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MARKETABLE AND MOBILE: UBE RECOMMENDED

by Veryl Victoria Miles

The first administration of the Uniform Bar Examination (UBE) occurred just five years ago in Missouri and North Dakota. At that time, the concept of a bar examination with a test score that was portable among participating jurisdictions was an exciting development for longtime proponents of a uniform bar exam. And while there were only two participating jurisdictions on board in 2011, NCBE was well on its way in making the case for the UBE as an attractive test alternative throughout the nation. Today there are 25 jurisdictions that have adopted the UBE, and by July 2018 all 25 jurisdictions will have administered the exam at least once.

In an article written for the *Bar Examiner* in August 2010,¹ I described several anticipated benefits of the UBE for law school graduates from the law school of which I am a member of the faculty (The Catholic University of America School of Law in Washington, D.C.), as well as for graduates from other law schools. The most obvious one I identified is the portability of scores among participating jurisdictions, which eliminates the time and financial burdens many recent graduates previously faced in having to prepare for and take different bar examinations to be licensed in multiple jurisdictions. Other benefits I noted in support of the UBE included the *marketability* and *mobility* of recent law school graduates as adoptions of the UBE increased, as well as more strategic focus for law school bar counseling and bar preparation initiatives.

As a result of the adoption of the UBE by 25 jurisdictions to date that are regionally grouped and represent multijurisdictional practice patterns, the benefits of the UBE anticipated five years ago are taking root in several ways:

1. Our school continues to attract a geographically diverse student body. In the fall of 2015, the entering class came from 20 states plus the District of Columbia and Puerto Rico,² with most of the represented jurisdictions located in the eastern part of the country. With the adoption of the UBE by nine eastern jurisdictions, 28% of the 2015 entering class was from UBE jurisdictions. Because it is common for our graduates to plan to return to their home states to practice within a few years after graduation, it can be expected that the UBE will be the preferred choice for the bar examination by these students upon graduation.
2. In any given year, 20% to 30% of our graduates will secure employment with the federal government, and in recent years we have seen an increase in students in military service careers (7% of the entering class of 2015 compared to less than 1% in 2009). For both groups, the bar licensure requirement upon graduation is not jurisdiction-specific—that is, these graduates do not have to be admitted in the particular jurisdiction in which they find employment. Graduates and bar counselors are viewing the UBE jurisdiction license as the best option for

meeting the basic bar licensure qualification for employment for these two groups, as well as for increasing these graduates' marketability and mobility into private practice with the portability of the UBE score to other UBE jurisdictions for additional licensures.

3. Since 2010, national data reflect a 10% increase in the number of law graduates who had not received job offers prior to graduation.³ This reflects the continued impact of the 2008–2009 recession on hiring trends in private practice, resulting in a slower job market for recent graduates. For this cohort of graduates, our counselors recommend the UBE as an attractive option to enhance their marketability and mobility in ongoing job searches and to provide a more strategic focus in their searches. One of our bar counselors indicated that counselors at other law schools in the East are similarly recommending taking the UBE over taking the exam in a non-UBE jurisdiction for the increased options for licensure it offers in the challenging job market many law school graduates continue to encounter.
4. The adoption of the UBE in 25 jurisdictions, including 9 eastern jurisdictions, prompted more of our recent graduates to take the UBE for the July 2016 administration. Our bar counselors also recommended the UBE to students where mobility upon graduation was necessary due to anticipated family or professional relocations. These and other trends in the bar examination choices and recommendations of recent graduates and bar counselors, respectively, have become important factors in our school's continued efforts to improve our bar preparation courses and programs. For the past 10 years, our bar preparation initiatives have focused on the three most popular bar examination jurisdictions for our graduates: Maryland, Virginia, and New York. Because 28% of last fall's entering class

(class of 2018) is now from UBE jurisdictions, the UBE is likely to become the most popular bar examination for our graduates. Accordingly, our discussions regarding bar preparation initiatives can be more efficiently and effectively directed toward the UBE and provide better support for bar counseling recommendations of the UBE—a welcome development after years of trying to find the appropriate balance between the many different bar examination jurisdictions our students considered prior to the UBE.

It is worth noting that, although UBE jurisdictions have the option of requiring a separate state-specific component prior to admission to assess knowledge of state-specific law, only 9 of the 25 UBE jurisdictions have elected to do so.⁴ In conversations with students considering the UBE, the additional state-specific requirement is not a deterrent to choosing the UBE.

From all indicators, NCBE has been successful in introducing the UBE and in facilitating its acceptance among a critical mass of bar examiners. From my observations, law school graduates and bar exam counselors welcome the increased options for marketability and mobility the UBE portability feature provides—advantages that will only increase with each future UBE adoption. ■

NOTES

1. Veryl Victoria Miles, *The Uniform Bar Examination: A Benefit to Law School Graduates*, 79(3) THE BAR EXAMINER 6–12 (August 2010).
2. The number of individuals applying to law schools nationwide has declined significantly since the fall of 2010 from a total of 604,300 applications and 87,900 applicants to a total of 340,300 applications and 54,500 applicants in the fall of 2015. (Law School Admission Council, LSAC Resources, Data, End-of-Year Summary: ABA [Applicants, Applications & Admissions], LSATs, Credential Assembly Service, available at <http://www.lsac.org/lscresources/data/lscac-volume-summary> [last visited 4 Aug. 2016]). Like most law schools, we have experienced a significant decline in students; however, the level of geographic diversity remains significant. In the past, anywhere between 25 and 40 jurisdictions have been represented in an entering class.

3. According to data from NALP (the National Association for Law Placement), in 2009, 62.6% of law school graduates had indicated that they had received a job offer prior to graduation. (NALP, Class of 2009 National Summary Report, June 2010, <http://www.nalp.org/uploads/NatlSummaryChartClassof09.pdf>.) In 2014, only 52.1% of graduates indicated that they had received a job offer prior to graduation. (NALP, Class of 2014 National Summary Report, July 2015, <http://www.nalp.org/uploads/NationalSummaryChartforSchools2014Class.pdf>.)
4. Alabama, Arizona, Massachusetts, Missouri, Montana, New Mexico, New York, South Carolina, and Washington have chosen to require a state-specific test or course (or a combination of the two) prior to admission. [*Editor's Note:* See page 37 of this issue for a section devoted to describing the jurisdiction-specific components that have been developed by UBE jurisdictions.]



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