

NextGen Update for Law School Faculty

JULY 1, 2025

NCBE National Conference
of Bar Examiners

Building a competent, ethical, and diverse legal profession.

NextGen
UBE 

Purpose of the Bar Exam and the NextGen UBE

The bar exam protects the public by ensuring that newly licensed lawyers possess the necessary knowledge and skills for entry-level practice.

The NextGen UBE evaluates both substantive legal doctrine and practical abilities through realistic scenarios that mirror the actual challenges lawyers face.

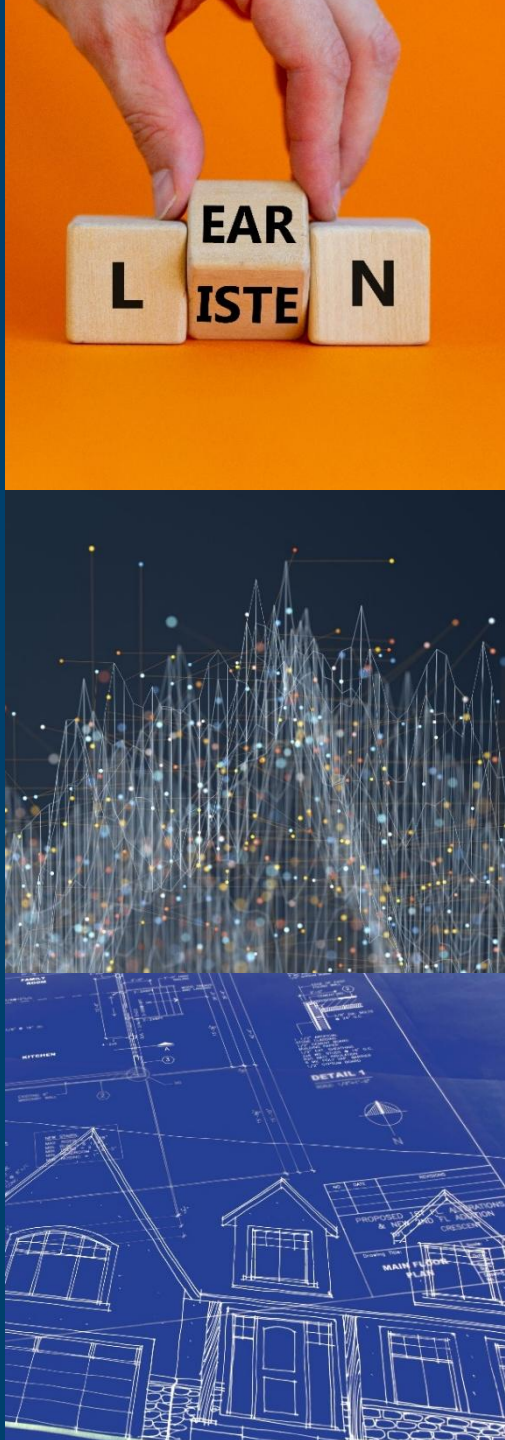




Why Change the Bar Exam?

- 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*



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

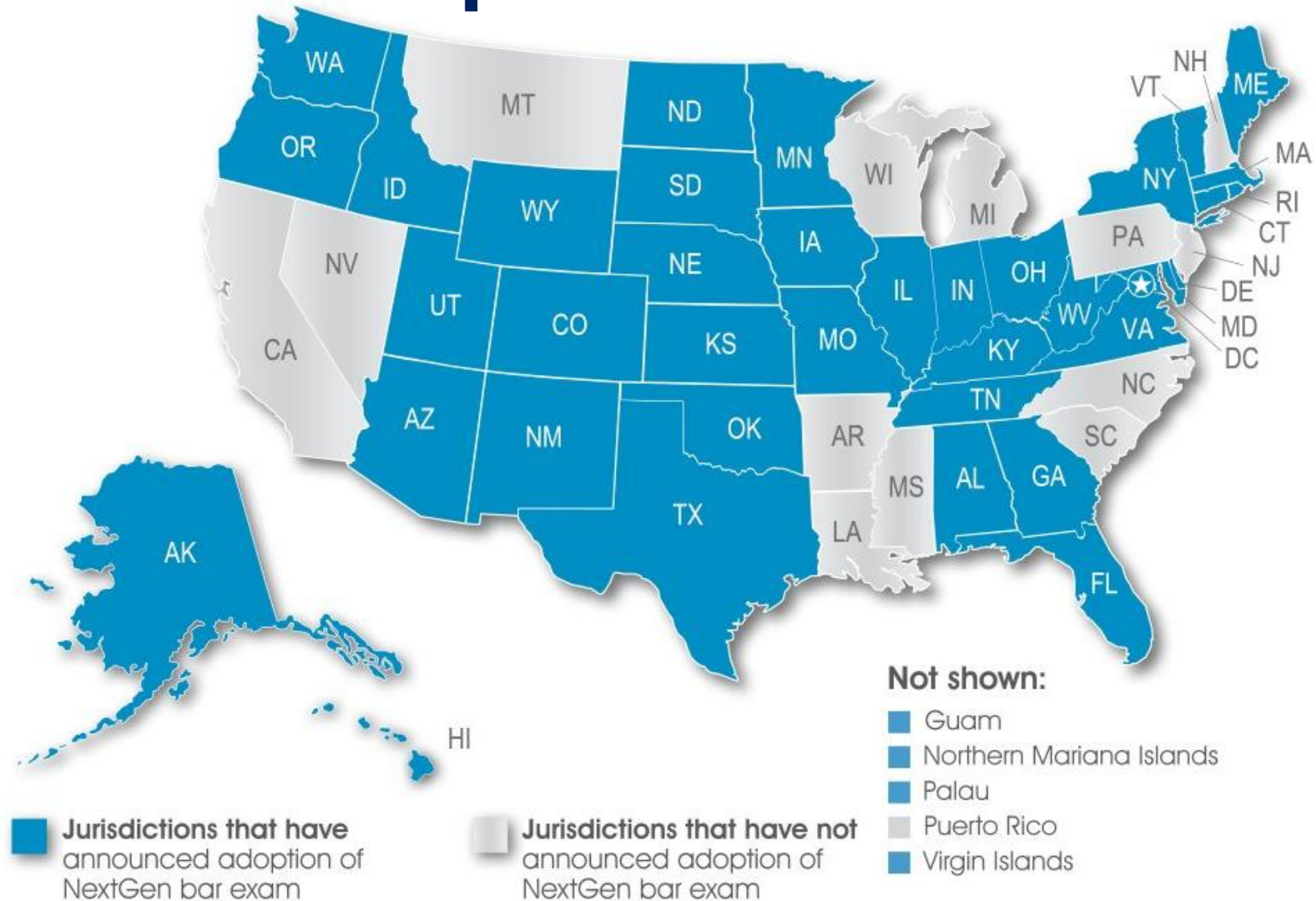
NextGen Score Portability

The background of the slide features a blurred image of a person's hands holding a smartphone. Overlaid on this are several white, semi-transparent icons: a large airplane, a suitcase, a location pin, a globe, a house, and two speech bubbles. The overall aesthetic is clean and modern, with a light gray background and soft bokeh effects.

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.

Jurisdiction Adoptions

As of 7/1/2025



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

Components of the NextGen UBE

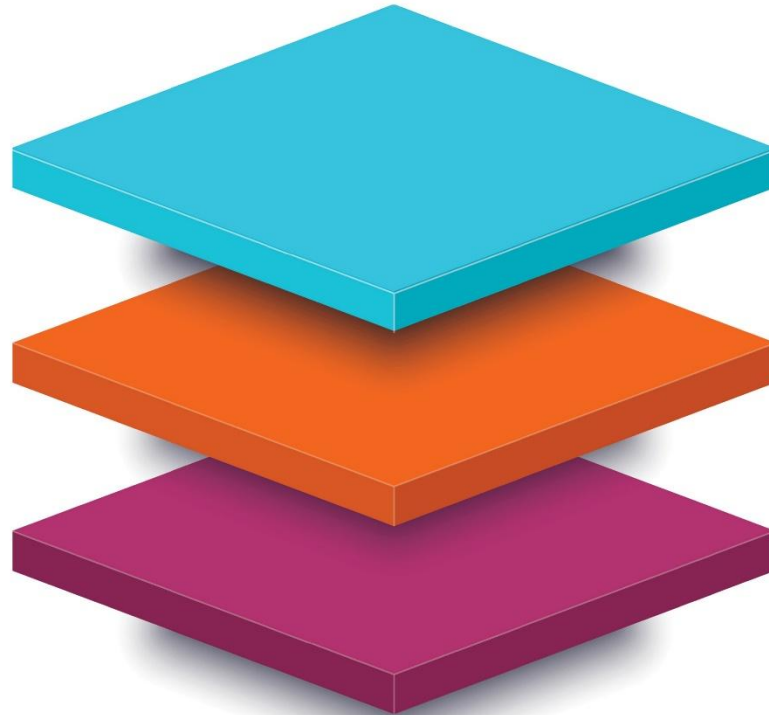
**Standalone
Multiple-Choice
Questions**



**Integrated
Question Sets**

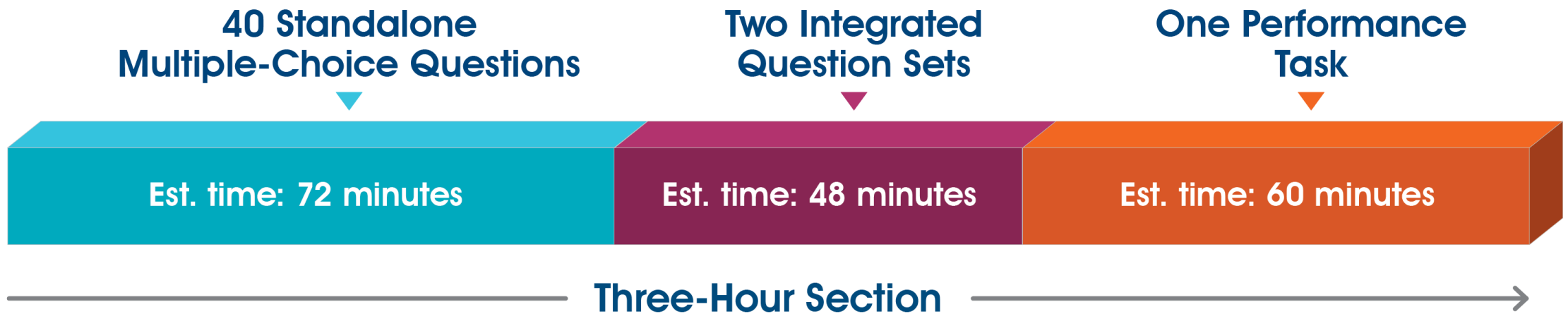


**Performance
Tasks**



NextGen UBE Structure

Each three-hour section will consist of a mix of multiple-choice questions, integrated question sets, and one performance task. Based on research to date, we suggest that examinees typically spend about:



Bar Exam Content Scope

FIRST ADMINISTRATION
JULY 2026

Content Scope Outlines

- Seven categories of foundational skills
- Nine areas of foundational legal knowledge
- Final outlines issued August 2025

**NextGen
Content Scope**





Foundational Legal Knowledge

Negligence

A. Duty of care to foreseeable and unforeseeable plaintiffs

1. Duty to control third persons ★
2. Duty to act when previous actions exacerbate risk of harm ★
3. Duty of owners and occupiers of land
4. Duty to avoid unreasonable risk of causing emotional harm

Foundational Skill Detail: Lawyering Tasks

Client Counseling and Advising

Task B9. In a matter requiring review of a provided transcript of an interview, deposition, or examination of a client or fact witness, identify gaps in information obtained, suggestions for improvement, and/or grounds for objection (if applicable).

Task B13. In a matter in which a client has multiple stated objectives, explain why a legal rule or principle, as applied to the client's situation, may make one of those stated objectives unattainable.

Levels of Change for Legal Educators



LEVEL 0

Don't know,
don't care.
(Not here)

LEVEL 1

Interested, but
happy with my
courses as they are.
Would rather not
change much.

LEVEL 2

Would like to alter
aspects of my course
to the extent I like
the direction of the
new exam.

LEVEL 3

Need to alter aspects
of my course
(e.g., bar readiness.)

Guiding Principles

- Use realistic prompts and tools
- Balance transactional and litigation contexts
- Include authentic interactions with clients and others with whom lawyers deal
- Marry foundational concepts to foundational skills



Traditional Law School Essay Question

- Dance school owner purchases new building and enters into agreement with contractor to renovate it
- Agreement includes a liquidated damages clause in the event contractor does not meet deadline
- Due to delays, renovation not complete by deadline
- Dance school owner incurs storage costs, advertising expenses, loss of current customers, loss of higher profits from new location
- Dance school owner demands payment of liquidated damages, contractor refuses

Traditional Law School Essay Prompts

Discuss the rights and liabilities of the parties.

The dance studio owner sues the contractor for breach of contract, seeking payment under the liquidated damages provision or, in the alternative, the actual damages the owner incurred. What is the likely result?



ADAPTATION

- **Add a lawyer-client relationship**
 - “Your client owns a dance studio...”
- **Consider breaking “kitchen sink” tasks into multiple tasks, including pre-litigation tasks**
 - “Your client has identified a contractor to renovate its new building and asks your advice on adding a clause”

Single Multiple-Choice Example (Pre-Litigation Tasks)

A client seeks your advice in a dispute over ownership to her property. [Additional details follow]

Which of the following questions would be most helpful to ask the client for the purpose of determining whether to [take a particular next step]? **Select one.**

- A. Whether the client paid for the property or received it as a gift.
- B. Whether the client received the property by warranty deed or quitclaim deed.
- C. Whether there had been other incidents since the client had begun living in the house similar to the one last week.
- D. Whether the client had been making use of the entire property since she began living there.



Key Takeaway: Foundational Skills List

Drafters are using the foundational skills list from the **NextGen Content Scope** to develop questions

NextGen
Content Scope



LEVEL 2

ADAPTATION

- **Provide a client interview transcript rather than summarizing the facts**
 - “You had the following discussion with your client...”
- **Consider including questions that go beyond doctrinal-focused tasks**
 - Look at Group B, Group C, and Group D skills

Single Multiple-Choice Example (Transcript)

You have the following exchange with a new client:

Client: There was a terrible accident at my house, and now I'm worried I am going to be sued.

You: What happened?

Client: Last week, it was my turn to host my book club. It had snowed the night before, and I did not realize how icy my steps had become. . . [Additional details follow]

What research question will likely be most helpful in resolving whether the client will be liable for the accident? **Select one.**

- A. Has the jurisdiction adopted the zone of danger test to liability for emotional harm?
- B. Does the jurisdiction apply traditional classifications of entrants in evaluating a landowner's duty of care?
- C. Does the jurisdiction adopt a theory of joint and several liability for allocation of damages?
- D. Has the jurisdiction enacted Good Samaritan laws providing immunity for rescuers?

LEVEL 2 **LEVEL 3** **ADAPTATION**

- **Consider including interdisciplinary questions that connect the scenario to multiple core courses**
 - “While your client is waiting for the contractor to complete the renovations for their new building, their current lease is ending . . . ”

Single Multiple-Choice Example (Cross-Disciplinary)

You have the following exchange with a new client who phoned your office seeking your advice:

Client: I'm really worried. My neighbor is suing me.

You: What happened?

Client: I own a home that I rent out to three tenants. [Additional details follow]

After the phone call, you begin brainstorming a list of possible next steps to discuss with the client for the purpose of evaluating the strengths and weaknesses of the client's position.

Which of the following steps should you remove from your list as a likely waste of time? **Select two.**

- A. Obtain a copy of the deed to the client's property.
- B. Obtain a copy of the lawn maintenance agreement.
- C. Obtain a copy of the lease agreement.
- D. Determine the weather conditions at the time of the event.
- E. Determine whether anyone had previously complained to the client about the tree's condition.
- F. Determine whether the neighbor has trees on their property that branch out over the client's property.

LEVEL 3

ADAPTATION

- **Check all questions against starred/unstarred designations in the subject-matter outlines**
 - Include additional source materials for unstarred topics in bar-prep materials
 - In final weeks of bar review, consider limiting memory retention exercises such as knowledge-based multiple-choice questions and flash cards to starred topics



Defining Depth of Doctrinal Knowledge

Starred = Detailed Knowledge

1. **Know details** of doctrine without consulting legal resources
2. Select Model Rules of Professional Conduct are starred

Unstarred = Limited Scope

1. **Spot issues** relying on recalled knowledge and understanding, and
2. Work efficiently with legal resources, if provided, to perform analyses and evaluation tasks





Key Takeaway: Subject-Matter Outlines

Drafters are using the subject-matter outlines from the **NextGen Content Scope** to develop interdisciplinary question sets

NextGen
Content Scope



How Might this Change My Approach to Teaching?

- **Continue prioritizing topics that I believe are most important**
 - Current exam is based on extensive practice analysis
- **Continue finding ways to infuse teaching of lawyering skills and address ethical responsibilities**
 - Reinforce what students are learning in their research, writing, other skills courses
- **Continue flagging areas where my course intersects with other doctrinal areas**





Key Takeaways:

- Teaching innovation has been ongoing in law schools over the last several decades
- The NextGen bar exam provides another opportunity for law schools and professors to reflect on what is being taught and how it is being taught
- Different schools and professors will take different approaches, as they already do in relation to the current exam

**Webinar recording and slides
will be posted to the
Legal Educators webpage**



NextGen[✓]

Bar Exam of the Future

National Conference of Bar Examiners

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