

Preparing for the NextGen Bar Exam: Questions to Consider

Posted on [March 29, 2022](#)

Last week, the National Conference of Bar Examiners released a preliminary set of [content outlines](#) for the [NextGen Bar Exam](#). If the [timeline](#) holds, this new bar exam will be implemented in 2026. While this seems a long time from now, it is not. Part-time students who enroll this Fall will take this new bar exam. As a result, many schools are now considering how best to adapt to the new bar exam, which has a (1) reduced number of doctrinal subjects tested and (2) increased testing of skills.

Here, I list the questions that I am thinking about both generally and for my school:

- 1. What are our school's goals *besides* bar passage?** It may seem bizarre to start with this question on a blog post about the bar exam, but I think it is the most important. Law schools are not three-year bar preparation programs. We have other goals for our students and ourselves. Career placement, for instance, is an important outcome for law schools. Preparing students for careers in the legal profession requires a curriculum that may not necessarily align with one specifically designed just for the bar exam. Entry-level employers may wish to see students who have knowledge, skills, and values that are not tested on a bar exam. In addition, lifelong success in the legal profession—however we define it—may warrant preparation that does not align with the bar exam. Knowing at the outset what our other goals are will help us to balance what may be competing priorities for a limited number of credits in the curriculum.
- 2. What are our ethical and consumer protection obligations to students?** Professor [Melissa Shultz](#) (Mitchell Hamline) makes a compelling case in a [forthcoming piece in the Journal of Legal Education](#) that law schools have an obligation to prepare students for the new bar exam by taking action now so that students who will sit for that exam will be fully prepared for it. “These monumental changes to the bar exam,” Professor Shultz writes, “do not allow for the legal academy to take a tempered ‘wait-and-see’ approach before taking action.” Her article shares a number of helpful strategies for doing so.
- 3. To what extent does our existing curriculum align with the Uniform Bar Exam?** If a school has high bar passage and its curriculum is not particularly aligned with the UBE subjects, it may be that only minor modifications are needed. These are likely schools that enroll students who are excellent test takers and will do well with any format of exam. For most schools, however, their curricula may be somewhat or significantly aligned with the UBE content outline. As a result, they will need to do a more significant re-alignment of their curricula to meet the new bar exam while still achieving other curricular goals (#1).
- 4. To what extent does the NextGen bar exam differ from the UBE in doctrinal subjects that are tested?** We know that some subjects, such as Secured Transactions, are being

dropped from the exam. What are they? Within each subject that remains, how is coverage changing? What is added or dropped? We must all become experts on what the new bar exam is and is not so that we can speak and act thoughtfully on the subject.

5. **Where is the doctrine tested on the NextGen bar exam taught in our existing curriculum? Are there any curricular gaps?** Since the NextGen exam largely removes doctrine rather than adding it, I imagine the answer at most schools is that there are no gaps in substantive and procedural law.
6. **Which skills will be tested (or tested more heavily) on the NextGen bar exam?** This is the most significant change to the bar exam in my view—the heavy testing of lawyering skills.
7. **Where are those skills taught in the existing curriculum, if at all? Are they taught in-depth or just in a cursory fashion? How are they assessed?** A curriculum map may be helpful, as are focus groups and surveys of faculty who teach what may currently be specialized electives with low enrollments.
8. **How do we adapt the curriculum?** This is the most significant question and requires consideration of: a school's other goals (#1), its ethical and consumer protection obligations (#2), the extent to which a school focuses on bar passage (#3), the gaps in doctrine (#5) and skills (#7) between the current curriculum and the new bar exam, and whether there are gaps in faculty expertise that may require a new approach to hiring (#10).
9. **How should our teaching methods and assessments adapt to prepare students for the format of the new bar exam?** The new bar exam will employ different assessment tools than we are used to. To what extent should we expose students to them while they are in law school?
10. **How does the NextGen bar exam impact faculty hiring?** The number, type, and subject matter expertise of new faculty may need to be reconsidered if a major curriculum realignment is expected.
11. **What timeline should we follow? Has the NCBE stayed on track with its timeline, suggesting that a 2026 implementation is likely?** If so, what steps do we have to take and when to meet our ethical and consumer obligations (#2) and prepare our students for this new exam while still ensuring that current students taking the UBE in interim are well-prepared for that exam?
12. **What should be the process of educating faculty, administrators, and students about the new bar exam and getting buy-in from constituent groups about the new exam?** Education and buy-in are two separate considerations.
13. **Will our state's supreme court adopt the NextGen bar exam?** Just as law schools are thinking about the bar exam, state supreme courts are looking at whether they will sign on to the NCBE's new test or go in a different direction. If most of a law school's graduates will sit for the bar exam in a state that does not adopt the NextGen bar exam, much of these considerations are mooted. However, the school will still need to think about how it is preparing students for the bar exam that they will take. In addition, a school will need to consider the students who will sit for a NextGen bar exam out-of-state.
14. **Is the NextGen bar exam such a significant shift that it warrants rethinking our admissions criteria?** ABA Standard 501(b) requires that law schools only admit students who appear capable of being admitted to the bar exam. If the bar exam changes, it may be that predictors of success change. Should we put different weight on the LSAT/GRE, UGPA, work experience, and references than we do now? Unfortunately, we will not have data on

whether our existing admissions framework remains predictive until after the first few cohorts sit for the new bar exam.

It may be there are other questions a school should consider, and I will keep adding to the list as I think of them.

This entry was posted in [ABA](#), [bar exam](#), [curriculum mapping](#), [skills](#) by [Larry Cunningham](#). Bookmark the [permalink \[https://lawschoolassessment.org/2022/03/29/preparing-for-the-nextgen-bar-exam-questions-to-consider/\]](https://lawschoolassessment.org/2022/03/29/preparing-for-the-nextgen-bar-exam-questions-to-consider/) .