

Uniform Bar Examination Gains Traction With Important Backing

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ABA Section of Legal Education and Admission to the Bar, Council Resolution, Endorsing Consideration of a Uniform Bar Examination (Aug. 6, 2010)

Conference of Chief Justices, Resolution 4, Endorsing Consideration of a Uniform Bar Examination (July 28, 2010)

Brief Summary

The American Bar Association (ABA) Section of Legal Education and Admission to the Bar, and the Conference of Chief Justices, have resolved to encourage the adoption of a Uniform Bar Examination.

Complete Summary

The ABA Section of Legal Education and Admission to the Bar, in August 2010, adopted a resolution encouraging the states to adopt a Uniform Bar Examination (UBE), which is promulgated by the National Conference of Bar Examiners (NCBE). The UBE would be an amalgam of existing widely used bar examinations, specifically including the MBE (Multistate Bar Examination), MEE (Multistate Essay Examination), and MPT (Multistate Performance Test). This ABA Section resolution came on the heels of a substantially similar resolution adopted by the Conference of Chief Justices in July 2010.

The resolutions keyed on the need to facilitate lawyer mobility and the demands of modern multijurisdictional practice. They noted the importance of mobility also for newer lawyers, who often cannot utilize current admission-on-motion rules. Also relevant was the increasing similarity of states' bar exams, as well as the fact that law is the only major profession that has not adopted a uniform licensing exam.

Passing the UBE administered in one jurisdiction, however, would not necessarily guarantee admission to other UBE jurisdictions in all instances. The resolutions noted, among other things, that states presumably would

continue to evaluate character and fitness independently, and still could set their own UBE passing scores and/or require additional, separate state-specific assessments and additional educational components.

Missouri was the first state to adopt the UBE, in April 2010. North Dakota followed in June. Other jurisdictions actively considering adoption of the UBE include Arizona, Colorado, Minnesota, New Hampshire, and Washington, D.C.

Significance of Resolutions

History may someday show that these two resolutions were important markers and catalysts on the road toward recognizing freedom of movement for lawyers that is commensurate with the realities of modern law practice. Corporate and institutional counsel and their employers; litigators; lawyers and law firms with multijurisdictional practices; lawyers whose federal or agency or specialized practice has nothing to do with the law of the state in which they happen to live and work; and many others, all can take some heart from this development.

This alert has been prepared by Hinshaw & Culbertson LLP to provide information on recent legal developments of interest to our readers. It is not intended to provide legal advice for a specific situation or to create an attorney-client relationship.