

**District of Columbia
Court of Appeals**



M-291-25

BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese,
Deahl, Howard, and Shanker, Associate Judges.

ORDER

(FILED – February 10, 2026)

In December 2025, the court sent out for public comment proposed amendments to D.C. App. R. 46 that would reflect the court’s decision to shift to the NextGen Uniform Bar Examination (UBE) and would provide that (1) the passing score for a NextGen UBE administered in this jurisdiction will be established by an administrative order of the court; (2) test scores of 266 or above on legacy UBEs taken in other jurisdictions can be transferred to the District of Columbia if the scores are not more than five years old; (3) NextGen UBE scores may be transferred to the District of Columbia beginning in July 2026 if the scores are not more than five years old; (4) the passing score for a transferred NextGen UBE will be established by an administrative order of the court; and (5) the current procedures in D.C. App. R. 46(c)(8)-(12) for grading exams apply only to legacy UBEs administered in this jurisdiction. Procedures for grading the NextGen UBE will be established later by separate amendments to Rule 46.

The comment period has closed. The court received one comment that opposed the proposed change based on a concern about problems that California had in administering a recent bar examination.

The court has determined to adopt the proposed amendments with a minor change in wording (replacing “cut score” with “passing score”). Clean and marked-up versions of the affected parts of D.C. App. R. 46 are attached.

The amendments will go into effect immediately.

PER CURIAM

Clean version:

Rule 46. Admission to the Bar.

Rule 46 (c)(7) is amended as follows:

(7) General Considerations Regarding the Examination.

(A) In General. Before February 2028, the examination is the legacy Uniform Bar Examination (legacy UBE) developed by NCBE. Beginning in February 2028, the examination is the NextGen Uniform Bar Examination (NextGen UBE) developed by NCBE. To pass the NextGen UBE examination administered in this jurisdiction, an examinee must attain a score at or above the NextGen UBE passing score specified by an Administrative Order of the court.

(B) Transferrable UBE Score. To earn a transferrable legacy UBE or NextGen UBE score, an applicant must take both all components of the examination in a single administration of the examination.

(C) Subparagraphs 8 through 12 of this paragraph (c) apply only to administration of the legacy UBE examination in this jurisdiction.

...

Rule 46(c)(13) is amended as follows:

(13) Previous Failures. An applicant who on 4 separate occasions has taken a bar examination in the District of Columbia or a UBE, and who has failed to earn a passing score, will not be permitted to take a further examination in the District of Columbia, except upon a showing of extraordinary circumstances.

...

Rule 46(d)(1) is amended to read as follows:

(1) Application. An applicant seeking admission to this Bar on the basis of a UBE score attained in another jurisdiction must submit an application in the format required by the Committee. Legacy UBE scores of 266 or above earned in other jurisdictions during any exam administration may be transferred if the scores are not more than five years old at the time of the score-transfer request. NextGen UBE scores earned in other jurisdictions during any exam administration in or after July 2026 may be transferred if the scores are not more than five years old at the time of the score-transfer request and if the scores are at or above the NextGen UBE passing score specified by an Administrative Order of the court.

...

Subparagraphs (d)(3)(A)-(C) are repealed and subparagraphs (d)(3)(D) and (E) are renumbered as (A) and (B).

(3) Admission Requirements. An applicant may be admitted to the Bar of this court on the basis of a UBE score attained in another jurisdiction if:

(A) The applicant has been awarded a J.D. or LL.B. degree by a law school which, at the time of the awarding of the degree, was approved by the ABA; or, if the applicant graduated from a law school not approved by the ABA, the applicant successfully completed at least 26 credit hours of study in a law school that at the time of such study was approved by the ABA, with all such 26 credit hours having been earned in courses of study, each of which is substantially concentrated on a single subject tested on the UBE and which, if earned through remote instruction, meet the definition of “distance education course” set out in American Bar Association Standards and Rules of Procedure for Approval of Law Schools; and

(B) The applicant has also taken the MPRE written and administered by NCBE and received the minimum grade required by the Committee.

Marked up version:

Rule 46. Admission to the Bar.

Rule 46 (c)(7) is amended as follows:

(7) General Considerations Regarding the Examination.

(A) In General. ~~Before February 2028, t~~The examination is the legacy Uniform Bar Examination (legacy UBE) developed by NCBE. ~~Beginning in February 2028, the examination is the NextGen Uniform Bar Examination (NextGen UBE) developed by NCBE. To pass the NextGen UBE examination administered in this jurisdiction, an examinee must attain a score at or above the NextGen UBE passing score specified by an Administrative Order of the court. The UBE consists of a written component, consisting of the Multistate Essay Examination (MEE) and the Multistate Performance Test (MPT), and a multiple choice component, which is the Multistate Bar Examination (MBE).~~

(B) Transferrable UBE Score. To earn a transferrable legacy UBE or NextGen UBE score, an applicant must take ~~both~~ all the written and MBE components of the examination in a single administration of the examination.

~~(C) Subparagraphs 8 through 12 of this paragraph (c) apply only to administration of the legacy UBE examination in this jurisdiction.~~

~~...~~

Rule 46(c)(13) is amended as follows:

(13) Previous Failures. An applicant who on 4 separate occasions has taken a bar examination in the District of Columbia or a UBE, and who has failed to earn a passing score, ~~of at least 266 in a single administration,~~ will not be permitted to take

a further examination in the District of Columbia, except upon a showing of extraordinary circumstances.

...

Rule 46(d) is amended to read as follows:

(1) **Application.** An applicant seeking admission to this Bar on the basis of a UBE score attained in another jurisdiction must submit an application in the format required by the Committee. Legacy UBE scores of 266 or above earned in other jurisdictions during any exam administration may be transferred if the scores are not more than five years old at the time of the score-transfer request. NextGen UBE scores earned in other jurisdictions during any exam administration in or after July 2026 may be transferred if the scores are not more than five years old at the time of the score-transfer request and if the scores are at or above the NextGen UBE [passing](#) score specified by an Administrative Order of the court.

...

Subparagraphs (d)(3)(A)-(C) are repealed and subparagraphs (d)(3)(D) and (E) are renumbered as (A) and (B).

(3) **Admission Requirements.** An applicant may be admitted to the Bar of this court on the basis of a UBE score attained in another jurisdiction if:

~~(A) The combined UBE scaled score earned in a single administration of the examination, as certified by NCBE, is not less than 266;~~

~~(B) The combined UBE scaled score was attained not more than 5 years before the filing of the application;~~

~~(C) The combined UBE scaled score being relied upon for admission was attained by taking the UBE no more than 4 times, including any attempts in the District of Columbia;~~

(AD) The applicant has been awarded a J.D. or LL.B. degree by a law school which, at the time of the awarding of the degree, was approved by the ABA; or, if the applicant graduated from a law school not approved by the ABA, the applicant successfully completed at least 26 credit hours of study in a law school that at the time of such study was approved by the ABA, with all such 26 credit hours having been earned in courses of study, each of which is substantially concentrated on a single subject tested on the UBE and which, if earned through remote instruction, meet the definition of “distance education course” set out in American Bar Association Standards and Rules of Procedure for Approval of Law Schools; and

(BE) The applicant has also taken the MPRE written and administered by NCBE and received the minimum grade required by the Committee.