



# Roadmap to the Next Generation Bar Exam

## Background Information

### NCBE Testing Task Force

The Testing Task Force was appointed by NCBE in 2018, charged with undertaking a comprehensive three-year study to ensure the bar exam continues to test the knowledge, skills, and abilities required for competent entry-level legal practice in a changing profession. The study had three phases, and input from stakeholders was gathered during each phase.

**Phase 1:** Listening sessions were held with more than 400 stakeholders from bar admissions agencies, the legal academy, and attorneys from across the country.

**Phase 2:** A nationwide practice analysis was completed by nearly 15,000 lawyers, who provided data on the work performed by newly licensed lawyers and on the knowledge and skills needed for early-career competence.

**Phase 3:** Two committees composed of bar admission representatives, legal educators, and legal practitioners evaluated the data produced in Phases 1 and 2 to provide input on what content the bar exam should test and when and how that content should be assessed.

### Content, Structure, and Scope of Coverage

In Phase 3, two committees were convened for the purpose of discussing test content and design issues:

**Blueprint Development Committee:** Newly licensed and experienced practitioners who applied their professional judgment and experience to recommend what content should be tested.

Test Design Committee: Legal educators and bar admission representatives who recommended how that content should be assessed and provided input on an effective design for the exam.

## Content

Based on their work, the Testing Task Force recommended assessment of the skills and knowledge areas below:

### 8 Foundational Concepts and Principles

- Civil Procedure
- Contracts
- Evidence
- Torts
- Business Associations
- Constitutional Law
- Criminal Law
- Real Property

### 7 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

### *Deeper Reading: Content*

- [Phase Three Report](#)

## Structure

Based on the work of the Blueprint Development and Test Design Committees, the Testing Task Force recommended the use of an integrated exam structure to assess both legal knowledge and skills holistically in a single, practice-related examination.

An integrated exam permits use of scenarios that are representative of real-world legal problems that newly licensed lawyers encounter in practice. Realistic scenarios are used in the current exam, but in discrete components comprised of stand-alone items, whereas an integrated exam includes item sets and a combination of item formats (e.g., selected-response, short-answer, and extended constructed-response items) within the same component.

The concept of an integrated assessment model was further supported by NCBE's Technical Advisory Panel, a group of external psychometric experts. Members of the Technical Advisory Panel were given the opportunity to review and comment on the Blueprint Development and Test Design Committees' recommendations and recognized a recurring theme pointing to the concept of integrated assessment design. Members observed that integrated assessment is not a novel concept and is already

employed in academia and in high-stakes licensure assessments used in other professions.

## Scope of Coverage

After an open invitation and application process, the Implementation Steering Committee selected legal educators and practitioners to form the Content Scope Committee. The Content Scope Committee was tasked with delineating the scope of coverage of the Foundational Concepts and Principles and Foundational Skills designated for inclusion on the new exam for purposes of producing the test content specifications, which will be used to write appropriate test items and to inform applicants, law schools, and jurisdictions of the specific topics covered on the exam.

### *Deeper Reading: Scope*

- [Members of the Content Scope Committee](#)
- [A Window into the Work of the Content Scope Committee](#)

## NCBE Testing Task Force Recommendations

Following completion of the three phases, the Testing Task Force presented its recommendations via a report released publicly on its website. In January 2021, the NCBE Board of Trustees approved the Testing Task Force's recommendations. The process to implement the recommendations is expected to take five years.

### *Deeper Reading: Study and Report*

- [Overview of Recommendations](#)
- [Final Report of the Testing Task Force](#)

## Implementation Steering Committee

Following approval of the Testing Task Force's recommendations, NCBE in 2021 appointed the [Implementation Steering Committee](#), which has general oversight of the implementation of the next generation of the bar exam and will help ensure fidelity to the Testing Task Force study's findings and recommendations.

Four internal workgroups coordinate with the Implementation Steering Committee to address all aspects of implementation and transition:

- **Test Development and Psychometrics**
- **Diversity, Fairness, and Inclusion**
- **Test Delivery and Operations**
- **Strategy, Coordination, and Outreach**

## Fairness

Principles of fairness in testing are essential elements of both the current and next generation bar exams.

### *Deeper Reading: Fairness*

- [Ensuring Fairness in Assessment](#)

## Exam Administration

Based on the technology currently available, the Testing Task Force determined that a computer-based, in-person administration of the bar exam is best suited to ensuring uniform testing conditions for all candidates.

Why is this important? Currently, examinees may have different testing experiences depending on multiple factors, including conditions at testing facilities, local testing policies, and the technology used on exam day.

### *Deeper Reading: Exam Administration*

- [MPRE Computer-Based Testing Transition Schedule and FAQs](#)

NCBE's commitment to accessibility is one of several reasons the Testing Task Force determined that in-person administration of a computer-based exam is recommended, as accessibility issues can be more readily addressed in an in-person administration environment. Moreover, NCBE has always been committed, and will remain committed, to providing nonstandard test materials to ensure accessibility for candidates with disabilities under the Americans with Disabilities Act, as amended.

## Grading and Scoring

A compensatory scoring model will be used to produce a single, combined score, which is consistent with the use of an integrated exam design and the interconnected nature of the competencies being measured. A combined score allows a candidate's areas of strength to compensate for areas of weakness and reflects the candidate's overall proficiency. A compensatory scoring model is used for the current exam, too.

Multiple-choice items and other item formats that can be machine-scored will be scored by NCBE, whereas the constructed-response questions will continue to be graded by bar examiners. The Implementation Steering Committee is exploring changes to how constructed-response questions are graded to increase uniformity across jurisdictions and boost reliability of scores.

### *Deeper Reading: Psychometrics*

- [New to Bar Admissions?](#)

## **Transition to the Next Generation of the Bar Exam**

### **Options for Transition**

NCBE will work with jurisdictions to develop a rollout plan for transition to the next generation of the bar exam, focusing on the needs of courts, bar admission offices, candidates, and law schools.

### **Standard Setting**

Prior to the first administration of the new exam, NCBE will conduct a standard-setting study to provide jurisdictions with data on which their courts can base their new passing score decisions.

### *Deeper Reading: Standard Setting*

- [Standard Setting 101](#)

## **Next Steps**

### **Jurisdiction Advisory Committee**

Following a call for applications from administrators and bar examiners in November, NCBE formed the Jurisdiction Advisory Committee, which will provide invaluable input to the Implementation Steering Committee on the many policy issues involved in the transition to the new exam. The Jurisdiction Advisory Committee will also help NCBE gather feedback and information to ensure that the views of all jurisdictions are considered.

### **Content Scope Feedback**

Members of the legal community are invited to comment on the Content Scope Outline, a preliminary list of the topics proposed for inclusion in the next generation bar exam. The comment period will open in late March and remain open until mid-April. Please subscribe to NCBE's e-news list to receive a link to review and comment on the Content Scope once the comment period opens.

## **Subscribe**

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