ONLINE LEARNING IN LAW SCHOOLS---
THE PANDEMIC EXPERIMENT

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AN EPIC EXPERIMENT

- THE PANDEMIC SET UP THE LARGEST SCALE EXPERIMENT IN ONLINE LEARNING IN LAW SCHOOLS, THAN COULD EVER HAVE BEEN PLANNED.

- IN MARCH 2020, A FEDERAL GOVERNMENT MANDATED CLOSURE OF SCHOOLS, GOVERNMENTS AND BUSINESSES DUE TO THE COVID-19 PANDEMIC REQUIRED AN IMMEDIATE SHIFT TO ONLINE LEARNING FOR ALL LAW COURSES, LITERALLY OVER A WEEKEND.

- THE CLASS OF 2020 WAS THE FIRST CLASS TO GRADUATE AND EXPERIENCE LEARNING LAW ONLINE AS A CLASS, BUT THE CLASSES OF 2021 AND THE 1L CLASS OF 2022 WERE IMPACTED WITH THE BALANCE OF THEIR LAW SCHOOL EXPERIENCE BEING MOST IF NOT ALL, ONLINE.
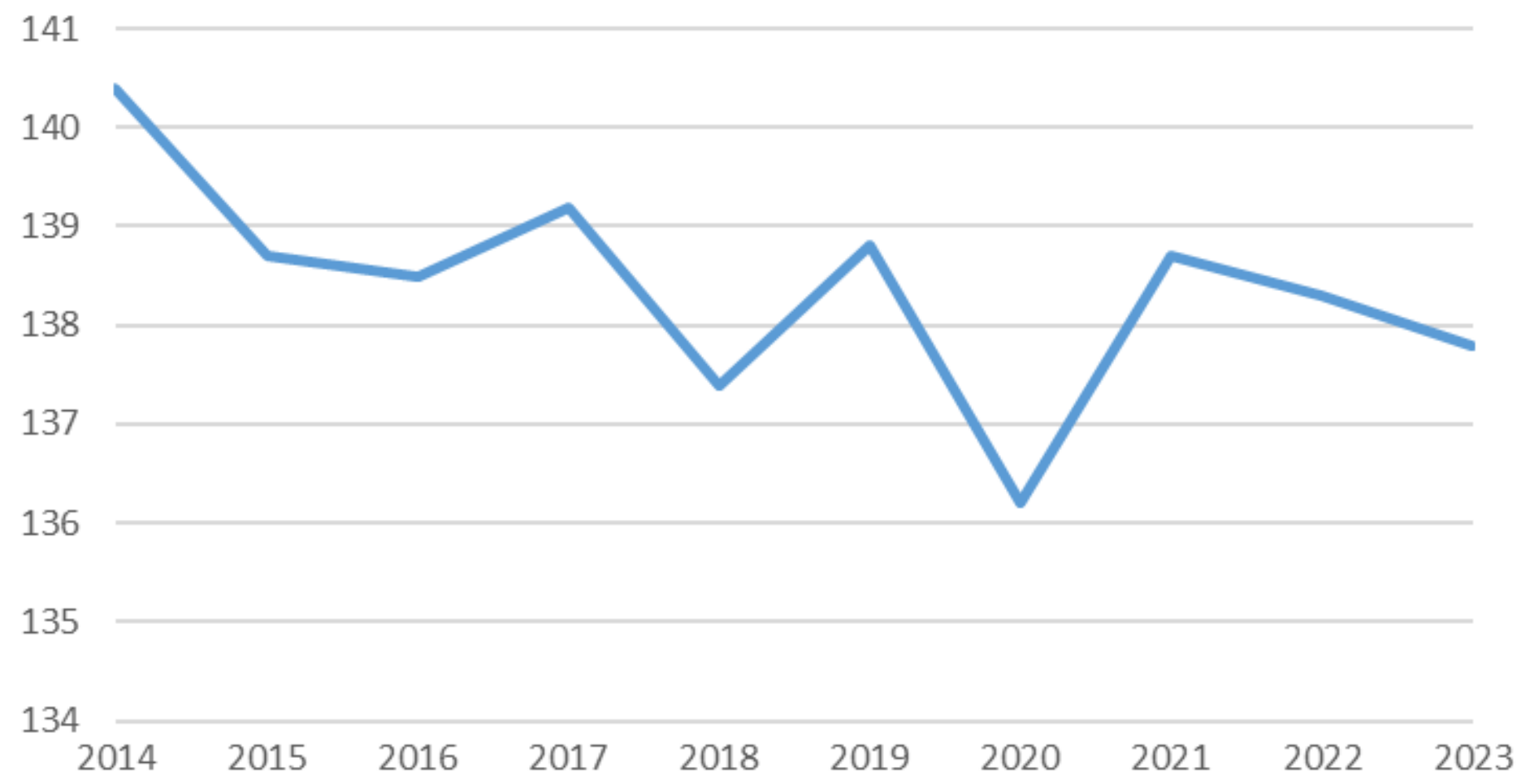
MBE

- USING THE MULTI-STATE BAR EXAMINATION, A COMMON TEST GIVEN TO ALL LAW STUDENTS TAKING ANY BAR EXAMINATION (EXCEPT LOUISIANA), IS THE MEASURE USED OF HOW STUDENT LEARNING AND PERFORMANCE MAY HAVE BEEN IMPACTED BY LEARNING LAW, ONLINE.

- HTTPS://THEBAREXAMINER.NCBEX.ORG/2023-STATISTICS/THE-MULTISTATE-BAR-EXAMINATION-MBE/#STEP4

- THE MEAN SCORE FOR THE FEBRUARY AND JULY TESTS, FOR ALL JURISDICTIONS, FOR EACH YEAR IS CHARTED BY YEAR ON THE FOLLOWING GRAPHIC.
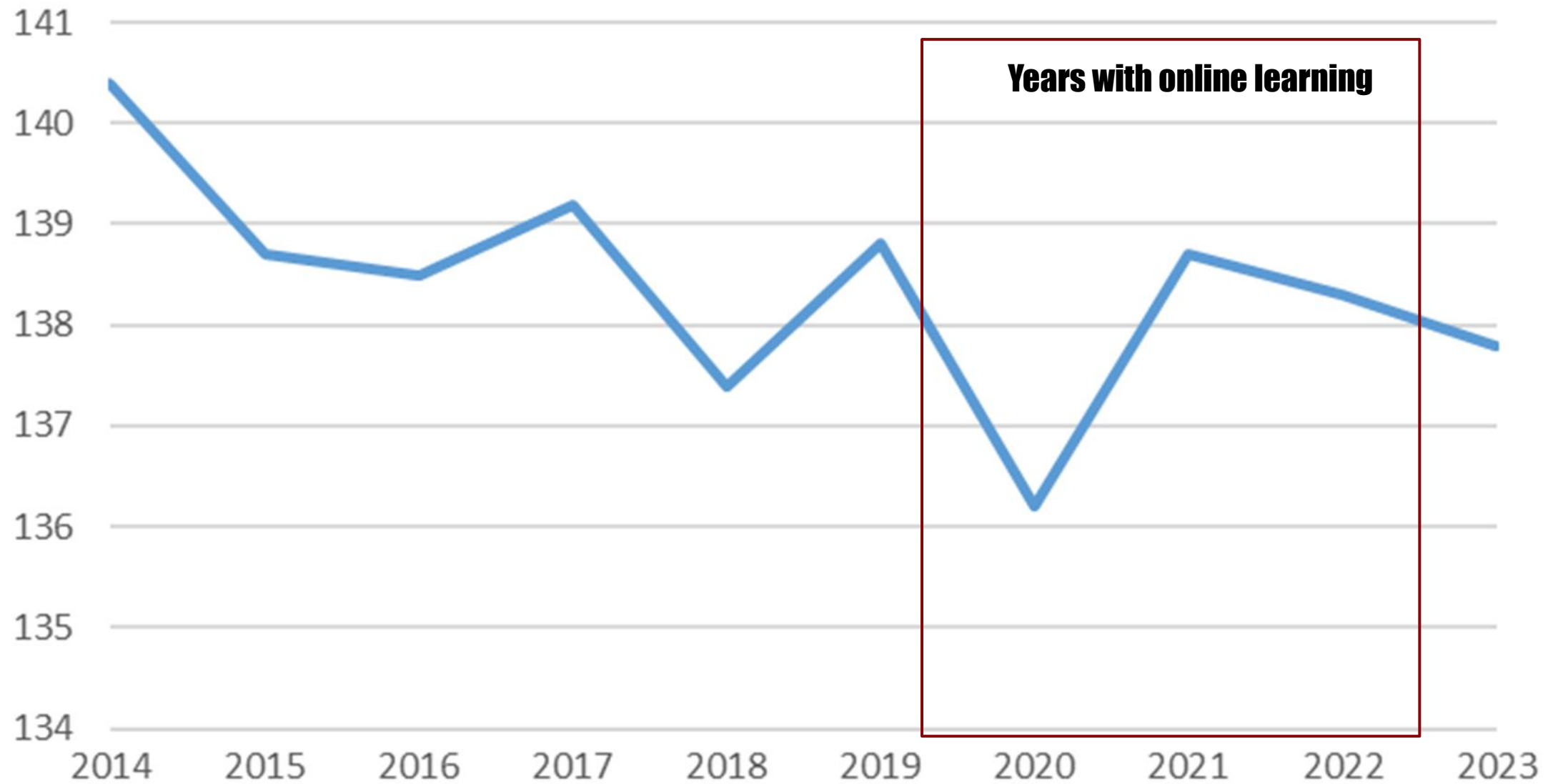
ANALYSIS

- THE MBE MEAN SCORES ACROSS ALL JURISDICTIONS AND TERRITORIES IS AVAILABLE FROM THE NCBE DATA BEGINNING IN 2009.

- USING THIS DATA, BY YEAR, IT CAN BE OBSERVED WHETHER THERE WAS A SIGNIFICANT DEVIATION DURING ONLINE CLASSES, FROM THE TREND OVER YEARS IN MEAN SCORES ON THE MBE.
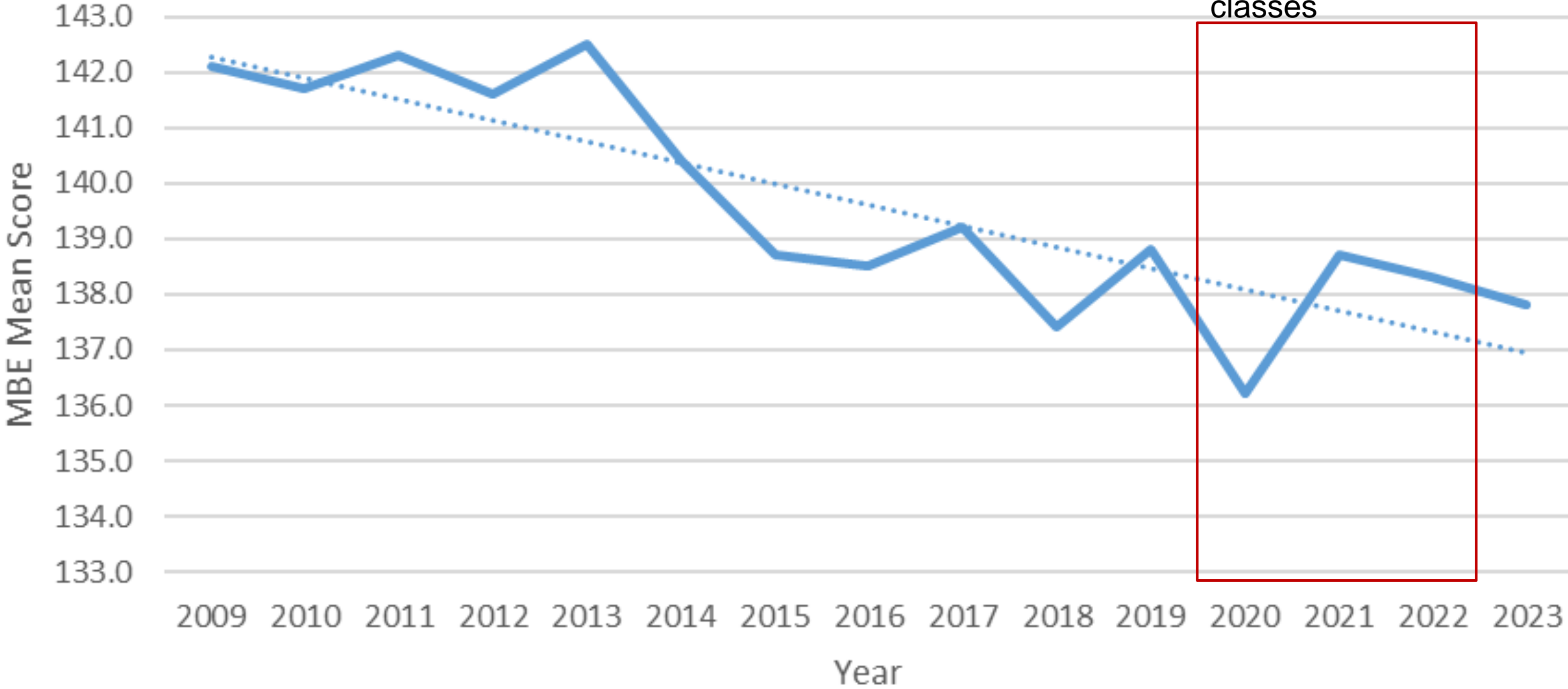
MBE Mean Score by Year

MBE Mean Score by Year

MBE Mean Score by Year

MBE CONCLUSION

- THE TREND LINE FROM 2009 – 2023 SHOWS A DISTINCT DROP IN THE MEAN SCORE ON THE MBE FROM THE TRENDLINE. SUBSEQUENT CLASSES WITH ALL OR MOST CLASSES ONLINE, ROSE NOTICEABLY ABOVE THE TREND LINE.

- FROM THIS DATA, NOT ONLY DID ONLINE LEARNING NOT IMPACT STUDENTS NEGATIVELY, IT LED TO BETTER SCORES ON THE MBE THAN THE TREND LINE WOULD PREDICT.

- AFTER THE INITIAL TRANSITION WHICH RESULTED IN A DIP IN SCORES IN 2020, THERE IS A CORRELATION WITH HIGHER SCORES AND ONLINE LEARNING.

- THERE IS NO OTHER SIGNIFICANT CHANGE IN LAW SCHOOL DURING THAT TIME, OTHER THAN TEACHING ONLINE FOR ALL OR MOST OF THE CLASSES.
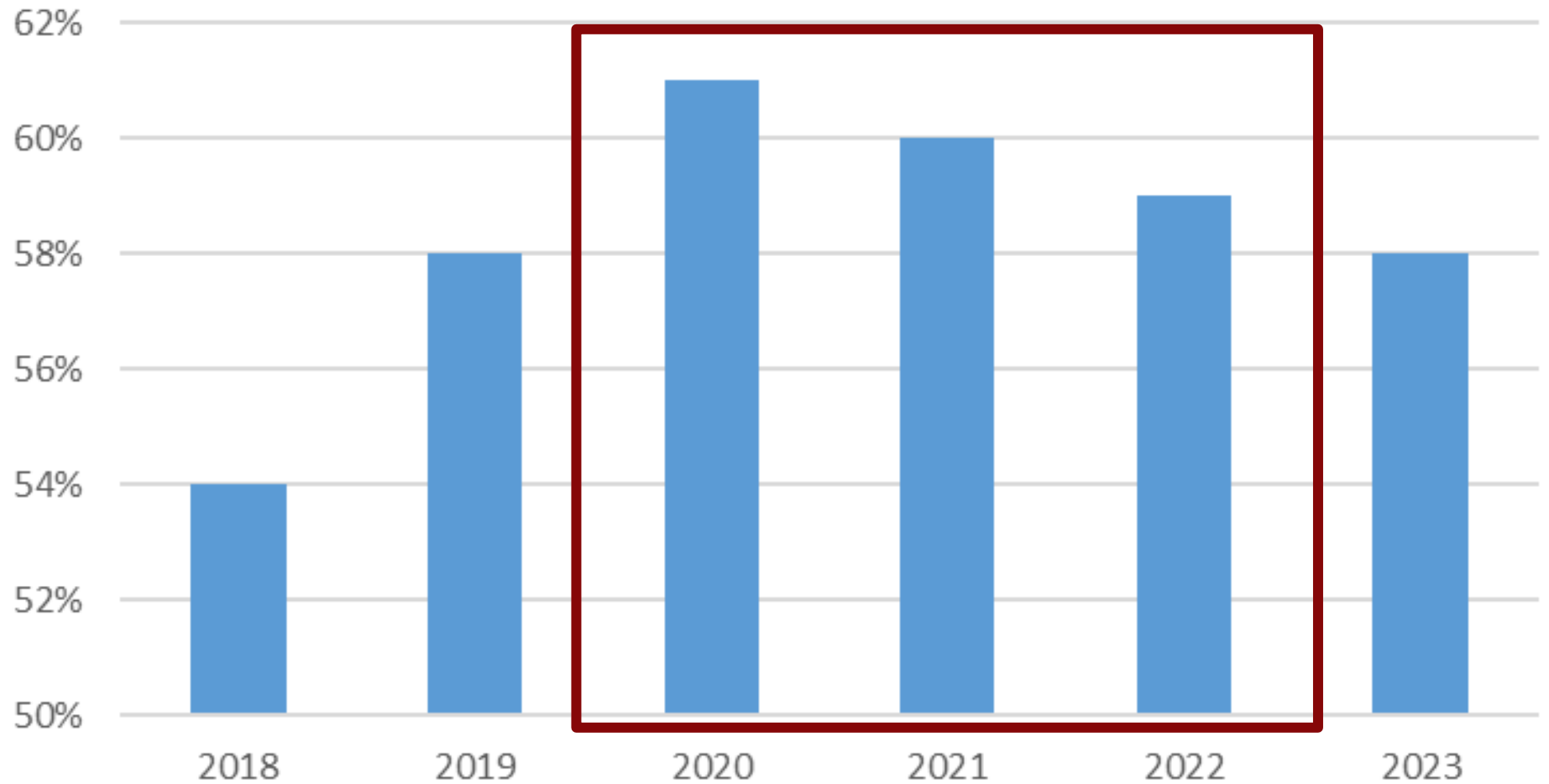
BAR PASSAGE RATE

- THE BAR PASSAGE RATE IS ANOTHER INDICATOR TO TEST OUR CONCLUSION IN THE PREVIOUS ANALYSIS OF THE MBE MEAN SCORE.

- THIS ANALYSIS WILL INCLUDE THE STATE-BY-STATE DETERMINATION OF THE CUTOFF SCORE FOR THE MBE, WHICH WOULD NOT BE EVIDENT IN THE PREVIOUS ANALYSIS.

- THE OVERALL BAR PASSAGE RATE FOR THE STATES AND TERRITORIES BY YEAR CAN SHOW A TREND AND ANY IMPACT FROM ONLINE LEARNING IN 2020, 2021, 2022.

- ONLINE LEARNING FOR THE CLASS OF 2020 WAS ONLY ONE SEMESTER; WHEREAS THE CLASS OF 2021 HAD ONLINE LEARNING FOR THE NEXT TWO YEARS. THE CLASS OF 2022 WAS IMPACTED FROM THEIR 1L YEAR THROUGH THEIR 3L YEAR.

- THERE MIGHT BE A REGRESSION PATTERN BASED ON THE INCREASING PERCENT OF LAW SCHOOL TIME SPENT IN ONLINE LEARNING WHICH WE COULD SEE IN THE FOLLOWING ANALYSIS.

BAR PASSAGE RATE

% Bar Passage Rate in the U.S. by Year

BAR INTERVENING FACTORS

- SOME STATES BEGINNING WITH LOUISIANA GAVE "DIPLOMA PRIVILEGES" TO GRADUATES IN LIEU OF A BAR EXAM THAT WOULD REQUIRE TAKING A TEST IN PERSON IN A LARGE GATHERING WHICH WAS AGAINST STATE MANDATES FOR LARGE GATHERINGS IN MOST STATES. (THIS SHOULD NOT APPRECIABLY ALTER THE PERCENT PASSING THE BAR EXAM OVERALL, NATIONALLY.)

- BAR EXAMS ADMINISTRATIONS HAD TECHNICAL DIFFICULTIES BUT THEY SHOULD HAVE BEEN THE SAME ACROSS THE MBE AS WELL AS THE REST OF THE BAR EXAM PARTS.

BAR PASSAGE RATE CONCLUSION

- THE BAR PASSAGE RATE INCREASED FROM 2019 TO 2020 BY 3 PERCENTAGE POINTS, THEN DECREASED IN A LINEAR TREND FROM 2020 TO 2022, INDICATING A NEGATIVE IMPACT FROM ONLINE CLASSES FOR BAR PASSAGE RATE, BUT FOR CONFOUNDING FACTORS, LIKE DISCRETIONARY CUTOFF SCORES SET BY STATES.

- CONTRAST THIS WITH THE FINDING OF SIGNIFICANTLY HIGHER MBE SCORES FROM 2020 TO 2023. RELYING SOLELY ON THE MBE DATA, ONLINE LEARNING HAD AN ENHANCED EFFECT ON LEARNING.

- THIS CONFLICTING FINDING COULD INDICATE BAR PASSAGE RATE MAY BE DRIVEN BY OTHER FACTORS SINCE THESE ARE STATE DETERMINATIONS. IT COULD ALSO INDICATE OTHER PARTS OF THE BAR EXAM, LIKE THE PRACTICE SECTION, MAY HAVE AFFECTED THE BAR PASSAGE SCORE MORE THAN THE MBE.

OVERALL CONCLUSION

- THIS STUDY USING THE MBE AND THE BAR PASSAGE RATE FOR EACH STATE, AS MEASURES OF THE IMPACT OF ONLINE LEARNING IN LAW SCHOOLS, SHOWS TWO DIFFERENT INDICATIONS. THE MBE SHOWED A HIGHER THAN EXPECTED SCORE TREND FROM 2021-2023. THE BAR PASSAGE RATE SHOWED A CONSISTENT DECLINE RATE FROM 2020-2023, INDICATING AN INCREASINGLY NEGATIVE EFFECT FROM ONLINE LEARNING ON BAR PASSAGE RATE.

- THE MBE GOES INTO THE DETERMINATION OF BAR PASSAGE RATES, SO THERE IS SOME OVERLAP IN THEIR MEASURES.

- THIS CONFLICTING FINDING BETWEEN THE MBE SCORES AND THE BAR PASSAGE RATE COULD INDICATE BAR PASSAGE RATE MAY BE DRIVEN BY OTHER FACTORS SINCE THESE ARE STATE DETERMINATIONS

ARTICLE

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