Pass the Bar in One State, Work in Another.

For any attorney, the cost of entry into the profession is high, which means that once in, they’re most likely hungry to succeed and stay in the industry for decades. Law school can cost anywhere from $50,000 to $200,000, and taking the bar exam to get a law license is a mind-busting task. So once an attorney is able to finally practice, it makes sense for them to want to earn as much income as possible—which usually means expanding the number of jurisdictions that they can serve. But what options exist that will allow an attorney to pass the bar in one state, but work in another?

TAKE THE UNIFORM BAR EXAM

Within the legal community, it’s generally an accepted fact that some states’ bar exams are more difficult or easier than others. Thankfully, some of those states realized they needed to combat their reputations, and they began to administer the Uniform Bar Exam (UBE). One example is New York, which had one of the most difficult bar exams in the country but began to enact the UBE starting in 2016. After the UBE was adopted, New York saw an uptick in their bar passage rates, and lawyers from other UBE states were allowed to practice in the highly-desired market.

The UBE is coordinated by the National Conference of Bar Examiners, and it consists of the Multistate Bar Exam (MBE), Multistate Essay Examination (MEE), and Multistate Performance Test (MPT). The test is uniformly administered, graded, and scored; and the those who pass the UBE in one state can practice law in any other state that allows the use of UBE scoring as part of the licensing process.

The Multistate Bar Exam (MBE) is a six-hour test that has 200 multiple choice questions. It tests core legal subjects taught during the first and second years of law school. The Multistate Essay Examination (MEE) has six essay questions that take 30 minutes a piece to answer. The purpose of this section is to gauge the examinee’s ability to identify legal issues in hypothetical situations, separate useful material from waste, and present a well-written reasoned analysis. The Multistate Performance Test (MPT) has two 90-minute portions that test lawyering skills in a realistic situation.

Almost half of the country has adopted the UBE, and the number of states willing to participate appears to keep growing.

RESEARCH A STATE’S BAR RECIPROCITY POLICY

If you’re licensed in one state and do wish to move and practice law in another, then that’s where the complicated reciprocity rules come into play. There are about 25 states that allow lawyers from other states to come in and practice without having to pass their bar exams. But this provision usually only applies if the first state also has the same arrangement. It’s definitely a tit-for-tat situation.

Only a few states waive these reciprocity agreements altogether and allow out-of-state attorneys to come in and practice law without regard to mutual agreements with other states. The remaining states require that
out-of-state lawyers pass their bar exam. Most of these remaining states, however, give out-of-state lawyers an option of taking a slightly shorter attorney’s exam, which is basically the exam minus the multistate part. Of course, deciding whether you want to take the full test or the attorney’s exam is an entirely different issue. For a complete charge on bar reciprocity for every state, go here: Bar Reciprocity by State Chart.

PRACTICE FEDERAL LAW

Attorneys who practice federal law are allowed to appear in federal court outside of the state where they passed the bar exam. Before this can happen, however, the attorney must look into the district court’s rules and apply for admission. While the rules vary for the nearly 94 district courts around the country, most of the time the application involves a fee and an oath.

TAKE THE BAR EXAM IN MULTIPLE STATES

For recent graduates who know they want to practice in multiple jurisdictions, they may hit the ground running and take the bar in multiple states right off the bat. On the other hand, some J.D.s who know they don’t want to litigate may choose to work at corporate jobs that don’t require a license. While this is an option, not getting a license in at least one state is a mistake.

People have been padding their resumes for as long as resumes have been in existence. It looks great that you have a J.D. listed under your education heading on your resume, but it looks even better if you can add “Admitted to the ___ Bar.” Sometimes people fail the bar exam multiple times, but when they do pass, they realize that when they pass does not really matter, as long as they eventually pass. This is because without bar admission into at least one state, your resume can work against you. A potential employer, even one at a job that does not require a license, will see that you’re a J.D. but that you have not passed the bar anywhere. Their first question will be why this is so.

Were you bright enough to earn your J.D. but you keep failing the bar exam in your state? Sometimes, people graduate from top law schools, and still cannot pass the bar exam. For example, UC Irvine Law School’s first class had a 90 percent passage rate. In November 2012, UC Irvine announced during the California exam’s July 2012 administration, 46 out of 51 members of the law school’s inaugural class passed on the first try. This means 5 people failed or did not take the bar exam. For the 5 people, a potential employer will be asking - Did you not take the bar exam yet? If not, why not? Why would you invest so much time and money and hard work in earning your J.D. and then decide to go into a corporate or otherwise non-legal job?

For these reasons—in order that these questions don’t come up—it’s a good idea to have the Admitted-to-the-Bar stamp on your resume. A law school graduate should try to take the bar exam as soon as possible after graduation. The longer a person waits, the harder it will be to study because a person may get married, have kids, and get into a full-time job where he or she cannot take time off from work to study.

See the following articles for more information about the bar exam:

- Guidelines on Reciprocity or ”Admission on Motion” among the States as per American Bar Association
- Taking the Bar in Multiple States
- The Different Policies of Various State Bar Associations Regarding the Transfer of MBE Scores from One Jurisdiction to Another

WORST CASE SCENARIO: YOU CAN’T PASS THE BAR IN YOUR STATE

What if you’ve taken the Bar Exam and failed it in a difficult state like California? There are still ways around this issue. The first way, of course, is to study harder and prepare yourself better for the next Bar Exam. You obviously know that you’re not the first nor last person to fail the exam, so there is no shame in having to take it more than one time in order to pass. Unfortunate experiences happen to everyone, and sometimes failing a bar exam is one of those situations. However, failing the bar exam is an obstacle that can be overcome. The bar exam is a passable exam, and not as impossible as some people make it appear. One great positive about the bar exam in many jurisdictions in the United States is that it can be retaken as many times as necessary to pass. This is unlike some other professional exams where a person is limited to a certain amount of attempts. Another positive is that the bar exam is given 2 times a year in most jurisdictions in the United States. This is unlike an Olympic athlete who has to wait 4 years for another shot at the gold.

Besides studying harder after failing a bar exam, there is another way to avoid retaking the bar exam that has gained some popularity among J.D.s. Let’s say you resigned yourself to the fact that you cannot or will
not pass your state’s bar exam. (We encourage you not to take this attitude, but if you already have it, then we figure that you know yourself better than anyone and maybe you’re being realistic.) You can still have Admitted to the Bar on your resume. The key is to take another state’s bar exam—a state with a much easier exam and a much higher pass rate.

You can do the studies on your own of states with high-pass bar exams. Compare it to your own state’s exam. You’ll have to study for that particular state’s exam and arrange for your own travel and accommodations at your own cost, of course. All the research must be done on your own as well. So with all this extra work and expense, what are the benefits?

Remember our point earlier about padding your resume? That’s where it can pay off. If you’re in California applying for a job and you have Admitted to the Nevada Bar on your resume, for example, that looks infinitely better than just having J.D. in your education section. At an interview, you’ll doubtless be asked about this situation, and this too can work to your advantage.

You obviously don’t want to say, “I took the Nevada Bar Exam because the California exam was far too difficult” or “I took the Nevada Exam just for the sake of having a Bar Admission on my resume,” even though that may be exactly what you did. Instead, you can come up with creative reasons. Perhaps you can say that you once aspired to practice law in Nevada but later opted against it. Or you can say that you found that Nevada law interested you in the past because you thought about living there.

In any event, this may not work if you’re applying for a California job that requires a California license. But for a corporate-type job where bar admission is not required, your resume will look more complete with a Bar Admission on it, as opposed to just a J.D. Competition is fierce for employment, especially for legal jobs. Many of your competitors will have Bar Admissions on their resumes, so you cannot afford to be without one.

CONCLUSION

So, as you can see, crossing state boundaries to practice law can be a complicated issue depending on what state you’re in and where you want to move to. You’ll need to do plenty of research and verification to find out about your specific situation.

Don’t just rest with your J.D. Do what it takes to pass the bar in your state. Or another state. Emphasize these preparation tips to overcome failing the bar exam:

- Conduct a personal assessment
- Understand the law
- Memorize the law
- Read carefully

When people fail a bar exam, they usually receive a tally of their scores on each question and receive a copy of their actual answers. For instance, in California, the bar examiners return the graded essays and performance tests to the applicants who fail along with a scorecard showing their multiple choice raw and scaled scores. Find out the reasons for failing, and take action to redress these problems by speaking with a professor, former bar exam grader, or bar exam tutor who knows the law and how the bar exam works.

Try to pass a bar exam in any state. Get it on your resume. It’s that important. From there, you’ll be able to look into practicing in whatever state you choose.

Bar Reciprocity Chart

See the following articles for more information:

- 10 Ways to Bounce Back After Failing the Bar and Pass on Your Next Attempt
- If You Have Failed the Bar Exam It Is Not the End of the World
- Stopping the Cycle of Failure in Bar Exams
- Explaining Bar Failures During a Legal Job Interview
- Prepare for the Bar Exam
- Studying for the Bar Exam
- In General, What Can You Do to Prepare Yourself for the Bar Exam?
- How to Prepare for the Bar Exam
- The Bar Exam and Beyond

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Please see the following articles for more information about the bar exam and reciprocity:

- A Comprehensive Guide to Bar Reciprocity: What States Have Reciprocity for Lawyers and Allow You to Waive into the Bar
- Guidelines on Reciprocity or "Admission on Motion" among the States as per American Bar Association
- Taking the Bar in Multiple States
- Don’t Panic! Ten Tips for Surviving the Bar Exam
- New York’s Exam: The Biggest Baddest Bar
- Barriers Fall for Out-of-State Attorneys

Please see the following articles for more information about law school, the bar exam and succeeding in your first year of practice:

- Acing Law School Exams: Grade-A Advice
- What’s Next after Finishing Law School
- First Year of Law School Survival Tips
- Does Law School Rank Determine Success?
- The Three Major Legal Fraternities and Why You May Want to Join One
- Late Bloomers: Going to Law School Later in Life
- Coping with Law School Dismissal
- Graduated From a Tier 3 Law School: There’s much you can do with your degree
- The Real World: Life after Law School
- Why You Should Think Twice About Remaining in Law (or Going to Law School)
- After Law School, B-School: The Rise of M.B.A.’s Among Attorneys
- Law Schools at Historically Black Colleges and Universities
- Non-ABA-Accredited Schools May Offer Good Alternative
- Top Law Schools Analyzed and Ranked By America’s Top Legal Recruiter Harrison Barnes
- The Five Stages of Every Legal Career
- "Guidelines on Reciprocity or "Admission on Motion" among the States as per American Bar Association"
- Taking the Bar in Multiple States
- 10 Ways to Bounce Back After Failing the Bar and Pass on Your Next Attempt
- Don’t Panic! Ten Tips for Surviving the Bar Exam
- New York’s Exam: The Biggest Baddest Bar
- If You Have Failed the Bar Exam It Is Not the End of the World
- Barriers Fall for Out-of-State Attorneys
- The 10-Step, "No-Fail" Guide to Distinguishing Yourself as a First-Year Associate
- The Art of Drafting a Proper Legal Memo
- 5 Tips for First Year Law Firm Associates
- Top 39 Tips for New Litigation Associates and Trial Lawyers: How to Be a Good Litigation Attorney
- 2015 1st Year Salaries and Bonuses of the Top Law Firms

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