

# ***HOW TO PASS THE BAR EXAMINATION***

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## **LEARNING THE BLACK LETTER LAW**

Almost every recent graduate takes a "full service" bar review course, and Bar/Bri has the biggest market share. The black letter law lectures are, by and large, outstanding. It's amazing how much information can be communicated in just a few hours. Many bar applicants come away from the bar review course wishing they had attended the lectures before starting law school.

Many bar applicants are overwhelmed by the amount of material they are responsible for. It's impossible to know every detail. Preparing for the bar exam is a more practical and more compact exercise than law school, and it can be intellectually satisfying. The good news is that it is possible to become sufficiently knowledgeable and skillful to pass the bar exam with the right kind of effort.

It is appropriate, but not essential, to review the black letter law on each subject before attending the bar review lecture. Most students rely on the Mini Review outline and their lecture notes as "primary authority" on a subject and use bigger outlines for reference.

## **THE MOST COMMON MISTAKE IS TO STUDY TOO MUCH AND NOT PRACTICE ENOUGH**

Every bar exam expert agrees that practice is central to passing the bar exam. Many unsuccessful candidates fail the bar exam because they feel they don't know the law well enough to begin practice. The best way to learn the black letter law is to do a couple thousand MBE questions and to outline and write a few dozen essays and performance examinations. [Pass The Bar.Com](#) presents [useful materials](#) on the Multistate Bar Exam.

The Multistate Bar Examination is a 200 question multiple-choice test that is part of the bar exam in virtually every jurisdiction. The subjects on this part of the exam are torts, contracts, property, criminal law and procedure, constitutional law and evidence. The MBE tests knowledge of legal fine points and reading skills. The most practical and effective way to learn these fine points is to do a lot of practice questions, and to make flash cards or outline annotations out of the questions a student gets wrong.

## **BAR EXAMINATION ESSAY WRITING**

The majority of students who fail the bar exam across the United States do so because of the written sections. Bar exam essays test a student's ability to spot issues and analyze facts. This is hard to do, particularly under timed conditions. Successful bar applicants are better at outlining than unsuccessful ones. Outlining is a skill that cannot be developed without practice, but it is not difficult to sharpen these skills. Bar exam essays often follow predictable, standard formats, and it is relatively easy to become familiar with these formats.

Factual analysis on the essays is the most difficult task on any bar exam. Students tend to rely on boilerplate recitation of elaborate law rules, at the expense of doing good analysis. Although the bar reviews do a good job teaching the law, they tend to reinforce the myth that the bar examiners are not going to respect essays that don't have all the black letter law spelled out in hornbook detail.

A candidate will display a better understanding of the material if the emphasis is placed on analysis. Black letter law knowledge can be displayed at the outlining stage. For example, if a negligence essay is split up into sections labeled "duty, breach, causation and damages," it isn't too important to include a long definition of negligence. Certainly, the answer with better analysis will get a higher score than the answer with better definitions.

Pass The Bar.Com presents extensive [information](#) and [programs](#) on essay writing.

## **THE PERFORMANCE EXAMINATION**

Many jurisdictions have a new variation for part of the written section of the bar examination, a "practical essay" examination called the Performance Test. This is a self-contained exercise in which the student has to read a memo from a law partner and then follow instructions. There is a hypothetical legal file and a library of law. The task is to connect the key facts from the file to the elements of law presented in the library, in a way that is responsive to the instructions.

Although the performance test is intimidating to many candidates, the basic writing skills are similar to those required on standard essays. Issue spotting, outlining and analysis are central. Students will not develop these skills by studying outlines! Successful candidates practice.

## **TOWARD A SENSIBLE SCHEDULE**

Let's split the summer preparation period into four quarters, and have a look at what successful applicants tend to be doing during each quarter:

1st Quarter: bar lectures, black letter law study, practice MBE questions

2nd and 3rd Quarters: bar lectures, practice essays, MBE questions and performance tests, refine black letter law knowledge

4th Quarter: memorize the law; outline essays and performance tests; refine MBE techniques.

## **PHYSICAL AND EMOTIONAL BALANCE**

Law knowledge and test taking technique are not the only keys to success on the bar examination. Many knowledgeable and skillful applicants fail the bar examination because they are simply too physically and emotionally exhausted to perform at their best for two or three days in a row at the end of July.

Sports psychology teaches us that the mind-body connection can be a key to peak performance. Many bar applicants work too hard during their preparation period. They study too much, eat poorly, and don't exercise enough. Many successful bar applicants are healthier on the first day of the exam than they were on the day after their law school graduation.

It makes sense to strive for physical and emotional balance during the bar exam summer. Take time to have fun and relax now and then – it's worth points on the bar exam!

Passing the bar exam is one of the most enjoyable and satisfying experiences in the life of a young lawyer. The bar examination is practical, not academic. It's a pass / fail test. Successful candidates treat the process -- and themselves -- with respect.

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