

NOTICE TO THE BAR

SUPREME COURT AD HOC COMMITTEE ON THE “NEXTGEN” BAR EXAMINATION – REQUEST FOR COMMENT

The New Jersey Supreme Court created the Ad Hoc Committee on the “NextGen” Bar Examination to review and recommend to the Court whether New Jersey should adopt the NextGen exam as a replacement for the state’s existing bar examination format.

The Court has administered the current exam -- the Uniform Bar Examination (UBE) -- since February 2017. The UBE is created by the National Conference of Bar Examiners (the NCBE) and contains several professionally developed testing components. Beyond assessing competency to practice law, the UBE provides the additional benefit of portable scores that can be used in applications for admission in the forty plus jurisdictions that administer the UBE.

Following a three-year study to ensure that the bar exam continues to test the knowledge, skills, and abilities required for competent entry-level legal practice, the NCBE has announced that it will be providing a newly refined bar exam. The NCBE will stop producing all components of the UBE after the February 2028 bar exam administration and thereafter will offer only the NextGen exam. Also, distinct parts of the NextGen exam will not be available for separate use; the test must be used as a whole. Thus, there will no longer be available a multi-state examination component that may be combined with a locally developed bar exam. The Supreme Court has charged the Ad Hoc Committee with studying the NextGen exam, elevating public awareness of the issue and decision-point faced by the Court, soliciting input from stakeholders and the public, and, ultimately, submitting a report setting forth their views and a recommendation on whether New Jersey should adopt for use the NextGen exam.

With that as its charge, the Ad Hoc Committee hereby requests written comments from the legal community and interested members of the public. Comments may be sent by March 19, to the Ad Hoc Committee on the NextGen Bar Examination, Attention: Committee Staff Karen June, Supreme Court Clerk’s Office, Richard J. Hughes Justice Complex, P.O. Box 973, Trenton, New Jersey, 08625-0973. Comments may also be submitted via e-mail to the following address: Comments.Mailbox@judiciary.state.nj.us.

Those submitting comments by mail should include their name and address, and those submitting comments by e-mail should include their name and e-mail address. The Ad Hoc Committee will not consider comments submitted anonymously. Comments are subject to public disclosure.

Justice Jaynee LaVecchia (retired), Chair
Ad Hoc Committee on the
NextGen Bar Examination

Dated: February 19, 2025

**SUPREME COURT AD HOC COMMITTEE ON THE
NEXTGEN BAR EXAMINATION**

**TO THE LEGAL COMMUNITY AND INTERESTED MEMBERS
OF THE PUBLIC – REQUEST FOR COMMENT:**

The Supreme Court Ad Hoc Committee on the NextGen Bar Examination requests comments to inform its recommendation as to whether New Jersey should adopt the NextGen bar exam.

By way of background, in 2016, following careful study by an Ad Hoc Committee, the Court adopted the Uniform Bar Examination (UBE) as a replacement for the state’s then-existing bar examination format. The UBE is a standardized test drafted by the National Conference of Bar Examiners (NCBE), and is uniformly administered, graded, and scored in forty-one participating jurisdictions.

The adoption of the UBE brought with it considerable benefits for applicants while continuing to protect the public by ensuring the applicants’ minimum competency to practice law. The test is professionally developed and tested for reliability, fairness, and consistency in scoring to broadly enable its usefulness to licensing authorities. Unlike the prior test format that contained essays drafted by the New Jersey Board of Bar Examiners and 200 multiple-choice questions produced by the NCBE, the UBE is uniformly administered in all participating jurisdictions, and therefore scores are “portable” for the purpose of seeking admission in other jurisdictions, as well as for assisting in evaluation of candidates for admission in New Jersey who tested in another jurisdiction. Portable scores benefit applicants by allowing greater mobility among recent law graduates and help the public through the potential for increased legal resources in currently under-served areas. Both attorneys and firms place a high value on the ability to gain admission in multiple jurisdictions.

In 2022, after a three-year study, the NCBE announced that it will transition to its newly refined test format—the NextGen bar examination (NextGen). The UBE will cease to be available after February 2028. Jurisdictions may choose to administer NextGen as soon as July 2026, or they may continue to administer the UBE until February 2028. Faced with the UBE’s discontinuation, the Court is,

again, presented with the question of how to measure minimum competence to practice law for the purpose of attorney licensure.

The Supreme Court has charged the Ad Hoc Committee with studying the NextGen exam and making a recommendation as to whether New Jersey should adopt the new exam format provided by the NCBE. The Ad Hoc Committee also will opine on ancillary decisions that could flow from the adoption of NextGen, including potential implementation date, scoring, and other administrative issues. To aid in that review, the Court asked the Ad Hoc Committee to inform the public and solicit input regarding views on the potential change in the bar examination format.

What is the NextGen Exam and how does it differ from the UBE?

The NextGen exam will be a nine-hour exam administered over 1 ½ days. It will consist of three sections, each three hours in length. Each three-hour section will consist of two integrated question sets: one practical writing task (akin to the UBE’s MPT described below) that will take approximately 60 minutes, and approximately 40 multiple-choice questions.

By contrast, the UBE is twelve hours long and lasts two full days. It is comprised of the Multistate Bar Examination (MBE), which is a multiple-choice test consisting of 200 questions; the Multistate Essay Examination (MEE); and the Multistate Performance Test (MPT), a practical test that assesses lawyering skills.

The NextGen exam will test foundational Concepts and Principles as well as foundational Lawyering Skills, as follows:

Foundational Concepts and Principles

- Civil Procedure (including constitutional protections & administrative proceedings)
- Contract Law (including Art. 2 of the UCC)
- Evidence
- Torts
- Business Associations (including Agency)

Foundational Skills

- Legal Research
- Legal Writing
- Issue Spotting and Analysis
- Investigation and Evaluation
- Client Counseling and Advising
- Negotiation and Dispute Resolution
- Client Relationship and Management

- Constitutional Law (excluding principles covered under Civil Procedure and Criminal Law)
- Criminal Law and Constitutional Protections Impacting Criminal Proceedings (excluding coverage of criminal procedure beyond constitutional protections)
- Real Property
- Family Law (*starting with the July 2028 NextGen bar exam*)

The NextGen exam will be administered on examinees' laptops; the UBE presents questions in a booklet format. Braille and paper copies of the NextGen exam will be available for candidates who require such accommodation under the ADA.

How was the NextGen exam developed?

In 2018, the NCBE commissioned a comprehensive three-year study of the bar exam. With input from a cross-section of the legal community, the NCBE's Testing Task Force (TTF) performed a nationwide practice analysis involving nearly 15,000 lawyers who provided data on the work performed by newly licensed lawyers and the knowledge and skills required for early-career competence. Based on that assessment, the TTF recommended the evolution of the UBE to (1) narrow the breadth of knowledge tested by the bar exam to include those knowledge areas that cross a wide range of practice areas—from litigation to transactional work—that newly licensed lawyers most commonly encounter; (2) adjust the depth of knowledge assessed to more closely reflect the actual practice of law and the level of familiarity needed for competent practice by a newly licensed lawyer; and (3) integrate the exam structure to assess legal knowledge and legal skills holistically in a single practice-related exam. In 2021, the NCBE approved the TTF's recommendations and committed to developing the next evolution of the UBE. For more information, see the [Background Information on the Next Generation of the Bar Examination](#).

The NCBE reports that it currently is establishing scoring processes and psychometric methods for equating/scaling scores, developing test administration policies and procedures, and developing study materials and sample test questions

to help candidates and law schools prepare. Meanwhile, the NCBE's development and refinement of the test material is ongoing. The NCBE has incorporated feedback from stakeholders, including the Conference of Chief Justices, as well as individuals throughout the legal community. The NCBE is field testing and administering a prototype exam, from which it will glean still more feedback and make additional refinements based on that experience and input.

What are the possible benefits and disadvantages of the NextGen Exam?

To date, thirty-three jurisdictions have announced their adoption of the NextGen exam. Some will offer the exam with its first administration in July 2026, while others will continue to offer the UBE until it sunsets and then offer the NextGen exam starting in July 2028.

In weighing the merits of the NextGen exam, the Ad Hoc Committee will consider the benefit of score portability, which will be lost if the Court does not adopt the Next Gen exam. With a significant majority of UBE jurisdictions having declared they will transition to the NextGen bar exam, the loss of score portability could be a significant detriment for many New Jersey applicants. Portability is of particular importance in New Jersey's legal market where a majority of attorneys are dual licensed, with 46% holding a license in New York, and 27% holding a license in Pennsylvania. Importantly, New York recently announced that it will administer the NextGen bar exam beginning in July 2028, which means that if New Jersey adopts the NextGen exam, applicants will continue to enjoy the ability to transfer their score to or from that neighboring jurisdiction.

In addition to score portability, the NextGen exam, developed consistently with its intent and design, promises to be a more accurate assessment of the knowledge necessary to begin one's legal career and the lawyering skills expected of someone starting out in the profession.

On a practical note, the continuation of the UBE beyond February 2028 is not an option since the NCBE will stop producing that exam. One might consider the feasibility of returning to something akin to the pre-UBE format, when the Board of Bar Examiners drafted the essay questions for the exam. But even more than that would be required because the pre-UBE format relied on use of the MBE's 200 multiple-choice questions as an important component to the New Jersey bar exam's thoroughness. That is no longer available, so a replacement for

that testing component would also have to be developed before February 2028. That scenario presents its own substantial challenges in light of the discontinuation of the MBE as a national standard bearer to calibrate scores.

Submission of Public Comment

Against that backdrop, the Ad Hoc Committee hereby requests written comment from the legal community and interested members of the public addressing views on the benefits and potential disadvantages of adopting the NextGen exam in New Jersey. Those seeking to submit a comment should follow the procedure set forth in the Notice to the Bar, published above.