

**PUBLIC NOTICE**  
**MINNESOTA STATE BOARD OF LAW EXAMINERS**

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The Minnesota Board of Law Examiners (Board) announces its plans to commence a comprehensive two-year study of the bar examination for the purpose of providing the Minnesota Supreme Court with a report and recommendations no later than June 1, 2023.

Background:

The Board is responsible for ensuring that those admitted to the bar have the “necessary competence and character to justify the trust and confidence that clients, the public, the legal system, and the legal profession place in lawyers.”<sup>1</sup>

Since 2014, the Board has administered the Uniform Bar Examination (“UBE”), which has now been adopted by 40 jurisdictions. The UBE is comprised of two 90 minute Multistate Performance Tests (MPT); six 30 minute Multistate Essay Examinations (MEE); and 200 multiple-choice Multistate Bar Examination (MBE) questions. Minnesota requires a score of 260 on the UBE to meet the examination requirement in Minnesota. Each jurisdiction sets its own cut score, with scores ranging between 260 and 280 in other UBE jurisdictions. The UBE allows applicants to transfer their exam score and be admitted in another jurisdiction without retaking the bar exam. The National Conference of Bar Examiners (NCBE) creates the test content of the UBE and jurisdictions purchase the test components from the NCBE.

In January 2018, the NCBE appointed a Testing Task Force to retain outside consultants to undertake a comprehensive, three-year study of the UBE. The purpose of the study was to ensure that the examination appropriately tests skills new lawyers are expected to have and knowledge new lawyers are expected to know.

In Phase 1 of the study, ACS Ventures, LLC, a psychometric consulting firm, facilitated listening sessions with stakeholder groups, including the Council of Bar Admissions Administrators; Association of American Law Schools; UBE Jurisdictions; American Bar Association; Legal Educators; ABA Diversity and Inclusion Center and Pipeline Council; Academic Support Educators; Law School Deans; and the ABA Young Lawyers Division. The questions included what parts of the examination should be retained, dropped, or modified; what the next generation of the examination should look like; what cautions should be shared regarding changes; and any other information individuals wished to provide.

In Phase 2, the NCBE conducted a nationwide practice analysis survey. 14,848 lawyers responded to the survey. The Minnesota Supreme Court authorized the Board to send the survey to all active status lawyers in Minnesota, and the MSBA assisted in the distribution of the survey through their weekly newsletter. 803 Minnesota lawyers completed the survey (5.7% of the responses received.)

In Phase 3, the NCBE formed two committees: the Blueprint Development Committee (BDC) and the Test Design Committee (TDC). The BDC recommended 7 skill domains, 103

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<sup>1</sup> Rule 1 of the Minnesota Rules for Admission to the Bar (“Rules”).

representative tasks, and 11 knowledge areas. The TDC analyzed the structure, assessment methods, administration, score interpretation, accessibility, and fairness.

Based on the recommendations, the NCBE's Board of Trustees determined that the Next Generation of the Bar Examination will:

- test Foundational Concepts and Principles and Foundational Skills;
- be an integrated examination that assesses knowledge and skills holistically;
- continue to be offered twice per year;
- be computer-based at a centralized testing location;
- produce a single combined score and that scoring will be compensatory (meaning that a strong performance on one part of the exam can balance a weak performance on another section); and
- be given at or near the point of licensure.

Additional information about the process can be found at <https://nextgenbarexam.ncbex.org>.

#### Impact on the Examination:

- The NCBE anticipates that the first administration of the new UBE will be in July 2025.
- The separate testing components (MEE, MPT, and MBE) will no longer be test products available for jurisdictions to purchase.
- The new test will be an integrated examination. Additional details are available on the NCBE's website.
- The revised test will have a heavier focus on skills.
- Family law, trusts and estates, and secured transactions will no longer be tested.
- The NCBE will be revising the subject matter being tested to focus on core issues rather than deeper knowledge of a subject area.

#### Minnesota Study:

Over the next two years, the Board will hold Committee meetings and public hearings as part of a comprehensive review process to study the issues described in further detail below and to make recommendations to the Court. The Board will be seeking broad stakeholder input in this process.

The Board will post additional information to its website throughout this process. Parties interested in receiving notice of updates to the process and the schedule for upcoming meetings should contact the Board office at [ble@mbcle.state.mn.us](mailto:ble@mbcle.state.mn.us) to subscribe to updates.

At the April 30, 2021, the Minnesota State Bar Association (MSBA) General Assembly meeting, the General Assembly voted to file a Petition to the Minnesota Supreme Court to form a Task Force to study and make recommendations regarding the bar examination. The MSBA's Petition has not been filed as of the date of this notice. The Board is committed to studying this important issue whether or not a separate Task Force is appointed by the Minnesota Supreme Court. The MSBA's input has been invaluable to the Board's study and consideration of other recent issues impacting admissions in Minnesota and the Board looks forward to working with the MSBA on the study of this important issue.

The scope of the Board's study will be broad. The primary focus of the study will be the examination, including the history of the examination in Minnesota and the impact of being a

UBE jurisdiction. In reviewing the issue, the Board will also review alternative options for determining competency for licensure (including “diploma privilege”), supervised practice/limited practice models, legal education and the impact of any potential change on the legal education requirements outlined in Rule 4A(3), and the impact of the licensure process on diversity and equity.

The Board will survey other states, review the research and studies that have been compiled related to this issue, and invite stakeholders who have expressed interest in this matter to submit materials to be reviewed as part of this comprehensive process.

Notices of the dates, time, and locations of the Board’s public meetings will be posted to the Board’s website: [www.ble.mn.gov](http://www.ble.mn.gov) The Board anticipates filing its report with the Court on or before June 1, 2023.

Written comments and requests to present oral testimony may be submitted to the Board of Law Examiners, Attn: John Koneck, Board Chair, 180 E. 5<sup>th</sup> Street, Suite 950, MN 55101 or emailed to [ble@mbcle.state.mn.us](mailto:ble@mbcle.state.mn.us).

Dated: June 21, 2021

Emily John Eschweiler  
Director  
Minnesota State Board of Law Examiners