



THE UNIVERSITY of  
NEW MEXICO

SCHOOL of LAW

Dear Law School Community, Our Alumni & Friends,

We want to thank those of you who have taken swift and sincere interest in the recent bar passage rates for UNM School of Law graduates following the two bar exams this year. For all members of our law school community, we want to inclusively share the related facts and details. We welcome your thoughts and feedback as we work to support our recent graduates and our current students in preparation for bar passage by adjusting our resources and approaches to the requirements of the newly adopted Uniform Bar Exam (UBE).

The low passage rate is related to the adoption of the Uniform Bar Exam (UBE), which took place in February, 2016. Before the beginning of the transition to the new exam, the previous low for UNM School of Law first-timers was 81%. UNM Law is not alone in how its bar pass rate and our graduate bar takers have been affected. Bar pass rates have dropped dramatically across the country and articles on this subject are now appearing almost daily, from the ABA and other sources. A recent study determined that MBE scores have nationally reached a 30-year low.

Our February first time pass rate was 71% and our July first time pass rate was 68%. The latter is a 13-point drop from our 81% pass rate in July 2015. The overall pass rates for UNM School of Law, which include repeat examinees regardless of when they graduated or how many times they may have taken the exam, are 58% and 62% respectively. While the pass rate for our first time takers is higher, it unfortunately dropped significantly on the 2016 exams, as compared to the July 2015 results and previous years.

The UBE consists of three parts: MBE multiple choice exam, MEE essay exam, and the MPT performance test. The MBE comprises 50% of the score, the essay portion, 30%, and the performance portion, 20%. The UBE creates a portable score that is accepted in 20+ states and the District of Columbia, and each state sets its own passing score and admissions standards. The UBE uses holistic grading that is performed locally but uses a national rubric that is scaled nationally. The exam tests 12 subjects as follows:

- 7 MBE & MEE subjects: Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, Torts
- +5 MEE-only subjects: Business Associations, Conflict of Laws, Family Law, Trusts and Estates, and UCC Secured Transactions

However, there were several significant changes in the New Mexico exam as a result of the shift to the UBE. These changes included major changes in the content of the exam and the methodology for grading. The new exam tests majority rule legal principles that differ from New Mexico law in significant ways. Also, the multiple choice section of the exam has added Civil Procedure to the subjects tested. This is the first subject added to the MBE in more than 30 years. Additionally, we realize that many members of our bar may not know that the UBE essay exam also eliminated

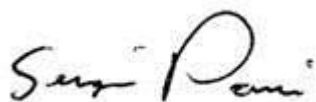
subjects like administrative law, community property, equitable remedies and Indian law that many of us feel are some of the essential components to practice in New Mexico and our curriculum. Moreover, the most recent sitting of the exam contained more hybrid essays, where multiple subjects were tested in a single essay (e.g., evidence and criminal procedure; real property and secured transactions). In addition to changes on the substance of the exam, the grading on the MEE essay section has shifted to a more formal legal analysis structure that emphasizes rule memorization rather than issue spotting. This is the second UBE exam that our students have taken, and we have had back-to-back drops in passage rates.

The Law School understands that preparing our students for licensure, as well as practice, is essential to our mission. Thus, we are undertaking a thorough analysis of the UBE among our faculty and administrators, to be followed by a strategic implementation of a plan designed to ensure that at least 80% of our graduates pass the bar exam on their first attempt and at least 85% of our graduates pass the bar exam within 18 months by May 2018. In addition, we are moving forward with an immediate plan to better support our students and graduates who plan to sit for the New Mexico Bar Exam within the next year. We are fortunate to be able to call upon two alumni already engaged in this work - one who has developed a successful preparation program for another law school, and a second who has experience in grading UBE essays.

In addition to our concern in the drop in bar passage rates, we are extremely concerned about the extent to which changes have affected minorities and women. Those who self-identified as white fared better than examinees who self-identified as people of color and men fared better than women on the February and July 2016 exams. The impact on minorities will be an important dialogue, and one in which we will engage our alumni and bar leaders. Fourteen first time takers in the state were Native American students (nine were from UNM), and none passed the UBE. More than forty percent of African American and Hispanic test takers failed the July 2016 exam as compared to less than twenty percent of white test-takers.

We welcome your input as we continue to form a faculty committee focused on the study of the adverse impact of the change in bar format here, especially on our minority and female students, and our necessary curricular, coaching and preparatory changes. In the meantime, we plan to engage in dialogue with the Committee on Diversity of the State Bar and the Supreme Court to raise these concerns and considerations.

Sincerely,



Dean Sergio Pareja



Dean Alfred Mathewson