

NextGen Bar Exam: Criticism Mounts Over Family Law Changes and Exam Prep Challenges



Introduction

The National Conference of Bar Examiners (NCBE) has faced criticism from the legal education community regarding its handling of the NextGen bar exam's family law content. Recently, the NCBE released a draft outline for public comment on July 8, prompting concerns about the clarity and consistency of information provided.

Criticism from Legal Education Community

Members of the legal education community, including the Association of Academic Support Educators (AASE), have voiced strong objections to the NCBE's approach. They criticize the NCBE for what they describe as a "piecemeal" and "inconsistent" release of information regarding the new exam. The AASE specifically denounced the NCBE's communication strategy, highlighting the challenges faced by law school faculty in preparing graduates for the NextGen bar exam.

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Content and Timeline of Changes

Initially, the NCBE had excluded family law and trusts and estates from the core subjects required for the NextGen exam, opting to include them only in "legal scenarios" with provided resources. However, after several revisions, family law was reintroduced into the core topics, affecting exam formats from July 2026 onwards.

Shifts in Exam Format and Resources

The NCBE announced significant changes in May 2023, adjusting the role of family law within the exam structure. Originally considered optional knowledge, family law will now feature prominently, appearing in both performance tasks and integrated question sets from mid-2026 to early 2028.

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Concerns Over Preparation and Resources

Critics argue that these changes have created substantial challenges for academic support faculty and commercial bar review providers. They claim that the evolving nature of exam requirements and the availability of legal resources provided during the test itself make it difficult to adequately prepare students for the NextGen exam.

Impact on Bar Passage Rates

Moreover, the AASE expressed concerns that the lack of clear guidelines and frequent changes could disproportionately affect bar passage rates across different racial and socioeconomic groups. Statistics from the American Bar Association (ABA) indicate significant disparities in first-time pass rates among different demographics, highlighting potential equity issues in exam preparation and performance.

Conclusion

As the NCBE continues to refine the NextGen bar exam, stakeholders urge clearer communication and consistent guidelines to ensure that all candidates, regardless of background, have fair and adequate preparation for the exam's new format and content.

Don't be a silent ninja! Let us know your thoughts in the comment section below.