

PRESIDENT'S PAGE

by Erica Moeser

As this issue goes to press, we are putting the finishing touches on the new NCBE headquarters building. Our move occurred in mid-February and went smoothly. Unexpectedly, the “greeting committee” consisted of a (now-deceased) mouse with a craving for Reese’s Peanut Butter Cups. The new building is a rectangular four-story brick structure resting over a generous amount of underground parking. Anyone who has experienced a Wisconsin winter will understand the enthusiasm our employees feel about being able to escape from the elements. We are excited about what we think we will be able to accomplish in the new facility.

NCBE Chair Don Funk is planning to hold our Annual Meeting in Madison next August. We look forward to introducing our attendees to the new space, including, of course, that parking level!

On January 10 of this year, we took what may be an important first step in the direction of enlisting jurisdictions in the development of a uniform bar examination (UBE). Representatives from 21 jurisdictions participated in a daylong discussion of the feasibility and desirability of a common licensing test. Our audience was drawn from bar examiners, supreme court justices, and bar admission administrators. In addition, the members of our Special Committee



on the UBE attended and met just after the event to take stock of the reactions and comments.

The core group at this invitational event was drawn from jurisdictions that use the three multistate tests that are administered as part of the July and February test battery. Those are the Multistate Bar Examination (the MBE), the Multistate Performance Test (the MPT), and the Multistate Essay Examination (the MEE). The Multistate Professional Responsibility Examination (the MPRE) was not included because it is administered at different times during the year—in March, August, and November.

And so it was that we spent a day in New Orleans exploring the “ground floor” of an idea whose time may have come, and the conversation helped to shape what may come next. While it is difficult to describe in capsule form where the discussion led, I might characterize the current conceptualization of the UBE as follows:

- The test will consist of existing multistate elements (the MBE, the MEE, and perhaps two MPT items).
- Grading of the written tests will continue to reside in the jurisdictions, at least initially.
- Selection of a pass/fail line will be the prerogative of the jurisdictions, perhaps with some research and guidance by NCBE.

- UBE test components will be uniformly weighted in all UBE jurisdictions, with the expectation that the MBE will be weighted at 50%, with the MEE and MPT weightings to be determined.
- UBE scores will be calculated through scaling the MEE and MPT scores to the MBE.
- Testing on local subject matter may occur, but the total UBE score will be achieved only through combination of the three multistate tests. NCBE will provide technical guidance on the scoring of local components if requested. Alternatives to testing on local subject matters (such as Bridge-the-Gap programming and portfolio requirements) will be advanced based on models presently in use by some jurisdictions.
- The length of time that any jurisdiction chooses to recognize the UBE score earned in another jurisdiction will be left to each jurisdiction.
- NCBE will explore the feasibility of offering a review of ADA requests to ensure that a common standard is applied to the granting of requests for additional time and other special accommodations.
- Character and fitness screening of applicants will continue to reside in the jurisdictions, which will make all decisions about who is eligible for state licensure.
- Jurisdictions will continue to set their own criteria for admission, such as educational prerequisites (for example, graduation from a law school accredited by the ABA).
- The UBE, like its components, will meet standards of quality and fairness, and the content and use of the test will not have an adverse effect on diversity.

This is not to say that those present did not identify obstacles—a benefit of having so many perspectives in the room. The process whereby we identify and work through the obstacles will enable us to build the strongest possible licensing test battery.

Our time in New Orleans was definitely not the occasion for announcing a *fait accompli*. It was exactly as billed—an invitation for the participants to shape the outcome. Comments after the session were positive. It is clear that the courts, the boards, and the administrative offices are all important constituencies. There are other constituencies—the state bars and the law schools—that will want to be brought in to consider the nature, quality, and consequences of any proposed uniform test.

Our next steps are to develop a better description of the consensus decisions and to supply the technical answers to questions that were raised by the New Orleans attendees. UBE Committee Co-Chairs Becky Thiem of North Dakota (rthiem@ncbex.org) and Greg Murphy of Montana (gmurphy@ncbex.org) will share the progress on this topic with the NCBE Board, and we hope to hear comments from the readers of this column as we chart our course.

Next on the NCBE agenda is our Annual Conference, the first with that designation. Since 1980 NCBE has been funding a biennial educational meeting to which representatives from every state and territory have been invited. Since 1997 we have offered what we termed an “off-year” seminar. As numbers have grown closer to equal from year to year, and as the demand for more seats has increased, we saw the writing on the wall, and it said, “You are now offering an annual event, so why not dispense with the ‘biennial/off-year’ designations?” And we have! This year’s invitational conference will be held in Portland, Oregon, April 3–6, and in 2009 we will be in Baltimore April 23–26. 📍