



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

We're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career related website [CareerDicta](#). Alison also runs [The Girl's Guide to Law School](#). If you enjoy the show, please leave a review on your favorite listening app and check out our sister podcast, the [Law School Toolbox podcast](#). If you have any questions, don't hesitate to reach out to us. You can reach us via the [contact form](#) on BarExamToolbox.com, and we'd love to hear from you. And with that, let's get started.

Alison Monahan: Welcome back to the Bar Exam Toolbox podcast. Today we're talking about what we learned about the MBE from making a course on it and spending lots of time with these questions. I'm not sure we understood how much time we'd be spending with these questions when we started this, but we spent a lot of time with the MBE questions. And I'll be honest, I hadn't really sat down with a bunch of MBE questions since I took my second bar exam, and that was a while ago. So it was really eye-opening for me to go through all of these questions. We did five in each of the subject areas for a video, and then we picked five matching practice questions. So it's a lot of questions, 70 questions total. And some of them we even had to write, because they're not that many civ pro questions out there. So, we went over each topic area really carefully and we had to explain questions on all different types of legal issues. So, we learned some stuff.

Lee Burgess: Yeah, we did. This is totally what happens if you ever have dreams of creating online content, is we come up with these great ideas and we're always like, "This will be really straight forward and easy." And then months into this project..

Alison Monahan: We're like, "Wait, how many questions were we going to talk about? Because that seems like a lot of stuff."

Lee Burgess: I know. We've got our whole team working on it.

Alison Monahan: Yeah. We literally had all of our elves in the workshop going through their individual questions. Because even just to pick the questions. We tried to cover things that were heavily tested. Then how do you find out what's heavily tested? How do you match up these questions? Etcetera, etcetera. Although,



the first thing I learned was actually quite interesting, and that was that none of these questions individually are actually impossible.

Lee Burgess: I think that that is a really important lesson, because I think a lot of times when folks start reading MBE questions, they just want to throw up their hands and be like, "I cannot study for this thing. It's too hard."

Alison Monahan: Well, exactly. And I think for somebody like me who's good at taking standardized tests, that was a really hard test even for me. So I just thought there's certain questions I would literally just never be able to answer, and that's not actually true. What these questions require in order to answer them however, is a very, very detailed knowledge of the law.

Lee Burgess: Oh yeah. I know. I was recording the question on the RAP.

Alison Monahan: Oh God.

Lee Burgess: Oh yeah. For those of you who take this course, that video was 17 minutes long.

Alison Monahan: Yeah. The average video in this course is probably like five to seven.

Lee Burgess: Maybe like seven to 10. But this one was 17 minutes, because that law is just really dense. I have a pretty good structural understanding of future interests. I've taught it a bunch of times. I've tutored a bunch of people in it. But it's like going through that law still almost gives you heart palpitations because you're just like, "Defeasible fee. The contingent remainder is subject to divestment." I had to practice saying some of the words because you don't say them out loud very often. But one of the things that I think, even that question, which is a laborious question to get through...

Alison Monahan: It gave both of us a very big headache.

Lee Burgess: Yeah. Because then I had to be like, "We need some slide magic to happen to this." We had charts. But the thing that I think I really learned from that, even going through that question in detail, is once you sit down again with the RAP and you really lay out the law and learn it, these questions are actually not that hard.

Alison Monahan: Right. That's the whole thing. Some of this law seems so overwhelming and so crazy and so intimidating, that sometimes people do just throw up their hands and say, "You know what? I'm just going to skip these questions." But you can't



skip that many. And there's kind of nasty law in a lot of different topic areas. So, sometimes this stuff that seems so impossible, if you actually take the time... I remember I had a chart of all the future interests that I drew out on one piece of paper. When you do that, you can start to remember it and say, "Okay, I remember there's this crazy language about this defeasible whatever." You memorize that stuff. I remember having a red outline of the things that are subject to the rule against perpetuities. So if I can recreate that chart in my head and kind of go through it step-by-step with these questions, you can actually get to the answer pretty easily.

- Lee Burgess: And because the law is so cumbersome, I think even some of the RAP questions are very straightforward, because they don't have to be that complex.
- Alison Monahan: Right, exactly. They just assume that people are not going to know the law here. So they don't test. Some of the other topic areas, they're testing trickier ways of doing the question and things like that. But a lot of the really nasty, nasty law stuff is actually pretty straightforward.
- Lee Burgess: Yeah. What they're really testing is maybe...
- Alison Monahan: Did you learn this?
- Lee Burgess: Did you learn what types of future interest the RAP applies to?
- Alison Monahan: Yeah, exactly. I can envision this chart and I'm pretty sure there are three of them. It's like you just have to know what they are.
- Lee Burgess: Exactly.
- Alison Monahan: And what does that mean? A lot of the property stuff is just the terrible language. I mean, it's like feudal England, basically.
- Lee Burgess: It's terrible. I think mortgages is the same thing. I remember I didn't study mortgages in my 1L year. I think most people didn't. So when I saw those questions, I don't think I really spent any time trying to wrestle with that material. So every mortgage question sent me into a panicked meltdown.
- Alison Monahan: Yeah. And there were a lot of those on the exam.
- Lee Burgess: I swear there were more than one fifth of the real property questions on my desk, because I felt like every other question was a mortgage question.



- Alison Monahan: Yeah. Some of this, you just have to sit down and be like, "Okay, there are three types of notice that you could give if you're recording your deed", or whatever you're recording. There's notice, race notice, and race. What do those things mean? And you might just throw up your hands and be like, "I'll never be able to remember this." But those are – that's another example – not actually that hard. It's kind of like the mailbox rule or something. You've just got to know who gets to the recording first and what happens if you don't get there in time.
- Lee Burgess: The other thing I think is really interesting is, I feel like the language you hear when people are studying for the MBE – and I was guilty of this too – is, "Oh I can always get it down to two, but then I can't pick the right one."
- Alison Monahan: Right. Which after doing this, honestly doesn't make sense to me.
- Lee Burgess: No, because...
- Alison Monahan: I'm like, "There's a clear right answer."
- Lee Burgess: Right. And I think that that is something that a lot of people get caught up on. Now, some bar review providers, maybe the largest one, I think, even in their answer choices – because they write their own questions – sometimes we'll say, "Well, it seems like it could be both of these." But the real MBE questions that are released, they've been vetted.
- Alison Monahan: There is a right answer.
- Lee Burgess: There is a right answer, or else they couldn't use them to create a national test. So, you have to figure out what is the right answer. When you come at it with an actual understanding of the law and applying that law, the right answer usually is very clear. Maybe there are still a few where you're scratching your head a little bit because they've got some tricky ones to try and trick you. But there is one correct answer.
- Alison Monahan: Yeah, sometimes the answer... What we suggest you do, basically... We'll give you the secret tip here to the MBE. Basically, we suggest that you treat the question like a hypo and formulate your answer first. When you do that, sometimes you have the correct answer that you might write in a hypo, but then they've switched it around. I remember a weird contracts question, which is not in the course, but it's actually, I think, one of the things that gave us the idea for this course. It was about one of those FOB, Freight On Board, or whatever. Basically the question really came down to, where did the liability



shift for this loss? So if you read the question, it was actually pretty straight forward. You're like, "Okay, this person brought it to the boat, and then as soon as they got to the boat, it went to this other person and then they had the liability." But none of the answer questions revolved around that at all. So there's this moment of where you're like, "Wait, what?" But then you read them and realize like, "Oh, okay, they're just coming at this from completely 180 degrees, but my actual logic is there." But that's pretty rare.

- Lee Burgess: Yeah. I think the other thing that I've seen going through a lot of incorrect answers, I think one of the things that we often don't do when we study for the MBE is spend a lot of time reading why certain answer choices are wrong, because you can't just know what's right. You also need to understand why answers are wrong. I think if I had to say the one thing that comes up over and over again in the course is, this is a misstatement of the law.
- Alison Monahan: Right, exactly. That happens a lot in stuff, for example in con law. Con law, basically, a lot of it came down to, "Do you actually know what level of scrutiny applies to certain..."
- Lee Burgess: And the language. And the very detailed language.
- Alison Monahan: What is the actual language of... What is the correct language to describe a level of scrutiny, and what level of scrutiny applies in this particular situation? Whether it is a religious test or whatever it is. They just test that over and over.
- Lee Burgess: Yeah, I think that that's true. Really, like most things, when you really dive into these, they are possible. Now, remember the MBE, your goal is to get 70% some of them right.
- Alison Monahan: You're doing well at 70%.
- Lee Burgess: You're doing really well at 70%.
- Alison Monahan: So we're not saying you have to get every question right.
- Lee Burgess: No.
- Alison Monahan: I'm just saying if you had infinite time and the ability to look up the law, you actually could get every question right. It is doable.



- Lee Burgess: Absolutely. The other thing that we found when you really dig into this stuff, and this is how we organized our course, is that the [NCBE](#) actually tells you what are the most heavily tested areas of the law on the MBE. So if you have limited time to study, they tell you where to start.
- Alison Monahan: Right. And it's actually quite detailed. You can go look this up online. We can link to it in the show notes. Nobody is trying to hide the ball here. They will tell you for each of these seven topic areas, this is the approximate percent of questions that are going to come from these topics. So you can look at something like evidence, and a huge percentage of the questions are about relevancy and reasons for exclusion. And then another big chunk of them are about hearsay. So, by that time you basically have covered the majority of the evidence questions. So if you're studying other stuff, you kind of need to ask yourself why.
- Lee Burgess: Right. If you're studying the law that's tested, maybe not every year, because it's not even covered...
- Alison Monahan: One sixth of the questions might touch on this huge list of topics.
- Lee Burgess: That should be your short list.
- Alison Monahan: One half is going to cover this fairly limited set of topics.
- Lee Burgess: Yup. And the other thing I think that you can start to see when you really dive in, is they often times only have so many ways that they can test these nuances.
- Alison Monahan: There are only so many rules.
- Lee Burgess: Fair point.
- Alison Monahan: It's like you can basically trick people, but it's one of those things, like in evidence – maybe it matters if you're in a criminal case or a civil case. You just have to know that. In contracts, it matters if you're in the UCC world or the common law world. You just have to know that. But as with any of these things, there just aren't that many rules you can really formulate a question about. You're going to see the same ones. If you do enough MBE questions, you're basically seeing probably every single rule they could possibly throw at you.
- Lee Burgess: Yeah. And if they throw you one or two that you don't know, you know enough of them that it's not going to matter.



- Alison Monahan: Exactly. It's okay. If 98 out of a 100 end up looking familiar, you're pretty good.
- Lee Burgess: Yeah. So now that we've spent the last few months talking a lot about MBE questions at the Bar Exam Toolbox Headquarters.
- Alison Monahan: Yes. HQ.
- Lee Burgess: HQ. What are we kind of taking to our students as the best way to prepare for the MBE?
- Alison Monahan: Well, I think this is one thing that we have been recommending for a while, but I think are going to even put more emphasis on going forward, is when you're doing these questions, you need to really be tracking the law that covers the rules on things either you miss or you're guessing on and you're not confident on, because those rules are going to show up again. You need to really be able to drill them and recognize them and have them trigger in your brain when you see a similar fact pattern.
- Lee Burgess: We call this the MMC – the Missed Multiple Choice document.
- Alison Monahan: Yeah. So this is literally a page. It can be on your legal pad or in your computer, but you just write down every single rule that applies to a question that either you're not sure about or you missed.
- Lee Burgess: Yeah. And when you're looking at that rule – let's go back to your con law example of levels of scrutiny. If you just say, "I missed strict scrutiny", but...
- Alison Monahan: Not helpful.
- Lee Burgess: What did you miss?
- Alison Monahan: Was it in the context of a religious question, which type of religious question? There are two different types of religious stuff in the constitution. You've got to be specific.
- Lee Burgess: And did you miss that it was not narrowly tailored? What was the language that you missed? What tripped you up with the law? That's what you really want to be tracking and studying.
- Alison Monahan: And I think you want the rule itself too. I mean, I couldn't do the rule for RFRA or whatever it is off the top of my head, but you need to be able to do that if



you're taking the bar. Basically one of these religious ones requires that it be targeting this group, so you need to be able to wheel off. And this will help you on the essays too. If this comes up on an essay, fantastic. You just know the rule. But again, once you know these rules, the questions are not that hard.

Lee Burgess: Yeah. I think that's true.

Alison Monahan: You just have to know the rules.

Lee Burgess: So, I think as we already discussed, the other thing you have to keep in mind is that certain law maybe isn't even as complicated as it seems. I think that one of the things that can be helpful about doing a course like ours or sitting with a group and sussing out some of this law and how it works is, seeing how this law applies to facts can make the law make more sense.

Alison Monahan: Right. It's almost an opportunity to test like mini essays too, because you see these facts appearing in certain contexts over and over. And if an evidence question shows up on, say, the essay questions, it's likely to look a lot like these MBE questions.

Lee Burgess: It's true.

Alison Monahan: They're just going to put a bunch of them together. And there might be 10 pieces of evidence instead of the one, but it's the same stuff.

Lee Burgess: Yeah. We were talking about mortgage recording on the drive to do this podcast, because that's how dorky we. Are and that's what I was working on yesterday. But I think that one of the things that really struck me, especially given my anxiety over mortgage questions on the MBE – it's a hangover from now a decade ago when I sat for the bar – that it's like, "Oh. Well, if you just memorize the rules, these questions aren't very hard."

Alison Monahan: Right. The thing about the recording statute is that you have your notice, you have your race notice, and you have your race. You just need to know what each of those mean. You need to know what words trigger each one. Then for some of these questions, particularly in property, it can be helpful to do just a really quick diagram so you understand who the parties are, who got there first. Sometimes again, when you do that diagram, things jump out at you and you're like, "Oh. Well, that's not that hard." Sometimes they have all these people and the words, and you're like, "Who? What's the relationship? I'm just going to skip this one." People just love to skip the property ones. But the thing is, if you do



spend your two minutes on it, you often times will find that that question wasn't really that hard. There was this person floating out there that seemed like they were really important, but as soon as you diagram it, you're like, "Well, they didn't have any claim for anything. So yeah, they don't get anything." You're like, "Oh, duh! Whatever somebody gave them, they didn't have." You can't give somebody something you didn't have. I can't transfer to Lee Trump Tower. I don't own Trump Tower.

Lee Burgess: Right. Exactly. So, one of the other things I think we realized as we were putting together this material is that sometimes different subjects need their own little mini attack plan for the questions you ask when you get presented with the fact pattern. You mentioned this earlier with contracts. You always have to do, "Are we in the common law or the UCC?" So, when you are doing these questions, make sure that you have some sort of attack plan for these different subjects. Because it's going to help you stay grounded and make sure that you are thinking about all the things that need to be discussed.

Alison Monahan: Yeah. And I think this is a great example of when you could have a chart, for example. Maybe you could color code differences for certain things.

Lee Burgess: You're such a visual learner, you and your color coding.

Alison Monahan: I know. Well, I'm just thinking, if you have your mailbox rule and you always put the UCC version in red and then you put the common law version in black. You might be listening to this thinking, "What difference does it make if I'm in UCC or common law world?" Well, if you went to law school, hopefully you realize that it might make a difference in certain areas.

Lee Burgess: Form contracts. That's another area.

Alison Monahan: But again, it does not make a difference for everything, but it makes a difference for some things. So, keeping track of what those things are, which are very easy to test. Same thing in evidence – does it make a difference if you are in a criminal court or a civil court? Well, in some cases, yes.

Lee Burgess: Yeah. If you're talking about impeachment and prior bad acts and things like that – yeah, it does make a huge difference.

Alison Monahan: Yeah. Certain things are allowed in civil cases that might not be allowed in criminal cases. You need to know what those things are so that you don't get tripped up by them. Maybe that's what people mean when they're like, "Well,



there are two answers." There are not two answers, because you're in one court or another.

Lee Burgess: Right, exactly. Exactly.

Alison Monahan: Actually this is totally irrelevant.

Lee Burgess: Yeah. So, I think that starting to see these, especially when you're doing kind of single subject practice, which typically in the beginning of your prep, you're just doing a lot of common law questions and a lot of evidence questions as you get kind of immersed in this material. This is the time to look for those themes, to try and create these tables and charts and attack plans for yourself to start seeing how you can come up with a consistency of approach. I think that that's very important and something that you should keep in mind as you keep walking through these questions.

Alison Monahan: Yeah. I think consistent approach is one way to increase your speed, too. If you're not thinking about, "How do I answer this question?" and you're just like, "Okay, step one, which universe am I in? Step two, what law applies?" That's how you're going to get faster.

Lee Burgess: Yeah. And I think really utilizing that scratch paper, if you're one of those people. I'm one of those people where I can keep the image of the chart for future interest in my head, but I'm so much faster if I just sketch out – not spend 10 minutes sketching up – but create the boxes and just make sure that I can quickly move through it. Then you can also practice doing that on your scratch paper and getting very fast at it. That might even up your accuracy more, if you're not kind of trying to hold the picture in your brain and you're walking through your list. You have to do what you need to do to make these questions accessible for you.

Alison Monahan: Yeah, exactly.

Lee Burgess: I think it's also okay when you start doing this study to slow down a little bit as you get more comfortable with these questions. But then you do need to get faster and work in those much more strict time conditions, especially in that month before the exam. But to dive in and really study off of these questions, I think in the beginning, is not a problem.

Alison Monahan: No. And I think you should want to be cognizant of what you're using your study time for. So it's completely acceptable to spend 10 minutes on MBE questions if



you're really diving in and learning that law and maybe even you look up the laws so you know exactly. If you kind of have an understanding of, "Well I see what the issue is but I'm not sure what this law is" – well, go look it up. That's different than when you sit down and do, say, a 100-question practice set or a 30-question practice set. There you're really looking more for, "Am I progressing? Am I staying on time?" So you can use them for different things. You just want to be kind of cognizant of what you're trying to do.

Lee Burgess: Yeah. So, I had the privilege of recording all of these videos.

Alison Monahan: Well, Lee, what really stuck out for you in that recording?

Lee Burgess: I feel very close to this material. I think one of the things that really stuck with me as I was going through the hours and hours of these materials, was just how the answer choices really make this much harder on you than it needs to be.

Alison Monahan: They are just so confusing.

Lee Burgess: Yeah. If the UBE was a short answer test, or if the MBE was a short answer test, I think it would be completely different jam for most people. For me specifically, I think I am a sucker for a good distractor. And I think that if you get caught up in trying to evaluate each answer choice before you've really decided what the right answer to the question is, you're sunk.

Alison Monahan: Yeah. Because they're really good at making you pick answers that sound right but aren't right.

Lee Burgess: Yep.

Alison Monahan: So yeah, we recommend you read the question; don't even look at the answer choices unless it's one of those rare questions that occasionally they'll ask you to evaluate...

Lee Burgess: The answer choices.

Alison Monahan: The answer choices – then obviously look at them.

Lee Burgess: Don't make up answer choices.

Alison Monahan: Yeah. Well, they could be talking about assault or they could be talking about... just look at what the list is. But then you go back to the question and really do



that analysis before you start going through and trying to figure out what choice is which. Because if you do it that way, it's honestly so much easier.

Lee Burgess: Yeah. Alright, so if people are worried about the MBE or if they have failed already and the MBE is what is holding them back, we do have a few resources that we think are helpful, outside of our fabulous [Practice of the Week](#) course.

Alison Monahan: Which really is very, very good. I'm just going to say, it's really good. I mean, we're not patting ourselves on the back here, but it's actually, I think a really great option.

Lee Burgess: I wish I had done that work when I was studying for the bar.

Alison Monahan: It was totally eye opening for me, and I'm good at multiple choice. I was like, "Wow, this has made this so much easier."

Lee Burgess: But we also like and are good friends with [AdaptiBar](#). We think that that is a really great tool to do online practice. A lot of people pushed back against it because it is online, but the benefits you get from the reporting and the algorithms I think are unmatched. So you just kind of get uncomfortable and do it on the computer. You do everything else on the computer.

Alison Monahan: It's not really that different, let's be honest.

Lee Burgess: Yeah. But one of the things I think you can keep in mind, when you do practice on AdaptiBar is, you can still have your scratch paper next to you. You can still be practicing, taking notes next to your computer.

Alison Monahan: You can highlight on the screen and...

Lee Burgess: Exactly. There are ways to make it work for yourself. But it's important to also remember that AdaptiBar says you've got to do 2,000 to 2,500 questions a prep cycle to make a difference.

Alison Monahan: And not just do them; be doing them at like 70% accuracy.

Lee Burgess: Well, yeah, yeah, yeah. But in the beginning, you're not going to be 70%.

Alison Monahan: Sure. But that's kind of their magic number. If people are looking for a magic number of like, "What do I need to do to be okay on the MBE?" If you do 2,000 questions and you're around 70% accurate, you're doing really well.



- Lee Burgess: Yeah. So, I think it's a nice place. They use the real released questions. I think that's a good place to start.
- Alison Monahan: It shows you too which areas you're stronger or weaker in, which means where you need to drill down on some law, probably usually is what's going on there.
- Lee Burgess: Yup. We also like the [Strategies and Tactics](#) books by Emanuel. They have some really good intro sections on different ways to approach the test. The questions are good. They're on paper, if paper's super important to you.
- Alison Monahan: Yeah, you can just buy the book.
- Lee Burgess: Buy them on Amazon. I think that's a really great option.
- Alison Monahan: Yeah. I've seen people really improve their scores a lot using those books, so I think it's a very good option.
- Lee Burgess: We've also got some helpful podcasts. If you haven't listened to all the Bar Exam Toolbox podcast yet, but I've done a few different episodes with Sean Silverman, who's an MBE tutor. And we walk through some questions, we talk more about the test. I think that that can also just be eye-opening to listen to people dialogue about these questions and see what is distracting about it, what are the pitfalls, and what our thought process is about it. So you might want to check those out. We will link to those in the show notes as well.
- Alison Monahan: Yeah. I think what you want to do is you need to do a lot of these questions until you can start to see the patterns and then accurately recall which rule applies to those patterns. So again, don't do them mindlessly. Evaluate your work, track things you're missing, that kind of thing. But if you do enough of them and you're really paying attention, you're going to start to see these patterns.
- Lee Burgess: Yeah, I think that's true. I like you mentioned about not doing them mindlessly, because I think a lot of people get caught up in his idea.
- Alison Monahan: "I'll just do them on the bus."
- Lee Burgess: Or late at night. I hear, "Oh, I'll do the MBE practice at 11:00 in bed." And then your accuracy tanks. It's like, no wonder.
- Alison Monahan: And also, when we build a study schedule for our students, we build in, say, an hour to do questions and then 30 minutes to review the questions, so that



you're getting that feedback immediately and actually learning something from it, versus just checking a box, like, "Oh, I did 30 questions. Moving on with my life."

Lee Burgess: Yeah. I really think that downtime should be used for watching bad reality TV on your iPad, like I was doing last night, watching 90 Day Fiancé.

Alison Monahan: Well, I was watching The Game of Thrones and I couldn't sleep. So, probably wouldn't recommend that.

Lee Burgess: 90 Day Fiancé is much better and more conducive to sleep than watching Game of Thrones.

Alison Monahan: Yeah. The other thing I think sometimes people don't fully appreciate when they're studying is the MBE is about half of the test. Most people are not putting in half of their study time for the MBE.

Lee Burgess: Yeah.

Alison Monahan: Why is that? I don't know. I don't think that's a good idea.

Lee Burgess: No. I think that's because nobody likes it. I mean, I remember sitting in the MBE and just being like, "I cannot believe it's still going. It's so long. It's just so many questions." But you've got to suffer through it, and the only way you can suffer through it is practice.

Alison Monahan: Well, and a lot of people I think never do a full set of even 100 questions.

Lee Burgess: Yeah, let alone 200.

Alison Monahan: Let alone 200. A week before the exam, I want you to be taking a full day of MBE questions. Does that sound horrible? Yes. What do you have to do on the bar exam? A full day of MBE questions. Better get used to it.

Lee Burgess: Yeah. And the other thing that I think is tricky is that I remember getting really hungry during one of the sessions.

Alison Monahan: Yeah.

Lee Burgess: Because you're bored out of your mind. It's so boring. You also have to practice keeping yourself engaged and managing if you get hungry. Then I remember



thinking that I was mad that I was hungry, because I must not have eaten enough breakfast, and why would the bar examiners not let me bring almonds? And then I was like, "Oh my gosh, I do not have time to think about this right now." I think I went to the bathroom, I threw water on my face and came back and pushed through.

Alison Monahan: Yeah. I've talked to people who tell me, "Oh well, I'm so pushed on time. I can't possibly take a bathroom break or a water break. Then I get really tired and I lose focus for the last hour of questions." I think it's going to be beneficial for you to take less than five minutes, which is two questions, to walk across the room, splash some water on your face, go to the bathroom, do some jumping jacks, do some meditation, do some yoga. I don't know, do your thing. Nobody cares if you're doing jumping jacks to get the blood flowing. But you want to think about how you are actually going to approach these three-hours sessions, because they are a very long time.

Lee Burgess: Yeah. And one of the things that we've been including in our tutoring courses, which I think a lot of people can experiment too, is the power of visualization. So if you're really struggling with the idea of what this would feel like, I think walking yourself through, especially if you are a repeat taker and you've had this experience of sitting for the six hours of the MBE – visualizing, thinking about what it feels like, thinking about pushing through these things. I think that could be really... Yeah, I don't know. Major sports athletes do it all the time.

Alison Monahan: Yeah, definitely. And having a plan too. What are you going to do if you get a question, if you get a string of questions, and you have no idea how to answer them?

Lee Burgess: Yeah. What if you get hungry?

Alison Monahan: Yeah, what if you get hungry? What if you get tired? What if your foot falls asleep? What if your back starts hurting?

Lee Burgess: Yeah, or your hand because of the bubbling.

Alison Monahan: Oh my gosh, we hear so many stories about mis-bubbling and things like that. Pro tip here – never skip an answer.

Lee Burgess: Never skip an answer. Just write something in.



Alison Monahan: Just put something in, circle it in your book. You can come back to it if you have time. Do not circle it on the scantron sheet. But do not skip. The other thing, which I remember doing, which I'm glad I did, is every 5 to 10 questions, just doing a quick double check that I was on the right number.

Lee Burgess: Yeah.

Alison Monahan: So, I'd circle the answer in my book in case I needed to go back to it, and then do a quick double check every five questions or so, like am I on number 25? Because I think one time I wasn't; I had skipped. It would have been totally disastrous.

Lee Burgess: Yeah. A total nightmare. So, we're almost out of time. When I think about the MBE, I think for me, when I first started working with bar students nine years ago or something like that, I think I kind of felt like the MBE was a lost cause for a lot of people. I think it was kind of like, if you struggle with the MBE, do what you can to get better, but really, the writing is going to save you. I think in California you used to be able to do that when the MBE was not half the test. But now, games are changed, pretty much everybody has the MBE being about half of your exam. So, you've got to figure this part out. You don't get to fail this one. You've got to figure it out.

Alison Monahan: You can't be getting an 1,100 on the MBE and expect to pass the California bar. That's just not numerically possible now.

Lee Burgess: No. So you've got to figure how to make this test work for you. I think what the biggest takeaway that I learned from doing the Practice of the Week course, the POW course was, it is more possible than you might think.

Alison Monahan: I think that's absolutely right. That was my takeaway as well. I remember at some point slacking and being like, "You know what? I just realized none of these questions are actually impossible." I really don't think I believed that before. I believed that there were some I just never would've been able to get right. I now see that that is not the case. They are actually, believe it or not, pretty fair, just very nitpicky.

Lee Burgess: Yeah. Alright, with that, unfortunately we are out of time. I want to take a second to remind you to check out our [blog](#) at BarExamToolbox.com, which is full of helpful tips to help you prepare and stay sane as you study for the bar exam. You can also find more information on our website about our courses,



tools, and one-on-one tutoring programs to support you as you study for the UBE or California bar exam. Of course, check out the POW course for the MBE.

If you enjoy 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 other 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. Thanks for listening, and we'll talk soon!

#### RESOURCES:

[Preparing for the MBE](#)

[Practice of the Week \(POW\) MBE Workshop](#)

[AdaptiBar](#)

[Strategies and Tactics for the MBE, by Stephen Emanuel](#)

[Podcast Episode 7: A Conversation with Sean Silverman – MBE Expert](#)

[Podcast Episode 21: How to Analyze Real MBE Questions \(w/Sean Silverman\) – Part 1](#)

[Podcast Episode 22: How to Analyze Real MBE Questions \(w/Sean Silverman\) – Part 2](#)