Supreme Court
State of Tennessee

CHIEF JUSTICE
JEFFREY S. BIVINS

JUSTICES
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## TENNESSEE ADOPTS UNIFORM BAR EXAM

**Nashville, Tenn.** – The Tennessee Supreme Court has adopted the Uniform Bar Exam (UBE) as the key testing component for bar admission for aspiring Tennessee attorneys. The UBE is a nationwide test that has been adopted in 31 jurisdictions and allows test takers to transfer scores between states, greatly improving the mobility of Tennessee attorneys. The change comes after the Tennessee Board of Law Examiners filed a petition with the Supreme Court to adopt the change and a public comment period. The comments received by the Court were overwhelmingly supportive of the change. The UBE allows the Court to adapt to changing times while protecting the public. The UBE will be given for the first time in Tennessee in February, 2019.

"As the legal field continues to evolve, the Court understands its rules must modernize and adapt to changing practice realities," said Chief Justice Jeff Bivins. "At the same time, it is essential we ensure attorneys practicing in Tennessee are well-qualified and prepared to represent clients with the vigor and excellence the law requires. The changes we have adopted strike that necessary balance."

Under current rules, a Tennessee lawyer needing to obtain a license to practice law in another state has to meet waiver requirements, which often include a significant experience component, or retake the bar exam in that state. The UBE allows scores earned in Tennessee to be transferred to other states for licensure. In addition, attorneys from other states utilizing the UBE can petition for admittance in Tennessee based on those results.

"Lawyers are more mobile than they once were. No longer do lawyers always settle in one state and practice in that state until retirement," said Jeffrey Ward, President of the

Tennessee Board of Law Examiners. "Multi-jurisdictional, or cross-border, practice is more common, particularly in Tennessee, where we border more states than any other state in the Union. This can be seen in the increase in applications for admissions without examination in recent years."

Between 2012 and 2016, the Board of Law Examiners saw a 90.4 percent increase in requests for admission without examination and a 218% increase in in-house counsel registration applications. In Tennessee, in order to be eligible for admission without exam, lawyers must be in good standing in at least one other jurisdiction and have at least five to seven years of experience. The proposal would provide more mobility for younger, or more recently admitted, attorneys. In this region, Alabama, Missouri, West Virginia, North Carolina, and South Carolina have adopted the UBE.

"The Board of Law Examiners recited in its petition the statistics that demonstrate the demand for mobility in the legal profession, and the Tennessee Bar Association agrees that this is a laudable goal in order to encourage lawyers and businesses to operate in Tennessee," the Tennessee Bar Association stated in its official comment letter. "Toward that end, the proposed rule change, which adopts the UBE, and its portability provisions is positioned to benefit the profession, and the Tennessee Bar Association supports such action." The Bar Association's letter was signed by more than 65 local bar associations as well as the Tennessee federal bar, public defenders conference, and associations representing Women, Hispanic, African-American, and Asian attorneys.

The UBE is prepared and coordinated by the National Conference of Bar Examiners and consists of three parts: the Multistate Bar Examination, which includes 200 multiple choice questions; two Multistate Performance Test tasks, which are 90-minute exercises testing basic lawyering skills; and six Multistate Essay Examination questions. The test covers a dozen topics and is given over two days. The current Tennessee Bar Exam uses the multiple choice questions, one performance test task, and nine Tennessee-specific essay questions. The nine essay questions are prepared and graded in the state. One benefit of using the UBE essay questions is the vast amount of testing and resources that go into developing each question, something that is hard to duplicate on a small scale, according to the Board of Law Examiners. The essay questions will still be graded by Tennessee attorneys.

The Tennessee Supreme Court will determine the minimum passing score for the UBE. The Supreme Court will also consider requiring newly admitted attorneys to complete a course of study focused on Tennessee law within one year of admission. The Supreme Court will continue to set educational, character, and fitness requirements for those requesting admission to the bar, and the Board of Law Examiners will continue to determine an applicant's eligibility for admission based on the standards set by the Supreme Court.

The Court's Order may be viewed on tncourts.gov.

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