IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE REVIEW OF THE ADMINISTRATION OF THE BAR EXAMINATION AND LICENSING OF ATTORNEYS IN NEVADA

ADKT 0594

FILED
MAY 23 2025
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER APPROVING IMPLEMENTATION PLAN FOR TRANSITION TO THE NEVADA COMPREHENSIVE LICENSING EXAMINATION

The Nevada bar examination is currently comprised of a multistate multiple choice exam (MBE) constructed by the National Conference of Bar Examiners (NCBE) and essay questions and performance tests created by the Nevada Board of Bar Examiners. The NCBE has adopted the NextGen bar examination beginning in July 2026, which will preclude us from continuing the current format for the Nevada bar examination.

On March 9, 2022, this court created the Commission to Study the Administration of the Bar Examination and Licensing of Attorneys (Commission) to study issues and concerns arising from the methodology and administration of the bar examination and licensing procedures for attorneys practicing in Nevada. Subsequently, at the Commission's request, this court appointed the Foundational Subject Requirement and Performance Test Implementation Task Force to develop plans for multiple choice and performance tests and the Supervised Practice Task Force to consider whether supervised practice should be a requirement for licensure. The Task Forces filed a joint report on April 2, 2024, in which they recommended restructuring the Nevada bar examination to include the following three-component assessment: (1) a 100-question, closed-book,

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multiple-choice examination testing foundational concepts drawn from the seven subjects currently tested on the MBE; (2) a performance examination, on which any area of law may be tested, consisting of three two-hour performance tests similar to those on the current Nevada bar examination; and (3) a supervised practice component that ensures candidates possess lawyering competencies that are difficult to measure on written exams. The Multistate Professional Responsibility Examination (MPRE) would remain a requirement for licensure. After completing 42 credits of their Juris Doctor curriculum, candidates would be able to take the multiple choice examination. Candidates would be able to satisfy the supervised practice component after qualifying for a level two student license (or equivalent in other jurisdictions). The performance examination would be administered after graduation.

On July 5, 2024, the court filed an order inviting written comment from the bench, bar, and public regarding how this court should proceed in the administration of the Nevada bar examination and licensing procedures for attorneys practicing in Nevada.

After considering the Task Forces' April 2, 2024, report and public comments, this court filed an order on December 19, 2024, in which we agreed that restructuring the existing Nevada bar examination was necessary and that the proposed three-step assessment appears suited to protecting the public and assuring minimum competency. However, we requested additional information related to the transition from the current bar examination to the Nevada Comprehensive Licensing Examination (the Nevada Plan) and directed the Task Forces to file a second implementation plan by April 1, 2025. On March 26, 2025, the Task Forces filed a second

implementation plan for the transition from the current bar examination to the Nevada Plan.

Having considered the Task Forces' recommendations in the March 26, 2025, implementation plan, we hereby approve the Nevada Plan as the procedure for licensure in Nevada beginning in February 2027.

Dated this 23rd day of May, 2025.

_____, C.J.
Herndon

_____, J.
Parraguirre

_____, J.
Bell

_____, J.
Stiglich

_____, J.
Cadish

_____, J.
Lee

PICKERING, J., dissenting:

Over the next three years, thirty-six states will shift their bar examinations to the National Conference of Bar Examiner's NextGen bar exam. Fourteen states—including Nevada—will not. Because the NCBE will concurrently wind down its Multistate Bar Exam (MBE), on which Nevada has long relied, Nevada has decided to shift to a new Nevada Comprehensive Licensing Exam. This exam will consist of a Foundational Law Exam, a Lawyering Performance Test, and a Supervised Practice requirement.

The bar exam tests professional competence, and such competence requires foundational knowledge of the law. The new Nevada exam is innovative. It adds a supervised practice component and permits applicants to take the multiple-choice part of the exam midway through law school. But, in terms of testing applicants' foundational knowledge of the law, the Nevada and NextGen exams are substantially similar. Like the MBE, both the Nevada and NextGen exams test applicants' foundational knowledge using multiple-choice questions on the same core legal subjects: civil procedure, constitutional law, contracts, criminal law and procedure, evidence, property, and torts. And, both exams test general law, not the unique law of any specific jurisdiction. Additionally, both NextGen and the Nevada exams include a written performance component, designed to test applicants' ability to sift and analyze given sets of fact and law.

In light of the marked similarities between the Nevada exam and the NextGen exam, the question arises whether the benefits of Nevada developing and maintaining a Nevada-unique bar exam outweigh the risks and drawbacks. If Nevada adopted the NextGen exam, it could still implement the Supervised Practice requirement and add a Nevada-specific Lawyering Performance Test question to the second day of the exam. Other states like New York and Massachusetts already add additional requirements to their bar admissions process, and plan to continue doing so with the NextGen exam. So, the main benefits of the Nevada exam are autonomy and the ability to give the Foundational Law Exam during law school, separate from the rest of the exam.

In my judgment, those benefits do not outweigh the risks and drawbacks. As the disaster that was the February 2025 California bar exam shows, it is a tall order, even for a large state, to develop, vet,

replenish, and securely administer a sound multiple-choice foundational law bar exam. For a state with a small applicant pool like Nevada to do so, year after year, may well prove unsustainable. Since the multiple-choice questions are what test applicants' knowledge of core legal subjects, if those questions fail, the exam fails the public it serves. Moreover, adopting the NextGen exam would facilitate reciprocity between Nevada and the thirty-four states giving the NextGen exam, increasing opportunities for Nevada lawyers and bridging our access-to-justice gap.

For these reasons, I would adopt the NextGen exam, with appropriate Nevada-specific additions, and therefore respectfully dissent.

Pickering, J.
Pickering

cc: Richard Dreitzer, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Richard M. Trachok, II, Chair, Board of Bar Examiners
All District Court Judges
Clark County Bar Association
Douglas County Bar Association
Elko County Bar Association
First Judicial District Bar Association
Washoe County Bar Association
Administrative Office of the Courts