

**Predicting the Effects of a Transition to the UBE in New York using July 2014 Data**

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The purpose of this report is to investigate the effects of changing the weighting from the Status Quo (weighted 40% MBE, 10% NYMC, 40% MEE, 10% MPT) to UBE-style weighting (weighted 50% MBE, 30% MEE, 20% MPT) using data from the July 2014 New York Bar Examination. A previous report presented results based on the February and July 2013 New York Bar Examinations. In both that past report and the current analyses, we have doubled the MPT scores actually received by examinees and have used the New York essays as a proxy measure of MEE performance.

The tables on the following few pages show the side-by-side passing and failing rates under the status quo weighing system and under the UBE system. Values are provided for the full group of examinees as well as various demographic subgroups in July 2014. Within a demographic subgroup, we present both raw numbers and percentages expressing the frequency of passers and of failers as well as the difference in the frequency of passers under the two weighting possibilities. The last two columns contain the net number and percentage of people affected by the change from the status quo weights to the UBE weights.

**Pass Rates, July 2014**

Demographic Group	Result Status Quo				Result UBE				Net Differences in Passing	
	Fail Count	Fail %	Pass Count	Pass %	Fail Count	Fail %	Pass Count	Pass %	Count	%
All Cases ( <i>N</i> = 11,195)	4,026	36.0%	7,169	64.0%	4,075	36.4%	7,120	63.6%	-49	-0.44%
Female ( <i>n</i> = 5,673)	2,193	38.7%	3,480	61.3%	2,217	39.1%	3,456	60.9%	-24	-0.42%
Male ( <i>n</i> = 5,260)	1,736	33.0%	3,524	67.0%	1,757	33.4%	3,503	66.6%	-21	-0.40%
Asian/Pacific Islander ( <i>n</i> = 2,618)	1,327	50.7%	1,291	49.3%	1,343	51.3%	1,275	48.7%	-16	-0.61%
Black/African American ( <i>n</i> = 857)	490	57.2%	367	42.8%	500	58.3%	357	41.7%	-10	-1.17%
Caucasian/White ( <i>n</i> = 5,931)	1,390	23.4%	4,541	76.6%	1,410	23.8%	4,521	76.2%	-20	-0.34%
Hispanic/Latino ( <i>n</i> = 721)	365	50.6%	356	49.4%	365	50.6%	356	49.4%	0	0.00%
Other ( <i>n</i> = 585)	287	49.1%	298	50.9%	280	47.9%	305	52.1%	7	1.20%
ABA First-Time Takers ( <i>n</i> = 7,302)	1,334	18.3%	5,968	81.7%	1,348	18.5%	5,954	81.5%	-14	-0.19%
ABA Repeaters ( <i>n</i> = 831)	634	76.3%	197	23.7%	623	75.0%	208	25.0%	11	1.32%
All Foreign ( <i>n</i> = 3,052)	2,048	67.1%	1,004	32.9%	2,094	68.6%	958	31.4%	-46	-1.51%

Demographic Group	Result Status Quo				Result UBE				Net Differences in Passing	
	Fail Count	Fail %	Pass Count	Pass %	Fail Count	Fail %	Pass Count	Pass %	Count	%
Female ABA First-Time Takers ( <i>n</i> = 3,473)	646	18.6%	2,827	81.4%	659	19.0%	2,814	81.0%	-13	-0.37%
Male ABA First-Time Takers ( <i>n</i> = 3,661)	658	18.0%	3,003	82.0%	657	17.9%	3,004	82.1%	1	0.03%
Female ABA Repeater ( <i>n</i> = 430)	328	76.3%	102	23.7%	321	74.7%	109	25.3%	7	1.63%
Male ABA Repeater ( <i>n</i> = 371)	279	75.2%	92	24.8%	276	74.4%	95	25.6%	3	0.81%
Female Foreign Taker ( <i>n</i> = 1,767)	1,216	68.8%	551	31.2%	1,234	69.8%	533	30.2%	-18	-1.02%
Male Foreign Taker ( <i>n</i> = 1,221)	792	64.9%	429	35.1%	817	66.9%	404	33.1%	-25	-2.05%
First-Time Taker ABA Asian/Pacific Islander ( <i>n</i> = 976)	195	20.0%	781	80.0%	197	20.2%	779	79.8%	-2	-0.20%
Repeat Taker ABA Asian/Pacific Islander ( <i>n</i> = 132)	101	76.5%	31	23.5%	101	76.5%	31	23.5%	0	0.00%
Foreign Taker Asian/Pacific Islander ( <i>n</i> = 1,508)	1,029	68.2%	479	31.8%	1,043	69.2%	465	30.8%	-14	-0.93%
First-Time Taker ABA Black/African American ( <i>n</i> = 482)	176	36.5%	306	63.5%	177	36.7%	305	63.3%	-1	-0.21%
Repeat Taker ABA Black/African American ( <i>n</i> = 169)	137	81.1%	32	18.9%	136	80.5%	33	19.5%	1	0.59%
Foreign Taker Black/African American ( <i>n</i> = 205)	176	85.9%	29	14.1%	186	90.7%	19	9.3%	-10	-4.88%

Demographic Group	Result Status Quo				Result UBE				Net Differences in Passing	
	Fail Count	Fail %	Pass Count	Pass %	Fail Count	Fail %	Pass Count	Pass %	Count	%
First-Time Taker ABA Caucasian/White (n = 4,772)	679	14.2%	4,093	85.8%	689	14.4%	4,083	85.6%	-10	-0.21%
Repeat Taker ABA Caucasian/White (n = 342)	244	71.3%	98	28.7%	239	69.9%	103	30.1%	5	1.46%
Foreign Taker Caucasian/White (n = 811)	461	56.8%	350	43.2%	476	58.7%	335	41.3%	-15	-1.85%
First-Time Taker ABA Hispanic/Latino (n = 441)	151	34.2%	290	65.8%	154	34.9%	287	65.1%	-3	-0.68%
Repeat Taker ABA Hispanic/Latino (n = 82)	68	82.9%	14	17.1%	63	76.8%	19	23.2%	5	6.10%
Foreign Taker Hispanic/Latino (n = 197)	145	73.6%	52	26.4%	147	74.6%	50	25.4%	-2	-1.02%
First-Time Taker ABA Other (n = 312)	78	25.0%	234	75.0%	71	22.8%	241	77.2%	7	2.24%
Repeat Taker ABA Other (n = 56)	45	80.4%	11	19.6%	43	76.8%	13	23.2%	2	3.57%
Foreign Taker Other (n = 217)	164	75.6%	53	24.4%	166	76.5%	51	23.5%	-2	-0.92%

*The “Result Status Quo” columns reflect the actual weighting of the July 2014 New York Bar Exam. The “Result UBE” columns simulate UBE weightings of 50% MBE, 30% essay (using the New York essays as a proxy) and 20% MPT (doubling the current number of items from one to two.) Counts (n’s and net change values) within subgroups may not sum to superordinate group totals; not all examinees provided information on their race and gender and a small number of examinees participated in the Law Office Study Program or attended unaccredited law schools within the United States.*

**Predicting the Effects of a Transition to the UBE in New York**

**November 2014**

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**National Conference of Bar Examiners**

## **Predicting the Effects of a Transition to the UBE in New York**

The purpose of this report is to investigate the effects of changing the weighting from the Status Quo (weighted 40% MBE, 10% NYMC, 40% MEE, 10% MPT) to UBE-style weighting (weighted 50% MBE, 30% MEE, 20% MPT) using data from the February and July 2013 New York Bar Examinations. In these analyses, we have doubled the MPT scores actually received by examinees and have used the New York essays as a proxy measure of MEE performance.

The tables on the following few pages show the side-by-side passing rates under the status quo weighing system and under the UBE system. Passing percentages are provided for full groups of examinees as well as various demographic subgroups in July 2013 and February 2013, respectively. The last column contains the net number of examinees affected by the change from the status quo weights to the UBE weights.

### Pass Rates, July 2013

Demographic Group	Pass under Status Quo Weights	Pass under UBE Weights	Net Change in Number of Examinees
All Cases ( <i>N</i> = 11,694)	68.3%	68.3%	-10
Female ( <i>n</i> = 5,737)	65.5%	65.5%	-5
Male ( <i>n</i> = 5,650)	71.1%	71.0%	-1
Asian/Pacific Islander ( <i>n</i> = 2,535)	51.6%	52.4%	20
Black/African American ( <i>n</i> = 921)	46.4%	45.3%	-10
Caucasian/White ( <i>n</i> = 6,341)	80.3%	80.1%	-11
Hispanic/Latino ( <i>n</i> = 780)	58.6%	58.3%	-2
Other ( <i>n</i> = 595)	55.0%	55.1%	1
ABA First-Time Takers ( <i>n</i> = 7,859)	85.3%	84.9%	-30
ABA Repeaters ( <i>n</i> = 842)	25.9%	28.6%	23
All Foreign ( <i>n</i> = 2,981)	35.9%	35.7%	-5
Female ABA First-Time Takers ( <i>n</i> = 3,728)	84.0%	83.5%	-17
Male ABA First-Time Takers ( <i>n</i> = 3,938)	86.4%	86.1%	-13
Female ABA Repeater ( <i>n</i> = 405)	26.7%	28.9%	9
Male ABA Repeater ( <i>n</i> = 401)	25.9%	29.2%	13
Female Foreign Taker ( <i>n</i> = 1,600)	32.6%	32.8%	2
Male Foreign Taker ( <i>n</i> = 1,303)	38.9%	38.8%	-2
First-Time Taker ABA Asian/Pacific Islander ( <i>n</i> = 903)	81.2%	81.8%	6
Repeat Taker ABA Asian/Pacific Islander ( <i>n</i> = 145)	35.2%	38.6%	5
Foreign Taker Asian/Pacific Islander ( <i>n</i> = 1,485)	35.4%	35.8%	7

Demographic Group	Pass under Status Quo Weights	Pass under UBE Weights	Net Change in Number of Examinees
First-Time Taker ABA Black/African American (n = 550)	66.7%	65.8%	-5
Repeat Taker ABA Black/African American (n = 172)	20.3%	20.9%	1
Foreign Taker Black/African American (n = 198)	12.6%	9.6%	-6
First-Time Taker ABA Caucasian/White (n = 5,219)	89.2%	88.9%	-18
Repeat Taker ABA Caucasian/White (n = 336)	27.4%	30.4%	10
Foreign Taker Caucasian/White (n = 778)	44.3%	44.0%	-3
First-Time Taker ABA Hispanic/Latino (n = 487)	77.8%	77.0%	-4
Repeat Taker ABA Hispanic/Latino (n = 84)	16.7%	20.2%	3
Foreign Taker Hispanic/Latino (n = 208)	30.8%	30.3%	-1
First-Time Taker ABA Other (n = 344)	76.2%	74.4%	-6
Repeat Taker ABA Other (n = 56)	26.8%	33.9%	4
Foreign Taker Other (n = 195)	25.6%	27.2%	3

*The “Pass under Status Quo Weights” column reflects the actual weighting of the July 2013 New York Bar Exam. The “Pass under UBE Weights” column simulates UBE weightings of 50% MBE, 30% essay (using the New York essays as a proxy) and 20% MPT (doubling the current number of items from one to two.) Counts (n’s and net change values) within subgroups may not sum to superordinate group totals; not all examinees provided information on their race and gender and a small number of examinees participated in the Law Office Study Program or attended unaccredited law schools within the United States.*

**Pass Rates, February 2013**

Demographic Group	Pass under Status Quo Weights	Pass under UBE Weights	Net Change in Number of Examinees
All Cases ( <i>N</i> = 4,152)	48.5%	47.6%	-37
Female ( <i>n</i> = 2,114)	47.4%	46.6%	-17
Male ( <i>n</i> = 1,918)	50.1%	49.1%	-20
Asian/Pacific Islander ( <i>n</i> = 1,022)	36.5%	35.1%	-14
Black/African American ( <i>n</i> = 494)	34.2%	31.0%	-16
Caucasian/White ( <i>n</i> = 1,842)	61.5%	61.2%	-4
Hispanic/Latino ( <i>n</i> = 324)	40.7%	40.1%	-2
Other ( <i>n</i> = 290)	42.8%	42.8%	0
ABA First-Time Takers ( <i>n</i> = 1,077)	73.6%	73.5%	-1
ABA Repeaters ( <i>n</i> = 1,442)	51.7%	50.5%	-17
All Foreign ( <i>n</i> = 1,620)	29.3%	28.0%	-20
Female ABA First-Time Takers ( <i>n</i> = 503)	71.0%	72.6%	8
Male ABA First-Time Takers ( <i>n</i> = 540)	75.9%	74.1%	-10
Female ABA Repeater ( <i>n</i> = 728)	53.4%	51.9%	-11
Male ABA Repeater ( <i>n</i> = 667)	50.7%	49.9%	-5
Female Foreign Taker ( <i>n</i> = 878)	29.0%	27.3%	-15
Male Foreign Taker ( <i>n</i> = 703)	30.2%	29.4%	-5
First-Time Taker ABA Asian/Pacific Islander ( <i>n</i> = 137)	63.5%	61.3%	-3
Repeat Taker ABA Asian/Pacific Islander ( <i>n</i> = 224)	51.3%	50.4%	-2
Foreign Taker Asian/Pacific Islander ( <i>n</i> = 660)	25.9%	24.5%	-9
First-Time Taker ABA Black/African American ( <i>n</i> = 101)	40.6%	41.6%	1
Repeat Taker ABA Black/African American ( <i>n</i> = 238)	44.1%	38.7%	-13

Demographic Group	Pass under Status Quo Weights	Pass under UBE Weights	Net Change in Number of Examinees
Foreign Taker Black/African American ( <i>n</i> = 155)	14.8%	12.3%	-4
First-Time Taker ABA Caucasian/White ( <i>n</i> = 683)	81.4%	81.0%	-3
Repeat Taker ABA Caucasian/White ( <i>n</i> = 684)	55.4%	55.7%	2
Foreign Taker Caucasian/White ( <i>n</i> = 465)	41.7%	40.9%	-4
First-Time Taker ABA Hispanic/Latino ( <i>n</i> = 57)	63.2%	64.9%	1
Repeat Taker ABA Hispanic/Latino ( <i>n</i> = 134)	49.3%	48.5%	-1
Foreign Taker Hispanic/Latino ( <i>n</i> = 131)	22.9%	21.4%	-2
First-Time Taker ABA Other ( <i>n</i> = 48)	64.6%	70.8%	3
Repeat Taker ABA Other ( <i>n</i> = 90)	54.4%	51.1%	-3
Foreign Taker Other ( <i>n</i> = 152)	28.9%	28.9%	0

*The “Pass under Status Quo Weights” column reflects the actual weighting of the February 2013 New York Bar Exam. The “Pass under UBE Weights” column simulates UBE weightings of 50% MBE, 30% essay (using the New York essays as a proxy) and 20% MPT (doubling the current number of items from one to two.) Counts (n’s and net change values) within subgroups may not sum to superordinate group totals; not all examinees provided information on their race and gender and a small number of examinees participated in the Law Office Study Program or attended unaccredited law schools within the United States.*