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# The Bar Exam of the Future Offers Plenty to Be Excited About

The proposed uniform bar exam has a lot going for it, with plenty for current and prospective law students to be excited about.

By **Angela Morris** | December 28, 2018

A new era is on the horizon for Texas law graduates taking the bar exam—but many current and prospective law students might not know anything about it.

The Texas Supreme Court has approved a recommendation to replace the Texas bar exam with the Uniform Bar Examination, effective in February 2021.

It's a big deal, because reciprocity will allow graduates to transfer UBE scores to 34 other states. Another perk is the fewer topics and essay questions than the existing Texas bar exam.



“Most law students are so focused on the normal day-to-day of law school that they don’t pay much attention to the bar exam. They just know the bar exam is hard and they’ll have to take it one day,” said Femi Aborisade, president of the student bar association at The University of Texas School of Law in Austin.

Aborisade noted that he wished he had the choice to take the UBE rather than the Texas exam when he graduates in May.

“I’m a 3L and I think we have the notion it would be easier. We’re a little disappointed it’s not going to be implemented next year,” he said. “We were grandfathered into a bad system.”

It’s a different story for current 1Ls, who will be sitting for the UBE in July 2021, and anyone graduating in December 2020, who would be taking the February 2021 exam.

They may have an easier time cramming than their predecessors and might even perform better, said James McGrath, associate dean of academic support, bar passage and compliance at Texas A&M University School of Law.

“I think it’s a more manageable list of subjects to have to study post-graduation,” he said, explaining that the Uniform Bar Exam queries test-takers on 14 topics rather than 20, and has six essays rather than 12, as on the current Texas bar exam.

The current Texas bar exam already includes three of the UBE’s four testing components—the multistate bar exam, multistate performance test and essay questions. However, the UBE doesn’t test on Texas-specific procedure, evidence or essay subjects. To make up for the omission, the Supreme Court approved a recommendation to add a Texas law course and exam, which will ensure that law grads who want to be Texas lawyers have enough knowledge about Texas law, ethics and procedure. The Texas Board of Law Examiners will be working with the high court to create the Texas law course and exam.

Reciprocity is undoubtedly the test’s biggest benefit.

“The UBE allows lawyers to move between states without spending the time and money needed to take multiple bar exams. This is advantageous for new law school graduates who wish to look for employment in more than one state—including both Texans who wish to move to other states, and those from other states who wish to practice law here,” said the May 2018 report by the Task Force on the Texas Bar Examination, the entity that recommended switching to the UBE. The Texas Supreme Court accepted the recommendation in October 2018.

Over the past eight years, use of the UBE has skyrocketed from nothing to 34 U.S. jurisdictions. Texas will be the 35th state. That means Texas law grads who take and pass the UBE starting in 2021 will be eligible to transfer their scores and become a licensed lawyer in: Alabama, Alaska, Arizona, Colorado, Connecticut, Idaho, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Washington state, Washington, D.C., West Virginia, Wyoming and the U.S. Virgin Islands.

Having a state-specific law course to supplement the UBE is very common. The Texas task force recommendation was for an online Texas-specific exam—without essays—focused on Texas legal ethics, the Texas Constitution, civil and criminal procedure in our state and more.

Some other things are also left up to individual states. They still set their admission requirements, passing scores that range from 260 to 280, out of 400 total. The Texas task force recommended that the Supreme Court set Texas’ UBE passing score at 270, because that’s equivalent to the current Texas exam’s passing score of 675. UBE states are also responsible for setting their own maximum age for transferred UBE scores, which typically range from two to five years, and states make their own character and fitness decisions and testing accommodation decisions.

According to the National Conference of Bar Examiners, a nonprofit that developed the UBE, it maximizes a law grad's job opportunities in other states. In addition to skipping the chore of taking multiple exams, if a grad failed to meet one state's minimum passing score, he could take the same score and get admitted to practice law in a state with a lower cut score.

Switching to the UBE is a great idea, said Nikki Smith, assistant dean of the office of career and professional development at Texas Southern University Thurgood Marshall School of Law in Houston.

"It gives people more flexibility, especially now we're in a state of people being more mobile and opportunities popping up around the country," Smith said.

On the other side, the UBE might bring more job competition.

"We already have 10 Texas law schools. If we go with the UBE, we open opportunities for people outside the state of Texas," she said.

Current 2L students who will graduate and take the July 2020 exam may have a hard choice to make—whether to sit for the last Texas bar exam, or attempt to take the UBE instead. This could happen if they wait for the first UBE in February 2021, or if parameters set up by the state would allow for it, perhaps go to another UBE state for the July 2020 exam and then transfer their scores to Texas.

"It's something we'll have to stay on top of and educate ourselves in the career office, so we can add that piece to our counseling," Smith said.

*Angela Morris is a freelance journalist. Follow her on Twitter at @AMorrisReports.*

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