

National Conference of Bar Examiners Expands NextGen Bar Exam: Family Law to Make a Comeback



In a recent announcement, the National Conference of Bar Examiners (NCBE) made significant changes to the NextGen bar exam, extending the availability of the current exam until February 2028. Moreover, family law, a vital legal discipline, is set to triumphantly return to the list of foundational concepts and principles on the NextGen bar exam. These transformations signal a fundamental shift in the legal examination landscape and have garnered widespread attention and support.

Responding to Jurists and Access-to-Justice Concerns

The decision to reintegrate family law into the NextGen bar exam stems from valuable feedback received from jurists across the nation. They have expressed a growing need for a more in-depth focus on family law within the legal education and examination system. Judith Gundersen, president and CEO of the NCBE, emphasized the importance of this move, citing the abundance of family law cases appearing on appellate dockets and in trial courts. She stressed that this shift serves as a crucial step in addressing access-to-justice issues.

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A Necessity for Lawyers in Solo and Small Practices

The legal profession is diverse, and many lawyers entering solo practice or small law firms in rural communities often find themselves handling family law cases early in their careers. Marilyn Wellington, the chief strategy and operations officer at the NCBE, highlighted the need to ensure that these lawyers are well-prepared to tackle family law cases. This adjustment seeks to empower legal practitioners with the knowledge and skills they require to serve their clients effectively.

Evolution of the NextGen Bar Exam

The NCBE's decision to reinstate family law on the NextGen bar exam follows a series of developments. In May, the NCBE announced that various areas of law, including family law, would transition from being required knowledge to being integrated into "legal scenarios." This new approach will incorporate research materials, enabling test-takers to demonstrate their legal proficiency in practical contexts.

When the NextGen bar exam debuts in 2026, family law will be a key component of the performance-based items in the multistate exam. Candidates will have access to essential resources for reference. However, it's in 2028 when family law truly takes center stage as one of the nine areas of foundational concepts and principles. Test-takers will be expected to possess an in-depth understanding of family law and answer some questions based solely on recalled knowledge. For other questions, legal resources will be provided, as outlined in the NCBE content.

Academic and Legal Community Reactions

The legal community has responded positively to these changes. Naomi Cahn, a professor at the University of Virginia School of Law and co-director of its Family Law Center, stated that this shift acknowledges the fundamental role family law plays in the legal profession. With over 3 million family law cases filed in state courts each year, family law is a cornerstone of practicing law.

Concurrent Availability of Current and NextGen Exams

In a move that reshapes the legal examination landscape, the NCBE also confirmed that the current bar exam, along with its components—the Multistate Bar Examination, the Multistate Essay Examination, and the Multistate Performance Test—will continue to be available to jurisdictions through the February 2028 administration. This means that the current exam and the NextGen exam will be offered concurrently for two full years, extending beyond the previously planned sunset date of July 2027.

Implications for State Bar Examiners and Legal Education

Amit Schlesinger, executive director of legal and government programs at test prep company Kaplan, highlighted the profound impact of the NCBE's latest alterations. State bar examiners now face a crucial decision: opt for the NextGen bar exam or adhere to state-specific assessments and adopt a more cautious, "wait and see" approach before embracing new standards. This shift is likely to prompt a reevaluation of legal education priorities at law schools, influencing what is taught in the classroom and when.

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Development of Subject Matter Outline for Family Law

The NCBE is actively working on developing a subject matter outline for family law. This outline will be made available on the NextGen Content Outlines online, further enhancing the accessibility of resources for aspiring legal professionals.

Changes in Other Legal Disciplines

In May, the NCBE also announced alterations in the testing of conflicts of laws, trusts and estates, and secured transactions. These areas will no longer be required knowledge but will instead be integrated into questions that offer research materials to test-takers. Unlike family law, trusts and estates will not become an area of foundational concepts and principles.

The NCBE's decision to evolve the NextGen bar exam and reintegrate family law into the examination process has far-reaching implications for legal education and the legal profession, reflecting a commitment to producing well-rounded and effective legal practitioners.

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