



Lee Burgess:

Welcome to the Bar Exam Toolbox podcast. Today we're talking with Dr. Jared Maloff. Your Bar Exam Toolbox hosts are Alison Monahan and Lee Burgess, that's me. We're here to demystify the bar exam experience so you can study effectively, stay sane, and hopefully pass and move on with your life. We're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career-related website, [Career Dicta](#). Alison also runs [The Girl's Guide to Law School](#).

If you enjoy the show, please leave a review on your favorite listening app and check out our sister podcast, the [Law School Toolbox podcast](#). If you have any questions, don't hesitate to reach out to us. You can reach us via the [contact form](#) on [barexamtoolbox.com](#), and we'd love to hear from you. With that, let's get started.

Welcome back. Today we are talking about a very important issue that affects a number of bar takers: Accommodations. Joining me today is Dr. Jared Maloff, a licensed clinical psychologist in Beverly Hills. He conducts, among other things, psychological testing for clinical, educational, occupational, and forensic issues with both adults and children. This includes applying for testing accommodations for standardized tests such as the [LSAT](#) and the [California Bar Exam](#).

Thanks for joining us on the podcast today. I think this is a topic that is critically important, because a large numbers of students and bar studiers struggle with getting the accommodations they need for the bar exam, which can really make or break someone's bar experience.

Jared Maloff:

Yeah, I certainly agree with that. Obviously not something that affects every single bar taker, of course, but for a good significant portion of people who do need any type of assistance, and it can be a pretty wide range of things. Without having necessary accommodations or supportive services, it can really make what's already a really very difficult test, fairly insurmountable.

Lee Burgess:

Yeah. To get us kicked off, could you give me a quick summary of what type of accommodations are generally available for the bar exam and who should consider applying for them?

Jared Maloff:

Okay. I'll start off with sort of a pretty wide range, and then I'll be a little bit more specific as to the types of things that I see. You have accommodations that fall into several different kinds of categories. You have the kind where you might need more testing time, which is something that I of course see very frequently, but there are also other things that are a little bit less severe, for a lack of a better word. For example, if a person is hypoglycemic and they have a medical issue and they might need to bring in snacks or a drink, or if someone has to take a medication at a certain time that conflicts with their bar exam time, they



can get an accommodation with help from their doctor, where they can make these very small adjustments. That's one type of accommodation.

Then the kinds of things that I see very frequently, though, are people who really need the test to be administered in a different way, because of the types of disabilities that they have. And so what I'm referring to is people that would need things like extended testing time, or to be given the test in a private room, or even the test to be administered in an additional number of days. Sometimes people can take what is a two-day exam in three days or four days, and for me, those are the most frequent types of accommodations that I see given.

Lee Burgess:

Really like that you raised the accommodations due to medical or physical issues, as well. I've seen this come across my desk a lot more; folks who have injuries, folks who are pregnant or breastfeeding, have been recovering from significant surgery. Often times, they don't really think about the fact that you can get accommodations. And like you said, they could be very simple. Sometimes for pregnancy, they'll just ask to either be seated next to a restroom, or in a private room where they ... since it's well-known that pregnant ladies have to go to the restroom a little bit more frequently.

I have worked with a number of breastfeeding moms who need accommodations for pumping. They need to be able to be given extended time, because they need to pump every few hours. Or if you've had a surgery or you've had back problems, sometimes you need an allotment to be able to get up and move your body a little bit more. I mean, there are a lot of different things that you can ask for.

I think one of the things that can be problematic when folks are asking for these types of accommodations, separate from working with someone like you, who I think is much more well-versed in this experience, is often times, medical doctors forget to ask for very specific accommodations when they help people apply. And so they might be a little more general, but then the accommodations get denied, because the doctor didn't list out, "They need a water bottle, they need snacks every two hours." And then the student is kind of left saying, "Uh oh. Now what do I do?"

Jared Maloff:

Right. The issue is that when a person has a medical need, where they need to have adjustments to the bar exam or they need to take medications or things like that, it is easier to get something that's a medical necessity approved, just because medical things are issues that people can see, and you can have an injury that everyone sees. Or you have documentation that says you have a broken bone, or you have a doctor that's conducted some kind of blood test or something that's able to note that you're hypoglycemic.



So it's easier to get approved for those kinds of things than it is for the learning disability, ADHD, sorts of issues that I'm sure we'll discuss. But the thing is that medical doctors, they do so many different things. They rarely ever have to deal with something like testing accommodations. So students who do have something that is a medical necessity should expect that they can get some of these minor things approved, but they have to really talk to their doctor and almost instruct them, and let the doctor know exactly what they need.

For example, they could go to their doctor and say, "Because of this back pain that you've been treating me for for three years, for example, you've said that I need to stand up every so and so number of minutes." When the doctor fills out the form, they have to put exactly what the accommodation is, as you said, very specifically. And also, relate it directly to the examination.

Doctors don't really know how many sections are on the bar exam, how many days you take the test in. So the student really has to take the initiative and let the doctor know exactly how to apply their restrictions to the bar exam setting. They might make it even easier and just kind of fill in some of the general parts of the form, and make it easy for the person, because a medical doctor does not frequently deal with these types of issues.

Lee Burgess:

Yeah. And something as simple as you're typically not allowed to bring in a water bottle during an administration of the bar exam. You're definitely not allowed to do that in California, and I think most jurisdictions are the same. You are not allowed to bring in snacks. There are a lot of things that I think folks often times don't think ahead to, as well, that you want to talk to folks. You can usually get information on your [state bar's website](#) about what's allowed in the room.

If you're a 3L, and you have something going on where you're like, "Water is very important to me on a regular basis." Or, "Food or snacks are very important to me, or a medical necessity." Or, "Because of my back pain, I need to be able to stretch every hour," you should contact the bar and find out what's allowed in the room already, so you can get this process going quickly.

Jared Maloff:

Yeah. That's a good recommendation, certainly.

Lee Burgess:

With these other accommodations that somebody would go to you for, typically learning disabilities diagnoses. Anxiety is something I think we're seeing a lot more accommodations for. If a student is worried that they either have a history of getting academic accommodations for these types of issues, or if they're concerned that these issues have bubbled up in law school, which is pretty common that ...

Jared Maloff:

True, right.



Lee Burgess: What are their next steps? When should they start thinking about applying for accommodations, and how do they reach out for help?

Jared Maloff: Well, I mean, I think that students in law school have to think ahead. Obviously it's probably hard to do that at times, because there's so much coming at you, and it's so much work, and it's challenging. But it is best to deal with these issues ahead of time. If any student is feeling that they're experiencing a level of anxiety that's just overwhelming and hindering their ability to take their exams, especially if they're getting some kind of help in law school for this already, they should definitely start thinking as early as possible about getting their documentation in order for the bar exam.

Now, for example, for a bar exam that's administered in July, the committee has to accept applications usually until about June 15th, which is the very last minute. A person can theoretically turn something in at that date, but usually best to do it much earlier than that, so that if the bar has any questions or they need additional information, there's time to have that back and forth talk about it. Also, students who have problems with anxiety would be more likely to feel less anxious if they know they've taken care of this ahead of time. Those are some really important things.

I also think the bar seems to appreciate having these things submitted early, whereas on the very last day, I think they receive a surge of these things, and I don't know for sure, but it seems to me on my end like they probably have to bring in additional people to accommodate that surge, and it seems like it's better to just deal with the people who normally review these things, which would be hopefully a few months ahead of time, at least.

Lee Burgess: I agree, and I think some of the students who are holding those applications or doing them close to the deadline don't realize that that also means that they may not tell you their outcome until a week before the test. Especially if you're someone who is an anxious person, not knowing the conditions under which you're going to take the test is going to be very anxiety inducing, and you need to be able to practice under whatever conditions you're going to be able to take the test.

So if you have applied for extended time, it's a very big difference to practice an essay test in 60 minutes versus 75 minutes or 90 minutes, depending on what your accommodations are. I mean, that's a big deal. Or if you're taking the UBE to take a 30 minute question in 45 minutes, that's a very big deal. And you need to be able to practice under those testing accommodation conditions, so you know what to do on exam day.

Often times, what we do when we work with students who have this open question of accommodations is you have to study like you're not going to get



them, and then there's this shift in the end. But I always think it's like chirping in the back of your head, if you're struggling with time. "Well, I'll probably get this extended time. So, you know. If I go over a few minutes, it's not going to be a big deal." And then you get the rug pulled out from under you 10 days before the test, where the bar says, "Sorry, you could appeal," but you don't have time to appeal, because the test is in 10 days. And then you're stuck with their decision. That's not a way to go into the test. If that can be avoided, you just want to avoid it.

Jared Maloff: Right. That would be a very frantic experience, and obviously probably taking the bar is nerve-wracking enough as it is.

Lee Burgess: Yeah. What kind of testing is used for diagnosing learning disabilities or other learning disorders, or anxiety that are used in coming up with these accommodations, kind of packets or applications?

Jared Maloff: Right, so what you would need to do is, any student who believes they experience, let's say, a problem with anxiety or depression, or a learning disorder such as reading too slowly or processing information too slowly, or having difficulty maintaining and sustaining attention over a long period of time. All of those issues have ... For students who experience all of those issues, you have to be administered a comprehensive psycho-educational evaluation.

Just because a person may already have a diagnosis of an anxiety disorder or depression, which impairs their functioning to some degree, it doesn't mean you can just take tests specifically geared toward looking at anxiety or looking at depression, or any of these things. You have to have the comprehensive set of examinations administered, and that's for several reasons. Number one, the bar requires it, so that's the-

Lee Burgess: That's the big one.

Jared Maloff: ... biggest. Number two, the reason they require it does actually make sense. It's that there are people who have depression, or anxiety, or ADHD, or even a learning disorder, who could take the bar under standard conditions, and still fairly compete. All of these disorders we look at as being a spectrum. There are people on the far end who are very debilitated by some of these things, and then there are people on the other end who may qualify for the diagnosis, but may just not be debilitated. So what all of these tests do is they help to look at not only what the diagnosis is, but it will identify the degree to which a person may be debilitated by these symptoms, and the degree to which that is able to be measured is how the bar, at least to some extent, goes about deciding whether this person is going to be approved or not approved.



Lee Burgess: Yeah. And do you think someone who didn't get accommodations in law school, didn't go through this testing in law school, but was worried ... Say they're one of the folks you're talking about, that may be able to have ... maybe competing in law school was okay. They weren't knocking it out of the park, but they were treading water and getting through. But then they realized the bar is coming up, maybe they've taken some practice tests, maybe they took a prep class in their law school class and they're starting to get really worried that their performance in the bar might not be the same. Is it a bad idea to just try and get these accommodations for the bar, even if you didn't get them in law school?

Jared Maloff: No. I mean, you can't really make a blanket statement that it's a good idea or a bad idea, because they review all of these things on a very case by case basis. I've seen lots of people who have not had a history of accommodations in law school do get approved for accommodations on the bar exam. But of course, if we look at an accommodations application like a legal case, they're going to want to know what the reason is that, number one, they didn't have accommodations in law school but they were able to get by, and they'll need a very thorough explanation of what is going to be different about their ability to perform on the California state or any other state's bar exam.

There are cases that I've seen where that argument is able to be made, based on the specific details of this person's issue, diagnosis, and their life history. But there are other situations where if those important factors don't converge in the right way, they might not make as compelling of a case. But very difficult to say black or white, yes or no. So if anyone is thinking about this, they would do well maybe to contact somebody like myself or anyone else who specializes in this kind of work, and they can just talk about their situation over the phone.

Certainly if someone calls me, I don't just make an appointment right away. I'll talk to them for a few minutes over the phone and try to see, does this person have a chance? Do they have what sounds to be like a legitimate reason, a legitimate claim? And if they do, then I will tell them how they can go about it, what they can do to look into this and investigate, and then we'll take it from there. It's certainly not a black or white yes or no in either case. There are certain people I've seen who had accommodations in law school who don't get approved for the bar exam because of different factors, also. It's strictly a case by case basis, and that's what can be a little tricky sometimes about this process.

Lee Burgess: Yeah, and putting together a solid application that doesn't miss anything. I think the one thing about every application that goes to the bar is it's not simple, like anyone who ... when you do your moral character application or your ethics determination, depending on what they call it in your jurisdiction. I mean, paperwork to join a bar is not simple. You have to really make sure you're answering every checkbox correctly, and I think with the accommodations



process as well, you would hate ... It really breaks my heart to see a student get denied because they didn't fill out the paperwork correctly, or they missed some information.

So again, taking time with this process. Getting the right people to help you through this process is so important, because how awful is it to get denied because you missed some documentation, or you missed some sort of information? Again, because of timing, or depending on how the jurisdiction handles these things, it may be very difficult to appeal.

Jared Maloff: That's very true. Then the other point I would bring up of why it's a good idea to get this stuff done earlier in the game is because there's frequently a lot of supportive documentation that's needed. If I evaluate someone, even if they have a strong case and I'll write a report that documents their test results. If everything fits together to make a really strong claim, a lot of times, I would need the client in question to submit things like transcripts in the past, test scores. If they've had treatment for a condition like anxiety or depression, they might need to see some evidence of that.

These are some things that take a little bit of time for the test taker to gather and put together and submit in a way that's at least organized to some degree. Certainly if you're waiting until the last day and you don't have these types of supportive documentations, then it could put you at a disadvantage.

Lee Burgess: Yeah. Do you think that a student who maybe applied for accommodations and then, let's say, got denied without the opportunity to appeal. Is there any situation where you would think that a student would want to hold back on sitting for an exam until they work out their accommodations? You know, because I think there's a psychological part of this, too, that if these accommodations are what are needed to level the playing field, I think it can be really challenging for a student to go through this process without getting what they need.

Jared Maloff: Well, I think that's true. I would say maybe there are two cases where it may make sense to do that. I guess number one would be the financial part of it, although I don't know for sure whether when you apply, you get the money back if you don't take the test or not. I guess that would be one potential issue.

Lee Burgess: Yeah, usually you don't get the money back if it's at the last minute. You don't have a good reason, so they're going to keep your money.

Jared Maloff: Okay, then I guess there's only one reason, and the reason would be similar to what you're saying, which is basically that there are people that I've seen where they have tremendous anxiety, to the extent where they even have difficulty sitting in a crowded room of people that come to take the bar.



I'm thinking of some specific cases where, for whatever reason, there was a denial, but it was done at the last minute and then they did not have time to submit the appeal until the next round of the bar exam. And I'm thinking of this one person who I did the appeal for, and the appeal was granted, and like you said, she just decided to take the test in February instead of July, so she just did not show up to the July test. She had taken it before and had a bad experience knowing that she had such heightened anxiety to be in that crowded room of people, and she knew that what she really needed was to be in her own private room. We were eventually able to get that accomplished, just at a later date, because she ran out of time.

I think for her in that case, it probably did make sense that she did not attend that bar in July that she could have, because as you brought up, it probably would have been a negative experience that may have tainted or further tainted her experience when she sat for the next administration. So I think for people that are very, very highly anxious, you do make a good point, where if you really feel like you're not going to be able to compete fairly, it may make sense to wait, and to do the appeal and to have enough time, and to gather your documentation rather than show up for something that you kind of are going into knowing it's not going to go well.

Lee Burgess: Yeah. Because I think when you wait for those results, even if you know that the chances of you passing are slim because of some of these issues that are stacked against you, there's still going to be a level of disappointment that comes with not seeing your name on the pass list. I've seen this again and again from folks who have had to stop studying because of an illness, but they sit for the exam anyway, or they have extenuating circumstances. Horrible things. You know, deaths in the family. You name it.

Jared Maloff: Right.

Lee Burgess: So they have an idea that they were not able to perform at their best, and then there's still ramifications and baggage that come from that. Because they still feel like they failed, when-

Jared Maloff: Well, yeah, you're right.

Lee Burgess: It is a failure, but it's a different kind of failure if you know that you're not prepared going in. It's different.

Jared Maloff: Well, that's true. And law students are smart people, and they're frequently competitive people, and they want to do well. Obviously at least the California state bar is so challenging, and like you say, if you're not as your best, or even if you are at your best, I think anyone can have a bad day and maybe not pass the test. It doesn't necessarily mean something terrible about a person, but



individuals who are prone toward being very self-critical and having a lot of anxiety might, as you say, take that information that they didn't pass and use it kind of against themselves, to start reinforcing the idea that they're not good enough, or maybe they'll never pass. Frequently, that's not true. People can prepare and can do better as a repeat test taker.

Lee Burgess: I also think one of the things that can come out of these testing exercises that you do is more information about how you process information. I've seen some of these reports for students that have worked with us, and it can be really great information about how to study, because it does teach you more about how your brain is working. So it's kind of an additional to just getting the accommodations. Often times, it highlights for you where your struggles are, and then it allows you to come up with some different ways to approach material that may be atypical to what a commercial bar review course is doing.

Jared Maloff: Right, and I really agree with that. I've heard people bring that up who've had these types of assessments done, especially when they're working with a tutor who's hands-on, who is able to tailor what they do specific to the student. This can be very valuable information when a student knows that they have a verbal learning style and they have to process things repetitively, and they need to ... whatever else there might be. Sometimes, people need visual reminders, or create certain types of mnemonics. You know, knowing this kind of thing can help a tutor teach a student in a more effective way. So you're right, these can be effective, not just for the potential accommodations, but can actually really streamline the studying process, I think.

Lee Burgess: So why do you think so many people put off applying for accommodations until the last minute, until this June date for the July exam, or I cannot remember the date for February that is also very late. It's much later than you would expect.

Jared Maloff: Right. I think the February date's January 15th or whatever that Monday is.

Lee Burgess: Happy new year, turn in your accommodations.

Jared Maloff: Yeah. It's right around there. I don't know. I think for a lot of people, I think there's stigma in the mind of a lot of people and I think it puts people on the fence. For example, I've had countless people who've come to see me say that they've always thought in the back of their mind that they've needed this type of assistance, but they didn't really want to fully admit it to themselves. They wanted to try to prove to themselves that they could do it without accommodations.

My whole point of this work that I do is pointing out to people that if a person gets an accommodation granted by the state bar of California, it's only because it's very apparent that the accommodation levels the playing field. It's not giving



anyone an advantage, and yet there is a stigma where people think it's somehow, if they get an accommodation and pass, it's not worth as much as a pass without an accommodation, which is completely untrue. Passing is passing.

Lee Burgess: Yeah. They don't have an asterisk on your bar card that's like, "Passed the bar exam, but passed it with extended time." No one will ever know. I mean, it's ...

Jared Maloff: Exactly. And some people mistakenly actually believe that somehow, either the public's going to find out, or the bar is going to hold this against them, which is obviously completely untrue. But there are these misconceptions, and I think that kind of holds people back. Maybe another reason why they wait till the last minute, some people with ADHD actually struggle with planning and organizing, so they might just have time get away from them.

But probably more frequently, it's people that are studying and just seeing that the practice tests that they're taking maybe are just not going as well as they thought they would, and that pushed them from being on the fence about it to deciding that they really need to do something about it, and I know for sure I will be seeing people at the last minute who are going to take the July bar, and it's something that happens every time. But certainly it's better, as in probably all things in life; it's usually better to get started on things a little bit earlier.

Lee Burgess: Yeah. It's one of those unfortunate lessons we continue to learn in life, is procrastinating most of the time doesn't work. Although I have some procrastinators in my life that would totally tell me otherwise, but I think with a lot of this stuff, doing it early does have its benefits. Other than putting off getting this work done and getting the application in early, what are other some mistakes that you see bar studiers make in this accommodations process?

Jared Maloff: Well, I think that just sort of not understanding what's needed in order to have the bar actually process your application. For me, I see people with anxiety, depression, learning disabilities, ADHD. There are a lot of people who kind of falsely believe that if their therapist or their psychiatrist writes them basically a note that says, "They're on this medication and they need this much time," even if they've had extra time in law school, and so forth, there's just some people that think that that will be sufficient, and people will go ahead and submit that.

Time will pass, and then they'll get back a denial that will basically instruct them to go to the bar website and read what the requirements are, which are fairly rigorous, and require very specific type of evaluation to be administered. So I think the first thing is, people just need to understand what the process entails.

And then part two is, people need to find someone who is familiar with the process. It can't be all on the student's shoulders to be able to know what the medical or psychological practitioner is supposed to know about how to prepare



this documentation. Students should be aware to some degree, but people have to have experience in this area so that data is being presented the way that the bar wants to see it and that, frankly, the correct tests are administered. Because even if a person has a very legitimate issue and the bar doesn't even dispute that, if the wrong tests are administered or things are left out, they'll deny it just for that.

Lee Burgess:

Yeah. I think you make an interesting point, too, about having a psychologist or a medical professional who's familiar with these kind of testing accommodations. Because I also think if you are getting treatment for one of these issues that does involve medication, often times you really need to sit down and explain to your doctor if they're not familiar with the bar exam, because it is different than medical boards and other things they might be more familiar with, what the bar exam looks like. Not only the preparation as far as the testing ... I'm sorry, the preparation as far as the studying goes, but also what the exam days look like.

Because I have seen students need to experiment with med levels under their doctor's supervision to make sure that they have the right amount of focus for the right amount of time on the given days that they do the exam. And that's not something you want to play with 10 days before the test. So I would not recommend that. Because there are side effects, you can get drowsy. I've heard lots of different stuff, and it always makes me really nervous when students start experimenting with things or they go to their doctor a couple weeks before the test and they're like, "Oh, I want to start changing things up." That's not a great idea either.

By starting early and sitting down and really making sure that practitioners you're working with understand what you're taking on, they're going to be able to give you the best advice to create the regimented schedule, to give you the highest likelihood of success. You know. You shouldn't be needing to play with that on your own. That's not a good idea.

Jared Maloff:

Well, that's right. And what's also very true is that a person needs to study in the same state that they will be taking the exam in.

Lee Burgess:

Right.

Jared Maloff:

State meaning not geographical state, but if they're going to be taking Adderall when they take the bar exam in a specific dose at a certain time, they have to be studying with that same regimen. If they don't, it puts them at a little bit of a disadvantage.



- Lee Burgess: That's true. My general psychology professor in undergrad, who was a JD PhD always used to say, "If you want to take an exam drunk, you have to study drunk, too, or it won't work."
- Jared Maloff: Right. That's true.
- Lee Burgess: Always have to be consistent in the state.
- Jared Maloff: That's true, correct.
- Lee Burgess: Yeah. But I remember talking to him before the bar exam. I don't think he recommended that I study drunk, though. I think he was pretty clear that I should study-
- Jared Maloff: Right, better not to study drunk.
- Lee Burgess: Better to not study drunk.
- Jared Maloff: Right.
- Lee Burgess: One of the things I have heard from students that turns them away from going through this process is that it can be expensive. The testing can be expensive, hiring somebody to help you with this testing can be expensive. How do you think students can be mindful of cost while still getting the help they need? Because one thing I often times tell students it they also have to look at the opportunity cost of failing the test, which can be very expensive as well. It's a tough calculation, and of course money is always a concern when the bar exam is concerned.
- Jared Maloff: Right. Well, that's very true. The process of evaluating someone is fairly rigorous, and so that's why it's expensive. It takes a long time to do the testing. But what takes even longer is writing up the report and preparing the documentation. It takes a while, and that's why it's expensive. But as you bring up, if a person really does need the accommodation, and anyone who can get approved is someone who really needs it. They might be taking the test in a fairly futile manner, where maybe they have to take the test several times. I've seen people that have taken the test 10 times and not passed it. They reached out to me to try to be accommodated, and then they get accommodated and they pass on the eleventh try, but if they've taken 10 tests, that means they've paid the money 10 times, which is-
- Lee Burgess: Thousands of dollars, yeah.



Jared Maloff: ... vastly more than what it ... Right, which is way more than it would cost to have the evaluation, not to mention all the prep courses. So the process is expensive, going to law school is expensive. It all costs money. But like you're bringing up, the ability to pass the test and then enter the labor market as an attorney has a great deal of value, so people need to really keep in mind that there is a greater goal here.

It's the same calculation they do when they attend law school. People take on very costly loans, but they do it because they're very confident that they're entering the field where they'll be able to make the kind of salary to not only pay off the loans, but give people a quality of life. That's the mentality that one has to have when they're considering this decision, too.

Lee Burgess: And I also have known students who, for financial reasons, have decided to take off an administration of the test so they can maybe work, save money, and either get the accommodations help they need, get the tutor that they need, get whatever assistance they think they need to get where they need to be. And then they will pass on that next administration, because they'll have been able to say, "Okay, I'm going to work, I'm going to save up money." Often times, they're not working as a lawyer. I've worked with a lot of students who bartend or do something very different.

Jared Maloff: Mmhmm.

Lee Burgess: But they just kind of work, work, work, work, work. Save, save, save, save, save. And then kind of create a situation for success. Again, I want people to be able to pass as soon as possible because I want you to be able to start your legal career. But if you are really running up against blockade after blockade and money is the concern, I think you do have to step back and say, what are the pros and cons of going into debt for getting what I need? Or, do I need to take a breath, get my life in order, get more financially stable so I can come back and give this the best go that it can?

Jared Maloff: Yeah. That's a very good point.

Lee Burgess: I know that you not only just help students with the accommodations process, but you also meet with your own clients to help them work through a lot of these issues like anxiety and ADHD. One of the things I often recommend to students who are working with a therapist around these issues is to really focus, not just on identifying the issues with their therapist, but on coping mechanisms.

I think sometimes, not all therapists, especially around testing, if they're not specifically focused on testing, often times don't focus in on some tangible things that students can do to cope. Like, what do you do if your mind goes



blank and you're panicking? In the exam room, how do you prepare yourself mentally to study, and how do you practice these things? What do you think are some of the coping mechanisms that you think students should consider learning more about if they struggle with anxiety or one of these issues that you commonly see in your own practice?

Jared Maloff:

Right. Well, I think a lot of the work has to be done ahead of time. For example, anxiety I think would be the big issue in a lot of these cases, where you're mentioning people's minds are going blank and panicking. It is normal to experience a good degree of anxiety when you're taking an important test, like the bar exam. And we know that people have to have some anxiety to function at optimal performance, but a lot of people experience so much anxiety that it really gets in the way.

Being in therapy, learning mindfulness techniques, learning self-meditation. Not just to be done during the exam, but to be done ahead of time. Trying to allay a person's fears, learning how to calm oneself down, learning self-monitoring skills so that you know the signs of when you're getting too worked up with anxiety, and how to bring the anxiety down so that your mind does not go blank.

Doing those kinds of things are important. Being involved in therapy, understanding what one's triggers are. For me, I notice a lot of people end up panicking and having their mind go blank because not only are they afraid of failing the bar exam, but for them, the idea of failing represents something that feels overwhelming and daunting to a person. Usually, people who struggle with self-esteem and confidence may even put more pressure on themselves when they take a high stakes examination than the general population does, and it's important for those people to learn how not to give the exam too much power.

Lee Burgess:

Right.

Jared Maloff:

It doesn't mean everything about who a person is. It doesn't validate your entire self-worth or invalidate your entire self-worth. A lot of people really give it that type of power. So ahead of time, people sort of have to learn to have a relationship with this exam where they understand it means a lot, but it's not everything. That's an important thing to remember.

Lee Burgess:

Yeah. We have a blog post written by an attorney on the Bar Exam Toolbox, and it's called ... We'll link to this in the show notes, but it's called something like, [The Question I'm Never Asked](#), which is, why did she get licensed after a February examination instead of a July examination? Because she didn't pass the first time. And she's like, "No one's ever asked me. Ever. You know, I'm filling out job applications so nervous that this is going to reflect badly on my



career, and no one noticed. Nobody thought about it. All they cared was that I had the license, so I could start practicing as an attorney."

I think it is really important for folks to work through, especially if they have failed the test, to work through those issues surrounding fear of failure and what this means to them, before throwing themselves into the exam, because down the rabbit hole you go. It can happen so fast, and it can happen during study, and it can happen in the exam, to extreme situations. I've had people walk out of a test.

Jared Maloff: Right.

Lee Burgess: Which is always heartbreaking to me, because they've just decided that they were failing again. And I think your point is something that we talk a lot about to our students. We talk a lot to our students about, which is you got to start this stuff early. Because I think that the panic and the anxiety will bubble up when you sit down to do practice tests. It will bubble. It comes. It's not like it hides itself. It seems to pop up.

And then people will say, "I just couldn't get through that question, so I set it aside." And I'm like, "Okay, but let's talk about why you couldn't get through that question," and all of a sudden, you find out that that was the anxiety rearing its ugly head and warning them that it could come back closer to the test. It's stuff that it can't be ignored, but it's stuff that we can manage. It's not easy. We all have parts of ourselves we continue to work on, but not working on it is the way to guarantee that it's going to pop up on exam day. Because whatever you've ... I always say that if you think it will pop up on exam day, it probably will. If you-

Jared Maloff: That's true. It becomes a self-fulfilling prophecy. These are definitely things that can happen to people. So you're certainly preaching to the choir on this one.

Lee Burgess: Yeah. Well, one final note before we finish up is about folks who are studying for the UBE. I've gotten questions from folks, especially back east where there are so many UBE states very close together, about applying for accommodations in different UBE states. It is important to learn about whether or not you need to be licensed in a very specific state that you're sitting for the UBE in. Let's say New York. Or if you are just looking for a general UBE license that can then be transferred.

Different states have different accommodations rules, different dates of which they'll accept applications, different appeals processes, different reputations for how lenient they are and how they give accommodations. It behooves you to learn about some different options, to make sure that you are going to be able to get the accommodations you need. Let's say you decide that you're sitting for



one state, but that deadline has already passed, and something has happened or changed to where you need accommodations. It's possible that you can drive 30 minutes to an hour, be in a different state, but that would still allow you to get your accommodations application.

It's kind of like forum shopping, but ... which there may be interesting questions that will come out of this around the need for standardization of this process as well. But each state is still managing its own administration of the test. So it's important to just learn what your options are, and how a score could be transferrable. So if you were to get licensed in New Jersey for the UBE, would you be able to transfer that score into New York if you needed to have that New York license? But maybe there are reasons why you want to take it in New Jersey. There are no easy answers, but if you're in a bind, it's worth learning about more and talking to some different jurisdictions, and finding out the rules to see if there may be a reason you want to sit in a different state.

Jared Maloff: Yeah, that's a good point. You're bringing up a wider array of options that people have, and it's important for everyone to know if there's flexibility, and how to take advantage of.

Lee Burgess: I mean, this UBE is a whole new frontier. It's a bit of the wild west when it comes to bar licensing, just because we have these transferrable scores now. It's the idea being that you can move between these states in a much easier way, but each state is still ... has a lot of control over how it's administering the test.

There aren't a lot of easy answers, but it's worth a little bit of research if you're in a predicament and you need to explore other options. One predicament that I was aware of is somebody got denied without the possibility to appeal in one state, which seemed weird to me, but that was how that state handled it. If she had put together that application in another state in a timely manner, quickly after that denial, she could have possibly gotten those accommodations in another state for the same administration of the exam.

Jared Maloff: Wow, that's interesting.

Lee Burgess: Which could have been a different experience than taking the first exam in a state with no accommodations.

Jared Maloff: Right, yeah.

Lee Burgess: You got to research your options. It's all about options. And sometimes, you got to pick up the phone and actually call these bars. I was just doing another podcast recently where we were talking about this; that bars can be a little old school. Not everything is available on the website. I know California just redid their website, except now I'm finding it harder to find information on it than it



was before. But sometimes, you need to pick up the phone and just talk to the people in admissions and try and get some of these questions answered, so you're not wasting time spinning, trying to get information. A human on the other end of the line may be able to answer these questions faster for you.

Jared Maloff: Well, that's true. And sometimes the instructions, especially around accommodations and which tests need to be given, et cetera, your typical bar tester is not going to be aware of what all of these tests are called, and their names. It's going to seem like a lot of gibberish, and so sometimes it makes more sense to have a person walk you through it over the phone, and they can help simplify and promote more understanding of the process.

Lee Burgess: Yep. I run a virtual business. I'm all for technology. Every now and then, you got to go old school. Pick up the phone. It happens.

Jared Maloff: Right.

Lee Burgess: All right, well, with that, we are out of time. Thank you so much for joining me. If you'd like to learn more about Dr. Maloff and what he does, you can check out his [website](http://www.beverlyhillspychologist.com) at www.beverlyhillspychologist.com. We will also link to this website in the show note. And before we finish up, I want to take a second to remind you to check out [our blog](http://barexamtoolbox.com) at barexamtoolbox.com, which is full of helpful tips to help you prepare and stay sane as you study for the bar exam. You will also find more information on our website about our [courses](#), [tools](#), and [one-on-one tutoring programs](#) to support you as you study for the UBE or California bar exams.

If you enjoyed this episode of the bar exam toolbox podcast, please take a second to leave a review and rating on your favorite listening app. We'd really appreciate it. And be sure to subscribe so you don't miss anything. If you're still in law school, you might also like to check out our popular [Law School Toolbox podcast](#) as well. If you have any questions or comments, don't hesitate to reach out to myself or Alison at lee@barexamtoolbox.com or alison@barexamtoolbox.com, or you can always contact us via the website contact form at barexamtoolbox.com. Thanks for listening, and we'll talk soon.

RESOURCES:

- [California Bar Exam Accommodations](#)
- [California Bar Exam Rules](#)
- [The Question I've Never Been Asked about the Bar Exam](#)
- [Dr. Jared Maloff, Beverly Hills Psychologist](#)