

PRESIDENT'S PAGE

by Erica Moeser

It seems like only yesterday that I was writing my column for the August 2009 issue and welcoming Sam Hanson as NCBE's chair. Suddenly, it seems, Sam's year has ended. It's been a good year, with a lot of forward progress and stabilization of projects recently begun.

It is customary to give the outgoing chair a gift or two at the conclusion of his or her service. For one of his parting gifts Sam received a red and black plaid wool huntsman's hat with sheepskin flaps and a quilted interior—very Minnesotan, we decided. It was manufactured by Filson, a company with the tagline "Might as well have the best." The tagline fits the man.

Sam's successor as chair is Phil Madden, a former chair of the California Board—or Committee, as it is called there. Phil is a veteran of NCBE's MBE Committee as well. Phil has launched the organization for another good year.

The Conference of Chief Justices took an action this past July that will no doubt strengthen interest in the Uniform Bar Examination. The CCJ has been following UBE developments over the past several years, and at their Annual Meeting the Chiefs endorsed a resolution that "urges the bar admission authorities in each state and territory to consider participating in the development and implementation of a uniform bar examination."

We appreciate the encouragement that the CCJ has given us as we continue to conduct the conversations around the country that are necessary for juris-



dictions to understand and embrace what the UBE is—and what it isn't.

Earlier this month the Council of the ABA's Section of Legal Education and Admissions to the Bar also adopted a resolution encouraging exploration of the UBE concept. The Council's membership draws from a broad spectrum of the profession—deans, judges, practicing lawyers, and a law student—so this endorsement is particularly meaningful.

This past June we convened a meeting to discuss the UBE with representatives from jurisdictions in the Northeast, and this fall we are on schedule to do the same with folks from the Northwest and the Mountain States. In addition, we have made—and will continue to make—"house calls" in response to invitations from various constituencies: boards, courts, and bar leadership.

How states decide to handle the state law component is beginning to shake out. Missouri evidently plans to use an online "driver's license test" approach. Other jurisdictions plan to rest on the UBE itself or to develop and grade a separate state test component, with its separate score combined with the UBE score to produce a reliable grade. At least one jurisdiction is planning to launch a course that includes the salient features of state law. It will be interesting to see how many different flowers bloom.

I am not sure that many know that NCBE has brought all of its test development activities in-house over the last three or four years. First, Judy Gundersen, our Deputy Director of Testing,

steered the Multistate Essay Examination and the Multistate Performance Test to their new harbor. That transition went very smoothly and encouraged us to consider whether we were ready to tackle the challenges of bringing our two multiple-choice tests in-house as well. Under the leadership of Susan Case, we began the process of bringing Multistate Professional Responsibility Examination test development to Madison. Melissa Cherney, MPRE Program Director, made it happen.

Most recently we determined we were ready to take on the most complicated test development of all—the creation of each Multistate Bar Examination. That was left to MBE Program Director Beth Donahue. All four tests have never been more robust. We owe no less to the jurisdictions that use the products, and to the applicants, who deserve fair tests for licensure. It has been exciting to watch the progression, and very satisfying to see the results of the decisions to undertake the work in-house.

What is next in testing? I expect that we will see a solid launch of the UBE in 2011 (with Missouri and North Dakota first in line this February). I expect that we will start test development in the area of Civil Procedure as an additional topic on the MBE. And we remain intrigued by the idea of testing for research skills through some mechanism. No one has time to rest on any laurels around here, and every day presents something new to consider.

This organization lost a true friend and important contributor with the death of James K. Robinson this month from cancer. Jim was a mainstay of the Evidence Drafting Committee for over three decades, currently serving as its chair. Jim's professional career—as a law dean, private practitioner, and U.S. Attorney, including a stint as Deputy Attorney General heading the Criminal Division of the U.S. Department of Justice—eminently qualified him to

CONFERENCE OF CHIEF JUSTICES

Resolution 4

Endorsing Consideration of a Uniform Bar Examination

WHEREAS, the states' highest courts regard an effective system of admission and regulation of the legal profession as an important responsibility for the protection of the public; and

WHEREAS, the increased demand for lawyer mobility results in greater multijurisdictional practice and increased access to admission on motion; and

WHEREAS, the increasing use of uniform, high quality testing instruments has rendered most jurisdictions' bar examinations substantially similar; and

WHEREAS, law is the only major profession that has not developed a uniform licensing examination; and

WHEREAS, a uniform licensing examination for lawyers would facilitate lawyer mobility and enhance protection of the public; and

WHEREAS, state bar admission authorities and state supreme courts would remain responsible for making admission decisions, including establishing character and fitness qualifications and setting passing standards, and enforcing their own rules for admission; and

WHEREAS, issues relating to knowledge of local law can be addressed through a mandatory educational component, a separate assessment, or a combination thereof;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices urges the bar admission authorities in each state and territory to consider participating in the development and implementation of a uniform bar examination.

Adopted as proposed by the CCJ Professionalism and Competence of the Bar Committee at the 2010 Annual Meeting, July 28, 2010.

lead the Evidence drafting effort. Jim treasured his pro bono service to the profession through his work on the MBE. He was a model of intelligence, collegiality, good humor, and grace. We at NCBE are deeply saddened by his death. 