New Mexico’s Adoption of the Uniform Bar Exam
Bar Passage Discussion

- Decline in bar passage rate
- Significant changes in exam
- Next steps as a law school community
National Context

- The average scores on the MBE are at the lowest level since 1988
- The mean score
  - 140.3, July 2016
  - 139.9, July 2015
- Several states’ pass rate dropped in July 2015
  - Alabama: -5 points
  - New Mexico: -12 points
  - Oklahoma: -11 points
  - Louisiana: -8 points
  - Mississippi: -27 points
  - Vermont: -14 points
New Mexico and UNM Bar Passage Rate

- **July 2016**
  - 64% Overall (-8%)
  - 70% First-timers (-6%)
  - 68% UNM First-timers (-13%)
  - 23% UNM Repeaters (+3%)

- **July 2015**
  - 72% Overall (-12%)
  - 76% First-timers (-12%)
  - 81% UNM First-timers (-8%)
  - 20% UNM Repeaters (-51%)
New Mexico and UNM Bar Passage Rate

- Pass rate since 2008
  - Before the beginning of the transition to the new exam:
    - the previous overall low of 79% was in Feb 2012 (15% greater than current sitting)
    - the previous UNM first-timers low of 81% was in July 2011 (13% greater than current sitting)
Pass Rates - Demographics

Proportionate decline comparing cumulative rates for applicants 2010-2015 (pre-UBE) with cumulative scores for 2016:

- African American (-15%)
- American Indian (-24%)
- Hispanic (-13%)
- White (-9%)
**Significant Changes-UBE**

- New Mexico is now a UBE jurisdiction
- Portability of score to 20+ UBE jurisdictions
- All components of the NM Bar Exam have been identical with UBE since February 2015 sitting
- Components:
  - Multi-state Bar Exam (200 multiple choice)
  - Multi-state Essay Exam (6 30-minute essays)
  - Multi-state Performance Test (2 90-minute assignments)
Currently Testable Subjects

- Business Associations (agency, partnership, corporations, LLC)
- Civil Procedure (federal jurisdiction and procedure)
- Conflict of Laws
- Constitutional Law (including constitutional rights)
- Contracts (common law and UCC Article 2 and Revised Article 1)
- Criminal Law & Criminal Procedure
- Evidence
- Family Law (majority rules)
- Real Property
- Torts
- Trusts & Estates
- UCC Article 9 (secured transactions)
## Changes in Testable Subjects

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<th>New Bar Subjects</th>
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<td>Civil Procedure now on MBE</td>
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<td>Indian Law</td>
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Significant Changes-Essay Grading

- Shift from issue spotting to IRAC
- Greater emphasis on rule memorization
- Essays now require higher-quality legal writing under time pressure
- Comparative grading
- More standardized
Significant Changes - New Mexico Specific

- Testing majority rules in a minority rules state
  - E.g., Family Law: community property vs. equitable distribution
  - No more Indian law or administrative law
  - Rules needed for success in clinic different than rules needed for success on bar exam

- UNM Law’s traditional strengths (clinical law in New Mexico, Indian Law, administrative law) are not tested by the new Uniform Bar Exam format but align with NM practice
Bar Passage—What we have done

- Offer 2 1-credit, pass/fail bar courses
- Offer free commercial bar course supplement
- Offered resources for students who need help to cover the cost of a commercial bar course
- Incentivized grads to complete 75% of course
- Increase awareness of testable subjects and created course planner
- Discussed additional resources and support with State Bar Committee on Diversity in the Profession
Bar Passage - What we have done

• Invite bar exam graders to speak with students
• Invite NMBBE executive director to speak with students
• Facilitated supplements with Ted O. (civ pro), George B. (evidence), and Beth K (contracts)
• Begun to track data (e.g., predictors, performance in bar subjects, 1L GPA, etc., demographics, etc.)
• Begun to collect information on supplements offered by commercial bar prep companies
• Presented at curriculum committee and LIPP committee meetings
Bar Passage-Next Steps

Short-term

• Leveraging alumni expertise
  • Mario Mainero-MBE
  • Justin Goodman-Essay
• Faculty’s Role
  • Incorporate bar exam materials
  • Craft bar-style questions
  • Caution against open-book exams
Bar Passage-Next Steps

Long-term
• Taskforce
• Charged with analyzing current results and strategically designing a responsive program
• All options are on the table