



Lee Burgess: Welcome to The Bar Exam Toolbox podcast. Today, we are talking about last minute tips for the MPT, or performance test. 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. Today we're going to talk through some last minute tips for the performance test. So, if you're taking the UBE exam, there are two performance tests as part of your exam. And other states also have a really similar 90-minute performance test, although it's not technically the MPT, like California and Pennsylvania. So, depending on how you've been studying, you might feel ready for this part, you might feel worried, you might feel like you don't have enough time to prepare. So, today we're going to share some last minute tips to help you squeeze out as many points as you can from the performance test. So Lee, let's first talk about the different types of tasks you might be faced with.

Lee Burgess: Absolutely, because the PT is my favorite part of the test because you need to know no law.

Alison Monahan: Yeah, this was basically probably why I passed the exam. At that point you even got two in California.

Lee Burgess: I know. So good. I know, they stole that away from us in California.

Alison Monahan: They really did. I think they made the exam harder for people who are good writers.

Lee Burgess: Yeah, I think that's true. But I think the performance test, although it can seem a little bit overwhelming for folks, is an opportunity to gain points because you don't have the barrier of passing. Well, you don't have the barrier that you need to know all this very specific law.

Alison Monahan: Right. You don't need to know anything.



- Lee Burgess: You don't need to know anything. You just need to know how to do these questions. So if you're in a position where you're kind of scrambling, it's at the end of your bar study and you haven't looked at the PTs, carve out some time. It's totally worth it.
- Alison Monahan: Yeah. I think sometimes people overlook this to their detriment. They think, "Oh, well." Like you just said, you don't have to know anything. "I'll just totally go in and I'll be fine." But I do think you, at a minimum, want to at least understand what you're getting into. You want to understand what these look like. You want to understand what you're going to be getting and what they're going to ask you to do. You probably want to read some of them. I mean, ideally you want to take some. But I think definitely people want to prepare for the different types of things. Because we see some common issues here, like people run out of time, they're not organized, they don't understand how to do this reading quickly and then figure out what they're going to write about. A lot of these problems can be solved if you've done a few, you have a plan, you understand what you're going to be asked to do, so that you're not wasting time. I think that's the biggest problem on the MPT.
- Lee Burgess: I agree.
- Alison Monahan: And disorganization.
- Lee Burgess: Yes. Alright, so now back to the four types of MPTs, or performance tests. So the first one is the most common for the MPT, which is part of the UBE, and also a lot of jurisdictions just use the MPT. It is really just writing a memo to a supervising attorney and you're doing it in an objective tone.
- Alison Monahan: Yeah. So this is the most common thing you're going to see. So you get your thing, they ask you... You are a young associate, you have been asked to address this question, "Please write this."
- Lee Burgess: I think the one thing that people often overlook is this important note about the tone. So if you're writing to your supervising attorney, trying to say which outcome is going to happen based on your analysis, you're usually using objective tone and they want to see that. They don't want this to be a stand-on-your-soapbox persuasive argument, because that's not what they're calling for. They'll give you that opportunity in a brief, which we'll talk about next.
- Alison Monahan: Yeah. So basically, the first thing I think you've got to establish on any of these is what tone are you being asked for? What's your role? Are you being asked to



provide an objective analysis, meaning that you're just going to consider both sides and maybe make your best assessment of what's likely to happen? Or are you being asked to do something persuasive, where you are going to pick a side and really make your strongest arguments? Because those are very different. And if you do the wrong one, you're not doing what the graders asked you to do.

Lee Burgess: Exactly. So first you want to think about, is your answer organized? Because a huge part of this is just following the directions and organizing it and making it a clean and professional answer.

Alison Monahan: Right. You've sometimes said that you want it to be wearing a suit, not sweatpants.

Lee Burgess: Exactly. Even though I love a good pair of sweatpants.

Alison Monahan: Right, but not on the bar exam, and not in court, and not if you're presenting something to a supervising attorney. So you can imagine yourself going into this office and presenting this to someone who's supervising you. That is the tone you need to be taking. And I think your point about following the directions – that is the absolute most critical piece of this entire situation. If you want to pass the MPT, or any type of performance test, follow the directions exactly.

Lee Burgess: Yeah. And so, oftentimes what they will do, even on a memo is they might give you specific drafting guidelines or templates, but usually memos don't. But what they often will say is, "Do not spend time giving a statement of facts or restating the facts." So don't talk about the facts if they don't tell you to. Now, I think that we didn't need to talk about this, but I have seen a ton of failing answers on the performance test where people wrote a statement of facts when they were told not to.

Alison Monahan: Yeah. And you ask them, "Why did you do this?" "Oh, well, I just thought that that's what you put in a memo." It's like, did you read the instructions?

Lee Burgess: Yeah. They will not give you points for it. They might take some away because you didn't follow the directions.

Alison Monahan: Well, and most importantly, you don't have time for that. That 10 minutes or whatever you spent restating the facts is completely wasted time, and you've only got 45 minutes, basically, to write your answer. So you just lost almost a quarter of that.



Lee Burgess: Yup, exactly. So Alison, what is a kind of default organization that folks should have in their pocket if they need to figure out how to just organize on the fly, a memo?

Alison Monahan: I think you want to think about the memos you've seen in your life. And if you've never seen any, you probably want to go look at some, if you've never worked at a law practice of any type. It needs a to, from, date, regarding. All those should be on a separate line. Typically, you're going to want some type of introduction. You state the question that was asked, your conclusion. You briefly explain the rationale. If you're thinking of real life scenarios, how are you going to make it easy for the person who's reading this, who's very busy, to understand your work? Same thing for the bar graders. And then you want a discussion. So depending on your jurisdiction, people might recommend you IRAC, they might recommend that you CRAC or whatever that is, where you do your conclusion.

Lee Burgess: CREAC.

Alison Monahan: CREAC. Yeah, I'm not really sure. But basically that just means you draw your conclusion first so that it's right up front. So there are varying schools of thought on this. You probably want to do a little bit of investigation, kind of looking into what's accepted in your jurisdiction. And then you want to make sure you're separating your issues, your sub issues, you're using headings, you're using subheadings, just to make it easy to follow your logic, because that is the goal here.

Lee Burgess: Yup. So, just for people who may not be familiar with it, the CREAC is Conclusion, Rule, Explanation, Analysis, Conclusion. Instead of IRAC, which is Issue, Rule, Analysis, Conclusion. So usually for UBE jurisdictions, we recommend you follow the CREAC for each issue. But in California, you generally will follow the IRAC, unless it's a persuasive memo. So there you go.

Alison Monahan: Yeah. And sometimes in practice, you'll hear these referred to as speaking headers, so your header basically makes the argument. You see that all the time in briefs that are submitted to the court. Instead of just stating what the issue is, you actually state your best argument, basically.

Lee Burgess: That's a good point.

Alison Monahan: So when the judge is skimming, they see at least what argument you're trying to make without having to read all of your background.



Lee Burgess: Well, that's a good segue into our next type of PT, which is a brief.

Alison Monahan: Great. What's a brief?

Lee Burgess: So a brief is the second most popular performance test and it's usually addressed to a judge and written to convince the judge to rule in your client's favor. So, objective or persuasive?

Alison Monahan: I'm going to go with persuasive.

Lee Burgess: Persuasive.

Alison Monahan: I'm trying to persuade someone.

Lee Burgess: Yes, which means that it should look different than the objective one. The tone should be different and you should be arguing for your side.

Alison Monahan: Right. Which doesn't mean you neglect counterarguments, it just means you put a different spin on things. Rather than just laying out, "Here's the argument for point A on this side. Here's the argument for point B. I think it's most likely to go this direction." Which is what an objective memo would be. Persuasive is more like, "Argument A should win because of... Oh, and by the way, I'm going to address these counterarguments."

Lee Burgess: Right. So, things to think about with a brief: They're going to give you directions of how to put the brief together. So again, I hate to sound like a broken record, but you have to follow the directions. This is non-negotiable.

Alison Monahan: Yeah, this is not rocket science.

Lee Burgess: Yeah. No, you've got to do it.

Alison Monahan: And also, they provided those directions for a reason, and part of that reason is to see who follows them and who doesn't, because that makes it really easy to curve.

Lee Burgess: And it just makes your life easier. Don't get creative, just follow the directions; they write them out for you. Some of the MPTs will also ask you to draft headings in a certain way. And you were mentioning that; you were saying speaking heading, talking headings. But they are going to give you a description of what that heading should look like with an example. And I think this is one of



those places where people really get tripped up. But you don't need to overthink it, you just need to do it. So you can draft these effective headings while you're taking notes, even prior to drafting your answer, as part of your outlining process. The task memo is probably going to identify your issues, you're going to get the rules from the library, you're going to have the facts coming from the file. All you need to do is piece together your headings to help you organize your answer and just communicate to the grader. And if they give you an example, you need to follow it.

Alison Monahan: Yeah, absolutely. And I think your point about doing this as you're taking your notes is a great way to structure it. So you need to have a pre-writing outline. You cannot just jump into these and try to do it after you've read all the cases and everything. You've got to be keeping track as you go through, because ideally you don't really want to be going back into the materials to try to find facts. So you might envision, when you read the task memo, identifying the key issues on a piece of paper. Then, as you're going through the rules, you can put your rules underneath each issue that they apply to. If you're getting key facts, you can add those in. And then before you start writing, you want to take a few minutes, probably, to go ahead and construct those headers based on what you've learned about the rules and what you've seen in the facts.

Lee Burgess: Yeah. And if you can't construct the header, then your outline's probably not complete enough. It's almost like a mini-test, to see if you're ready to start writing.

Alison Monahan: Yeah, exactly. If you don't have the answer at that point to what the issue is, I don't really know how you're... You're not going to find the answer in your writing. You need to know the issues and the answers before you start writing.

Lee Burgess: Right. And I think one of the other things to note is that you've got to make sure that these headers don't become a huge time waste. I know a lot of people get really tripped up on these headers. So if you're struggling to draft a persuasive heading, just do the best you can, because a weak heading is better than no heading or an incomplete answer, because you are trying to craft the most amazing heading ever to be seen on a performance test.

Alison Monahan: Right. And if you can't figure one out, you can always write the section, and then, based on what you've written, go back and revise your header.



- Lee Burgess: Right, but just put something down. What I've seen happen, is that they have this header requirement and then somebody doesn't do the header, they save it till the last minute.
- Alison Monahan: No, that's terrible.
- Lee Burgess: It's terrible because then if you run out of time...
- Alison Monahan: They've got nothing.
- Lee Burgess: You've got crummy headers that don't match the format. It's like, write a mediocre header that matches the format, and then go back and spruce it up if you have time.
- Alison Monahan: Yeah, exactly. You can write something, write your section, look at it briefly, spend 20 seconds revising it, and then move on to the next section.
- Lee Burgess: Alright. The next type of performance test that we see come up pretty often is the letter.
- Alison Monahan: They are always fun.
- Lee Burgess: These are always fun. So the audience and tone that we've been talking about with memos and briefs is a bit different for a letter because it depends on who you're writing to.
- Alison Monahan: Right. And sometimes that person might not be a lawyer. They might say you're writing to your client. And again, you need to have a different tone if you're writing to your client than if you're writing to your boss.
- Lee Burgess: Right. So, you want to really be on the alert for the description of the recipient, including the level of legal knowledge. I think that's what you were talking about, about if it's a client versus another lawyer. The purpose of the letter...
- Alison Monahan: You might have to write a letter to opposing counsel. That would be different than a letter to your client. Hopefully, you're going to be nicer to your clients.
- Lee Burgess: One would hope. And, why are you writing this letter? Is it to inform, is it to predict, or is it to persuade? So you're going to need to tailor your tone and style appropriately. And that's part of the task, so don't ignore that part. You're getting graded on that.



- Alison Monahan: Right. Sometimes people think, "Oh, it doesn't matter. They just want me to talk about whatever I want to talk about." No, they've given you something to do and you need to pay attention to that.
- Lee Burgess: Right. So now, just like other performance tests, some of these letters do have drafting guidelines, but some don't. So if you don't have a drafting guideline, just make it look like a letter. It's got a salutation, a body. You're going to typically CREAC again – see how many times we can say CREAC in this podcast – each issue, or IRAC if you're in California. You want to separate things by subheadings and have a nice little closing. Remember, don't sign it with your name. You've got to sign it with "Applicant".
- Alison Monahan: True. They will probably tell you that, but people will still screw it up.
- Lee Burgess: Yeah. So just use "Applicant".
- Alison Monahan: And do not put your applicant number.
- Lee Burgess: No, just put "Applicant".
- Alison Monahan: Just put "Applicant", or "The Lawyer", or whatever.
- Lee Burgess: Right. Or the role, if they've given you... Whatever. It doesn't matter, but don't put your name.
- Alison Monahan: I think if you haven't worked in a professional setting, you might really not be familiar with the standard letter format, but just get a Word document or something online and just look at what does a standard business letter look like, so that you are familiar with that if it's not something that's ingrained in your brain.
- Lee Burgess: Yeah. And again, some folks I think feel like, "Why should I put it in a letter format? Isn't that what I have an assistant for? This isn't why I became a lawyer." But you know what? It doesn't matter; if this is part of the task, just write it in the letter format.
- Alison Monahan: Yeah, don't fight the hypo.
- Lee Burgess: Don't fight it. Don't fight it. Just do it. Be a sheep.
- Alison Monahan: Follow directions.



- Lee Burgess: Follow directions. Alright, the last and not as popular type of performance test is the wildcard, which isn't as exciting as the name sounds. But it's a unique document or task which may include a review or a revision of, let's say, a sample document. These can really trip people up. I've also seen some where you write a closing argument. Things that aren't the memo, the brief, and the letter.
- Alison Monahan: The recent infamous one was the articles of incorporation. People really lost their mind over that one.
- Lee Burgess: So I think this first thing when you see a wildcard is you just have to take a deep breath and stay calm. And I actually would argue that wildcard PTs are an opportunity, if we can look on the bright side, because they have to tell you exactly what to do, because they are not going to assume, like with a brief or a memo, that you are familiar with what you're doing.
- Alison Monahan: Right, exactly. It's almost easier in a way, because once you get past the panic of "I've never drafted articles of incorporation before", they have to tell you what they are. They have to tell you what they should look like, because they don't expect that everyone has drafted these before.
- Lee Burgess: Right. So if you can take some deep breaths and get your act together, I think it's an easy way to pick up points if you can just be methodical and follow the directions. Because they have to tell you how to do it, or else these answers would be a disaster, and nobody wants to grade that.
- Alison Monahan: Yes. Basically they're going to give you some sample. You can probably start from that as your template. And then it's just the same thing you're always asked to do. You're applying your legal knowledge.
- Lee Burgess: Right. There are going to be rules. There are going to be facts. You're going to put them together.
- Alison Monahan: You're going to answer some questions.
- Lee Burgess: You're going to answer some questions. So, you just have to rely on your skill. And do not panic. Easier said than done. Before we move on to the two pieces of the performance test, or I guess three pieces of the performance test, I just want to say that sometimes these are really straightforward. I think that this gets lost on a lot of people. Sometimes there are some crazy PTs, like you said, where it's just like people lose their minds. But I remember one of the performance tests on my bar was like an eight-factor test.



- Alison Monahan: You're like, "Okay, great. One, two, three, four, five, six, seven, eight."
- Lee Burgess: Right. And I remember sitting in the room and having written it, and I finished a little early. And back then, in the stone age, it was three hours, so it was a really long performance test. So I finished early and I went back and I'm like, "I must've missed the boat."
- Alison Monahan: Right, like, "How could it be that straightforward?"
- Lee Burgess: Like, it couldn't have been an eight-factor test. And so I went back and I re-read the task memo and then I went back through the library. And by the end I was like, "No, I think it's just an eight-factor test." And it was. And some people went and either made it more complicated, or changed their answer and ended up probably pulling their score down, because they just didn't accept it for what it was, which was something very direct.
- Alison Monahan: Yeah. I think the key thing too is they're not trying to trick you here. They just want to see, again, a basic level of competence. Can you accurately identify that this is an eight-factor test? Go through all the eight factors, and that's all you need to do. I remember getting really lucky on one of them because the second one in California on the test I took was the exact same topic as what I had to write my moot court memo on. So there was that crazy moment of, "Is this really... Yes, this is exactly the same. I know these cases." But then again, you kind of have to back off and say, "Well, I know what the law was in moot court world, but I don't know what they're asking me to do here." So I still had, obviously, to read everything. But definitely, it helped.
- Lee Burgess: But that's a really good point, is that some people can get tripped up because they assume they know what's in the library.
- Alison Monahan: Right. If it's like your area of expertise.
- Lee Burgess: Right. And you cannot assume it. You can't assume it. You've got to see what they gave you, because they really want you to use what they gave you, not your prior knowledge of the law.
- Alison Monahan: Yeah. And if it's a scenario you know well, I think there's a danger of over-complicating it.
- Lee Burgess: Alright. So we've referenced them a bit, but now that we've run through the four different types of PTs, let's run through the components of the PT, just in



case anyone's really feeling like they need a little bit of a boost because they haven't had time to study this one. So the beauty is, all PTs start with a task memo, which is the single most important document, because it identifies the issues to be addressed or admitted and provides an overview of the facts. So basically it establishes the audience, tone, and organization of your product. It tells you what to do.

Alison Monahan: Yeah. So this is kind of your Bible for the PT.

Lee Burgess: The beauty is, sometimes they'll even give you numbered lists, so, "Talk about these four things." They might make references to documents in the file. They might even give you background information on your client. I typically tell students to read this at least twice, sometimes twice and then come back to it again. But this is really where you get the framework, so this is not one to skim. This is one to sit down and really own.

Alison Monahan: Well, and you want to be looking for answers to those questions we talked about earlier. You want to make sure you've identified who is the audience for this? What am I being asked to do? Those basic types of things. Just take a few seconds, take a step back and say, "Okay, I'm writing a letter to my client. Let me think for a second about what that means. Okay, I've got it."

Lee Burgess: Yup. So then, you have the library. This is the part that's really about all of the legal rules. This is pretty much your legal research. Now, there are different schools of thought. Do you read the library first? Do you read the file first, which is the facts? I am personally a file reader first, and a lot of people are library readers. I think that if you have time to try out both techniques, you need to see which one works with your brain better. But I will say that I want you to commit to one before you go into the test room, because what I do not want is you to start reading the library and then be like, "Oh no, I should have read the facts." And then you go to the file and then you're like, "Oh no!" And then you... I mean, time is just...

Alison Monahan: Yeah, time is ticking at that point. I'm pretty sure I'm a library reader.

Lee Burgess: That's not surprising to me.

Alison Monahan: Yeah. I'm like, "You've got to know the law. These facts are not going to make any sense to me until I understand the basic structure of the law." So I think you can make an argument either way, because you can also make an argument that with the facts, I know then what I'm looking for.



Lee Burgess: Right. I just like stories. I think I just like hearing the story first. But anyway, so let's assume you're a library person. This is where you really zoom into the legal rules. And I think one of the things that I want you to think about is – and I even tell students to sometimes do this – is, literally sometimes you have to sit on your hands and stop marking up the case until you get to the important part. Because we're such bad highlighters and marker-uppers at this point. So you've got your marker or your pen or your highlighter and you start highlighting every single word or every single sentence when you're like, "Ooh, this case has all these facts." You don't even know why the case is in the packet yet.

Alison Monahan: Yeah. My advice here would be, typically, take a step back, take a couple of minutes to flip through the library and see what you've been given. Do you have cases? Do you have statutes? Maybe there's a Law Review article. You might want to read them in a different order. If they've given you a statute, that can be a really good place to at least get a basic overview of what you're being asked to do. If there's some type of article in there, that can also be a great place to at least get an overview before you dive in to these individual cases, because you don't even understand what they're about at this point.

Lee Burgess: Right. Also sometimes cases will explain statutes. So if you have statutes and you're just scratching your head because you don't understand how they fit together, I think sometimes the cases will explain that for you.

Alison Monahan: Yeah, exactly. But I think you just want to kind of take a step back and see, "Okay, what do I have here?" And then maybe very briefly look at them and see what jumps out at you. Because you've already read the task memo, you have some idea of what you're being asked to do. So, what's jumping out at you is probably the most important place to start. And then read that pretty carefully.

Lee Burgess: Right. So if there is a statute, understand it's going to possibly have extraneous provisions, so you're not going to necessarily use every single thing in that statute. And you know that it's an extraneous provision if it doesn't pertain to any of the issues you've been told to address in the task memo or in the cases. That's okay. But don't ignore complete statutes. All the statutes are there for a reason. They're just meant to be part of the statute that...

Alison Monahan: They probably did not include statutes that you don't need to talk about.

Lee Burgess: Exactly, because that would just be killing trees. They're not just going to print extra sheets of paper. Now, if you're given cases, you want to start looking for numbered lists of elements, references to precedent, you might even see



references to other cases in the library. So that'll help you see how the cases fit together, and the interpretation and application of legal rules. So often times, this is where you'll be given the statute they're going to talk about in the case and they're going to show you a sample of the analysis you're likely going to have to do. So I like to look in the cases for examples of the analysis I'm being asked to do in my PT.

Alison Monahan: Yeah. So once I've read the library, what should my takeaway be? What am I looking for here?

Lee Burgess: You are looking for the pieces of the puzzle and how those things fit together. Each piece of that library has a purpose. And your job is... I literally write this down at the top of each section, whether it be a statute or whether it be a case, why is this in the library?

Alison Monahan: Why did they put this in here?

Lee Burgess: Right. And if you cannot answer that question, then go back and read it again.

Alison Monahan: Yeah. Or at least flag it for yourself so that once you get into the facts or something, maybe it becomes more clear. But you probably want to have a list, basically, of each of the things you've been given, and answer that question. But yeah, by the end of the library you should have a pretty clear idea of how the law itself fits together. So then if you haven't read the file yet, looking for the facts, that's where you're going to get your legal stuff, basically.

Lee Burgess: Exactly. So, when you move into the file, you want to look for facts that relate to each element of the rules you extracted from the library. And you have to be okay to let go of extraneous facts, because there are going to be extra facts. Typically not extra documents, but extra facts.

Alison Monahan: Yeah. They may give you a whole section that's not really that relevant to anything.

Lee Burgess: Right. Especially when you see depositions, often times the whole first page of the deposition is like, "What's your name? How do you know the defendant? What color shoes are you wearing?" I mean it really...

Alison Monahan: "Is there anything you've had today to drink or eat that would impact your ability to answer these questions truthfully?"



- Lee Burgess: Right, exactly. So, you don't need to be taking copious notes on that.
- Alison Monahan: Yeah. Don't highlight that. Assume they said, "No, I'm feeling pretty okay."
- Lee Burgess: So you want to look for facts that are similar or distinguishable from the facts in the library of cases. So that's why I said that often times the library will give you an example of what sort of analysis you're going to do. You're going to start seeing facts that might be similar or different. So for instance, in my eight factor PT, when I sat for the bar, one of the things they were looking for was whether someone was in a custodial interrogation, and there was this eight-factor test. And so, in one case the guy was detained for three hours, and that was enough. But then our person was detained for eight hours. And so you're looking for those kinds of comparisons, so it gives you something to argue about.
- Alison Monahan: Same but different.
- Lee Burgess: Same but different. So you're looking for that.
- Alison Monahan: And you can't just in that case be like, "Well, three hours is the same as eight hours." They're not the same. You need to think about why, how they're different.
- Lee Burgess: And you need to argue. Depending on what your role is, you've got to argue whether it's the same or different.
- Alison Monahan: Yeah. In a persuasive memo, you say, "The fact that our client was detained for eight hours versus three hours suggests X."
- Lee Burgess: Right. You also want to look for consistencies and inconsistencies in the testimony and within the documents in the file. So maybe one party says it sees things one way, one party sees things another way. You need to look for those because those are going to be probably things you need to distinguish in your answer as well.
- Alison Monahan: Yeah. If we go back to first year of law school, we're looking for ambiguities, whether those are legal ambiguities, or factual ambiguities, or some combination thereof. Hopefully this is stuff that you have been doing your entire law school career; this should not be completely novel to you. So, just use those same skills and the techniques you've developed to do case analysis and all those other things, and apply it to the PT.



- Lee Burgess: Yup. I think just keep in mind that this is a totally attainable part of the test to do. With a little bit of practice and a little bit of focus, you can gain what I consider easier points than other places. So practice it, get to know it. It's not to say that it's not hard, it's just possible.
- Alison Monahan: Well, and I think a lot of times people's problems really come down to timing. And on that, I think it's just you've got to have a technique of making sure that you're not going to have to go back into the library or back into the files, making note if you do, where things are. If you think a fact is important, note where it is in case you need to go look it up again. That kind of thing. And just being really efficient as you go through. I think it's problematic for people who just happen to be slower readers. You've got to kind of force yourself to skim a lot of this stuff without panicking, which is easier said than done.
- Lee Burgess: Easier said than done. If you are looking for some more practice on the performance test, you can check out our [Writing of the Week program](#), where we use videos to walk you through real past MPTs. We go through all the different types, so you can get kind of a sampling. And we also have our [Brainy Bar Bank tool](#) that has a database of these questions to practice, all categorized by type. So you can do as much practice as you'd like. But that's probably for people who aren't taking the bar in a matter of days.
- Alison Monahan: Yeah. And I think in California, the kind of wildcards are becoming a little bit less frequent, just because you only have one of them. So you're probably more likely to see those on the UBE, but you never know. They can do whatever they want.
- Lee Burgess: They've only been doing this 90-minute performance test for a few cycles, so we don't really know.
- Alison Monahan: Probably they're going to start coming up eventually.
- Lee Burgess: Yup. Alright. Well, with that, we're out of time. Good luck on your performance test portion of your bar exam! I want to take a second to remind you to check out our [blog](#) at BarExamToolbox.com, which is full of helpful tips to help you prepare and stay sane as you study for the bar exam. You can also find information on our website about our courses, tools, and one-on-one tutoring programs to support you as you study for the UBE or California bar exam. If you 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](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:

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