

Voiceover: Welcome to The Extra Mile Podcast for Bar Exam Takers. There are no traffic jams along the Extra Mile when you're studying for your Bar Exam. And now, your host Jackson Mumey, owner of the Celebration Bar Review.

Jackson Mumey: Hey, everybody. Welcome to episode 62 of The Extra Mile Podcast. I'm so glad that you're with us. If you're like me and you've been in the northeast or the Mid Atlantic and you're digging out from snow [inaudible 00:00:33] it's pretty miserable, pretty awful. I will just apologize in advance if we don't get this episode out on time. We are still fighting the battles of snow. Lots of, lots of snow. I hope, wherever you are, the weather is better and that your studies are going well. We are getting close to the February 2016 exam and there's a lot going on. A lot of people really into the intense part of their studies. In upcoming episodes over the next month, I'll certainly be talking about different touch points as we go along.

Today, I want to continue the series that we started back in episodes 55 and 56. Talking about the truth about the Bar Exam. Today is part three of that series. We're going to talk about the truth about pass rates. This is a little bit of a peeking behind the curtain, a little bit of information about the whole question of pass rates. From our perspective, from the perspective, certainly, of those who have to live and die with them and what it means and how they're calculated and so. We're going to talk about pass rates and how they're calculated, who uses them and why they're used and how you should use them as you're thinking about the bar exam and how to study for it. A lot to cover there.

Before I turn to that information, I do want to invite all of you to join us on Thursday, at 3pm eastern for our live master class how to make the next bar exam your last bar exam. If you're taking the bar in July 2016 or beyond that date, this is a 90 minute course that you're going to want to be going through before you start your studies, for sure. Because we're going to be talking about the 4 steps the passing bar takers have to employ in order to be successful. We've had about 1500 people go through this free class. The response and feedback has been absolutely terrific. I think, you'll find it well worth your time.

As I say it's free, but registration is required. To register, you can do it one of two ways. You can go to our website at CelebrationBarReview.com, there's a button on the front page there, just click and save your seat. Or you can text your registration by texting the phrase NEXTBAREXAM, that's NEXTBAREXAM to 33444. Just text that phrase NEXTBAREXAM to 33444. We'll get you set up for Thursdays class. Again, 3pm eastern, 12 noon Pacific time, hope to see you there.

Let's jump in to this part three of our series about the truth about the bar exam. As I said in parts 1 and 2, I think, it's important to talk about the bar truthfully and to deconstruct the narratives that are out there. In episodes 55 and 56 we talked about this idea what the examiners are really doing and how you should respond to that. We've got a lot of feedback, a lot of reaction to it. I think, that

people are surprised sometimes that we would advocate for you, as a bar taker, I don't know what else our position would be. But I appreciate all the positive response and feedback. If you haven't listened to those 2 episodes, please be sure and do so, but this should stand pretty much on its own.

Today, as I'll talk about the truth about pass rates, I want to identify 5 truths, if you will, 5 things that I think are true about pass rates. Then, I want to talk about what we do at Celebration Bar Review. I want to look at the factors affecting pass rates. I want to make some suggestions for how you should evaluate pass rates for yourself.

The first truth, that I think we want to hone in on, is that the only pass rate that really matters is your pass rate. There's either a 0% pass rate or a 100% pass rate. I think, often what people do, is that they start looking at all these varieties of passes and pass rates, which I'll talk about in a moment, and they lose sight of the fact that, really, your situation and your circumstances are unique. Therefore, the only pass rate that really will matter is your pass rate. When you lose sight of that, when you start saying, "Well, I'll just follow the herd, I'll do what everybody's doing." You're going to discover a couple of things. One, pass rates are highly deceptive and they're used in really, extraordinarily, misleading ways. But also, even if they were being used accurately and given accurately, it doesn't really make much of a difference, because what might work for somebody else, may not work for you.

People that make a decision about how to study or what course to take or what platform to use or where to go, which state exam to take? I'm not sure that that's really a good decision making process. I think that what you're really want to do is look at your own strengths and weaknesses, your own history, first time taker or repeat bar taker or what I call it, distant bar taker. Someone that's either a long way away from their past exam or maybe took an exam in a foreign country. You want to look at those factors before you look at pass rates. It should be way down on your list of things. Because frankly, it doesn't matter if someone says they have 90% pass rate versus 10% pass rate. If you pass, you pass, 100%. If you fail, you fail, 100%. You really want to be locked in to this idea that your pass rate is the one that matters and everything else is really peripheral information.

The second truth, to me, is that there is no single pass rate. I continue to be surprised at how often people talk about pass rates. As though there is one, uniformed pass rate in a jurisdiction, or even in a particular exam. Let me give you an example. When you look at the statistics that the national conference of bar examiners produce, and they produce these yearly on bar pass rates, they break the rates down by a number of different criteria. For example, the people that went to ABA accredited law schools who are first time takers. People that went to non ABA accredited law schools, foreign trained attorneys. People who are repeat bar takers. People who are repeat bar takers and licensed attorneys in other states. It is a nearly endless collection of numbers. The problem, of

course, is that when you start parsing the rate down by all of these categories and subcategories, you get down to such small numbers, particularly when you're talking about individual states. It's very difficult to come up with a meaningful pass rate.

For example, if someone were to say, "Well, what's the pass rate in the New Mexico exam for ABA approved law school students who are repeat bar takers?" Really? We're probably talking about 5 people. It's very difficult to come up with a single pass rates. What the media does? What the blogs do? What above the law does? What the anonymous law professor, you've got to love that guy. What they do is they say, "Well, there is a pass rate of X% in a particular state." Frankly, sometimes when I'm speaking I use that as shorthand, as well. When you hear me talk about a 35% pass rate in California or in New York, what I'm really doing is consolidating the whole bunch of individual distinct pass rates and putting them together for an official state pass rate.

Even with that, there's no single pass rate. What I mean is that in a state, let's say like California, you have a first time pass rate, you have an overall all takers pass rate and then you have an incredible collection of differentiated passing rates based on where you went to school, if you're a first time taker, repeat taker, multiple time taker, foreign trained attorney and so on. When you hear about pass rates, it's very difficult to know which pass rate really matters. If you're a repeat bar taker that went to a non instate law school, should you be looking at the first time bar taker pass rate for that state? Well, I don't know. I'm not sure that it really applies to you. See truth number one, the only pass rate that mattered was yours. This doesn't describe your circumstance, therefore, I'm not sure it tells you anything.

The implication of this lack of a single pass rate is that the only way you can use it, this one single number, is if you're comparing one state to another. If you want to know what the pass rate is in Florida versus the pass rate in Texas or California, it gives you some comparison that way. Again, it's not even entirely accurate from that standpoint because it depends on what your group is in those two jurisdictions or three or whatever it might be.

In addition, if you're comparing a large jurisdiction, like California with a small jurisdiction, or more likely if you're taking the UBE in New York in July and comparing that to the UBE in South Dakota or New Mexico, I'm not picking on New Mexico today, but ... if you're doing that comparison, it's very hard to compare a jurisdiction with just a few bar takers with a jurisdiction with a huge number. Added to that, you've got some states like California, Texas, New York, that allow foreign trained attorneys to come in and then have historically, a much lower pass rate. They bring the pass rate down in those jurisdictions. In other words, there's so many different way to parse the numbers. That when people talk about a single pass rate, they're really simplifying to the point of really making that number almost useless in most situations. That's our second

truth. There really is no single pass rate. It's almost hopeless to try and focus or fixate on one individual number.

Truth number three is going to make some people really mad. Truth number three is very simply that they big box, the big bar review companies would like you to forget all about pass rates. They would like you to never mention the word. If you look at their materials very carefully, you'll notice that they never talk about pass rates. There's a reason for that. They represent, because they combine between [inaudible 00:10:30] they combine for probably well over 90% of the market in almost every jurisdiction. As a result, whatever the pass rates are, in truth number two whatever those group in the pass rates would be, that is their pass rate for the big companies. There's no way they can live with that, because it's not a particularly good number in most cases. When it's broken down to these smaller groups, like repeat bar takers, the number are horrible. The big companies don't want you to think about pass rates at all. For many years they were perfectly happy, they were complacent to let the discussion of pass rates go on and to just sort of implicitly allow it to occur without having to say much about it because most people were passing and that was good.

Now, as we see more and more people not passing the bar, there's more tension, more focus on what these big companies are doing and it's not very good. Particularly for repeat bar takers. There's a huge drop off between first time bar takers and repeat bar takers in every jurisdiction. When the big companies are dealing with repeat bar takers, they're almost off the table in terms of their lack of success. The last thing they want a potential applicant to do, is to look at pass rates for their company. If you've gone to the table at your law school and said, "Hey big box, bar review number one, what's your pass rate here?" They're going to give you the bovine stare. They have no idea what the pass rate is and if they know, they don't want to discuss it. It's not terribly useful for their purposes. They'd much rather tell you that everyone takes their course or that they gave a lot of money to your law school or wouldn't you like some free swag? Or, "Hey, look at this, we've got this really impressive professor," and they don't really look at the results. They're not results based or results oriented. That's our third truth.

Our fourth truth is that in order, if you take these first three items, what you should be doing, I think, is to compare similar categories to your circumstance in order to determine your potential pass rate. In other words, I think what you want to do is to look at where you stand. Where did you go to law school? Was it in state or out of state? Are you a first time taker or a repeat taker? Are you a foreign trained attorney? Are you someone who hasn't taken a bar exam in many years? For example, you are licensed in New York and now you want to take the Florida bar 30 years later. You should look for those kinds of categories. If you're in a state like California that offers state accredited and unaccredited correspondence schools, you should look at the pass rates for correspondence schools and unaccredited schools. Then, you should look for repeat takers versus first time takers. What you're going to discover, of course, particularly if

you're in California, is that you get down to these groups where they are 25 people in your group taking the last bar exam and one or two passed. If it's a repeat taker from a correspondent school.

It's very difficult to do that. I know that what a lot of people do is they say, "Well, I'm going to look at my law school and see how my law school did on the pass rate." I guess I could say that along with truth number three about the big bar reviewers who would like you to forget pass rates, most of the law schools would like you to forget about pass rates as well, because it's hard for them to group all of their students. Do they put the students that took the bar exam first time right out of school to gather [inaudible 00:13:52] people that didn't take the exam for 4 or 5 years and then took it? Or people that took the bar exam 20 years after they graduated? Or people that failed and then came back or changed jurisdictions? How do you begin to parse all of that information?

For you, as a consumer, one of the things that you need to do is to look very carefully at the similar categories for your pass rate to get a baseline before you have any conversation with a bar reviewer or a provider or a tutor or anyone else. Because frankly, unless you're looking at those numbers, you just can't make a reasonable comparison. Anyway, where do I get that information? Some bar exam jurisdictions will publish their numbers, some will not. Frankly, that makes it more challenging. The national conference of bar examiners and we'll link to their site, does offer some broad categories and then individual states will provide some information. Some states like California, provide a lot, Florida provides less. Some states provide virtually nothing. You've got to dig into the site, find out and you can only go so far. Some jurisdictions simply won't tell you what a repeat bar taker from an out of state law school did. Then you're stuck, there's no way to come up with a pass rate.

Then, our fifth truth is that you need to select a bar review course or a tutor or a mentor, based on how they can help you, given your current situation. As I said at the beginning, the only pass rate that matters is yours and not everyone is the same. If you're having trouble with writing, you should focus on a course that can assist you with your writing. If you're having trouble with the multi state, you should focus on a course that can assist you in a multi state. If you're having difficulty with test anxiety, I think you're going to want a course where you get a lot of personal attention. If you're someone who is at the top of your law school class, you're a three L, you're on law review, you're a gunner all the way through law school and you're proud of it, if you're a gunner, you're probably not even listening to this podcast, but if you know somebody who's like that, they're going to go take the big bar review, because they're going to get it for free, because the big bar reviews need their passing scores. That's how that game works.

But the reality is, for most of us, regular people, you have to select a course, based on how it can help you. Don't select a course based on pass rates. It's not a particularly good measure of anything. Because the pass rates may not be

applicable to your situation. May not be applicable to your circumstance. May not be applicable to your particular needs. I find often the people really try to use this pass rate comparison as a shortcut to making a good informed decision. Celebration bar review isn't right for every student, admittedly. I routinely turn students, potential students away, because I don't think we're a good match. I don't know if that's true across the board in other courses, but I know that our particular comparison, or criteria is that we want to make sure that we can help you. Because if we can't help you pass, there's really no purpose in having you in the course. I think any ethically designed course would take it the same way.

Those are five truths about pass rates, but I want to talk about a couple of other things that I think come around this question of the truth of pass rates. Because of these five truths, we at Celebration Bar Review, don't publish pass rates. There is no single number that we could give you that would identify anything of meaning. Now, we can tell you that over a one period of time over 10 years, 15 years, the 20 years that we've been in business, that we've got thousands of students who successfully passed the bar in every jurisdiction that we teach.

But to put together a pass rate, to say, in February 2015 in the UBE jurisdiction of New Mexico our pass rate was X is really a pointless things. We had two students, if they both pass, it's 100%, if they both fail, it's 0%, I don't know what good that does to anyone. We don't publish pass rates. That's our position. We don't think it accomplishes anything for the reasons I've talked about. If you're looking for pass rates on our sites, you're not going to find them. What we do instead is that we invite you to talk to me and talk about your situation. Then, have a candid and open conversation about what we could do to help you. Which was truth number 5.

I think, one of the reasons when we made the decision here to not publish pass rates, we looked at all of the factors that can affect even the publication of any pass rate. For example, should you include someone that buys a course but then doesn't do the work? In other words, they buy the box and it sits unopened on their living room floor. It doesn't feel like that would affect your pass rate or should affect a pass rate. So, do you not include them? If you're going to go down that road then do you include the people that only did 25% of your course? Or 50% of your course? Or 75% of your course? How about the people that decided that they bought the course and then they were going to add on some other courses from other people or maybe they were just going to do the state materials from you and multi state from somewhere else and back and forth.

I think you can see very quickly, it's very difficult to know who should be included and who should be excluded. Do we include the people that were foreign trained attorneys and couldn't speak English when they sat down for the bar? I don't know. Is that fair to look at an overall pass rate like that? Again, I don't think you can make that comparison, unless you're a foreign trained attorney who doesn't speak English, in which case you should be looking at the

pass rates for that group. Here's a spoiler alert, they're not very high. Seems to me, that when you start looking at all those different factors, any company that tells you that they've got a pass rate is probably fudging. They're probably not telling the truth. Or they're probably manipulating those numbers to include only certain situations and certain people and certain circumstances. I'm not sure that that makes the number very useful for anyone.

What we've done, because we don't publish pass rates and because we think there are so many factors that can affect it, is that we've put testimonials that past students have given us voluntarily. We don't force them to do it, but they give us their testimonials and we put their name and their testimonial and their picture on our website. I'll link to it in the show notes today, but you can look at it, it's by no means an exhaustive list. It would take far too much space than that we put on our website. But we think those testimonials are useful for people to look at and say, that's kind of like my situation and that makes sense to me.

We also offer our private Facebook group the Extra Mile. I'll be talking about that in a moment, as we wrap up today. But within that group, we've got prior successful students who come online and offer their suggestions and their insight and their advice. Obviously, if you're a regular follower of this group, you know that I do interviews with former students on a regular basis to let them share their stories and let you look at what they've done and say, yeah, that feels like my situation and I can relate to that and that worked or didn't work for that person.

Here's what I don't think you should do. I don't think you should put much value in the anonymous trolls that hover around the JD for law site or the find law site or the ... whatever the particular blog of the moment might be. You couldn't certainly find people that are unhappy with us, with me personally, with every bar review that's out there. But one of the things I've noticed about the people that particularly troll our course is that they're all anonymous. I have no idea who they are or what they're doing. The few times I've been able to dig in and find a little bit deeper, I found that some of those anonymous trolls actually ended up working for other bar review companies. Go figure that, isn't that amazing?

But I also think, if somebody is not going to be honest about who they are and what they're doing and what their results were. In other words, if they don't tell you that they then went out and passed the bar and you can find them and here they are and they're an attorney. I'm not sure that their guidance or their advice is terribly useful. While I think it's wonderful that the internet gives people the ability to search for anything. I'm just not sure that it's terribly helpful when it comes to evaluating a course. Because each course and each process is different for an individual. That's why we invite you to talk with us, talk with me personally to see if we're the right fit for you.

I think if you look at our information, if you look at the testimonials we've got, if you go to our Facebook group, if you're a part of that group, you're going to get a lot of input about what our course is like. I would put more weight in that, I think, than in some troll that's out there from 10 years ago who says, "I don't like that course, she was mean." Really? What does that mean? Did you pass? Were you likely to pass? Did you fail 10 times before you took the exam? Did you go through the course? What happened? There's no way to know. I think that that's part of the reason that that entire line of inquiry just doesn't go very far.

Really, when we think about the truth about the bar exam in this respect, I think pass rates are something that really don't tell us much. They don't give us much insight. They don't help you as a consumer or as a bar taker. I really encourage you to ignore that and to dig in to what works for you.

Loved to get your comments and thoughts. I appreciate you spending the time and before we wrap up, just a brief word about our private Facebook group, the Extra Mile.

Well, I hope you found today's podcast valuable and if you did, I'd like you to invite to subscribe to the Extra Mile podcast. You can do that in one of two ways. You can go to iTunes and subscribe there or you can go to our website CelebrationBarReview.com, click on the podcast link at the top of the page where you'll find our show notes and all the past episodes and you can subscribe from there.

Now, I you'd like even more of the Extra Mile that we offer in these podcasts, I want to also invite you to join our private Facebook group called the Extra Mile. This is a community of current and past successful bar takers, who've come together for advice, support, information and some terrific resources. We've put together the Extra Mile as a monthly paid subscription offering. I want to just share with you some of what's involved and some of the benefits you're going to receive when you join the Extra Mile Facebook group.

First and I think most significantly, you'll receive access to our popular, economical, Bar-U course as part of the membership. Bar-U provides digital lectures and outlines and selected questions for 7 state bar exams, California and New York, Florida, Texas, Georgia, New Jersey, in addition to all of the uniformed bar exam jurisdictions and the multi state bar exam. Membership in Bar-U alone would normally cost you about \$100 a month, but it's free with your paid subscription to the Facebook group. I think you find this a great way to just have access to substantive current material, lectures and outlines for all of the subjects that are on the bar exam.

In addition to that, members of our Facebook group receive access to our online writing workshop course that contains 4 lectures on essay writing, plus sample question and model answers. That course sell for 99,95 all by itself. Definitely, a value when you're part of the Facebook group. All of our Facebook group

members will receive free seeds for three brand new master classes we're doing this year. These are being offered to the public, actually for sale, for 50 dollars per a class, but they're free to our Facebook group members. The topics of these new master classes which are presented in conjunction with our partners of learning strategies will be on abundance for life and living the law of attraction and rapid reading made easy. They're three topics that I've extensively taught as ways to enhance and improve your bar exam, scores and your study. I think you're going to find them really valuable. In addition to all of that, our Facebook members will get my proprietary exam predictions for each exam and you'll receive our exclusive video countdown leading up to the upcoming bar exam.

On top of all of that and maybe even most significantly, you'll get the support and the advice that comes from a community of people who really want to see you succeed on the bar. Our past bar students who've been successful have generously agreed to come on and offer their insights and advice. I comment to the site on a daily basis to offer additional resources and to do Q and As. Really, encourage you to check this out. In the show note, you'll find the link to sign up for this Facebook group. One other thing about it, there's a 5 day free trial. You can actually sign up and not have anything charged until you've been able to experience it for yourself. But when you take all of the benefits together, it's several hundred dollars worth of resources available for only \$77 a month. There's no requirement to continue the subscription. It's every 30 days until you cancel. Really, invite you to join us there on the Extra Mile.

Well, that's it for today. Thanks for being with us and we'll see you on the next episode.

Voiceover:

Thanks for listening to Extra Mile podcast for bar exam takers at www.CelebrationBarReview.com