



# Reciprocity and UBE Score Transfer: 9 Years Later

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ALTERNATIVE METHODS TO LICENSURE  
AND THE IMPACT ON THE NEW MEXICO  
LEGAL COMMUNITY

# Panel Members

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## Hon. Henry A. Alaniz

- Current Chair of the New Mexico Board of Bar Examiners
- Retired Metropolitan Court Judge
- Past President of the New Mexico State Bar

## Hon. Mateo S. Page

- Treasurer and Board Member of the New Mexico Board of Bar Examiners
- Retired Magistrate Court Judge
- Court Services Division Director, Administrative Office of the Courts

# Panel Members (continued)

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## Dylan O'Reilly

- Rule Committee Chair and Board Member of the New Mexico Board of Bar Examiners
- Redrafted 2023 Rules Governing Admission
- Director and Shareholder in Miller Stratvert P.A.'s Santa Fe office

## Camille A. Pedrick

- Executive Director of the New Mexico Board of Bar Examiners
- 2005 graduate of the University of New Mexico School of Law
- Licensed in New Mexico, California, and Arizona

## Anne Taylor

- Chief Disciplinary Counsel, New Mexico Disciplinary Board
- Special Counsel to the New Mexico Board of Bar Examiners for Character and Fitness Hearings

# Why should already-licensed attorneys care about licensure?

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- Licensure has changed dramatically in the last 9 years—New Mexico Bar Examinees make up about a quarter of all applicants to the New Mexico State Bar
- Your current and future associates may be licensed without taking the bar exam here
- How an attorney is licensed may have an impact on their success or quality of practice in a New Mexico courtroom
- Government and Public Service Entities may have an untapped pool of potential attorneys outside of this state

# Current Methods of Licensure

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1. Licensure by Bar Examination
2. Licensure by Admission on Motion (Reciprocity)—adopted in 2014, implemented in 2015
3. Licensure by UBE Score Transfer—adopted 2014, fully implemented in 2016
4. Limited Licenses\*
5. Reinstatement\*

# Licensure by Bar Examination

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- The Bar Exam is held twice per year: in February and July
- The Bar Exam is not New Mexico specific: New Mexico, along with 39 other states, have adopted the Uniform Bar Exam, which is a uniform exam that is administered in each of those states.
- The Uniform Bar Exam (“UBE”) is a two-day exam and is made up of Six Essay Questions, Two Performance Test Questions, and 200 Multiple Choice Questions
- All states except Louisiana utilize the MBE (the 200 Multiple Choice Question portion of the exam)

# Licensure by Admission on Motion (Reciprocity)

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- ❑ In 2014, the New Mexico Supreme Court issued Order No. 14-8300-001, which allowed for an admission based on reciprocity. Effective date: June 1, 2015.
- ❑ Admission on Motion allowed an already-licensed attorney, who had been actively practicing law for the last five (5) out of seven (7) years, to seek admission so long as the attorney was licensed in a state that shared reciprocity with NM.
- ❑ New Mexico and the following states agreed to reciprocity in 2014: Alabama, Alaska, Arizona, Colorado, Connecticut, D.C., Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, & Wyoming.

# Licensure by Admission on Motion (Reciprocity)

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- ❑ In 2015, Oklahoma and Maine were added
- ❑ In 2016, New Jersey, New York, North Carolina, and West Virginia were added
- ❑ In 2017, the U.S. Virgin Islands were added
- ❑ The New Mexico Board of Bar Examiners has approved Kentucky as a reciprocal jurisdiction and is awaiting the Kentucky Board of Bar Examiners in recognizing New Mexico. At that time, Kentucky will be recommended to the New Mexico Supreme Court as a reciprocal jurisdiction.
- ❑ In total, New Mexico shares reciprocity with 38 states and territories.



# Licensure by UBE Score Transfer

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□ In 2015, New Mexico adopted the Uniform Bar Exam as part of Supreme Court Order 14-8300-004 and changes to Rule 15-203 NMRA and, with it, score portability:

- What is score portability?

Each state has adopted a 'cut score' that the state has determined is the minimum score an applicant must achieve in order to prove 'minimum competency' in that jurisdiction.

- What are the score ranges?

Applicants can score 0 to 400. The lowest cut-score is a 260 and the highest cut score is a 273.

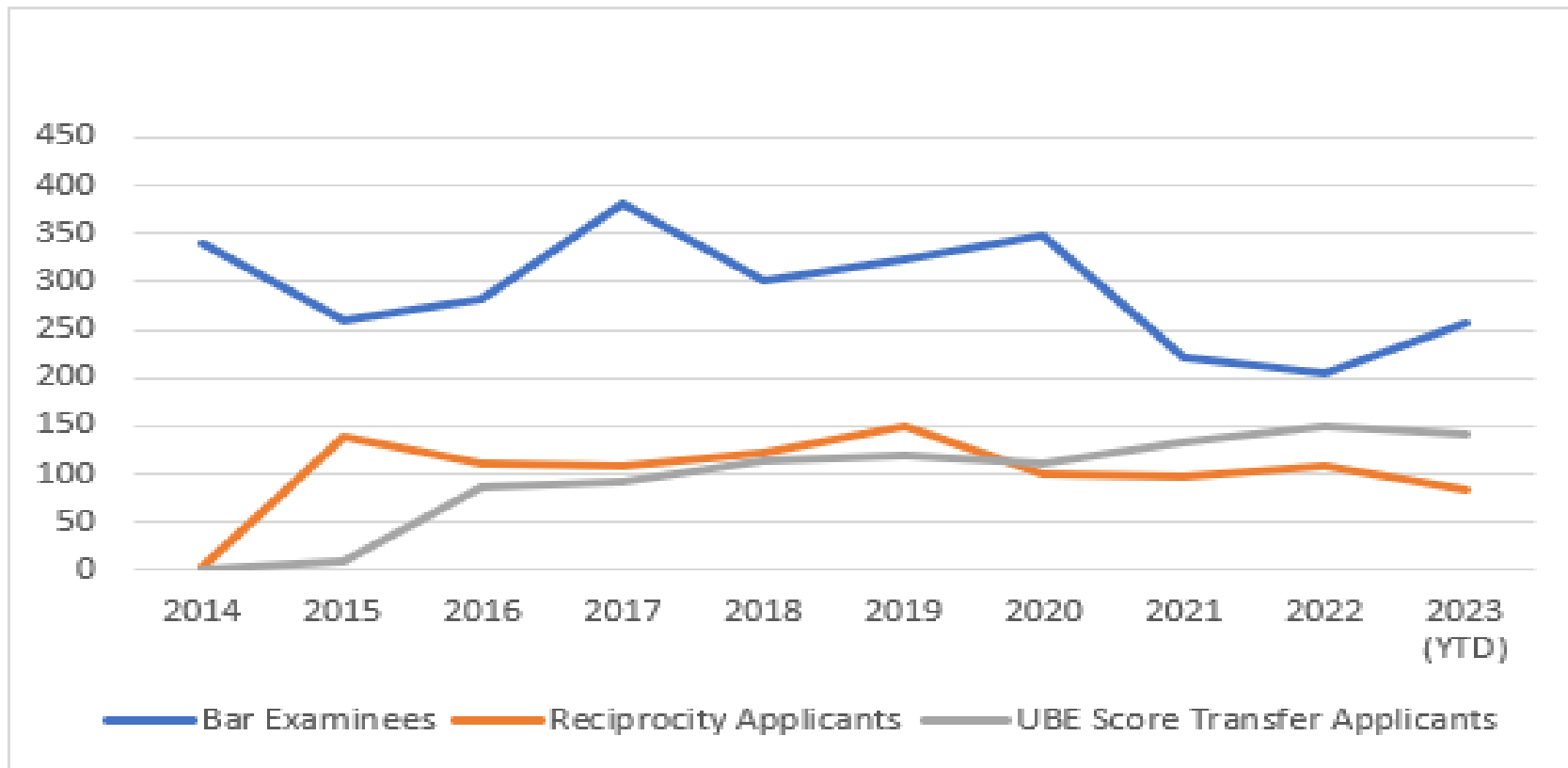
# Licensure by UBE Score Transfer (continued)

- ❑ What is New Mexico's cut score? New Mexico, along with five other states, have adopted the 260 cut score.



# Types of Applicants processed by the NMBBE

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# Concerns with UBE Score Transfer and Reciprocity Admissions

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- Knowledge regarding New Mexico specific legal issues
- More competition for New Mexico legal jobs to the detriment of New Mexico law school graduates
- A uniform, national exam and the impact on diverse examinees
- Autonomy of graders in following NCBE's standards of grading
- Psychometrics and the scaling of scores
- Character and Fitness investigations and resources for individuals who do not intend on practicing in New Mexico

# The Realities of UBE Score Transfer and Reciprocity Admissions

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- All applicants must take the New Mexico Law Class, which is a set of presentations on New Mexico Community Property, Indian Law, and Professionalism/Civility.
- In 2013, when all admissions were by examination, the total number of complaints the Office of Disciplinary Counsel received was 707.
- Since 2018, no single year has produced that many complaints; the lowest amount of complaints was in 2021 with 501 complaints, the highest in 2022 with 683.
- Of the 8 attorneys who received discipline of a suspension or greater in 2022, only one was admitted by UBE transfer; the rest were admitted by examination. All four of the permanently disbarred attorneys and one attorney who permanently withdrew in lieu of discipline were admitted by examination.

# Character and Fitness Percentages by Year and Applicant Type

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Year	Bar Examinees	Reciprocity Applicants	UBE Score Transfer Applicants
2018	27.3%	26.0%	28.1%
2019	27.6%	19.9%	25.0%
2020	22.8%	21.0%	18.8%
2021	22.2%	21.4%	15.9%
2022	37.6%	33.0%	33.8%
2023 (YTD)	19.5%	22.6%	31.2%

# The Future: New Rules Governing Admission

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- The new Rules Governing Admission and potential implementation dates
- A new method of licensure: In House Counsel
- Changes affecting Bar Examinees:
  - More time to apply and late fees that are applied later in the application process
  - Bar Exam results now expire after three (3) years
  - The Next Gen Bar Exam
- Changes affecting UBE Score Transfer and Reciprocity Applicants:
  - UBE score transfer expanded from three (3) years to five (5) years
  - MPRE results are now valid indefinitely and do not expire after five (5) years
  - The NM Law Class will soon be held virtually and does not expire after three (3) years
  - Reciprocity available for those that practice under a New Mexico Limited License for five (5) years

# The Future: The NextGen Bar Exam

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- The National Conference of Bar Examiners (“NCBE”) is in the testing-phase of a new type of bar exam
- Final Scope Outlines are now available and can be viewed at <https://nextgenbarexam.ncbex.org>
- The goal of NCBE is to create an integrated examination. The exam will measure both knowledge and skill through a mix of item formats (multiple choice, short answer, essays). The exam will test skills like negotiation and client counseling.
- The exam will test eight subjects: business associations, civil procedure, constitutional law, contracts, criminal law and constitutional protections, evidence, real property, and torts. Wills/Trusts and Family Law will be eliminated.
- The Next Gen exam will be offered two times per year and will replace the Uniform Bar Exam by February, 2027.