

To All Summer 2017 California Bar Applicants (and Their Supporters):

This summer, YOU have the BEST opportunity in over two decades to secure a law license.

There is only ONE thing standing in your way: the lesser MBE training and practice that you as a collective body are being offered or encouraged to pursue.

This e-mail will tell you WHY and HOW 1,500 more of you will pass this summer's exam.

Repeat: One thousand, five hundred MORE barpassers THIS summer.

That would mean your individual odds of passing increase from less than one in two to about two in three!

Why? In a nutshell, our applicant pools for the last twenty years (1997 to date) have been underperforming on the MBE, which since 1987 has been the singularly determinative factor in setting the pass rate for California (and for about 40 other jurisdictions which employ the MBE scaled average to equate the difficulty of their written part of the exam –and which have also suffered pass declines). Thus, a constant combination of poor MBE skills or training or practice is causing persistent, damningly-low pass rates in California (and elsewhere).

So, historically, the MBE determined the number of passers; the written section determined who would be among those passers.

When our applicant pool performed poorly on the MBE, the overall pass rate reflected that fact. (We will leave the pointing of fingers for another time.)

This summer our applicant pool will outperform the predictions and overperform the normal training expectations and typical assignments. A simple return to the pass rate of 1997 would see over an additional 1,500 bar passers.

You have the power to make you – and a substantial number of your friends and classmates – bar passers this November. Here is **How**:

First, you must maximize your own MBE preparation. The national courses are not appropriately adjusting (and some would argue, never did) to the higher demands on MBE performance for success, both individual and collectively, on the California Bar.

Either linked in this e-mail or available at the MBEInitiative.com website are two pages of [MBE Study Tips](#), a [Study Sequence](#) (for repeaters not taking a course or those without a study plan), a [Daily Planner](#) for those of you have difficulty organizing your day – especially in the online bar review format now promoted by the courses and favored by the majority of students, and a Tally sheet, the [MBE Regimen](#), for planning/recording your MBE practice. I strongly suggest that you look to your LSAT score or past MBE results to guide you in dictating the amount – more per day, albeit in two or three doses, is better – of MBE practice you pursue.

I can't cover every tip here, but that's what the tipsheet is for. I recommend you review it. FYI,

these tips have helped thousands over the years identify and correct the flaws in their MBE study efforts so that they passed on that bar and didn't have to repeat.

Second, you must encourage your friends and classmates to maximize their MBE practice. That would mean that you should forward this e-mail to your circle (including faculty supporters) who can, in turn, blast it to others. If the pool fails to perform to their best, then your effort may fall short. (Realize, under/using the 1997 pass rate (it was 63% overall), thousands of bar applicants fail each year who could have passed if they had sat that year. Well, let's turn back the clock.)

You have to make a special effort to engage bar repeaters. They have less support and their efforts are often blunted by their failure. This is the point that must be stressed to them:

If this summer's applicant pool were to maximize their MBE scores (collectively, their MBE average) on this NEW version of the bar, the degree to which they exceed base expectations and excel over past (weaker-prepared MBE) applicant pools, their much higher MBE-dictated pass rate, will – by eagerly awaited comparison – immediately and definitively discredit the OLD version of the exam – and the pass rates and, most importantly, the unnecessary failures that sadly resulted during its time.

Read that again.

And let me emphasize – this cannot be understated:

Repeaters who pass this summer will be seen as first-time passers.

And, any deans and professors plugged into this chain, if you can appreciate that resultant perspective, then it is in your best interests for the sake of your struggling alums and your school's reputation (RIP, Whittier) that you urge on your applicant contacts to stress their MBE studies – because the courses are not going to do it for you.

Indeed, the programs have heartily embraced online delivery, which, as you and they know, will spell disaster for a not insignificant number of students who lack the discipline or focus to stay on program. You could take an active role in ensuring that students are staying abreast of their assignments – and especially the MBE practice that their LSAT and school experience dictate.

Earlier this year, the California Supreme Court was petitioned to direct the Committee to lower the cut-score for this examination. The Court wisely deferred action until after the results from this summer's bar experience/experiment were tallied. I would consider this an opportunity for the academy to exhaust their 'administrative remedies' by pushing their graduates to demonstrate their best efforts on the MBE and thereby prove/disprove or provide guidance in whether and where the cut-score should remain or reset.

You can join alongside your graduates in promoting that the greatest number of licenses are dispensed this November – and the greatest number of alum-admittees attend your swearing-in celebrations! Your petition did not work for this summer, but you could still play a major role in

positively affecting the summer pass rate. Here's how.

Reach out to your alums – and especially your repeaters. Feel free to provide the attachments here or to have your support staff draft/reconfigure similar guides. Again, the tips are freely available at MBEInitiative.com. Most importantly, your grads need to be urged to stay on schedule and prioritize actual MBE practice.

Some schools provide additional MBE materials (through the NCBE) for their students, but you could also help them plan the time for that additional practice (and debriefing). Some of your students are taking a program that may be upselling additional MBE training (which means that they could be withholding some MBE advice/tips from the general program); surely you have the power or connections to see that programs offer such online additions free of charge to your graduates. Collectively, it would not be unseemly if all deans could band together to see that their combined alums are not disadvantaged by some schools not receiving additional training and dragging down the rest of the pool. You each have a stake in the bettered MBE performance of all graduates from all schools – and even your LLMs from abroad.

Enough said. Six weeks to go is more than enough time to find the right rhythm for a most constructive MBE regimen. Let EVERY applicant make the MBE a sub-routine of your studies that operates automatically each day to enhance your overall study effectiveness. And that provides for the LARGEST passing zone and the greatest number of barpassers in two decades!

The Old Bar is dead. Cut-scores and predictions be damned.

John B. Holtz

MBEInitiative.com

PerformanceTest.net