The Bar Exam
Goals for this Session

• Provide some basic information regarding the bar exam

• Provide you with additional information regarding upcoming programming
Work
The
Plan
Advice from Prior Takers

• “The exam is one part knowledge and one part strategy – staying calm throughout the process is key.”

• “It’s a marathon not a sprint. Keep it steady. Know there will be good day and bad days.”

• “Start early; the sooner you start post-graduation, the less you will have to cram into each day. Do exactly what you are told to do each day in your schedule, and you will be fine. Don’t get behind. Treat it like a job. Allow yourself something fun each week to look forward to – a reward for working that week. It help to keep you motivated and give you a short break.”
Learning for the Bar Exam

• Differs from learning in law school – Much clearer

• 50 – 60 Hours per week

• Most Popular Bar Prep Providers – BarBri, Kaplan and Themis

• Bar exam learning, particularly for the Multistate Examination (MBE), involves mastery of legal rules and principles in particular contexts and formats.

• Course-spotting (not just issue-spotting) is required.

• Uncertainty as to what will be tested.

• Requires both global (“big picture”) and sequential learning (“small details”).
Testing Differences

• Essays are different – shorter in duration (30 or 45 minutes as compared to an hour or more in law school) often with multiple calls.

• Call of the question is also different – In law school, professors often simply ask students to “Discuss.” The call of the question on bar exam essays is generally a complete sentence, directing students to respond in a particular manner.

• The MBE is a 200 question multiple choice exam that requires students to answer questions with four options, often two “yes” responses and two “no” responses.

• The amount of time each essay grader has to read each essay is typically minutes.
MBE?

200 question multiple choice exam administered in all US jurisdictions except Louisiana and Puerto Rico
Sample MBE Question #1

By state law, no movie theater may admit anyone under age 18 to any movie classified as “adult” by the state ratings board. In response to a survey on the effect of adult entertainment on people under age 21, the legislature proposed to amend the statute to prohibit admission of any male under age 20 and any female under age 19 to any theater playing adult-rated movies. A theater owner operates a theater showing only adult-rated movies. Because it is located next to a college campus, he stands to lose nearly half his patronage if this statute is enacted. The theater owner brought an action in federal court to restrain its enactment, arguing that it would amount to unconstitutional sex discrimination.

The court should:

A) Dismiss the action for want of a case or controversy
B) Dismiss the action because it does not present a substantial federal question
C) Abstain from hearing the case, pending an authoritative construction of the proposed statute by a state court.
D) Hear the case on its merits, because the proposed statute would deny males the equal protection of the law.
Sample MBE Question #2

A man and his friend were watching a televised football game at the man’s home. Upset by a penalty called by the referee, the friend threw a bottle of beer at the man’s television, breaking the screen. Enraged, the man picked up a nearby hammer and hit the friend on the head with it. The friend died from the blow.

The crimes below are listed in descending order of seriousness.

In a jurisdiction that follows common law principles, what is the most serious crime of which the man could be properly convicted?

A. Murder
B. Voluntary manslaughter
C. Involuntary manslaughter
D. Assault
MBE

• 200 multiple choice questions, 190 of which are scored. The 10 unscored questions are being evaluated for future use.

• The exam is divided into morning and afternoon testing sessions of three (3) hours each, with 100 questions in each session - Approximately 1.8 minutes per question.

• Nationwide exam – You must know the majority approach on any given topic and ignore the local/state law

• Administered on last Wednesday in July/February
The 190 scored questions on the MBE are distributed as follows:

- 27 Con Law
- 28 Contracts (includes Art. 2)
- 27 Criminal Law/Criminal Procedure
- 27 Evidence
- 27 Real Property (includes Art. 9)
- 27 Torts
- 27 Civil Procedure

In a typical bar review course, you will do over 2,000 practice questions – approximately 34 questions per day – Why 34?
MBE - Scoring

• The score needed to pass the MBE varies according to where you’re taking the exam, because the Bar Examiners of each jurisdiction use the MBE in different ways.

• All questions on the MBE are given the same weight.

• You will receive to scores – A raw score and a scaled scored (scale ranges 10-15 points – The purpose of scaling is to normalize performance across all MBE administrations)

• As a general rule, if you can 130 “raw” questions correct, you should be on track to pass even in a tough jurisdiction

• Answer every question. You will not lose points for wrong answers. Even if you don’t know the answer, you should guess.
MPRE?

Multistate Professional Responsibility Exam – 60 question multiple choice exam required in all but three US jurisdictions (Maryland, Wisconsin, and Puerto Rico)
MPRE

- 60 Questions (50 scored, 10 unscored)

- Two hours (2 minutes per question)

- The purpose of the MPRE is to measure examinee’s knowledge and understanding of established standards related to a lawyer’s professional conduct.

- MPRE scaled score is a standard score. Standard scaled scores range from 50 (low) to 150 (high). The mean scaled score was established at 100.

- 32 out of 50 questions roughly translates to a scaled score of 85
MPRE

• Costs
  • Before regular receipt deadline - $80
  • After the regular receipt deadline but before the late receipt deadline - $160

• 2014 Administrations
  • November 1, 2014 (Deadline – 9/10)
  • March 28, 2015*
  • August 15, 2015*

*Registration opens on December 15, 2014
MPRE

• Each question contained in the MPRE provides a factual situation along with a specific question and four possible answer choices.

• Based on the law governing the conduct of lawyers, including the disciplinary rules of professional conduct currently articulated in the ABA Model Rules of Professional Conduct, the ABA Model Rules of Judicial Conduct and controlling constitutional decisions and generally accepted principles established in leading federal and state cases and in procedural and evidentiary rules.
MPRE - Jurisdictions of Interest

- **Virginia** - Within 2 calendar years prior to or after passing the Virginia Bar Exam
- **New York** - Must take and pass the MPRE within 3 years either before or after passing the New York Bar Examination, measured from the date the applicant sat for each exam.
- **Florida** - MPRE score of 80 (or greater) must be attained within 25 months of passing the other parts of the Florida Bar Examination.
- **North Carolina** – May be taken 2 years before exam or 1 year after.
- **Texas** – No applicant shall be issued a license to practice law in Texas until such person furnishes evidence that (s)he has passed the MPRE with a scaled score of 85
- **California** – Requirement must be satisfied before a motion is made to the California Supreme Court certifying eligibility to practice.
MPRE – Jurisdictions of Interest

• Minimum Score by Jurisdiction:
  • Alabama - 75
  • California – 86
  • Florida – 80
  • Georgia – 75
  • New York – 85
  • North Carolina - 80
  • Pennsylvania – 75
  • Virginia – 85
  • Texas - 85
  • Washington, DC - 75
MPT?

Multistate Performance Test
Basic Overview

• 33 Jurisdictions require performance tests:

MPT – Alabama, Arkansas, Colorado, Delaware, District of Columbia, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Maine, Maryland, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, New York, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Texas, Utah, Vermont, West Virginia and Wisconsin.

Performance Tests – California, Pennsylvania
The MPT

• The MPT materials include a File and a Library, a memo from your supervising attorney, as well as a table of contents.

• The file contains the facts. The library contains the law.

• The specific assignment the examinee is to complete is described in a memorandum from a supervising attorney.

• There is also a table of contents – This will help you quickly determine what materials you have been given.
The MPT

• NCBE offers two 90-minute MPT items per administration – A jurisdiction may select one or both items to include as part of its bar examination

• However, UBE jurisdictions use two MPTs a part of their bar examinations

• “The MPT is designed to test an examinee’s ability to use fundamental lawyering skills in a realistic situation.”

• Each jurisdiction determines its own policy with regard to the relative weight given to the MPT and other scores (Ex: UBE jurisdictions weight the MPT component 20% of overall score. However, Maryland assigns the MPT a weight of 1.5 times as much as a single essay question)
What Should You Be Doing Now?

• Register for a bar review course

• Read your state’s licensing rules

• Plan for your bar review period

  • Assess the degree to which you are at risk for not passing the bar exam
  • Decide what you need to do to pass the bar exam
Your State’s Licensing Requirements

• Spend some time now answering the following questions:

  • State where you want to be licensed?
  • Contact information/web site addressed?
  • Licensing requirements?
  • Bar exam application deadline?
  • Bar exam applicant fees (regular and late)?
  • Dates and location of bar exam?
  • Format of bar exam?
    • Day one?
    • Day two?
    • Day three (if applicable)?
  • Subjects tested on the bar exam?
  • Availability of old exams or released questions?
  • How is exam scored?
Develop Your Plan

• Make sure you have a winning game plan
  • Do a time check – review and plan to minimize your commitments during your bar review period
  • Do a financial check – make sure you have enough money set aside to pay your living expenses during your bar review period
  • Do an academic check
  • Transition your writing skills for bar exam essays
  • If your state has a performance test, familiarize yourself with the types of legal documents you many be required to create and adapt your writing skills for those documents
• Do a stress/attitude check
Character and Fitness

- What does your state require?
  - Past addresses?
  - Fingerprint?
  - Credit report?
  - Employment information?
  - Law school application? School at which you matriculated? All schools to which you applied?
  - Official transcripts?
  - Driving record?
  - Character references?
  - Student loan information?
  - Traffic violations? Speeding tickets? Parking tickets?
  - School-related misconduct?
  - Party to administrative hearing?
What should you have disclosed to the law school?

• “Have you ever been cited, ticketed, taken into custody, arrested or prosecuted for, or charged with, any violation of law other than (a) citations for parking violations and (b) arrests, charges, prosecutions or convictions that have been officially expunged in accordance with applicable statutory provisions?”

• “I understand that I have a continuing duty to inform the Associate Dean for Student Services (during the period between my matriculation and graduation) of any fact, event or circumstance that (a) would require an affirmative answer to any item in Section II of this application or (b) would make any information provided to Washington and Lee in furtherance of my application for admission no longer complete or accurate.”
Finances for the Bar Exam

• Really four months of expenses (your budget should include the month following the bar exam)

• On average, approximately $8,000 to $10,000

• If at all possible, you really do not want to take out a private loan for these expenses

• Best sources of funding – 1) Your existing loans 2) If you have not borrowed up to the total cost of attendance, you may request an additional disbursement before the end of the semester which may then be used to cover your bar exam expenses 3) Institutional/Private Loan

• Working during the bar exam creates a risk factor
How Much Does the Bar Exam Cost?

- Bar Review Course
- Bar Application Fees
- Housing
- Living Expenses
- Bar Exam Costs (Hotel, Transportation, Meals, Etc.)
- Other (Existing debt, relocation costs, etc.)
Washington, DC

• To waive into DC from another jurisdiction, may be eligible for admission without written examination, upon:
  • Proof of admission in another jurisdiction
  • Proof applicant received sealed score of 133 or more on MBE taken as part of and at the same time as essay or other written exam given by other jurisdiction.
  • Proof of MPRE passing score of at least 75
  • Graduate of ABA-approved law school
Virginia Bar

• Deadline for July Exam: May 10, 2015 (Extended to May 11, 2015 due to May 10 falling on a Sunday)

• Passage Rate First-Time Takers (July 2013): 75.06% (approximately 80% for first-time takers)

• Application Fees $775 - $375 plus $400 for Character & Fitness evaluation

  http://www.vbbe.state.va.us/faq/faqfees.html

• Minimum Passing Score: 140 (out of 200 point scale)

• MBE/Written Essay Scoring Breakdown: 40/60
What is Tested?

- Agency
- Conflict of Laws
- Constitutional Law
- Contracts
- Corporations
- Creditor’s Rights
- Criminal Law
- Criminal Procedure
- Domestic Relations
- Equity
- Evidence
- Federal Practice and Procedure
- Local Government Law
- Partnerships
- Personal Property
- Professional Responsibility
- Real Property
- Sales
- Suretyship
- Taxation
- Torts
- Trusts
- Uniform Commercial Code
- Virginia Pleading, Practice and Procedure (in law and equity – including appellate practice)
- Wills & Estate Administration
Most Frequently Tested Subjects in Virginia

- Virginia Civil Procedure (49)
- Wills/Trusts (48)
- Sales (35)
- Criminal Law & Procedure (31)
- Real Property/Suretyship (30)
- Ethics (29)
- Domestic Relations (29)
- Equity (26)
- Federal Civil Procedure (26)
- Agency (22)
- Corporations (20)
How is It Tested?

• Two day exam

• Day One - 9 essays and 10 short answer questions

• Day Two – Multistate Bar Exam
Bar Exam Rules

• Virginia - Mandatory Dress Code – “Applicants are expected to address in proper attire. For men, proper attire is coat and tie. For women, proper attire is traditional business attire.”

• New York – No electronic devices of any kind.

No highlighters, correction tape or correction fluid.

No hats, baseball caps or visors.

No flip flops or other shoes or garments which are noisy and can disrupt other candidates.
Bar Exam Rules

- New York – The following items are permitted in the examination room and may be carried in one, clear gallon-sized plastic food storage bag (no grocery store bags):

  - Blue or black pens (NY day only)
  - No. 2 pencils and erasers
  - Medications
  - Foam earplugs
  - Non-programmable wristwatch
  - Quiet snack
  - One beverage/drink in a resealable clear plastic container (max size 1 liter, no label, no glass, can or cups. If the plastic container contains a label must be removed.)
New York Bar

- Deadline for July Exam: April 30 (Application Filing Period: 4/1-4/30)
- Passage Rate First-Time Takers (July 2013): 86%
- Application Fee - $250
- Minimum Passing Score: 133
- MBE/Written Essay Scoring Breakdown: 40/60*

*Essay (40%), 50 multiple choice questions (10%) and 1 MPT question (10%)

- Pro Bono Requirement – Beginning January 1, 2015, all applicants for admission by examination to the NY Bar must perform 50 hours of law-related pro bono service prior to filing their application.
Pro Bono Requirement

• **Work must be law-related** – Work must involve the use of legal skills or law-related activities that are appropriate for lawyer-in-training not yet admitted to practice.

The purpose of the Pro Bono requirement is to enhance the provision of legal services available to persons who would otherwise not be able to access or afford legal assistance.

Examples:

- Helping a low-income person complete court forms
- Assisting an attorney with trial preparation
- Helping litigants prepare for court appearances
- Engaging in witness interviewing and investigation
- Participating in a community legal education project
- Drafting court or transactional documents
- Engaging in legal research
Pro Bono Requirement

• Your work must be performed under the supervision of:

  • A member of the law school faculty, including adjunct faculty, or an instructor employed by a law school;
  • An attorney admitted to practice and in good standing with the bar in the jurisdiction in which the work is performed; or
  • In the case of a clerkship or externship in a court system, by a judge or an attorney employed by the court system.

Your supervisor will need to certify the hours that you spent on pro bono work when you complete your Form Affidavit of Compliance with the Pro Bono Requirement as part of your admission application to the Appellate Division of the New York Supreme Court.

A separate affidavit is required for each place/program where you accumulated pro bono hours.
Pro Bono Requirement

• For more about the pro bono requirement, please see:

http://www.nycourts.gov/attorneys/probono/FAQsBarAdmission.pdf

What Is Tested?

- Agency
- Conflicts of Law
- Contracts
- Constitutional Law (NY and Federal)
- Criminal Law and Procedure
- Evidence
- Family Law
- Federal Civil Jurisdiction and Procedure
- New York Civil Practice
- New York Civil Procedure
- Partnerships
- Professional Responsibility
- Real Property
- Remedies
- Torts
- Trusts
- Wills and Estates
- UCC Articles 2, 3 and 9 (Effective with the July 2014 exam, NY will no longer test UCC Art. 3 –Negotiable Instruments. Effective with the February 2015 bar exam, Administrative Law will be added to the list of subjects NY tests).
How Is It Tested

• Two Day Exam

• Day One – New York Section – Five Essay Questions, 50 multiple choice questions and 1 MPT question. The morning session contains three (3) essays and 50 multiple choice questions in three hours and fifteen minutes. The afternoon session contains two essays and one MPT in three hours.

• Day Two – Multistate Bar Exam
Most Frequently Tested Subjects in New York

- New York Practice – 60
- Contacts/Sales – 60
- Wills – 59
- Criminal Law/Procedure – 58
- Torts – 53
- Domestic Relations – 52
- Corporations – 47
- Real Property/Mortgages – 37
- Trusts – 30
- Evidence – 29
- Professional Responsibility – 19
- Partnership – 17
- Conflict of Laws – 14
- Federal Jurisdiction – 14
- Agency – 13
- Commercial Paper 12
Maryland Bar

- Deadline for July Exam: **January 16**
  
  With a late fee, the character and fitness application may be turned in as late as May 20.

- Passage Rate First-Time Takers (July 2013): 83%

- Application Fees $225/$275 for late deadline (5/20)

- Minimum Passing Score: 135.3

- MBE/Written Essay Scoring Breakdown: 33/67*

*67% is broken into 58% essay and 8.7% MPT
How is the Maryland Bar Exam Structured?

• Day One – Morning – Three (3) twenty-five minute essays plus one (1) ninety-minute MPT

• Lunch

• Day One – Afternoon – Seven (7) twenty-five minute essay questions

• Day Two - MBE
What is Tested?

- Agency
- Business Associations
- Commercial Transactions
- Constitutional Law
- Contracts
- Criminal Law and Procedure
- Evidence
- Family Law
- Maryland Civil Procedure
- Professional Responsibility
- Property
- Torts
Frequency of Subjects Tested on the Maryland Bar Exam

- Professional Responsibility – 30
- Torts – 29
- Real Property – 29
- Civil Procedure – 28
- Evidence – 28
- Corporations – 26
- Family Law – 25
- Constitutional Law – 24
- Criminal Procedure – 24
- Contracts – 22
- Agency – 20
- Criminal Law – 20
- Commercial Paper – 16
- Sales – 11
- Secured Transactions - 11
California Bar

• Deadline for July Exam: April 1. Applications may be filed late with an additional fee but no later than June 16.

• Passage Rate First-Time Takers (July 2013): 67.7%

• Application Fees: $614 (plus other fees – Ex: Application for Moral Character Determination - $500)  
  https://www.calbarxap.com/applications/CalBar/info/fees.html

• Minimum Passing Score: 144

• MBE/Written Essay Scoring Breakdown: 35/65*

*39% local essay and 26% MPT
What Is Tested?

- Business Associations
- Civil Procedure
- Community Property
- Constitutional Law
- Contracts
- Criminal Law and Procedure
- Evidence
- Professional Responsibility
- Real Property
- Remedies
- Torts
- Trusts
- Wills and Succession
How Is It Tested?

• Three Days, Three Parts

• 6 Essay Questions, the MBE and 2 PTs.

• Tuesday – 3 Essay Questions in the morning (3 Hours) and 1 MPT in the afternoon (3 Hours)

• Wednesday – MBE

• Thursday – 3 Essay Questions in the morning (3 Hours) and 1 MPT in the afternoon (3 hours)
North Carolina Bar

• Deadline for July Exam: First filing deadline for July Exam is first Tuesday in January immediately preceding the date of the July Bar Exam (January 7). Late Deadline is March 4 (with $250 late fee)

• Passage Rate First-Time Takers (July 2012): 71.54%

• Application Fees $700 (plus $250 if choose late deadline)

• Minimum Passing Score: 138.4

• MBE/Written Essay Scoring Breakdown: 40/60
What Is Tested?

- Business Associations
- Civil Procedure
- Constitutional Law
- Contracts/Sales
- Criminal Law and Procedure
- Evidence
- Family Law
- Legal Ethics
- Real Property
- Secured Transactions (including the UCC)
- Taxation
- Torts
- Trusts, Wills, Decedents’ Estate
- Equity
How Is It Tested?

• Two Day Exam

• Day One – 12 Essays (3-hour morning session and a 3-hour afternoon session (six 30-minute questions per session)

• Day Two – Multistate Bar Exam
Georgia Bar

- Deadline for July Exam: Two Steps – Regular Fitness Application Deadline is December 3. Late Fitness Application Deadline is March 4 (late fee required). Bar exam application filing deadline (post-Fitness review) is June 3.

- Passage Rate First-Time Takers (July 2012): 85%

- Application Fees: $500/$700 (plus $350 (GA Bar) plus $82 (NCBE))

- Minimum Passing Score: 135

- MBE/Written Essay Scoring Breakdown: 50/50. Applicant must receive MBE scaled score of 115 to have essays graded.

- MPRE – Minimum score 75
What Is Tested?

- Contracts
- Torts
- Property
- Constitutional Law
- Evidence
- Business Organizations
- UCC Articles 2, 3 and 9
- Criminal Law and Procedure
- Federal Practice and Procedure
- Georgia Practice and Procedure
- Non-Monetary (Equitable) Remedies
- Wills, Trusts and Estates
- Professional Ethics
How Is It Tested?

• Two Day Exam

• Day One – 4 Essay Questions and 2 MPT Questions. MPT questions are in the morning, essays are in the afternoon. The morning session is comprised of two 90 minute MPTs and the afternoon session consists of four 45-minute essay questions.

• Day Two – Multistate Bar Exam
Florida Bar

• Deadline for July Exam: May 1 (on or before June 1 with $325 late fee, on or before June 15 with $625 late fee)

• Passage Rate First-Time Takers (July 2012): 80%

• Application Fees: $1,000. Other fees depend upon timing of registration and filing of application.

• Minimum Passing Score: 136

• MBE/Written Essay Scoring Breakdown: 50/50

• MPRE – Must be taken within 25 months of the date of the administration of any part of the examination that is passed. Minimum score 80.
What Is Tested?

• Business Entities
• Family Law
• Florida Constitutional Law
• Civil Procedure and Rules of Judicial Administration
• Florida Rules of Civil and Criminal Procedure
• Florida Rules of Professional Conduct and Rules Regulating Trust Accounts
• Trusts, Will and Administration of Estates
• Juvenile Delinquency
• UCC Articles 3 and 9
• Dependency
• Professionalism
How Is It Tested?

• Two Day Exam

• Day One – 3 essay questions and 100 multiple choice questions. The three essay questions are offered in the morning. The 100 multiple choice questions are offered in the afternoon.

• Day Two – Multistate Bar Exam
Texas Bar

- Applications must be timely filed by January 30 for the July exam. Late applications are accepted with $150 additional fee until March 30 for the July exam.

- Passage Rate First-Time Takers (July 2012): 84%

- Application Fees: $435

- Minimum Passing Score: 135

- MBE/Written Essay Scoring Breakdown: 40/60*

  *Essay is weighted 40%, MPT 10% and Procedure Evidence exam 10%

- MPRE Requirement - 85
What Is Tested?

Procedure and Evidence Exam:

Civil Procedure (including federal and state court jurisdiction, pleading and practice), Federal and Texas Criminal Procedure, Texas Civil and Criminal Evidence

Texas Essay Subjects:

Bankruptcy, Business Associations, Consumer Rights, Family Law (including Community Property), Real Property (including Oil & Gas), Taxation (income, Estate and Gift), Trusts and Guardianships, UCC, Wills and Administration
How Is It Tested?

- Day One – A 90-minute MPT question and a 90-minute Procedure/Evidence exam

- Day 2 – MBE

- Day 3 – 12 essay questions tested over six hours
Bar Exam Resources

• National Conference of Bar Examiners has a webpage that details admissions requirements for all bar exams in the country:


• Bar Passage Rates for 2011:


• Our bar website:

  http://law.wlu.edu/students/page.asp?pageid=1541
What Can You Do Now?

• Compile information for Character and Fitness portion of bar exam application

• Update your student file

• Plan financially for summer after graduation

• Sign up for a bar review course
Future Bar-Related Programming

• Planning Financially for the Bar Exam – Monday, 9/15, Noon to 1:00 pm

• Bar Review Provider Fair – Monday, 9/22, Noon to 2:00 pm

• Developing a Plan for the Bar Exam – Tuesday, 10/21, Noon to 1:00 pm

• MBE Overview and Essay Writing Tips with Bar Exam Expert, Reid Flinn – Monday, 11/3 – Noon to 1:30 pm

All sessions will be in the Moot Court Room