

NextGen UBE Constructed Response Guide

NCBE's Official Resource for Understanding and Responding to the Written Components of the NextGen Uniform Bar Examination



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Table of Contents

Section One: Introduction	1
Section Two: About the NextGen UBE	2
History of the NextGen UBE	3
NextGen UBE Content Scope	3
Constructed-Response Questions	4
Section Three: Constructed-Response Question Types	5
Integrated Question Sets.	5
Counseling Sets	6
Drafting Sets	6
Integrated Question Set Instructions	6
Tips from the Exam Development Team.	8
Performance Tasks	9
Standard Performance Tasks	9
Legal Research Performance Tasks	9
Performance Task Instructions	9
Tips from the Exam Development Team.	11
Key Words and Phrases.	12
Tips from the Exam Development Team.	12
Section Four: Understanding the NextGen UBE User Interface	13
Digital Delivery and Exam Environment.	13
User Interface for Constructed-Response Questions	13
User Interface for Integrated Question Sets	16
User Interface for Standard Performance Tasks	18
User Interface for Legal Research Performance Tasks	19

Table of Contents continued

Section Five: How Constructed-Response Questions are Graded20

 Calibration20

 Double Grading20

 Reconciliation20

 Integrated Question Set Scoring Guide21

 Rationale21

 Short Answer Sample Rationale21

 Drafting Set Sample Rationale (per answer)22

 Correct and Incorrect Answers22

 Benchmarks and Annotations22

 Performance Task Scoring Guide22

 Performance Task Rubrics23

 PT Writing Assignment Generic Rubric23

Section Six: Conclusion24

Section Seven: Additional Resources25



Section One: Introduction

NCBE developed this guide to help candidates understand how to effectively respond to constructed-response questions on the NextGen Uniform Bar Examination (NextGen UBE). The guide provides an overview of the NextGen UBE, describes the different types of constructed-response questions that appear on the NextGen UBE and how they appear on the digital exam delivery platform, and offers tips from exam developers for how to answer these questions.

This guide is intended for law students, recent graduates, and other candidates preparing for the NextGen UBE, as well as for educators, bar preparation providers, and individuals supporting candidates. The guide also helps jurisdictions understand their candidates' performance on NextGen UBE constructed-response questions by explaining the nature of constructed-response questions on the exam and describing the grading process.



Section Two: About the NextGen UBE

The NextGen UBE tests a broad range of foundational lawyering skills, using a focused set of clearly identified fundamental legal concepts and principles needed in today's practice of law. Designed to balance the skills and knowledge needed in litigation and transactional legal practice, the exam reflects many of the key changes occurring in legal education, including those in clinical legal education programs, alternative dispute resolution programs, and legal writing and research programs.



[This video](#) provides a quick overview of the NextGen UBE.



Candidates should also carefully review [the Official Examinees' Guide to the NextGen UBE, July 2026–February 2027](#), which provides general information about the exam's content, structure, grading, and score portability.



There are [sample questions](#) available on NCBE's website that cover each question type that will be tested on the NextGen UBE.



Additionally, [official NCBE study aids](#) are available for purchase, which provide candidates with an opportunity to become comfortable with the NextGen UBE's digital delivery platform.



Further information about the NextGen UBE can be found [on the NCBE website](#). Candidates are encouraged to sign up to [receive updates about the NextGen UBE](#) for the administration(s) relevant to them.



Legal educators and others in the legal community can sign up to receive more general [updates about the NextGen UBE](#).



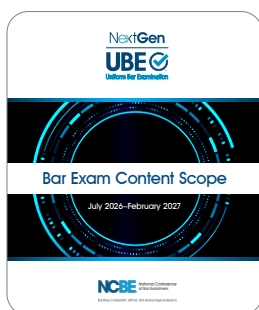
History of the NextGen UBE

In 2018, NCBE launched a nationwide study designed to ensure that the bar exam continued to test the knowledge and skills that new lawyers needed to have.

The study included listening sessions with bar examiners and bar administrators, law school deans and faculty members, and lawyers and judges, as well as a nationwide practice analysis survey completed by nearly 15,000 practicing attorneys. It concluded in 2021 with a set of recommendations for developing a new bar exam.

Those recommendations included creating an integrated exam that assesses both knowledge and skills holistically, using standalone questions, integrated question sets, and performance tasks, as well as a combination of formats (e.g., selected-response, short-answer, and extended-response items). An integrated exam permits use of scenarios that are representative of real-world legal problems that newly licensed lawyers encounter in practice. While realistic scenarios are used in the legacy exam, they are used in discrete components comprised of standalone questions, whereas an integrated exam allows for a series of test questions based on a single scenario such that the questions pertaining to that scenario are developed and presented as a unit.

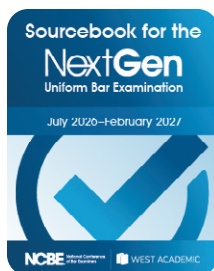
Following the study's conclusion in 2021, NCBE assembled a group of experts from across the country—law professors, lawyers, and judges; lawyer editors; and testing and psychometric professionals—and over the next few years, through many thousands of hours of collaborative work, the NextGen UBE was created. Those years included multiple rounds of testing, during which NCBE asked law students and recent graduates to answer drafts of new questions, and eventually to sit for full-length simulated exams. Based on participants' feedback and the performance data gathered from those tests across thousands of candidates, NCBE repeatedly revised and reworked the exam questions, format, and experience until they met the high standards the bar exam requires. The result is a thoroughly validated exam that is highly relevant to today's practice of law. You can read more about [the development process for the NextGen UBE](#), as well as [the study's recommendations](#), on NCBE's NextGen research and development website.



NextGen UBE Content Scope

As detailed in the NextGen [Content Scope](#), the NextGen UBE assesses both designated skills (“Foundational Skills”) and specified areas of legal knowledge (“Foundational Concepts and Principles”).

Certain subject-matter topics in the Content Scope are starred. **Starred topics** require a candidate to rely solely on recalled knowledge and understanding of the topic; they may be tested without provision of legal resources. **Unstarred topics** may be tested with or without provision of legal resources. When these topics are tested without legal resources, the candidate is expected to rely on recalled knowledge and understanding that will enable the candidate to demonstrate recognition that the topic is at issue in the fact scenario.



NCBE's [Sourcebook series](#) is intended to serve as a companion to the NextGen UBE Content Scope, providing further information about which legal concepts and principles are within the scope of doctrine to be assessed in the July 2026 and February 2027 administrations of the NextGen UBE.

Each Sourcebook focuses on one subject area tested on the exam (e.g., Contracts, Torts). Each Sourcebook lists the testable doctrine within that subject area in an organizational structure that follows the corresponding subject matter outline published as part of the NextGen Content Scope. Sourcebooks will be available to most candidates through their school's law library via West Academic and will also be available through [NCBE's Study Aids Store](#).



Constructed-Response Questions

Unlike multiple-choice questions, where candidates choose from predefined options, constructed-response questions require candidates to formulate their own answers. The Multistate Essay Examination (MEE) questions and Multistate Performance Test (MPT) items on the legacy exam are constructed-response questions.

On the NextGen UBE, constructed-response questions will appear in integrated question sets and performance tasks, both of which are explained in further detail in later sections of this guide.



Section Three: Constructed-Response Question Types

The constructed-response questions in the NextGen UBE measure candidates' ability to analyze facts, apply legal principles, and communicate conclusions in writing—core skills of legal practice that cannot be captured through multiple-choice question formats alone. Constructed-response questions mirror authentic legal work by asking candidates to reason through complex problems, synthesize information from multiple sources, and express their analysis clearly and concisely.

Constructed-response questions appear in (1) integrated question sets and (2) performance tasks, each assessing different skills and targeting different dimensions of legal analysis and communication.



Integrated Question Sets

Integrated question sets, which account for 21% of the total exam score, may include multiple-choice, medium-answer, and/or short-answer questions. Integrated question sets may cover both starred and unstarred topics. Each question set includes a factual scenario and asks candidates to apply legal knowledge and skills in realistic situations that reflect the work expected of newly licensed lawyers. A set may include some embedded legal resources (e.g., excerpts of statutes or judicial opinions) and/or supplemental documents (e.g., a police report or excerpt from a deposition). The estimated time for a candidate to complete an integrated question set is 24 minutes.

There are two types of integrated question sets: counseling sets and drafting sets. As discussed in more detail below, counseling sets are focused on client counseling and/or dispute resolution, while drafting sets are focused on drafting or editing a legal document. Counseling sets include multiple-choice questions; drafting sets do not.

Counseling Sets

A counseling set contains multiple-choice and short-answer questions based on a common fact scenario. It will include embedded information needed to answer the questions. Examples of the type of information provided include excerpts of statutes or judicial opinions, police reports, depositions, interview transcripts, or emails.

The short-answer questions ask candidates to demonstrate their skills in client counseling, advising, negotiation, and dispute resolution. To answer the questions correctly, candidates must understand the client's needs, evaluate the facts, and apply the relevant law.

You can find a [sample counseling set](#) on the NCBE website.

Drafting Sets

A drafting set contains one medium-length question designed to evaluate drafting and editing skills not covered by longer written sections of the exam. It will include embedded information needed to answer the question. Examples of the type of information provided include excerpts of statutes or judicial opinions, interview transcripts, and emails.

There are two types of drafting sets. One type provides a draft document (or sections of a document) and asks candidates to identify errors and either explain the errors or suggest revisions to address them. The second type asks candidates to draft a document (or portion of a document), such as an affidavit.

You can find a [sample drafting set](#) on the NCBE website.

Integrated Question Set Instructions

The following section presents the exam instructions related to integrated question sets. These instructions are available to candidates during administration of the NextGen UBE.

About the Integrated Question Sets

- Each integrated question set includes information about a client and their objectives and may also include some legal resources and/or excerpts from other relevant documents.
- Each integrated question set includes **either**
 - a series of short-answer and multiple-choice questions (“components”)
 - OR**
 - a prompt requiring the drafting, editing, and/or review of a legal document.
- Each integrated question set is designed to take **24 minutes** to complete.

Answering the Components

- The task materials appear on the left-hand side of the screen. The components appear on the right-hand side of the screen.
- Components are designed to be answered in the order they are asked. No information provided later in the integrated question set is needed to answer an earlier component.
- Unless otherwise specified, assume that the facts given by the client are true, although the facts may be incomplete.
- Read the information carefully and do not assume facts that are not given.
- Each multiple-choice component will indicate the number of correct answers of the available options. Select the best of the available options.
- Each constructed-response component will give you the number of answer fields in which you should provide your answers.
 - Provide one answer in each answer field. Multiple answers submitted in a single answer field will be graded as only one answer.
 - A blank answer field will not receive any credit.
- Each constructed-response component will indicate a recommended answer length. You will not be penalized for exceeding the recommended length.
- You are able to copy and paste from the task materials to your answer. However, an answer with excessive copying and pasting will not receive credit, even if the answer includes information that would otherwise be correct. Copying and pasting is excessive when the answer fails to demonstrate that you understand which part of the answer is correct.

Applicable Law

- The law needed to answer a component may come from provided resources and/or your recalled knowledge and understanding of legal concepts and principles.
- Some components may cover more than one area of law.
- Unless otherwise indicated, assume that
 - the terms “Constitution,” “constitutional,” and “unconstitutional” refer to the federal Constitution; and
 - the following are all applicable:
 - the Federal Rules of Evidence;
 - the Federal Rules of Civil Procedure;
 - the sections of Title 28 of the US Code pertaining to trial and appellate jurisdiction, venue, and transfer; and
 - the Official Text of Articles 1 and 2 of the Uniform Commercial Code.

Jurisdictions

- Unless otherwise indicated, factual scenarios are set in the fictitious state of **Franklin**.
- As an examinee, you are a lawyer licensed in Franklin, which is located in the fictitious **Fifteenth Circuit** of the United States.
- Other states in the Fifteenth Circuit include **Columbia** and **Olympia**.

In these fictitious states, the trial court of general jurisdiction is the District Court, the intermediate appellate court is the Court of Appeal, and the highest court is the Supreme Court. Decisions of higher courts are binding over lower courts.

Tips from the Exam Development Team

- 1 **Make sure to answer the question asked.** First, what are you being asked to do? For instance, are you being asked to list a specific fact? A benefit or a drawback? To revise an error or to explain why it is an error?

Second, what additional context does the question provide? For instance, if you are asked to list a fact to support a client's argument, make sure that the fact that you list does support the client's argument.

Third, does the question ask for additional arguments, benefits, or drawbacks to those that have already been provided in the information before or as part of the question? For example, did the information make clear that you have already identified a specific argument or that you have already shared specific information with the client? If you simply repeat the provided information, you will not get credit.
- 2 **Understand that different question types are testing different skills.** For instance, performance tasks assess traditional legal analysis, while integrated question sets assess other legal-practice skills, like client counseling and transactional drafting.
- 3 **Follow the recommended length.** Each constructed-response question in an integrated question set includes recommended length guidance (e.g., "about 1–2 sentences"). While you will not be penalized for exceeding it, adhering to the recommended length helps you ensure that you have answered the specific question asked.
- 4 **Do not assume facts outside of those provided.** While some questions may ask for legal conclusions from the given facts, be careful not to invent new facts or alter existing ones.
- 5 **Answer questions in the order asked.** Questions are designed to be answered in the order they are asked. The information presented is cumulative, so any information that comes before the question in the set may be relevant to answering the question. You are not required to rely on information provided after the question to answer the question.



Performance Tasks

Performance tasks, which account for 30% of the total exam score, pose a question or a series of questions about a single client matter. These tasks will require candidates to demonstrate their ability to use fundamental lawyering skills in realistic situations, completing tasks appropriate for a newly licensed lawyer.

Each performance task begins with a memo that introduces the client, identifies the matter, and lists each document in the file and each legal resource in the library. Candidates must read the file, analyze the library, identify relevant legal rules, and produce a written product. The estimated time for a candidate to complete a performance task is approximately 60 minutes.

There are two types of performance tasks: standard performance tasks (PTs) and legal research performance tasks (LRPTs). PTs focus on a single longer writing assignment, while LRPTs combine several multiple-choice and short-answer questions with a medium-length writing assignment. Each administration of the NextGen UBE will include three performance tasks.

Standard Performance Tasks

Standard performance tasks (PTs) focus on written legal-analysis skills and consist of one extended writing assignment. PTs are closed universe and include a file, which presents all relevant case facts, and a library, which presents all of the legal sources that candidates need to respond to the writing assignment. From these materials, candidates will engage in legal analysis about a client matter and produce a written product, which may be portion of a memo, brief, or other common legal document.

You can find a [sample standard performance task](#) on the NCBE website.

Legal Research Performance Tasks

Legal research performance tasks (LRPTs) include a file and a library, like PTs, but LRPTs focus on legal research and analysis skills. LRPTs are closed universe and consist of a series of multiple-choice and short-answer questions followed by one medium-length writing assignment. The multiple-choice and short-answer questions assess a candidate's research and analysis skills through questions related to the file and library, while the medium-length writing assignment is similar to a standard PT but smaller in scale.

You can find a [sample legal research performance task](#) on the NCBE website.

Performance Task Instructions

The following section presents the exam instructions related to performance tasks. These instructions are available to candidates during administration of the NextGen UBE.

About the Performance Tasks

- Each performance task includes information about a client and their objectives and **either**
 - a prompt requiring an extended response
 - OR**
 - a series of short-answer and multiple-choice questions (“components”) followed by a prompt requiring an extended response.
- Each performance task is designed to take **60 minutes** to complete.

Task Materials

- You will have two kinds of materials with which to work: a **case file** and a **library**.
- The case file contains (1) a document with background information and instructions related to your task and (2) other documents with factual information related to your task.
- The library contains all the legal authorities needed to complete the task. **Use only the legal sources given in the library.**
- Some information provided might not be needed for your answer.
- Unless otherwise specified, **assume that the facts provided are true**, although the facts may be incomplete.
- You can navigate between the case file and the library by using the buttons at the top of the screen. There are additional tabs within the case file and the library for each document or legal authority.

Jurisdictions

- Unless otherwise indicated, factual scenarios are set in the fictitious state of **Franklin**.
- As an examinee, you are a lawyer licensed in Franklin, which is located in the fictitious **Fifteenth Circuit** of the United States.
- Other states in the Fifteenth Circuit include **Columbia** and **Olympia**.
- In these fictitious states, the trial court of general jurisdiction is the District Court, the intermediate appellate court is the Court of Appeal, and the highest court is the Supreme Court. Decisions of higher courts are binding over lower courts.

Answering the Components

- The task materials appear on the left-hand side of the screen. The components appear on the right-hand side of the screen.
- Each extended-response component will indicate the manner in which you should answer the component.

- Each multiple-choice component will indicate the number of correct answers of the available options. Select the best of the available options.
- Each short-answer component will give you the number of answer fields in which you should provide your answers.
 - Provide one answer in each answer field. Multiple answers submitted in a single answer field will be graded as only one answer.
 - A blank answer field will not receive any credit.
- Each short-answer component will indicate a recommended answer length. You will not be penalized for exceeding the recommended length.
- You are able to copy and paste from the task materials to your answer. However, an answer with excessive copying and pasting will not receive credit, even if the answer includes information that would otherwise be correct. Copying and pasting is excessive when the answer fails to demonstrate that you understand which part of the answer is correct.
- The first tab in the case file is a memorandum that contains the instructions for this task.

Tips from the Exam Development Team

- 1 Address only the issues required.** Each PT and LRPT writing assignment will specifically state which issue(s) examinees should address. Examinees should write about each issue included in the prompt and address only those issues. There is no credit available for addressing issues outside of the prompt, and credit will be lost for failing to address each necessary issue.
- 2 Include only the document sections required.** PTs and LRPT writing assignments often ask for only certain parts of legal documents. There is no credit to be earned by including other sections of the document.
- 3 Do not assume any other facts or law.** PTs and LRPTs are closed-universe problems. You should not assume any factual information that is not included in the file of facts or any legal doctrine that is not included in the library of sources.
- 4 Follow a traditional legal writing format.** No matter what legal document a PT or LRPT writing assignment asks examinees to draft, each PT and LRPT writing assignment is testing legal analysis. Responses should follow the traditional IRAC/CREAC/CRAC paradigm.
- 5 Write in the appropriate tone and to the intended audience.** You will be told whether the task calls for an objective or persuasive analysis. Use the appropriate tone for the task and write to the proper audience. For example, if the prompt calls for a persuasive brief, the proper audience is the court.



Key Words and Phrases

Certain key words and phrases are used throughout both integrated question sets and performance tasks. NCBE has defined the way they are used on the NextGen UBE to ensure candidates understand what a particular question asks of them. The following are the key words and phrases that appear at the end of the NextGen UBE Content Scope.

1. An **“argument”** supports a particular position by setting forth a reason why something is true or untrue, right or wrong, or better or worse.
2. A **“legal argument”** is an application of fact to law that supports a particular position.
3. A **“dispositive fact”** is a fact that affects the outcome of a matter because of its relationship to a legal test or rule.
4. **“Explain”** means to expound, to interpret, or to give reasons.
5. A **“factor”** is either a component of a factor test or a fact, inference, or legal conclusion that contributes to a particular result.
6. An **“implication”** is an inference or a potential consequence drawn from a set of facts, circumstances, legal standards, or a combination thereof.
7. An **“issue”** is a question to be resolved. An issue may be either factual or legal. Some questions will specify which type of issue is being requested.
8. A **“reason”** is a cause of or a justification for a particular conclusion, decision, recommendation, plan of action, or outcome.
9. **“Specific”** means particular to the distinct facts or circumstances provided in the factual scenario.
10. **“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.

Tips from the Exam Development Team

- 1 **Pay attention to the words on the Key Words and Phrases list.** This list was created to ensure that candidates know exactly what is being asked of them when a question asks them to provide certain information (e.g., a “factor”). Knowing these definitions will allow candidates to search the source material efficiently and give precise answers.
- 2 **Understand the differences between answer scores.** You should review both the sample tasks and the accompanying scoring guides available from NCBE for these question types to understand what differentiates a proficient response from a developing one.



Section Four: Understanding the NextGen UBE User Interface

The NextGen UBE will be administered online, using the candidate's own laptop. This section provides information about the exam software, and how each type of constructed-response question appears within it, so that candidates can be prepared on test day. Candidates can also preview the exam software with an [online tutorial](#).



Digital Delivery and Exam Environment

The NextGen UBE is delivered through NCBE's secure digital platform, which incorporates a broad range of accessibility and usability features. Examples of the testing platform appear later in this guide.

Jurisdictions and administrators use a set of monitoring and reporting tools that provide real-time oversight of the administration, enhancing security and supporting operational transparency.

Information regarding the testing platform and accessibility and usability features can be found in the [Official Examinees' Guide to the NextGen UBE, July 2026–February 2027](#).



User Interface for Constructed-Response Questions

The NextGen UBE digital platform offers several features to aid candidates in answering constructed-response questions. These features are available while answering both integrated question sets and performance tasks. The following images highlight the major features.

Image 1: Highlighting Text

Candidates can highlight text within any document—whether in the task materials, file, or library—to identify important legal principles, facts, or instructions.

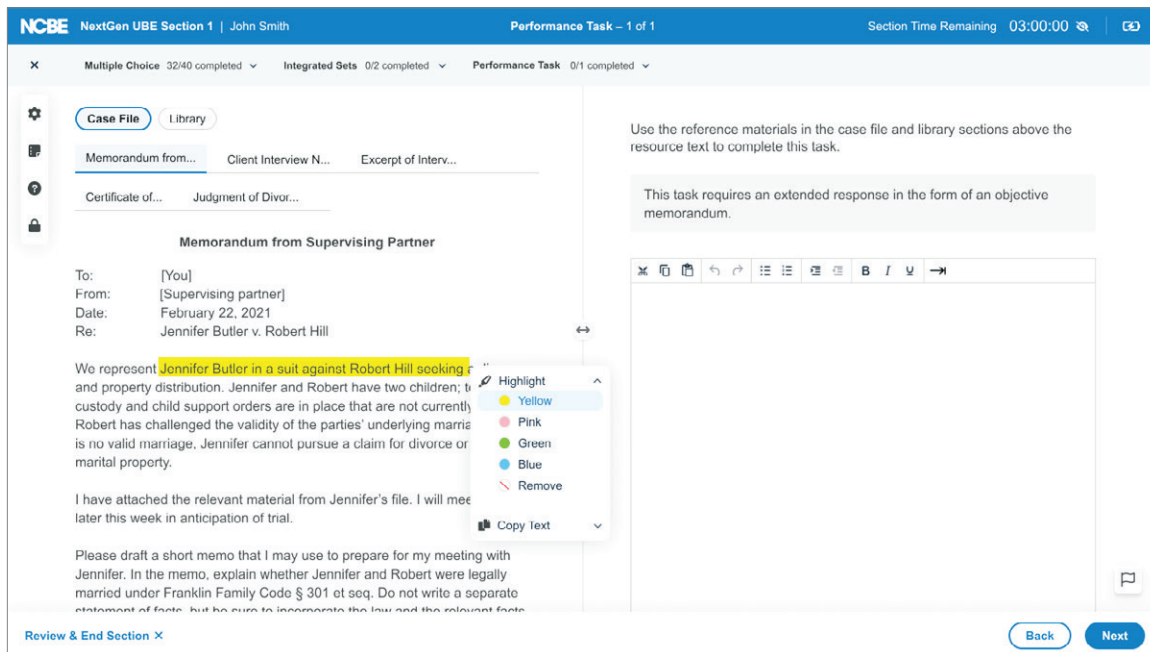


Image 2: Copying and Pasting

Candidates can copy and paste selected text directly from the task materials, file, or library into the response box. This functionality allows candidates to quote or reference relevant material accurately and efficiently.

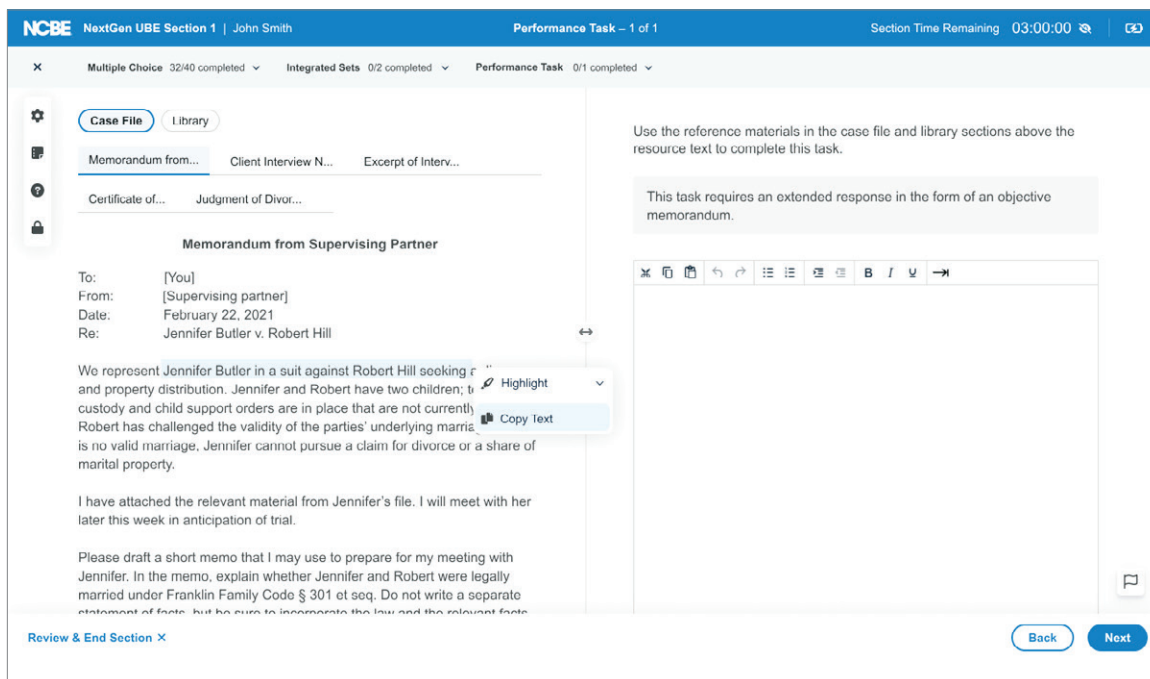


Image 3: Integrated Notepad

The integrated notepad feature allows candidates to take notes, record key rules, and outline their analysis as they review materials. Notes remain visible throughout the task and can be edited or referenced while drafting, supporting organization and accuracy under timed conditions.

The screenshot displays the NCBE NextGen UBE Section 1 interface. The top navigation bar includes the NCBE logo, "NextGen UBE Section 1 | John Smith", "Performance Task – 1 of 1", and "Section Time Remaining 03:00:00". The main content area is divided into two panels. The left panel, titled "Case File", shows a "Memorandum from Supervising Partner" with fields for To, From, Date, and Re, and a body of text. The right panel, titled "Notepad", contains a large text area for notes and a "Save and Close" button. A "Review & End Section" button is at the bottom left, and "Back" and "Next" buttons are at the bottom right.

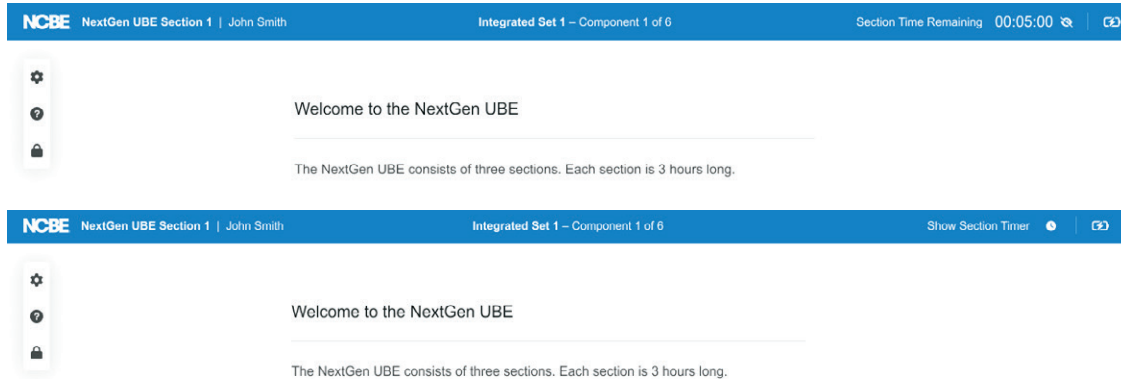
Image 4: Navigation Pane

A navigation pane allows candidates to see which questions they have completed and easily return to any they want to revisit. This design allows candidates to move freely within a section, choosing to complete the questions in any order that best suits their workflow.

The screenshot displays the NCBE NextGen UBE Section 1 interface with the Navigation Pane open. The top navigation bar is the same as in Image 3. The main content area is divided into two panels. The left panel, titled "Case File", shows a "Memorandum from Supervising Partner" with fields for To, From, Date, and Re, and a body of text. The right panel, titled "Performance Task", contains a large text area for the response and a "Save and Close" button. The Navigation Pane is a vertical sidebar on the left side of the main content area, showing a list of questions and their completion status. It includes sections for "Integrated Sets Instructions", "Integrated Set 1" (IN PROGRESS), and "Integrated Set 2" (NOT STARTED). Each set contains a list of components (Multiple-Choice, Constructed Response) with checkboxes indicating completion status. A "Review & End Section" button is at the bottom left, and "Back" and "Next" buttons are at the bottom right.

Image 5: Timer

The digital platform includes a visible timer—which can be toggled on or off—and autosaves all work in real time to protect against data loss. This allows candidates to manage their time across all tasks and review their responses for completeness and accuracy before submitting the section.



User Interface for Integrated Question Sets

The design of the IQS interface is intentionally simple and consistent, enabling candidates to focus on answering the question rather than navigating the platform. Each question appears in a split-screen layout that presents the task materials—including embedded information such as statutes, excerpts, and client emails—alongside the answer field. Candidates can scroll within each of the individual panes, dynamically adjust the relative width of the panes, highlight task materials, and copy text directly into the notepad or answer fields.

Image 6: IQS Interface

This interface is used to interact with all components of an integrated question set. The layout displays the task materials alongside the answer field, allowing candidates to read, analyze, select their response, and write within a single, organized workspace.

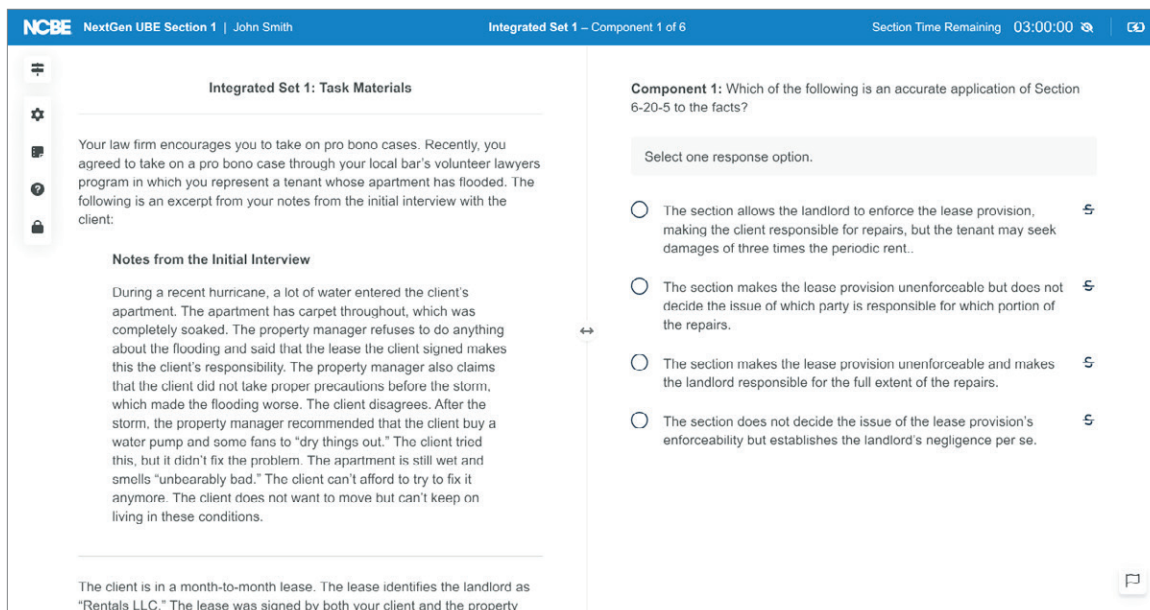


Image 7: Counseling Set Interface

This layout is used for short-answer questions in counseling sets. Candidates must answer the question in the answer field(s) provided.

NCBCE NextGen UBE Section 1 | John Smith Integrated Set 1 – Component 3 of 6 Section Time Remaining 03:00:00

Integrated Set 1: Task Materials

Your law firm encourages you to take on pro bono cases. Recently, you agreed to take on a pro bono case through your local bar's volunteer lawyers program in which you represent a tenant whose apartment has flooded. The following is an excerpt from your notes from the initial interview with the client:

Notes from the Initial Interview

During a recent hurricane, a lot of water entered the client's apartment. The apartment has carpet throughout, which was completely soaked. The property manager refuses to do anything about the flooding and said that the lease the client signed makes this the client's responsibility. The property manager also claims that the client did not take proper precautions before the storm, which made the flooding worse. The client disagrees. After the storm, the property manager recommended that the client buy a water pump and some fans to "dry things out." The client tried this, but it didn't fix the problem. The apartment is still wet and smells "unbearably bad." The client can't afford to try to fix it anymore. The client does not want to move but can't keep on living in these conditions.

The client is in a month-to-month lease. The lease identifies the landlord as "Rentals LLC." The lease was signed by both your client and the property manager, who signed as "the Managing and Sole Member of Rentals LLC." The lease includes the following provision:

Component 3: Section 6-20-5 of the statute does not define the term "habitable." A partner at your firm has asked a law clerk to determine the jurisdiction's meaning of the term for the purposes of potential litigation, and the law clerk has asked you for guidance.

Advise the law clerk on two specific legal sources that are the most likely to provide a controlling definition of the term "habitable."

Provide one answer in each answer field. The length of each answer should be about 1-2 sentences.

Answer 1

Answer 2

[Review & End Section](#) [Back](#) [Next](#)

Image 8: Drafting Set Interface

The layout for drafting sets is similar to the layout for counseling sets shown in Image 7. Drafting sets differ by asking only a single question that may require multiple answers. Candidates must answer the question in the answer field(s) provided.

NCBCE NextGen UBE Section 1 | John Smith Integrated Set 2 – Component 1 of 1 Section Time Remaining 03:00:00

Integrated Set 2: Task Materials

You are an associate in a law firm. Your supervisor has asked you to work on a case for a new client, a landscaping company who recently completed a major project for a homeowner and is now in a dispute with the homeowner over payment.

Supervisor Email

The following is an excerpt from an email you received from your supervisor:

We have been unable to negotiate a settlement with the homeowner, so we will file a complaint on behalf of the client against the homeowner. A law clerk created a first draft of the complaint. I need you to make sure that all the language in the draft is factually and legally supported and that it complies with Franklin Rule of Civil Procedure 10(b). I am attaching a transcript of my interview with the client for your reference.

End of excerpt

Excerpt of Transcript

The following is an excerpt from the transcript of the interview with the owner of the landscaping company:

Following the instructions in the email from your supervisor, find five mistakes in the complaint. For each mistake, (1) identify the paragraph that includes the mistake, (2) describe the mistake, and (3) explain how you would correct the mistake.

A mistake can be a mistake of fact, a mistake of substantive law, or a violation of the provided procedural rule. Missing information is not a mistake. Assume that the following are correct: (1) all bracketed material and (2) all formatting and numbering.

[Review & End Section](#) [Back](#) [Next](#)



User Interface for Standard Performance Tasks

Standard performance tasks require candidates to engage deeply with multiple documents and produce a comprehensive written response. Because these questions assess synthesis, organization, and professional communication, the user interface is intentionally designed to remove distractions and replicate a realistic digital drafting environment. Candidates read the task memo, file materials, and library resources within the same window and then craft a response in a single, uninterrupted workspace. The design ensures the interface supports—rather than hinders—the demonstration of higher-order reasoning and legal writing proficiency.

Image 9: PT Interface

The standard performance task interface displays the task memo, case file materials, and library resources in a clean, side-by-side layout next to one large response field. Tabs are available on the top-left-hand side of the display to toggle between the case file and the library. Below the toggle are tabs that allow the candidate to display individual documents within the case file or library. This design allows the candidate to view and interact with all materials in a single workspace while drafting their response. The center partition can be adjusted left and right to allow the candidate to have a larger viewing window or a larger writing window.

NCBE NextGen UBE Section 1 | John Smith Performance Task – 1 of 1 Section Time Remaining 03:00:00

Case File Library

Memorandum from... Client Interview N... Excerpt of Interv...

Certificate of... Judgment of Divor...

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. Jennifer and Robert have two children; temporary custody and child support orders are in place that are not currently at issue. 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.

Use the reference materials in the case file and library sections above the resource text to complete this task.

This task requires an extended response in the form of an objective memorandum.

Review & End Section X Back Next



User Interface for Legal Research Performance Tasks

The LRPT display is a hybrid of the IQS and the PT displays. It is similar to the PT display shown in Image 9 in that it allows candidates to toggle between the case file and the library and select individual documents within each. The LRPT interface also resembles the IQS interface because LRPTs include multiple-choice and short-answer questions. These are shown on the right-hand side of the display.

Image 10: LRPT Interface

As with PTs, the LRPT interface allows candidates to view the client materials and library in adjacent panels while composing their written response. This design mirrors modern digital research tools, enabling candidates to locate, interpret, and apply law efficiently.

NCBE NextGen UBE Section 1 | John Smith Performance Task – Component 3 of 6 Section Time Remaining 03:00:00

Case File Library

Memorandum from... Excerpt of Interv... Notes for Jane...

Memorandum from Supervising Partner

To: [You]
From: [Supervising partner]
Date: [Today]
Re: Jane Smith's Credit Card Liability

Our pro bono client, Jane Smith, has asked whether she is legally responsible to Franklin Bank for credit card charges made by her sister, Kathy Smith. Kathy borrowed Jane's credit card, which was issued by Franklin Bank, and used it to repair the front and back brakes on her van and to purchase groceries.

I have attached the relevant material from Jane's file, which includes an excerpted transcript of the conversation I had with Jane, as well as other documentation.

Additionally, I have included the following four sources for your consideration:

- excerpts from the Franklin Truth in Lending Act;
- excerpted provisions from the Restatement (Third) of Agency;
- *Departure Lending Inc. v. Superior Airways Inc.* (Franklin Supreme Court, 2017); and
- *Edito Holdings Co. v. Spartan Lending Co.* (Franklin Court of Appeal, 2019).

Component 3: Which of the following statements accurately represents the court's decision in *Edito Holdings Co. v. Spartan Lending Co.* (Franklin Ct. App. 2019)?

Select one response option.

☐ Edito is bound by Larch's acts under apparent authority. 5

☐ Edito was negligent in failing to timely examine its credit card statements. 5

☐ Larch's use of the credit card was unauthorized. 5

☐ The Act limits a cardholder's liability for charges if the credit card's use was unauthorized. 5

Review & End Section X Back Next



Section Five: How Constructed-Response Questions are Graded

The grading process used for the NextGen UBE represents a significant change compared to the relative grading method used for the legacy exam. The NextGen UBE provides a standardized grading process that enhances consistency and fairness within and across jurisdictions. The process has three key features: calibration, double grading, and reconciliation.



Calibration

Before graders begin scoring live responses, they grade a set of sample responses for each question. These samples, which have been pre-scored by the NCBE development team using the question's scoring guide, serve as exemplars. After that, additional pre-scored responses are embedded in grading assignments throughout the grading window. Calibration ensures that graders apply the scoring guide consistently so that candidates' responses are evaluated under uniform standards.



Double Grading

All candidate responses for constructed-response questions on the NextGen UBE will be double graded, meaning two independent graders will grade each response. Each question type has a defined range for acceptable agreement. If two scores fall within the established range of agreement, the system averages them. If the scores fall outside that range, the response moves forward for reconciliation, which is explained below. Double grading ensures greater accuracy, consistency, and fairness in the scoring process.



Reconciliation

When two graders' scores fall outside the established range of agreement, the response enters the reconciliation process. This step provides an added layer of review

to ensure that differences are resolved fairly. Depending on the jurisdiction, reconciliation may be handled by a team leader or by a group of graders working together. The team leader or group carefully reviews the response, considers the scoring guide, and determines the final score. Reconciliation ensures that no candidate is disadvantaged by a disagreement between graders.



Integrated Question Set Scoring Guide

NCBE, in collaboration with subject-matter experts, creates a scoring guide for each constructed-response question within an integrated question set. This means there are individual scoring guides created for each short-answer question within a counseling set and one scoring guide created for a drafting set.

Scoring guides include question-specific criteria for grading the question. Each scoring guide includes a rationale, a list of correct and incorrect answers, and benchmarks and annotations.

A [sample integrated question set scoring guide](#) is available on the NCBE website..

Rationale

Each integrated question set is scored using a rationale, which lays out the total number of raw points available in a question and how those points are obtained.

Short Answer Sample Rationale

Short-answer questions are graded on a 0–2 point scale, with partial credit available.

Score	Rationale
2	The response includes two correct answers.
1	The response includes one correct answer.
0	<p>0 – The response is incorrect, insufficient, or I don't know.</p> <p>Off Topic – The response is completely unrelated to the question, the source material, or any legal topic (e.g., random keystrokes or comments about disliking the exam itself). "Off Topic" should be marked only in very limited circumstances and only when the entire response is off topic.</p>

Drafting Set Sample Rationale (per answer)

Score Point	Rationale
2	<p>The answer meets both criteria below:</p> <p>The answer identifies, by number, a specific provision in the [provided document] that is inconsistent with the law or the client's known objectives, interests, and constraints. (Point 1)</p> <p>AND</p> <p>The answer explains the inconsistency without simply restating or summarizing the text. (Point 2)</p>
1	The answer meets one of the criteria listed above.
0	<p>0 – The response is incorrect, insufficient, or I don't know.</p> <p>Off Topic – The response is completely unrelated to the question, the source material, or any legal topic (e.g., random keystrokes or comments about disliking the exam itself). "Off Topic" should be marked only in very limited circumstances and only when the entire response is off topic.</p>

Correct and Incorrect Answers

Each short-answer scoring guide includes a list of correct and incorrect answers. The lists are generated by subject-matter experts, NCBE staff, and through answers received during pilot testing and pretesting.

Benchmarks and Annotations

Each scoring guide includes answers for scores within the range of possible scores. These are called benchmark answers. Each benchmark answer is accompanied by an annotation that explains why the benchmark answer received the listed score.



Performance Task Scoring Guide

Like integrated question sets, each question within a performance task has its own scoring guide with a question-specific set of criteria, as well as sample answers (benchmarks) and explanations (annotations). For PT and LRPT writing assignments, there is a general rubric (see page 23), but each legal issue is assessed separately and has its own criteria for rules and application scoring.

Performance Task Rubrics

PTs and the extended-response portion of LRPTs are graded using detailed NCBE-developed analytic rubrics that evaluate both substance and written communication. Graders assess:

- **Legal accuracy and completeness:** Did the candidate identify and correctly apply the controlling law?
- **Analytical reasoning:** Are conclusions supported by clear, logical explanation?
- **Organization and coherence:** Is the response structured in a way that aids understanding?
- **Writing quality:** Does the response address the correct audience and use the appropriate tone?

Sample scoring guides for an [LRPT writing assignment](#) and a [PT writing assignment](#) are available on the NCBE website.

PT Writing Assignment Generic Rubric

Scores are typically assigned on a 0–4 point scale, with multiple defined performance levels.

Score Point	Rationale	Application
4	The rules are accurate and thorough.	The application is accurate and thorough.
3	The rules are mostly accurate and thorough.	The application is mostly accurate and thorough.
2	The rules are somewhat accurate and thorough.	The application is somewhat accurate and thorough.
1	The rules are mostly inaccurate or so unthorough that they are cursory.	The application is mostly inaccurate or so unthorough that it is cursory.
0	No rules exist for the issue.	No application exists for the issue.
OT (0)	An “Off Topic” response completely unrelated to any possible legal issue raised by the question. “Off Topic” should be marked only in very limited circumstances and only when the entire response is off topic.	

The writing assignment portion of an LRPT is scored the same way as described above for the standard PT. The short-answer questions that appear in an LRPT follow the same general rubric as a short-answer question in an IQS, described above.



Section Six: Conclusion

Constructed-response questions on the NextGen UBE ask candidates to think, reason, and communicate like lawyers. The skills required—analysis, judgment, organization, and clarity—are the same skills that define success in practice. By understanding how constructed-response questions measures these skills, how they appear on the exam, and how they are graded, candidates strengthen not only their performance but their foundation for professional growth.



Section Seven: Additional Resources

The following NCBE publications and resources provide additional detail on the design, structure, and scoring of the NextGen UBE and may be useful for further study and preparation:

- NextGen UBE Blueprint, July 2026–February 2027
<https://www.ncbex.org/sites/default/files/2025-06/NCBE-NextGen-UBE-Blueprint.pdf>
- NextGen Content Scope, July 2026–February 2027
<https://www.ncbex.org/sites/default/files/2025-07/NCBE%20NextGen%20UBE%20Content%20Scope-Aug%202025.pdf>
- Official Examinees' Guide to the NextGen UBE, July 2026–February 2027
<https://www.ncbex.org/sites/default/files/2025-07/NCBE-NextGen-UBE-Examinees-Guide%20J26-F27.pdf>
- Sample Integrated Question Set Scoring Guide
<https://www.ncbex.org/sites/default/files/2025-11/Sample%20IQS%20Scoring%20Guide-Flooded%20Apartment%20C3.pdf>
- Sample Legal Research Performance Task Writing Assignment Scoring Guide
<https://www.ncbex.org/sites/default/files/2025-11/Sample%20LRPT%20Writing%20Assignment%20Scoring%20Guide-Jane%20Smith.pdf>
- Sample Standard Performance Task Writing Assignment Scoring Guide
<https://www.ncbex.org/sites/default/files/2025-11/Sample%20PT%20Scoring%20Guide-Johnston%20.pdf>



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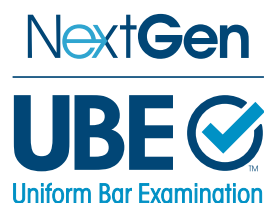
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