



Lee Burgess: Welcome to the Bar Exam Toolbox podcast. Today, we are talking about how to pass the bar exam in 10 days and why this plan is a bad idea.

We're the co-creators of the [Law School Toolbox](#), [Bar Exam Toolbox](#), and the Career related website [Career Dicta](#). Alison also runs [The Girl's Guide to Law School](#).

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Alison Monahan: Welcome back to the Bar Exam Toolbox podcast. Today, we're discussing how to pass the bar in 10 days, and why this is probably a really bad idea. A few years back we had a student hire us to help him pass the bar while he was studying for only 10 days. He, note, did not come to us ten days before the bar exam. This was a plan we all set up in advance. We encouraged him to study longer, of course, but you know this was the time he had available. We kind of made it work.

Lee Burgess: Yeah, and you studied for the bar exam in just a few weeks.

Alison Monahan: I did.

Lee Burgess: Yeah. This is somewhat similar to what happened to you, but not exactly.

Alison Monahan: It's not dissimilar. Yeah, I mean, I took two bar exams. I took the first in a Massachusetts and then while I was working, I took California. In both cases for various reasons I really ended up studying just for a few weeks. I mean, I'm not recommending that people do this. I think it is pretty stressful. It's definitely not for everyone. But, if you find yourself in this type of situation where you've got very limited time, whether it's because of a work situation, maybe a personal situation. Or, I mean frankly, for some people if you are just, have fallen so far behind that you feel like you've done nothing and you're looking at just a few weeks to the exam.

Alison Monahan: I mean, here are suggestions on basically how to clean up your act and at least do what you can for that final push. Give yourself the best shot you can at passing.

Lee Burgess: Yeah. One other caveat we should probably add to this is, I think this is true in your case and also the person we developed this 10 day plan for. You were both really good exam takers. You don't struggle with standardized tests.



- Alison Monahan: No.
- Lee Burgess: This other person-
- Alison Monahan: As I recall he had also taken it basically cold the first time and almost passed.
- Lee Burgess: Yeah. He was Ivy League educated. He had done well in standardized tests before. Again, I don't think that standardized tests mean that you're smarter than others or not, it's a skill.
- Alison Monahan: No. It has nothing to do with that, some people are better at taking them.
- Lee Burgess: Some people are better at them.
- Alison Monahan: Yeah. Basically, some people's minds work in the way that the test rewards and that makes the test easier for you. It does not mean that those people, myself certainly included, are like better at being lawyers. I don't think that's true at all. But, for something like the MBE, I'm really good at that sort of test.
- Lee Burgess: Yeah. Others of us who have to study more for those hate you for that, but it's okay. We all have our strengths and weaknesses.
- Alison Monahan: You know it is what it is. I'm a quick thinker but not a deep thinker. Other people are deep thinkers, and they're the ones who are like sitting you know, toiling away at being appellate lawyers and things like that. That wasn't really my scene, but I am good at taking the bar exam.
- Lee Burgess: Yeah. If you are in a situation where you either have very limited time, or you're triaging because your study plan has gone to crap and you have to kind of start over and you have very limited time, this is kind of what we would recommend to do to give yourself a shot at passing. Again, not a great shot, but a shot.
- Lee Burgess: The first thing is you are not making your own outlines, so you've got to get some good, condensed outlines. The one's we like, we like [SmartBarPrep](#), because they note what are the most heavily tested issues on the essay portion of the bar exam. They have outlines for both California and the UBE. We like [Lean Sheets](#) as well, because they are very lean, although some people find that they might be a touch too lean if you're not familiar with all the areas of the law.
- Lee Burgess: But, the reality is even in the best of circumstances you don't have enough time to learn all of the law, so do not get an outline or a quote mini-review that is 400 pages long and try and study from that because you don't have time to do that. You don't have time to learn all that law. It's not possible.



Alison Monahan: Yeah, and I think in my experience one of the things too you have to really drill down and really think about is what do I actually already basically know, and what am I totally unfamiliar with? That's kind of the first question I would asking here. For example, I think anyone studying for the bar there are probably topics you've never seen before. You haven't taken a class on it, that kind of thing. If those topics are likely to show up, you've really got to make sure, in that case you may need a little bit more detailed outline. You're probably going to need some extra time.

Alison Monahan: For me, for example in California, it was community property. I can't just read a community property condensed outline and have any clue what is going on in this subject. But, you know, you can get something else and read it and basically give yourself, I mean, I think I gave myself a day, maybe two, to learn community property. You're not learning it at a super detailed level at that point, but that's efficient.

Alison Monahan: But then other, you know, I didn't need and couldn't take two days to learn something like torts. You're going to have to kind of rely on the knowledge you already had, which hopefully is still in your brain someplace, and then just work from these condensed outlines. You might not have every single detail but hopefully a lot of this is coming back to you.

Lee Burgess: When you are deciding what to spend your time on when you're going back through, let's say torts is a great example. You open up a torts outline, you're like, "Okay, I remember negligence basically. Maybe I don't remember the exact rules for when someone's a licensee or a trespasser or something like that, I've got to go learn those details." But, you might be able to create a lot of the structure around this basic law.

Alison Monahan: Right, I mean you basically understand there's a difference between like if you're a trespasser on property versus an invitee. You are kind of like, okay, I understand that that concept exists.

Lee Burgess: Right, but I think where people go wrong is they will go through, even take this step and say within the outline these are the areas where I have some weaknesses on my knowledge of law. But then, they spend a lot of time on things that don't show up on the test very often. That's problematic. Because, if you are learning a detailed nuance or an issue that is almost never tested, the likelihood that that is going to show up on the test and that you're going to be rewarded for all that time is pretty low.

Alison Monahan: Yeah, absolutely. I think it's interesting, the other day I was going through some materials on evidence, starting with the MBE subject matter outline, and the fascinating thing there is they literally tell you exactly what material is going to



be tested on the MBE. It gives you, say for evidence, it gives you a multiple page outline of the substantive law they might test. It breaks it up into I think five different sections. It tells you section one is going to be x-percent of the test. Second two is going to be x-percent. Sections three, four, and five together are going to be x-percent.

Alison Monahan: You can look at that and kind of say huh, you know, they're kind of telling me like basically what I really need to focus on. Then if you go, I think I went to the SmartBar UBE outline and kind of cross-checked this, just out of curiosity. This is what Lee and I do for fun.

Lee Burgess: Exactly.

Alison Monahan: Cross-checked the MBE Evidence question outline where they've marked up literally like these are the highest priority topics. These are the lower priority topics. Cross-checked that against the MBE outline and kind of highlighted what showed up on both, and I mean, it's not really that shocking, but a lot of the same material showed up on both. Which really tells you, you know, if you have one day to get fully up to speed on evidence, these are the things you need to be focusing on. If you do not know these things, you will not be able to do an essay or MBE questions on this topic.

Alison Monahan: 80% of the stuff? Probably less important, but there's this core set of materials where like if you do not know hearsay and you do not know these five out of the whatever 18 exceptions, you are going to be in major trouble.

Lee Burgess: Yeah. It's all about being strategic. You have to be strategic. Even if you have two months to study for the bar. You have to be strategic. But the more condensed your time is the more focused you have to be. We find students getting lost in the weeds of law that is definitely not going to be on the test all the time. Like all the time. Then, we get these emails, it's like, "I've been parsing through six outlines to find the perfect rule for this family law rule that could show up on this one exam." It's not going to show up.

Alison Monahan: Well, and if it does show up any of those six rules, either of those six different versions you've looked at would basically be fine.

Lee Burgess: Right, that's true.

Alison Monahan: Just pick one, it doesn't matter. If it's in an outline that's being sold as bar study materials, the likelihood of it being so far off base that you're going to fail the bar if you use it is extremely low.



Lee Burgess: Yeah. You've got to think about what you're studying and spending your time on. I think you're, going back to what you said earlier that I think is an important note, is about something like community property in California that is not typically especially taught in schools outside of California. Like, that is a heavily tested subject, you have to know it. It comes up on almost every test. It is crossed over with wills, which is also almost in every test. That's a good use of your time, you know, but nuanced laws in business associations that are not tested all of the time may not be what make your list to study before the test.

Alison Monahan: Yeah. I mean, I think frankly you've got to also be thinking like all right, I've got to be really solid on the seven MBE subjects, and conveniently enough those also typically show up as essay questions. I remember in Massachusetts they did something about commercial paper. I was like okay, that might show up someplace, but like I need to look at that but I probably don't need to dive into it in the way that I need to dive into say evidence. Because, that is going to show up across the board.

Alison Monahan: Maybe in California you're going to have federal distinctions and California distinctions. Like, that is stuff that is on your must know list.

Lee Burgess: Yup, exactly. All right, let's move onto the next thing that you have to think about, is you have to practice all areas of the exam. You cannot ignore big chunks of the exam. I think one mistake-

Alison Monahan: Maybe.

Lee Burgess: No. I think one major mistake-

Alison Monahan: I mean, I'll be honest, I don't think I ever took a performance test, but I wouldn't recommend it.

Lee Burgess: I know, but you are an awesome writer. The thing is, I do think the performance test is one of my pet peeves, because it is not hard for most people who are good test takers and excellent writers, it is not a complicated thing. Most people can do pretty well on their first one. The reality is though, is that if you, since you don't need to know any law for the performance test, that's not one you want to muck up. Like, you need to make sure that it's solid, because you could knock that one out of the park and that could totally cover your ass for these other exceptions.

Alison Monahan: Right, and I'm sure that part of the reason I passed is because I did well on the performance test. I shouldn't say like I didn't do anything on it. I definitely read a few, and maybe like looked at some answers. I didn't go into it totally cold, but I don't think I wrote any. I mean again, I was in triage mode. I was like I don't



think this is necessary for me personally in this situation, there are better ways to spend my time, but I'm at least going to look at it.

Lee Burgess: I think that even doing that is more than some people do, because some people go and be like well the first performance test I went through was on the exam day. I'm like, I think that's kind of a mistake. I don't think that should be a rough draft, you know. Like even if you don't have time to really do a deep dive, you at least need to get familiar with the format. You at least need to have read through a packet or two and maybe tried to outline a question just to see what the game is. So, you can know going in what's going to be asked of you, because that part if you are in triage mode and you absolutely have to pass. There's no excuse for not passing the performance test portion, because you don't need to know any law for it. It's magical. Magical.

Lee Burgess: Okay. That is my standing on a soap box moment about the performance test.

Alison Monahan: I mean, you realize you're talking to someone who didn't realize they tested professional responsibility on the California bar.

Lee Burgess: I know, I know, and yet I still started this business with you, it just-

Alison Monahan: Too bad we had not met at that point. You would have been like, "Yeah, that's on every test, you probably ought to study it."

Lee Burgess: Exactly.

Alison Monahan: I mean honestly, I really feel like, I mean I'm almost certain that if they had only graded my essays in California I would have failed. I mean, let's just be honest.

Lee Burgess: Right. I think you are though the poster child for make sure you don't, you are prepared for all parts of the test somewhat at least, because you need these other scores to pull you up when you bomb a question.

Alison Monahan: Yeah. No, I mean I figured I'd focus on the MBE stuff that I'd already studied before, try to get the highest score possible on that. CYA with the performance test. Then, hope for the best on the essays.

Lee Burgess: Right, exactly.

Alison Monahan: Which is pretty much what happened.

Lee Burgess: Yeah. Okay, so the performance test is important, we've already kind of covered that. But, I also think it's important with the practice that you also make sure that your practice is timed. One of the things that I think can be somewhat



indulgent that folks do when they're studying for the test. Whether they're studying for two months, six months, or 10 days, is that they spend way too much time doing essays and performance test.

Lee Burgess: I don't really care if you can write the best performance test in two and a half hours, because no one's going to read that second hour of work.

Alison Monahan: Right, exactly. It's like I spent all this time doing essays. You're like, "Well, how many did you do in that timeframe?" You're like, "Um, that doesn't really work with reality."

Lee Burgess: Right. Exactly. It's like I'm glad you can write a passing essay in 90 minutes to two hours, but that's not what you're being asked to do. Make sure you're doing timed practice, because the other thing you need to be very conscious of is time management. If you get a set of essays and you see the subjects and you realize that two of them are going to be probably pretty bad. Let's just say you get a group of essays in California it'd be five, in the MBE it'd be six. You're like, "Uh-oh, two of these are not going to go particularly well."

Lee Burgess: You want to make sure that you don't burn extra time on those. You need to just give them time to get as many points possible out of it and then move onto the next one, because maybe the next one you can pass, get some extra points out of to cover the problem with the essay that was kind of a bomb.

Alison Monahan: Yeah. I think you've got to be brutally realistic about this. You do need to be writing timed essays as soon as possible, because you need to really see. You know, say you're doing the MBE and you see that every single essay that you do in 30 minutes is not anywhere close to finish. It's like, okay, well that's a problem you need to solve right now. But, you might not be able to solve that problem if you're giving yourself like, oh you know, it's only the first week I'm studying, I'll give myself 40 minutes. Like no, that's ridiculous, you don't have time to do that.

Lee Burgess: No, you don't. Maybe if you were studying for two, three months you have the luxury to do that, but not if you're studying for 10 days. I even think it can be overindulgent even if you're studying a little bit longer, but you know, that is just me.

Lee Burgess: Okay, so let's move on to kind of the next point of this. That we need to be able to triage and then triage a little bit more after we do some triaging, because it's like you have to stop the bleeding. You have to come up with a plan. You've got to be strategic about how you study. We've already kind of mentioned this, but you need to study the most heavily tested essay topics and the most heavily tested MBE topics. Alison, you mentioned that if you go onto the National



Conference of Bar Examiners website and you check out their [subject matter outlines](#), they give you an idea of what is the most heavily tested on the MBE.

Lee Burgess: We have this fantastic tool called the [Brainy Bar Bank](#), which will also tell you the most heavily tested essays on the UBE or the California bar. Also, within those essays, link to, I'm sorry within those subjects, link to the essays for individual topics that are also very heavily tested. If you go through and you're like evidence, hearsay, what are the most heavily tested hearsay issues. Maybe the top one is present sense impression. Well then, I would know that one. Probably also excited utterance, because they go together typically.

Lee Burgess: I'd click on the link to present sense impression and it's going to give you a list of eight recent (in the last decade or so) bar questions that are all about present sense impression. You should practice those.

Alison Monahan: Yeah, I was actually really surprised when I looked at the SmartBar outline for the evidence questions on the UBE. I was actually surprised how few of the different hearsay exceptions really were tested, and how regularly the ones that did show up did show up. I went into the Brainy Bar Bank, which is basically a tool that I created because I wanted it when I was studying myself, and looked and yeah it was totally correct. It was like, yup, that really is a small subset of these that are pretty regularly tested.

Alison Monahan: Unless you've looked at that you might, I mean I don't want to say wasting your time, because one of these other things could show up, but it's much less likely to show up.

Lee Burgess: Right. You've got to play odds at this point. We talk about it as gambling, but don't put too much weight on predictions and don't gamble too much. I am one of these people, I don't like to gamble. If I'm going to waste money I'd rather go shopping or go to the spa, like I don't, I just don't like to gamble.

Alison Monahan: Oh see, I love gambling.

Lee Burgess: I know, but that's because you're a math person. All my math friends love to gamble.

Alison Monahan: I know, well that's true, too. You understand the odds. But yeah, I mean I also really only like gamble gamble if I'm playing with the casino's money, but if I won something like I'll go play craps, that's fun.

Lee Burgess: Well yeah, that's true. I will typically, I'm one of those people who goes to Vegas with 200 bucks in cash and I leave all my credit cards ... well, this is in more of my, when I would get drunk in Vegas and go do to stuff days-



- Alison Monahan: Your wild days.
- Lee Burgess: Not my like, now if I go to Vegas, I go to like a nice dinner-
- Alison Monahan: Mother of two.
- Lee Burgess: ... I go to a nice dinner and go to bed early. But, back in my more exciting days I would typically be like, "Okay, well I have like \$200 to blow." You know, going through the casinos are doing whatever we were doing, and then I can gamble with whatever I get from those \$200, but I'm not like getting more money. It would be funny because one of my friends, I was a consultant and we used to travel a lot and we ended up, a bunch of us met in Vegas. He was like, "Oh, well, if you're out of cash do you just want to go borrow more from me? I can just go to the ATM." I was like, "No."
- Alison Monahan: No, no, no.
- Lee Burgess: No, because the deal was is that I left all those cards back in the safe at the hotel, I'm not allowed to get more money.
- Alison Monahan: No, it's fascinating. I had a boyfriend who would claim he was going to do that, and he was a mathematician. Would claim he was going to, and he was a terrible gambler, would claim he was going to not take more money out. Every single time he lost everything and he took all the money out and I was just like, "You know you're going to do this." Anyway, we're off topic.
- Lee Burgess: We're off topic. I also had a boyfriend, or an ex-boyfriend, he's clearly not my husband, but who was a professional poker player. He was all into poker because he could game, he found it as a game that it wasn't gambling, it was a system that he could game.
- Alison Monahan: Well, poker is a game of skill. You're playing the other people at the table and paying the house a cut.
- Lee Burgess: Right.
- Alison Monahan: Craps I like because it actually has the best odds of any game, but anyway, we could do a whole podcast on why we do or don't like various gambling games, but when-
- Lee Burgess: You know what's awesome, that could be what people should do after they finish the bar, go to Vegas.



Alison Monahan: Yeah. When I see people playing roulette or something I'm just like, "Oh my god, really? Like, just give them your money."

Lee Burgess: I know. Okay.

Alison Monahan: We want you to game the bar kind of like craps or poker, not like roulette.

Lee Burgess: Oh, very nice segue, very nice. A way to bring it back. Yeah, so one of the things that you'll hear a lot of in this bar space, especially if you spend anytime Googling at the end of the bar study prep period, is people are going to start to make predictions on what's on the test. I'll be honest, I don't really like predictions because I don't like to gamble. What I do like are more probabilities. What is heavily tested and what shows up a lot? Sure, you can say well evidence was on one of the last essays and it won't be tested again, but then sometimes it is and then you get screwed, you know.

Lee Burgess: There was a time when I sat for the bar that they, the bar company that I worked for made predictions and said there is no way a remedies question without it being a crossover will show up on this test. No way. It was question number four. Like, you just, nobody except the people who are writing the test knows what's actually going to be on the test.

Lee Burgess: Be smart about it. For instance, in California, you're almost always going to be tested on professional responsibility and some form of community property and wills and trusts. Almost every season. I mean like, almost every single time, so know that stuff. But, don't be like I wonder if they're going to test con law, I wonder if they're going to do this, I wonder, I wonder, I wonder, or like the-

Alison Monahan: Yeah, I mean I would pretty much guarantee no one needs to look at the dormant commerce clause again anytime soon. You know, having shown up on the last California exam totally out of the blue, taking everyone by surprise, you don't then need to be like oh my gosh, what if they test that. They're not testing that anytime soon, like that was random and weird.

Lee Burgess: Right, and they're going to find stuff that's random and weird, and I think that that's one of the things with the predictions that can get a little weird. Is somebody might say okay, well I think they're going to test con law this time, but oftentimes, especially con law is a great example, because they test the weirdest rules in con law to trip people up. You could have spent a whole extra day studying con law and you probably still wouldn't have learned the law that was on the test.

Alison Monahan: Yeah, I mean that's a pretty broad subject range. You say con law, well what are you talking about, are you talking about first amendment, are you talking about



separation of powers. Like, these are not really that closely related. If you can tell me for sure there's going to be a first amendment question, great, I'll get up to speed on that. But, no one can tell you that.

Lee Burgess: Exactly. Be thoughtful and don't just get sucked into a prediction because it can burn you, but be smart about how you're spending your time and think about what is likely to be on the test, and you might have to make some difficult choices. You might not be able to study everything and then you've got to gamble, just be smart about how you're going to gamble.

Alison Monahan: Yeah, you're absolutely not studying everything in 10 days, right, let's just face it.

Lee Burgess: No. Yeah.

Alison Monahan: I think, I mean you've got to focus really on attack plans, really condensed stuff, and actually memorizing those so that you can actually put the law down in an organized way.

Lee Burgess: It's almost like memorize attack plans was my next header on our next-

Alison Monahan: Yeah, I don't know, weird.

Lee Burgess: Weird.

Alison Monahan: Yeah, exactly. In some ways I think this can be an advantage to studying quickly, because you literally don't have time to try to memorize a bunch of other stuff. You just have to basically get out something like, you know, if you're in California say [baressays.com](http://baressays.com) has checklists or Lean Sheets or something like that. Go through the most heavily tested, high priority items on your SmartBarPrep. You have to commit those basically to memory.

Lee Burgess: Yup.

Alison Monahan: I mean, you might forget a word or two or whatever but you basically have to be able to spit that back out, and if you spend a couple of days just trying to memorize that stuff, you're actually going to be pretty well positioned. Maybe even better off than someone who has spent say a week on a topic and has all this information in their head, but they haven't really organized it in a way that's useful for them.

Lee Burgess: I agree. I think one of the things that you just said that I think is an important point to reiterate is this idea that you have to be able to spit it back out. You are memorizing to put it down on paper. You should be testing yourself by sitting at



your computer and being like, what is my attack plan for the first amendment, if I get a first amendment question. Then, you should be able to write it out and type it out or hand write it out. Do that over and over again.

Lee Burgess: I mean, this stuff is boring, and memorizing this way can be very boring, but it can also be very effective. Because, you need that muscle memory to go into the room and be able to say oh, good, it's a first amendment question, here's my attack plan.

Alison Monahan: Yeah, exactly. Then, you basically just walk through that step-by-step. You're like okay, what are the facts telling me, what is the law telling me, all right, put those together. Particularly on the MEE, I mean you're talking 30 minutes, that is not very much time.

Lee Burgess: No.

Alison Monahan: I mean, you know, this is literally like basically Pavlovian response type of stuff. Like, first amendment question, write down the law, okay, what are they telling me, how does that apply. Issue one, issue two, issue three. Conclusion. Done. That's 30 minutes right there.

Lee Burgess: Yeah. You have to be very precise on the MEE questions, because they don't give you any wiggle room. When you are studying the law, you have to be very precise, but the beauty is you don't have a lot of time to write down a lot of language, so don't memorize a whole bunch of language. You don't have time to write it down anyway.

Alison Monahan: Yeah, I mean you don't even have time to think about what language. Just find some very short outline and start memorizing it.

Lee Burgess: Yup, exactly.

Alison Monahan: Basically. If you can get one of these outlines essentially in your head, you have a pretty decent shot at doing okay.

Lee Burgess: Yup, exactly. The other thing to focus on linked to this memorization is you need to make sure that everything you are doing to study is active learning, which is usually linked to practice. You need to practice MEE questions or essays that are heavily tested and then review them, and correct mistakes, and then get feedback on them if you can especially the writing. This student who hired us to pass the bar in 10 days, when we developed his program, the program had him turning in work to us every single night.



Lee Burgess: We would, we had tutors who agreed to review that work that night and then get him feedback by noon the next day or something like that. He could then make any shifts that he needed to and then he would do more practice the next day. We were able to, while he was doing this active learning practice of applying the law, help him clean up his writing to collect additional points as possible. I don't know, because we'll never know his scores, California never releases passing scores, we won't know how much he passed by. But, I do think that making sure his writing was clean, or reminding him of things he could do to clean up his writing, helped him collect a few extra points.

Alison Monahan: Yeah, because there are certain things, you know, even for anyone you can collect extra points just by making yourself, every single time you make an argument, use the word, "Because."

Lee Burgess: Right.

Alison Monahan: It's like, "This is a present sense impression because." State the factual reason you think this is a present sense impression, you know. It's not that hard, but if you just, and it's repetitive and it's boring and it's tedious, but if you just do that over and over and over again, the person grading your exam is like, "Okay, they've identified this issue, present sense impression, points for that. They told me what it is. They've told me why it is. Okay, great, full points. Next."

Lee Burgess: Yeah.

Alison Monahan: That's it.

Lee Burgess: That's it.

Alison Monahan: I mean, that's it. It's not that complicated.

Lee Burgess: Yeah. I think the other thing that you have to work on when you're doing this practice is faking confidence. If you don't have any confidence, you've got to fake it. Because, the bar examiners can smell fear. It's like they know when you're writing something wishy-washy. If you write like you don't know what you're talking about that's what they're going to see and assume you don't know what you're talking about. If you write with confidence, even if you make up the law, you need to be like, "This law is this." Even if it's wrong, you know.

Alison Monahan: Yeah, I think some of it's just like a personality characteristic. I remember my law firm boss once coming to me and saying, "You are really dangerous." I'm like, "Why." She's like, "Because you always sound like you know what you're talking about, and I now realize that only about 90% of the time do you actually know what you're talking about, and 10% of the time you are totally making it



up, and if you're totally making it up you need to tell me that because I can't tell the difference." I was like, "Wow, that's awesome."

Alison Monahan: Then, and she's like, "You need to tell me of the things that you're not certain about."

Lee Burgess: Yeah. Yeah, I mean you would never write a brief and start with, "This is a really sketchy argument but here it goes." I think, I have read bar exam answers where I could be like, "You didn't know what you were talking about." Not because the laws wrong, because of how they wrote it.

Alison Monahan: Yeah, I think just have to basically be like, "This is the California distinction for this rule of evidence that I really don't know what is federal and what is California." The federal rule in this case is X, the California rule in this case is Y. Those may or may not be correct, just pretend they're correct and keep going.

Lee Burgess: Right, and keep with the IRAC and go ahead and do the analysis and get as many points as possible. You have to remember how fast the graders are grading these essays. You are not even sure that they are going to notice if part of a rule is wrong, if it's close. You just do your best. But, if you give them red flags and like wave flags up that are like, "I don't know what I'm talking about."

Alison Monahan: Right, or if you don't-

Lee Burgess: Then, they read it very carefully and then they're going to realize you don't know what you're talking about.

Alison Monahan: Or, if you don't mention that there is a distinction because you can't, like you know ... say for example okay, you read this question, you're like okay there's a rule around this. I remember that they're different, but I can't remember what the difference is, so I'm just going to not mention it.

Lee Burgess: Yeah.

Alison Monahan: Like, you're much better off making something up at that point.

Lee Burgess: Right.

Alison Monahan: Because at least then you get points for recognizing that there is a distinction and then talking about it. I think some of this, I mean like how you said with the student we worked with, is like you can't forget the easy stuff. Write in an IRAC format, be professional. Finish the test. Stay on your timeframes. Don't make simple mistakes and things like that.



- Lee Burgess: Yeah, I mean get all the points that are easily accessible to you. I played tennis growing up and my dad would always be like, you know just, you don't have to always win, you just have to not give very many points away. I was like that's a really good life skill that I've kind of taken with me. It's like, it's not always about knocking the bar exam out of the park, but it's just about not giving stuff away. Oftentimes, many graders will say that every piece of paper they get put in front of them is basically like a low pass. It is your job to either convince them that you get a higher score than that, or to disappoint them and get a lower score. Your goal is to just not disappoint them. Do what you can to just convince them that you should get a higher score, that's really your job. That can be done a lot of very simple ways.
- Alison Monahan: Yeah. You don't need to stand out here. You don't need to make 75s across the board to pass the bar. You basically, you know, you need to be in the 60, 65 range. If you're good at the MBE and pretty good at the performance test, like you can have one or two disastrous essays if it comes down to that, if you're really good at other things. You've got to play to your strengths here. But, you can't just not finish three essays or you're definitely going to fail.
- Lee Burgess: Yeah. Exactly. It's just not numerically possible.
- Alison Monahan: Right. Exactly. At some point it becomes literally impossible to pass if you do not at least write a complete and somewhat coherent essay for every single thing that you've been asked to do.
- Lee Burgess: Yeah. There may be some people who have been listening to the last almost half hour of us talk, who are panicking and don't know what to do because you may have 10 days, two weeks left. You've had one of these situations come up where you have no more time, so-
- Alison Monahan: You probably should not be spending your time listening to this podcast, but too late now.
- Lee Burgess: Right, but maybe we gave you some tips, who knows, but anyway. Turn us off and get to work, because there's no magic bullet to passing the bar, and you have to make sure you're not spending time on non-valuable researching or hunting for magic answers. There are bar providers who claim that they have magic answers out there. Nobody has them. The magic answer is being strategic and studying for the test.
- Lee Burgess: Nobody knows exactly what's going to be on the test, so stop researching the predictions. Nobody knows. The only people who know are the examiners, and they're not going to post it on the internet.



Alison Monahan: Well, and also there are like a couple maybe one or two like pretty valid-ish predictions that you've probably already found if you Googled for them, so just stop.

Lee Burgess: Right, just stop. Then, make sure you are focused on getting the most out of your study time. Turn off your devices, make sure you're focused, study in the right space. Make sure that you are taking breaks so you don't get burned out. Don't be surfing the internet on your phone. Do what you need to do, but make sure that every hour you're putting in has a lot of bang for its buck.

Alison Monahan: Yeah, absolutely. You don't have time to be not focused when you're studying.

Lee Burgess: No.

Alison Monahan: The flip side of that is you can't actually physically study like 18 hours a day and expect it to be productive, so you need to strategically schedule breaks. Meditate, go to a yoga class. When I was studying literally for two weeks for the California bar, I went to yoga twice a day.

Lee Burgess: Yeah.

Alison Monahan: That might sound like oh my gosh, that takes two hours. It's like yes, but it enabled me to actually focus for the entire rest of the day and night. It was totally worth it.

Lee Burgess: Yup. If you're spinning out of control from anxiety or lack of focus, then you're not getting anything done. Taking some time to get your act together and to feel better and more centered is going to make the studying more productive, which is going to lead you to doing better on the exam.

Alison Monahan: Yeah, and at some point, honestly, I mean having been in this scenario, you just have to kind of like take a deep breath. Try to focus your mind. Try to put aside the fact that you think you're probably getting ready to fail the bar, and just go and take the test and do the best you can. That's all you can do.

Lee Burgess: Yup. To close this podcast, get to work. If you're in this situation, just get to work, be productive, do the best you can, and then the scores will fall where they fall.

Lee Burgess: All right, with that I think we are out of time. I want to take a second to remind you to check out our blog at [BarExamToolbox.com](http://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



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. Make sure to subscribe so you don't miss anything.

Lee Burgess:

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, please don't hesitate to reach out to myself or Alison at [lee@barexamtoolbox.com](mailto:lee@barexamtoolbox.com), or [alison@barexamtoolbox.com](mailto:alison@barexamtoolbox.com). Or, you can always contact us via our website contact form at [barexamtoolbox.com](http://barexamtoolbox.com). Thanks for listening, good luck on your studying, and we'll talk soon.

#### Resources:

- [How to Pass the Bar Exam in 10 Days](#)
- [Stop Worrying About Passing the Bar Exam in 10 Days and Get to Work](#)
- [Private Bar Exam Tutoring](#)
- [SmartBarPrep](#)
- [Lean Sheets](#)
- [NCBE MBE Subject Matter Outlines](#)
- [Brainy Bar Bank](#)
- [BarEssays.com](#)