MBE Practice of the Week Introduction

This is Lee Burgess from the Bar Exam Toolbox. Thank you for participating in our Practice of the Week or “POW” MBE course.

The multistate bar exam is the multiple choice portion of the bar exam given in every state but one (looking at you, Louisiana!). It includes 200 questions (175 of which are graded). It covers seven subjects: Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, and Torts. You take the exam in one day with two, three-hour sessions, each covering 100 questions. If you get extended time due to accommodations, you may take the exam over two days.

This part of the exam causes a lot of anxiety and struggles for many bar takers. There are a few reasons for this.

First, some people hate multiple choice. You may have struggled with standardized tests in the past, so this just feels like torture and a throwback to your SAT or LSAT studying days.

Second, bar takers often aren’t well versed in doing legal analysis in a multiple-choice format. When doing legal analysis, often the answer that comes to mind is “it depends.” Unfortunately, the MBE doesn’t allow for an “it depends” answer. You have to pick one correct answer. And this can be frustrating. Especially since the answer choices are often very detailed and nitpicky.

Third, you have to know the law. I mean, really know the law. Although every right answer is on the page, to be successful on the MBE, you need to know not just the general sweeping rules of the law – you need to know details. Because they don’t just test the rule for character evidence. They test the rule for a very specific type of evidence being presented by one party. And you need to be able to go through that analysis step-by-step with confidence. Worried about how to do that? Don’t worry! We will teach you how in this course.
Fourth, typical “test-taking tricks” don’t work. I used to be a tutor for the SAT. We had all kinds of “tricks” students would use to help get to the right answer. Unfortunately, that is not how the MBE is put together. The data around the MBE shows that the MBE is testing legal ability rather than general test-taking abilities. In fact, data from 2014 showed that irrelevant cognitive processes, such as test-taking strategies, had little impact on performance. What had the most impact on performance were cognitive processes of applying legal principles. So, as hard as it might be, you need to ditch the old-school test-taking tricks from the past and focus on learning how to correctly apply the law to a fact pattern.

Fifth, time management is a challenge. Each session (if you are taking it under traditional timed conditions without accommodations) is three hours long. That may seem like a long time to do 100 questions. But, it is not when you think about it. That is less than 2 minutes per question. I am not mentioning this to freak you out, but you need to be aware of the time constraints – they are tight. Which is why you need to know the law, have a solid attack plan for going through a question, and be able to move through questions with confidence. If that sounds like a lot, well it is. But don’t worry, this course will help you get there.