and first-time bar examination outcome²⁵

Ethnic Group	First-time Bar Exam Outcome		
	Pass	Fail	Total
American Indian			
Number	71	36	107
Percent*	66.36	33.64	0.46
Asian Indian			
Number	776	185	961
Percent*	80.75	19.25	4.16
Black			
Number	840	528	1,368
Percent*	61.40	38.60	5.93
Mexican American			
Number	302	96	398
Percent*	75.88	24.12	1.72

²¹ Soc'y of Am. L. Teachers, *Society of American Law Teachers Statement on the Bar Exam*, 52 J. LEGAL EDUC. 446, 450 (2002) (discussing a longitudinal study finding disparate bar results based on race. "The failure of the current bench and bar to be as diverse as they could be is partly attributable to the existing bar exam. The current examination disproportionately delays entry of people of color into, or excludes them from, the practice of law. A six-year study commissioned by the Law School Admission Council indicates that first-time bar examination pass rates are 92 percent for whites, 61 percent for African-Americans, 66 percent for Native Americans, 75 percent for Latino/Latinas, and 81 percent for Asian-Americans"); see LINDA F. WIGHTMAN, LSAC NATIONAL LONGITUDINAL BAR PASSAGE STUDY iii (1998). *But see* Richard Cabrera, *Essay: Working to Improve: A Plan of Action for Improving the Bar Exam Pass Rate*, 27 WM. MITCHELL L. REV. 1169, 1174-75 (2000) (discussing disproportionate pass rates and how rigorous research is lacking in this area to fully understand the scope of the problem.).

²² See Jane E. Cross, *The Bar Examination in Black and White: The Black-White Bar Passage Gap and the Implications for Minority Admissions to the Legal Profession*, 18 NAT'L BLACK L.J. 63, 64 (2005).

²³ Danye Holley & Thomas Kleven, *Minorities and the Legal Profession: Current Platitudes, Current Barriers*, 12 T. MARSHALL L. REV. 299, 341-43 (1987); Symposium, *The Minority Candidate and the Bar Examination*, 5 BLACK L.J. 120, 123 (1976); see Cecil J. Hunt, II, *Guests in Another's House: An Analysis of Racially Disparate Bar Performance*, 23 FLA. ST. U. L. REV. 721, 784-85 (1996).

²⁴ WIGHTMAN, *supra* note 21, at 21.

²⁵ See *id.*, at 27.

Puerto Rican			
Number	89	39	128
Percent*	69.53	30.47	0.55
Hispanic			
Number	389	131	520
Percent*	74.81	25.19	2.25
White			
Number	17,728	1557	19,285
Percent*	91.93	8.07	83.54
Other			
Number	265	54	319
Percent*	83.07	16.93	1.38
Total			
Number	20,460	2,626	23,086
Percent*	88.63	11.37	100.00

The study also followed the class through a five-year period to determine overall bar pass rates, finding that the eventual overall pass rate for bar takers of color within a five-year span was 84.7%, compared to 96.7% for their White counterparts.²⁶ Specifically, at the end of the five-year period, 82.2% of American Indian, 91.9% of Asian American, 77.6% of Black, 88.4% of Mexican American, 79.7% of Puerto Rican, 89% of Hispanic, and 96.7% of White test takers passed the bar exam.²⁷

This study has been the only of its kind to examine a national cohort of bar exam takers for the purpose of analyzing the achievement gap based on race and ethnicity. The lack of empirical analysis on this issue has left a significant gap in understanding the pipeline to diversify the legal profession. Some have argued that reviewing and accrediting entities and test vendors have not compiled pass rates by race in order to avoid revealing disparities.²⁸ Specifically, Hunt argues that the lack of data stems from either not wanting to address a “volatile, social issue,” a concern for test taker privacy, or wanting to avoid the “appearance of impropriety or discrimination.”²⁹ Regardless of the reason for the lack of data tracking bar exam outcomes by race over time, the problem persists. Although some have argued that disparate bar passage rates are an indication of underqualified students being admitted to highly ranked schools, legal educators still have a responsibility to help students pass the bar.³⁰

²⁶ See WIGHTMAN, *supra* note 21, at viii. (84.7% is a combined calculated statistic from the results of bar takers of color)

²⁷ *Id.* at 32.

²⁸ See Cross, *supra* note 22, at 64.

²⁹ Hunt, *supra* note 23, at 727.

³⁰ See Erin Lain, *Experiences of Academically Dismissed Black and Latino Law Students: Stereotype Threat, Fight or Flight Coping Mechanisms, Isolation and Feelings of Systemic Betrayal*, 45 J.L. & EDUC. 279, 282 (2016).

The bar exam also impacts admission to law school because schools are hesitant to admit students that they believe will not be able to pass the bar exam. This creates a multifaceted apparatus that prevents diversity and equity in the legal field. Not only is the bar exam a barrier that prevents some law school graduates from practicing because they cannot pass (or it takes multiple attempts for them to pass), but it also impacts the ability for students of color to be admitted to law school. Schools are faced with growing pressure to increase their bar pass rates not only for published rankings purposes but also to meet accreditation standards. Law schools are hesitant to admit students who may adversely impact their bar pass rates.³¹ Admitting an applicant from an underrepresented group with a lower Law School Admission Test (LSAT) score and Undergraduate Grade Point Average (UGPA) becomes a losing proposition for the school. Despite understanding the need to diversify the legal profession, or the value of admitting promising students that may not fit the median academic indicators for an entering class, law schools are pressured to protect their bar pass rates because they have such a bearing on the reputation and financial stability of the schools.

B. Factors Indicating Bar Exam Success

Scholars have not developed a definitive theory as to which factors predominantly impact test takers' performance on the bar exam. Law school academic support faculty have investigated the relationship between bar passage and LSAT score, UGPA, law school final GPA, law school first-year GPA, bar-exam-tested subject courses taken, and extracurricular activities.³² A recent study found that overall law school GPA, first-year GPA, and performance in the first-year Civil Procedure course were indicators of bar exam success.³³ Other studies focusing on entering credentials, including LSAT score and UGPA, found mixed results regarding the predictive power of those credentials in relation to bar pass rates.³⁴ Similarly, Austin et al. found a moderate correlation between law school performance and success on the exam.³⁵ These studies have not focused on external measures of success to exam performance, but there is a significant gap in exploring how social cognitive theories influence bar exam success.

³¹ See William Wesley Patton, *A Blueprint for a Fairer ABA Standard for Judging Law Graduates' Competence: How a Standard Based on Students' Scores in Relation to the National Mean MBE Score Properly Balances Consumer Safety with Increased Diversity in the Bar*, 24 WASH. & LEE J. C.R. & SOC. JUST. 3, 62 (2017).

³² See Katherine A. Austin, Catherine Martin Christopher, & Darby Dickerson, *Will I Pass the Bar Exam?: Predicting Student Success Using LSAT Scores and Law School Performance*, 45 HOFSTRA L. REV. 753, 757–59 (2017).

³³ *Id.* at 768.

³⁴ See Nicholas L. Georgakopoulos, *Bar Passage: GPA and LSAT, Not Bar Reviews* 21 (Ind. U. Robert H. McKinney Sch. of Law Rsch. Paper No. 2013-30, 2014), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2308341; 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, 107–08 (2007).

³⁵ Austin et al., *supra* note 32, at 766, 783.

i. Conceptual Framework

The theories of self-efficacy and self-regulation have all been correlated with academic success for various types of students.³⁶ This study explores the nature of the participants' efficacy and regulation in relationship to their experience with preparing for and taking the bar exam. Themes were generated through the coding and analysis process for both bar exam takers of color who passed on the first attempt and bar exam takers who passed on their second attempt. This research addresses the substantial gap in the literature on student-of-color experiences on the bar exam, which is critical to understand in seeking to narrow the achievement gap.

Self-efficacy refers to a person's belief about their ability to control their functioning and events that impact their lives.³⁷ It relates to confidence in the ability to be successful in academic environments. Students' perception of their abilities influences what goals they set for themselves and how persistent they are in accomplishing those goals.³⁸ If self-efficacy is high, then a student will set ambitious goals and persist through adversity even when the tasks are hard.³⁹ Self-efficacy has been measured and correlated with student academic success throughout a host of different educational settings, including college and graduate schools.⁴⁰

Self-efficacy is developed through four sources: mastery experiences, vicarious learning, social persuasion, and physiological and emotional states.⁴¹ Mastery experiences, also known as previous authentic success, serve as one of four primary experiences that help boost self-efficacy.⁴² A person's previous experience with either success or failure helps to either raise or lower self-efficacy by changing levels of arousal. Those who have had success might feel excited by a challenge that

³⁶ See Pamela J. Gaskill & Anita Woolfolk Hoy, *Self-Efficacy and Self-Regulated Learning: The Dynamic Duo in School Performance*, in IMPROVING ACADEMIC ACHIEVEMENT: IMPACT OF PSYCHOLOGICAL FACTORS ON EDUCATION 185, 194–95 (Joshua Aronson ed., 2002).

³⁷ Albert Bandura, *Perceived Self-Efficacy in Cognitive Development and Functioning*, 28 EDUC. PSYCHOLOGIST 117, 118 (1993).

³⁸ See Albert Bandura, *Toward a Psychology of Human Agency*, 1 PERSPS. ON PSYCH. SCI. 164, 170–71 (2006).

³⁹ See Gail Hackett, *Self-efficacy in Career Choice and Development*, in ALBERT BANDURA, SELF-EFFICACY IN CHANGING SOCIETIES 240 (1995).

⁴⁰ S. Joseph Dewitz, M. Lynn Woolsey, & W. Bruce Walsh, *College Student Retention: An Exploration of the Relationship Between Self-Efficacy Beliefs and Purpose in Life Among College Students*, 50 J. C. STUDENT DEV. 19, 19 (2009); Mui Vuong, Sharon Brown-Welty, & Susan Tracz, *The Effects of Self-Efficacy on Academic Success of First-Generation College Sophomore Students*, 51 J. C. STUDENT DEV. 50, 63 (2010); see Gunnar Bjornebekk, Age Diseth, & Robin Ulriksen, *Achievement Motives, Self-Efficacy, Achievement Goals, and Academic Achievement at Multiple Stages of Education: A Longitudinal Analysis*, 112 PSYCH. REP. 771, 773 (2013); Iryna Johnson, *Female Faculty Role Models, Self-Efficacy and Student Achievement*, 51 C. STUDENT J. 151, 161 (2017).

⁴¹ ALBERT BANDURA, SELF-EFFICACY: THE EXERCISE OF CONTROL 79 (1997).

⁴² *Id.* at 80; Abram D. Anders, *Networked Learning with Professionals Boosts Students' Self-Efficacy for Social Networking and Professional Development*, 127 COMPUTERS & EDUC. 13, 15–16 (2018) (explaining that the four primary sources of self-efficacy include mastery, vicarious learning, social persuasion, and affective states. Anders defines mastery as “authentic successes with specific situations and tasks”).

relates to their previous experiences, whereas those who have had failure might be worried.⁴³

Vicarious learning refers to looking to outside sources or models for self-efficacy development.⁴⁴ In vicarious learning, people can look to peers or role models to determine how capable they are of succeeding.⁴⁵ Additionally, the model's similarity to the individual (gender, race, ethnicity) or the number of models will have an impact on vicarious learning.⁴⁶

Social persuasion refers to the feedback given to an individual.⁴⁷ Depending on the role of and the relationship to the person, the social persuasion may have differing impacts on self-efficacy. Positive feedback or encouragement will increase self-efficacy while criticism will decrease self-efficacy.⁴⁸

Finally, physiological and emotional states can impact efficacy. A person's state of arousal, such as heart rate or respiratory rate, can impact their belief that they can succeed.⁴⁹ Moderate arousal can boost performance and efficacy because the task is seen as a challenge, whereas a high level of arousal can reduce efficacy because the task is seen as a threat.⁵⁰

A learner's self-regulation refers to an individual's confidence, diligence, and resourcefulness in studying, as well as the ability to evaluate their process of studying to accomplish their academic goals.⁵¹ This refers to the way a person interacts with the external environment and factors to accomplish their internal learning.⁵² Self-regulation includes how a student controls their learning and is able to adapt when their strategies are not working.⁵³ Researchers have found that in addition to self-efficacy, self-regulation also correlates with academic success.⁵⁴

⁴³ See Gaskill & Hoy, *supra* note 36, at 187.

⁴⁴ See Olga Kozar, Juliet F. Lum, & Phil Benson, *Self-Efficacy and Vicarious Learning in Doctoral Studies at a Distance*, 36 DISTANCE EDUC. 448, 450 (2015).

⁴⁵ *Id.*

⁴⁶ Nga Thi Tuyet Phan & Terry Locke, *Sources of Self-Efficacy of Vietnamese EFL Teachers: A Qualitative Study*, 52 TEACHING & TCHR. EDUC. 73, 74 (2015).

⁴⁷ Anders, *supra* note 42, at 15.

⁴⁸ See Megan Tschannen-Moran & Peggy McMaster, *Sources of Self-Efficacy: Four Professional Development Formats and Their Relationship to Self-Efficacy and Implementation of a New Teaching Strategy*, 110 ELEMENTARY SCH. J. 228, 229 (2009).

⁴⁹ *Id.* at 230–31; see SELF-EFFICACY: THE EXERCISE OF CONTROL, *supra* note 41, at 106.

⁵⁰ Tschannen-Moran & McMaster, *supra* note 48, at 230-31.

⁵¹ Barry J. Zimmerman, *Self-Regulated Learning and Academic Achievement: An Overview*, 25 EDUC. PSYCHOLOGIST 3, 4–5 (1990).

⁵² See Dale H. Schunk & Barry J. Zimmerman, *Influencing Children's Self-Efficacy and Self-Regulation of Reading and Writing Through Modeling*, 23 READING & WRITING Q. 7, 8, 13 (2007).

⁵³ *Id.*

⁵⁴ Myron H. Dembo & Martin J. Eaton, *Self-Regulation of Academic Learning in Middle-Level Schools*, 100 ELEMENTARY SCH. J. 473, 474 (2000); Anastasia Kitsantas, Adam Winsler, & Faye Huie, *Self-Regulation and Ability Predictors of Academic Success During College: A Predictive Validity Study*, 20 J. ADVANCED ACAD. 42, 60–61 (2008); see Filiz Yalcin Tilfarlioglu & Aysel Busra Ozdinc Delbesoglugil, *Questioning Academic Success Through Self-Regulation, Self-Esteem and Attitude in Foreign Language Learning (A Case Study)*, 4 THEORY & PRAC. LANGUAGE STUD. 2223 (2014); Barry J. Zimmerman, *Attaining Self-Regulation: A Social Cognitive Perspective*, in HANDBOOK OF SELF-REGULATION 18 (Monique Boekaerts, Paul R. Pintrich, & Moshe Zeidner eds., 2000).

ii. Methodology

This study was conducted through the phenomenological research method, meaning that the participants' lived experiences of preparing for and taking the bar exam were recorded through in-depth interviews.⁵⁵ The researcher's institution granted approval for this study through the Institutional Review Board (IRB) process, and participants were recruited through a variety of methods including the snowball, criterion, and emergent techniques.⁵⁶ Various law school stakeholders, such as academic success professionals, associate deans, and attorneys of color from around the United States, were contacted in order to find participants who met the criteria and were interested in participating in the study. Participants had to identify as people of color, have passed the bar exam either on the first time or after multiple attempts, and have graduated within the last five years. These criteria were developed in order to be able to compare potential differences in experiences between those who passed on the first time and those who repeated the bar exam. The subjects had taken the bar exam and gone to law school recently enough to be able to remember their experiences with great detail. Additionally, the threshold for law school completion in the last five years (2014–2019) was selected so that the participants' law school experience was contemporary and aligned with the experience of present-day law students.⁵⁷

In accordance with phenomenological qualitative research best practices, eight participants were selected for the study.⁵⁸ Four of the participants passed the bar exam on their first attempt, and four passed the bar on their second attempt. The content from the participants' interviews provided data saturation, so it was determined that additional participants were not needed.⁵⁹ The participants' interview transcripts were coded through the process of bracketing the data into themes. These themes emerged through the iterative process of reading through the transcripts and looking for meaning that the participants assigned to their

⁵⁵ See JOHN W. CRESWELL, *QUALITATIVE INQUIRY & RESEARCH DESIGN: CHOOSING AMONG FIVE APPROACHES* 76 (3rd ed. 2013).

⁵⁶ See *id.* at 158; Lawrence A. Palinkas, Sarah M. Horwitz, Carla A. Green, Jennifer P. Wisdom Naihua Duan & Kimberly Hoagwood, *Purposeful Sampling for Qualitative Data Collection and Analysis in Mixed Method Implementation Research*, 42 ADMIN. & POL'Y MENTAL HEALTH & MENTAL HEALTH SERVS. RES. 533, 535–36(2015). Snowball refers to finding participants through people who know people who could participate in the study. *Id.* at 535. Criterion refers to only using participants who meet the same criteria of the study in order to assure quality. *Id.* Emergent means that participants were identified and interview as they arose out of the advertisement of the study. *Id.* at 536, 540–41.

⁵⁷ The law school experience is changing with the new outcomes-based requirements, formative and summative assessment requirements, and other theory-based teaching requirements outlined by the ABA. See *ABA Standard 302*. These new requirements have inevitably changed the law school experience in ways that make the experiences of those who attended law school before them different than the students who have gone through school in more recent years. Additionally, the growing field of academic support and bar exam preparation have drastically changed the student experience. See *ABA Standard 309*. Many of the participants in this study refer to those types of programs, so comparing them to those who went to law school in a previous time would create a reliability and validity challenge.

⁵⁸ See CRESWELL, *supra* note 55, at 157 (noting phenomenological studies can have a wide range of participants but three to ten individuals are recommended).

⁵⁹ See *id.* At 88–89.

experiences. Specifically, themes emerged through the lenses of self-efficacy and self-regulation. Other types of themes were identified but not included in the analysis for this study. Nine themes resulted from this study through the coding and analysis process. Finally, validity and reliability strategies were implemented to assure the accuracy of the findings and consistency of analysis.⁶⁰ Specifically, an interrater was used to code a quarter of the collected data, the findings were distributed to participants to get their feedback on the accuracy of the analysis, a peer in academic support was consulted on the interview questions and the themes to determine accuracy, and discrepant information is provided in the findings for transparency.⁶¹ Additionally, the researcher spent time identifying her bias to determine how it might be impacting the analysis. All of these strategies helped ensure that the findings presented are accurate representations of the experiences of the participants.

iii. Description of the Participants

Eight participants who identified as people of color, graduated from law school within the last five years, and passed the bar exam either on the first or second attempts were interviewed for this study. Four of the participants passed the bar on their first attempt, and four passed the bar on their second attempt. The participants had a number of characteristics in common, including attending a Predominantly White Institution (PWI), being the first in their immediate family to go to law school, and reporting that they enjoyed their law school experience. All but one participant worked between undergrad and law school, and one received their master's degree before going to law school.

The participants reported having a variety of experiences while in law school. Some did extremely well, graduating in the top of their class, while others graduated in the mid-to-lower range of their class. Some participants reported being extremely isolated in law school because of their ethnicity. For example, Marcus was the only Black man in his law school class and the only Black student in his section. The participants who reported this type of isolation had to find support from non-traditional places and from outside the law school community to build self-efficacy.

⁶⁰ See JOHN W. CRESWELL, RESEARCH DESIGN: QUALITATIVE, QUANTITATIVE, AND MIXED METHODS APPROACHES 201 (4th ed. 2014).

⁶¹ See CRESWELL, *supra* note 55, at 251 (discussing reliability strategies including using an interrater to help code data).

Table 3
Descriptive Information of Participants

Name	Sex	Ethnicity	Year of Law School Graduation	Location of Law School	Type of Law School	Bar Passage	Location of Bar exam
Jade	F	Biracial	2016	Midwest	Private – PWI ⁶²	2nd attempt	Midwest
Tina	F	Black	2018	Midwest	Private – PWI	1st attempt	Midwest
Kat	F	Black	2016	West	Private – PWI	2nd attempt	West
Mya	F	Biracial	2017	Midwest	Public – PWI	1st attempt	Midwest
Kerri	F	Latina	2015	West	Private – PWI	1st attempt	West
Marcus	M	Black	2014	Midwest	Private – PWI	1st attempt	Midwest
Calvin	M	Black	2017	Midwest	Private – PWI	2nd attempt	West
Fiona	F	Biracial	2016	Midwest	Private – PWI	2nd attempt	West

II. FINDINGS

The analysis from the iterative phenomenological coding process produced three themes for participants who passed the bar exam on the first attempt, three themes for participants who passed the bar exam on the second attempt, and three universal themes that were present for all participants. These themes answered the overall research question: In relation to self-efficacy and self-regulation, what are the experiences of law students of color who passed the bar exam on the first attempt, and what are the experiences of law students of color who passed the bar exam on the second attempt?

A. Participants Who Passed the Bar Exam on the First Attempt

Three themes came from the experiences of the participants who passed the bar exam on their first attempt. They all had the experience of having academic insecurities early on in their education but found confidence through their performance in law school. The success they found in law school gave them confidence that they could pass the bar, though during the process they routinely felt anxiety and nervousness about the test. One participant stated, “I felt going in because I had done so well in my school that I wouldn't have an issue passing the bar.”⁶³

Additionally, each of the participants were mindful and utilized study strategies that went beyond what the commercial classes suggested as successful for study

⁶² Predominantly White Institution (PWI).

⁶³ Telephone interview with Kerri (Sept. 10, 2019).

methods. They heavily relied on strategies that worked for them in their law school experiences and were aware of when they needed differing strategies from what others were doing around them. Finally, each of the participants who passed on the first time found a support system that helped them while studying for the bar. Most found a group of friends that would study with them and allay their fears about the exam. Conversely, one participant had a very isolating experience in law school and found his support from the faculty and staff, specifically the academic support staff, to help him get through the bar exam process.

i. Theme #1: Overcoming Academic Insecurity Early

The participants who passed the bar exam on the first time demonstrated academic insecurity; however, they had success before the bar exam, in either their college or law school experience, that helped to boost their confidence before taking the bar exam. Although the boost in confidence around their academic abilities helped them pass the bar exam, it did not negate their extreme apprehension while taking the bar exam. The participants reported that overcoming academic insecurity increased their belief that they were meant to be a lawyer and improved their self-efficacy in accomplishing the steps required to become a lawyer.

Tina reported being an average student before coming to law school. She attended a large state school in the West, and before attending the small private law school in the Midwest, she was not sure she had what it took to be successful. She recalled:

Yeah, like I said, I use the word surprise a lot because I am really surprised that I did well [in law school], but I totally did not think I had what it took. And I was like, you know, if I don't do well my first semester, I would just quit and find some other type of program for me.⁶⁴

When asked when she started to recognize that law school was a good fit for her, Tina replied, "It was after we got our midterm grades from our first Crim midterm and I, that's when I was like, OK, what I think is translating into success."⁶⁵

Mya, who attended an Ivy League undergraduate institution, had a similar experience to Tina. She was an athlete during undergrad, and she felt that contributed to her getting into a prestigious school. She did not attribute her success to her academic ability.

Honestly, law school made me a lot more confident in my abilities just because I did better than I would have thought, you know, like, cause I went to [an Ivy League] undergrad, but I also know I was a Black lacrosse player, and I wouldn't have applied to [my undergrad] or probably gotten in . . . had I not been a lacrosse player. So, I think I've

⁶⁴ Interview with Tina (July 1, 2019).

⁶⁵ *Id.*

always kind of struggled with a slight bit of like the imposter syndrome or like, am I good enough?

Mya also cited the law school admission process as a source of insecurity and low self-efficacy. She explained, “I was just very nervous about going back to school. I mean, I've always been a pretty good student, [but I] was intimidated by law school and I didn't do amazing on my LSAT, like I underperformed.”

Like Tina, Mya gained a lot of confidence through her first-year law school performance. Similar to Tina, she was surprised by her performance, and she later cited her academic performance as a reason why she believed she could pass the bar exam. Mya remembered:

I did really well. And I think that kind of my first year, I remember getting my grades being like, oh my God. Like I never thought I would have done that well, I was just like, let me get As and Bs. Like, you know, they kind of told us at my undergrad like maybe you're a person of color and you have like a 3.3 like you'll be fine. And so that was just kind of my goal. Um, and so then after my first year I was top 15 after my 1L year and then got into the top 10 for the rest of my time at, at law school.⁶⁶

Kerri's insecurity in making it through law school had more to do with the length of time she took to complete undergrad and the birth of her child during that time. She explained:

But I had the significant gaps both between law school and undergrad and within undergrad because my husband and I, um, had an ‘oopsy’ baby at the end of our freshman year, so it took me 10 years to get through undergrad cause we decided to have a second as well. . . . So at times, I would say I didn't doubt that I could be a lawyer, but I doubted my ability to get there because of my life circumstance.⁶⁷

Kerri's path to becoming a lawyer was long, and there were times when she put off going to law school because of her husband's career and his schooling. Once she got to law school, she reaffirmed her confidence. She explained:

Once I got my first semester grades back and I landed a position for my first summer that was paid, I was like, okay, I've got this. But my first semester, I mean that was rough. I remember, I can still see myself in the parking lot at a grocery store, bawling hysterically because I was so stressed out and so anxiety-ridden and convinced I was going to fail all my finals and couldn't even get over the hump to start studying because I was just paralyzed.⁶⁸

⁶⁶ Interview with Mya (June 20, 2019).

⁶⁷ Interview with Kerri (June 24, 2019).

⁶⁸ *Id.*

Finally, Marcus struggled during his undergraduate experience and during the admissions process. He discussed never feeling like he would ever be a lawyer or thinking he had the ability. He specifically cited issues of self-esteem and self-efficacy that sometimes got in the way. He recalled:

Um, long story short, I was able to, after you know, my first semester's grades and I got to see my performance and, you know, I didn't really understand kind of a lot of the systems of government, you know, I think I got kicked out of my business law class at [my] college.⁶⁹

Marcus also discussed having struggles while applying for law school that impacted his self-esteem and self-efficacy. He remembered:

Um, in getting into law school, I actually applied to probably over 15 schools, spent a lot of money on applications, took the LSAT two, maybe even three times to get wait-listed here at [my law school]. Um, and the idea is that we don't know if you'll really be able to succeed here and based on your LSAT scores and my undergrad grades, which I had a lot of sort of changes in undergrad that kind of didn't really reflect my, my performance ability.⁷⁰

Marcus cited his self-regulation as what helped him realize success in law school. He utilized his faculty and the academic support programs to help him find a study strategy that worked, which ultimately resulted in him being able to overcome his academic insecurity. During his first year, he remembered handwriting all of his case briefs, which he later realized was a “waste of his time.”⁷¹ He started to find more efficient strategies that worked for him, and that helped boost his confidence. He suggested:

It really took me into my second year where I was actually studying some of the material that I wanted to study, specifically tax law. And that really helped me out a lot. Property law as well. I think my second year I was really kind of in the swing of things, kind of knowing the commitment that I needed to make for my studies, as well as knowing the level of, you know, uh, of test taker that I was, and I just continued to improve on that every semester, every year on, and my grades dramatically improved.⁷²

ii. Theme #2: Being Mindful of Study Strategies That Work

All four of the participants who passed the bar exam on the first time used a commercial bar prep course to help them study; however, they were mindful of how the materials and study structures were limited. These participants altered their

⁶⁹ Interview with Marcus (June 19, 2019).

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

approach to find strategies that worked for them, which meant heavily relying on what worked for them in law school. Although most tried to stick to the commercial bar schedule, they altered their strategies by engaging in what they knew to be high-impact practices. The first-time passers' experiences differed from those who took the bar exam twice in that the second-time passers did not utilize strategies that worked for them in the past until their second time taking the bar exam.

Mya discussed knowing herself to regulate her studying and to find success. She used Barbri to study but supplemented the materials and strategies with other resources. She explained:

And then I also, I used the Critical Pass flashcards. And then I made my own state flash cards and I was most worried about memorizing. And so, I think starting like the end of June is when I started really working on the flash cards and memory and memorizing. I think like the first month or so, like I just pretty much was doing the [Barbri] assignments, um, and I wasn't really doing anything extra. But then once it got towards the end of June is when I started really working on like memorization, um, and doing other, doing [released essays].⁷³

Mya also recognized the importance of not being pressured by those around her to engage in study practices that were not effective for her. She explained:

I also, I think the biggest advice is like knowing yourself. So, like I don't like outlining, but I have friends who like outlining, so they should outline. And I should be okay that I don't outline, like, to know kind of what you do best and what works for you is not going to be what works for me. So, understanding that and also not letting, because I think a lot of times people get caught up in their like, well this person's doing this. And it's like, no, like focus on yourself and what works for you.⁷⁴

Tina also discussed following her commercial course's schedule but supplementing it with other materials and practices from different sources. She heavily relied on techniques that worked for her in law school. She suggested:

I loosely followed what Kaplan had. I got most of the work done that they wanted me to do. Um, I can't quite remember now, but like they'd have you fill in stuff sometimes I, I wouldn't go back and do that, and I would substitute in with, outlining, cause that works for me. And then I ended up making like a 300-page outline book for myself.⁷⁵

Tina remembered getting advice from others and using it to structure her study time. She recalled, "They're like, 'if you did something that worked in law school, why would you abandon it now?' Okay, well, that makes sense. I'm not going

⁷³ Interview with Mya (June 20, 2019).

⁷⁴ *Id.*

⁷⁵ Interview with Tina (July 1, 2019).

to just do what Kaplan says; I'm going to do the things that were helpful to me during law school, you know."⁷⁶

Marcus discussed not merely utilizing the lectures that Barbri provided because he determined that they were not useful for him. He talked a lot about developing a relationship with the material that helped him focus in on the concepts that he needed to review. Although he used the outline Barbri provided, he created his own study schedule that he tailored to his pace of review:

The Barbri course was, um, they went along too fast and I needed to have more time to kind of engage with the material and kind of develop a relationship with the new material, and it didn't really provide for that in the instructional manner. So, I ended up doing most of it at home. Um, I pretty much locked myself into my apartment at that time, uh, for hours upon the day.⁷⁷

Kerri discussed utilizing flashcards as a main strategy of study. Her primary strategy was to do the majority of the Themis materials assigned, but she supplemented her work with other tools that she knew worked for her. She remembered:

I completed I think 80% of the course. And I did everything that I was supposed to do. You know, in the beginning I found it a little bit [stressful] because I learned when I hand wrote things out and memorized them, cause I'm older than most students, and really quickly [I realized] that wasn't going to work. Um, so then I started creating Quizlet. I used Quizlet to create my flash cards because I do much better with flash cards. I don't get it from reading it. So it was in the beginning it was trying to figure out what was best for me and that caused a bit of panic because I felt like I was getting behind.⁷⁸

iii. Theme #3: Finding Support

All the first-time passers found social support through different people and various methods. This strong support helped to guide them through the bar exam study process. None of the first-time passers studied completely on their own. They found support from and studied with their law school friends, law school faculty and staff, and families. This support helped them to self-regulate their study habits and maintain high self-efficacy.

The first-time passers also found support that allowed them to focus most of their energy on their studies. Some had spouses taking care of the family, while others had firms paying for their bar exam preparation and the security of having a job starting after the bar exam. Study and financial support helped these bar takers be successful the first time.

⁷⁶ *Id.*

⁷⁷ Interview with Marcus (June 19, 2019).

⁷⁸ Interview with Kerri (June 24, 2019).

Tina found a job before graduating, which allowed her some relief while studying for the bar. She was also mindful of how this “privilege” helped her to be successful. She recalled:

I was like very aware of the fact that I was lucky that my firm paid for most of my costs. And I was thinking, oh my God, I don't know what I'd do without that. And I was also cognizant of the fact that my husband was very much supporting us last summer.⁷⁹

Tina also had a close group of law school friends that she kept in contact with every day to study. She incorporated work with them into her everyday study schedule. She explained, “I had a group of, uh, there was about three or four of us who stud[ied] together at the school doing the Kaplan stuff together. So, those were my supporters and also my best friend who I would talk to daily during our study.”⁸⁰ These long-term friends were people that she relied on to help her through the process. They were people who she had had relationships with during law school who helped her to be successful on the bar exam..

Marcus, in contrast, was very isolated in law school. He discussed how his peers were not interested in studying with him. He remembered during his 1L year trying to develop friends and study groups. He said:

I looked at my peers, and they were not available for me. They didn't want to study with me. They didn't want to make time, and they really didn't know what level of performance I really had at this point. You know, it was kind of a Who's Who and who knows it.⁸¹

Marcus described his law school experience as “isolating” and something that would “break” most people.⁸² He realized that he needed social support and persisted until he found it from the faculty and staff in law school. He cited that as the way he succeeded. He remembered, “I started to really start to develop a rapport with my professors. And that really helped me at least get to a point where I could ask questions and they would, you know, show me that I had the ability.”⁸³ Marcus maintained connections and relationships he had developed with the faculty and academic support staff while studying for the bar exam because that is what worked for him during law school. He recalled, “I was just spending time doing this, continuing to study, and then I would engage with [the academic support staff] you know, kind of along the way.”⁸⁴

Mya found a new group of friends to study with that also offered her social support during the bar exam process. They helped to reduce her anxiety and clarify the substantive legal concepts they were reviewing. She explained:

⁷⁹ Interview with Tina (July 1, 2019).

⁸⁰ *Id.*

⁸¹ Interview with Marcus (June 19, 2019).

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

We had a good group of friends and people who I wasn't really friends with that I became really good friends with. And that was just helpful having that support. And like when there, there's times when you're like, I'm going crazy, like, can go for a walk or just like, you need a pick me up conversation. Uh, you know, when you're like, this was supposed to be a subject I was good at and it's just been horrible. Just like working through it, asking each other questions, and just really being like, it'll be okay. Like we're going to get through this.⁸⁵

Mya's group of friends came in part from her involvement with the Black Law Student Association (BLSA). She recalled that some of her friends studied harder than she did, which helped to motivate her to keep going. She was surprised to find out that the one friend whom she perceived as having studied harder than she did failed the first time. However, she was grateful for the support of the group and the shared experience.

Mya also had support from her employer who provided not only time to study but also financial support. She recalled, "My old firm paid for a class, so I just did Barbri because that's what most people did. And you know, I think most of the people I knew did Barbri. And since I didn't have to pay for it, I didn't mind that it was the most expensive."⁸⁶

Other participants discussed the cost of commercial bar exam preparation programs as a determining factor in the program they chose. Mya was able to choose what she thought was the best option for her success without the pressure of paying for it herself.

Kerri, in contrast, chose Themis specifically because it was the cheapest option. Although she did not have the support from a law firm paying for her studies, she had support with life obligations in other ways. She recalled her spouse increasing his work at home to support her during the time of the bar exam. She remembered: "My husband was a huge [supporter]. He did everything for the kids, and he always did everything for the cooking and everything else. But he really took over everything cause all I could do is study for the bar. I didn't really have bandwidth to do anything extra."⁸⁷

Kerri also remembered friends and family supporting her during the process of studying. They were a group that helped quiz her on substantive topics and helped to relieve her stress during the process. She recalled:

Um, and then it was my good friend from law school and another friend who we had summered together and she went to the [another law school] and we were going to start together at the firm. And so she was also, cause we would occasionally study together and it was just

⁸⁵ Interview with Mya (June 20, 2019).

⁸⁶ *Id.*

⁸⁷ Interview with Kerri (June 24, 2019).

nice. You had those people to compare, and vent, and freak out with, um, at the same time ‘we’re going through it with you.’⁸⁸

She also remembered: “[M]y partner and I would quiz each other, and my daughter would walk around, and we’d go for walks around the lake in [my city], and she would quiz me.”⁸⁹ These supporters not only helped Kerri in the act of memorizing material but also reducing her stress because she knew that she could rely on them for emotional support.

B. Participants Who Passed on the Second Attempt

Three themes came from the experiences of participants who passed the exam on the second time. Members of this group experienced isolation while studying because they either could not find groups to study with, or their natures were to study alone. They also experienced outside distractions while studying for the bar exam, resulting in loss of a significant amount of their cogitative capacity as they had to manage non-bar exam issues. Finally, these participants found that their familiarity with the process of taking the bar exam reduced their nervousness, stress, and anxiety. Surprisingly, lack of preparation was not a theme found among this group of participants. Three of the four participants reported doing the recommended number of practice problems assigned by the commercial bar prep course they used. One participant recalled doing “90% of the practice problems” and still not passing on the first time.⁹⁰ This participant decided to study without a commercial course while preparing for her second attempt in order to get a refund and save money.⁹¹ Despite not using a commercial course on the second time, she was able to pass.⁹²

i. Theme #4: Isolation in Studying

The participants who passed the bar exam on the second time all approached their studies alone when preparing for their first attempt. Although they might have called friends or family for social support or were living with family at the time, they were not studying with anyone else. In some cases, their isolation also extended to the day of the test during their first attempt and resulted in participants not being able to manage the stress and anxiety they were under during the exam.

Calvin talked about looking to his girlfriend for support but finding it difficult for her to understand the commitment he needed to put into bar exam preparation. He recalled:

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ Interview with Kat (June 21, 2019).

⁹¹ *Id.*

⁹² *Id.*

Um, the first time I would say my girlfriend [was my biggest support] and as great as she is, that probably didn't work out for the best, in the sense that she just didn't understand what it took to do it and succeed. I mean, she tried but it just didn't, she just wasn't able to understand what it was.⁹³

When asked if he reached out to colleagues from law school while studying for the bar, Calvin said he did not.

Fiona felt she had some support from her mom in terms of taking care of her daily living needs, such as housing and food, but she approached studying for the bar exam alone. She reflected: "I was self-driven. I mean my mom helped by like, you know, paying my bills and feeding me. But then I also was [studying by myself]."⁹⁴

Jade discussed her upbringing and determined that she felt more comfortable studying alone. She noted:

So, the first and second time both, I studied by myself. Um, the first time I was home for the summer, um, cause I'd moved back to [my hometown]. So, I studied mostly at home. The second time around I actually was able to go up to [the college] and they allowed me to use our room at their library.⁹⁵

She further explained:

Being an only child, I'm very much the kind of person I'd rather just do things by myself. So, I think that played into the fact that I didn't study with a group for the bar exam. Um, but at no time did I ever even like meet with anybody that I can remember. I'm going to go over everything. It was just kind of doing it all by myself.⁹⁶

Kat recalled having a few people check on her while she was studying, but she found studying alone to be a preferable strategy because of her experience with conflicts that could occur when studying with others. She explained:

Well, the first time . . . I was on Moot Court so I looked up and found the Moot Court office completely deserted. So I was in the Moot Court office, and I studied by myself. Because I had some friends, but you know, sometimes things get a little testy and you know, when people argue about what this rule says or what that rule says and you know what, I would rather study alone.⁹⁷

⁹³ Interview with Calvin (Sept 16, 2019).

⁹⁴ Interview with Fiona (Sept 13, 2019).

⁹⁵ Interview with Jade (Sept. 17, 2019).

⁹⁶ *Id.*

⁹⁷ Interview with Kat (June 21, 2019).

ii. Theme #5: Outside Distractions

Three of the participants who passed the bar exam on their second attempt had significant outside distractions while studying for the bar during their first attempt. These distractions included moving across the country, starting a new job, still having schoolwork due, conflict with significant others, and financial stress. These significant outside distractions made it difficult for the participants to focus on the bar exam.

Calvin had significant distractions while studying for the bar exam the first time. He moved across the country, started living with his girlfriend for the first time, and started a new job, all while studying for the bar exam.⁹⁸ He noted each of these things as being a significant feature of his first bar exam experience. He explained:

I took it July, the first offering after graduation, and there were things that were out of my control that would come up within [that timeframe]. Other things that were in my control that in hindsight I regret, but at the same time I knew could make the task even more difficult. So, I moved to [the west coast] shortly after I graduated.⁹⁹

He described the impact of working full time while studying for the bar his first time. He remembered: "I took a job, and they were flexible and tried to accommodate me as much as possible in my preparation. But then at the same time, they had their needs and obligations that they had to fill. So, they couldn't necessarily wait two, three months at all."¹⁰⁰

Calvin also described ineffectively setting boundaries with family and his girlfriend so that they would understand the type of space and support he needed to be successful.¹⁰¹ As he prepared for his second time, he was able to identify what he required to stay in balance, and he more effectively explained this to his family, coworkers, and significant other. He explained:

So, the first time . . . I was moving, getting settled, and then starting work. The second time I was familiar with my surroundings. I knew where I wanted to study and when I wanted to study. Um, and then it was just communicating to my boss, uh, what my plan was and communicating to my family, what the plan was, and then it was pretty easy to fall into place after that.¹⁰²

Fiona also moved across the country during her preparation for her first attempt at the bar exam.¹⁰³ She did not have a job but decided to move because during an internship she had during law school she discovered that she liked the

⁹⁸ Interview with Calvin (Sept 16, 2019).

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ Interview with Fiona (Sept 13, 2019).

location.¹⁰⁴ She remembered: “Yeah, I moved to [the west coast] three days after I graduated.¹⁰⁵ And I was in the [new state] studying for the bar exam.”¹⁰⁶ Fiona had the opportunity to live with her mom while studying, so moving consisted of packing up and moving her room and unpacking clothes and other bedroom items. Fiona had one law school class to finish while she was studying for the bar exam, which was another outside distraction.¹⁰⁷ She recalled: “[Kaplan] started delivering the material and started like certain courses, like certain reviews prior to me actually finishing classes. So, I still had a paper due when the bar review classes started, which was a really late paper.”¹⁰⁸ She had to decide how to split her limited time between her law school class and bar preparation.

Kat discussed worries about money being a significant distraction while studying for the bar exam. She remembered:

But I would just say, studying for the bar, most of, a lot of my energy went towards worrying about money. Because I didn't have, I had got a grant, but it wasn't enough. I had a car note that I was paying at the time. I had an apartment, you know rent. I had to pay rent, you know, I have to eat. So, I was worried, always worried about other things other than the bar. So, I was distracted.¹⁰⁹

Even after finding out that she did not pass the bar, she had to wait before she could register to take it a second time because she did not have the money to pay for registration. She recalled:

So, I had to have to take it again. But um, it was tough. I couldn't retake it, I didn't take it that February. I had to wait until the following July to take it again . . . I didn't have the time or the money to take it at that point.¹¹⁰

When planning for the next bar exam, Kat discussed how she worked on her financial situation, which eased the stress she was under while taking the exam.¹¹¹ She was able to teach at a local community college. She stated:

And so, I had some money because the teaching thing was working for me. I was getting more classes as actually, you know, you get paid per class and I was given the math classes that spring. And thankfully because of how professorships work is you're on a contract and the contract pays, pays six months . . . like I taught my five classes that spring [in between her two attempts at the bar exam].¹¹²

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ Interview with Kat (June 21, 2019).

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² Interview with Kat (June 21, 2019).

Kat discussed how earning money during the gap between the first and second bar exams assisted her in being able to focus solely on the bar, thus eliminating the distraction of worrying about finances.¹¹³

In contrast to the other participants, Jade categorized her outside distractions differently.¹¹⁴ She discussed having more outside distractions during her second attempt at the bar exam, but she described them as a welcome break in the process of studying.¹¹⁵ Jade had a retail job and talked about celebrating holidays and going to a wedding while she was studying the second time.¹¹⁶ She felt that those activities gave her balance, instead of stressing about the bar exam. She explained:

Well, the February bar exam is a lot different, because I was still trying to work. I worked part time at Express, here and there, to bring in a little bit of extra spending money. I was in [my friend's] wedding, we had the holidays and family coming up, plus you know the winter weather and everything. So, there was a lot of other elements that were also going on, outside of me studying for the bar exam. So, it kind of helped me balance my time and knowing like, this is what I have to do.¹¹⁷

iii. Theme #6: Familiarity with the Bar Exam Relieved Stress

Three of the four participants who passed the bar exam on the second time found their second attempts were much easier because of their familiarity with the bar exam process. Understanding the test's mechanics, logistics, and pacing greatly reduced their stress and anxiety. For example, knowing where to eat lunch and how tired they were going to get during the exam helped them prepare and be mentally, physically, and spiritually ready to successfully take the bar.

Jade shared that being familiar with the nature of the exam helped her to relax and focus during the second administration.¹¹⁸ She was able to significantly improve her performance, partially due to adopting different studying strategies and more persistence in reviewing practice questions but also due to her familiarity.¹¹⁹ She recalled, "When I passed the second, you know, the second time around I passed way above what I thought I was going to. Um, and the second time around I was a lot calmer because I knew what I was going into."¹²⁰ Jade also discussed not "going blank" during her second attempt at the bar exam because of

¹¹³ *Id.*

¹¹⁴ Interview with Jade (Sept. 17, 2019).

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

her familiarity with the process and the confidence that came with it.¹²¹ She described:

I would say kind of almost buil[t] up a stamina when I was taking the exam. Like, you know, I got to keep going. Like, cause I did get tired during the first one. I remember significant feelings of tiredness, where I didn't feel that as much going into it the second time. It took a lot of it, you know, it's a mental thing. I mean, you can, you have to know the material. But that's, you know, I felt like I knew the material going into it the first time, but it was all mental and I, it, it broke me down and I just, I shut down and blanked out and I didn't let that happen to myself the second time.¹²²

Jade also mentioned that the setup of the February bar exam helped her tremendously.¹²³ She cited the smaller testing room as a significant factor in her reduced stress.¹²⁴ She commented: "Another thing I really liked about the second time around was that the amount of people taking the bar exam was a lot smaller. Um, we were in a smaller conference room. It didn't seem as intimidating the second time around."¹²⁵

Calvin also discussed the setup and familiarity of the exam as a source of his confidence in the second administration.¹²⁶ He recognized that he came to the second bar exam with more experience in studying, but also his experience with the logistics and pace led to his success.¹²⁷ He remembered:

The second time, having gained the experience of the preparation, and what I needed to change and what I needed to do. And then also, the day of, not being caught off guard by how long the, the two days can go. Um, the enormous room that you're in, what you need to do leading up to the exam. Even that day, the night before, lunch plans on the day out. So having all that experience on the second time and definitely made me more, more confident that I would pass the second time.¹²⁸

Fiona discussed her familiarity with the overall process as a source of confidence.¹²⁹ Although she did not cite the specific testing conditions, she did mention that being familiar with the process helped her to reduce her nerves.¹³⁰ She reflected:

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ Interview with Calvin (Sept 16, 2019).

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ Interview with Fiona (Sept 13, 2019).

¹³⁰ *Id.*

At least I kind of knew what I was getting myself into again, because I've been through one, I knew, okay, here's this test, not as nervous this time around because I knew what to expect. Um, yeah. And I definitely, like I said, changed my, my working on my studying habits to be more aligned with what I actually knew worked for me. I think that definitely changed or helped me pass the second time.¹³¹

Kat was the only participant to report that she was less confident and more stressed during the second time she took the bar exam. Her familiarity with the bar exam did not help prepare her or allow her to ignore distractions. She described having an essay topic on the exam that had never been tested in her state. She described: "The second time, even though my, my studying, I felt better in my studying like, I don't know, because I actually had a breakdown the second time around during the exam. Um, so they tested this subject that they never tested on the bar ever, ever."¹³²

During her second attempt at the bar exam, Kat described using her friend and family networks better for support.¹³³ During a break in the exam, she reached out to her law school mentor after she experienced the essay question that she felt she was not prepared for.¹³⁴

I literally cried that first day. Between the morning session and afternoon session. And, you know, I talked to my mentor, she was a 3L when I was a 1L. And I called her crying, and she made me feel better. But, you know, she told me, you know, either way the stuff that you could do about it, at this point, is to go through [the] afternoon session and kill it. Because the afternoon sessions were a performance test and a performance test, [it] carries the weight of two essays. If I do really well on this performance test, that'll make up for it.¹³⁵

C. Universal Themes

There were three themes that arose from all of the participants' experiences, regardless of whether they passed on the first or second time. All of the participants found balance in their study practices and habits that allowed them the space to take care of their emotional, physical, and spiritual well-being. Some of the participants identified that a lack of balance may have contributed to failing their attempt at the bar exam. After readjusting, they were able to find healthy outlets to manage the stress and demand of the bar exam. Second, most of the participants expressed having a heightened awareness of their ethnic and cultural background during their legal education experience. They were mindful of the lack of lawyers of

¹³¹ *Id.*

¹³² Interview with Kat (June 21, 2019).

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

color and that the bar exam has disproportionately lower pass rates for people of color. This awareness added a sense of responsibility and stress that the participants carried both during law school and on the bar exam. Finally, all participants reported experiencing extreme amounts of stress and anxiety during the bar exam. This was a universal experience, despite hours of preparation and regardless of the participants' level of success in law school.

i. Theme #7: Finding Balance

All of the participants found balance while studying for the bar exam. While the participants who passed the bar exam their first time practiced balance initially in their bar exam preparation, the participants who passed their second time also found balance in their second attempt. Balance meant prioritizing healthy activities, such as going to the gym, praying, and making time for friends and family. Jade found balance during her second attempt at the bar exam when she realized, “[she] could still step away from it, and [she] could still play volleyball, [she] could still do these things, and [she] could still devote [her] time to studying for the bar and everything.”¹³⁶ Similarly, Kerri took walks with her family.¹³⁷ Including self-care practices as a part of bar preparation was due to the participants being mindful that their health and well-being were important elements for their success.¹³⁸

Marcus discussed the importance of understanding that he should not get burned out, and he tried to find outlets to maintain balance.¹³⁹ He shared that in his first few weeks of studying for the bar exam, he pushed himself too hard, which caused him to second guess his answers on practice exams.¹⁴⁰ He reflected:

I was making sure that I was doing things that would sort of take care of my mental health. Because, you know, being an athlete really helped me out a lot as far as being able to learn the diligence of practice and repetition. So that helped a bit. But more importantly, just building some balance in that experience as well. Whereas, you know, the first few weeks I just burned myself out, you know, it was like eight hours a day doing this, and I didn't provide any breaks for myself, and when I didn't do eight hours, I would beat myself up and you know, those types of experiences.¹⁴¹

¹³⁶ Interview with Jade (Sept. 17, 2019).

¹³⁷ Interview with Kerri (June 24, 2019).

¹³⁸ *Id.*

¹³⁹ Interview with Marcus (June 19, 2019).

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

Marcus also determined that it was important for his balance to make time for friends and a social life.¹⁴² He scheduled extended hours of studying and then reserved the rest of the time at night to relax.¹⁴³ He remembered:

So really being able to find some outlets that were healthy for me. Exercise was one of them as well as, uh, just engaging with at this point a social life. But being, you know, okay with giving myself some time to, to have fun, but also knowing that, okay, I got to get back to work and so the fun can't carry over into the next day, you know. So that really helped me out. But by this point in time, you know, my social life really wasn't my law school peers at all.¹⁴⁴

Mya also discussed reliance on her experience as an athlete to find balance while studying for the bar exam.¹⁴⁵ She discussed finding that a highly regulated schedule helped her be successful.¹⁴⁶ She explained:

Like I just need to relax, and like do nothing, and sometimes allowing yourself to have those moments. I used to be an athlete and like in law school in my second and third year I didn't exercise as much. But I was doing kickboxing [while studying for the bar exam], and so I was like going to the class in the morning, and then I would go work out and then shower, go home, and then come back in school. I'm normally not a person with a lot of routines, but that summer I just really had a routine of like, I ate the same thing for breakfast every single day, like you go to school, like go workout or like at least like take a walk, do something outside, and then go back to school and study. So that helped.¹⁴⁷

Fiona also discussed finding balance through exercise and an exercise community.¹⁴⁸ She did CrossFit both her first and second time, but during her second experience, she changed gyms. She remembered using CrossFit to help her relieve stress.¹⁴⁹ She recalled:

And like the night before, my second time taking the bar I had, um, I just really wanted them to like kind of work me out, get me really exhausted, so that I could sleep well. And I kind of like, you know, get those endorphins, and they always told me how, you know, working out helps brain power, I was determined to get those.¹⁵⁰

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ Interview with Mya (June 20, 2019).

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ Interview with Fiona (Sept 13, 2019).

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

Finally, Kat discussed finding a different type of balanced schedule during the second time she took the exam.¹⁵¹ During her first attempt, she was attempting fifteen-hour study days, which resulted in her not being able to sleep.¹⁵² She was trying to push herself to maintain an unbalanced schedule.¹⁵³ She observed:

I listened to a lot of people, you know a lot of, a lot of advice. They would say “Oh, you're supposed to, you have to study, you know, 18 hours a day, seven days a week” you know, you don't sleep, you know, you don't go have fun, you don't know, do other things. It's the bar, the bar, the bar, the bar, and the bar. And I listened to that and it was to my own detriment because it didn't work for me.¹⁵⁴

During her second attempt Kat devised a more balanced approach which resulted in her living a healthier existence during this time.¹⁵⁵

And once I got back to that reality, the second time studying was even better. I was studying from nine to five and nine to four Monday through Saturday. And Sundays were my day to go to church, you know, sleep, or if I was wanting to do nothing, you know, go to church, come back home and just do nothing, or hang out with my mom and my dad, you know, do those things.¹⁵⁶

Finding life balance was a crucial step for all of the participants in their bar exam experience. Several discussed starting the process with a lack of balance that left them tired, burned out, and with little energy. Eventually, all of the participants found a way to engage in activities that revived them to make their study time more effective.

ii. Theme #8: Awareness of Background

Both those who passed on the first time and those who passed on the second expressed an awareness of their racial and ethnic background. Often this awareness manifested in a heightened consciousness of the few attorneys of color, or that people of color struggle in legal education. For some, it was a reminder that they were succeeding while many of their fellow students of color were not. This awareness not only served to add a sense of duty but also a sense of stress and pressure.

Mya attended a highly ranked law school where there was an awareness among the students of color that the bar exam was a particular challenge for their

¹⁵¹ Interview with Kat (June 21, 2019).

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

group.¹⁵⁷ One of her professors spoke explicitly about the challenges for Black students on the bar exam.¹⁵⁸

She remembered: “One of our professors basically [came] to scare the shit out of us about the bar exam, especially for Black people. So, I think yeah, that kind of helped make sure we took it seriously.”¹⁵⁹ Although that faculty member addressed the challenges of the bar exam, Mya recalls that Black students in her class still had a disproportionate pass rate. She stated, “You know only like five of us passed from my BLSA class of like 17 the first time. It was really, it was really bad.”¹⁶⁰

Tina also was aware of how her fellow students of color were experiencing the bar exam and the opportunities she had that they did not. She mentioned: “I still think about this now, but when we walked into the room, we saw all of the hand takers [those not using a computer to take the exam], and I would say 80% of them were Black men.”¹⁶¹ Tina also discussed being mindful that her job was paying for her bar preparation course, and she was mindful that many other students of color did not have that opportunity.¹⁶²

Kat expressed awareness about her ethnicity when she was studying for the exam.¹⁶³ She was reminded that the law has historically been a White institution created by White people in positions of power.¹⁶⁴ She expressed that this trickled down into the very materials that she was using to study for the bar exam.¹⁶⁵ She explained: “Especially with Black and brown students. I mean, figure out what works for you because the bar exam, the bar prep programs are not, they're not for us. They weren't for us.”¹⁶⁶ Kat's awareness helped her to recognize that to support her wellbeing, she needed to set up different schedules to balance all of her responsibilities.

Both Kerri and Marcus felt pressure to be successful because of their backgrounds. Kerri's father immigrated from Guatemala, and she felt a sense of responsibility to make him proud and to honor the sacrifices he made for her.¹⁶⁷ These feelings followed her throughout her life and were present in all aspects of her educational and professional experiences. She commented:

I felt pressured to succeed because my dad had sacrificed so much for me to get to where I was, when I was younger. He worked three jobs. I mean, I remember my mom said we could spend time with him. He ran this billing company as one of his side jobs, and we would go in on

¹⁵⁷ Interview with Mya (June 20, 2019).

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ Interview with Tina (July 1, 2019).

¹⁶² *Id.*

¹⁶³ Interview with Kat (June 21, 2019).

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ Interview with Kerri (June 24, 2019).

the weekends and play around, and run and like do chair races and all these things, so that we can spend time with them, and my mom could help. And um, he worked so hard his whole life, like seven days a week, 10-hour, 14-hour days. And so I felt like I needed to take advantage of what he'd given me.¹⁶⁸

Marcus also felt a sense of responsibility to the community because of how few lawyers of color are in his community.¹⁶⁹ He recalled people from his community telling him how much he was needed as a Black man in the legal profession.¹⁷⁰ He remembered: “And, I think it was the community really needing this, you know, they’d say, man, we need you, in a sense, kind of made it so I couldn’t back away from it. . . . It was a heavy burden to carry.”¹⁷¹

iii. Theme # 9: Nervousness and Anxiety During the Bar Exam

Regardless of whether the participant passed the bar on the first or second attempt, the entire group felt unsure about whether they could pass at some point during the process. They all experienced nervousness and anxiety while studying for the bar exam. Anxiety permeated the experiences of the participants during the study period, during the bar exam, and while waiting for the bar results. No matter the participants’ level of preparation, performance in law school, or amount of time studying for the exam, all participants felt unsure and scared.

Kerri explained that she “was freaked out by it,”¹⁷² and Calvin stated he was “less confident.”¹⁷³ All the exam takers experienced stress, anxiety, and self-doubt during the bar exam, and it manifested in different ways. Kat talked about the number of topics and how not knowing which ones would show up gave her a lot of anxiety.¹⁷⁴ She explained:

You know you’re scared. These exams are scary because, I don't know. Because in [my state] there are 14 possible topics that show up and ... I took the three-day exam. So you have three days where, you know, you have to sit Tuesday, Wednesday, and Thursday. And we have essays on Tuesday and Thursday and there is no calm. There's no calm, you know? You know, well, there was property on Tuesday, so I shouldn't see property on Thursday, when in fact you can definitely see property on Thursday. So you are just feeling overwhelmed.¹⁷⁵

¹⁶⁸ *Id.*

¹⁶⁹ Interview with Marcus (June 19, 2019).

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² Interview with Kerri (June 24, 2019).

¹⁷³ Interview with Calvin (Sept 16, 2019).

¹⁷⁴ Interview with Kat (June 21, 2019).

¹⁷⁵ *Id.*

Marcus discussed feeling scared and nervous both during the exam orientation and on the exam days. His nervous habits resulted in needing to use the restroom but not leaving for a restroom break due to fear of losing valuable time.¹⁷⁶ He explained:

The first day was intense and, um, the orientation was scary. Overwhelming. The first day I went there and I got, I was nervous, and for some reason I must've drank too much water or something, Gatorade, before I went. And they were like, hey, if you start the exam you got to turn your exam into the proctor before you can go there to the restroom.¹⁷⁷

Marcus chose to wait to go to the bathroom because he knew he needed all the time to finish his answers. He described running to the restroom during the break.¹⁷⁸

Mya described even feeling unsure during her best subjects. She remembered: "And there was times, but even like, I was on my best subject, but I still kind of froze during the bar."¹⁷⁹ Tina also felt really prepared but found the experience overwhelming. She stated, "Um, just the general, like anxiety of like there's so much information sometimes in the moment I would just be so overwhelmed... There was a moment when I was like, well, why am I doing this? And um, I was like fighting back tears, although I felt prepared."¹⁸⁰ Fiona stated, "I was nervous. I had that anxiety and I just, you know, was kind of worried."¹⁸¹ Her worry extended into waiting for bar results after both her attempts. Despite a change in strategy when preparing for her second attempt, she still lacked confidence that she passed after taking the exam a second time. She remembered:

Like I'm not sure if I passed the first time. I kind of thought, I, I think I definitely felt like unsure, but I kind of like had an inkling that I didn't pass. Um, and in the second time, I mean I still kind of felt the same way. Very unsure.¹⁸²

Finally, Jade talked about really struggling emotionally due to stress and anxiety the first time she took the exam after checking her answers on an essay question between exam days. She recalled:

I know that after the essay questions, I had a mental breakdown. I was falling in my room because I did one, the evidence, not evidence, the tort question I did completely wrong and I knew that I did it completely wrong. And it's at that point, you know, I had known that I messed up. And I think that also kind of, um, played into me going into the multiple choice question. And I kind of wished that I would've

¹⁷⁶ Interview with Marcus (June 19, 2019).

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ Interview with Mya (June 20, 2019).

¹⁸⁰ Interview with Tina (July 1, 2019).

¹⁸¹ Interview with Fiona (Sept 13, 2019).

¹⁸² *Id.*

never looked. And I mean that I would have just stayed blind to what it was.¹⁸³

Like some of the other participants, Jade was unsure about some of her answers, but she was the only participant to disclose that she checked an answer before the next phase of the exam.¹⁸⁴ She felt that this put her in a precarious emotional state for the rest of the exam, which may have been a factor in her failing the first time.¹⁸⁵

III. DISCUSSION OF FINDINGS

A. Findings for Participants Who Passed the Bar Exam the First Time

Participants who passed the bar on their first attempt expressed a higher efficacy and higher ability to self-regulate while studying for and taking the bar exam. Each of the three themes that developed out of their perceptions and experiences indicates this common attribute among these participants. When the participants previously overcame their academic insecurities, this exemplified the process of mastery, which helped to develop higher self-efficacy.¹⁸⁶ Additionally, the participants' mindfulness of the study strategies that worked for them suggested that they had strong self-regulation practices that helped them to practice metacognition and be successful.¹⁸⁷ Finally, navigating the bar exam process with social support and finding support within the legal community demonstrated the participants' high levels of self-regulation.¹⁸⁸

i. Discussion of Theme #1: Overcoming Academic Insecurity Early

The participants who passed the exam on their first time all felt unsure about their abilities at some point in their academic career.¹⁸⁹ Had they not had this previous success within the law school environment, developing a sense of their ability to pass the bar exam may not have been feasible. Tina, Mya, and Kerri all expressed that their success within their first year of law school helped to boost their confidence.¹⁹⁰ This direct example of their ability to be successful translated into their belief that they could study for and pass the exam.

¹⁸³ Interview with Jade (Sept. 17, 2019).

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ See Gaskill & Hoy, *supra* note 36, at 187.

¹⁸⁷ See *id.* at 194.

¹⁸⁸ See *id.*

¹⁸⁹ See discussion *supra* Section II.A.i.

¹⁹⁰ See discussion *supra* Section II.A.i.

Mastery experiences have the most influence on a person's efficacy.¹⁹¹ These experiences influence the way a person thinks about a task in either a positive or draining way. Bandura explains that failure destabilizes efficacy, particularly if it happens before a person's sense of efficacy has formed.¹⁹² For the bar takers who passed on the first try, their self-efficacy was formed during law school as they saw success in achieving the grades that they wanted to achieve. The insecurities they expressed about being unsure whether law school and the legal profession was right for them were replaced by a sense that they could be successful within the field and on the bar exam.¹⁹³ This underlying efficacy did not completely inoculate these participants from feeling stressed or anxious about the exam, but it provided them with a sense of belief that they could pass, and they had the experience to support these beliefs.¹⁹⁴

Mastery as a source of self-efficacy is a noteworthy theme for the students who passed on the second time because it shifts the common perception that those who do not pass the bar exam do not have the ability or intellect to do so. These findings suggest that those who do not pass the bar on the first time do not necessarily lack capability, only that undertaking the task of taking the bar is extremely difficult when a person does not believe in their academic ability. A lack of self-efficacy makes the task of day-in and day-out studying extremely difficult to accomplish.¹⁹⁵

ii. Discussion of Theme #2: Being Mindful of Study Strategies that Work

The first-time passer group shared experiences of using study strategies that work in order to be successful on the bar exam.¹⁹⁶ This theme suggests that the participants had a high degree of self-regulation while studying for the bar. Self-regulation involves the metacognitive practice of planning, organizing, monitoring, and evaluating study practices.¹⁹⁷ It has been described as a feedback loop that helps to monitor how successful one is at studying and readjusting if need be.¹⁹⁸ All of the first-time passers discussed implementing strategies that worked for them in the past and only utilizing the strategies suggested by their commercial program

¹⁹¹ SELF-EFFICACY: THE EXERCISE OF CONTROL, *supra* note 41, at 80; see Mimi Bong & Einar M. Skaalvik, *Academic Self-Concept and Self-Efficacy: How Different Are They Really?*, 15 EDUC. PSYCHOLOGY REV. 1, 28 (2003).

¹⁹² SELF-EFFICACY: THE EXERCISE OF CONTROL, *supra* note 41, at 80.

¹⁹³ See discussion *supra* Section II.A.i.

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ See discussion *supra* Section II.A.ii.

¹⁹⁷ Paul R. Pintrich, *A Conceptual Framework for Assessing Motivation and Self-Regulated Learning in College Students*, 16 EDUC. PSYCHOLOGY REV. 385, 389 (2004).

¹⁹⁸ See Charles S. Carver & Michael F. Scheier, *Self-Regulation of Action and Affect*, in HANDBOOK OF SELF-REGULATION 3–5 (Kathleen D. Vohs & Roy F. Baumeister eds., 2016).

that were useful for them. This ultimately had to take a significant degree of self-regulation because the students had to monitor how successful their efforts were.

A part of high self-regulation includes engaging in metacognitive behaviors. Metacognition refers to the process of thinking about learning or thinking.¹⁹⁹ Metacognitive activity is essential in high self-regulation because it helps the learner to evaluate what processes are working and how to accomplish the tasks that need to be done to be successful.²⁰⁰ When Tina discussed creating her own 300-page outline and Kerri talked about using Quizlet as a tool to help memorize, they were using metacognitive skills to determine which strategies would help them to learn the material in a way that would help them be successful on the bar exam. Without this awareness of how they were learning and the process of evaluating their efforts in studying, the participants who passed the bar exam on the first attempt may have stuck to ineffective techniques. Several of the first-time passers discussed not finding the bar review lectures useful in their studying process.²⁰¹ Spending several hours each day watching lectures would not be an effective use of a person's time in the sensitive period before the bar exam. Marcus discussed ditching the lectures shortly after he started studying because he needed more time to "develop a relationship with the material."²⁰² This was the process of high self-regulation through a metacognitive practice.

iii. Discussion of Theme #3: Finding Support

Finding support throughout the process of studying for the bar also demonstrated that the first-time takers had high self-efficacy and high self-regulation. In addition to mastery, social persuasion factors into an individual's belief that they can accomplish a task.²⁰³ Social persuasion includes a reciprocal "giving and receiving feedback and social support."²⁰⁴ This practice helps the individual to monitor their studying as well as to model behaviors that result in higher self-efficacy.²⁰⁵ Social persuasion also includes the verbalization of others that one has the ability to succeed.²⁰⁶ This type of monitoring and receiving of feedback by the participants who passed on the first time was demonstrated by their interactions with others while studying for the bar. Positioning themselves around others that they could model their behaviors after and receive feedback and support from provided a resource for the participants to maintain high self-efficacy. Marcus mentioned reaching out to law school academic support faculty for feedback,

¹⁹⁹ Patti Alleva & Jennifer A. Gundlach, *Learning Intentionally and the Metacognitive Task*, 65 J. LEGAL EDUC. 710, 722 (2016).

²⁰⁰ See discussion *supra* Section II.A.ii.

²⁰¹ See discussion *supra* Section II.A.ii.

²⁰² Interview with Marcus (June 19, 2019).

²⁰³ See Anders, *supra* note 41, at 15.

²⁰⁴ *Id.* at 23.

²⁰⁵ See Dale H. Schunk, *Self-Efficacy for Reading and Writing: Influence of Modeling, Goal Setting, and Self-Evaluation*, 19 READING & WRITING Q. 159, 168-69 (2003).

²⁰⁶ SELF-EFFICACY: THE EXERCISE OF CONTROL, *supra* note 41, at 101.

not only on his practice problems but also for reassurance that he was succeeding in his efforts. He was establishing his self-efficacy through social persuasion. This type of feedback, from someone he had already developed a relationship with, helped him to keep believing that he had the ability to pass. This practice, as opposed to getting anonymous feedback from commercial preparation program graders, provided meaningful support that contributed to high self-efficacy.

External support also assists with self-regulation because it helps provide the feedback loop necessary for high self-regulation.²⁰⁷ Self-regulation requires determining if efforts are satisfactory or need to be adjusted, thus studying in groups or seeking feedback from others assists with this assessment.²⁰⁸ Feedback is more easily attainable with an engaged support system that can reliably provide information about the individual's self-regulation.²⁰⁹ When Tina mentioned studying with her friends throughout the bar exam process, she was providing herself with an environment where she could monitor her efforts in relation to others and receive feedback from them.²¹⁰ Mya also described mirroring her study habits after a person whom she perceived to be studying harder than her.²¹¹ Self-reflection, observation, and external support, including a feedback loop, assisted the first-time passers in attaining a high level of self-regulation.

B. Findings for Participants Who Passed the Bar Exam on the Second Time

The common themes of studying alone and experiencing outside distraction suggest that the group that passed the bar exam on the second time potentially had lower self-efficacy and self-regulation. Studying alone did not provide them with the social persuasion that helps to maintain high self-efficacy because they did not have others who were tied to the legal community providing them with support and words of affirmation.²¹² Additionally, studying alone did not help them with high self-regulation because they could not compare their strategies for studying with other students taking the bar exam.²¹³ The outside stressors that members of this group experienced also potentially impacted their self-regulation and self-efficacy. The non-bar-exam-related stress served to distract their attention from their studies and thus left the participants unsure of whether they could pass.²¹⁴ Finally, the participants in this group experienced higher self-efficacy during their second attempt because they were familiar with their surroundings and the process of

²⁰⁷ See Gaskill & Hoy, *supra* note 36, at 194.

²⁰⁸ See Barry J. Zimmerman & Anastasia Kitsantas, *Comparing Students' Self-Discipline and Self-Regulation Measures and Their Prediction of Academic Achievement*, 39 CONTEMP. EDUC. PSYCHOLOGY 145, 145 (2014).

²⁰⁹ See, e.g., Gavin T. Brown, Elizabeth R. Peterson & Esther S. Yao, *Student Conceptions of Feedback: Impact on Self-Regulation, Self-Efficacy, and Academic Achievement*, 86 BRITISH J. EDUC. PSYCHOLOGY 606 (2016).

²¹⁰ Interview with Tina (July 1, 2019).

²¹¹ See discussion *supra* Section II.A.iii.

²¹² See Gaskill & Hoy, *supra* note 36, at 194.

²¹³ See *id.* at 1168.

²¹⁴ See Shahin Vaezi & Nasser Fallah, *The Relationship Between Self-Efficacy and Stress Among Iranian EFL Teachers*, 2 J. LANGUAGE TEACHING & RSCH. 1168, 1169 (2011).

taking the bar exam.²¹⁵ Not being distracted during the test by the size of the room or the number of people helped them to visualize success and maintain high self-regulation during the exam itself.²¹⁶

i. Discussion of Theme #4: Isolation in Studying

While those who passed the exam on the first attempt used others for feedback loops and social persuasion to help them maintain high self-efficacy and self-regulation, those who passed on the second time chose to study alone. This did not provide them with the tools necessary to monitor their studying and feedback to keep their self-efficacy and self-regulation high.²¹⁷ Jade's decision to look up information about an essay question in between test days was an example of not having the social persuasion she needed to maintain high self-efficacy during the exam.²¹⁸ In contrast, Kat discussed maintaining a better support system in her second attempt. After a comparable experience where she was unsure about her answer to an essay question, she reached out for support from a mentor who was able to use social persuasion to help her maintain confidence that she could successfully finish the bar exam.

While studying alone does not necessarily indicate lower academic performance,²¹⁹ social isolation has been correlated with lower academic self-efficacy.²²⁰ Isolation includes the practice of being alone in one's endeavors and has been found to contribute to the lack of student success in higher education, in addition to creating a variety of other challenges.²²¹ The participants who passed the bar exam on the second attempt all discussed studying for the bar exam on their own. Without the social persuasion feedback about topics and study techniques needed to boost a person's self-efficacy, it may have been difficult for the participants to maintain a sense of being able to successfully navigate the bar exam.²²² Although they reported talking to family and friends, discussions with

²¹⁵ See Muhammed Yusuf, *The Impact of Self-Efficacy, Achievement Motivation, and Self-Regulated Learning Strategies on Students' Academic Achievement*, 15 *PROCEDIA SOC. & BEHAV. SCI.* 2623, 2624 (2011).

²¹⁶ See discussion *supra* Section II.B.

²¹⁷ See Gaskill & Hoy, *supra* note 36, at 194.

²¹⁸ See discussion *supra* Section II.B.i.

²¹⁹ See Lana Al Shawwa, Ahmad A. Abulaban, Abdulrhman A. Abulaban, Anas Merdad, Sara Baghlaf, Ahmed Algethami, Joullanar Abu-shanah, & Abdulrahman Balkhovor, *Factors Potentially Influencing Academic Performance Among Medical Students*, 6 *ADVANCES MED. EDUC. & PRAC.* 65, 71 (2015) (finding that 79% of medical students with higher GPAs studied alone).

²²⁰ See Sara Connolly, David Oberleitner, & Joseph Guarneri, *Tracking Social Isolation, Academic Self-Efficacy and Adjustment to College: Self-Reported Perceptions Across the First Semester of College*, 25 *J.C. ORIENTATION & TRANSITION* 17, 23 (2018).

²²¹ See Maia Szalavitz, *Social Isolation, Not Just Feeling Lonely, May Shorten Lives*, *TIME* (March 26, 2016), <http://healthland.time.com/2013/03/26/social-isolation-not-just-feeling-lonely-may-shorten-lives/>; J. Elizabeth Norrell & Bron Ingoldsby, *Surviving Academic Isolation: Strategies for Success*, 40 *FAM. REL.* 345, 345–47 (1991); Vighnarajah & Lim Shing Yu Jolene, *Assessment of Diversity Through Student Isolation: Qualitative Investigation of Academic, Social, and Emotional Isolation*, 1 *INT'L J. TCHR. EDUC. & PRO. DEV.* 1, 3 (2019).

²²² See SELF-EFFICACY: THE EXERCISE OF CONTROL, *supra* note 41.

those who were a part of the legal system, legal education, and those who had been through the bar exam were missing from the social support for this group of participants. As Calvin mentioned, his girlfriend, who was an outsider to the legal system, was not able to provide him with the type of support that would be meaningful.

ii. Discussion of Theme #5: Outside Distractions

The outside distractions experienced by the second-time passers imposed additional stress while studying for the bar exam. Stress is characterized as the amount of pressure and demand on a person or the “mismatch between the demands” and pressure and the person’s capacity to cope.²²³ While stress is a universal symptom for everyone when taking the bar exam, unexpected stress worked to derail the self-efficacy and self-regulation that the participants needed while studying. Stress correlates negatively with self-efficacy.²²⁴ The participants who did not pass on the first time had a variety of external stressors: moving, moving in with family and friends, starting a new job, or not having enough money.²²⁵ These stressors provided additional pressure on each of the participants as they were preparing for the bar exam. Calvin attempted to manage his new job and his new boss’s expectations about studying while working. He suggested that he would have been surprised if he had passed the bar on the first time because of how many work-life obligations he was trying to navigate.²²⁶ These additional expectations from his new job and stress left Calvin with lower self-efficacy in relation to the bar exam.

The outside stressors impacted the regulation the second-time passers were able to maintain during their preparation. Stress has been correlated with avoidance and the deterioration of self-regulation.²²⁷ When under stress, the process required for high self-regulation is difficult to attain because a person’s attention is directed elsewhere other than the iterative process of monitoring and attaining their goals.²²⁸ Kat discussed being distracted much of the time during her first bar exam attempt because she did not have enough money. She was constantly thinking about the funds needed to cover the expenses of food, living, and transportation. This distracted her from high self-regulation that was exhibited by those who passed the bar exam on the first attempt. During Kat’s second attempt, she waited to take the bar exam until she had enough money saved. Eliminating this financial strain helped boost her self-regulation practices.²²⁹

²²³ Chris Kyriacou, *Teacher Stress: Directions for Future Research*, 53 EDUC. REV. 27, 28 (2001).

²²⁴ Vaezi & Fallah, *supra* note 214, at 1171.

²²⁵ See discussion *supra* Section II.B.ii.

²²⁶ Interview with Calvin (Sept 16, 2019).

²²⁷ See Andrew J. Elliot, Todd M. Thrash, & Kou Murayama, *A Longitudinal Analysis of Self-Regulation and Well-Being: Avoidance Personal Goals, Avoidance Coping, Stress Generation, and Subjective Well-Being*, 79 J. PERSONALITY 643, 663–64 (2011).

²²⁸ See discussion *supra* Section II.B.ii.

²²⁹ See discussion *supra* Section II.B.ii.

iii. Discussion of Theme #6: Familiarity with the Bar Exam Relieved Stress

When taking the exam the second time, the participants maintained higher levels of self-efficacy due to their familiarity with the exam process and the facilities where they would be taking the exam. This may have been due to their different physiological and emotional states during the second exam administration. In the first attempt, the emotional and physiological state of the participants may have been heightened to the threat level, impairing their performance. In their second exam attempt, their physiological states may have reached the challenge phase that allows for increased efficacy.²³⁰ Jade discussed how the familiarity with the exam itself helped her to anticipate and navigate the actual process of the exam more confidently on her second attempt.²³¹ She felt that she was not as stressed during her second attempt by the size of the room, the number of people, and the intensity of the test days.²³² This finding suggests that the second-time passers were able to maintain higher levels of self-efficacy and self-regulation during the exam itself. Without this level of efficacy, maintaining momentum and focus during the long multi-day process would be difficult. Self-efficacy has been highly correlated with motivation, which is required to continue answering the hundreds of questions on the bar.²³³

The process of monitoring progress, adjusting the speed of answering the questions, and the manner of reading and analyzing the questions on the bar all were impacted by the participants' familiarity with their surroundings. Fiona discussed her higher degree of self-regulation during the second time when she commented that the familiarity left her less distracted.²³⁴ The "monitor progress, react, and adapt" cycle that is required of high self-regulation²³⁵ was easier for her because she was not distracted by unfamiliar surroundings or how tired she was. Without this ability to regulate their activities during the bar exam, maintaining momentum was difficult on the participants' first attempt.

C. Universal Themes

Both the first-time passers and those who passed on the second time similar themes of finding balance in their studying practices, being mindful of their ethnic and racial backgrounds, and experiencing nervousness and anxiety during preparation and taking the exam. The balance the participants found indicated high self-regulation because they were able to monitor their study practice and identify

²³⁰ See Tschannen-Moran & McMaster, *supra* note 48, at 231.

²³¹ See discussion *supra* Section II.B.iii.

²³² *Id.*

²³³ Yusuf, *supra* note 215, at 2625.

²³⁴ See discussion *supra* Section II.B.iii.

²³⁵ Gaskill & Hoy, *supra* note 25, at 194.

their needs of wellbeing.²³⁶ This finding also suggested that the participants had high self-efficacy because they were able to take a break from studying and still be confident in their ability to succeed.²³⁷ Second, the participants who indicated that they were aware of their ethnic background through law school and the bar exam indicated that—for some students of color who do not find self-efficacy through other channels—lacking role models may have a deleterious effect. Finally, all participants expressed feeling nervousness and anxiety during the process of the bar exam. This theme indicates that self-efficacy does not preclude bar exam takers from having nerves during their bar experience.

i. Discussion of Theme #7: Finding Balance

Both the first-time passers and those who passed on the second time found balance within their studying habits for the bar exam. The second-time passers reported finding more balance, setting more boundaries, and focusing more on their well-being in their second attempt. This balanced practice suggests that the participants had high self-efficacy and high self-regulation. When taking time off for other health practices, the participants were using the required self-judgment aspect of high regulation.²³⁸ In certain scenarios, taking a break from studying is not a sign of avoidance; it is a sign of judging the situation and determining what is needed for focus, motivation, and determination.²³⁹ In this case, this awareness of their needs helped them to focus more while they were engaged in the process of reviewing the material. When Marcus discussed burning out in the first weeks of studying for the bar because he was not taking breaks, this demonstrated an imbalance in self-regulation and a lack of self-judgment and awareness of what he needed to do to maintain momentum.²⁴⁰ He found balance in studying after evaluating his study practices and identifying needs.

Similarly, finding balance demonstrated high self-efficacy because the participants were confident in their ability to accomplish the tasks needed to pass the bar exam. The relationship between self-regulation and self-efficacy is a symbiotic one in which the use of reflective practices to regulate learning improves the belief that the person can learn and accomplish the task.²⁴¹ As the participants were finding successful practices for maintaining their well-being and studying, they were likely gaining confidence that they could be successful on the bar exam; otherwise, they would not stop for breaks and prioritize health.²⁴² When Mya made time to go to her kickboxing class, she demonstrated her belief in her ability to

²³⁶ See Barry J. Zimmerman, *A Social Cognitive View of Self-Regulated Academic Learning*, 81 J. EDUC. PSYCHOLOGY 329, 329 (1989).

²³⁷ See *id.* at 331.

²³⁸ See *id.* at 333–34.

²³⁹ See *id.*

²⁴⁰ See discussion *supra* Section II.C.i.

²⁴¹ See Gaskill & Hoy, *supra* note 36, at 194.

²⁴² See *id.*

schedule her time in a way that was effective and would help her to pass the bar exam.

ii. Discussion of Theme #8: Awareness of Background

Participants discussed being mindful of their ethnic background both during their law school and bar exam experiences. While some discussed being aware of their family situation, others mentioned being aware of issues of historic oppression for their racial and ethnic groups.²⁴³ This awareness has implications for self-efficacy, and some in the participant group expressed the facts that there are not many lawyers from their ethnic group and that their ethnic group has a hard time passing the bar exam. Vicarious learning is one of the boosting factors of self-efficacy.²⁴⁴ Self-efficacy can grow when individuals have role models who they identify with who have been successful. This modeling behavior helps them to believe that they too can be successful in the task.²⁴⁵

Part of vicarious learning can take place through monitoring peers; however, it can also manifest through appraising role models.²⁴⁶ Mya and Marcus discussed their awareness of the lack of diversity within the legal profession. Marcus talked about having added pressure because the African American community regularly told him that he was needed as an attorney because there were so few within the town. He discussed this having the impact of not only putting pressure on him to succeed and not back down but, more importantly, also making him hyperaware that he was alone in this endeavor. He was aware of his isolation and his lack of role models to build self-efficacy. Mya saw fellow students of color regularly failing the bar, and her professor made a point to draw the Black law students' attention to the differing bar passage rates. Mya reported that this awareness drew her attention to the struggles for students of color. For those who do not have other sources of self-efficacy, such as mastery, lack of vicarious learning may have a negative impact on their self-efficacy.

iii. Discussion of Theme # 9: Nervousness and Anxiety During the Bar Exam

Feeling nervousness and anxiety was a significant theme for all of the participants throughout their experience with the bar exam. This is not a surprising theme because the bar exam is such a high-stakes process based upon a significant investment of time, money, and effort. This finding suggests that no matter the level of self-efficacy and self-regulation of the participants, extreme emotion and

²⁴³ See Iris Marion Young, *Five Faces of Oppression*, in *READING FOR DIVERSITY AND SOCIAL JUSTICE* 35–44 (Maurianne Adams et al. 2013) (explaining how marginalized groups often are exploited and marginalized in majority communities).

²⁴⁴ See SELF-EFFICACY: THE EXERCISE OF CONTROL, *supra* note 41, at 86.

²⁴⁵ See Anders, *supra* note 41, at 15.

²⁴⁶ See Kozar et al., *supra* note 28.

nervousness is to be expected from those taking the bar exam. Self-efficacy and self-regulation work together to help individuals moderate their behaviors to accomplish academic goals that will help them maintain their confidence level in their ability to accomplish their task.²⁴⁷ This process was still functioning even for the participants crying due to setbacks, drinking too much water during the exam process, and second guessing their overall ability to be a good lawyer.

Tina reported that she felt like she was going to cry during the exam despite feeling “really prepared”.²⁴⁸ Her nervousness did not necessarily correlate with how she was feeling about her preparation and what that meant for her ability to pass. While anxiety, and specifically test anxiety, can negatively impact test performance, self-efficacy has been shown to moderate test anxiety.²⁴⁹ For the participants in this study, their anxiety was not necessarily a symptom of a lack of preparedness or lack of belief in themselves but rather a realization of the consequences of not passing the bar exam. The participants’ self-efficacy may have reduced the level of anxiety they would have experienced if they did not believe in the efficacy of their preparation and ability. Students who are preparing for the bar should note that nervousness and anxiety is a normal part of the process and not a symptom of lack of ability.

IV. IMPLICATIONS

This study demonstrates the importance of high self-efficacy and high self-regulation in preparing for and passing the bar exam. It also provides insight into the issue of disparities in bar passage rates for students of color when comparing them to their white counterparts. The participants’ experiences share insight into the nature of the bar exam and unique challenges for students of color while drawing out several implications for students who will take the bar exam, law school faculty and staff, and bar examiners.

A. *Students*

i. Take Advice with a Grain of Salt

It is natural for students to seek out advice about the bar exam from any and every willing source. What this study demonstrates is that relying too heavily on the advice of others may place students in a position of trying out study techniques that they have never attempted before. The bar exam is not the time to try something new; rather, it is the time to double down on previous successful strategies. The participants in this study struggled when they tried to implement

²⁴⁷ See Gaskill & Hoy, *supra* note 36, at 194.

²⁴⁸ Interview with Tina (July 1, 2019).

²⁴⁹ Jennifer Barrows, Samantha Dunn, & Carrie A. Lloyd, *Anxiety, Self-Efficacy, and College Exam Grades*, 1 UNIVERSAL J. EDUC. RSCH. 204, 204 (2013).

study schedules that were unrealistic or watch lectures when that was not a good use of their time.

ii. Find A Mentor in The Legal Profession

Finding a person involved in the law who can coach students through the process of the bar exam is crucial to their success. The person can be a fellow law student, established attorney, or anyone who has successfully navigated the bar exam. This does not mean that students need to study with others, but it does mean that they need someone to give them feedback on their efforts and study practices. Without this reliable source, it is difficult to know if what they are doing will help them pass. Students should make sure this a mentor that is comfortable with giving them pep talks when they are feeling low self-efficacy and can give advice on the amount of time to spend on a range of topics.

B. Law Schools

i. Provide Opportunities for the Students to Practice in a Real-Life Exam Situation

The participants who passed on the second time overwhelmingly commented on how much comfort they derived from being familiar with their surroundings and the process. As much as possible, law schools should attempt to relieve these stressors by providing opportunities to visit the spaces where the bar will be held and give practice exams that mimic the testing situation as closely as possible. Commercial courses provide some of these opportunities, but they are national companies without connections to the localities where the bar exams are offered.

ii. Provide Support for Isolated Students

It is relatively easy to identify students who may be lacking self-efficacy and support in the bar exam. Students who do not have any lawyers in the family may be studying without a mentor-coach. They may also lack strong connections within their law school class will struggle on the bar exam. The bar exam is an opportunity for the law school to engage its alumni by setting up mentorship pairs for the six weeks prior to the bar. These mentors can be on call to check in on students and give advice and pep talks.

C. Bar Examiners

iii. Administer the Bar Exam at Private Testing Facilities, Like the Boards for Medical Students

Medical students can register for their boards anywhere and take them at testing centers at any time.²⁵⁰ The bar exam should move to this model or other flexible models of testing. If the bar exam was administered by commercial testing facilities, those who fail the bar could retake it within weeks instead of waiting months for the next large administration. This would reduce cost for students and likely costs for the bar examiners to not have to rent large convention centers.

i. Break the Bar Exam into Multiple Parts

Many of the bar exam topics are taught in the first year of law school. Providing a two-part bar exam tested after students' first year and then again after their third would provide students with more autonomy. If after the first year the student does not pass an exam over the 1L subjects, the student can decide if a different career path is appropriate. Many professions have a staggered licensing exam structure instead of a cumulative one-time, three-day exam after three years of schooling, which is the structure of the bar exam.

D. Commercial Bar Prep Companies

i. Provide Tailored Support for Students

The commercial bar prep companies should provide tailored mentoring and coaching experiences that will help students of color be successful on the bar exam. These companies have a national footprint that would allow them to pair bar examinees with individual coaching, particularly when they see that an examinee is struggling to complete practice problems. This individual support could also extend to different methods for reviewing the material outside of the traditional video lecture. Providing an opportunity for one-on-one coaching on specific topics that an examinee is struggling with could help remedy disparate bar pass rates.

ii. Use Virtual Reality to Help Bar Takers Prepare for the Bar Exam

Virtual reality is used in the training of law enforcement, doctors, TSA, and a variety of other professions. Similar technology could be used to help bar examinees prepare for the bar exam. The technology could help examinees visualize the type of facilities they will be in for the exam, and connect the examinees with mentor-

²⁵⁰ See *Step 1*, U.S. MED. LICENSING EXAMINATION, <https://www.usmle.org/step-exams/step-1> (last visited Dec 13, 2021).

coaches throughout the study process. This type of technology will allay any shock that examinees experience when they take the bar exam for the first time.

iii. Run Statistical Analysis on Bar Pass Rates Based on Demographics

Unlike any other stakeholder in legal education, commercial bar prep companies have access to a wealth of data about the bar exam.²⁵¹ Data about preparation strategies and pass rates should be analyzed and published by the commercial bar exam companies so the profession can understand the scope of the disparate bar pass rates and the contributing factors. Additionally, commercial bar prep companies should work together with the bar examinees to recreate the 1998 LSAC bar pass study.²⁵²

CONCLUSION

The findings from this study provide insight into the disproportionate bar passage rate for students of color, both through the lens of those who passed the first time and those who passed the second time. While the lower pass rates for Black and Latinx test takers is a result of systems of oppression developed over centuries, this study provides insight into individual test takers' experiences in relationship to well established correlating factors with academic success. High self-efficacy and high degrees of self-regulation have been shown to have large impacts on people's ability to succeed.

This study found that those who passed the bar exam on the first time showed a high degree of self-efficacy and self-regulation because of their earlier success in law school, which gave them the mastery experience they needed to believe they belonged in law school and would become a lawyer. This group demonstrated high regulation practices by being mindful of the study strategies that worked for them, and they utilized them throughout the process even when it went against commercial bar prep, faculty, or other advisors' recommendations. Finally, this group found social support throughout the bar exam process, which provided them with a feedback loop required to maintain high self-efficacy and self-regulation.

The group members who passed the bar exam on their second attempt were engaging in practices that had impacts on their efficacy and regulation, such as studying alone. They also experienced outside distractions that created stress and reduced their ability to self-regulate their studying. Finally, this group found that during their second attempt their familiarity with the bar exam process and

²⁵¹ See, e.g., Data & Analytics, BARBRI LEGAL ED (2021), <https://legaled.barbri.com/data-analytics/> (last visited Dec 13, 2021).

²⁵² See LINDA F. WIGHTMAN, LSAC NATIONAL LONGITUDINAL BAR PASSAGE STUDY iii (1998) (a longitudinal study finding disparate bar results based on race. Specifically, 92 percent for whites, 61 percent for African-Americans, 66 percent for Native Americans, 75 percent for Latino/Latinas, and 81 percent for Asian-Americans passed the exam on the first time).

logistics helped them to maintain high self-regulation and self-efficacy throughout the exam itself.

Both groups practiced balance when they successfully prepared for the bar exam. This practice demonstrated high self-regulation because they engaged in practices that kept their motivation high and well-being prioritized. They also were mindful of their ethnic background throughout law school and the bar exam, which served to leave them without vicarious learning, one of the factors in developing high self-efficacy. Finally, nervousness and anxiety pervaded the bar exam experience for all participants. This finding demonstrated that self-efficacy and self-regulation do not prevent nervousness on the bar, yet they may have reduced the levels of nervousness the participants could have felt had they not believed that they could succeed.