MEMORANDUM

DATE: October 18, 2017

TO: Members of the Council

FROM: Hon. Rebecca White Berch (Ret.), Chair
       Judith A. Gundersen, President

RE: Report to the Council

Thank you for the invitation to attend your meeting on November 2–3, 2017. We regret not being able to attend. We will provide some updates on national bar trends and NCBE happenings.

As you know, Erica Moeser retired in August and Judy Gundersen is the new NCBE president. The Hon. Rebecca White Berch (ret.) is the new chair of NCBE’s Board of Trustees. The new Director of Test Operations is Matt Samuelson, formerly Chief Deputy Regulation Counsel in Colorado.

The national MBE mean in July 2017 was up 1.4 points from July 2016, and the July 2016 national mean was up 0.4 points from the July 2015 mean. All but seven jurisdictions saw their MBE means increase, and MBE means portend improved bar passage. (See attached chart.) At the time of writing this memo, approximately 35 jurisdictions have released July bar exam results.

The Maryland Court of Appeals has invited comment on the report of its Advisory Committee to Explore the Feasibility of Maryland’s Adoption of the UBE. The written comment period will close on November 8, 2017. If Maryland goes ahead and adopts the UBE, it will be the 29th jurisdiction to do so. (See attached map.) Ohio is also currently studying whether to adopt the UBE, as are a few other jurisdictions. We look forward to the continued spread of the UBE.

NCBE is preparing to undertake the first of what we anticipate will be a series of content validity studies using focus groups and/or small-scale surveys to generate future-focused data about content that should be tested on the bar exam. We expect that these studies will inform preparations for our next full job analysis. (Our most recent job analysis was completed in 2012.) The purpose of the studies and a job analysis is to ensure that bar exam content aligns with the knowledge, skills, and abilities (i.e., job requirements) needed for newly licensed lawyers to enter the profession.
Our research for the New York Board of Law Examiners to study the impact of the shift to the UBE is well under way. NCBE testing and research staff members are in the process of collecting and finalizing data from the July 2017 exam, the final installment of data to complete the study.

On September 12, 2017, two MBE drafting committee chairs (both law school faculty members), along with NCBE’s testing department staff, conducted a multiple-choice question writing workshop. Approximately 45 faculty members from across the nation participated in the workshop, which was held in Madison. All faculty members in attendance teach an MBE content area to law students. The workshop was well received and was recorded for broader dissemination.

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Enclosure
Difference in Mean MBE Scaled Scores between July 2016 and July 2017 by Jurisdiction

National Mean MBE Scaled Score:

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<tr>
<td>July 2016</td>
<td>140.3</td>
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<tr>
<td>July 2017</td>
<td>141.7</td>
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