

NM Bar Exam Changes: the UBE, the MBE, and Increased Role of Multiple Choice

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Two Changes in NM Bar Exam

- ▶ Multistate Bar Exam (MBE) changed in 2015
 - Federal Civil Procedure added, now 7 subjects
 - First change in MBE subjects in 30+ years
 - MBE is on exam in 49 of 50 states
- ▶ Uniform Bar Exam (UBE) adopted in 2016
 - UBE adopted in NM in 2016
 - UBE adopted in 20+ jurisdictions
 - Comparative grading
 - Grading compared to MBE in NM and US

Multiple Choice Impacts Scores

- ▶ Addition of Civil Procedure for MBE (2015)
 - *More rules to remember and not NM rules*
 - *Pass rates went down in NM and US in 2015*
- ▶ UBE Emphasizes MBE Multiple Choice
 - *Comparative grading based on multiple choice*
 - *Pass rates plummeted in NM in 2016*
 - *Disproportionate impact on minorities and women*

Multistate Bar Exam Subjects

- ▶ 7 Subjects
 - Civil Procedure (added February 2015)
 - Constitutional Law
 - Contracts
 - Criminal Law & Procedure
 - Evidence
 - Real Property
 - Torts

Multistate Bar Exam (MBE) Skills

- ▶ Knowledge of substantive law
- ▶ Rule-based legal analysis
- ▶ Rules analyzed based on elements & exceptions
- ▶ Classification of rules and facts
- ▶ Logical sequence structure
- ▶ Precise language

Improving MBE Skills

- ▶ Students need to understand that legal argument is about persuasion, but it is also about rule-based analysis, logic, and precision of language
- ▶ Learning substantive rules is important to legal analysis, but it is not enough
- ▶ Helping students achieve higher levels of legal analysis and precision will improve MBE scores
- ▶ Students also need more opportunities for legal analysis under time constraints