

Wishing for a uniform bar exam



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For many law school graduates, the bar exam represents the final hurdle before entering their career. And yet, for a growing number of graduates, myself included, the home stretch can be seemingly littered with these final hurdles. In fact, I too am seriously considering taking the exam not once, but twice.

The reason I think about taking the bar exam again is because I am not from Illinois.

I am from Florida, and there is a good chance that I will move back to Florida someday.

My friends and family have been asking me when I plan to take the Florida bar exam. I try to explain to them that it's more complicated than just walking in and taking a quick exam — especially when I am not planning on practicing there right now.

But I do think that I might move back to Florida someday, although not for a long time. And I hope that if I do move back, I would continue to practice law down there.

But right now I am struggling with the decision of whether I should wait until I am moving back to Florida to take the Florida bar exam, or to go ahead and take it right now.

I know an attorney who graduated from The John Marshall Law School in the 1970s. He took both the Illinois and Florida bar exams in the same year because he had job offers in both states.

He ended up staying in Illinois for more than 25 years but then was able to take a new job in Florida without having to take the Florida bar exam.

He told me that if he had to take the Florida exam at that time, he would have most likely not passed it after being out of law school for 25 years.

I met another attorney who practiced real

estate law in Illinois for more than 40 years and a lot of his clients moved to Florida.

In order to continue serving those clients, he took the Florida bar exam.

He told me that it was difficult to sit down and take a formal exam again after 40 years of specializing in one area of law. Taking the Florida bar also required him to find time to study on top of an already demanding caseload.

I love my home state of Florida, and I love my new state of Illinois. But I am open to moving to any other state, especially if the right job took me there.

In fact, while I am working on my job search right now, I will see open positions that would be perfect for me, but they are in another state.

I have nothing else preventing me from packing up and moving to another state right now except that I am only scheduled to take Illinois' bar exam.

It just feels a little backwards to take the bar exam first and then look for a job, especially when it limits your job search to that state. And this is the best time to take the bar exam because everything is freshest in my mind.

Yes, some states have reciprocity and the American Bar Association has been encouraging more reciprocity. But it's still not enough to make a legal education as portable as it should be today.

Besides greater mobility for law school graduates, proponents of a uniform bar exam also claim there will be decreased consumer expenses for multistate litigation.

The good news is that a uniform bar exam might be a reality soon.

Thirteen states have already adopted the Uniform Bar Exam (UBE), which is an entire standardized exam, so that lawyers from other

states can smoothly transfer their scores to another state.

And more states are adopting the UBE each year.

Missouri was the first state to adopt it. And I have heard rumors that Illinois is considering adopting the UBE so that lawyers can more easily practice in both Illinois and Missouri. This would be especially great for lawyers who live near state borders.

The UBE still allows states to set their own passing scores and decide which applicants can sit for the exam.

Jurisdictions that adopt the UBE may require candidates to also complete a jurisdiction-specific educational component and/or pass a test on jurisdiction-specific law in addition to passing the UBE. And states still collect and keep fees on the attorney licenses.

There is still a long way to go to get a uniform bar exam, though.

So far, no large jurisdictions have adopted the UBE.

And there are issues with some states putting up barriers to keep nonresidents from sitting for the bar exam.

Even without such barriers, it can take years for an attorney to pass the bar in all the states in which he or she wants or needs to be licensed.

I know that if I take Florida's — or any other state's — bar exam, I won't have to put in the study hours that I am putting in this summer, even if it is a few years from now.

But I know it won't be easy, either.

So over the next couple of years, I will have to decide what is best for me and my career. And I'm sure that this won't be the only time in my life that I'll be wishing for a uniform bar exam. ■

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