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LETTER FROM THE CHAIR

I would like to offer some comments about the bar examination, more specifically the Uniform Bar Examination (UBE), a promising concept that has been the subject of considerable and thoughtful discussion for some time at the National Conference of Bar Examiners. I can think of nothing that gives graduating law students greater heart palpitations than the time period following graduation and leading up to taking the bar exam. Will the UBE reduce the angst that bar exam takers suffer? It certainly could.

Of course, a level of angst will be unavoidable even after the UBE makes its entry into the testing arena. However, the UBE will present a more fair overall examination by standardizing the subjects tested and the questions given by participating jurisdictions, improving administrative consistency, and calibrating the grading of the questions. In addition, as the use of the UBE grows, graduating law students who pass the test will have significantly greater opportunities to obtain employment than they now have. To my knowledge, the legal profession is the only profession to test readiness to practice on a jurisdiction-by-jurisdiction rather than a national basis. (Compare with, for example, medical, dental, and accounting licensing examinations, where passage of a uniform examination qualifies the candidate to seek licensure in any jurisdiction.)

The UBE will allow aspiring attorneys to take but one examination in a UBE jurisdiction and, if the candidate is successful and wishes to do so, transfer that score to seek admission in additional participating jurisdictions if the score meets the passage standards in those jurisdictions. This scenario will present a number of benefits to the candidate, including lower cost, reduction or elimination of the time and effort necessary to take a second or third exam, and a wider search area for employment, to name just a few. We know from material law placement data that many new graduates have not identified legal employment at the point they must register for the July bar examina-

tion, and the UBE offers the potential for score portability to a jurisdiction where employment is eventually secured.

As most of you already know, the UBE is an examination prepared by NCBE. It is intended to test the knowledge and skills that every lawyer should be able to demonstrate before becoming licensed to practice law. It is uniformly administered, graded, and scored in accordance with best practices by the jurisdictions that adopt it. It consists of three parts, all of which are already in use: the Multistate Essay Examination (MEE), the Multistate Performance Test (MPT), and the Multistate Bar Examination (MBE). The MEE and MPT scores are combined and scaled to the MBE, with the MBE weighted 50 percent, the MEE 30 percent and the MPT 20 percent. In addition, if any jurisdictions wish to test knowledge of local law, provision has been made for them to add a state-specific component in the form of a separate course or exam.

The benefits of a uniform bar exam over individual examinations prepared on a jurisdiction-by-jurisdiction basis are self-evident. Overall, bar exam takers will be tested using questions of superior quality in terms of test development and quality controls. Currently, the quality of test writing and the quality of the grading materials vary widely from jurisdiction to jurisdiction. Candidates deserve licensing test materials that are professionally and painstakingly prepared.



The adoption of the UBE will not result in the abdication of responsibilities by the various jurisdictions. To the contrary, among a host of other continuing duties, each jurisdiction will still determine admission to the practice of law by controlling the entrance requirements to take the exam, by conducting character and fitness reviews of the test takers, and by setting the scores required to pass the exam (cut scores).

Is adoption of the UBE problem-free? Of course not. Fortunately, NCBE's Special Committee on the UBE, chaired by Rebecca Thiem and Greg Murphy, is tackling the issues, and the involvement and participation of early adopter jurisdictions has paved the way for identifying and contending with any obstacles.

Challenges that will confront the UBE will undoubtedly loom on the horizon, but it is clearly a concept whose time has come. 📧

Best regards to all.

Sincerely,

A handwritten signature in cursive script that reads "Philip M. Madden".

Philip M. Madden