



- Lee Burgess: Welcome to the Bar Exam Toolbox podcast. Today, we are talking about the problem created by all of those postponed bar exams. When should you start studying if your bar exam results are going to come out super late? Yes, we're talking like 2021 late. 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 the problem that's created by the fact that all these exams, or most of them, happen really late. Namely, you're not going to find out until quite late that you didn't pass. So, what should you be doing now? Do you need to study again? We're getting a lot of questions, so let's talk about it.
- Lee Burgess: Yeah. Well, before we dive in, I think we should congratulate everyone who actually sat for that exam, because it was the longest bar season ever. Crazy!
- Alison Monahan: Congratulations, you did it!
- Lee Burgess: You did it, you made it. But usually we have that July exam, we have this nice cushy fall time, and then people start to pick up studying after they get those results. But for those of you who did sit for the... I don't even know how many it is – the July, September or October exams – we hope you passed! But the results are starting to come out for some of those earlier exams, and inevitably some people are going to find out that they failed. And in some of the larger jurisdictions that might be as late as December, or even January 2021. And boy, that next exam is going to come up fast because they're going to do it on the normal February date. [NCBE](#) is committed to providing online materials for February. So, that's a lot. It's not very long. It's a lot different than before. In California, it's going to be the one that's going to be really confusing. You've been doing some research into where California is with all this stuff. What are they doing right now?
- Alison Monahan: Right. Well, I looked this up a couple of days ago. To be honest, I haven't updated it right now, but when I checked their website, they have [one page](#) saying that the final filing deadline for February is January 4th, and that page



has a note that people who fail will have 10 business days to register for the next exam. So, you're going to have to decide pretty quickly. However, there's also a [different page on the website](#) that says the final filing deadline is February 9th. So, I don't really know what California's going to be doing at this point. You definitely want to pay attention to that and probably not rely on just one page on the website, because we don't even know at this point apparently what the actual filing deadline is. I looked at a couple of other states – New York, for example, right now has a deadline of November 30th to register. So, maybe they're planning to get their results back sooner, maybe they're going to move that deadline, I don't know. I think what we can say is, if you find out you didn't pass, obviously you're going to have some window in which to re-register, but it sounds like that window could be pretty small. So, things are going to happen quickly and you need to be prepared for that. And some people are really asking us, "Do you think I should start studying again if possibly I failed?" And I think that's a hard question, but we can talk about how we might think about that.

Lee Burgess:

Yeah, this is a hard question. This isn't the first time we've gotten these types of questions, because even back in the "before" times, sometimes folks who were going to be working full-time leading up to the next offering were concerned that if they waited until... Especially in a jurisdiction like New York or California, where the results came out pretty late, would they even have time to study again, especially if they were working full-time. So this is not a new problem, but I think it's going to be a new problem for many more people because of this condensed timeframe. So I think the first question is, do you really think you failed? Are you having anxiety about failing? Because I think those are two different things. And I think when you think about what makes you think you failed, I think you can think of a few things. Were you a repeat taker that was coming back from a huge deficit? Or I guess, a huge gap in the passing score? Were you trying to make a huge leap? Then, I hope that you made that leap, but it's possible that you didn't, and so maybe that is something that you want to consider. If you were incredibly anxious toward the exam, if you had technology problems that may have led for you to fail, that might make it a little more likely that you failed. But I think you really need to think about... I mean, everybody who takes it will be like, "Oh, I'm sure I failed", but you really want to think about, did you have a chance to fail?

Alison Monahan:

Right. I think when we're thinking about this, what I often ask people is, is there a specific reason you can point to that you think you failed this particular test? So, we're not asking you, do you feel like maybe you failed the bar? Everyone who takes the bar thinks maybe they failed it. Some people are convinced they failed it and then they passed. But what we're talking about here is probably



more along the lines of, you had really obvious timing problems on several essays, that type of thing.

Lee Burgess: You didn't finish the performance test.

Alison Monahan: You didn't finish the performance test, you didn't finish the MBE, you know that you were totally off base. After talking to other people, you realize that they were actually testing crim law and not torts, and you wrote about torts. Things along those lines. Not just kind of, "Oh, I don't feel great about this test", because I don't think anyone feels great about it. There needs to be some reason – you didn't show up to a certain day, you got sick in the middle of it, that kind of thing.

Lee Burgess: Yeah. I think that there can be real things that happened, and then I also think you need to balance that with what's life looking like on the way to the next exam.

Alison Monahan: Right. I think that's a huge consideration.

Lee Burgess: Yeah. What if you have small children at home and you're trying to manage remote school? What if you're also trying to work a full or part-time job? There're a lot of other considerations about how many hours you would even have to study if you do have that condensed time. And if you've got to sit for February and you want to make sure you're prepared, I don't personally think you should sit for tests you can't get prepared for. So, if you have to pass February and you think you failed July, then I do think you need to consider spending some time getting ready early. And we can talk in a bit about the specific things you could do, but I think you're going to have to consider doing it to make sure that February is a true try.

Alison Monahan: Right. I think that's the second piece of this is, how badly do you need to pass the February exam? If the answer is like, "Oh, it'd be nice to pass February, but I could easily wait until July, there's nothing really riding on this for me right now" – then I think you can assume, "Okay, if I find out I failed, maybe I just plan to take it in July", and then you have a reasonable study period. If you have a job that was riding on you passing – if you fail, if it's riding on you passing the second time and you have to take the next exam – that is a different scenario. If you're locked in to taking February and you absolutely need to pass it, then there's a much stronger argument for continuing to do some work now so that you're in a better position if that were to happen.



- Lee Burgess: Yeah, you've just got to be really thoughtful about it. Some people also don't want to wait until July because they're concerned about losing the knowledge that they did gain. I think that can be a real concern for people. So, if you really killed it and you felt like you knew the substantive law, but you still have concerns over those results, then you may not want to wait until July. Or you may be concerned that life is going to be more complicated in July. It's really tricky right now because the future is very uncertain.
- Alison Monahan: Right. No, this is a very hard choice. Alright, well, let's assume people are listening to this and saying, "You know, I have a pretty good reason to think that I did probably fail, and I want to start studying early" – what should they be doing? After all, you don't actually know how you did on the different pieces of the test.
- Lee Burgess: True, but I think you do have some indicators going into an exam how you might have done. So, if you were using a tool that was giving you a pass rate for the MBE and you were not getting over 60% or something like that, you were not getting into the range that you would really need to be comfortable to pass the – at that point, it was a 100-question set that for most people – you need to be working on MBE questions that probably didn't get you where you needed to be. Now, maybe you had an amazing rockstar day on the exam day and knocked it out of the park.
- Alison Monahan: Right. Maybe you guessed well.
- Lee Burgess: Right. I'm not a gambling person, but if I had to gamble, I would guess that the MBE was not a strong point. So, I think looking at your past performance, looking at any feedback that you got from your bar provider – that's going to help you figure out what happens, or figure out where you should be spending your time. I also think that you want to think about the mistakes that might have been made in the room. So, was time management a problem? Did you not finish the MPTs? I think that's another thing that you want to think about, because if the execution of the test was the problem, then starting to practice those pieces of the test, I think, is very effective. I also think that when we talk to people who failed, one of the things we hear over and over again is, "I just didn't practice enough, I didn't have time to practice enough." And so, if that's something that you were concerned about, then making sure that you do start to do some of this practice. You can typically use the books that you had from your bar review provider, or you can even invest in tools like our [Brainy Bar Bank tool](#) that has just a database of questions for [California](#) and the [UBE](#). You could continue to practice this law to keep it fresh in your head, but also just to make sure that you are solving some of the execution problems for each part of



the test. When we talk to people who failed, a lot of people aren't that surprised by where their weak points were. Sometimes they are, but I would say the majority of people can guess like, "Oh, I've always struggled with the MBE", "I've always struggled with the MPT", "I've always had time management problems." I think if you step back, you can probably start to assess how to spend your time.

Alison Monahan: Right. There is a reason that you think you failed, so I would start with what that reason was and at least work on that. And in terms of what people should be doing, I think one thing is just keeping this fresh in your head. It doesn't have to be this super intensive time commitment, but even just a couple of times a week, go through your old outlines and things. If you don't have an outline that you made, maybe that's something you look at, but hopefully you have some type of materials that you made that can help you refresh your recollection. And I think just keeping some of this in your memory until the point at which you get your results can be really helpful, versus starting from scratch a few months from now.

Lee Burgess: Yeah, I also think that you can... Nobody wants to invest a ton of money, because everybody feels like they're bleeding money for the bar exam. So, you want to think about how you can use the resources you already have access to, or find resources that aren't going to put you at a huge loss. For instance, if you used [AdaptiBar](#) and you want to use AdaptiBar again, the price to sign up and extend your access is just not that much, so you may want to consider just investing in that. It's almost an insurance policy. You're just going to keep doing multiple choice work, just to have kept doing it. Or a tool like our Brainy Bar Bank or even our [self-study program](#) that has study templates and things like that, that you can have access to. If you feel like you need more, you don't need to go and pay for a \$5,000 program to keep studying. You can be thoughtful about it and just invest some money in it while you wait, and then that's just your insurance policy. That's kind of how I would think about it.

Alison Monahan: Well, I think the [SmartBar](#) outlines can be really useful here too because they're a fairly low price point and something like that, I can see just sitting down and literally reading for a couple of hours every week, and that is a very condensed side of the law. Every time I look at those, I'm like, "Oh, right. That's right. I knew that about agency." It's just a level of stuff you're like, "Oh yeah, right." And your brain's thinking, "Yeah, yeah, right. Okay. Actual parent blah di blah authority." So, it's not super intensive and it's not super costly, but I think it could be a really good way to keep a lot of this fresher in case you end up needing it.



Lee Burgess: Yeah, I think that's 100% true. But the flip side of that is, don't get caught up in just passive activities. I think if you still have access to your recorded lectures, just don't say, "Oh, I'll just listen to recorded lectures in the car because it'll be totally good, it'll get me where I need to be." If you think you failed, it might be due to a lack of active learning, so you want to make sure that you're doing that. The other thing I would mention as we look forward to February and we're not 100% sure of a lot of the details is, if one of the reasons you feel that you struggled was because you either didn't get accommodation applications in time, or you didn't feel that your accommodations were what you needed, or you didn't have time to appeal an accommodations decision – I would work on that stuff now and just go ahead and try and make sure all of that stuff is in the bar and you're not scrambling to waste time. Because one of the things that you will definitely not have time for in the condensed bar season is drama. So, if you've got to figure some stuff out with the state bar, do it now. Now is a great time to work on problems like that.

Alison Monahan: Yeah, absolutely, because you need to make sure that's in place. I mean, can people apply for that even if they're not sure they're going to be taking the next test?

Lee Burgess: You should call your bar and find out, especially if you had them in the past. I don't know. I think you should call the bar and ask, especially if you got denied. I do think that in the past, in jurisdictions like California, we've had students who, let's say they applied for accommodations, they didn't get the accommodations they needed, and they were told they could appeal, but they didn't have time to appeal because of when the results from the decision came out. I think we've had students go ahead and file their appeal for the next season, even while they're waiting for results.

Alison Monahan: Yeah, I think that's right, because sometimes people decide they're not going to take the test until they can get this sorted out. So, it's definitely something to look into if you're in this scenario.

Lee Burgess: Yeah, and don't forget you can just call the bar. I think sometimes it's really hard to remember that, that there are people at these bar offices who are supposed to answer these questions for you. So it is important that you just go ahead and try and get these answers as quickly as you can, so you can make decisions based on them. The other thing I would think that you'd want to spend time on is, what are you going to do after the results come out? If you don't want to financially commit to resources, decide what those resources are going to be. We oftentimes will end up talking to people before results come out who are worried, who are like, "If I get bad news, I want to buy this program tomorrow



and the day after I get those bad news and move forward as quickly as possible", because there's not going to be a few weeks to debate what your options are. So, do your research, talk to people, evaluate what's going to work for you so if you need to pull the trigger, you can do so quickly.

Alison Monahan: Right, because the reality is, every single bar tutor is going to be absolutely slammed as soon as the results come out, and people are going to be having to make decisions. I mean, people always have to make decisions fairly quickly, but you're going to have to make decisions very, very quickly if you want to end up working with someone that you want to work with. We're not saying that to scare you, we're sort of looking at this too. We're looking down the barrel of this fire hose of stuff going, "Oh, my gosh, what are we even going to do?"

Lee Burgess: Right. And a lot of people deferred. Even a lot of our students deferred till February because the summer exam was such chaos. And so, I think that, yeah, the bar prep community is going to be stretched and challenged, so you want to make sure that you feel good about your choices, that you know what decisions you're going to make so you have the options that you want. Call us a couple of weeks into bar season – five weeks, four weeks before the exam, we're not going to have any open spots. I think a lot of bar companies who do higher contact work are going to feel that way. So, make sure you understand your options so you can get on those lists, whatever is going to be the fit for you, as quickly possible.

Alison Monahan: Having said, if you went to Stanford and you're top of your class and you're pretty sure you did okay, you don't need to call us, you probably passed.

Lee Burgess: Right, you probably passed. Yeah, unless you had something crazy happened.

Alison Monahan: I mean, no guarantee, but probably you passed. So don't worry about it.

Lee Burgess: You can look at the statistics. A lot of schools produce statistics of your chance of passing. My school did – it was like, "If you are in this portion of the class, you are this likely to pass the exam." So you can also rely on that. I mean, there are outliers, but generally speaking. Statistics are statistics. They give you a good idea of what are likely outcomes.

Alison Monahan: Yeah, I would say if you're in that kind of challenge zone and you had an issue or two and you know that things maybe didn't go so well in certain parts, I would maybe be a little concerned at that point.



- Lee Burgess: Yeah. So, if you do want to retake in February and you are thinking about how you're going to study again – when you're doing research of your options, I just want to make sure you know that repeating what you did last time isn't going to work. And typically, it's really not going to work in a condensed timeframe, and I'm really speaking about these larger commercial courses where you spend lots and lots of time listening to recorded lectures. The reality is, you're not going to have time to do that. So, if you just think, "Well, I took a commercial course", like [BARBRI](#) – "I'll just redo BARBRI in six weeks or five weeks" – that's typically not going to work for most people.
- Alison Monahan: Yeah, that's how we often get people who are the third time taking the bar exam. They're like, "Oh, I studied once, it didn't work. I did the same thing again, it didn't work. Maybe now I need a different approach." Just cut out the second time, just figure out a different approach before.
- Lee Burgess: Yeah, think about where your weak points were and then figure out how you're going to get help to move past those. You just want to be thoughtful and just don't say, "Well, I'll just repeat what I did the last time", because usually that's not a great idea.
- Alison Monahan: Right, if it didn't work for you the first time, it's highly unlikely to work when you're dealing with five or six weeks instead of five or six months. I mean, you had a lot of time already, so if that didn't work to begin with, it's probably not going to work when you're trying to do it just in a few weeks.
- Lee Burgess: Now, we know a lot of people, more and more people it seems like every year, are working and studying while trying to take the bar. And this is, I think, going to be even trickier in February.
- Alison Monahan: Oh boy. Oh my.
- Lee Burgess: So, you've got to be really thoughtful about this. I think if you are working and studying and you think there's a chance that you failed, I think you should start studying as soon as you can and just chalk it up to experience. I just don't think that 10 hours a week, 15 hours a week is going to get you where you need to be in a very condensed schedule. That being said, we have seen some crazy stuff happen, like we talk about in our [blog post on how to pass the bar in 10 days](#). It is possible, but it's usually possible for people who are excellent exam takers, generally. So these are people who did well on the LSAT, did well on the SAT, did well in all their law school exams. That's the group of people who can try to pull off some magic at the end, because they come with a whole set of skill sets that they don't actually have to work on; they just kind of already have proven that



they have those skill sets. But if you really are going to be working full-time, especially if you have children at home, I think you should probably not do it in February if you can't start saying early.

Alison Monahan: I think that's fair. I don't see how that's possible that you get your results, say, the first week of January, and then you're working and possibly having other things going on, and then you're trying to study for an exam that is already less than two months away. It just seems completely impossible, almost, to me.

Lee Burgess: Yeah. And it's cold and flu season. Even outside of COVID, we have so many students who then get sick and that knocks them back. There'll just be lots of things that happen in the new year, so you've got to build yourself as much of a buffer as you can.

Alison Monahan: Absolutely.

Lee Burgess: So, February seems like it's going to be all online again.

Alison Monahan: Some places. I think California, yes. Other places, I don't know what they're going to do yet. I don't think they've announced it.

Lee Burgess: No, the NCBE has announced that they're going to at least provide some materials for an online exam, so that's going to let other jurisdictions figure it out.

Alison Monahan: It seems like they are also doing more with score portability and stuff, which if true would be good.

Lee Burgess: Yeah, definitely. The October exam was kind of a mess in that way.

Alison Monahan: Right.

Lee Burgess: To just put it lightly. Yeah, I think that you better be ready to take an online exam, even if your bar isn't sure about it. We sure hope that it's not going to be the last minute switching, like what happened in Florida and things like that.

Alison Monahan: Did they ever do that test? I don't know. I've lost track honestly at this point, if that ever even happened.

Lee Burgess: I've blocked it out, I think, because it was so traumatic, what they did to people.

Alison Monahan: Yeah, so crazy.



- Lee Burgess: Yeah, so make sure that you know where to check your jurisdiction information. Make sure that you're staying on top of it, because you want to find out as soon as you can what their decisions are going to be. But you better be ready to take it online. If you don't want to take it online, then don't take a February exam, unless you're in a jurisdiction where you're 100% sure they will take it in person.
- Alison Monahan: Right, which I find it hard to believe anyone could say with absolute certainty they're going to give it in-person at this point, given the coronavirus situation.
- Lee Burgess: Yeah.
- Alison Monahan: Yeah.
- Lee Burgess: Yeah. So, it's a lot, guys. It's a lot. It's a tough time. It's a lot.
- Alison Monahan: It really is. And then people think, "Oh well, should I just wait until July, when we know that it won't be online?" I'm like, "I don't know that it won't be online in July. I really can't give you that information, I'm sorry." Hopefully, things will be more back to normal by then, but we don't really know. So, I think if you are saying, "Okay, maybe I'll just skip February and do it in-person in July" – I'm not even sure that that's necessarily that certain.
- Lee Burgess: Yeah, I think we can't plan that far ahead, is the reality.
- Alison Monahan: We just don't know. We have no idea.
- Lee Burgess: We can't exactly tell you what each of these bar exams is going to look like in February, because we don't know yet. We can't tell you what July will look like, because we don't know yet.
- Alison Monahan: We can't even tell you when you can register, because apparently the bar hasn't decided that yet either.
- Lee Burgess: Yeah, or even when you're going to get your results. So I think that this is a tricky thing and it's fluid, so the best thing you can do now is just decide what you really need, and when you have to take this test, and do you want to actively study for the February exam? And then if you do, then you can start to decide what you're willing to invest in it, whether you're really worried that you hadn't been successful on the summer exam. But we've got to live with uncertainty. I wish it wasn't that way, but I think that's just where we are.



Alison Monahan: Right. I think at a minimum, even if I was fairly certain that I passed, I'm thinking, statistically speaking, it's probably pretty likely I pass, but things happen. I think even in that scenario, I would want to at least sit and think through, "Okay, if I really need to pass for February, what would I do if I found out that I failed?" So at least you're not a deer in headlights at that point. And think about, "Well, if I'm working, would it be possible for me to take time off? How would that work?" Not necessarily that you need to go and ask for it, but just kind of start thinking about what this would look like, and kind of work backwards from there.

Lee Burgess: Right. Well, I don't know. I wish you guys the best of luck. I'm really sorry that this is happening to everybody. It's just so hard.

Alison Monahan: It is so crazy. It just impacts so many different things. And we really feel for you, because it is a very difficult situation to be in, and unfortunately, none of us can give 100% perfect advice right now.

Lee Burgess: Yeah. But hang in there, try and take some deep breaths, and just follow your gut. If you don't feel like you can take this on, then don't take it on, it's okay. I always think about how we're going to look back at this time sometimes, and the choices that we've made, and we're all just doing the best we can with the information that we have at the moment. And if in hindsight, you're like, "I should have taken that exam, I shouldn't have taken that exam, I shouldn't have done that" – it's going to be okay because you're just making the best decisions you can in the moment. And I don't know anybody who's going to judge you on these decisions 10 years from now.

Alison Monahan: Oh, not at all.

Lee Burgess: Not at all. This is going to be such a crazy time that any job interview, anything, is going to be like, "Oh yes, 2020-2021, yeah. I'm glad you made it through."

Alison Monahan: The COVID days.

Lee Burgess: The COVID days.

Alison Monahan: No, I think the biggest problem right now is for people who normally would lose their job if they fail a second time. And a lot of big law firms are like that. You fail once, they're like, "Okay, well, things happen." If you fail twice, a lot of them let you go. So, I don't know if they're going to be any more lenient around that or what. That's probably, I think, the most difficult scenario, is if you have a job where really it depends on you passing, and you're not sure you passed.



- Lee Burgess: Yeah, I think that's true. And maybe it's a good time to have a heart-to-heart with your job. If you don't think you're going to be set up for success for February because of some of these factors, maybe you go to them and say, "Can I just agree that I'm not going to sit for February and then we're going to do this in July?"
- Alison Monahan: Right, or just talk to them about policy: "Given the situation, can it be your policy at this particular time that this thing that you would normally do doesn't really apply and people have until July to sort this out?"
- Lee Burgess: Yeah. Yeah.
- Alison Monahan: Worth a shot.
- Lee Burgess: Just look at all your options. Worth a shot. And you never know, because the thing is, a lot of jobs don't necessarily want you wasting time studying if you're not going to be able to be set up for success.
- Alison Monahan: Right.
- Lee Burgess: So you never know, they might be more lenient. These are unprecedented times – you're allowed to ask slightly unprecedented questions.
- Alison Monahan: Right, exactly. It's like, maybe it is. Make the argument it's in everyone's best interest that anyone who fails can take it in July and they can study. And then at that point, hopefully you have the time to do it. That's difficult for certain jobs, but I think it's worth asking. Don't assume it can't be true.
- Lee Burgess: Right. Yeah, everybody, just take a deep breath. We're going to get through this. Someday this will all be over.
- Alison Monahan: And hey, statistically, you probably passed, so this whole podcast might have been just needlessly scary to you.
- Lee Burgess: True. Alright, well, any final thoughts?
- Alison Monahan: Not really. Honestly, I think it's just you've got to kind of evaluate your situation realistically, trying to put that anxiety aside, and just figure out a plan that can work. And then really hope for the best.



Lee Burgess: Yeah. Before we go though, I'd like to thank our listener for sending in this question, because this was a very thoughtful idea of something that we should be talking about at this time. So if you're listening and you have other questions, COVID or non-COVID related, you can feel free to email us and we will turn them into a podcast.

Alison Monahan: Woo-hoo!

Lee Burgess: Yeah. Alright, well, we want to take a second to remind you to check out our blog at barexamtoolbox.com, which is full of helpful tips to help you prepare and stay sane as 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 on your favorite listening app. We really appreciate it. And be sure to subscribe so you don't miss anything. If you're still in law school, you might also like to check out our popular [Law School Toolbox podcast](#) as well. If you have any questions or comments, please don't hesitate to reach out to myself or Alison at lee@barexamtoolbox.com or 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!

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