



- Lee Burgess: Welcome to the Bar Exam Toolbox. Today, we are talking with Alexandra Muskat about her experiences finding success after a bar exam failure. Your Bar Exam Toolbox hosts are Alison Monahan and Lee Burgess, that's me. We are here to demystify the bar exam experience so you can study effectively, stay sane and hopefully pass and move on with your life.
- Lee Burgess: We're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career-related website [Career Dicta](#). Alison also runs [The Girl's Guide to Law School](#).
- 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](#). If you have any questions, don't hesitate to reach out to us. You can reach us via the [contact form on BarExamToolbox.com](#), and we'd love to hear from you.
- Lee Burgess: And with that, let's get started.
- Lee Burgess: Welcome back. Today, we're talking about coming back from a bar exam failure to pass the bar with Alexandra Muskat. You may have come across some of [Alexandra's writing on the Bar Exam Toolbox](#). So, thanks for joining us today on the podcast. As we get things kicked off, do you want to share a bit about yourself with our listeners?
- Alexandra Muskat: Sure. Hi. Thanks for having me on. So, I graduated in 2017 from Suffolk University Law School in Boston. I took the bar exam right away, and I failed. And then I had to sort of pick myself up by my bootstraps, take it again in February, and I had this amazing comeback. So, I've been enjoying writing for Bar Exam Toolbox and A Girl's Guide to Law School and Law Exam Toolbox. I mean, Law School Toolbox about-
- Lee Burgess: We can call it the Law Exam Toolbox. That would be fine.
- Alexandra Muskat: I consistently do that, too. About resilience and the bar and resilience in school and positive psychology and that whole process, so it's been really fun to do that the last couple of months.
- Lee Burgess: Awesome. Well, we've really enjoyed your blog content, and I think your openness and your willingness to talk about your bar exam failure and your resilience to come back and study again is such an important message because a lot of people I think who are listening to this podcast have already suffered through a failure. So today, what I thought we could do is kind of highlight some of the stuff that you've written on the blog about being a successful repeat-taker of the UBE, and we're going to go through some of your top tips to finding success.



- Lee Burgess: But before we get started, I think it's important, and I think you do this in one of your pod ... I'm sorry ... in one of your blog posts as well, to remind folks that if you have failed the bar, you are in fantastic company because I do think it is a very lonely thing.
- Alexandra Muskat: Yep.
- Lee Burgess: Even though pass rates would prove that it is not a lonely thing because, let's say in California, where I am currently sitting, over half of the people in the room who sit for the test will be failing the bar, so you are in definitely very good company there. But in many states, the pass rates are very low, and so it's not that your chances of passing are poor, but if you do not pass, it is not because you are not qualified to be a lawyer. Many people, most everybody in that room is qualified to be a lawyer but just have to overcome this obstacle.
- Alexandra Muskat: Yes.
- Lee Burgess: And so, I think you listed some of the famous ones. There are so many more, but Alison and I just read Michelle Obama's book, where she talks ... I don't know if you've read that yet.
- Alexandra Muskat: I haven't. Does she talk about failing the bar?
- Lee Burgess: She talks a little bit about failing the bar, which we really appreciated. I kind of made a big note about that. So, we actually have a podcast on her book coming out on the Law School Toolbox-
- Alexandra Muskat: Oh, cool.
- Lee Burgess: ... in a bit. Hillary Clinton also famously, or not famously failed the bar. I don't know if it's famous or not famous, but she also failed the bar. JFK, Jr. Other people, people from Ivy League schools, people from unaccredited schools. It is not something that means that you are not going to be successful.
- Lee Burgess: Do you think that it helped you with your ability to bounce back by recognizing that this was not your own struggle, that this is a path that others had walked before you?
- Alexandra Muskat: Yes, but it definitely took a long time to see that this was helpful. A lot of people right after I failed would say, "JFK, Jr., Hillary Clinton," and I would immediately counter with, "Hillary Clinton failed the bar because she took two state bars in different states back to back. She had to fly to D.C. or drive to D.C. overnight, and she failed." I think she failed the D.C. one, but I don't remember. And then, she passed it the next time, so I was super pessimistic about it until I started



studying the second time and really putting better psychology tools into how I was studying. And then, I realized, "Oh, this is not just me. This is most people." And I think when I took the July UBE in New York, 60% of people passed, and when I took it the second time, only 45% of people passed, and only 25% of repeat bar takers who were taking it the second or third time, February of 2018, passed.

Alexandra Muskat: So, I mean, it happens to everybody, and once I started talking about it more openly, I had seasoned attorneys telling me, "Oh, yeah. I failed it four times," or, "Oh, yeah. I failed it five times," or a couple of my mentors came out and said that they had failed. So, realizing that it really wasn't an intelligence marker made me feel better, made me feel a lot better, which was how I sort of realized that I was placing a lot of my own self-worth on the test and made me work on that a lot throughout studying. My whole life is not going to be centered around this test. I'm going to do it because I want to pass it not because I have to prove anything.

Lee Burgess: I think that's a really good point. There's a [great blog post](#) that we'll link to in the show notes ... that I don't know if you had a chance to read when you were working with us ... about the question I've never been asked, and it's someone I know who failed the bar talking about how she thought that for the rest of her legal career, people were going to look at her résumé.

Alexandra Muskat: I did read that one.

Lee Burgess: Yeah. And talk to her about the fact that she didn't pass the bar, and she's like, "Nobody's asked. Nobody. Yeah. Nobody cares." Once you have passed, nobody cares.

Alexandra Muskat: Yeah.

Lee Burgess: And-

Alexandra Muskat: I think people are sick of me telling them that I failed, for sure. My mom's always like, "You don't have to tell people," and I'm like, "Yeah, but it's such a huge ... grit moment for me-"

Lee Burgess: True, yeah.

Alexandra Muskat: ... that I like telling people about it because now it's like, "No. This made me better." I'm sure if it had gone the other way, I wouldn't tell people about. But because it went well, and I had such amazing comeback, it went better. And actually, Kerri Clapp, who was my tutor both times through Bar Exam Toolbox, she had sent me a news article about the judge that she worked for when she



was a clerk after law school, and they wrote like a lifetime bio about her and how wonderful she was. You read through it. I'm like, "Why did she send this to me?" And then, she goes, "Well, she failed the bar. Do you see that they didn't include that in there?" It's not even on - you would never know. She was the smartest woman that Kerri had ever known, and she was like, "You never would have known." And they didn't include it ... It's not in your bio.

Lee Burgess: Right.

Alexandra Muskat: It's not part of your history.

Lee Burgess: I think that's true, and I think the thing about failing the bar is, people fail for all kinds of different reasons. I have friends, and I've known people who failed the bar because they over-studied. I have known people who have failed the bar because they studied the wrong thing, but I've also known people who passed the bar who were completely unprepared for it. That's what makes it such a tricky thing because it's this bright line in the sand about who gets their license, and who doesn't. And I think that because of that, it feels like such a stumbling block. If I can't get over this threshold, there's no way I should be allowed to be a lawyer. It's just an artificial measurement because there are people who have passed it that weren't prepared enough and probably shouldn't have been able to pass it, but then there are also people who are highly prepared, who, for a variety of reasons, including the way that the test is formatted, or everybody brings different stuff to this test. It's just this huge wall that they have to climb up over.

Lee Burgess: And I think especially now, we have so much more awareness about learning differences and anxiety and how we get mentally prepared for things that I've seen so many people also struggle without any problems with their academics. It's just that this format of this test is difficult for them. I have had students even with physical problems, back problems, wrist problems, and sitting for your ... Even if they get accommodations, sitting and typing for that long is really bad for them. It's very distracting, and it's hard for them to focus, and that can make the test abnormally hard. There are just so many reasons.

Lee Burgess: I think any failure is going to be hard to sit with, and I think one of the things that I really appreciate about you is your willingness to discuss it does show...I feel like I'm going to be on a - like I'm quoting a Brené Brown every time we keep talking about this.

Alexandra Muskat: Ah.

Lee Burgess: But you know you're-



Alexandra Muskat: I love her.

Lee Burgess: I know, right? We can have a rumble. We can just use all sorts of Brené Brown terminology, but you know she's such a big fan of this idea of vulnerability and not being held down by shame. And I do think around the bar, there is a lot of that. This stumbling block does not prevent you from being successful. Now, I can sit from this place of being quite removed from having sat for the bar exam having it been a decade ago, but I mean, I was scared out of my mind that I wasn't going to pass. It felt like the hardest thing I had ever done. I will say it is not the hardest thing that I have ever done since then. Life gets harder for most people, but that doesn't change the fact that it does have a lot of power.

Lee Burgess: And so, being honest about it and recognizing that that failure is not going to end your life ... It is a stumbling block ... I think is very important. And talking about it, just like many things we don't talk about get more power, not talking about struggles with these exams also just creates more mythology about it because you'd forget that, yeah, if there were only 45% of the people in the room who passed, most people failed, and that's okay. It's going to be okay. It's not fun. It's shitty, and you have to do it.

Alexandra Muskat: Right. You have to do it again.

Lee Burgess: Can we all say that again? But, yes, it's not fun. You have to do it again, but it is something that you've got to move past.

Alexandra Muskat: Yeah.

Lee Burgess: So, one of the other things that I know you and I have talked about before, and you've written about, is getting into the right mental head space to study again. You talked about struggling with the disappointment and having to refocus your energy and using psychology and learning more about yourself to move past this. Could you share a little bit about that journey and how you got there?

Alexandra Muskat: Sure. So, I've been in and out of therapy since I was very little. I have this weird form of OCD called hypersensitivity, where your senses, if they're not exactly in align with how your brain wants them to be, you get very overwhelmed and anxious, and you have to fix the sensation. So, like if a touch it too soft, it has to be much harder. Or, like I used to get fixated on the thread in my sock touching my toenails, so I was a very-

Lee Burgess: Ooh. I don't know I've ever thought about thread in my sock. I feel like I need to. I feel like that's an awareness exercise I should do.



Alexandra Muskat: Yeah. So, my mom put me in therapy because I was the four-and-a-half-year-old that was taking my shoes on and off and on and off, and we both needed coping mechanisms. So, I have a big ... We call it my toolbox, and as I go through more experiences, I stretch my comfortable bubble out, and law school really stretched it out. And my last semester, I started doing research on positive psychology for a professor. I took a course in it, and it was specific to law students. I saw how negative law school could be, and just how the statistics on drug use and substance abuse and even suicide for first-years was just terrifying.

Alexandra Muskat: I had made this decision early on to go through this experience and not lose my mind, and so when I took the bar the first time and I was so anxious all the time and so uncomfortable, and then failed, and was going through those emotions all over again in October of 2017, I just decided, "I can't live like this, so I either don't do this and wait for the deadline to sign up again to pass and go through a month and a half of being uncomfortable because the deadline hasn't passed yet, or I sign up for it, and then that emotion goes away. And then, I have until after Thanksgiving, like another month to start studying and do- take a longer time and really pass it.

Alexandra Muskat: I happened to be on a three-week road trip with my best friend, and I was meeting her in L.A. I found out about it before I met up with her, and was like, I mean, I lost my mind. She is one of those people that just lets you talk it out no matter how many times you have to talk it out, and I kept jumping every day. "Okay. I'm going to take it in February. Oh, I'll take it in July. I'm going to take a break," or, "I'm not going to take it again. This is bologna. I'm not doing this."

Alexandra Muskat: And then, one day I was just like, "I have to have a chip on my shoulder about this and just do it." And there's this, you know the Legally Blonde musical?

Lee Burgess: Yeah. I mean, I haven't seen it, but, yes, I do.

Alexandra Muskat: There's a song called The Chip on My Shoulder that Emmett sings to her where he's like, "It's as big as a boulder, and I'm going to do whatever it takes to do this because I want to," and I kept thinking about that line, and I was like, "No. I actually want to do this, and I want to pass. I want to prove to myself that I can jump this hurdle and also know that it might take me a couple more times to do that. But as long as I do everything I can each time, I can't fault myself if I fail." And so, that's when I was just like, "Okay. I'm going to do it."

Alexandra Muskat: I mean, I got into the head space, and then the first day of studying, I had a complete panic attack. It was like, "I can't take this again. I don't want to be panicked forever." But I also started back with therapy, so it was a lot of learning new coping mechanisms and how to change my automatic responses to these different situations that I had learned by being in an anxious state for the



whole summer. Even just touching the books, I was like, "Oh. I don't want to do this again." I was so anxious when I did it. So, it took me a while.

Alexandra Muskat: And then, it takes like two weeks to get used to any new schedule, and then once I was through that, it was a lot ... I became very good at pivoting every so often, and checking in with Kerri and making sure that I was doing everything I needed to do. I took complete control over the process instead of relying on a commercial bar prep to do it for me, which helped a lot.

Lee Burgess: Yeah. I think that that, you've made a few really important points in here, but one of the things that I think is something that I continue to learn in life and that we're really working with our students even more now, but even when you were working with us, there's this idea that you do have some control to change how your brain functions, how your body's responding to things. Therapy can definitely help with all this, but we're introducing some mindfulness curriculum into our tutoring program too- and I've been working with a mindfulness instructor, who's not a lawyer, on some of this curriculum, and we were recording some of these meditations to try and help. This idea that you can train your brain to give it some peace and to have a different relationship to this experience.

Lee Burgess: One of them, even in one of her little lectures, she's like, "Well, it's important to just acknowledge that this is hard, and that's okay." And I remember, I'm sitting on the floor of my office. We're doing this recording where I have my recording set up, and I was sitting on the floor of my office going, "How many times did I say to myself during the bar, 'This is hard, and that's okay'?" Because I think that we don't often have that much compassion for ourselves.

Alexandra Muskat: No.

Lee Burgess: I think we say, "This is hard. It shouldn't be hard," or, "This is hard, and it's because I'm not smart enough to do it." So, I think that just sometimes the way that we talk to ourselves and the way that we communicate with ourselves about this experience can just change our ability to really step up.

Lee Burgess: So, we, Alison and I, are getting a little nerdy about some of this stuff. We're reading some interesting books on how to be able to kind of work with your brain, to allow it to be its best self in this realm because we're all works in progress. But I think these simple things, that even if it's like, if you have a meltdown, and you have a panic attack, instead of saying to yourself, "I can't believe you wasted a day having a panic attack." It's more like, "This is really hard, and that's okay." You know?

Alexandra Muskat: Yeah.



Lee Burgess: We've just been distant with it being hard, and that's okay. And ironically, you know what taught me the most about this? It's very strange, is actually preparing to have my two kids. Because, I'm lucky to be part of a very hippy, dippy birth community out in San Francisco, but in the community of people that I was working with, including my midwife ... And they are very aware of the mind-body connection ... and there is a huge amount of talk, at least in the people that I was working with, about that. And I think that that was something very special for me, and there were plenty of times when I was very anxious about what was coming, or I was worried. I have a very wise midwife who would get on the phone with me and talk me off the ledge, and would say things like, give me her speech about how everything's okay, and I realized that nobody had really done that for me necessarily during the bar.

Lee Burgess: It was more like, "You're going to be fine." I heard a lot of that. "It's going to be fine." And I think it's not always as simple as that.

Alexandra Muskat: No. My mom is definitely a mind-body believer, and so if you said anything out loud, though, she'd be the first one to be like, "Don't say it out loud. You don't want your body to hear it." I'm like, "My body already thought it, so I need to acknowledge it." And part of the therapy that I did, it was just on Talkspace, which was perfect for me. But she was a dialectical behavioral therapist, so they work on your automatic responses that are ingrained.

Lee Burgess: Oh, interesting.

Alexandra Muskat: We did a lot of, "Stop pushing your anxiety away. Just say like, 'Okay. I'm gonna have this, and these are the things I'm thinking about,' and don't even ... And just acknowledge them, but don't try and counter them with anything. Just acknowledge that you're having them." It morphed into sitting at night and visualizing being absolutely terrified and calling in the anxiety that I had felt the first time around for the bar prep, and calling that in for the second time. I had the most surreal experience showing up to the bar and not being anxious at all and calming people down because I was like, "No, no, no. You'll survive." Like, "I survived. I'm fine. I'm going to kick butt today, and if I pass, I pass."

Alexandra Muskat: But actually acknowledging and sitting in my worry ahead of time was amazing. I mean, it was scary.

Lee Burgess: Sure. Sure.

Alexandra Muskat: But you get through it, and you're like, "Oh. This isn't as scary as what I dreamed it would be."

Lee Burgess: Right, but isn't that true of vulnerability, right?



Alexandra Muskat: Yeah.

Lee Burgess: Because vulnerability is really sitting, letting yourself say, "What if I let myself imagine that I failed? What if my fears came true? What would happen?" And the reality is you will get through it. It will be awful. You know, it will be awful, but there is no-

Alexandra Muskat: There's no broken bones at the end.

Lee Burgess: No. It's awful-

Alexandra Muskat: It's awful emotionally.

Lee Burgess: Yeah. And it's awful emotionally, and of course it has a lot of weight, but by not even accepting that result or sitting with those feelings and letting yourself kind of bathe yourself in these feelings, they just get more power.

Alexandra Muskat: Right.

Lee Burgess: The worry creates like this kind of tornado around it. Whereas, it's like, if you just say, "Here. I will sit with this. This is hard. I am scared that this will not happen. I have real concerns," and sit there and cry about it, then after you've cried about it, you're like, "So, those were all the feelings."

Alexandra Muskat: All the feelings.

Lee Burgess: Yeah, those were all the feelings, okay.

Alexandra Muskat: Right. My-

Lee Burgess: And maybe, you have to do it again, but those were all the feelings.

Alexandra Muskat: Yeah. That's so true. My mom, four days before the test, was like, "Please just give yourself permission to fail." And I was like, "No." And then, 30 seconds later, "Oh, I get it," and once I really acknowledged that it is okay if you fail, I didn't feel like I failed right away, but I mean, it could happen. I let it go after the test. But I think just giving myself that permission made me feel like this isn't as big a deal. I mean, it's a big deal, but it's not worth going insane over or losing all your friends or becoming an alcoholic from, which a lot of people-

Lee Burgess: Oh, I feel like that we might have to do a follow up podcast on positive psychology. Will you do that with me?

Alexandra Muskat: Yes, please.



Lee Burgess: Okay, good, okay, good. Now we'll put that on our to-do list.

Lee Burgess: Cause I could just totally continue to geek out. But I think people who are listening want to hear some main tips for retaking the bar. But stay tuned, cause we will have a future podcast episode on positive psychology, and a lot more of the stuff we're talking about.

Lee Burgess: Okay, so you have some great tips, I think, for retaking the bar exam, even some of them which are a little different than, maybe, what I would put on my top list. But, the first thing you have recommended is that you had to accept that you were taking the bar exam. So can you explain to our listeners a little bit more about what that meant?

Alexandra Muskat: I actually read a blog post from Bar Exam Toolbox, and I think you wrote it-

Lee Burgess: Oh my goodness.

Alexandra Muskat: And it was about- it was about-

Lee Burgess: It was- are you quoting me to me and I don't even know it?

Alexandra Muskat: I might. I might, I don't think it's, I can't directly quote. But it was definitely like, "You failed, say you failed, get comfortable saying you failed, don't just say 'I didn't pass.' And then, if you're gonna do this again, commit to it."

Lee Burgess: That's true.

Alexandra Muskat: And I was like, oh yeah, I can't just be like "I'm gonna do this again and then not do it completely." I really had to force my brain to be like, "This is your reality, you may not think so, you may still be going 'I can't believe I didn't pass'", and then you have to correct it and be like, "I failed and now I have to do it again, and this is where I am." That was probably the only time I was harsh with my psyche, where I was like, "Nope, we're committing to this, and you can think about all the reasons why you shouldn't be doing it later, when you've got time off, but right now we're gonna go through Civ Pro, and just focus on that."

Lee Burgess: I do talk to that, about ... this idea, with students, with people who are considering to work with us, is that, this only works if you can go all in. That doesn't mean that you only study for the bar, it doesn't mean that you have to give up everything in your life, but when you are doing it, you do have to go on, because self sabotage is a really powerful thing, and I think it sneaks up on us if we haven't fully committed to this experience. If you're going to spend the money, this is not cheap. We're not cheap, the bar's not cheap, everything is



not, nothing's cheap. The time off from work is not cheap, everything is expensive.

Lee Burgess: But it always is hard for me when somebody, you know, invests money, invests time, but then isn't able to go all in, because they'll never really know what could've happened if they really were vulnerable and went to that place and said, "What would happen if I would fail and I tried my hardest?" And the reality is, is that some people try the hardest and they fail. And that's still okay.

Alexandra Muskat: Right. Right. As long as you're doing your best and you're giving it your all, you can't fault yourself for what happens. So as long as I went through every motion, and I got paired up with a great tutor who I love-

Lee Burgess: Oh, Kerri's wonderful.

Alexandra Muskat: And has become my mentor, she's amazing.

Lee Burgess: She really is.

Alexandra Muskat: And we both clicked because she was a runner and I was a runner, I mean, am a runner. We both are, still. She did a lot of running metaphors, like, "You wouldn't sign up for a marathon or a half-marathon unless you were going to commit to doing all the training runs." And you can't think you're gonna pass unless you're doing this stuff, and being an active participant in it. And that really helped me refocus and commit. I made a promise, and now I have to fulfill the promise to the best of my ability and whatever happens, happens.

Lee Burgess: That's one of the things that I have to say, I think, is magical about bar tutoring, versus just other types of bar preparation, is especially if you have been struggling, one of the things that I have found personally magical, when I have worked with students or I hear these stories from my tutors when they really connect with a student, is, someone can shepherd you along this journey and make it personal to you. And help you with those metaphors, help you move past the stumbling blocks that can be very hard to move past on your own, and I think that is so special.

Lee Burgess: Working with someone during this experience, which is such a challenging experience for most people, is very unique. Even our tutors who support our law students and our bar students will talk about how the bar work is just different, because of what you're helping someone go through. If you gain something from being in the trenches with another person, I think that that could make a huge difference in your bar prep experience. I still have bar students, years and years and years later, that I'm still very close to, because we kind of went through the trenches together. Sometimes, having that ability to



connect this experience to other parts of your life, especially those of which you might feel more confident and comfortable in, like running or athletics or other hard things that you may have lived through, I think it's really powerful.

Alexandra Muskat: Yeah. It was definitely- I feel bad that I didn't use her advice as much, I definitely used Kerri the first time as a psychiatrist. She would edit my essays and I would briefly glance at them and be like, "Ugh, I did it wrong again," and then hide and do a video from the commercial bar program, and just be like, "It'll be fine. It'll shake out. I'm not gonna worry about this." It was completely the wrong attitude, and she was wonderful. That lasted like five weeks until she was like, "You gotta figure out how you learn, and you need to do that for the next three weeks, and we're gonna get there, and you know, be okay."

Alexandra Muskat: So that was super helpful. Then the second time around, I think she asked me, "Are you sure you want me to be your tutor again?" And I was like yes because that had nothing to do with you, that was my own obstinate behavior, and I'm going to listen to you this time, and do everything you say, and not use you as a therapist. I'm gonna use you as a law tutor. And it was wonderful. It was so much better.

Lee Burgess: Yeah, it's true.

Lee Burgess: Well, I love what you mentioned there, because, ironically, you just transitioned us to the second tip that you have, which is, focusing best on how you learn, and not how you think you're supposed to learn. So you talk about, in some of your blog posts, that you learned a lot more about learning styles, which is something that we coach our students to think about. But what did you learn about how you learn, and how did that change how you studied for the bar the second time?

Alexandra Muskat: The first time I used a commercial bar program as my main thing. They, I was very passive. You watch the videos, I filled out the handout, I did all that, and I think I watched the videos on double speed. I'm not really making a good case for myself here. But I didn't, I wasn't a part of it. So the second time around, I really - you guys have a bunch of memos about figuring out your learning style and blog posts, and I had gone through a lot of them, and realized, I'm a kinesthetic learner, and I'm a reader-writer. And I never would've picked out that I was a kinesthetic learner, except that I like to tap my foot while I memorize, or I'm much happier when I move around and I'm trying to memorize things.

Alexandra Muskat: So the second time around, I really embraced those quirky differences, where I would have pieces of paper all around, and Post-It notes, and highlighters, and then I studied most of the time at my dad's office, and he had these giant white



boards and all these different colored markers. I would bop around between writing out the rule on the whiteboard and then breaking it down into its elements and then making Post-It notes and just sticking them on paper. I really got into the weird way that I study, and just said, you know, whatever. I'm not like everyone else, my brain doesn't work like everyone else's, it never has, it didn't in law school, and I had to teach myself. So I'm just gonna do that this time. And I was so much more comfortable being weird, than I was trying to sit in the library and watch ten hours of real property lectures and follow along and not fall asleep.

Alexandra Muskat: And I mean, the last two weeks when I was really just memorizing and going through things, I walked on a treadmill the whole time.

Lee Burgess: That's brilliant. Yeah.

Alexandra Muskat: Because I would, hand- I really like handwriting. But I had a boxing accident at the beginning of law school, so I have major carpal tunnel in my hand, so it's almost spring loaded and I can't write for that long. You should see what the notes look like for this thing, it's like chicken scratch. But I love handwriting, and it really is just the movement, so I would start to annotate, and then that would take way too long, and I'd start to write out the rule over and over again, and that would take too long. But if I type it, it's too passive. So I was like, "Oh, if I walk on the treadmill really slow, and I read it three times, and then I try and reiterate it and cover it three times, then it's in my head, and I can go to the next one."

Alexandra Muskat: Part of, I mean, part of studying for the bar is acknowledging that you're not gonna remember everything. There's no way, unless you're Sheldon on the Big Bang Theory. And I don't even think he could. You aren't, you need to focus on the most tested stuff and be familiar with enough stuff that you can cross out answers on the multiple choice, or make up a rule on the essays if you really can't remember. So learning those strategies is really helpful, and just being familiar with a lot of different questions. But as long as I went through the motions of trying to be a present memorizer, it worked out, and that required walking on the treadmill, or the elliptical or ...

Alexandra Muskat: And it was funny because in doing these things, my mom had gone to physician assisting school when I was in high school. She was like, "Oh yeah, I did my best studying when I was on the elliptical." And Elle Woods studied on her stair master in Legally Blonde, and I was like, "Oh, this must be a thing that people actually do, why don't they teach us this when we're six years old?" So it was super helpful to me.



Lee Burgess: You know, it is really fascinating how honest we have to be with ourselves about how we learn. I am one of those people who can learn from a lecture, but I have to really see it as well. And I think I talked about this on another podcast at some point, but since I have a baby, I spend a lot of time walking the baby around in a stroller, cause I live in the city. So I listen to podcasts and books and things like that. I can listen to a podcast, to somebody who's telling stories, and I can reiterate the story pretty well. I'm pretty good at remembering stories.

Lee Burgess: But I was listening to this book on neuroscience, cause I was geeking out about this brain stuff. And I came home and I tried to explain to my husband what I had listened to that day, and I was having the worst time. Because the new vocabulary wasn't sticking in my brain. It was just, I was fumbling, I was like, "It was great! It was something about integration, there were two sides of the brain! And then this other part in the back, and I don't remember what that was called. And then he did this fist and then the phone was part-" and I listened to myself, going like, "I retained nothing."

Lee Burgess: But I was thinking, if I had been listening to it and taking notes, preferably by hand-

Alexandra Muskat: You would've remembered everything.

Lee Burgess: I would've been able to remember what some of this terminology was. So it was really a very good example for me of why I think, especially with lectures, a lot of people find that they don't really retain that information, and you have to just be okay with that. If you're passively listening to lectures and not taking notes, or not being engaged with the material, it's really possible that you're - if your brain works like mine, then you're not gonna remember terminology that you don't know, that you're not refreshing your recollection. And that's a big deal.

Lee Burgess: Very different than if I listen to Pod Saves America guys talk about something about politics, I can come home and talk about that, because I have all those points of reference. It's pulling the vocabulary and stuff from my brain that I already know. But yeah, neuroscience, which, I was a psych major, but nobody was talking about neuroscience when I was in college. It's definitely a whole lot of new, and it's taken me a while to be able to grasp at stuff. So I wanna come home and listen to it again and take notes, and I don't have that free time, so I'm just gonna sound like a mumbling idiot when I talk about it for a while, until I've heard it enough times.

Alexandra Muskat: That's great.

Lee Burgess: Yeah.



- Lee Burgess: What about your study schedule? How did you feel about studying again and owning your own study schedule process?
- Alexandra Muskat: I clearly remember the day that Whitney loaded everything into my Trello, and I went ... like it was so overwhelming for me. And I was just like, "I can't, this is too much." And I made a whole new column on Trello, that way Kerri could see what I was supposed to be doing and what I had decided to do. I would make a week of cards at a time, and then I had a planner, and so I started making my own schedules and it gave me a bit more control. I think the thing that had been really overwhelming about the commercial bar prep was getting that schedule, and then if you don't do something, it jumps to the next day, and you have no control over what you're doing, and if you wanna jump around, it's not as pretty to look at. It doesn't come up the same way.
- Alexandra Muskat: In creating my own schedule, I was able to sit down every morning and go, "Okay, this is what I'm doing today. I don't really wanna do real property, maybe I'll do con law and switch it up." And then I was more involved in the planning and I'm anal retentive and a control freak, so that helped appease those character traits and for some reason it helped my anxiety to just do it myself. And then my tutor was able to go through and go, okay, you need to throw in like four of these hundred MBE times. That was like, okay, four, we'll do two and then we'll see what happens. She'd be like, "Alright, well remember-
- Alexandra Muskat: So I had this master list, where I was like, this is how much work I wanna do in the next thirteen weeks. I'm gonna go through every subject this many times, I'm gonna do this many MPTs, and then broke that down into each kind and figured out which type of MPTs I was not doing well in and added more of those in, and these are how many essays I'd like to do over the course of thirteen weeks and how many- yeah. So then I was just able to have more of a hand in it, and it worked out much better for me.
- Lee Burgess: Which is good. Yeah.
- Lee Burgess: I think that's a lot of really good advice. Just, again, the more that you can take ownership over it, I think you're more likely to do it. That's just the reality of it.
- Alexandra Muskat: Yeah, exactly.
- Lee Burgess: It's some thoughtful planning, too. I think thoughtful planning is very important as well.
- Lee Burgess: Okay, one of my favorite things to talk about, for anyone who knows me in this space, which is your next tip, is about doing practice, but not only doing it, learning from it and reviewing it. So what did you learn from, not just taking



Kerri's feedback and being like, "Oh, she had a lot of feedback." But actually diving into the feedback and evaluating what you did. What did that teach you in your process?

Alexandra Muskat: It really helped me, so, with the essays in particular, I never understood IRAC, and I didn't realize that I didn't understand IRAC until the second time I was taking the bar. Because I had worked for a chief justice, and I'd written memos, but they weren't as technical as the bar exam needed to be. So when she would give me feedback, I would print it out, and I would highlight everything and I would go through the sample answers to the bar questions, and I would highlight the IRAC and be like, "This is how they did it, you need to learn how to do this," and "This is how many examples they put in for their analysis and why the rule relates to your conclusion."

Alexandra Muskat: I learned more reviewing answers, right and wrong ones, than I did really doing- I mean, I did a substantive review, but then I would- and I think I spent like a month going through every subject and doing that and then just doing practice problems, open note and reviewing them. But then when I started to really practice for six or seven weeks, I learned so much more just using it. You're reinforcing how you're gonna write it and you're building a muscle memory. That was, and I guess because I'm a kinesthetic learner, that was really helpful. Because I knew, when I put my fingers on certain keys, that this was a sentence that was gonna pop out. I didn't have to think about it. Then it was just matching up the hypo to those things.

Alexandra Muskat: I didn't review the first time around. I would get so overwhelmed, cause I- this is so embarrassing. But the first time around, the MBE questions, I don't think I broke a 33%. Maybe the last two weeks I hit 50%, but I did not know how to do an MBE question. So reviewing that many wrong answers, and reviewing right answers that I knew I got right and had no idea how I got them right, was so overwhelming that I would just let it go. Then this time, I was like, "Nope, you're learning from this. You learn more from your wrong answers than you do from your right answers." And I used that chart that you guys had where you mark if you thought you got it right, how sure you were, and that really helped me, and then I would rewrite the rule by hand or on the computer.

Alexandra Muskat: And I still have a hundred pages of just multiple choice questions that I got wrong, just the rule written out. And I was able to have more ownership, cause AdaptiBoard ... AdaptiBar does have, it gives you an analysis of what you're doing, which ones you're having a harder time with, so you can hone in on that.

Alexandra Muskat: Just having more control and saying, "Okay, I really am getting all of these motion questions wrong, why am I getting them wrong? What am I not understanding?" Then having to write out the rule 47 times, or however many



times I got them wrong, it really, it made a huge difference and I wish I had done that the first time around.

Lee Burgess: It just goes back to that, you have to be okay that that's not a failure by getting it wrong, it's a learning opportunity. That mindset makes a really big difference.

Lee Burgess: Now I think everybody's favorite tip, which I'm a big fan of as well, is to take breaks.

Alexandra Muskat: Yes.

Lee Burgess: Because, to be honest, when people talk to me, so I talk to every single person who works with us. I do an intake phone call, or people who don't work with us, I talk to them, too. But one of the main things I will hear is, "I will study 12 to 14 hours a day" or "I will study 6 hours after work." And I'm like, "Okay, that's not gonna work, because you're not gonna be able to take breaks, and you're gonna suffer from burnout." So how did you incorporate self-care and this idea of taking breaks into your second bar study?

Alexandra Muskat: I definitely studied longer than I think most people take to study, and I was lucky that I got to live at home and do it. But I set up specific days that I was not going to study. Each week I took, usually a Saturday or a Sunday off, depending on who was here. For some reason, every family member I've ever had decided to come visit during the second bar prep. So every weekend it was like another nephew or another niece, or a sibling. I had to get really good at pivoting and taking time and not freaking out.

Alexandra Muskat: But I would incorporate, so I've always done, it's called the Pomodoro method, and I know I've talked about it in some of my blog posts, but you do twenty-five-minute increments of work, and then you take a five minute break. So those stretch to like two hours, and then you take fifteen minutes to get a snack or coffee and come back. So I would plan out my day very much down to the minute. Which is scary. And I would get very annoyed if there was traffic and I was over by like five minutes. But I planned out my breaks, and I was like, "Okay you have to get up every three hours and you half to walk around or you're gonna get a blood clot." Or "You have to wash your face" or "Go get your nails done for an hour, it's not going to take away from" or "Do this 50 set of MBE, and before you review it, go paint your nails." Just things that were important to me.

Alexandra Muskat: I had moved home and so I hadn't seen my family in a couple of months, but I hadn't lived at home for almost a decade. So I would make lunch dates with my grandma or dinner dates with my friends, and just be like, "Okay, well you have to be done by this time, so you have to get this done." But also, "You can't just



sit in a chair." I think a lot of people who are like, "Oh I studied for like fifteen hours today," sure, but you were on Facebook for seven of them.

Lee Burgess: It's true. Yep.

Alexandra Muskat: Then you took a nap, and then- so I think when people are like, "Well you gotta treat it like work," there's something to be said for that, but taking- they're called ultradian rhythm breaks. So it's like, every couple of hours you take a break and you refocus. They just refresh you. Nobody wants to study for 48 hours straight, and then crash for 24 hours. Study for six, sleep for eight, come back. You're gonna remember more. I've never understood that.

Alexandra Muskat: Also, because I have hypersensitivity, I've been trained to take breaks, so that my overstimulation doesn't hit a certain level. So I actually spent a lot of law school panicking about not knowing if I'd be able to take a break. So this time around I was like, you just plan them. These are nonnegotiable blocks of time where you're not gonna do something. A lot of the time I studied at my dad's office, so he and I would go for a walk, or I would go to ... he lives in like- his office is where a lot of the farmers are in South Florida. So I would go to the farm stands and just buy an orange. But the process of getting there was enough of a break that then I could sit back down and be okay.

Alexandra Muskat: So that really helped. And I know you guys talk about it a lot, and I just tried this time around to not do anything that the commercial bar prep people had suggested, because everything was like, "You're gonna study for twelve hours a day and you're only gonna take off July 4th," or in my case, "You're only gonna take off December 25th," or, and I was like, well, I'm Jewish, so I don't need to take December 25th off, but I'll take December 23rd off because that's when we're all hanging out.

Lee Burgess: Right, exactly.

Alexandra Muskat: I think taking ownership over what you're doing is something that they don't tell you you're allowed to do. In my case, in law school, there were a lot of professors who were like, "Don't be different. Do what we're saying. Go through it." Then I, afterwards, started to realize, they're just doing that because that's what they went through, and they don't know how to teach it differently. Until I had this one professor who, his name is Lyle Baker, and he was amazing. He teaches the positive psychology for law students course, and he brought it into orientation. He was just like, "Why? Why are we gonna make them as crazy anxious as we were, why not teach them coping mechanisms?"

Alexandra Muskat: I was like, "Oh, there are normal people outside of this." Who are like, "No, I'm not gonna do that."



- Alexandra Muskat: Yeah, so that helped a ton.
- Lee Burgess: Well I think- yeah, just being able to do this your own way.
- Alexandra Muskat: Yeah.
- Lee Burgess: Yeah.
- Lee Burgess: Well, I think we could talk for hours and hours and hours, but I think today, we are out of time. But I promise, we will have you back, because I think there's some really interesting things that you're interested in that our listeners would enjoy hearing us unpack. This is just a "Talk to you later." Thanks for being here, but we'll talk later.
- Lee Burgess: So thanks for taking the time today, though, I appreciate it, Alexandra.
- Alexandra Muskat: Thank you for having me on. This was really fun.
- Lee Burgess: 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 exams.
- 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. 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 so much for joining us today, good luck with our bar prep, and remember, if you did fail, you are not alone. It's gonna be okay. You can do this.
- Lee Burgess: Alright, bye.

Resources:

- [The Question I've Never Been Asked About the Bar Exam](#)
- [Why You Won't Die if You Fail the Bar Exam](#)
- [Law School Toolbox Podcast Episode 121: Alternative Options for Bar Exam Preparation](#)
- [Bar Exam Toolbox Tutoring Services](#)
- [Can Meditation Help You Prepare for the Bar Exam](#)