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

Beth Kaimowitz
Director of Academic Success
University of New Mexico School of Law
September 28, 2016

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
  - Grading compared to MBE in NM and US

Multiple Choice Impacts Scores

  - 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