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State of North Dakota

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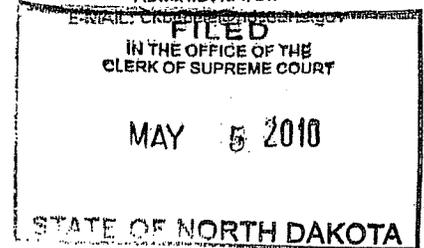
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January 13, 2010

Honorable Gerald W. Vandewalle
Honorable Dale V. Sandstrom
Honorable Mary Muehlen Maring
Honorable Carol Ronning Kapsner
Honorable Daniel J. Croftiers
Supreme Court of North Dakota
State Capitol
Bismarck, ND 58505-0530

Dear Members of the Court:

For the past several months, members and staff of the State Board of Law Examiners have been attending meetings regarding the Uniform Bar Examination (UBE). It is the Board's intent, with the Supreme Court's approval, to give the UBE as the bar examination in North Dakota beginning in 2011.

The UBE is designed to be consistent across jurisdictions that opt to use it. It will include the same testing components that have been approved by the Court for the North Dakota bar examination. Those components are the Multistate Bar Examination (MBE), which is 200 multiple choice questions; the Multistate Essay Examination (MEE), which is six essay questions; and the Multistate Performance Test (MPT), which is two performance or skills tasks. Since the July 1999 bar examination, we have not tested state specific issues. The UBE will not change that.

Other current aspects of the bar examination that will remain the same are the testing dates; the weighting of the testing components, 50% for the MBE, 30% for the MEE, and 20% for the MPT; the passing score; the standards for admission to the North Dakota Bar; local decisions on character and fitness issues; the determination of underlying educational requirements; ADA accommodations decision making for testing; and local grading of the MEE and MPT. There is currently discussion that the final two issues may become centralized, depending on the desires of a national UBE user group which is now being formed.

In order to provide a basis for consistently assessing all candidates across jurisdictions, as a UBE jurisdiction we would be required to administer the same six MEE essays as the other UBE jurisdictions; score the MEE based on uniform criteria, which we believe we already do; transfer

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only a total UBE score, and not allow candidates to bank partial scores; and administer the UBE components at starting times that are consistent across the country.

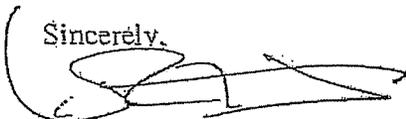
North Dakota has already benefitted from the quality testing components that will comprise the UBE. Therefore, the primary benefit of the UBE will be to the applicants. It will give an applicant one test score to carry to other UBE jurisdictions and, as long as that score meets a jurisdiction's passing score requirement, the applicant can move for admission in as many UBE jurisdictions as the applicant wants. The benefit to the Board is that as one of the pioneers of the

UBE we will have a voice in the UBE user group by participating in discussions on all issues regarding the UBE, including the development of best practice materials. It is also expected that this user group will participate in determining the rotation of the MEE topics that will be administered by all UBE jurisdictions.

Rule amendments, while not extensive, will be necessary to accomplish this change. Our proposed amendments are attached. Also attached are a summary of the UBE Summary of Characteristics and charts identifying the states interested in the UBE and the multistate tests given by each jurisdiction.

Should you have any questions, please do not hesitate to contact me or another member of the Board.

Sincerely,



Mark L. Stenehjem
President
State Board of Law Examiners

Enc.: as noted

cc: Mr. Paul Richard
Ms. Alice Senechal
Ms. Penny Miller
Ms. Courtney Koebele