



NextGen 101

Updated March 2025
For use by legal educators

NCBE National Conference
of Bar Examiners

Building a competent, ethical, and diverse legal profession.



Why Change the Bar Exam?

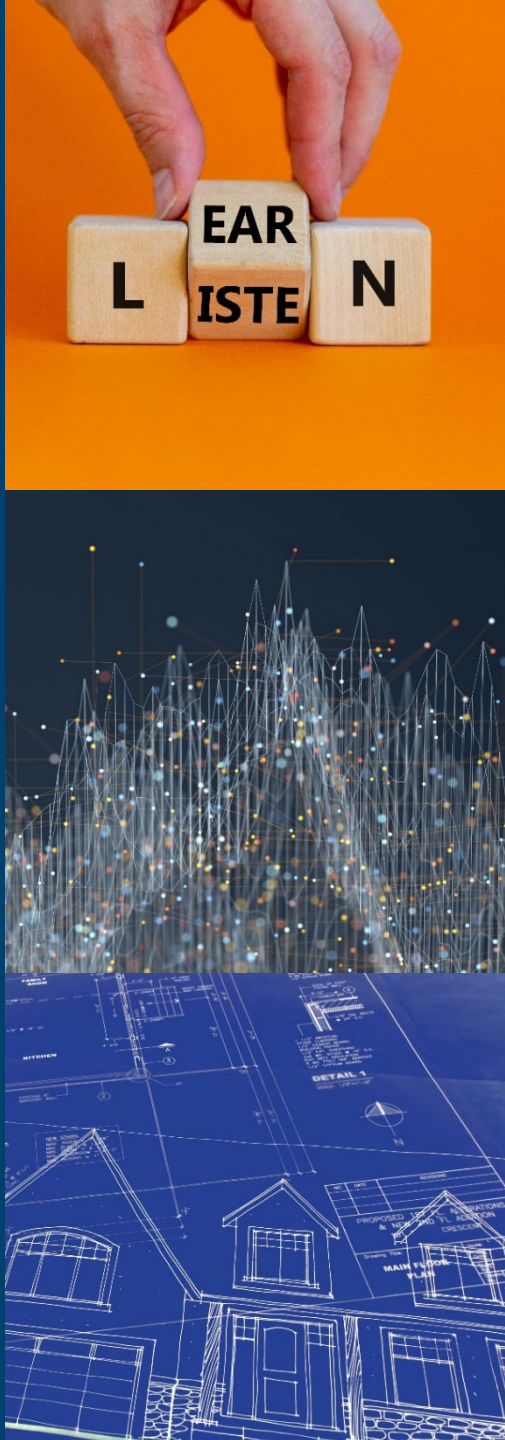
- The practice of law, like other professions, is changing. See, e.g., [CPAs](#), [Dentists](#), [Nurses](#)
- Periodic review of exam content via a practice analysis is a **best practice to ensure that a licensure exam maintains fidelity to current practice***

** Standards for Educational and Psychological Testing*

What is the NextGen UBE?

A comprehensive assessment measuring a broad array of lawyering skills in the context of the foundational knowledge areas, simulating actual practice.





Testing Task Force Study

Phase 1

Solicit feedback on current bar exam and ideas for NextGen

Phase 2

National practice analysis to provide empirical data on job activities of newly licensed lawyers

Phase 3

Translate results from Phases 1 and 2 into a recommended test design and blueprint



Guiding Objectives for NextGen Exam

- Increase emphasis on lawyering skills
- Integrate foundational knowledge and skills
- Maintain score portability
- Keep the exam affordable



NextGen Knowledge and Skills

NextGen Tests Doctrine and Skills



Some Skills Require Ethics Knowledge

MRPC 1.1	(Competence)
MRPC 1.2(a) & (d)	(Scope of representation and allocation of authority between client and lawyer)
MRPC 1.3	(Diligence)
MRPC 1.4	(Communications)
MRPC 1.6(a) & (c)	(Confidentiality of Information)
MRPC 1.7	(Conflict of Interest: Current Clients)
MRPC 3.3(a)(1)-(2)	(Candor to the Tribunal)
MRPC 4.1	(Truthfulness in Statements to Others)
MRPC 4.2	(Communication with Person Represented by Counsel)
MRPC 4.3	(Dealing with Unrepresented Person)

Client Counseling and Advising, Negotiation and Dispute Resolution, and Client Relationship and Management skills to incorporate some rules of professional conduct within the scope of coverage



Defining Depth of Doctrinal Knowledge

Starred = Detailed Knowledge

Know details of doctrine
without consulting legal resources






Unstarred = Limited Scope

Spot issues and work efficiently
with provided legal resources to
perform analyses and evaluation tasks

UBE and NextGen Content Alignment

As of July 2026, Conflict of Laws, Family Law, Trusts & Estates, and Secured Transactions will no longer appear on the MEE. Family Law and Trusts & Estates will appear on the MPT and on the NextGen exam.

	JULY 2026–FEBRUARY 2028	JULY 2028
	NextGen UBE • MBE, MEE, MPT • Legacy UBE	NextGen UBE
Family Law	Removed from MEE Prioritized  (MPT and NextGen performance tasks and integrated question sets)	Added to Foundational Concepts and Principles
Trusts & Estates	Removed from MEE Prioritized  (MPT and NextGen performance tasks and integrated question sets)	Prioritized  Performance tasks and integrated question sets

Key:  Legal resources provided

Format and Structure

The background of the slide features a complex financial chart. It includes a candlestick chart at the top right, a line graph with a solid blue line and a dashed blue line with circular markers, and a bar chart at the bottom with vertical bars of varying heights. The entire chart is set against a dark blue background with a subtle grid pattern.

Components of the NextGen Bar Exam

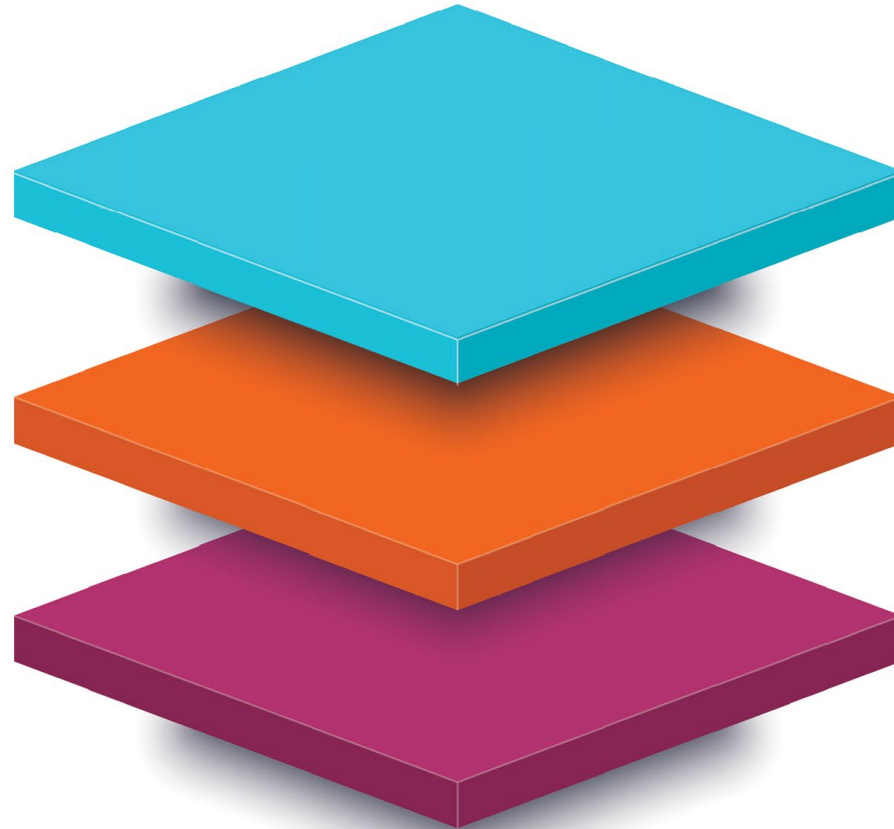
Stand-Alone
Multiple-Choice
Questions



Integrated
Question Sets



Performance
Tasks



Multiple-Choice Questions (MCQs)

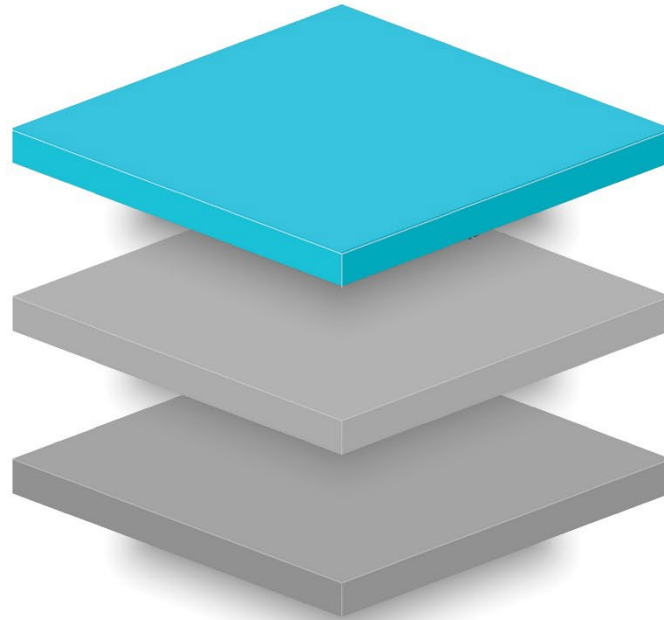
**Stand-Alone
Multiple-Choice
Questions**



**Integrated
Question Sets**



**Performance
Tasks**



- Two types of MCQs
 - Single-select
 - Multiple-select

Your client owns a carpet cleaning company. The company recently contracted with a customer to clean the carpets throughout the customer's ten-story building for \$15,000, with payment due in 30 days. Before payment was due, the customer sent your client a check for \$12,000 along with a note specifying that several of the carpets still had stains and included pictures of the stained carpets. The customer's note also said that if your client cashes the check, the remainder of the customer's debt will be discharged.

Your client now seeks your advice as to whether the company can cash the check without relinquishing its right to recover the remainder of the customer's debt.

Which of the following search term(s) would be the most likely to produce resources that will answer the client's question? **Select one.**

- A. Accord and satisfaction.**
- B. Consideration.
- C. Novation.
- D. Offer and acceptance.

You are representing a client in a dispute with a neighbor. The client owns a single-family home with several acres of surrounding land. Recently, the client noticed that his neighbor had built a fence that extends onto the client's land. The client is unsure when the fence was built because that part of the client's land is obscured by large trees. When the client contacted the neighbor about the fence, the neighbor claimed that she did not know the location of the property line. The client has shown you a recent survey of the property that confirms the encroachment and has asked you whether he has a claim against the neighbor.

Which of the following legal topics are the most important for you to research before advising the client? **Select two.**

A. Adverse possession.

B. Conversion.

C. Implied easement.

D. License.

E. Negligence.

F. Trespass.

Integrated Question Sets

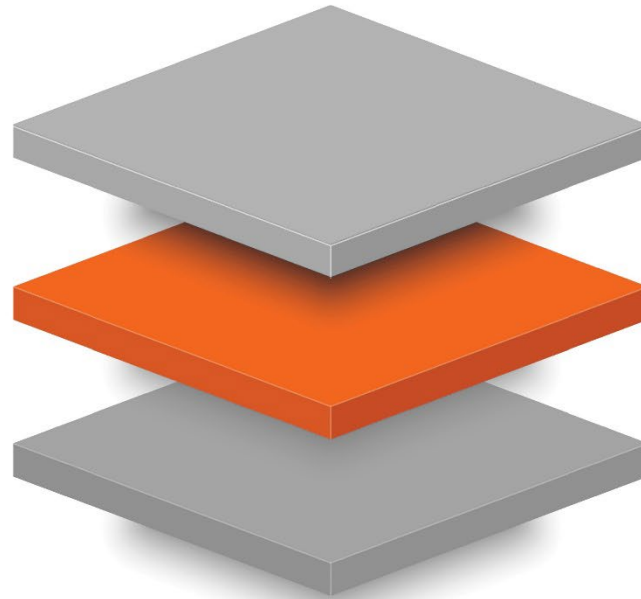
Stand-Alone
Multiple-Choice
Questions



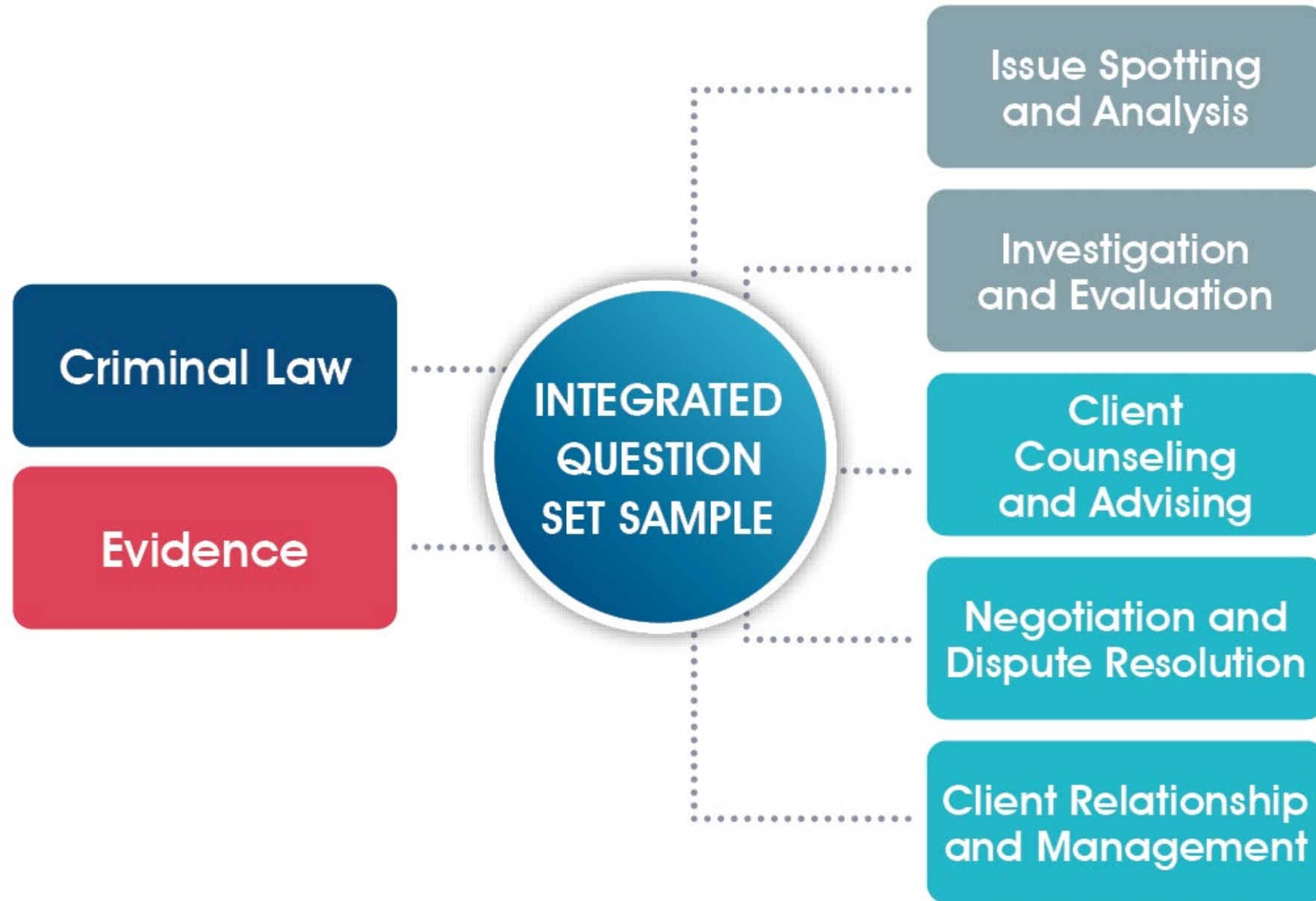
**Integrated
Question Sets**



Performance
Tasks



A scenario and relevant legal materials followed by multiple-choice and constructed-response questions



Initial Scenario

The initial scenario raising issues of Criminal Law and Evidence includes:

- A police report
- A statute governing assault and battery
- A short excerpt from a case interpreting the statute

Police Report

You are an assistant prosecutor assigned to work on a battery case. The following is the police report for this case, filed by the responding officer.

On the above date and time, I was dispatched to apartment 201 at [a residential address] in response to a 911 report of a knifing . . .

Statute

The following is your jurisdiction's statute governing battery and aggravated battery.

Battery and Aggravated Battery

- Battery is knowingly or recklessly causing bodily harm to another person.
- Aggravated battery is knowingly causing great bodily harm to another person.
- Battery is a first-degree misdemeanor.
- Aggravated battery is a third-degree felony.

Initial Prompts

What fact in the police report will be most helpful in proving the element of “knowingly”?

List three avenues you would pursue to gather other evidence relevant to the issue of “great bodily harm.”

Multiple choice: Will the police officer be permitted to testify in his own words about the victim’s description of the incident?

Scenario Continues

- A transcript of a law clerk's interview of a witness is provided
- Examinee learns the resolution of several outstanding issues as the case unfolds

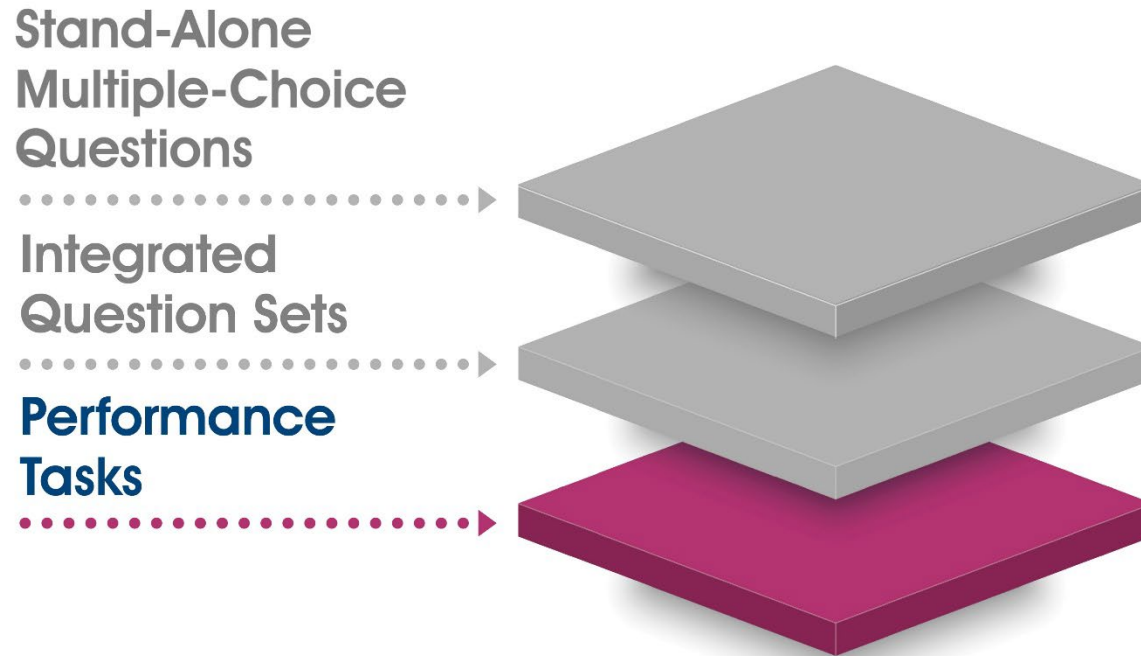
Later Prompts

After additional facts and materials are shared:

Review the transcript of the witness interview and identify two mistakes the law clerk made.

Defense counsel has proposed a plea deal that would be very favorable to the defendant. List two concerns you would raise in response.

Performance Tasks



- Like the current MPT, but shorter
- Some performance tasks may have a research element and a few multiple-choice and constructed-response questions

Performance Task Assignment

Memorandum from Supervising Partner

To: [You]
From: [Supervising partner]
Date: February 22, 2021
Re: Jennifer Butler v. Robert Hill

We represent Jennifer Butler in a suit against Robert Hill seeking a divorce and property distribution.... Robert has challenged the validity of the parties' underlying marriage. If there is no valid marriage, Jennifer cannot pursue a claim for divorce or a share of marital property.

I have attached the relevant material from Jennifer's file. I will meet with her later this week in anticipation of trial.

Please draft a short memo that I may use to prepare for my meeting with Jennifer. In the memo, explain whether Jennifer and Robert were legally married under Franklin Family Code § 301 *et seq.* Do not write a separate statement of facts, but be sure to incorporate the law and the relevant facts and reach a reasoned conclusion.

Performance Task Resources

File

- Client Interview Notes Memorandum
- Excerpt of Interview Transcript
- Certificate of Marriage
- Judgment of Divorce

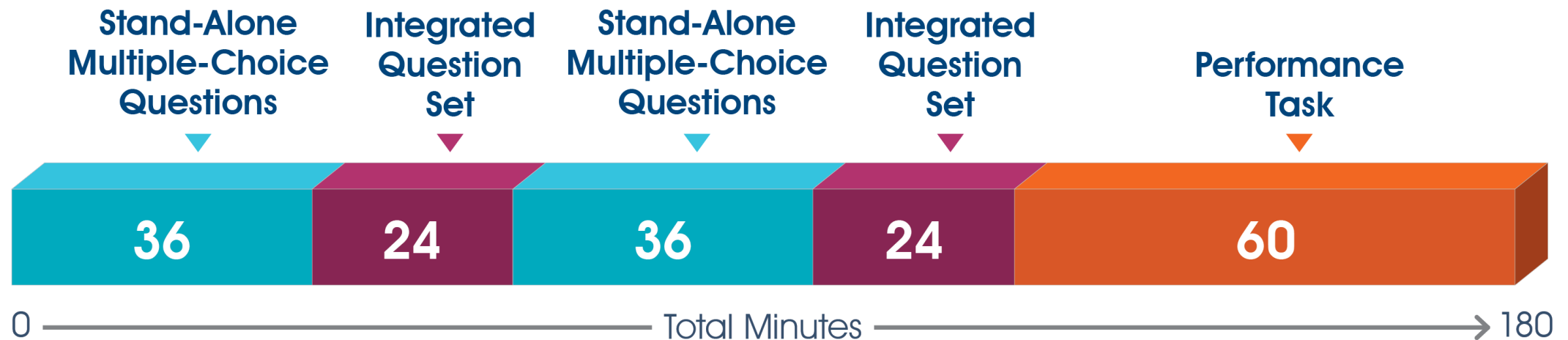
Library

- Franklin Family Code
- Hager v. Hager, Franklin Court of Appeal (2006)
- Owen v. Watts, Franklin Court of Appeal (2013)

NextGen Structure – Example Design

Each three-hour section will consist of a mix of multiple-choice questions, integrated question sets, and one performance task

Sequence and timing will be finalized after data analysis from Field and Prototype Tests—below is an example:



The background of the slide is a dark blue gradient with numerous white and light blue numbers (0-9) falling vertically, creating a digital rain effect. A semi-transparent horizontal band is positioned across the middle of the slide.

Research Phases

Research Phases

Phase 1 – Pilot Testing 2022-2023

 [Pilot Testing Research Brief](#)

- Test new item types in a semi-realistic test setting
- Test the efficacy of providing legal resources
- General timing estimates
- More than 2,500 third/fourth year law students and recent graduates participating

Research Phases

Phase 2 - Field Testing

January 2024



[Field Test Research Brief](#)

- Test new item types at scale
- Confirm timing estimates
- Generate item performance data
- Get responses from a broad sample of examinees
- Use delivery system at scale
- More than 4,000 third/fourth-year law students and recent graduates participating

Research Phases

Phase 3 – Prototype Test

October 2024

- Full-length test
- Implement test delivery and scoring systems end-to-end
- Generate test performance data and create base scale
- Data for standard setting and concordance
- More than 2,000 July 2024 examinees participated

NextGen Milestones



NextGen Bar Exam Development & Implementation Timeline



2028

▶ Last administration of legacy bar exam (February)

2027

▶ NextGen and legacy bar exams administered concurrently

2026

- ▶ First administration of NextGen bar exam (July), concurrent with legacy bar exam
- ▶ Ongoing user portal optimization
- ▶ End-to-end testing

2025

- ▶ Candidate and jurisdiction user portal development
- ▶ Standard-setting study
- ▶ Base scale and concordance table set
- ▶ Additional pilot and user experience testing

2024

- ▶ Prototype exam and user experience testing
- ▶ Field testing

2023

- ▶ First jurisdiction NextGen adoptions announced
- ▶ Family law added to Foundational Concepts & Principles
- ▶ First sample questions published
- ▶ Content scope published

2021–2022

▶ Pilot testing

2022

▶ Preliminary content scope published

2021

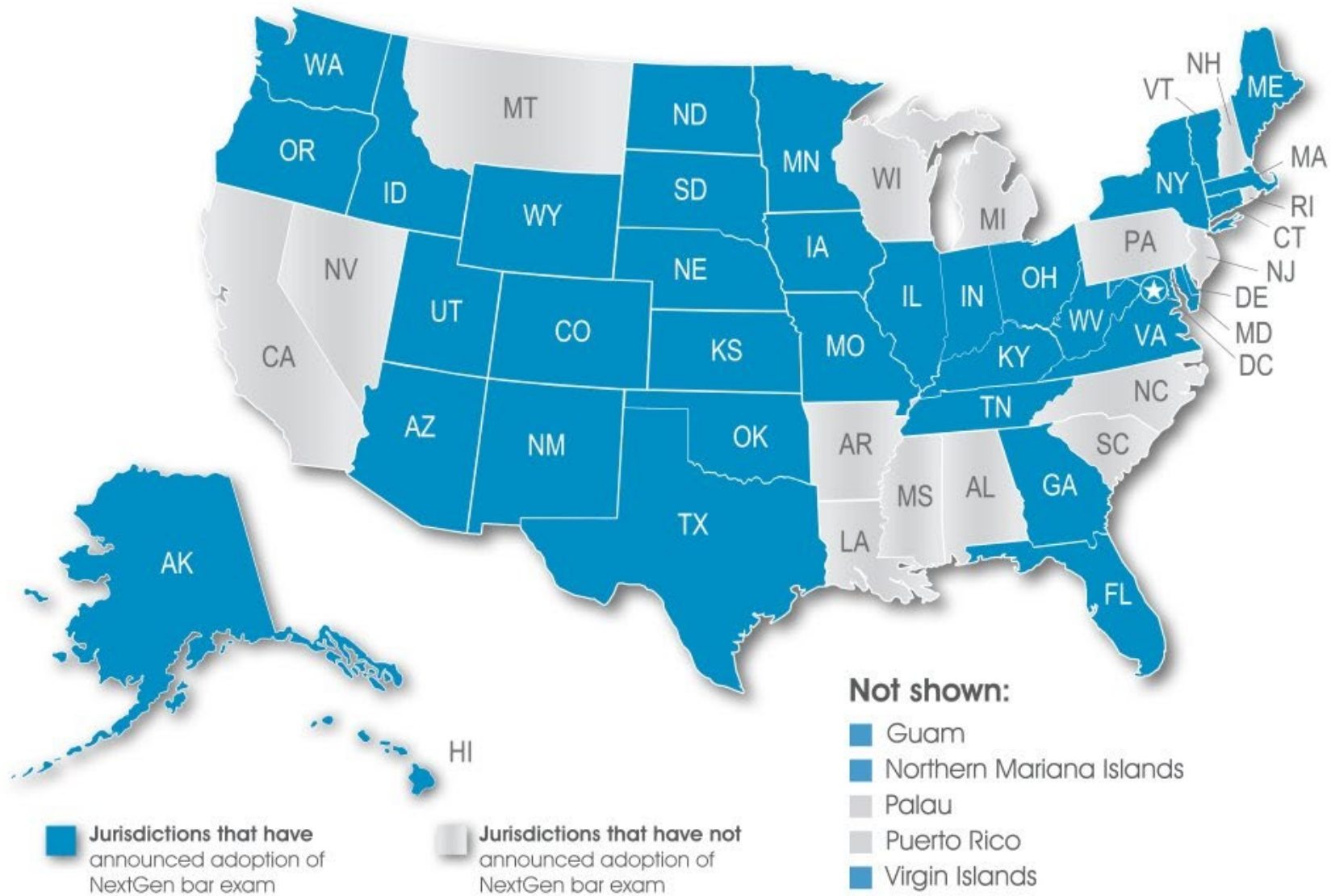
- ▶ NextGen exam development begins
- ▶ Testing Task Force recommendations approved

2018–2021

▶ Testing Task Force study

Jurisdiction Adoption

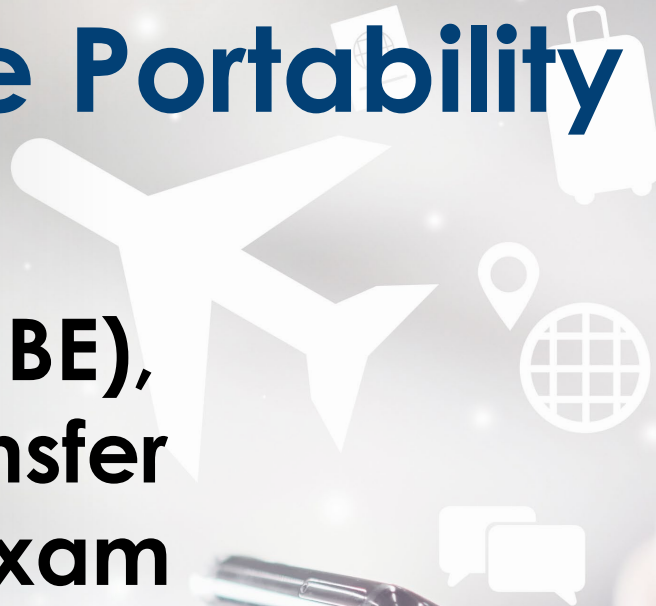
As of 4/9/2025



NextGen Score Portability

As with the current Uniform Bar Exam (UBE), examinees may transfer their NextGen bar exam scores between jurisdictions that participate in the UBE portability program.

For a list of jurisdiction portability policies, visit <https://reports.ncbex.org/comp-guide/charts/chart-17/>



NextGen[✓]

Bar Exam of the Future

National Conference of Bar Examiners

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