

## Is Illinois ready for the Uniform Bar Exam?

**H**arrison and Held partner Stuart Duhl, who was on the Illinois Board of Admissions to the Bar for 23 years, its former president and also a former president of the National Conference of Bar Examiners, answers questions about Illinois' possible adoption of the Uniform Bar Exam. The movement towards a Uniform Bar Exam has gained momentum recently as Missouri adopted it in 2010 and other states have begun to consider it.

### *Q and A with Stuart Duhl*

**Q.** When did the push for Uniform Bar Exam begin?

**A.** It has probably been discussed for the last 5 years or so. I think that beginning in 2009, people began to write about it and starting in 2010, maybe late 2009, there were meetings discussing the concept of a Uniform Bar Exam and what it would consist of. When some states indicated they were interested, the National Conference of Bar Examiners essentially put together an exam – which wasn't very difficult because it was really based on exams that had already been given.

**Q.** Why should Illinois institute the Uniform Bar Exam?

**A.** Illinois for the most part is using exams created by the National Conference of Bar Examiners. Illinois uses the multi-state bar exam – which is the multiple-choice test, the multi-state essay exam and the performance test. So, for all practical purposes, Illinois is already using the major components of the Uniform Bar Exam. What the UBE does is allow for greater transferability of scores. Illinois would still control the passing score, like it does now, and I don't see where it would actually make a great deal of difference.

**Q.** Why shouldn't Illinois institute the UBE?

**A.** The main issue that states have been concerned about has been the fact that some of them, including Illinois, give a few, of what one might call, state-specific questions. The issue is whether you would give up the ability to draft Illinois-specific questions and what the value of those questions are. One could argue that if one can pass 90% of the Bar Exam, the lack of Illinois-specific questions shouldn't matter. The other argument is that you could do Illinois-

specific questions if you wanted to add another piece to the exam. In other words, if the Uniform Bar Exam was 6 hours each day over two days, you could add another hour each day and you could add 2 or 3 Illinois specific questions. Another way to deal with it is you could require lawyers who pass the UBE to take a CLE course on Illinois Law in a particular area.

**Q.** Would this be the biggest change for bar exams?

**A.** This would be a major change. It wouldn't happen right away, but ultimately you would move to transferability of a score to make it more like the CPA exam. There you take a uniform exam and basically you can become licensed in other jurisdictions. That is where it probably leads to – but that could be 10 or 15 years down the road. The big issue is whether any of the large states - New York, Illinois, California or Florida - decide to start this process. ❖

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