

NextGen Bar Efforts by State

As of September 27, 2024

Arizona.

- David Estes wrote to columnist for *The Arizona Republic* in Phoenix, whose sister is the Chief Justice of the Arizona Supreme Court.

Florida.

- Adopting NextGen Exam but keeping a state law component.
- Jerry Wolf provided sample letters for submitting comments about including wills and trusts in state law component. Also organizing Florida Fellows to provide response.
- Materials provided to Tasha Dickinson for presentation to Florida Fellows.

Georgia.

- Adopted NextGen but keeping a state specific portion on the exam.
- State Chair Nick Djuric will write to state Supreme Court Chief Justice and bar examiners to encourage keeping wills and trusts on the state portion.
- Multiple Fellows have reached out to the state Supreme Court.

Idaho.

- Wrote to ACTEC Fellows to announce it would be proceeding with NextGen Bar Exam, and included this explanation:

The National Conference of Bar Examiners ("NCBE") is developing the NextGen Bar Exam to better test the knowledge and skills newly licensed lawyers are expected to know. Development of the NextGen Bar Exam included a multi-year practice analysis study that gathered data from over 14,000 practitioners nationally. The NCBE determined to test nine foundational legal areas on NextGen instead of the thirteen areas tested on the current bar exam. Though Trusts and Estates will not be tested as a foundational topic on the NextGen Bar Exam, it will be tested in performance task items. The NCBE's national data shows little correlation between topics tested on the bar exam and courses taken by law students in law school. Similarly, there is little correlation between topics tested on the bar exam and the number of recent law school graduates pursuing certain practice areas. Locally, data from the University of Idaho College of Law shows that enrollment in courses like Administrative Law and Tax is substantial, although neither subject is tested on the current bar exam. Further, University of Idaho College of Law data shows that their students have a strong interest in Trusts and Estates courses.

Illinois.

- Adopting NextGen Bar Exam in 2028.
- Chief Justice Theis acknowledged receipt of ACTEC letter.

Kentucky.

- Chief Justice VanMeter reports state does not have capacity to develop and administer a stand-alone bar exam but will continue to advocate for the inclusion of wills and trusts as a core subject on the NextGen bar exam.
- Since the NCBE announced the removal of wills and trusts as core doctrinal subject to be tested, Chase College of Law - Northern Kentucky University faculty voted to remove the course from the list of required courses.
- Louis D. Brandeis School of Law - University of Louisville encourages students to take wills and trusts as part of core curriculum (but it is not required).

Mississippi.

- ACTEC letter sent to Chief Justice Randolph, who circulated it to all state estate and trust section attorneys and invited them to comment.
- Gray Edmondson also wrote to Chief Justice Randolph and talked with the state section chair.

Nevada.

- Nevada Supreme Court asked for comments on the proposal to adopt the NextGen Bar Exam.
- ACTEC President letter submitted.
- National Conference of Probate Judges sent a letter to Nevada endorsing ACTEC position.
- Nevada Bar Probate and Trust Section comments submitted by Michaelle Rafferty.

North Carolina.

- Rebecca Smitherman wrote to NCBE, and talked with a state senator who shared ACTEC's concerns, and may have some state senators write to bar examiners.

Texas.

- Adopted NextGen Bar Exam.
- Gerry Beyer and Lora Davis coordinated comments to support keeping wills and trusts on the bar exam for the half-day state-specific portion.

- Considering allowing non-lawyers to do estate planning:
<https://www.txcourts.gov/supreme/news/supreme-court-advances-access-to-justice-efforts-with-proposed-new-rules-to-license-legal-paraprofessionals/>
 - Discussion at Long Range Planning led by Melissa Willms.