



Lee Burgess: Welcome to the Bar Exam Toolbox podcast. Today we're talking about dealing with panic on the bar exam. Your Bar Exam Toolbox hosts are Alison Monahan and Lee Burgess, that's me. We're here to demystify the bar exam experience so you can study effectively, stay sane and hopefully pass and move on with your life.

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

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And with that, let's get started.

Alison Monahan: Welcome back to the Bar Exam Toolbox podcast. Today we're talking about dealing with the feelings of panic that might arise on test day. So, we're going to talk through a few different scenarios. The first is general nerves or some sort of test anxiety that can cause your mind to go blank when you get the packet and you need to start working, or maybe you panic when you read a question and you don't feel like you actually know the law, or you find it very confusing. Maybe California has mixed up three different topics, or they've given you a dormant Commerce Clause question. You know these things happen, hypothetically.

Lee Burgess: Yeah, hypothetically, or it just happened on the bar exam.

Alison Monahan: Right, exactly, just a few days ago. You might feel panic if you're running out of time on your essays, performance test, the MBE or panic over something else that's happening in the test room, whether it's to you, computer issues, sudden illnesses, or to someone else. I mean I've heard of earthquakes-

Lee Burgess: Earthquakes.

Alison Monahan: ... people collapsing, medical issues. A lot of different things can happen. So I think in all of these cases it can be really important to recognize panic for what it is, which is a feeling you basically get when your fight or flight response is activated and that's in response to some sort of perceived threat. When you understand this, you can kind of normalize that reaction, which is a blank mind, not being able to think clearly and you can use some tools to actually mitigate the negative effects in a physical way and regain focus.



Alison Monahan: So, it's a physical and mental reaction, but you can use to physical part to help with the mental aspects.

Lee Burgess: Yep, there's no lion in the room, but your body thinks there's a lion.

Alison Monahan: Exactly. So, let's start off with the general nerves, test anxiety. They can cause your mind to go blank when you get the packet. So, you're at the bar exam, you've been studying for several months, they hand you the packet, they start the timer-

Lee Burgess: You open it up.

Alison Monahan: ... you open it up and you go, "Oh my gosh what is that?"

Lee Burgess: "I can't even understand the words."

Alison Monahan: Yeah, like the words are floating on the paper, I can't read them. So, Lee, what can you do here? I mean this is obviously not conducive to passing the exam.

Lee Burgess: No, I think the reality is that since the bar is so high-stakes and intimidating, blanking is not that uncommon. I think if you talk to a lot of people who have studied for the exam and taken the exams, they can definitely have these moments. Sometimes the blanking can be legitimate. Like on my test, question number 2, I got to the end and my response was, "Huh," but I didn't think "huh" was going to get me very far.

Alison Monahan: Yeah, I feel like there was a lot of that and like you know, "Dormant Commerce Clause. Hmm, kinda remember maybe studying that in Con law."

Lee Burgess: Maybe.

Alison Monahan: That would be what? Yeah.

Lee Burgess: Yeah, but I think it's also important to realize that if this happens where you get a question and it's not that you're scratching your head because you don't know what the answer is, but it's literally you cannot understand the question, that you have to step back and settle into the physical and say, "I need to do some things to clear my head because I'm having a physical reaction." And I think this acknowledgement that something has just happened because you're panicking is the first step to coping with it.

Alison Monahan: Yeah, I agree. Sometimes, someone we know makes the analogy to a snow globe or I've also seen a jar of glitter shaken up and so basically at this point you are shaken up.



Lee Burgess: Yeah.

Alison Monahan: And you kind of have to wait for things to settle and do things to make your mind settle before you're going to be able to focus. It's not that you're never going to be able to call upon your memory, it's still there, but you've got to go through a process that basically allows you to calm down enough that you can start accessing your higher-level thinking.

Lee Burgess: Yep, so the first step typically in almost any situation is to label the emotion. This is right back to Toddler 101 that I'm quickly learning, it's like labeling your feelings, but pretty much any mindfulness coaching or exercise will have you label it, "I am feeling stressed out and that's okay." "I am afraid and that's okay." "I am even panicked and that is okay."

Lee Burgess: The next thing you need to do is to breathe because one of the things that's happened is your brain is actually being deprived of oxygen because your body thinks there's a lion in the room and it's sending all of its resources to your physical body because you don't need your brain to run away from the lion.

Alison Monahan: Okay, true.

Lee Burgess: Yeah, you want to have a discussion of the Dormant Commerce Clause, but the lion doesn't care, but you need to send the oxygen back to your brain. So the first thing you need to do is start taking deep breaths.

Alison Monahan: Yeah, absolutely and I think sometimes if you want to practice this or think about it in advance, having some kind of mantra almost that sort of combines all these steps when you start to feel that panic or that blank, something along the lines of, "I'm feeling stressed out" or even, "My mind just went blank. That's okay. I'm going to take three deep breaths and then I'm going to start working. I can do this."

Lee Burgess: Right.

Alison Monahan: Even something along those lines is probably going to be enough to remind you what you need to do, just take three deep belly breaths, focusing on expanding your ribs and all this stuff. If this all sounds like something you've never heard of you might want to go to a yoga class because they definitely have some good breathing techniques, and it does work.

Alison Monahan: We've talked before about box breathing and things that they teach snipers, too. There are a lot of techniques that definitely can help your brain get that oxygen, get back functioning. Then I think you've got to have a plan and start



executing on it, because you want to practice your approach to a question and not just be free-ranging it on the exam.

Lee Burgess: True, and I think it's important to note that this feeling of panic and this blank mind is probably not something that you are just experiencing for the first time in the exam. It's possible that a lot of students tell me when you sit down to do practice exams under time conditions, maybe in a space that makes you feel slightly uncomfortable, that this can happen in the practice.

Lee Burgess: So having this plan of attack, knowing what you're going to do to try and calm yourself down is so important because you can actually do it while you are practicing.

Alison Monahan: Yeah, I think it's great if it happens while you're practicing because at that point, you're basically desensitizing yourself. If you have this experience the first time you do a question and then you do it again and again and again, presumably by the time you get to the exam it's going to feel a lot more normal than if you just did your first question on the exam.

Lee Burgess: Yeah, you know we've been working on some mindfulness curriculum for our bar students and I was talking to a friend of mine who is a mindfulness practitioner and she also was recommending that beyond just breathing sometimes even practicing a type of physical touch, like touching your hand or petting your hand, which sounds really weird when you say it out loud, but it's not that weird. I'm doing it right now, it's not super weird. Allison can't even see me doing it, it's under the table, that can also be very calming.

Lee Burgess: So, experimenting with these different techniques to see what you respond to is very powerful and honestly if you've never done any of this work, literally talking about breathing makes you breathe. Like while you were talking about taking deep breaths, I'm sitting over here being like, "Inhale and ..." It's like the power of suggestion. So just having these internal discussions and dialogues with yourself is very powerful. Even if you don't buy into all of the very credible science that a lot of this stuff can actually change how our brains function, just try it, you might like it.

Alison Monahan: Yeah, I think of it as tools. If you're in a scenario, it's better to have some tools if things are starting to go south, then to just kind of be like, "Oh, my mind just went blank. I'm going to completely freak out. I'm going to leave the room and then I'm going to fail the bar."

Lee Burgess: Right.

Alison Monahan: That's probably not what you want to do.



- Lee Burgess: No, and hey, I've known people who've walked out of the test. Not just one person, more than one person, and you don't want to be that person. You want to have a better plan than walk out of the test.
- Alison Monahan: Yeah, all right so let's talk a little bit about your plan for an actual question. So, you've calmed yourself down enough, you're still feeling not so great about it, but you're ready to get started.
- Alison Monahan: So here I think you want to do the same thing in the same way, basically every single time and it may take a while to find out what your personal process is, but you want to have a process that's become habitual.
- Alison Monahan: So it might be, for example, read the question while you're marking up key facts and you might always use the highlighter, you might always use a pencil, whatever works for you. Like for me I think I used a pencil the first time I read it and then I used a highlighter when I was looking for the really key facts the second time, but I always did it the same way.
- Alison Monahan: Then maybe you jot down the elements of the law for the issues that you've spotted. This might be from an attack plan that you've memorized. You want to go in with a plan for topics that are likely to show up.
- Lee Burgess: Right.
- Alison Monahan: So, the dormant Commerce Clause might not be an attack plan you prepared, but you should have an Equal Protection plan. For example, like First Amendment, these things are very likely to show up.
- Lee Burgess: Yeah.
- Alison Monahan: And then start matching the facts to the law on paper. Again, you might want to use a consistent color, so I think I had like ... Also, it depends what they'll let you bring, you have to work from 'do they let you bring a red pen, a blue pen, a highlighter, a pencil,' whatever and then you really have to start writing and start checking stuff off.
- Alison Monahan: So, I think having that process can make it less of a panic situation because you know what you need to do.
- Lee Burgess: And I think the outline piece, which is kind of how you described matching facts to law on paper, that process is where the heavy lifting comes and if you are panicked I think one of the best things you can do is take time to organize your thoughts and put down some sort of plan on paper, because if you just start writing it's like the nervous writing.



- Alison Monahan: Yeah, the brain dump.
- Lee Burgess: The brain dump.
- Alison Monahan: You're like, "That's not going to go well."
- Lee Burgess: It's not going to typically go well. So you want to spend time gathering your thoughts and coming up with a plan. Now sometimes you don't know what you're talking about. Hey, it's totally possible. If you don't remember what the dormant Commerce Clause is, totally possible. There was stuff on my bar that I didn't know, I had to make it up.
- Lee Burgess: So one of the things you also want to focus on is trying to settle yourself both with what you know and what you don't know. So during the outlining process kind of saying, "Hey, I'm really good at the Fourth Amendment, so let's make sure that the Fourth Amendment is solid and then this other part is a little sketchier, so I'm going to have to just sit with the fact I'm going to have to do my best," but just know what you know and know what you don't know and be okay with it and don't let that convince you that it is a question that is not saveable. That's a huge mistake.
- Alison Monahan: Right, if there's one part of the question that you don't understand, you're probably still going to be okay if you get the rest of it right and I think it's really important to check off these things as you write about them because another thing that can happen if your brain is not totally functioning is that you might think like, "Oh, I've talked about that," but it's actually on your paper outline. You haven't really put it in-
- Lee Burgess: Very true.
- Alison Monahan: Yeah, so you want to make sure and you want to be very deliberate and almost give yourself that checklist to save yourself from missing an entire thing. If you haven't marked off you know, "Oh, I've gotta get this in there."
- Lee Burgess: Yeah, and one of the things you need to do when you're practicing is practice that process of checking things off, but also practice how you're going to go through your writing process to not miss things like say, headers.
- Lee Burgess: So I had a student very back in like one of my first couple seasons that I was helping people study for the bar and it was a five prong evidence questions, there were five pieces and he got a very low score on this essay and I was reading his answers and I'm like, "Why, it's not that bad?" and then I noticed there was no header calling out that he'd talked about the piece of evidence listed as number 4.



- Lee Burgess: You know they're reading these answers so quickly a couple of minutes, I think they didn't think that he talked about number 4, so I don't think they gave him credit for it and that is a painful mistake because you can leave a lot of points on the table, but if he'd had a better methodical approach, checking things off in his scratch paper outline, making sure that he has the must need to know information in there and guys, having a header for the call of the question, that's like a no-brainer, don't mess up that.
- Alison Monahan: Yeah, that can even help you. If you don't know where to start and it's a question that has multiple parts or the call of the question talks about multiple defendants or whatever, multiple pieces of evidence, multiple pieces of community property, you can just start there and then start filling stuff in. Like that can actually make you feel better.
- Lee Burgess: Yeah, I think that that's really a good point. So, when you don't know the law or you find a question completely confusing, I think it's worth it to dive in a little deeper into what we need to focus on.
- Lee Burgess: So, the first thing is, what do you know? Do you know anything?
- Alison Monahan: Right, have you ever studied this topic at all?
- Lee Burgess: So, like maybe the dormant Commerce Clause you know that it's like not in the Constitution, right?
- Alison Monahan: I think no. Honestly, if you gave me that question-
- Lee Burgess: That's why it's dormant-
- Alison Monahan: ... I would be like, "Wow."
- Lee Burgess: ... but there's a commerce clause and then the Dormant Commerce Clause is the one that's not-
- Alison Monahan: I think that's logical.
- Lee Burgess: Okay, we are clearly not ready to take the bar. Don't tell the state bar that we don't know what the dormant Commerce Clause is, although most practicing lawyers probably don't remember.
- Alison Monahan: Exactly.



- Lee Burgess: But I can tell you what happened on my bar, was it was a question on the preemption of Executive Orders over, I believe, state regulations. Hey, who knows?
- Alison Monahan: Fascinating.
- Lee Burgess: Fascinating.
- Alison Monahan: I'm pretty sure we cover that in Federal courts.
- Lee Burgess: Maybe, I don't even know that I did cover that in Fed courts. So that was one of those things where I'm like, "Cool, I don't know. Like, "I don't remember." So, I still had to come up with something I might have remembered. So I knew that I knew some rules about preemption, so that was kind of where I started. I was like, "Well, I know how you preempt other things. There's the two parts, it's when it's like you explicitly preempted ..." Anyway, I'm not going to go off the cuff and talk about law that I don't have at the tip of my tongue, but this idea that I did know some things related to the question.
- Lee Burgess: So I wrote those down first, because if I was going to have to make up law I least wanted it grounded in some sort of reality of something that I did know. So you always want to ask yourself, what do remember, what do you know about this topic that you can apply?
- Alison Monahan: Yeah, for me, I, for example, didn't really fully understand that they tested distinctions between California and federal rules.
- Lee Burgess: Don't be like Alison.
- Alison Monahan: Yeah, don't be like me, they do test distinctions. It's important on things like evidence and professional responsibility, but again, I had some sense of what the rules, basically the federal rules were and then I was like, "Well, you know, if I had to make up a different rule, what would that rule be? That's probably the California version. Okay, I'll go with that?"
- Lee Burgess: Yeah.
- Alison Monahan: You know you're not flying completely blind on most of this stuff.
- Lee Burgess: Exactly. It's also important to note that the facts patterns are going to give you hints. They cannot give you an issue that they don't give you facts to argue about. So there was another question a few years back that was on a checkpoint, but the checkpoint was like a walking checkpoint, they were stopping people on the sidewalk, not like a DUI checkpoint that people are more



familiar with. But many people did not know the rule about checkpoints. Do you know the rule about checkpoints?

Alison Monahan: No.

Lee Burgess: No, so I don't either. I know that a DUI checkpoint is allowed.

Alison Monahan: Right, I know that in certain circumstances, A) you're allowed to stop and frisk in certain circumstances, and B) you are allowed to have a DUI checkpoint.

Lee Burgess: Right.

Alison Monahan: This seems to fall somewhere in the middle.

Lee Burgess: Right, exactly. So let's say that that's the level of knowledge that you had going into reading this question. You can be like, okay, well maybe you write down what your rules for a stop and frisk are, maybe you need to ... even if you don't remember the rules try and rationalize why a DUI checkpoint is okay, why is that okay? Then look at the facts and see what facts they give you. Why were they stopping people? Why did they come up with this checkpoint?

Alison Monahan: What neighborhood was it in?

Lee Burgess: What neighborhood was it in, did it seem racially-motivated, did it seem like there were legitimate reasons for them to do this? You can kind of look at the facts and then from the facts be like, "Hmm, I feel like there's maybe some public policy here-

Alison Monahan: Yeah, "I feel like-

Lee Burgess: ... that has a balancing."

Alison Monahan: Yeah, "I feel like they want me to talk about like is this a red flag that this happens to be in like a specific type of neighborhood that they've given me a lot of facts around, hmm."

Lee Burgess: Right, is there a potential for abuse of power by the police. So, I think what you want to do is see what you can glean from the facts because this isn't the real world, when you can say, "Well, we don't have adequate facts to talk about that," it's the bar world, they have to give you adequate facts to talk about it.

Alison Monahan: Right, they totally want you to talk about these and think about what is it asking, what is it suggesting I might be able to talk about?



- Lee Burgess: Right. So, if nothing else list out the facts and then come up with some legal rules that you can apply the facts to. It's just that simple. That's one way to do it.
- Lee Burgess: If the question becomes very complicated. Let's say that it's very nuanced, the call of the question, or there are lots of pieces to it. Make sure you break it into as many parts as you can and look carefully at what you're being asked to do because you might need to know the last thing you thought or you might know more than you thought and it might just be that a piece of it is really what you're struggling with.
- Alison Monahan: Right, because the recent exam apparently had a sort of triple combo question, at least so we've heard-
- Lee Burgess: But from multiple sources, so I feel pretty-
- Alison Monahan: Yeah, so we feel ... you know, so California got creative and actually combined not just two topics but three-
- Lee Burgess: Woo hoo.
- Alison Monahan: ... which understandably people would freak out about, but if you really think about it, they can't go as in depth on a thing that combines three completely separate areas of the law as they could if they only one of those areas. So it may be that you actually really don't need to know that much about any one of those areas to answer this question.
- Lee Burgess: Right, I think that that's very true. I think that the other thing that you want to think about is that everyone in the room is probably struggling, so if you feel like, "I'm the only one who doesn't know what the checkpoints rule is," that is just not true. Most of the room is probably scratching their head.
- Alison Monahan: Is probably sitting there thinking, "Huh, did we study this?"
- Lee Burgess: Yeah, exactly. And then it's your job to make up some law that seems reasonable and formulate an answer because ignoring an issue because you do not know the law is one of the fastest ways to fail the exam. Because you get points for identifying the issue and then you get points for doing the factual analysis, and then you get points for your rule statement, and then you get points for conclusions.
- Lee Burgess: So if you don't know the rule, you can still get points for issue spotting, for analysis of an incorrect rule, they'll still give you points if you argue the facts and a conclusion. That's like three out of four. So you never know how close you might get to passing if you still do the analysis.



- Alison Monahan: I mean you might guess correctly on the law.
- Lee Burgess: Yeah.
- Alison Monahan: Like there's a limited universe of things that seem reasonable. You probably could, at least part of time, you're going to probably hit on basically the correct rule.
- Lee Burgess: By the time you've sat for the bar you have studied so much law that your gut reaction of what the law is might be right. You never know.
- Alison Monahan: Yeah, exactly. I think the worst thing you can do, as you said, is just totally ignore and be like, "Oh, this is a difficult question. I don't really understand, I don't know the law on this. I'm just not going to talk about it." I mean that seems appealing, but that is not going to get you closer to passing.
- Lee Burgess: Yep.
- Alison Monahan: Another thing you can do if you have the time, if you're not sure of what the law is, but you kind of think like, "Well, it could be this or it could be that." You can always argue in the alternative.
- Lee Burgess: That's true.
- Alison Monahan: So it's like, "Well, I think it's this. However, there's another rule that says this," and do your analysis. It's a time issue, but if you have the time and it seems like something that's really important, it might not be the worst thing. I mean half right is better than none.
- Lee Burgess: That's true. I also think that it's important to write with confidence and do not call out to the grader that you do not know what you're talking about.
- Alison Monahan: Right, you want to pretend you know what you're talking about.
- Lee Burgess: Right, so when I made up my constitutional law for preemption of Executive Order I didn't say like, "I don't remember learning about this," or "This wasn't in my property outline," or "It might be that the rule is," you just say, "Article whatever," you know, you just dive in.
- Alison Monahan: Yeah, "Article 7 says this" and they're like, "Actually that doesn't exist," but you're kind of right.
- Lee Burgess: But it's cool, whatever. At least you get points for trying because they're reading so quickly that if you give them these signals to stop them and highlight for



them that you are making mistakes then they're going to say, "Thank you for pointing out that mistake, that makes it so much easier for me to grade your paper." You want to hide it for them and make them search for things that you don't know.

Alison Monahan: Yeah, so if you identified an issue, put that issue in your header, don't necessarily call out the law that you don't know in your header, the conclusion be like, "The issue is whether police can have a checkpoint on the sidewalk," and they're like, "Okay, great, they got the sidewalk checkpoint." Next.

Lee Burgess: Right, a checkpoint is valid.

Alison Monahan: Right.

Lee Burgess: And then make up a rule-

Alison Monahan: Exactly.

Lee Burgess: ... balancing tests between individual rights and the public policy or the public need for safety. Sure, why not?

Alison Monahan: Seems reasonable.

Lee Burgess: Seems reasonable.

Alison Monahan: I'd buy that.

Lee Burgess: Yeah, why not? Okay. So I think people kind of have the idea that you have to make up law and do so confidently and have a plan and you need to practice that. I think that's another mistake that people make, is as they get closer to the exam if they get a question and they don't know the law they don't challenge themselves to do this sort of exercise and so the first time they're making up law is on the test and that's a huge mistake. You need to practice doing this so the first time that you are making up something it's not in the room and to be honest, most people have to make up something.

Alison Monahan: Of course. There's no way you can know everything.

Lee Burgess: No.

Alison Monahan: And also, once you've made up something once and then gone and found out what the actual rule is, you're much more likely to remember it if it shows up again.



- Lee Burgess: So true, so true.
- Alison Monahan: I will never forget strict liability for wild animal pets after missing it on a practice torts exam. If you keep a tiger you are strictly liable for what that tiger does.
- Lee Burgess: We have definitely talked a lot about tigers, you know?
- Alison Monahan: Yeah.
- Lee Burgess: All right, so let's move on to a new panic scenario. What if you're panicking if you're running out of time on essays or the performance test on an MBE question or a group of questions, I guess.
- Alison Monahan: Well, this is also a very, very, common scenario. Some people always run out of time and if you know that about yourself, I think it's even more important that you practice techniques for how you're going to handle that and then sometimes people run late for whatever reason, you know, one of the essays is more complex than you expected or for some reason you're having a bad day on the MBE.
- Alison Monahan: I mean basically you want to again, take a deep breath and start to triage and partly this depends on when you start to realize the problem. I mean ideally, you're tracking your time carefully so that you avoid a last-minute crunch. For me, for example, for each essay I would write down when I needed to move onto the next one and I would give myself a buffer of like five minutes, so that in the end maybe I had 10-15 minutes extra that I'd not allocated so that I had a little bit of wiggle room, but when it came time to move on, I moved on.
- Alison Monahan: So, I think that's one of the ways you can avoid at least running out of time globally on the essays and you might be running behind on a certain essay. And the same with the MBE, you want to be checking at checkpoints, like, I've done 30 questions, at what point do I need to be at time wise and these are all things you can know in advance. You shouldn't be doing the math on the exam.
- Lee Burgess: Right.
- Alison Monahan: So, if you're really behind on the MBE I think the first thing I would do is fill in an answer for every remaining question and you're just literally guessing at that point, you're not even reading the question. Then you can probably look at which of the prompts are shorter and start to work on those. So then you can change your answers, but at least ... I mean obviously you have to be careful about numbering, but I think that's a better strategy than just kind of randomly filling stuff in at the end because it at least allows you to kind of triage and say, "Okay, I have 20 minutes left, I have 20 questions left, obviously I'm not getting



to all of those, but maybe I can get to the shorter ones and actually get them correct."

Lee Burgess: Yeah, I think that makes a lot of sense. The last thing you want to do is have anything blank.

Alison Monahan: Right.

Lee Burgess: You don't get penalized for wrong answers. It's just you don't get points for them, but you don't lose them.

Alison Monahan: Right, just put something.

Lee Burgess: Yeah, you have to put something. I think for an essay I really liked your point that you have to cut yourself off. I think this is a point of discipline that people really struggle with and you have to force yourself to work on this during your practice as well because it's very indulgent to say, "Oh well, I have 45 minutes for a 30-minute question or 75 minutes for a 60-minute question or two hours for a 90-minute performance test."

Alison Monahan: Yeah, I write a great performance test in two hours, it's like-

Lee Burgess: I don't care.

Alison Monahan: That's great, but you only have 90 minutes.

Lee Burgess: Right because nobody is reading what you're doing after 90 minutes. So you have to practice under these time conditions so you are used to cutting yourself off. I think with the essays you never want to say, "Well, I'm going to spend 90 minutes," like in California an essay is 60 minutes, "90 minutes on one essay and then I'll write the second one in 30 minutes," because the problem is the way that the point allocation works-

Alison Monahan: They're all the same.

Lee Burgess: ... they're all worth the same. So the difference between that really great number one essay, five more points, maybe even 10 more points is not going to make up for a completely incomplete essay.

Alison Monahan: Yeah, and we see score reports all the time where you see that. You're like, "Oh, you did great on one of these essays and abysmally on the others. What happened?" "Oh, well that one I felt more confident on, so I spent more time on it," and it's like, "Well look at your other two scores for that session. They were terrible."



- Lee Burgess: Right, they lump all of these scores together, so you're looking for better than mediocre across the board.
- Alison Monahan: Right, it does not mean much better than mediocre.
- Lee Burgess: No. I think for the essays if you're running out of time there are a lot of folks who recommend that just outlining your answer with some elements of the law and relevant facts or obvious arguments can be good. I think that that's true, but I think you have to be very careful about, again, waving a lot of flags for the grader that you are completely running out of time and don't know what you're doing.
- Alison Monahan: That was a fair point.
- Lee Burgess: So, I think that when you're doing your practice and you're practicing under this time conditions, it makes a lot of sense to practice how you finish up something quickly and it may still be writing quick short paragraphs
- Alison Monahan: Which you should always be doing anyway-
- Lee Burgess: Which you should always be doing. It maybe even more streamlined, but you don't want to wave a red flag and show the grader that you really have no idea, that you left the last prompt and you don't have any time management skills for that. So, it's a balance, but that's why you need to practice under time conditions, so you can evaluate what does a quick answer look like.
- Alison Monahan: Yeah, and I think you always want to be writing efficiently. If you look at the MEE you have 30 minutes so you have to be writing very efficiently on all of these essays and then really anything you're doing to become even more efficient when you're running out of time, you probably ought to be doing most of the time anyway.
- Lee Burgess: That's very true. I think for the performance test, this is one where you really have to be disciplined throughout the process. So I really think that you need to leave enough time to write an answer and again, the answer needs to look complete. So don't spend an hour reading the packet and only give yourself 30 minutes to write because you probably can't physically write a complete answer in 30 minutes and they aren't going to grade you on how much you understood about the packet, they grade you on what's on the paper. So you need to give yourself enough time to actually do the writing.
- Lee Burgess: Now, if you planned for 15 minutes ... So let's say you read 45 minutes, you read the packet, 15 minutes you write your outline and then 30 minutes you write and you can write a complete answer in 30 minutes, go for it, great, practice



that, make sure you can do it every single time, but you do want to make sure that you have enough time to execute an answer. Again, you could outline if you needed to, but you're showing them that you cannot manage your time and not complete the assignment presented to you and that's one of the things that they're grading on.

Alison Monahan: Yeah, I agree. I think outlining is your absolute worst-case scenario that you do only if you've exhausted every other set of options, you're basically saying, "You know what? I'm probably going to fail this essay or this performance test anyway, let me just get something down on paper and give it my best shot," maybe it gets you five more points.

Lee Burgess: Yeah, I agree. All right, so what about panic that happens in the test room. I think the time I took the bar there was an earthquake in LA, I'm pretty sure actually. It was either that or like right after my bar.

Alison Monahan: Yeah, I think this is one where you just kind of have to practice that zen non-attachment and try to focus on your end work. I remember when I took the bar in Massachusetts, in the middle of the essays, the woman behind me burst loudly into tears.

Lee Burgess: Oh my gosh. I shouldn't be laughing. This is an uncomfortable laugh. Oh my gosh.

Alison Monahan: Yeah, it's one of those things were you're like ... because as a person you want to turn around and see if you can help them and comfort them and know what's happening, are they having some sort of emergency, but as a test taker, you just want to be writing.

Lee Burgess: Right.

Alison Monahan: So later at the break I did actually ask her, "Oh, was everything okay?" but in moment, until that buzzer went off, I just basically turned around and did my own work.

Lee Burgess: Yeah, it's really hard. I've heard the stories of people collapsing or fainting, lots of crazy stuff can happen. I know that a few years after I took the bar, power strips at one of the testing stations in California went out, so nobody had places to plug in their computers, so everybody's computer just started crashing and like running out of battery at various different points, depending on how old your computer was, crazy stuff, but the reality is that you have to make the best of the situation that you're in and even when there was an earthquake the graders did very little to accommodate the people who dove under the tables.



Alison Monahan: Yeah, they're not going to give you extra time because you acted like-

Lee Burgess: No, yeah.

Alison Monahan: Yeah, you took five minutes to not die in an earthquake.

Lee Burgess: It's very crazy how strict they have to be to create a uniform approach across-

Alison Monahan: I took the course. It's not uniform once you've had an earthquake, but-

Lee Burgess: Okay, good point. Well, they do what they do, whether it's good or bad, but you can only worry about your experience.

Alison Monahan: Right, yep.

Lee Burgess: So what you want to do is practice maintaining your composure, maybe again you're calling on the breath, maybe you need to leave the room briefly or go throw water on your face, but this is why again you want to practice under time conditions. Maybe you go to a library that's not a law library, where crazier stuff is happening, where a kid might be crying or there might be something going on. I only say that because I've totally been the mom whose baby is screaming in the library, but you might want to practice being around more distractions. Is it enough to have your earplugs in, if you're allowed to wear earplugs in the exam, to see how you can kind of fight through?

Alison Monahan: Yeah, when I took the LSAT they were doing jack hammering construction in the parking lot literally next door.

Lee Burgess: Oi.

Alison Monahan: They did not give us any extra time for that.

Lee Burgess: Oh, that's just ...

Alison Monahan: And you're just like, "Okay, I'm just going to try to focus." That's all we can really do. I mean regroup at the break basically if you're having some sort of like minor medical thing, maybe you can go to the Walgreen's and get yourself some Tylenol or some antacids or whatever it is, but basically, you're just going to have to power through.

Lee Burgess: Yeah, do you remember the jack hammering project across the street from my house for a year?

Alison Monahan: I do.



- Lee Burgess: Yeah, we didn't have a lot of business meetings at my house during that time.
- Alison Monahan: No, that was pretty awful.
- Lee Burgess: It was pretty awful.
- Alison Monahan: Right, we'll we're just about out of time. Any final thoughts on this.
- Lee Burgess: I think like most things around the bar you just have to have a plan and practice executing that plan. So, I think one of the things that you said earlier on in the podcast that's so important is that this is about creating habits, habits for when things are going well, habits for when things are not going well and the only way that you can create a habit is if you do something over and over again.
- Lee Burgess: I think especially if you are someone with any sort of learning differences or clinical anxiety. I know that students with ADHD or any type of attention issues find that having these habits and these very structured approaches to dealing with all of these situations and more that we've talked about really helps kind of ground them and move them through the space.
- Lee Burgess: So, like most things, practice, practice, practice and then do some more practice.
- Alison Monahan: And the more tools you have at your disposable the more things you're going to be able to call on when you need them in that moment.
- Lee Burgess: Yeah, and if you're interested in learning more about the breath and mindfulness, there are so many different resources out there. You can do mindfulness training on your phone by downloading an app, you can go to a class, you can do a workshop, you can read about it online, but the reality is again, it's something that you can create a new habit. I think, what, you have to do something for 21 days to create a habit? Isn't that the-
- Alison Monahan: I think so, yeah.
- Lee Burgess: Yeah, so just 21 days. 21 days, you study for the bar longer, most people, than 21 days, you can create a new habit and have some new skills that you can call on and that could be the difference between passing and failing, who knows?
- Alison Monahan: Yeah, it's all about focus. And with that, we're out of time. Well, we 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 your 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. And be sure to subscribe so you don't miss anything. If you are 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, or Alison@BarExamToolbox.com. Or, you can always contact us via our website contact form at BarExamToolbox.com. Thanks for listening. Thanks for listening and we'll talk soon.

Resources:

- [Podcast Episode 12: Bar Exam-Day Tips \(w/Brittany Raposa\)](#)
- [Podcast Episode 39: Battling Test Anxiety in Law School and on the Bar Exam](#)
- [Bar Study Tips: Getting Mentally Ready for the Exam](#)
- [Test Anxiety and the Bar Exam: How Should You Handle It?](#)
- [Train Like an Athlete for the Bar Exam](#)
- [Calm App for Meditation](#)