

**PROBATE, TRUSTS AND ESTATES SECTION
E-NEWSLETTER**

May 2024

Upcoming Events and CLE Programs

Probate, Trusts and Estates Section Council Meeting

- Thursday, May 16, 2024, at 3:30 p.m.
- Location: MSBA Office and/or Zoom
- Contact Tram Nguyen (tnguyen@mnbars.org) with questions or to attend the meeting

Greater MN Probate & Trust Study Group Conference Call

- Wednesday, May 15, 2024, at 9:00 a.m.
- Location: Call-in Number: (888) 354-0094; Passcode: 9295091072
- Contact Bradley W. Hanson (bhanson@quinlivan.com) with questions or to join the group

CLEs

- HCBA, May 16, 2024: [Estate Planning Basics – Top Ten Things to Know About Estate Planning](#)
 - Minnesota CLE, June 10-11, 2024: [2024 Probate and Trust Law Section Conference \(Live In Person\)](#)
 - Minnesota CLE, June 24-25, 2024: [2024 MSBA Convention \(Live in Person\)](#)
 - Minnesota CLE, June 27-28, 2024: [2024 Probate and Trust Law Section Conference \(Online Replay\)](#)
 - Minnesota CLE, July 23-24, 2024: [2024 MSBA Convention \(Online Replay\)](#)
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The NextGen Bar Exam: Pros and Cons of No Longer Testing Trusts and Estates

By: [Andy Gregory](#) of Andy Gregory Law, PLLC

The law is constantly evolving. Many have asked why the bar exam, the door to a legal career, hasn't evolved. For some states, including Minnesota, the NextGen Bar Exam may represent that evolution. By [Order](#) filed on March 12, 2024, the Minnesota Supreme Court accepted the Board of Law Examiners' recommendation to adopt the NextGen Bar Exam. Set to debut in 2026, the NextGen Bar Exam has been a topic of discussion for years and, more recently, has been the subject of intense scrutiny and debate. One area of debate has been the elimination of certain topics from the exam, including trusts and estates law. Let's compare some of the pros and cons of this significant change.

Pros

Focus on Core Legal Competencies. The goal of the NextGen Bar Exam is to have more focused attention on what have traditionally been considered the core legal competencies, constitutional

law, criminal law, and civil procedure. If candidates can spend more time on these subjects, they will (theoretically) be able to master the essential legal principles. The elimination of trusts and estates from the NextGen Bar Exam reflects this goal.

Adaptation to Evolving Legal Practice. The law is constantly changing and evolving, and new areas of law are sprouting up every day. Yet, Minnesota's bar exam, like many other states' bar exams, has been in place for over one hundred years. By allowing the bar exam to evolve, courts and other regulatory bodies can feel confident that aspiring lawyers are well-trained to address modern legal challenges because the new exam is aligned with the practical skills and knowledge required in today's legal practice.

Reduced Exam Burden. Our practice area, trusts and estates law, is complex, nuanced, and challenging for aspiring lawyers. The NextGen Bar Exam has tried to relieve the burden imposed by testing on this topic (and others), allowing bar exam takers to focus on other critical areas without losing their depth of understanding.

Cons

The Loss of Vital Legal Knowledge. Trusts and estates law traditionally has been a fundamental aspect of legal practice. Many practitioners either specialize in trusts and estates law or include it among the services they offer their clients. Eliminating this topic will likely lead to gaps in future lawyers' understanding of these topics, in some cases affecting their ability to provide comprehensive service to their clients.

Impact on Specialized Practice Areas. The absence of this topic on the NextGen Bar Exam may, and likely will, lead to aspiring lawyers, and even law schools, not placing as much emphasis on this practice area. This could lead to a lowered perception of trusts and estates law and a lack of up-and-coming lawyers to fill the gaps likely to be seen within the practice area. It is not surprising that this is something about which many trusts and estates lawyers are apprehensive.

Possible Disadvantage for Candidates. Many candidates went to law school to focus on trusts and estates law. The elimination of the topic will disadvantage them. The candidate focused on trusts and estates classes in law school will not be able to use this knowledge for the bar exam. This could cause law students to alter their plans for career specialization outside of the topics that will be tested and may produce exam results that do not accurately reflect the diversity of candidates' skill sets.

Conclusion

The NextGen Bar Exam will allow a more focused approach for exam takers, but it also raises concerns about the future breadth of legal knowledge and the potential impact on our practice area. The Probate, Trusts & Estates Law Section Council is seeking input on this issue. Please reach out to [Tram Nguyen](#) with your comments.

PracticeLaw and MNdocs Updates

The MSBA Law Practice Technology department is working to update all of the documents in PracticeLaw and MNdocs, starting with the probate forms. The MSBA is seeking volunteers willing to collaborate on this project by reviewing existing documents, providing insights on necessary updates or changes, and suggesting additional documents to be added. Please reach out to jcarter@mnbars.org for more information or to get involved.

Visit www.mnbar.org/members/sections/probate-and-trust-law-section or contact Tram Nguyen at tnguyen@mnbars.org for more information.

Call for Submissions

We are always looking for attorneys to write brief articles for this newsletter on any issues relevant to the Section. This newsletter is distributed to the Probate, Trusts and Estates Section membership, which consists of approximately 1,074 practitioners. Writing for the newsletter is a great way to share your knowledge and expertise with your colleagues. Click [here](#) for examples of articles published in prior e-newsletters.

If you are interested in submitting an article, please contact Kiley Henry (henry.kiley@dorsey.com), Jenny Colich (colich.jennifer@dorsey.com), or Andy Gregory (andy@andygregorylaw.com).

Best Regards,
Kiley Henry, Jenny Colich & Andy Gregory
Probate, Trusts and Estates Newsletter Editors

To access the Probate, Trusts and Estates Section Website, click [here](#).

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