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DISTINGUISHED COMMENTARY

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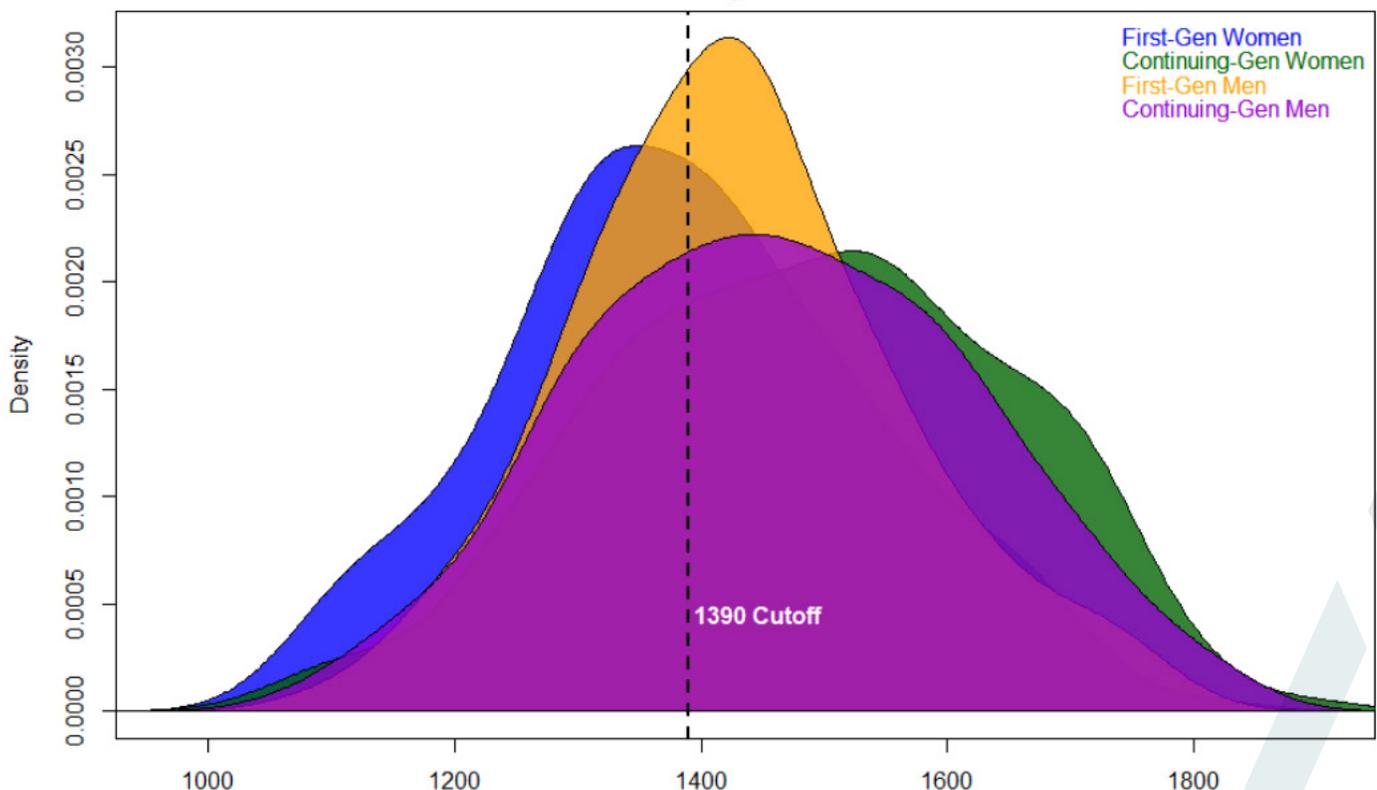
The COVID-19 Pandemic and Bar Performance: Magnifying Adversities, Stress, and Disparities Among Bar Test-Takers

Has the COVID-19 pandemic affected bar performance or widened disparities on the bar exam between advantaged and disadvantaged test-takers? Research collected across the world has revealed, for example, that the COVID-19 public health crisis has magnified pre-existing inequalities, including socio-economic status (SES) and gender-based adversities, in other professional domains. For instance, women, especially low-income women, have been burdened with increased caregiving demands amidst the pandemic, undermining their career trajectories. Have applicants preparing for the bar exam confronted similar adversities?

We recently completed a study investigating which groups were most at risk of failing the October 2020 bar exam, and the degree to which the uneven burdens engendered by the COVID-19 pandemic explained these disparities. Bar exam scores and self-report measures were collected from 976 U.S. law students and graduates (618 women; 351 men; 320 first-gen; 649 continuing-gen) in partnership with the State Bar of California, and among test-takers who were first-generation and continuing-generation students in college, respectively, 73.1% and 51.4% were people of color.

Two key findings begin to cast light on these questions: first, we found that first-gen women severely underperformed relative to first-gen men and continuing-gen women, who performed moderately higher on the October 2020 bar exam than continuing-gen men. Crucially, these findings, represented in the figure below, reveal that first-gen women were particularly at risk of failing the bar exam at the current 1390 threshold relative to others during the global pandemic.

Total Bar Exam Score Distribution by Test-Taker Gender and First-Gen Status



Secondly, we examined the prevalence of COVID-19 adversities and stressors among those who sat for the October 2020 bar exam during the pandemic. We investigated both whether disparities existed between groups (e.g., first-gen women vs. continuing-gen women) and the degree to which pandemic-related stress predicted their bar exam performance. We theorized that stress was both differentially experienced during the pandemic and associated with lower performance.

Troublingly, we found that first-gen women reported more stress relating to increased care-giving demands, severe cuts in household income, and the inability to pay household bills attributable to the pandemic than any other group, including continuing-gen women and men overall. Ultimately, we observed that these exacerbated pandemic-related stressors in part explained first-gen women's lower performance on the bar exam. We also observed that being the primary caregiver of a dependent during the

pandemic, or employed over the summer while studying, negatively predicted bar performance and that both of these risk factors were associated with being a first-gen student.

Taken as a whole, we observed that the COVID-19 pandemic has magnified adversities experienced by persons already at the margins, particularly challenging low-SES women, the vast majority of whom were women of color, and undermining their ability to reap the benefits of their professional degrees. This research featured in a forthcoming paper highlights the need for policy prescriptions addressing adversities that these at-risk groups contend with when seeking professional advancement. Our findings can, and have in California already, informed structural and psychological interventions to support diversity, equity, and inclusion in bar licensure pipelines – challenges that have been amplified amidst the global pandemic.