



- Lee Burgess: Welcome to the Bar Exam Toolbox podcast. Today we are talking with Ariel Salzer, a bar tutor on our team, about a very important topic: self-sabotaging behavior while studying for the bar exam. Your Bar Exam Toolbox hosts are Alison Monahan and Lee Burgess, that's me.
- Lee Burgess: 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, [CareerDicta](#). Alison also runs [The Girl's Guide to Law School](#).
- Lee Burgess: 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](#). 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.
- Lee Burgess: Welcome back! Today we are talking about self-sabotaging behavior while studying for the bar exam with Ariel Salzer, one of our [bar tutors](#) here at the [Bar Exam Toolbox](#). So, Ariel, I feel like this is something we talk about a lot at The Bar Exam Toolbox. And that this is something that almost every bar student struggles with, one way or another.
- Ariel Salzer: Absolutely. On different levels and different ways, but I would agree with that.
- Lee Burgess: So even you, who is a bar exam expert, did you have self-sabotaging behavior when you studied?
- Ariel Salzer: I did. It sounds weird in retrospect, but I was working so hard at trying to pass the bar, that I didn't understand how much it sabotaged me not to take breaks, and I would do things like go through flashcards during breakfast, never, ever give myself much of a rest. Then, run rules in my head as I was trying to fall asleep at night.
- Ariel Salzer: It made me so exhausted, and finally it had to stop because I was running on empty, but it's easy, sometimes, to think hard work is the end all be all, and you really do need to give yourself those mental breaks. We're not just talking about the people that slack off, working too much can also be sabotaging.
- Lee Burgess: Yeah, and this is something, I mean, wasn't there one bar season where the Starbucks person that commented on how much you came to Starbucks while working.
- Ariel Salzer: Yeah. Yes, yes. There was a student who said something to me one time like, "Well, I have my fourth Red Bull and then I throw up and then I drink another



Red Bull, and then I go back," and I was sort of like, "Wait, wait, wait, wait, stop. Why are you drinking so much Red Bull that you throw up every single day?"

Ariel Salzer: And she was like, "oh, it always happens like this to me." And I was sort of like, "That's not normal."

Lee Burgess: Yeah, no that's not.

Ariel Salzer: You need to not do that. Yeah, so sometimes we don't even see it in ourselves. "This is my process. I drink four Red Bulls. Whatever."

Lee Burgess: Yeah, I mean, I definitely have my own self-sabotaging behavior. I think, when I was studying for the bar, I would get sucked into the busy work, because I think it's just so easy to do, and we'll talk about that more in a bit, but it's just so easy to count the hours you're working instead of evaluating what you're spending time on. I got on this kick that I had to make flash cards, even though I hate flashcards, I never used flashcards in law school, but my mom had told me the story about how she had these thousands of flashcards that she studied for the bar with, and everybody's making flashcards, so I remember I spent a week making property flashcards that I never used because I don't study off of flashcards well.

Ariel Salzer: Flashcards are a common one, actually, I have to say.

Lee Burgess: Yeah, yeah.

Ariel Salzer: And I've seen maybe one student that I think actually benefited from all those hours spent making the flashcards. Most people don't use them. Most people don't even read them again.

Lee Burgess: Yeah, so can we really, it's so easy to get pulled into these projects thinking that they count as work, and then sleep is another one. I am not an amazing sleeper anyway, but I couldn't study too late, I would wake up with stress dreams at two in the morning, things like that. But sleep is major. If you let yourself get completely depleted, you can't think clearly, and it messes with your mental retention.

Lee Burgess: I have a small child, ask me how my mental retention of information is.

Ariel Salzer: You don't sleep.

Lee Burgess: It definitely depletes your brain, and there's a reason why they use sleep deprivation as torture. You cannot go for a long period of time without quality



sleep, without having problems and those are the problems you do not want when you are studying for the bar exam.

- Ariel Salzer: Absolutely. And luckily, I did okay on sleep, because I'm a complete wreck if I don't get enough sleep, but the busy work, that was also one for me. I remember, actually, you tell me, because you were my tutor, I remember you telling me, "Why are you formatting your outlines? Why do you care what level the bullet points are on? It doesn't have to be spelled correctly. No one's going to see these. These are your outlines for each subject. These are just so you learn the law. Stop being weird and formatting things to perfection because this is not law review. You're not doing editing of minutia."
- Lee Burgess: They were beautiful outlines, but they weren't...
- Ariel Salzer: They still are. They still are.
- Lee Burgess: They still are, all these years later.
- Ariel Salzer: No one cares. No one cares.
- Lee Burgess: Exactly. So, one of the reasons we wanted to do this podcast is that our whole team oftentimes will talk about self-sabotaging behaviors that we see in our students because we're trying to brainstorm solutions. What we thought we'd do is sort of run through some of the self-sabotaging behaviors we see, that are common with students that we work with and then we will talk about how to mitigate these, so hopefully you don't fall into these common traps, because I think some of these self-sabotaging behaviors can lead to a bar exam failure, depending on how many of them you are practicing, and what your individual weaknesses are, so they are to be taken seriously.
- Ariel Salzer: I definitely agree with that.
- Lee Burgess: Alright, so Ariel, what do you think is the first self-sabotaging behavior that we see commonly with students?
- Ariel Salzer: There's this idea of "I know best for myself as the student. I do my work this way, or I follow this set of practices." Or maybe the grader doesn't understand it, but I write really, really well, and they just need to understand me better.
- Ariel Salzer: It's sort of this idea of not really seeing why your work is not what the graders want or not really seeing why your process is not working for you. I don't know if you have thoughts on that, but that can be a really dangerous one.



- Lee Burgess: Yeah. I mean, you have to remember what the game is. I think I learned this lesson my first semester of law school when I worked in my legal writing assignments and I got my first run back and it was red. It was red, and at this point, I considered myself a pretty good writer, I had worked in public relations, I had ghostwritten for people. I was shocked. I was like, "People pay me to write for them. What are you talking about?"
- Lee Burgess: Then, I think, it really did sort of click for me, this idea that it really wasn't about what I wanted to write, or the format I wanted to write in. My job in LRW [Legal, Research and Writing] is to write to conform to what was being required in the class. I think that shift for me was lucky that it happened that early, because once I started writing for the professor, there would be plenty of time to write in your own style, but you have to abandon your own style to conform, and I think, in bar study, there can be that disconnect, too.
- Lee Burgess: "Well, I am a good writer." Maybe I went to an excellent law school, maybe I have a firm job, but I'm not getting passing scores. Well, none of that stuff matters because all that matters is that you're writing to conform to what the examiners want. You can be the best writer you can be-
- Ariel Salzer: Exactly.
- Lee Burgess: But-
- Ariel Salzer: Ironically, sometimes it's the better writers that struggle with this. The people that actually have a great tone and they have a good form of expression, and they write succinctly, they're struggling more with this because they already think they're good.
- Ariel Salzer: I had a similar moment, it wasn't with LRW, it was with a torts assignment, but I remember thinking, "Who is this person to tell me I'm a bad writer? I'm an excellent writer."
- Ariel Salzer: And it's this sort of pride, this ego thing that happens, and this happened, actually, recently with one of my students for the bar, and this person told me, "Well, I actually think what I turned in is better than the feedback that you gave me as a sample. What I wrote is better than what you wrote, and mine looks more like the sample answers that the graders want."
- Ariel Salzer: I basically told this person, "If yours looked anything like the sample answers, you wouldn't have failed the exam." If you had the ability to [write that way](#), and if you were writing that way in practice, the graders would have given you a pass, so clearly you have some kind of, I don't want to say delusion, but clearly you're not seeing [what's wrong with your work](#).



- Ariel Salzer: Anyway, yes, I think this is so common and it's almost like you just have to step outside yourself, like this is not personal, it doesn't mean you're not smart, you just have to do it their way. That's the rule.
- Lee Burgess: Yeah, you have to play the game. One of our tutors labels this "magical thinking" which I really loved. Because it is really easy to just review sample answers and really not see how your answer differs from them or making excuses for the differences, like, "I had everything that was in the sample answer, even though mine was two pages." I doubt that. Let's really go through and dig through it.
- Lee Burgess: I think it can be comforting to not really challenge yourself by forcing yourself to really evaluate and self-criticize. I don't like to be, well I'm kind of judgmental of myself sometimes, but that's something for a therapist, not for this podcast, but I think it can be hard, especially when you are nervous and you're anxious to critique yourself all the time, but that's why self-evaluation is so important, because in the moment of the exam, you are going to have to make judgment calls about how to spend your time. What issues to write on, when to stop writing, when to move on to the next thing, and if you haven't been able to self-evaluate your work and make those judgment calls on the work in practice, you're not going to be able to apply that to the exam, and then you're going to make poor judgment calls in the exam, and then be shocked when you get scores you're not happy with.
- Ariel Salzer: Right, absolutely. I would say I've probably had fewer than five students that I think actually critique themselves to the level necessary. I think most people give themselves a free pass, and let's face it, you're terrified of not passing, you're already feeling really bad, you don't want to bring down your morale, you're teetering on the edge of maybe depression, anxiety, all kinds of other things.
- Ariel Salzer: I get it, but I would say most people are too easy on themselves when it comes to, "Why is my answer different than the sample?" Or, "Why is my outline not something that could have turned into a passable answer? Why do I think this is so good? Why do I need to fix it?"
- Lee Burgess: There's a lot of hard work in here. Studying for the bar is hard work. If it's not hard work, then you're probably not doing it right. But it doesn't mean that you need to do it 16 hours a day, that just means that the work you're doing needs to be challenging yourself to push yourself to play this game, to [deliver what the graders are looking for](#).
- Lee Burgess: If you have a Ivy League education and you work at a big firm and you have all these accolades for your writing, that's wonderful. You can go back to writing that way the day after the test.



- Ariel Salzer: Good point, good point.
- Lee Burgess: The graders don't want to see it. They don't have time to read treatises on criminal procedure. What they want is an answer to the question asked in a very clear format. Any bar, the California bar, the UBE, all of these bar exams that you are under time pressure and have to be very focused. You don't get the luxury of using eloquent language or crafting sentences.
- Lee Burgess: I also think English majors, often times, from college, struggle with this, because they're like, "But this is not refined writing." Nobody wants refined writing. It's not what even is being judged here. Refined writing that doesn't have the right material in it is not going to pass.
- Ariel Salzer: Yeah, absolutely. Or thinking, "I'm smart. I can figure it out. I don't need to plan my answer before I write it. I'll get it all." You're not gonna get every fact, you're not gonna remember every single one.
- Lee Burgess: Nope. Alright, so no magical thinking.
- Ariel Salzer: No magical thinking.
- Lee Burgess: No magical thinking. Another problem that we see come up over and over again is acknowledging your own learning differences, whether you struggle with any mental health problems, such as anxiety, anxiety is a really big one, and not seeking professional help to work on coping mechanisms for these things.
- Lee Burgess: Hey, we all have a mixed bag. We are all mixed bags, we all have our strengths and weaknesses. I think we have seen people with anxiety, depression, a whole host of diagnosed learning differences. You name it, all will be able to be successful. Who need physical [accommodations](#), recovering from surgery, recovering from all sorts of stuff.
- Ariel Salzer: PTSD, brain injuries. All kinds.
- Lee Burgess: We've really seen it all. We've seen so much of it and those are not necessarily the threshold that will keep you from passing. Will it make certain elements of the bar exam more challenging? Sure. But, it's only, I think, sort of an insurmountable challenge if you're not working with the right team of people to move you through that.
- Lee Burgess: A tutor is really great, but we are not healthcare professionals. If you have debilitating anxiety that's gone to a clinical place, you need to make sure that you [have that clinical support](#) and you need to make sure they're providing you with coping mechanisms.



- Lee Burgess: If you are on medication for something like ADHD, you need to make sure that your doctor understands what this test is about and if you're working with medication, the medication is set up so it's going to carry you through those testing days.
- Lee Burgess: These are all things you really need to be proactive about and not wait until a few weeks before the exam to try to get some problems solved. This is a long, you got to take the long view on this one, and get the help that you need so you can be able to compete on the level playing field that you deserve for the bar exam.
- Ariel Salzer: Definitely, and on the point of medication, I've seen this so many times, actually, where either the dosage is incorrect, the medication itself is not the right one for this particular person, it's making them tired or sluggish or not able to focus. These are not things you can have happen during the test.
- Ariel Salzer: This stuff has to get worked out with your doctor weeks and weeks in advance so you can acclimate to these different drugs that you're taking or sleeping medication, that's another one that people sometimes have issues with, and it's like, you cannot practice with these the week before the exam. Talk to your doctor. Work this stuff out early.
- Lee Burgess: Yeah, you don't want to be experimenting with beta-blockers the weekend before the test. You want to, if that's something that you and your doctor decided you need, you want to have that at the beginning of your preparation period, so you can start seeing how that makes you feel and testing, because a lot of this stuff is not a perfect science. It takes a bit of trial and error, and feedback between you and the doctor.
- Lee Burgess: Sometimes, these doctors, whether they be therapists or psychiatrists or medical doctors, may be hard to see, so I've even had students who've had trouble, and want to go see their doctor, and it's a two week wait to get an appointment.
- Lee Burgess: This is the stuff if you're a 3L and you're seeing this going, "I have some of these issues." Make sure that you are laying the foundation as soon as you can to get the plan in place so you have the right resources and you figure out as much as you can going into the test, so you're not playing with medication shortly before the bar exam.
- Ariel Salzer: Yeah, I agree.
- Lee Burgess: And really closely linked to this, it's something that really drives me crazy, sorry guys, but not applying for accommodations in a timely manner, so you do not get the accommodations that you need to level the playing field. We did a really



[great podcast with a psychologist who helps people file for accommodations](#), but filing for accommodations on the day it is due, is a terrible idea because you may not have a right to appeal during this testing cycle, and you may not even get your results for your accommodations until about a week before the test. You don't want information about how you're going to execute the test to change a week before the test. It's not a great situation.

Ariel Salzer: This happened to one of my students, actually, it was a couple of bar seasons ago, and finally, this person got the results and they said, "Yes, you can have time and a half," and it was sort of like, "Oh, okay, now we rework the entire process of how you write essays because all of our time ratios for planning versus writing, all this is going to be different information now. It's good, it's great that you got the accommodation, but that's an adjustment period." Absolutely. Same thing, work it out early. Figure it out as soon as possible.

Lee Burgess: And I think the other piece of that, too, is if you're not working with, depending on your accommodation needs, whether it's a medical accommodation, you're a medical doctor, if it's a psychologist, if it's a psychiatrist, you need to make sure, especially if they have never done this paperwork before, you really want to get it in early.

Ariel Salzer: It's a lot of paperwork.

Lee Burgess: Yeah, it's a lot of paperwork, but there are mistakes that could be made. I had a student who needed medical accommodations, but their MD had never done this paperwork and wasn't specific enough in their request of needs to drink water, needs a chair closer to the restroom, whatever that might be. You need very specific requests, so they can grant or deny them, so they just denied the whole thing.

Ariel Salzer: Wow. That's disappointing.

Lee Burgess: I know, and then there was no right to an appeal before this administration because of the time constraints. Apply early and often. Don't wait. And linked to that is an issue of procrastination, which I really see for the bar exam a lot, missing deadlines for practice assignments. Most bar companies, whether you work with tutors like us or whether you work with one of the big commercial bar review providers, they're going to allow you to get feedback in some form or another, and plenty of people don't turn in the materials for feedback, because they just don't get it done in time.

Ariel Salzer: Mm-hmm (affirmative), and why would you do that to yourself. You're paying for this, it's someone's insight on your work that you're never going to have unless you turn the essay in on the right day, especially with the big commercial. I think we're a little more flexible because we're like, "Oh, you had a rough



week? It's your brother's wedding? We can do the feedback tomorrow. Whatever."

Ariel Salzer: The big commercial companies, they have a deadline. If you don't meet it, you don't get the feed back.

Lee Burgess: But you paid for it.

Ariel Salzer: And you paid for it, exactly.

Lee Burgess: You paid for it.

Ariel Salzer: Granted, their feedback is going to be a little more cursory and not super helpful, but you might as well get it anyway.

Lee Burgess: Yeah, but it goes back to that idea of the magical thinking. If you're concerned that maybe you have magical thinking, it's probably good to get some external feedback on whether you are where you need to be. However, you can get that feedback, sometimes it might be your school, some schools have feedback programs where they'll help you over the summer, private tutors, the commercial bar programs, but turning your back to that because you couldn't get the work done, a bar essay in California is 60 minutes, a UBE question is 30 minutes. There is no reason why you can't find one hour or 30 minutes to crank out an answer to get feedback. You just have to make it a priority. [Procrastination's a tough one](#), but you have to create that accountability for yourself.

Ariel Salzer: Absolutely, and I think it kind of ties back to the idea that you raised before about this is an uncomfortable situation to be in. You're terrified of failing, potentially, a lot of people are, or you don't want to be uncomfortable, and it's really a vulnerable and uncomfortable position to be in, to have someone else look at your work that you maybe don't even think is good enough yourself, and then they tell you, confirming that, like, "Hey, this is not good enough."

Ariel Salzer: I think, at the end of the day, would you rather have that now or would you rather have the graders tell you, "Hey, you didn't pass." We have blog posts out there about [you should always be doing what's making you the most uncomfortable](#) when you're studying for the bar, because if you feel comfortable, it's probably not going to work for you. You have to put yourself in that position of getting that kind of information, why is it not good enough, how do I fix it.

Lee Burgess: So, the other thing I think that can be linked to procrastination is this idea of rewarding yourself, which rewards do tend to work to help with procrastination, so that is oftentimes one of the things that people recommend. If you do x, you



get y. If you do all this studying, you can go have a Mani-Pedi, you can go out to dinner, you can go do this.

- Lee Burgess: But you have to be very diligent with what you're allocating as a reward. I studied for six hours, so I don't have to study tomorrow. That's probably not an adequate reward.
- Ariel Salzer: Yeah, absolutely. Or maybe your reward is something that sabotages you. I'm going to go out drinking with my friends all night, and that means I don't start my Saturday until 2PM. Something like that. Clearly you can't do that while you're studying for the bar.
- Ariel Salzer: But, also, rewards only work if you're going to stick to the work that it takes to actually get that reward. If you don't feel comfortable drawing those lines for yourself, get somebody else who can.
- Ariel Salzer: I have taken away a student's Netflix password before. I told him, "You need to email me your password. I'm going to change it. I will give it back to you when you do your work." And it shouldn't happen like this, this should not need to happen, these are adults, these are people that they should be able to manage themselves, but it takes courage to say, "hey, look, I can't handle this myself. I need your help. I can't fight the urge that I have to just go watch TV, because I hate studying for the bar." I mean, nobody enjoys this stuff.
- Lee Burgess: No. It always makes me think of that Sex and the City episode where Miranda has the cake or something in her house, and she can't stop eating it, so she puts it in the trash and then she eats it out the trash. She pours soap on it, because she won't eat it if there's soap on it, which is hilarious, and maybe something I could imagine myself or other people I know doing. But you know, just saying, "Oh my gosh, I need to do something to make myself stop." We all have these weaknesses.
- Ariel Salzer: You have to stop. I've had students put their phone in a paper bag in the refrigerator.
- Lee Burgess: I like that one.
- Ariel Salzer: Yeah, because it's like, if it's all the way downstairs in the fridge, and I have to feel like an idiot opening the fridge to get my phone so I can text someone, maybe that will mean that I'm not going to do it during my essay.
- Ariel Salzer: Or had them lock it in their car, put it in their locker at school, or even set parental controls on your Wifi. Adults should not have to do, but sometimes you are your own worst enemy sometimes. I know I am.



- Lee Burgess: Yeah. I mean, you really have to be honest with yourself and then just do whatever you have to do to make things happen. I remember I was actually quitting my job when I left my firm, and I have been delaying, and delaying, and delaying doing this, and finally, my now husband who was my boyfriend at the time, was like, "Okay, you have to tell them this morning. I get back from a meeting at 12 and you have to call me at 12 to tell me that you have given notice. You will never give notice if you do not have some kind of accountability."
- Lee Burgess: Because I was just putting it off and putting it off and putting it off for various reasons. It's okay to have to set up those arbitrary accountability things. Just set them up and know that's what you need.
- Ariel Salzer: Yeah, and we're all trained to be lawyers. We can talk ourselves in or out of anything. "Oh, I'm just going to eat one bite of the cake and then I'll save the rest for," whatever. It doesn't matter what it is.
- Lee Burgess: I never eat one bite of the cake, by the way. I am not a one bite of the cake kind of person.
- Ariel Salzer: I would frankly eat the cake off the floor on a good day.
- Lee Burgess: I know. I'm just like, I would probably have to [pour soap on the cake](#), too. It's okay. I'm sure that clip exists on the internet if you've not seen it.
- Ariel Salzer: I don't think I have seen it, and I really feel like I need to.
- Lee Burgess: How about this? We will try and go find it and link to it in the show notes because it's really amazing. Maybe now that Miranda is running for governor of New York, you know?
- Ariel Salzer: Exactly.
- Lee Burgess: Yes. So, you've got to come up with different ways. I think another thing that people can do around procrastination that isn't necessarily the bad habits that we have, but you can easily let life get in the way of studying and use life stuff as a way to procrastinate or not stay on task. This is breaking up with a significant other, getting a new pet, scheduling a move during the bar exam, doing home renovations, letting your friends or family or study group stick to how you're studying instead of owning your own bar prep.
- Lee Burgess: It is very easy to let this stuff get in the way, and then it's like, "Oh, I had to take my grandmother to this, so I couldn't study all day." I mean, life happens. If your grandmother needs you to take her to an appointment, sure, you might have to



take two hours to do that, but then you need to study your eight hours a day around those two hours.

Lee Burgess: You still have to hold yourself accountable. Going through breakups sucks, and hopefully you don't have to go through that while you're studying for the bar exam, but you have to decide whether you're going to let that completely derail you.

Lee Burgess: Then there's extreme stuff. We've had students who've lost family members during the bar, and there's some stuff that you cannot control, but the stuff that you can control, you do your best to compartmentalize.

Ariel Salzer: Well, and also, think about the sabotaging behaviors you might have around specific people in your life, because maybe there's certain people. I had a student recently who said something like, "I live at home with my parents and they have the best intentions, but they come into my study room and they do nice things like bringing me lunch or making me a cup of tea or saying, 'Oh, sweetheart, how's your day going?'"

Ariel Salzer: It doesn't matter what the interruptions are or what the sabotage is, but anybody in your life that is taking away from what you need to do. I mean, of course you do need to eat lunch, you do need to take breaks, but same thing goes for maybe really emotionally caustic people in your life, like friends or maybe even family.

Ariel Salzer: I had one student who, she told me, "My mom always tells me you're not good enough, you're not smart enough, you're never going to pass this test." Okay, so why are you hanging out with this person while you're trying to study?

Lee Burgess: Yeah, that's true.

Ariel Salzer: As a repeat taker, when you're already having these feelings. Anybody in your life, it doesn't matter how important they are, you can set limits on your time with them and how they effect you, and what time of day you see them or talk to them, whether you're texting them 24/7. It's all about boundaries and I think we know the people in our lives that are gonna derail us, whether it's with fun and exciting stuff or stuff that makes us feel terrible, but you can't really have any of that during the test.

Lee Burgess: Yeah. I think that's true, and that can be where you decide, "I put my phone away during my study hours so I don't see texts, or I don't see voice mails. I will call people back at night." Or even you can set these boundaries, especially if you have someone in your life that's struggling, it's not that you want to turn your back on them, but you don't want their struggles to become your own.



- Ariel Salzer: Right, or you're studying with that friend from law school who brings you down every time you see them because they make you feel like you're not doing a good enough job, or you're not smart enough, so don't study with that person. That's not gonna hurt them, that's not gonna hurt you. It'll hurt you if you stay. These are common. These are so common, they come up every season.
- Lee Burgess: Yeah. Going back to things that you do when you study, one of the other self-sabotaging things we see over and over again, and we were actually just talking about this before we got into this podcast recording, was not really doing the practice and completely writing out answers, deciding that outlining is the same as writing out an answer. Ariel, why is outlining not enough?
- Ariel Salzer: Well, first of all, outlining gives you a lot of wiggle room, because maybe you write down negligence as an issue that you spotted. Does that mean that you saw that there's a child engaging in adult activity, does it mean that you would use the right standard of care, or that you called breach the right thing, and you used the right facts? We don't know because all you jotted down was negligence.
- Ariel Salzer: It's really easy to give yourself a free pass and say, "Oh, yeah, that makes sense. I would have gotten that." But unless you actually commit to writing out the answer, you won't really know what you would have said, and you don't know if you would have gotten all the answers that you maybe even had in your head, but if they're not on paper, it's hard to hold yourself to that kind of standard.
- Ariel Salzer: The other thing, too, is that are they testing you on how well you outline? No, they're not. They're testing you on how well you write the actual finished product. If you don't practice writing that finished product and you think your outlines are amazing and they're good enough, okay, great, but the skill that they're testing you on is translating those outlines into an actual essay. If you can't do that in the time constraints, especially in California, and that differs in some of the other states, as you know, but unless you can explain your reasoning and why you used that fact, they're not going to pass you. The outlining, you don't get practice without explanation, you don't get practice with the fact usage in the same way.
- Lee Burgess: Yeah, I think that's true. One of the things the bar examiners are looking for is legal analysis, and if you can't show them that, then you can't pass. Outlining, unfortunately, doesn't often lead to legal analysis. It focuses on issue spotting and maybe writing down the rules, but that's just not enough to pass, and I think it's again, it's a habit that can be one that's comfortable, so you're like, "Oh, I'm doing so great because I can outline all these questions," but unless you're forcing yourself to write it out, the true nature of your study is not really getting highlighted for you.



- Ariel Salzer: And you don't get practice with timing. If all you're doing is outlining in 15 minutes, 20 minutes, can you finish an essay in an hour, because if you're not practicing that, it's going to be really hard.
- Lee Burgess: Yep. Alright, we already talked about another self-sabotaging behavior, because it's something that I struggled, with, that was not sleeping. So not sleeping, very bad. Please don't do it. Please figure out how to get sleep.
- Lee Burgess: If you're retaking the bar exam, one of the other behaviors that we have seen is this idea that you just try and do the exact same thing that you did last time, and expect a different outcome. This typically does not work. It's not saying that you necessarily can't take the same course again, because oftentimes that's not the issue, sometimes it is.
- Lee Burgess: But it's what you did with that course and how you studied, whether you did not enough practice, too much busy work, listened to lectures for too many hours, didn't memorize the material, had time management problems, didn't get accommodations. There are tons and tons of reasons why people would fail, but you don't want to come at your bar study the same way again, the second time, because it's just likely you're gonna have the exact same outcome.
- Ariel Salzer: Yeah. I would agree with that, and it goes back to that idea of willing to sit down and take a cold hard look at what did I do, what could I have done differently, did I do my best every single day, really? Am I sure of that? Because most of the time, there was either some slacking off or some busy work or running yourself into the ground to the point of exhaustion. All these things that we've talked about so far.
- Ariel Salzer: You have to change your game or you're not going to get a different score.
- Lee Burgess: If you are working and studying, which is something that a lot of people are doing, and we're finding more and more of our students are working and studying, one of the big self-sabotaging behaviors can be being distracted by work, so you're only studying when you are exhausted, which is not going to give you your best brain.
- Lee Burgess: But also just not being realistic and being able to take time off of work to study. Because if you can't take time to study, you're not going to be able to get the work done to pass.
- Ariel Salzer: Yeah, absolutely. If you're working, I would say my best piece of advice is start early, because if you're working 40 hours a week and you only have a few hours per week, or maybe even just the weekends to study, it's going to take a lot of weekends. You can't do this in two or three months. That's not enough time. Start early, start very early.



Ariel Salzer: Another thing a lot of students have tried is writing the essays in the morning before work. I know it sounds really, like an ungodly hour to be writing essays, because sometimes you are going to be waking up at maybe 4:30, 5 o'clock in the morning, but that means you can go home and relax at the end of the night when you're completely drained and maybe just work on some task that's less taxing, or maybe just put yourself to bed.

Ariel Salzer: I have found a lot of students really prefer doing the writing in the morning, even getting to the office and doing the writing at their desk in the morning. Because at the end of the day, and I mean, I know this from working, trying to study after working or trying to work a second job after working, you're so tired at the end of the day. It's so hard to get anything done besides dinner and bed.

Lee Burgess: Yeah, especially if you're working some sort of legal-related job, the hours are typically not clean, like 8 to 5. When we work with somebody who's got a clean schedule, clock in, clock out, then you can say, "Why don't you go to work early and write from 7 to 8, do a practice essay from 7 to 8, or get off at 5 and stay at the office from 5 to 7, and then go home and put your feet up?"

Lee Burgess: That's easier to stomach versus if you are a-

Ariel Salzer: An associate.

Lee Burgess: An associate.

Ariel Salzer: Or some other type. Obviously, it's hard to be an associate without a bar license, but maybe from another state. We've seen that before. Young associates in New York trying to take the bar in California, and it's sort of like, "Where is that time going to come from?"

Lee Burgess: Yeah, exactly, and your partners, although they may want you to pass, are going to still want their work done, so you need to work it out with your job to make sure you have the opportunity, because it is expensive and time consuming to study, pass or fail, so you want to give yourself the best chance of trying to pass if you're going to spend all this time and money. Even if the firm's paying for it, they still want you to pass.

Ariel Salzer: It's heartbreaking to see somebody who's completely capable and very smart and just cannot physically put in the hours that they need, and you know that if they put in the time, they would pass, but they just can't because of their jobs, so definitely start early. Do it early.

Lee Burgess: We already talked about this with my own personal story, of flashcarding and your story of formatting outlines, but you got to watch your creating useless tasks to take away from the substantive, uncomfortable study time that we've



been talking about. Because these tasks make you feel busier, but they can also produce more anxiety because you're not actually getting your work done, and it's just bad news, kind of, all the way around.

Ariel Salzer: I would agree with that, and I've seen some really beautiful, color-coded, Excel spreadsheets of all the MBEs I've ever gotten wrong and why they were wrong. Okay, that's fine, but why did you spend that many hours doing that instead of, for example, just memorizing all the rules from those questions that you got wrong? That would have helped you get them right next time, not making a spreadsheet about it.

Lee Burgess: Exactly.

Ariel Salzer: I don't want to say spreadsheets are bad, and you should absolutely figure out why you're getting questions wrong, but it shouldn't take 20 hours to do that.

Lee Burgess: Yeah. I totally agree. Another thing that's kind of linked to this is spending too much time reworking your study schedule or trying to come up with a new plan instead of just working the plan that you have unless the plan is really faulty, you just need to keep chipping away at the work.

Ariel Salzer: Absolutely. I see this so often. I don't know what it is, but it's sort of these type A law school personalities, you know, that we all had or have at one point to get through law school, and it's sort of like, "Okay, I can convince myself that making a new schedule, and it's bright and shiny and I'm gonna stick to it this time. That's going to be a good use of my time."

Ariel Salzer: No, the good use of your time is going back and finishing all the stuff you didn't get done this weekend when you were stalling. Yeah, I don't know why this keeps happening with people, but this is a really common one, and if you feel, in your gut, that you're wasting time, you definitely are.

Lee Burgess: Yeah. I think that's really true. And I think the last one on our list is one that we also see that's information overload. You're using too many outlines, flashcards. There are no magic bar materials. I wish we had magic bar materials, don't you?

Ariel Salzer: I do. I do. I really do. I had a student this past season who mentioned, and this happens all the time, students will mention something off-handedly, and I'm like, "Wait, wait, wait. What did you just say?" This student was like, "Well, I was reviewing my notes from my Civil Procedure class as a One-L and I was looking at what my professor said in lecture about this." It was like, "Why are you going back to your One-L lecture notes for the bar? What are you thinking?"

Ariel Salzer: No. You have to take these distilled materials that are already concise. You have to just pick one, pick one set of materials and use them. You should not be



Googling "what is promissory estoppel?" You should not be looking at the Wikipedia page for the Supreme Court. No. Stop. Don't go down the dark rabbit hole of the internet, or outlines or flash cards. Really, just pick one, I would say. Pick one and go.

Lee Burgess: It's typically not the outline that's the difference between passing and failing even though it seems that way, but you have to figure out what materials are going to work for you, but an obsession or this overload of comparing materials and being like, "Well, this wording is slightly different." The wording of the rule statement is not what's going to be what makes or breaks you.

Ariel Salzer: It's not the reason, yeah, exactly, it's bad enough as it's running out of time, because you never practiced full essays. All this other stuff we talked about.

Lee Burgess: Yeah, exactly. Alright, so now that we have highlighted what everybody does that drives us crazy and that we drive ourselves crazy with, what do you do about self-sabotage? How can you stop doing some of these behaviors? Of course, admitting there's a problem is first, right?

Lee Burgess: If any of these sound familiar to you, the first step is admitting there's a problem, but Ariel, what else can people do?

Ariel Salzer: I think take a good hard look at yourself and ask yourself, "Am I cutting myself too much slack?" Or, conversely, "Am I being too hard on myself?" You should know in your gut what the answer is. I had a student recently who, we had a scheduled call and this person showed up for the call and basically couldn't get through talking about anything without bursting into tears because they were that run down, that exhausted and that sleep deprived.

Ariel Salzer: I asked them, "What are you doing today? Can you take the day off?" And they begrudgingly admitted, "Well, my friends are all at Disneyland." It's like, "Okay, we're going to stop the call, you're going to go to Disney Land, you're going to ride the rides, get the princesses' autograph, eat the funnel cakes." I don't know I've never been to Disney land. "Do whatever it is that gets you back recharged, put yourself to bed super early, and let's talk tomorrow."

Ariel Salzer: It was amazing. This person did not think that was a good idea, they thought it was crazy, but then the next day, it's like, "Okay, we can talk without crying. We can talk about getting some work done." This person was clearly being way too hard on themselves, not taking any breaks at all.

Ariel Salzer: But then on the other side, there's those people that are kind of just trying to cut corners and telling themselves, "I'll rework the outline, and that's a great use of 20 hours of my time," or whatever. Taking care of yourself is the first step, but it can mean different things for different people.



Ariel Salzer: I would say most bar students that I encounter are not being hard enough on themselves when it comes to doing the work. They're really hard on themselves in terms of negative judgment, like, "You're not smart enough." They all do that, but in terms of just buckling down and doing the work, I would say most of them are not as good as they need to be at that part.

Lee Burgess: I had a student who was in a similar situation right when I was in the early days of doing this work, where it was a week before the exam, we're on the phone, and I can tell she was in a really bad place. She's like, "I just want to go to yoga and go to bed." And I was like, "Sounds great. Go to yoga."

Lee Burgess: So, she took the afternoon off and went to yoga, and then went to bed at 5 o'clock at night, and slept all night and was totally able to function and ended up passing in the days following, but I really believe that if she hadn't just said uncle, "I gotta go do this for myself," and hadn't been honest about that, I think she wouldn't have been able to pull it together for the test.

Ariel Salzer: Well, because we feel so guilty. You don't want to take any breaks sometimes, because it feels like it's going to take time away. I had a really similar story with a student from a couple seasons ago, who also passed. She was running herself ragged, she was a mom of young children taking the exam as a repeat taker, and it was like, "Okay, well, you sound frenzied, you sound like you're at your wit's end, what makes you feel calm?"

Ariel Salzer: And she was like, "Well, I live right next to the beach, but I never go there." "Okay, well, leave your phone at home, go sit and stare at the water for one hour on the clock. I don't care what you think about, but you do this, and you do this today, and tomorrow, and the next day, and let's see what happens."

Ariel Salzer: She passed and she was so much more calm. It sounds simple, it sounds even silly to think about it in retrospect, but that's what she needed, she knew that's what she needed, she just- It's scary. It's a scary process.

Lee Burgess: Yeah. All this goes to this idea of you have to take care of yourself, because it's much easier to indulge in self-sabotaging behavior when you're exhausted. Exhaustion makes us more emotional, have higher anxiety, you can get sick. There are lots of things. You have to baseline take care of yourself, so you have to sleep, you have to eat good food, eating pizza every day, probably not going to get you where you need to be either.

Ariel Salzer: Don't drink Red Bulls all day and night.

Lee Burgess: Don't drink Red Bulls until you throw up, don't be drinking a bunch of alcohol at night so you're hungover in the morning, but you do have to take care of



yourself, get outside, move your body, do things like that, because the world looks worse when you're not taking care of yourself.

Lee Burgess: Then, you should probably set up some reward systems that may actually work. We've even had students set up financial rewards for themselves. If they get all their work done, they are allowed to go buy something or donate money to something they care about or something along those lines. Hey, whatever works for you, just make sure that the reward system is going to help you get your goals met.

Ariel Salzer: Absolutely, or even anti-rewards. I know there's that. We've written a blog post about that company STICKK, where they basically donate your money to a charity that you hate if you don't get your work done, or you don't meet whatever the goal is for yourself. If it's not enough of a reward to go buy yourself something on Amazon, maybe think about your hard earned money going to some cause that you really don't agree with. Maybe that's enough of an incentive.

Lee Burgess: That's true, yeah. I feel like these days, with how polarized everything is, it would make you work very hard.

Ariel Salzer: Yes. You can pick anything.

Lee Burgess: Yup.

Ariel Salzer: Exactly.

Lee Burgess: I like that idea. And you can also create accountability with friends and loved ones. You can-

Ariel Salzer: Mail your Netflix password to them.

Lee Burgess: Mailing your Netflix password to people, you can email updates to folks about how the studying is going, you can have people to check in on your progress. I think you can include your tribe, even your tribe that's not familiar with the bar exam, in this process to help you stay accountable. Just make sure that those people are going to serve you and move you to where you need to be and they're not gonna just make you feel bad about what you're doing. It's got to be the right people who can help you be accountable.

Ariel Salzer: Absolutely, and make sure this is not, again, an outlet for busy work. If you're calling your mom and talking for two hours every day, that doesn't need to happen. Your mom is not gonna help you pass the test for two hours every day. That's you indulging yourself, and you could spend that time somewhere else and maybe spend 20 minutes talking.



- Lee Burgess: Yep. And then it was we just talked about, sometimes [you need to take a break](#) and make sure you're decompressing, because burnout can lead to terrible, terrible self-sabotaging behavior. You got to be honest with yourself when you've reached those breaking points and go to Disney Land, go look at a beach, go to yoga, go take a walk, go see your significant other, do whatever you need to do. Hang out with a dog, go to cat cafes. There's now one in San Francisco, I have not been.
- Ariel Salzer: There is. I remember talking about cat cafes back when that was just an idea, and I haven't been. I've been to the ones in Japan, maybe, but not in the Bay. And we've talked about before, with one of our mutual friends, when they were studying for the bar, we went and cuddled kittens at a shelter because that's what makes her feel less stressed. Do whatever it is for you. Go play with a puppy, go babysit your nephew, whatever.
- Lee Burgess: Whatever. So, just be honest with yourself about what's going to make you feel better and look for those signs of burnout, because they can lead to unproductive study and really can cause a lot of problems down the road.
- Ariel Salzer: And try the line, is it burnout or are you being lazy? Because only you know this.
- Lee Burgess: Yeah, that's really true. You have to evaluate for yourself, if you're struggling, look at your to-do list. Am I getting the stuff done that needed to get done? Am I sleeping, am I studying 16 hours a day? You have to evaluate all this stuff and then be like, "Well, maybe the burnout is real."
- Lee Burgess: Oh, maybe, I'm only studying six hours a day, the burnout is not real," so then it is time to evaluate how you can shift your study to make it more productive, and then you can get those breaks that you want, because you don't have to study all day every day, but you have to treat this like a job, but the time that you put in, you need to get some output from it that is going to be effective.
- Ariel Salzer: Absolutely.
- Lee Burgess: Yeah. Well, I think that's a lot of good stuff, both some things to avoid and some things to strive for, but I think with that, we're out of time. Thank you Ariel, for spending some of your afternoon today, talking to us about self-sabotaging behavior.
- Ariel Salzer: Thanks for having me. We've all done this. We're not coming from a place of judgment here. Like I said, we would eat the cake off the floor.
- Lee Burgess: Exactly.



Ariel Salzer: I watch Netflix when I'm not supposed to, believe me. It's hard, this stuff is really hard, but you have to just be honest with yourself and get help if you need it.

Lee Burgess: Yep, exactly, and with that. We're out of time. I want to take a second to remind you to check out our blog at barexamtoolbox.com, which is full of helpful tips to help you prepare and stay sane as you study for the bar exam. You can also find 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 exam. If you think Ariel sounds amazing, you can ask her to help you on the California bar exam.

Lee Burgess: 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.

Lee Burgess: If you have any questions or comments, please 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.

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- [What are Bar Exam Graders Really Looking for?](#)
- [Podcast Episode 2: Accommodations for the Bar Exam \(w/Dr. Jared Maloff\)](#)
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