

Advice for Repeat Bar Takers

What advice would you give to a student that just found out s/he didn't pass the bar? Any study tips? Words of encouragement? Or other advice you'd give?

My advice for Bar takers may sound superficial, but it worked for me, and has worked for others I know:

1. Get a good nights rest the night before realize that there really is nothing more you can cram in if you've been conscientious
2. Remember that each question on the exam is easier than any question you would have had for an exam in that class, the challenge is that the bar covers so many topics, it isn't so much that each question itself is difficult.
3. Always remember it is a partial credit exam go for the partial credit and worry about perfection another day
4. SHOWER and dress nicely and professionally!!! Women put on makeup! Get to the exam location in an unrushed manner and make sure that your pens/pencils are working before you get there! Why does it matter you ask? When you sit down at the exam, and before it starts so there is no cheating concern, look around you. You will see people exhausted, stressed, haven't showered, dressed in cruddy clothes. Then say to yourself the magic words: "if 2/3 of these shlubs (aka, bums, people, etc) can pass I can too." Breathe, relax while everyone else is getting settled. Now this works another way as well: when you go in dressed nicely, and relaxed the people around you will feel that you know something they don't, and they may be intimidated by your clean, dressed presentation, . so it helps to psych out the competition, and may be particularly helpful if you are near the passing borderline.
5. Thinking about this strategy may also put a smile on your face, another contribution to the psych out.

I know it sounds simplistic. Others will provide valuable study tips. But everyone I have given this advice to has passed (myself included)

Susan

Susan Zinder, New York

Jeena:

This may seem hard and cold, but this is the advice I would give a friend.

The odds are now strongly against you. It is up to you to do the intense scrutiny to discover why you didn't pass and do the hard work to overcome the odds. Give particular attention to your bar prep time and attention. In my opinion this is the most common and the most easily cured reason.

If you are not motivated to do this, do not reapply.

Best wishes,

J. Bart Countess, Florida

I don't know, it depends on why they didn't pass it.

Some of it is knowledge, or lack of it; studying will help with that. Some of it, though, is test taking.

Very generally, on the multistate multiple choice section:

Set a time limit for each question; don't not finish the exam.

Guessing amongst all possible answers won't help you but won't hurt you; but you can nearly always eliminate at least one, possibly two answers and guess amongst the remaining ones.

Each question counts the same; don't spend massive amounts of time stuck on one or a few questions; if you're stuck, pick an answer and move on.

Answers that involve the phrases always, and never, are almost certainly wrong.

If one answer contains a phrase such as "if the party can prove the elements of the case" that's the RIGHT answer.

Don't overanalyze; don't assume facts that aren't stated or at least reasonably implied, with a very strict definition of 'reasonably implied'.

On the written, essay portion; pretty much like you'd do a law school exam; to wit:

Don't not finish the exam; set a time limit for each question proportional to it's worth; once you hit the time limit move on to the next question, if you finish another section early, go back and work on the one you dropped.

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Each question has multiple issues; some may be major issues, some may be minor issues; it's very unlikely anyone has the time to spot and address every single issue throughout the exam; hit the major issues as best you can, if time permits then go back and hit the minor issues you see; don't obsess and write paragraphs on one issue. The examiners are looking for certain buzzwords; a one or two sentence explanation that contains those words is likely to be scored identically to a 2 page explanation that contains those buzzwords.

Law school exams (and bar essay exams) are analogous to a pinball machine, not a baseball game; no one hits a 'home run' on one or two or even a few issues; it's how many times you hit issues that matter; repeatedly scoring a few points each time will add up to a passing score. A few 'perfect' issues aren't going to get you to pass unless you do a LOT of them.

But the best advice I know for essay exams in law school and bar exams is this: you know IRAC. Irac is fine; but the best way to maximize your points in a law school exam and bar essay exam is to incorporate the word "Because" into each and every sentence you write. This will force you to fully 'explain' and avoid 'conclusory' writing. Every. Single. Sentence. Should. Have. BECAUSE. In. It.

Thus:

Defendant is liable for battery because defendant deliberately threw the ping pong ball. Even though Defendant threw the ball intending to hit Big Bob, and missed, Defendant is still liable for battery because he hit Eddie Eggshell. When a defendant intends a particular act but the results are not what the defendant intended the defendant is still liable for the act because the test is not whether the defendant intended the result but whether the defendant intended the act. In this case Defendant was not aiming the ping pong ball at Eddie Eggshell but because D intended to throw the ball and missed the intended victim, hitting a unintended bystander, Defendant is liable for the brains spilling out of Eddie Eggshells skull and all damages subsequent.

You get the idea; it's not elegant, but it will maximize your points; BECAUSE forces you to explain.

Ron Jones, Florida

Most bar exams will give you detailed information if you fair regarding what you got wrong and what you didn't. It's very important to analyze the results of the first test, not just to identify subject areas where you didn't do well, but also to identify whether your approach to certain parts of the exam needs to be revisited.

For example, my ex-father-in-law (who was, at the time, a government professor at a local university) failed the Virginia bar twice. Both times he had a lot of difficulty with the MBE portion, not because he didn't know the law, but because he overanalyzed all the questions, which made him take too much time, and which also led him to pick wrong answers because he was convinced that many of the questions were "trick" questions.

Kevin W. Grierson, Virginia

Consider taking the bar prep course again to get test-taking practice.

If the problem is assimilation, there's a good chance that all s/he has to do is keep studying. The stories I could tell.

When I got to the morning session on the first day, I started skipping questions because they didn't register with me. Knowing I was in trouble, I started re-reading each question. For some reason, on the second read, the object of the question seemed to jump out at me. Thankfully I passed.

A classmate failed by one point. He asked me what answer I wrote to one of the essay questions. (We covered the exact case in the state question in our Appellate Advocacy class.) When I told him what I wrote, which is the same thing every other person in our class wrote, he said, "That's wrong." It turns out the grader had the wrong answer. When he took it again, he passed.

Mike Phillips, North Carolina

I might be the worst person to take advice from, since I only intensely studied for the California bar the last 2.5 weeks, and while people were counting the number of MBE questions they took in the thousands, I think I got up to 300 or 400 total (I'm a notoriously good test taker ... with a terrible study ethic).

That said, there was a lot of bad advice flying around the study groups when I took the bar (2002). There is only so much you can and should know. Sage advice from a guy who everyone thought was an airhead (he talked

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really slow, looked like he surfed and smoked bowls all day long) who made law review. Forget the footnotes and the esoteric stuff. Know the basics like the back of your hand. That is all you need. After taking his advice I proceeded nail every class in law school my last two years, and I carried that advice into the Bar.

You make an outline of each subject, of just the core basics. Forget the obscure stuff. What are the chances that will show up on the test in large amounts?

After bar prep ended, some test takers were studying one subject a day, making for a 12 day rotation (or was it 16? Whatever the number is). I said forget that, after day 5 I'll forget what I studied on day 1, never mind day 13. So I studied 4 subjects a day, rotating every 3 days so it was fresh when I looked at it again. The last few days it was every subject for an hour.

I think my limited studying helped me. I didn't get bogged down by 4,000 multiple choice questions and every obscure rule in the book. I studied the basics and that was it.

I thought the bar was easy.

Joseph D. Dang, California

I am of the mind that the reason many second-time exam takers do not pass is PSYCHOLOGICAL. If you got through an accredited law school, the bar exam is just one final hurdle. Be encouraging and tell your friend there is no secret to passing. Just do the work and be confident.

Maxine Broderick, New York

Which state? California is tougher than most. Florida definitely easier.

My pieces of advice:

1. I found that most people who failed essays did not evenly split of time on each essay. For example, 1.5 hours on question one; 1.25 on two and 0.25 on three. You can't make up points on one and two for time you lose on three. Turn the page and move to next question at the top of each hour.
2. Don't look ahead at subject areas for questions 2 and 3. You may freak yourself out. Take it one question at a time. Don't read question 2 until the end of hour 1.
3. Don't go for gold. The essays most marked up are those that look way different than the rest. That includes the really bad ones with insufficient information, and the really good ones with too much

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information. Stay with the herd in the middle. Give a good solid answer, but don't go for A+ and don't go for F.
Nick Ortiz, Florida

Yes, not getting psyched out is important--pretty much anybody can fail on a given day, so it doesn't mean you're unworthy or unable to pass. Supreme Court Justice Lewis Powell came to my law school while I was a third year and informed us that he had failed the Virginia bar the first time he took it, and "things turned out OK."

Kevin W. Grierson

I thought Susan's advice was good. I think a lot of the people who don't pass do so because they assume the test is harder than it is and psyche themselves out. In my experience, the bar exam is not a good filter of who will or will not become a good lawyer. The student should definitely take the test again.

Some applicants spend too much time studying the material they already know. It is best to concentrate on studying what you don't know, or at least don't know well. The best way to find what you truly don't know is to take lots of practice tests. When I was studying for the bar, I was finally able to learn the nuances of the rule against perpetuities and also figured out that my (crappy) evidence professor erroneously taught us that the fact that a person is running away from the scene of a crime is inadmissible (her "reasoning" apparently was that some people are afraid of being wrongly convicted of a crime so even innocent people have a legitimate reason to run from the police).

Also, try not to freak out when something unexpected happens and keep in mind that everyone feels disconcerted when presented with a difficult question. The last essay question on the Oregon State Bar exam in 1987 was a commercial paper issue that involved warranties between intermediary banks. The Oregon State Bar had not had a commercial paper question in years and I could barely remember what an intermediary bank was. However, I figured that none of the other applicants would know either so I didn't get too stressed out. I wrote down what I knew in two sentences and turned in the exam twenty minutes early.

Bert Krages, Oregon

A law school colleague was able to spend some time with the chairman of the bar questions committee. He graciously gave of his time to meet with her, go over each and every essay answer, and discuss how she could have done better. It turns out she had all the right information down, but did not state it properly. She passed the next time.

William B. Richards

I thought it was straightforward myself. I won't say easy, but very straightforward. And I do agree, people spend too much time on the details; they spent too much time on the details in law school; I knew people with 60 page outlines to study from. I always did best when I had a short outline; I never had longer than about 17, 18 pages and ideally boiled it down to about 8 or 9 pages; you know the basics, that's all you need to get a passing, even good, score. I'd rather know the basics cold than have a half assed grasp of everything.

If you got thru an accredited law school, you already know most of the stuff; the bar prep stuff isn't to teach you the law, it's to bring you up to speed on stuff you might not have looked at for a while; and maybe fill in a few gaps.

You're going to get some questions wrong; that's fine; you don't need the high score; you just need an adequate score; you don't need to wind up on top, or even the middle so much; just somewhat higher than the poor slob at or near the bottom.

Ron Jones

My own bar exam taking experience (I sat for three bars) supports Michael's position that the number one problem is nerves and your friend should try to control the nerves in round two.

The first bar I sat for was Ohio the summer after I graduated from law school. I took the prep courses and studied. I was nervous and took every second of the allotted time to complete all sections of the exam. Then, in February after I graduated from law school, the next time the bar was offered, I took the Pennsylvania bar. I did not take the prep course and haphazardly studied in the evenings while working during the day. I finished every section of the exam about 20-30 minutes before everyone else in the room and ultimately passed. In assessing my different experiences, I concluded that when I sat for bar two, I was so much more relaxed than I was for bar number one and therefore I was able to quickly, with a clear mind move through the questions. Without the haze of stress, the test was not so intimidating.

So, my advice is chill out if they can and, of course study.

Margaret M. Cassidy, Washington, D.C.

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The friend should make all effort to review the exam. Years ago the bar review companies would send someone with a person to review the exam. The state bars may have changed rules, but worth looking into.

Appealing the grade if the friend missed by one or two points should be explored.

Do not give up, we all have bad days.

Regards,

Richard P. Schmitt, Maryland

I think the #1 cause for bar exam failure is nerves. #2 is probably lack of a good test-taking technique.

I studied diligently but didn't work myself up into a frenzy about it, as I've seen some people do. I took the week off before the bar exam to clear my head. When I got into the room, I went down the question booklet and answered the ones I knew confidently off the top of my head. Next to the hard questions, I put a check. Next to the impossible questions, I put two checks. Once I got to the end of the multiple choice section, I went back and focused primarily on the single check questions. Any time remaining went to the two-check questions.

Someone once told me that 25% of the bar exam questions are too easy to get wrong, 25% are tremendously hard, and 50% fall somewhere in between. You need to go for what you can reasonably get. I followed this advice and passed with a very comfortable margin. In fact, I ended up walking out of the bar exam thinking that it was pretty easy.

I strongly recommend relaxing in the last week before the bar exam. You will not learn anything new and a string of desperate all-nighters will only add to the stress of the exam.

Michael Jack Kaczynski, Connecticut

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I was in a difficult situation when I had to take the exam (for the second time). Death in the family, close friend diagnosed with cancer in its final stage, moving back to LA, and running a family business.

I knew that I did not have all the time in the world to study, nor did I have the drive I normally have because I was physically and emotionally drained. In my head, the only way that I would pass would be to play to my strengths and relax. That is it.

I knew that I could rock MBEs, and do pretty well on the performance tests.

I also knew that the MBEs covered six major subjects which I had to know very well. So I studied outlines for the six MBE subjects much more than I did other subjects, did about 100 MBEs each day, and did about 8 performance tests.

I am not saying that this is foolproof obviously. But it helped me feel confident that what I knew, I knew well.

Hope this helps!!

Sahar Malek

There were a number of good comments earlier in the thread about doing a post-mortem AFTER the exam results come out to determine where you came up short.

I have taken quite a few bar exams, as was noted a few weeks ago. Twice I was not successful. One of those was simply a failure to study enough on local law of that particular jurisdiction, which resulted in failing by half a point. The second time around with more than a week of studying was successful.

The other instance was due to a failure to properly allocate time to provide an adequate answer for all questions. The second time around, I did allocate my time better and I passed. What I mean by time allocation is that you need to look at the number of the questions in that exam session, look at the "call" of the questions and then allocate the time remaining to give yourself sufficient time to answer. I always outline my essays before writing, because that helps me to organize. Make sure you are responding with what the question seeks, the "call", examiners are not looking for red herrings in order to award points. Law school profs may choose to reward for shotgunning every possible issue. Toto, you are not in law school any more. Attorney graders have a check list given to them of what you need to hit. Don't waste their grading time and patience on trivial issues that are unlikely to be on their grading checklist.

Other things I have learned:

1. Allocate your study time in the weeks before the exam, so you can have time to focus on weaknesses.

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2. Study techniques are a bit YMMV, but when I had to take an exam that was really different than what I had experienced in the past, I had did my own outline of the material that I used for the last few weeks of study. For me, maybe not for other examinees, my retention of the material goes up if I go through the process of doing a summary outline. Perhaps it is the way that I am hard wired.
3. In some states it is highly worthwhile to review old essay exams and model answers. In at least one state, the examiners regularly recycle questions over a period of years, with minor tweaks. Besides the obvious benefit of seeing the question and a suggested answer, review of prior exams can give you an idea of how the examiners approach the questions.
4. Particularly on the multi-state, read the question carefully. There is a trend that I have noted in the multi-state, a tendency to ask some questions which call for the OPPOSITE of what one would expect from a cursory reading of the question. I have seen questions like "What would be the only basis that the court could have NOT relied upon in reaching this conclusion?" The choices were two that were clearly real potential bases for the conclusion, two "sort of right" conclusions and one that was clearly not the basis for the conclusion. A hurried reading would mean a wrong answer.
5. Again on time allocation, this time on the multi-state. Train yourself to skip to the next question if the answer is not obvious in the first minute. I circle the question in the question book and force myself to skip a set of ovals on the answer sheet. I think the committee that formulates the multi-state deliberately chooses questions to bog down examinees. Don't fall for the trap. It is better to get to the end with only four or five unanswered questions and then spend some time on these few unanswered questions than to let yourself waste time and then either miss entire sets or be forced to answer remaining questions in a hurried manner.
6. On the practical skills / performance tests, look carefully at the intended audience for your memo, or interrogatories or opinion letter. The target audience is one factor that the examiners take into account in evaluating these "practical skills" answers. A memo to a partner needs to consider pros and cons and alert the partner to potential attacks, weaknesses and responses. While one must not mislead a judge, a legal memo to a judge takes another approach. Still different is the approach you would take in a letter to a client about an issue. The examiners are evaluating your practical skills, one such skill is to communicate in a manner appropriate for the intended audience.

During the examination process, DO NOT succumb to the temptation to participate in the post-game chatter about the questions. It will NOT make you feel better. You will have answered some questions in a manner of the outside the general test taker consensus. That is going to happen, get over it. If you sit around and replay the questions with the examinees, it WILL cause you to become distracted. The section you finished is in the can, let it go and go on. In a bar exam I took at the beginning of my career, I saw an examinee almost go into meltdown because this person had decided that the question was in a different area than the subject area that the rest of this person's group of friends had selected. That person was rattled the rest of the exam. I learned the hard way in my second semester of law school to avoid the post-exam show. If someone wants to talk about the exam, beg off, it helps keep you sane during the process. You will have to put losses, busted deals and departed clients behind you in the course of your career a lawyer, you need to start working on that skill during the exam. What's done and turned in is unchangeable. You can only impact what you are doing that moment. Obsessing about earlier session questions will only deprive you of your acumen in the upcoming questions.

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If you want to do some light studying the evenings between exam days do so, but this last bit of studying is unlike to push you over the top. Either you have it down or you don't, but it is unwise to inflict cramming fatigue on your mind during the time periods between exam sessions

Finally, not passing is not the end of the world. Three of the ablest lawyers that I know are repeaters, one is a double repeater. All three have successful careers and are well respected. Expect for those who were their classmates or work mates, no one knows they did not pass the first time unless they choose to reveal it. Just as no one cares that you were Order of the Royal Ribbon, High Priestess of the Silver Chair Review in law school when you are five or ten or thirty years out in your career, NO ONE WILL CARE that you were a repeater. Lightning strikes, both in the outdoors and on the bar exam.

Craig A. Stokes, Florida-Texas

Appealing may work, but I believe that at least in Florida, appealing a score isn't optional. It seems to me that the bar exam requires really, really intense focus. We all have distractions, but basically locking oneself away from the rest of the world for a solid two to three week period of intense study with NO breaks, NO distractions, where one does only basic hygiene and nourishment and repetitious review of courses, practice exam, auditory review of why particular answers are right or wrong (not just skimming through right answers) will lead to passing scores - eventually. Most everyone I know who didn't pass on the first go round permitted themselves to be distracted by family, work, or something else. The exam is too time consuming and expensive not to devote two or three weeks to doing absolutely nothing else but devoting oneself to thinking of nothing other than the law. Tedious, monotonous, but necessary. If one thinks that they can prepare meals for a family, take care of children or other adults, work, etc., then they are probably mistaken. And it doesn't matter if you fail by a point or 20 points. You still have to take the darn thing again and wait months for the results! Much more painful than intensely and selfishly (if indeed, it is selfish) devoting oneself to mastering sufficient information and time management to get through the ordeal.

My less than 2 cents.

Vicki Levy Eskin, Florida

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I think it was Coach Garrett (Jason's father) who once said 90% of player problems were half mental. Or was that Yogi Berra. Anyway, relax. You need to get a D not an A. So follow the instructions. put the answers where they are supposed to be. I know I got a few points on the practice part for putting the right name for the letter's signature. That one point scaled and adjusted was probably 4 to 5 points of the 261 I needed to pass. It helps I was trained to take standardized tests since High school.

Remember both Ken Jennings and even Watson got things wrong playing Jeopardy!

John Davidson, Pennsylvania

To Add to Craig's thread

When I took the Missouri bar back in 2006, one of the essay questions was one of the questions I had studied from a previous exam, word for word. That made me feel so good knowing that not only did I have a good answer, but I had a model answer I could basically spit back out to them.

Also, it is important to understand that you can completely bomb an essay and still pass your bar exam, and not just barely pass but pass soundly. I still have nightmares about the commercial paper question from the bar exam (which I believe I scored an absolutely appealing 2 or 3 points on). You just have to put it behind you and keep going.

I can't say much for study habits, except to use what works best for you. I studied for multiple choice questions poolside while my kids (who were still very young at the time) played in the pool every afternoon for about 3 weeks. I wrote 1-2 essay questions a night after they went to bed. I knew that taking a prep course would not do me any good because I don't retain information best via lecture. I retain best via reading and then using the information.

The worst thing about the bar exam were the hand cramps from all the writing.

Erin M. Schmidt, Ohio

I am a horrible, horrible test taker, particularly MC. I don't think I ever scored above the mean on any mc test, except the multistate ethics exam (due to my sister's advice: Don't pick what YOU think is ethical, pick the slightly more sleazy option, but not the second most sleazy option.) My struggles with standardized tests were the stuff of amazement and legend beginning in elementary school.

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I got 9s and 10s on essays each time I took the bar. For me, the clincher was PMBR, because it just drills those mc questions. I had a good friend who just could not do the essays, but scored astronomically well on mc; for her, Bar Bri was the answer.

Know your weakness and address it.

The second thing is, yes, mental. Each time I started the MBE, I would become lightheaded. It was ridiculous. Finally I realized that I was at least as smart as 70 percent of the people in the room, so I could do it. Exam anxiety is a real thing, though. It was a physical reaction. If this is your friend's problem, there are counselors who can help with breathing exercises, etc. (I tried to put it in context by thinking about "Saving Private Ryan." NORMANDY was a bad day. I was merely sitting in a room with a few hundred other people, a cup of coffee and a bunch of paper. It sounds glib, but it helped ... enough.)

If he or she got this far, they have read enough law and know enough law. When panic sets in, trust instincts and, if necessary, Make Shit Up. Chances are it will be right, or right enough.

Lastly, if essays are the problem, be sure to give every necessary part of the answer, including a conclusion. Even a wrong conclusion gets half a point or so for being there.

Your friend can do this. It's just a matter of knowing where things went wrong, changing those things, and - smarmy as it sounds - believing in himself or herself.

Lisa Babcock, Michigan

This is probably my all-time favorite topic. Many times, I've considered opening a bar prep course for repeat takers. I've worked informally with quite a few repeaters. Here's a summary of what I tell them.

First, study like you are taking the exam. Wake up early, study from 9 a.m. to 12:30, take an hour for lunch and study from 1:30 to 4:30. You can study other times, but never do anything but study during those hours. Your body will get used to performing on that schedule. Avoid caffeine. You won't have caffeine during the test, so don't drink it while you're studying. Get at least eight hours of sleep every night.

When studying a rule, ask yourself what facts would best test the rule. Try to cut the facts as closely as possible. For example, when learning whether

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a person has a legal duty for negligence purposes, you should be conjuring up a fill-in babysitter working for free versus a stranger watching a kid briefly while mom runs to the bathroom. Or, whatever. The point is to train your brain to spot the issue in the facts. This method works better than any other I've seen.

Develop an approach for writing common legal arguments. For example, how would you phrase your analysis for a single-element strict liability issue? How about a three-prong test? A multi-prong facts and circumstances test? How would those change if all of the elements were present versus having one element missing? For example, you should have something like "While Bob will likely be able to demonstrate X and Y, he will not likely prevail because Z. Demonstrating BLAH requires that a plaintiff establish by a preponderance of the evidence that X, Y and Z...."

The Bar Exam is not a creative writing test. Find a formula you are comfortable and stick with it.

You can make a LOT of mistakes. In California, for example, you need a score of 1440 out of 2000. You can literally lose 560 points and still pass. You could take an entire AFTERNOON off and still pass. There is no single mistake that will kill you. Like an NFL cornerback, you need to have a short memory. If you forget a rule or miss something, forget about it and move on. It's just part of your generous allotment of mistakes. People stress themselves out believing that they can't make any mistakes. They get into a panic thinking they're failing. That interferes with their performance and becomes a self-fulfilling prophecy.

Study relevance. I'm convinced that the ENTIRE essay portion is a test of the relevance rule, applied to the various subjects. What you write about each fact is how you would respond to a relevance objection to the admission of that fact.

The multiple choice questions are not as hard as people tell you. People lie. I once led a group of students through 100 actual MBE questions. We processed each question as a group. Each time we arrived at the answer, I asked what rule a person needed to know in order to get it right. There were NO difficult rules on the test. Think about it. You take 34 weeks of each subject on the MBE. They can ask 33-34 questions about those subjects. That's one question per week. They don't have time to test the crazy stuff. It's all they can do to test you on one big thing per week.

Most people miss MBE questions because of bad logic, not bad law. Study the real MBE questions. Standardized tests require a certain type of logic to make them work:

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A: Correct Answer

B: Almost Correct Answer (Should trap those moderately familiar with the subject)

C: Intelligent Guess (Should trap those with a passing familiarity with the subject)

D: Random Guess (Only an idiot would choose this one)

They MUST use that approach for the answers. It's the only way they can determine how difficult the questions are. First, there will be a certain number of people who guess randomly. Generally, each answer should receive the same number of random guesses. So, if D gets 4% of the answers, then that same 4% would have guessed at the other three. Subtracting random guessers and then comparing the ratios of A:B and B:C, they can determine the true difficulty of the question for the test takers. They can compare those ratios to similar questions in the past and determine how smart of a batch they have each time.

They must do that. But, none of the bar review companies model that reality in their prep materials. They often put one A and three B's. Or, worse, they test on obscure rules that would never make it onto the MBE.

I've heard many people say that the MBE includes 100 medium questions, 50 hard questions and 50 very hard questions. (Or, a variation on that theme.) Those people are wrong. It's not even debatable. The NCBE publishes statistics. Out of 200 questions on the exam the difference between the hardest and easiest questions is less than two percent. I don't have the numbers in front of me, but it's something like the hardest question had 64.3% answer correctly and the easiest question had 65.1% answer correctly. There are NO questions that stand out as easy or hard. It's a myth. It's a persistent and harmful myth, because it encourages people to second-guess their judgment in answering questions.

I could take an MBE right now and get 95% or more correct. It's not because I'm a super-genius. It's because the test is formulaic and not nearly as difficult as people want you to believe. The actual difficulty comes from the PERCEPTION of difficulty.

Practice writing. If I had my 'druthers, I'd have something study 20% of the time and write 80% of the time. You already learned the rules once. You get better by practicing.

And, lastly, to address the single most common, pain-inducing comment I hear from repeaters... "I'll study harder this time." My response deserves all caps...

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YOU FAILED BECAUSE YOU LACK SOME TEST-TAKING SKILL, NOT BECAUSE YOU DIDN'T STUDY HARD. THERE ARE VERY FEW EXCEPTIONS TO THIS RULE. IF YOU SUCK AT GOLF, YOU DON'T IMPROVE YOUR PERFORMANCE BY SWINGING HARDER. YOU IMPROVE IT BY HONING YOUR SKILLS. THE SAME THING APPLIES TO THE BAR EXAM.

Cheers,
David Allen Hiersekorn, California

I did not study for my last bar exam (New York), but I did study for my first bar exam (Florida). I think what other people have said is correct, eat, sleep and most importantly, be at peace with yourself.

Michael A. Huerta

I don't want to repeat what's been emphasized over and over in here...BUT....but I cannot stress enough about:

- (1) Obtaining MBE questions in study guides or something like BarBriMicroMash and doing a gazillion of them! Do these under timed practices..you WILL eventually get a good pace so that you do each MBE question in about 1.8 minutes. You will see the same patterns over and over emerging in all the questions depending on the topics! Same stuff...just different names in the hypos, etc.
- (2) Con Law questions focus what test/standard/scrutiny a court will use...generally not what IS the absolute answer!
- (3) Learn to do quick little diagrams for Real Property to show how title is passed from one slob to the next, what recording statute is in place, and if there was notice (aka "no notice") and consideration
- (4) Don't study in a group!
- (5) Treat studying for the Bar like a job! I worked part time weekdays, came home at noon, ate lunch while watching TV, and then buckled down for 8 hours (one small break in between).
- (6) On essays, only answer what's asked and support your answer.
- (7) Do not talk about the exam with others at the end of each exam day unless you feel it's absolutely vital. You will go CRAZY when speaking to your peers about how they put different answers in their essays!
- (8) At the end of each exam day, eat but not too heavy, relax a little but study again for the next day. Not going out boozing with peers.
- (9) If questions give you a statute then apply the law of the statute they provide even if it sounds weird.
- (10) Don't use 100 page outlines...use BarBri outlines or equiv.

Good Luck!!
Ronald Flores

SoloSez Popular Threads, April 2013

Thanks to everyone that responded both on and off the list. So many useful suggestions and tips. Thanks again!

Jeena Cho, California
