

NextGen UBE Key Words and Phrases

Each question contained in the NextGen UBE may include, among others, one of the following words or phrases:

1. An **“argument”** supports a particular position by setting forth a reason why something is true or untrue, right or wrong, better or worse.

“legal argument” is an application of fact to law that supports a particular position.
2. **“Dispositive fact”** is a fact that affects the outcome of a matter because of its relationship to a legal test or rule.
3. **“Explain”** means to expound, to interpret, or to give reasons.
4. A **“factor”** is either a fact, inference, or legal conclusion that contributes to a particular result or a component of a factor test.
5. An **“implication”** is an inference or potential consequence drawn from a set of facts, circumstances, legal standards, or a combination thereof.
6. An **“issue”** refers to a question to be resolved. An issue may be either factual or legal. Some questions will specify which type of issue is being requested.
7. A **“reason”** is a cause of or justification for a particular conclusion, decision, recommendation, plan of action, or outcome.
8. **“Specific”** means particular to the distinct facts or circumstances provided in the factual scenario.
9. **“Support”** means to favor or bolster the client’s or another party’s position; “support” does not require that a particular fact or argument be dispositive of an issue.

