



How Small Firms Can Combat the Impact of Rising Bar Exam Fail Rates

It's no secret that in recent years bar exam pass rates have [dropped dramatically](#). And the problem is [nationwide](#). According to the National Conference of Bar Examiners, scores on the multiple choice portion of the test sank to a [34-year low](#) in July 2018. In February 2019, California experienced its second-worst pass rate in [more than 30 years \(31.4%\)](#), eclipsed only by its February 2018 pass rate (27.3%). There are a [plethora of complicated reasons](#) behind this unfortunate phenomenon, with a solution yet to be found. And though the increasing fail rates have affected many law schools across the nation, the most elite schools have largely been able to [maintain steady pass rates](#).

[SMALL AND MIDSIZE FIRMS TAKING THE MAJORITY OF THE BLOW](#)

For Big Law, the sinking bar exam pass rate is not a huge concern. With big pocketbooks and shiny, prestigious clients, large firms are consistently able to pull from the cream of the crop at elite law schools. The burden of declining pass rates largely falls on small and mid-size law firms that cannot pay for associates from the country's top law schools, and who generally have a [harder time affording](#) additional recruiting expenses. For example, many large firms are able to pay incoming associates for exam preparation course fees. If need be, they also have the bandwidth to hold spots open even if a candidate [needs two or three chances](#) to pass the bar.

Even so, there are ways for smaller firms to gracefully navigate dipping bar exam pass rates. Even if a firm can't pay bar exam preparation fees, supporting incoming associates with as many low-cost resources (online prep, study tools, books, etc.) as possible will go a long way, and could potentially save firms the headache of having to cut ties with otherwise great associates.

WHEN IT COMES TO SOLUTIONS, GET CREATIVE

Even attorneys who have been practicing for 40 years or more typically remember the stress and pressure that comes with studying for the bar exam. Now, imagine the heightened stress that would come with failing, or the pressure associated with just the increased *chance* of failure. Try to mitigate this mental weight as much as you can by placing top-notch exam resources in the laps of your incoming associates. For example, your firm may create an online portal where incoming associates can access all of the best bar exam study methods, tutors and online courses available. Provide links, price out all the options and offer a study timeline template (complete with milestones and goals)—do as much of the leg work as you can to take this burden off of the incoming associate.



If you can't afford to pay for bar exam preparation fees, try to think of other things you *can* pay for: for example, can you hire a bar exam tutor who can offer two-hour private tutoring sessions to each incoming associate once or twice a week? Try to think outside the box and consider solutions that may not necessarily be mainstream.

Another avenue to consider is partnership opportunities with bar exam resource outlets, such as local bar exam tutoring businesses or online test preparation companies. By establishing some type of business relationship with these resources, you may be able to provide a discount to associates, while also funneling repeat business to the partner. It's a win-win for everyone.

Hopefully, the declining bar exam pass rate is not going to be a permanent issue. Law schools and legal leaders across the country are working hard to come up with [solutions to reverse the trend](#); but in the meantime, firms are going to have to buckle down and come up with remedies of their own.

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