If You Have Failed the Bar Exam It Is Not the End of the World

These examinations are the benchmark of the legal profession and, for many, the culmination of three years' hard work in law school. However, only 64 percent of bar candidates pass the exam, and many states have much lower passing rates. For example, only around 45 percent of test takers pass California's notoriously tough bar exam the first time they take it.

If you have joined the ranks of those who must retake the exam, be reminded that you are in good company. Throughout history, many governors, members of Congress, mayors, attorneys general, military generals, law school professors, and judges have failed the bar exam as first-time test takers.

See 10 Ways to Bounce Back After Failing the Bar and Pass on Your Next Attempt for more information about how to pass the bar after failing it.

Hillary Clinton and the late John F. Kennedy, Jr., were two of the more famous politicos who were exposed as having failed their first bar exams--JFK, Jr., failed his second time around, as well--and Kathleen Sullivan, Stanford Law School's former dean and a renowned attorney in her own right, was one of more than 4,000 examinees who did not pass the California Bar Exam.

Practical Academic Support Services (PASS), a law school study aid and bar review company, recommends on its website, "Be smart and be a detective; figure out what you did and why you failed. Only when you know your weaknesses can you turn them around and get strong enough to pass."

PASS noted that examinees who scored low on the Multistate Bar Exam (MBE) likely do not have the necessary depth of knowledge about the law, did not successfully complete enough practice exams, or need more experience in critical thinking and legal analysis.

According to Edna Wells Handy, author of You Can Pass Any Bar Exam and founder of the Legal Skills Center of New York, "unfathomable law school grades and grading policies" can warp a test taker's expectations of the bar exam and influence a bar candidate's decision to not prepare him/herself adequately.

On the University of Dayton's Law School website, Handy states that many first-year law students study harder than they ever did during their undergraduate degrees and still receive the worst grades of their academic careers. When they fail to study, she writes, "they get the same grade."

"This absence of a direct connection between work expended and grade improvement often leads to belief that there are forces beyond a student's control accounting for the low grades--for example, 'the professor does not like me' or 'it's the curve.'"

By the time a law student enters her third year, she may no longer care about careful test preparation.

"Regrettably, too many of these third-year law students will approach the bar exam minimizing the importance of preparation and discounting their ability to control circumstances which will enhance their ability to prepare," writes Handy.

"They will resort to old study habits like cramming and passive study, which may have gotten them to the point of passing law school exams, but which are almost always counterproductive to passing the bar exam."

On the other hand, many first-time examinees who fail the bar have simply fallen victim to test anxiety.

"A little anxiety is a good thing," Handy says. "It keeps people motivated and alert. Too much, however, may result in dysfunction."

Although bar exam preparation is best done alone, Handy notes, "it is when we are alone that some of our deepest fears and anxieties surface. While there are fears and anxieties best dealt with by mental health professionals, many of those of the typical bar exam candidate stem from one main source: fear of failing."

All bar candidates must acknowledge that failing the exam is a possibility in order to put the thought aside.
and devote their full attention to their exam performance. In this situation, second-time test takers have a distinct advantage.

"Knowledge is power," says the PASS website.

"You likely will be less nervous this time around because you know what to expect. If you know you tend to get nervous during the exam, find ways to calm yourself."

PASS recommends using visualizations, music, earplugs, and other methods to avoid interaction with other test takers, thus minimizing your own distraction and chances for nervousness.

In an online forum for law students, several anonymous, licensed attorneys recommended that second-time examinees consider using private tutors.

One attorney who failed his first bar exam said his tutor was significantly more expensive than a traditional preparatory course; but, he said, "I figured I would rather pay that money now than wait six months, fail again, and have to pay again for another course."

Another second-time examinee wrote that test takers in states with bar exams that are significantly more difficult than the average "may also want to take a bar [exam] in another state. In Mississippi, I passed with no problem and am now waiving into D.C.…If I don’t pass California this time, I have options."

A third attorney reminds all bar candidates, "Sometimes it’s not ‘practice makes perfect,’ but ‘perfect practice makes perfect.’

"If you’re having trouble with essays, stop what you’re doing and take a critical writing class. Build your grammatical skills and critical thinking skills. Practice writing out your essays in longhand. Proofread and edit them. Do them again."

The bar exam has been called a rite of passage by some. However, Handy believes the bar is "more like a ritual—a very specific, highly sophisticated, elaborate ritual, full of technical minutiae carefully contrived to test a student’s resolve.

"That resolve must be evident from the beginning of the study period and must be strong enough to take a student through the final day of the exam. The more students learn about the process, the less mystery and mistake there will be in treating the ritual with the utmost seriousness, respect, and hard work. The harder, longer, and smarter a student works, the better the chances [are] of passing."

See the following articles for more information:

- Stopping the Cycle of Failure in Bar Exams
- Pass the Bar in One State, Work in Another
- Explaining Bar Failures During a Legal Job Interview
- Prepare for the Bar Exam
- Studying for the Bar Exam
- In General, What Can You Do to Prepare Yourself for the Bar Exam?
- How to Prepare for the Bar Exam
- The Bar Exam and Beyond

Please see the following articles for more information about the bar exam and reciprocity:

- "Guidelines on Reciprocity or "Admission on Motion" among the States as per American Bar Association"
- Pass the Bar in One State, Work in Another.
- Taking the Bar in Multiple States
- 10 Ways to Bounce Back After Failing the Bar and Pass on Your Next Attempt
- Don’t Panic! Ten Tips for Surviving the Bar Exam
- New York’s Exam: The Biggest Baddest Bar
- Barriers Fall for Out-of-State Attorneys

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Please see the following articles for more information about law school, the bar exam and succeeding in your first year of practice:
Acing Law School Exams: Grade-A Advice
What’s Next after Finishing Law School
First Year of Law School Survival Tips
Does Law School Rank Determine Success?
The Three Major Legal Fraternities and Why You May Want to Join One
Late Bloomers: Going to Law School Later in Life
Coping with Law School Dismissal
Graduated From a Tier 3 Law School: There’s much you can do with your degree
The Real World: Life after Law School
Why You Should Think Twice About Remaining in Law (or Going to Law School)
After Law School, B-School: The Rise of M.B.A.’s Among Attorneys
Law Schools at Historically Black Colleges and Universities
Non-ABA-Accredited Schools May Offer Good Alternative
Top Law Schools Analyzed and Ranked By America’s Top Legal Recruiter Harrison Barnes
The Five Stages of Every Legal Career
"Guidelines on Reciprocity or "Admission on Motion" among the States as per American Bar Association"
Pass the Bar in One State, Work in Another
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Don’t Panic! Ten Tips for Surviving the Bar Exam
New York’s Exam: The Biggest Baddest Bar
Barriers Fall for Out-of-State Attorneys
The 10-Step, ”No-Fail” Guide to Distinguishing Yourself as a First-Year Associate
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Top 39 Tips for New Litigation Associates and Trial Lawyers: How to Be a Good Litigation Attorney
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