



National Network of Law School Officers

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2013 AACRAO Annual Meeting

NNLSO Session Recap: “The Uniform Bar Examination – What it is and what it is not”

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Uniform Bar Examination: *Greg Murphy, Leadership Council of the American Bar Association*

Times they are a-changin’, even in the world of the bar exam! Greg Murphy, of the Leadership Council of the American Bar Association, presented on the up-and-coming Uniform Bar Examination (UBE). The UBE is a product of the National Conference of Bar Examiners (NCBE), and tests the “knowledge and skills that every lawyer should be able to demonstrate prior to becoming licensed to practice law” (<http://www.ncbex.org/multistate-tests/ube>). The UBE consists of the Multistate Essay Examination (MEE), two Multistate Performance Test (MPT) tasks, and the Multistate Bar Examination (MBE). Mr. Murphy states that the exam originates out of the idea that eventually there will “be uniform standards related to bar admissions. As our country has grown and things are getting more connected, there really is no reason to have different standards for different jurisdictions.”

The exams are the same in any jurisdiction that has adopted the UBE, and they are uniformly administered, graded and scored by each jurisdiction, although those jurisdictions keep their own unique passing scores that they have always had. Jurisdictions that adopt the UBE may require candidates to also complete a jurisdiction-specific educational component and/or pass a test on jurisdiction-specific law in addition to passing the UBE. Once an examinee receives a passing score from their jurisdiction of choice, this score is portable and may be accepted in another UBE jurisdiction, as long as it is considered a passing score in that particular jurisdiction.

In order for a UBE exam score to be considered portable, an examinee must take the entire exam in one sitting, which is administered over two days. The MB is given on the last Wednesday of February and July, and the MEE and MPT are given on the Tuesday prior to that. The MEE and MPT scores are scaled to the MBE, with the MBE weighted at 50%, the MEE at 30%, and the MPT at 20%.



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So far, 13 jurisdictions have adopted the UBE: Alabama, Arizona, Colorado, Idaho, Minnesota, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Utah, Washington and Wyoming. Other jurisdictions are considering adopting the exam, but as Mr. Murphy states, the “slow and majestic pace of the law” can slow down these decisions. Legislators should keep in mind, however, that when considering adopting the UBE, the bar exam is meant to protect the public by ensuring the examinee’s understanding of law and ethics. A passing UBE score should suffice as evidence that these standards have been met.

Jurisdictions that choose to adopt the UBE retain much autonomy over individual policies, including: determining who may take the UBE, how many times they can retake it, and who will be admitted to practice; grading the MEE and MPT; underlying educational requirements and testing candidate knowledge of jurisdiction-specific content through a separate test, course, or combination of the two; making character and fitness decisions; making ADA decisions; accepting MBE scores from a previous exam for the purposes of making admission decisions; and how long UBE scores will be accepted.

It is very likely that more jurisdictions will continue to transition to using the UBE for their bar exams. It’s a movement worth looking into, regardless of the progress your jurisdiction is making in that direction. For questions or research concerning the UBE, visit the NCBE’s website: <http://www.ncbex.org>.