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Re: Minnesota Board of Law Examiners Update on NextGen Implementation

Honorable Justices of the Minnesota Supreme Court:

On March 12, 2024, the Court issued an Order adopting the Board's recommendations to move to the National Conference of Bar Examiners' (NCBE) NextGen UBE. The Court requested that the Board file annual reports beginning July 1, 2025, keeping the Court informed as to the status of proposed rule changes and standard setting, and unless otherwise recommended by the Board, the effective date of Minnesota's transition to the new examination will be July 2027.

Name of the Examination: The NCBE has announced that the name of the examination will be the NextGen UBE. The current version of the examination will be the Legacy UBE.

Jurisdictions Adopting: As of June 26, 2025, 41 jurisdictions have announced that they will administer the NextGen UBE.

July 2026: Connecticut, Guam, Idaho, Maryland, Missouri, Northern Mariana Islands, Oregon, Palau, Virgin Islands, Washington

July 2027: Arizona, Iowa, Kentucky, Minnesota, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Vermont, West Virginia, Wyoming

February 2028: Delaware, District of Columbia, Illinois

July 2028: Alaska, Colorado, Florida, Georgia, Hawaii, Indiana, Kansas, Maine, Massachusetts, New York, Ohio, Rhode Island, Texas, Utah, Virginia

Score Setting: Minnesota's passing score for the current examination, otherwise known as a cut score, is currently 260, along with Alabama, Missouri, New Mexico, North Dakota, Oklahoma, and Utah. This is the lowest UBE cut score in the country and results in a significant number of transfer scores into Minnesota by applicants who do not achieve a passing score in the jurisdiction in which they sit for the exam. There is one jurisdiction at 264, 14 jurisdictions at 266, 1 jurisdiction at 268, and 19 jurisdictions at 270.

In May 2025, the NCBE convened a nationwide standard-setting study. Participants spent three days engaged in an exercise to determine minimum competency on the examination.

Minnesota had three participants, two of whom had previously served as graders on the bar exam and who have been Board members. The other participant had previously served on the Court. The data from that study will be compiled by the NCBE into a report the NCBE anticipates providing to jurisdictions at the end of July. This data will help to inform jurisdictions' independent policy decisions surrounding passing scores. Contemporaneous with the results of this study, the NCBE will also be providing jurisdictions with a concordance table that is intended to provide data as to how a candidate who achieved a certain score on the current examination would score on the new examination. It is the Board's understanding that some jurisdictions intend to set their new score based on the purported equivalency to their current cut score.

The Board has discussed that the concordance table will be one factor in determining the proposed cut score Minnesota will adopt for the NextGen UBE. As the Board has previously conveyed to the Court, the NextGen UBE is an integrated examination given over 9 hours with an increased focus on skills. The current examination is a 12-hour examination with three separate components. The Board is hopeful that the report from the May 2025 standard setting exercise will provide the Board with robust data to make recommendations for where Minnesota will set the NextGen UBE cut score. If the data provided is sufficient, the Board will not engage in its own standard setting activity. If the data is insufficient, the Board will need to work with the NCBE to determine if additional information can be provided to permit the Board to conduct its own standard setting activity. The last time the Board conducted a standard setting analysis was 1999. It is the Board's hope that the data from the national standard setting, combined with additional information, will provide enough information to make a recommendation on setting the score. The Board will also be monitoring how other jurisdictions set their cut score, trends in scores, and feedback from stakeholders.

Portability: Minnesota has conveyed to relevant stakeholders that it intends to petition the Court to allow transfer of NextGen UBE scores as soon as Minnesota has established what the cut score will be for the examination. While the Board anticipates that this will be before 2027, the Board set the implementation date in recognition of the activities that will need to take place to set the score. As noted above, some jurisdictions have indicated that they plan to set their new cut score on the basis of the concordance table, which will provide purported equivalency between the Legacy UBE score scale and the NextGen UBE score scale. The Board does not intend to accept scores based on the concordance table and will instead use the concordance table as one piece of data in establishing the cut score. Until a score is set, Minnesota will not be in a position to accept NextGen UBE scores.

Score Range: The NCBE has advised that the score scale for the NextGen UBE will be 500-750, compared to the current score scale of 200-400.

Rule Amendments: The Board has identified a number of Rules that will need to be amended to effectuate the NextGen UBE. The Board will be working on proposals related to these changes and plans to discuss these proposed changes with the Bar Admissions Advisory Council (BAAC) at its meeting in January 2026. These changes include potential fee changes and adjustments of deadlines.

Additional Information: On June 3, 2025, the National Conference of Bar Examiners published the NextGen UBE Blueprint for the July 2026 through the February 2027 examination. This report contains a lot of useful information about the structure of the examination, the content, the scoring, and upcoming publication of additional resources. I

have attached this publication to this correspondence to provide the Court with further information on the NextGen UBE.

Timeline: At this time, the Board is planning to follow the proposed timeline:

July 2025	NCBE Releases Standard Setting Results
August 2025 to Oct. 2025	Discussions related to results and development of timeline
July 2025 to Sept. 2025	Analysis on costs and related recommendations
Nov. 2025 to March 2026	Rules Committee work on proposed Rule changes to implement NextGen UBE
March 2026	If the Board receives the NCBE's standard setting results in July, and if they contain the necessary information, the Board intends to file its Petition for rule amendments in March 2026 that would include a recommendation related to cut score. If additional work is needed on the cut score, the Board will plan to file a Petition on other adjustments with a placeholder for cut score.

Much of the Board's work related to the implementation of the NextGen UBE is related to information that the Board does not yet have or is just recently learning. The next year will see a lot of progress on this issue. Board staff will begin meeting with other jurisdictions that are administering the NextGen UBE for the first time in 2027. The Board will continue to keep the Court apprised as more information is known.

If the Court has any questions or would like more information, please do not hesitate to contact me at 651-201-2719.

Very truly yours,

MINNESOTA BOARD OF LAW EXAMINERS



Emily Eschweiler, Director