



House Bill 5541 (Substitute H-1 as passed by the House)  
Sponsor: Representative Andrew Fink  
House Committee: Judiciary  
Senate Committee: Judiciary and Public Safety

Date Completed: 3-9-22

### **CONTENT**

**The bill would amend the Revised Judicature Act (RJA) to do the following:**

- **Allow an individual to use a Uniform Bar Examination (UBE) score that the individual achieved on a UBE administered in another state or territory when applying for admission to the State Bar of Michigan, if certain requirements were met.**
- **Allow the Board of Law Examiners to administer in conjunction with the UBE a Michigan-law-specific component as part of the requirements for admission to the State Bar.**
- **Specify that an individual who elected to use a Multistate Bar Examination (MBE) scaled score could not receive a portable UBE score.**
- **Prescribe a \$400 fee for admission to the State Bar by UBE score transfer.**

#### Admission by Examination

The RJA specifies that an individual is qualified for admission to the State Bar if he or she proves to the satisfaction of the Board that he or she is an individual of good moral character, is 18 years of age or older, has the required general education, learning in the law, and fitness and ability to enable him or her to practice law in the courts of record in Michigan, and that he or she intends in good faith to practice or teach law in Michigan.

An individual may elect to use an MBE scaled score that he or she achieved on an MBE administered in another state or territory when applying for admission to the State Bar, but only if certain requirements are met.

Under the bill, an individual could elect to use the UBE score that he or she achieved on a UBE administered in another state or territory when applying for admission to the State Bar, if all of the following occurred:

- The score that the individual elected to use was achieved on a UBE administered within the three years immediately preceding the UBE in Michigan for which he or she otherwise would sit.
- The score that the individual elected to use met the passing UBE score for Michigan set by the Board.
- The individual otherwise met all requirements for admission to the State Bar.

"Uniform Bar Examination" would mean the examination as defined and administered by the National Conference of Bar Examiners (NCBE).

The Board, in its discretion, could administer in conjunction with the UBE a Michigan-law-specific component as part of the requirements for admission to the State Bar.

In the event of a national or State emergency, the Board, in its discretion, could administer an alternate examination consistent with the standards for entry into the State Bar. If the alternate examination did not meet the portability requirements of the UBE, the Board could enter into reciprocal agreements with other UBE states to provide for agreed-upon score portability between those states and Michigan.

The requirement that the Board accept a UBE score from another state would not be effective until Michigan first administered the UBE.

An individual who elected to use an MBE scaled score could not receive a portable UBE score. "Portable uniform bar examination score" would a UBE score achieved in another jurisdiction for purposes of admission to the State Bar that meets Michigan's MBE minimum passing score as established by the Board.

#### Admission Without Examination

Under the RJA, any individual who is duly licensed to practice law in the court of last resort of any other state or US territory or the District of Columbia and who applies for admission to the State Bar without examination is required to meet certain requirements, including that he or she intends in good faith to either maintain an office in Michigan for the practice of law and to practice actively in Michigan, or to engage in the teaching of law as a full-time instructor in a reputable and qualified law school located in Michigan.

The bill would delete the requirement that the individual maintain an office in Michigan and instead require only that he or she intends in good faith to practice actively in Michigan, or to engage in the teaching of law as a full-time instructor in a reputable and qualified law school located in Michigan.

#### License Fees

The RJA prescribes various fees be paid to the Board by each applicant for admission to the State Bar. The fees must be deposited in the General Fund for the restricted purpose of expenditures of the Michigan Supreme Court related to the administration of the Board. The fees are as follows:

- \$300 for applying for examination.
- \$200 for applying for reexamination or recertification.
- \$600 for admission without examination.

Additionally, the RJA prescribes a \$100 fee for late filing of an application or transfer of an application.

Under the bill, the fee for admission by UBE score transfer would be \$400. "Uniform Bar Examination score transfer" would mean the transfer to Michigan of a UBE score achieved in another jurisdiction for purposes of admission to the State Bar.

MCL 600.931 et al.

## **BACKGROUND**

The Board of Law Examiners is charged with investigating and examining applicants for admission to the State Bar of Michigan. The Board administers the Michigan Bar Examination twice annually, in February and July. The Michigan Bar Examination is composed of the MBE (200 multiple-choice questions testing on seven subjects) and 15 essays testing on any of 24 listed subjects.) A person licensed to practice in another state may apply to practice in Michigan without taking the examination. In those cases, the Board must determine if the applicant meets State requirements for admittance to practice law.

According to the NCBE, the UBE is composed of the Multistate Essay Examination (six 30-minute essay questions testing on any of twelve listed subject), two Multistate Performance Test tasks (two 90-minute skills questions), and the MBE. It is uniformly administered, graded, and scored and results in a portable score that can be transferred to other UBE jurisdictions.

In October 2021, the Michigan Supreme Court issued an order adopting the UBE in Michigan.<sup>1</sup> The Supreme Court has indicated it intends to administer the UBE beginning in February 2023, pending legislative action.<sup>2</sup> As of March 2022, 39 states, the District of Columbia, and the US Virgin Islands have adopted the UBE, according to the NCBE.

Legislative Analyst: Stephen Jackson

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on the Supreme Court Administration line item, which receives law examination fees collected by the Board of Law Examiners and uses them to compensate Board members and to administer the Michigan Bar Examination. It is not clear if the fee proposed for the UBE would generate equivalent revenue. For the current year, law examination fee revenue generates just under \$760,000.

Fiscal Analyst: Michael Siracuse

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<sup>1</sup> MSC Order ADM File No. 2019-34 (10-13-21).

<sup>2</sup> MSC Order ADM File No. 2019-34 (12-15-21). The original amendments to the Board of Law Examiner rules implemented a UBE in Michigan set for the July 2022 administration of the Michigan Bar Examination; however, the implementation was predicated on enactment of applicable legislation and the implementation of a Michigan law component to the UBE.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.