

2024

## And the Results Are in ... Reviewing the Results of the First Year Larc Research Exam Wherein Some of the Questions Were Redesigned to Meet the Expectations of the Next Gen Bar Exam Format

Christine E. Rollins  
*Saint Louis University School of Law*, [rollinsc@slu.edu](mailto:rollinsc@slu.edu)

Follow this and additional works at: <https://scholarship.law.slu.edu/lj>



Part of the [Law Commons](#)

---

### Recommended Citation

Christine E. Rollins, *And the Results Are in ... Reviewing the Results of the First Year Larc Research Exam Wherein Some of the Questions Were Redesigned to Meet the Expectations of the Next Gen Bar Exam Format*, 68 St. Louis U. L.J. (2024).

Available at: <https://scholarship.law.slu.edu/lj/vol68/iss3/9>

This Article is brought to you for free and open access by Scholarship Commons. It has been accepted for inclusion in Saint Louis University Law Journal by an authorized editor of Scholarship Commons. For more information, please contact [Susie Lee](#).

**AND THE RESULTS ARE IN ... REVIEWING THE RESULTS OF THE  
FIRST YEAR LARC RESEARCH EXAM WHEREIN SOME OF THE  
QUESTIONS WERE REDESIGNED TO MEET THE EXPECTATIONS  
OF THE NEXT GEN BAR EXAM FORMAT**

CHRISTINE E. ROLLINS\*

ABSTRACT

*In 2010, the faculty of St. Louis University School of Law implemented a research exam to test student competencies after their first year of law school. Since its creation, the exam has helped students feel more secure starting their first legal internships, allowed faculty to identify areas of decreased competency, and helped faculty find “better” ways to teach legal research and writing material. In anticipation of the implementation of the NextGen Bar exam in July 2026, the faculty determined that it was necessary to make some changes to the research exam in order to both gather data on students’ responses to the new question styles as well as expose students to the new question formatting. Professor Chris Rollins utilized NCBE materials and Missouri case law to craft a set of NextGen Bar Exam questions that then appeared in the research exam.*

*There are several takeaways from the student data for the NextGen Bar questions that appeared on the research exam. First, students must employ critical reading skills and concept retention when they encounter the progression of questions rolled out for any given fact pattern, as they are currently expected to do on the MPT section of the Bar exam. Second, students need a strong handle on time management in order to succeed with these questions. Third, faculty must help students learn how to spot multiple correct answers instead of searching for a singular correct answer. Lastly, students need more opportunities to connect concepts from different class subjects. There are more and more resources available to help address these needs, and with proper planning, faculty can help students succeed with the NextGen Bar requirements.*

---

\* Christine Rollins is a professor at Saint Louis University School of Law and the Director of the Legal Analysis, Research and Communication (LARC) program. Professor Rollins has been the Director of the LARC program since 2010 and a faculty member since 2002. In addition to teaching the LARC curriculum, she teaches Legal Professions, Mediation, Family Law, Property Law, and Appellate Advocacy.

## WHY IMPLEMENT A RESEARCH EXAM?

In 2010, our writing program was facing a dilemma. The faculty who taught courses as part of this curriculum knew that we were preparing our first-year law students to enter the summer job force. However, the sentiment from some vocal students was that their preparation was inadequate to face the questions before them in the job market. Specifically, the students raised concerns that they did not know how to extrapolate their skills from their year-long writing course into the tasks asked of them over the summer. The associate dean at the time came to me and conveyed the message that she believed in our faculty and me as the director; however, we needed to find a way of “proving” it to the students.

In current academic jargon, the first step we took would be called “identifying the learning objectives as it relates to research.”<sup>1</sup> Thirteen years ago, the faculty teaching in the first-year writing curriculum called it a potluck. While we ate, we compared classroom exercises and agreed upon a shared vocabulary that we would use in our classrooms in the future. Creating this shared vocabulary meant that a consistent message would be sent to all students, regardless of their assigned course faculty. This exercise of streamlining our message was likewise reassuring to each of us, knowing that we found a shared outcome for the skill sets of our students. The shared categories of skill development include research methodology/process, legal authorities, court structures, reporters and digest, case caption usage, citation construction and comprehension, and usage of secondary authorities as a research tool.<sup>2</sup>

The second step was creating a department-wide assessment tool. As we were imagining the assessment tool, it too had objectives. We desired a tool which would allow the department to determine the competency rate of our students overall, allow a particular faculty member to experiment with various teaching methods year-to-year to find various “better” ways to teach the material, and have the students internalize that they have, in fact, been taught skills which are transferable from the classroom into the job market.

The research exam has taken on various forms over the past thirteen years and the competency and mastery rates have risen over time. With the initial versions of the exam, we envisioned a competency cut-off at eighty percent. Our

---

1. See LORI E. SHAW, STUDENT LEARNING OUTCOMES AND LAW SCHOOL ASSESSMENT: A PRACTICAL GUIDE TO MEASURING INSTITUTIONAL EFFECTIVENESS 54, 58 (Lori E. Shaw & Victoria L. VanZandt eds. 2015).

2. See generally LINDA H. EDWARDS & SAMANTHA A. MOPPETT, LEGAL WRITING AND ANALYSIS (6th ed. 2023) (explaining how to develop legal writing and analysis skills for beginning legal writers); MARK K. OSBECK, IMPECCABLE RESEARCH (3d ed. 2022) (explaining legal research, limiting focus to teaching students how to find and use the various sources of law and stressing a systematic, practice-oriented approach to acquiring legal-research skills); WANDA M. TEMM & JULIE M. CHESLIK, MISSOURI LEGAL RESEARCH (4th ed. 2021) (discussing various approaches to legal research); AMY E. SLOAN, BASIC LEGAL RESEARCH: TOOLS AND STRATEGIES (8th ed. 2021) (e-book) (explaining clear, step-by-step instruction in the basics of research).

somewhat low expectation of our students' outcomes may have been tethered to our initial concerns of a department-wide assessment tool. Very quickly, it was clear that our students' competency rate was much closer to eighty-five percent. Several years later, as part of the implementation of the law school's learning outcomes and assessment plan,<sup>3</sup> we started tracking a mastery level percentage rate as well. We have established that a mastery level score is ninety-five percent.

In 2022, the exam consisted of eighty-five multiple choice questions. Categories and question counts include Understanding Legal Authority (24 questions), Research Methodology/Process (15), Court Structure in Missouri (5), Reporters/Digest/Finding Tools (3), Case Caption Comprehension (8), Case Citation Comprehension (15), and Secondary Source Usage (5). Of the 204 students who took the exam, the average was 79.2/85 questions or ninety-three percent. Using our current competency (eighty-five percent) and mastery (ninety-five percent) benchmarks, only six students did not meet competency and eighty-two students demonstrated mastery of the questions/skills assessed. The 2022 results reflect the expected outcomes of the exam since the last substantive change in 2020.

While it is impossible to say with any data-driven certainty, the students taking the exam in 2023 compared to those in 2011 have greater *feelings* of competence when they face research tasks in their summer job employment opportunities. The data does demonstrate that on one day toward the end of April in any given year, the students are able to articulate research methodology and the knowledge and skills which will support their research. In 2022, ninety-seven percent reached competency in the skills and forty percent reached mastery.<sup>4</sup>

#### CHANGES ARE NEEDED BASED UPON THE NEXTGEN BAR.

The NextGen Bar is coming; it is just a matter of when it will impact your students.<sup>5</sup> Most of the students our department teaches take the Missouri Bar. The Missouri Bar has decided it is going to be one of the first adopters of the

3. The full faculty engaged in a "performance criteria survey" for the courses taught during the 2016-17 academic year as they intersected with seven (7) learning outcomes adopted by the faculty. Each course was evaluated as to whether it introduced (I) the performance criteria to students, if the student should achieve competency (C) of the criteria, or if the course allows the students to demonstrate mastery (M) of the performance criteria.

4. In 2020, 193 students took the exam. Ninety-nine percent (99%) reached the competency benchmark of 85%. Seventy-eight students (40%) demonstrated mastery of the material. In 2021, 199 students took the exam. Ninety-three percent (93%) reached the competency benchmark of 85%. Seventy-nine students (40%) demonstrated mastery of the material.

5. *The NextGen Bar Exam*, NEXTGEN BAR EXAM NAT'L CONF. OF BAR EXAM'RS., <https://nextgenbarexam.ncbex.org/> [<https://perma.cc/5MXL-5VZ2>].

NextGen Bar, impacting those that will take the Bar in the spring of 2026.<sup>6</sup> The second largest number of students take the Illinois Bar. Illinois has recently signaled that they will be an earlier adopter rather than later. This means that most students who began our part-time program in the fall of 2022 and our current full-time incoming class in the fall of 2023 will take this new bar format.

On May 25, 2023, the National Conference of Bar Examiners published the Content Scope for the NextGen Bar.<sup>7</sup> Prior to this official publication, a draft version was published to provide insight as to where the NCBE was focusing its outcomes. The draft version and the version published on May 25, 2023, are substantially similar. Focusing directly on the Foundational Skills Group C: Legal Research, the NCBE states that the purpose of this section is to, among others, test the extent to which an examinee can identify and implement legal research strategies, work with provided resources, and reach closure on research questions.<sup>8</sup> This section identifies eight skill competencies the examinee should be able to perform.

In reviewing the draft competencies in early January 2023, it became clear our current research exam was going to need an overhaul. While approximately two-thirds of the exam's current question coverage is consistent with the stated foundational skills, the future format of the questions is quite different. Many in the Academic Support realm and members of the Legal Writing community have observed what seems to be an "applied knowledge" application approach to the NextGen Bar questions. Hence, while our primary objectives of the exam remain (providing data internally for our teaching faculty and assisting our students in preparation for the summer job market), as a department we agreed we need to expose the students to the kinds of questions they will be facing on the NextGen Bar.

While an entire overhaul of the existing exam was not possible given the time remaining in the academic year, we did not want to lose the opportunity to market test some questions and gather some data points. It was decided to keep the existing eighty-five question exam for comparison purposes with past years' outcomes and then to add an additional ten questions. The objectives of adding these questions were to give our larger faculty, and specifically our Academic Support faculty, information regarding how the students initially respond to the changing style of questions. Multiple choice questions with "check all that

---

6. *Board of Governors Convenes for March Meeting*, MO. BAR ASS'N (Mar. 21, 2023), <https://news.mobar.org/board-of-governors-convenes-for-march-meeting/> [<https://perma.cc/44UD-LRYX>].

7. *Bar Exam Content Scope*, NEXTGEN BAR EXAM NAT'L CONF. OF BAR EXAM'RS., <https://nextgenbarexam.ncbex.org/pdfviewer/ncbe-nextgen-content-scope-may-24-2023/> [<https://perma.cc/JZ6Q-HQ3A>].

8. *Id.*

apply” answers as well as “applied knowledge” over more than one subject area were tested.

The NextGen Bar has released only a limited number of sample questions as they are currently in the stages of piloting and field testing.<sup>9</sup> From what has been released, there will be three types of questions: multiple choice, integrated question sets, and longer writing tasks.<sup>10</sup> It is observed that the “integrated question sets” seem to be clustered around a longer fact pattern (fact file) and legal source file. The NCBE strategy seems to try and assess students’ ability to not only recall a legal concept but to connect this concept with how it will be applied given a client’s given circumstances.

To try and duplicate this experience for our students, I surveyed some local state cases. For a case to be a viable candidate, it needed to fit some general parameters. The case needed to cover at least two separate legal issues. This would mirror the NCBE sample questions of bringing together disparate subject matter. The case needed to have a fact pattern written with enough detail so both legally relevant facts and background facts could be fettered out by the students. The case needed to have several precedential authority references for which a legal source file could be easily extracted. After several hours of review, the *Gibbs v. Blockbuster* case was chosen.<sup>11</sup>

The Fact File was created by taking the PDF version of the case and converting it to a Word document. All internal references were removed, the facts were narrowed to cover the two chosen issues, some names were changed, and facts were clustered into reasonable paragraphs. Proceeding in this manner allowed a storyline to exist for the major players in the Fact File which would have been more difficult to draft from scratch.

The Legal File was created in much the same manner. Case names from the precedent authority were removed as irrelevant and substituted as Source A, B, C, etc. The level of deciding court was retained to allow students the ability to assess the weight of authority within questions. While the Legal File contained sources covering both legal issues being tested, the sources were placed in a random order within the Legal File so students would have to assess each source separately when answering questions regarding applicability.

The final step was to generate questions for the exam. Foundational Skills Group C, categories 15 – 22, Group A, categories 2 and 6, as well as the sample

---

9. *About the Questions*, NEXTGEN BAR EXAM NAT’L CONF. OF BAR EXAM’RS., <https://nextgenbarexam.ncbex.org/nextgen-sample-questions/> [<https://perma.cc/KMV8-GDEZ>]. You can sign up to have additional items sent to you. *Subscribe*, NEXTGEN BAR EXAM NAT’L CONF. OF BAR EXAM’RS., <https://nextgenbarexam.ncbex.org/subscribe/> [<https://perma.cc/3HQB-TK4C>].

10. *About the Questions*, *supra* note 9.

11. *Gibbs v. Blockbuster*, 318 S.W.3d 157 (Mo. Ct. App. 2010).

questions provided by the NCBE were used to craft the questions.<sup>12</sup> Some examples are provided here, with the drafter's notes following.

**Foundational Skills Group C: 15.** In a matter that requires legal research, identify the research questions that need to be answered.

Drafted exam question: *Identify an accurate way to frame the research question regarding Brown's employment status:*

- a. Did Brown act within the scope of his employment when he reported Gibbs as the robber?
- b. Does the evidence support a claim that Blockbuster acted with evil motive or reckless indifference to the rights of Gibbs?
- c. Were Brown's actions negligent, subjecting him to vicarious liability?
- d. Was Brown employed at the time he made the statements to the police regarding Gibbs' robbery?

Drafter's notes: *This question requires students to have critically read the Fact File and Legal Source File. Choice B and C are wrong answers. Both wrong choices require the students to recall information in their first-year course work to exclude these as correct choices. Choices A and D are about employment issues. Both have the word employment in the answer. Choice D is correct. Reading the Legal Source File, the students would know the call of the question is whether Brown was an employee at the time he made statements to police.*

**Foundational Skills Group C: 17.** Identify efficient legal research strategies (including appropriate search terms) that are likely to uncover other legal sources to assist in the interpretation of a provided resource (such as a statute, contract, or judicial opinion).

Drafted exam question: *Which of the following search terms would you utilize to do further research for the question of Brown's employment status (choose all that apply):*

- a. False Imprisonment
- b. Respondeat Superior
- c. Instigation
- d. Principal-agent
- e. Confinement
- f. Restraint

---

12. After a further read of the Foundations Skills in its entirety, it was determined that several of the skills called out under Group A: Issue Spotting and Analysis were consistent with what had been drafted. In fact, within the May 25 version of the Foundational Skills, the NCBE states that some of the skills identified under Group A have cross purposes with Groups C. Questions may be classified as either falling under Group A or Group C skills. Additional guidance was taken from Group A, skill categories 2 and 6 when creating the questions.

Drafter's notes: This question requires students to have critically read the Fact File and Legal Source File. The legal word/phrase choices come directly from the cases published in the Legal Case File. Some of the word choices are from authorities addressing false imprisonment and the others are from authorities addressing employment status. This is also a "choose all that apply" question. Choice B and D are both correct. Two of the six answers are correct.

**Foundational Skills Group C: 19.** Given one or more judicial opinions, identify the facts in a matter that are analogous to and/or distinct from the dispositive facts in the opinions.

Drafted exam question: Which of the following are persuasive facts from Gibbs' perspective regarding a potential claim of false imprisonment (choose all that apply):

- a. The police acted on Brown's and McBride's testimony.
- b. Brown was able to flee from the first robbery attempt.
- c. \$1,587 was stolen.
- d. The second robbery was completed by gunpoint, but no one was hurt.
- e. Brown may have lied about Gibbs' involvement.

Drafter's notes: This question requires students to have critically read the Fact File and Legal Source File. The question asks the student to focus on one party's side of the claim. Choices B, C, and D are incorrect. Those choices identify facts that are not legally relevant to the claim of false imprisonment, or they would be considered relevant from the opposing side. Choices A and E are correct. These choices require the student to apply the test for false imprisonment they covered in their first-year curriculum course and the provided legal source material. This is also a "choose all that apply" question. Two of the five answers were correct.

**Foundational Skills Group C: 21.** Given a collection of legal sources, identify which sources are relevant to or dispositive of a legal issue in the matter.

Drafted exam question: Which source or sources would you utilize to analyze the question of Gibbs' 134 days of incarceration (choose all the apply):

- a. Source A
- b. Source B
- c. Source C
- d. Source D
- e. Source E
- f. All the above

Drafter's notes: This question requires students to have critically read the Fact File and the Legal Source File. Choices A, B, and C are correct. This is a "choose all that apply" question. Three of the six were correct.



**Foundational Skills Group C: 22.** Given a collection of legal sources, identify whether the sources are sufficient to complete an assigned research or other lawyering task.

Drafted exam question: *If additional resources are needed to further investigate Brown's employment status, which secondary source(s) could you use (choose all that apply):*

- a. Missouri Statute for Employment status.
- b. Missouri Supreme Court case outlining the difference between contract employees and full-time employees.
- c. Missouri Bar Journal discussing when to know when an employee has been terminated.

Drafter's notes: *This question is formatted as an "applied knowledge" response. The student must recall the difference between primary and secondary sources. Choice C is the only correct answer. This is a "choose all that apply" question. One of the three was correct.*

#### HOW DID THE STUDENTS DO ON THE NEW QUESTIONS COMPARED TO THE OLD ONES?

Before considering the data points on these additional ten questions, it is important to ascertain how the students responded, as a group, to the original eighty-five questions. The percentage of students reaching the competency threshold for each skill category is substantially the same. An increased number of students were able to reach the competency threshold in citation comprehension; however, fewer seemed to understand the appropriate usage of secondary source materials. Interestingly, almost each skill category saw a lower percentage of students reach the mastery threshold in 2023 compared to 2022.

**2022 EXAM**

Skill Category	Total Questions	Percentage of students reached 85% competency threshold	Percentage of students reached 95% mastery threshold
Understanding Authorities	24	96%	79%
Research Methodology/Process	15	93%	67%
Missouri Court Structure	5	100%	80%
Reporters/Digest	13	92%	69%
Case Caption Comprehension	8	100%	75%
Citation comprehension	15	67%	67%
Secondary Source Usage	5	100%	60%

**2023 EXAM**

Skill Category	Total Questions	Percent students reached 85% competency threshold	Percent students reached 95% mastery threshold
Understanding Authorities	24	96%	63%
Research Methodology/Process	15	93%	53%
Missouri Court Structure	5	100%	80%
Reporters/Digest	13	92%	31%
Case Caption Comprehension	8	100%	63%
Citation comprehension	15	73%	60%
Secondary Source Usage	5	80%	40%

Taken from these data points, we started with the expectation that most of the 2023 students should reach the eighty-five percent (85%) competency threshold on the additional ten questions written with the NCBE guideposts. Likewise, we expected at least half of our students would reach the mastery threshold.<sup>13</sup> Overall, student performance fell drastically.

---

13. Please note that upon review of the final exam question, the drafter now does not see a connection between the question asked and the guideposts provided by the NCBE. That data has been removed.

**ADDITIONAL QUESTIONS ADDED TO THE 2023 EXAM**

Foundational Skill	Number of questions	Percent students selecting correct answer(s)	Competency Threshold met (85%)?	Mastery Threshold met (95%)?
C. 15 Identifying the research question	2	Q1: 66% <sup>14</sup>	No	No
		Q2: 36% <sup>15</sup>	No	No
C. 17 Utilizing efficient legal research strategies to assist in interpretation of authority	2	Q1: 49% <sup>16</sup>	No	No
		Q2: 75% <sup>17</sup>	No	No
C. 19 Identify facts that are analogous and/or distinct from authority	1	Q1: 86% <sup>18</sup>	Yes	No
C. 20 Identify search terms that might be used to find other sources	2	Q1: 97% <sup>19</sup>	Yes	No
		Q2: 76% <sup>20</sup>	No	No

14. This question had one correct single answer.

15. This question had one correct single answer.

16. This question had two correct responses and students needed to select both. 96% of the students chose one of the correct answers, however only 49% of the students chose the second correct response, and thus did not meet the competency standard.

17. This question had two correct responses. Only 75% of the students chose both correct responses and therefore did not meet the competency standard.

18. This question had a single correct response.

19. For this question, students were provided six possible answers and were instructed to select all that were correct. Two of the six were correct and 97% of students selected both correct answers.

20. This question had three correct responses to choose. Seventy-six percent (76%) of the students chose all three correct answers, and 93% selected two of the correct answers.

C. 21 Identify which sources are relevant to the legal issue in the matter	1	Q1: 81% <sup>21</sup>	No	No
C. 22 of sources provided which should be used to complete task	1	Q1: 82% <sup>22</sup>	No	No

#### TAKEAWAYS, IDEAS TO PONDER, AND NEXT STEPS.

There are several macro and micro “takeaways” from these observations; some oldie-but-goodies and some newer areas to ponder. First, students must employ critical reading skills and concept retention when they encounter the progression of questions rolled out for any given fact pattern. Much like the MPTs the examiners have used in recent years, there is going to be a large level of detail within both the fact file and legal source file. The newer part here is that the questions will have some connectivity and may have multiple right answers.

Second, time management continues to be a priority in student preparation. With the “old” exam we were able to give students predictable progress points to assist them with time management; do so many questions within so many minutes. While not all questions were created equal, benchmarks were easy to outline for the morning and afternoon multiple choice onslaught. Until we receive additional guidance from the NCBE, hopefully closed book exams and “timed” production assignments will still aid our students in managing their production levels.

Third, students have spent most of their K-12 years learning to reach the “correct answer” on standardized tests. Within legal studies, while we try to educate our students that law lives in the gray areas, their ultimate summative tests (MPRE, bar exams) have tested what the single correct answer is. The NextGen Bar will have single-answer questions as well as questions that have test takers identify and choose at least two “right” answers. The results of this very small data set point to the work needed to move forward. Students need exposure in many classes to questions that require them to see multiple correct answers.

21. This question required students to select all correct answers out of six possible responses. Three of the six were correct. Eighty-nine percent (89%) of the students chose one answer correctly; 85% of the students chose two of the answers correctly; and 81% of the students chose all three correct answers.

22. This question had one correct single answer.

Fourth, connections and extrapolation are the keys. The NextGen Bar requires students to move past the siloing of discrete topics within a particular concept or class subject (torts, property, etc.). Upper-division courses (or dare I say – capstone classes) should add vocabulary and overtly communicate with students demonstrating how multiple legal topics/concepts are coming into play when they are exploring deeper levels of analysis. From my own catalog of course preps, the subject of Family Law is really an application of concepts from civil procedure, constitutional law, property law, and contracts, among others.

Finally, my hope is that this data-driven reflection prompts more questions and thoughts than prescribed answers. The good news is that there are many resources already available, so we do not have to start from scratch. Published past versions of MPTs are a great way to rethink testing subject matters. Even previously released multiple choices can serve as prompts so we can “add in” a second right answer. As we collectively move into the great unknown, let’s remember no longer is there *one* right answer.

