



Alison Monahan: Welcome to the Bar Exam Toolbox podcast. Today, we're talking about some of the worst bar exam advice we have ever heard. Your Bar Exam Toolbox hosts are Alison Monahan, that's me, and Lee Burgess. 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. Together, we're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career-related website [CareerDicta](#). I also run 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 always reach us via the [contact form](#) on BarExamToolbox.com, and we'd love to hear from you. With that, let's get started.

Lee Burgess: Welcome back to the Bar Exam Toolbox podcast. Today, we are talking about some of the worst bar exam advice we've heard. And we've heard a lot of bad advice, more than maybe we thought once we started compiling this list.

Alison Monahan: We did not have a lot of trouble coming up with a list, let's put it that way.

Lee Burgess: Yeah.

Alison Monahan: Alright, well, let's jump into Bad Bar Exam Advice 101. What's your top one, Lee?

Lee Burgess: Oh yes. Oh my gosh. "Just follow the schedule and you'll be fine."

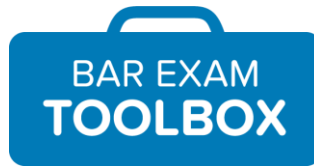
Alison Monahan: Oh, we hear this all the time.

Lee Burgess: Oh, and people gave me this advice when I was studying. They were just like, "Do whatever they tell you to do and you'll totally pass." I was just, "Ugh."

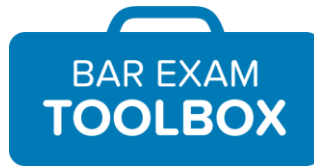
Alison Monahan: Yeah, "Just don't worry about it, just follow the schedule." I feel like this is actually really an overarching problem that colors pretty much every bad decision that people make.

Lee Burgess: Yeah. I think it is, because I think there's a false sense of security. It's almost like you don't need to take ownership over the process, because the schedule is magic.

Alison Monahan: Right, exactly. It's a magic wand that you can wave, and if you just do these things, whether they're effective for you or not, you'll be fine.



- Lee Burgess: Yeah. And I think one of the things that's really unfair about that is, for a lot of folks, that schedule, also that your commercial bar review providers presented to you, is an unattainable goal. There is often more work on there than you can even accomplish. So it's also setting yourself up for failure, if you're just like, "Well, if I just follow the schedule", because for a huge chunk of people, you're not going to be able to complete the schedule, and then you're going to feel doomed to failure.
- Alison Monahan: Right, and then you think it's your fault that you failed the exam because you didn't follow 100% of the schedule, when in reality, you probably could have studied significantly fewer hours but more effectively, and you actually would have had a better shot at passing.
- Lee Burgess: Yeah. It is just really toxic advice. It just drives me crazy. And I didn't even like it when people gave me that advice.
- Alison Monahan: Right. I passed two bar exams, I never followed any schedule, I never even signed up for a real commercial course, so it's definitely not necessary. And I think, in a lot of cases, like you said, it's just not even practical, particularly if you're someone who gets any type of accommodations around extra time and things like that. These schedules are literally impossible.
- Lee Burgess: Yeah, yeah. You need to be an active participant in how you're preparing for the bar exam. And this idea that there's one size that fits all... Just think about law school. Did you study the exact same way that everyone else did? No.
- Alison Monahan: No, and I think there is that idea there too, like, "Oh well, you just have to do these outlines, and then you're going to get straight As." And I think people realize pretty quickly that's not actually true. But then somehow they sign up for this bar prep company, and then suddenly, it's just like their brain goes out the window, and any critical reasoning skills go out the window, and just like, "I'm just sticking to the schedule. They told me to do this." It's almost like you're clutching on for dear life to this poor schedule, and then not really stepping back and evaluating, "Is this helping me get closer to the goal of passing this exam?"
- Lee Burgess: Yeah. Cover your ears if you hear this one, just please. Just don't take it that seriously. I mean, you should do the work that's assigned to you, but you shouldn't feel that it is the end-all be-all.
- Alison Monahan: I think you should do the work that's assigned to you, if that work is actually helping you.



Lee Burgess: Fair point.

Alison Monahan: We talk to so many people who have done a big bar prep company and fail, and then they come in and we ask them, "Well, how did you prepare?" "Well, I spent a lot of time watching these videos that I don't really think were very helpful", and it's like, "Well, did you think that when you were studying?" "Well, yeah, but they told me to do it, so I did it."

Lee Burgess: Fair point.

Alison Monahan: Okay, maybe we need to reevaluate if that's the best way to spend your study time.

Lee Burgess: Yeah, no, that's a very good point. Similar to this is our next piece of bad advice that makes us cringe. Alison, do you want to share this one?

Alison Monahan: Yeah, and I think this is sort of tied-in, you've already kind of alluded to this – that you need to be studying for the bar 12 hours a day, seven days a week, zero breaks. If you take any break, you should definitely feel bad about it, and it will probably be the reason that you fail. And I think people truly believe this.

Lee Burgess: Oh, 100%. We talk to a ton of people... We talk to a ton of people who failed the bar, and...

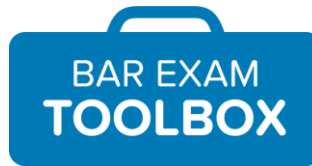
Alison Monahan: It's kind of what we do.

Lee Burgess: That's what we do. A few times a year, we just talk to a lot of really sad, frustrated people.

Alison Monahan: Most of them have studied a lot.

Lee Burgess: Yeah, I think that's the thing. When I started this work a long time ago now, I think that I didn't expect to talk to the number of people I did, that really had given it their all, as far as effort and hours. And it wasn't people just studying for four hours a day, or just not really doing the work. A lot of the people who fail did put in a ton of work, and a lot of them over-studied.

Alison Monahan: Right.

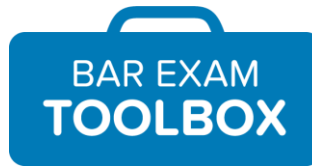


Lee Burgess: And I think that's something that's not really talked about. I think there's a lot of fear about understudying, but studying 12 hours a day, seven days a week with no breaks is an unsustainable way to attack this problem.

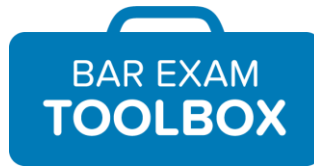
Alison Monahan: Right, and it's also not necessary, and it's not helpful. There's tons of brain science that says you really can't seriously focus your brain for more than maybe four to six hours a day. So, if you were just sitting there "studying" – studying in air quotes – 12 hours a day, what are you even doing? And yet you're tired, your brain is not functioning. I would rather have people use those, say, four to five, six hours a day where they can really do some work, and focus and do that hard work, versus just sitting there doing kind of passive stuff and not really paying attention, and then refusing to take any breaks to do any refresh of your brain. And also this tends to lead to issues around not sleeping, and anxiety, and stress, and no exercise, and bad food. All these things kind of feed on each other because you literally don't have the time to take care of yourself. You can't sustain an effective study time period for several months when you're behaving like that. It's just not possible.

Lee Burgess: Yeah. I also think one of the things that a lot of people don't talk about is what sleep deprivation does, and what schedules like this lead to as far as sleep deprivation is concerned. I was talking to a mom friend yesterday who has a new baby. She is an incredibly successful, high-functioning person, and she was talking about all the things that she is forgetting to do, like leaving her keys weird places, not finishing tasks, all due to sleep deprivation. And we have seen some of these study schedules where people start to really cut down their sleep to work these crazy hours. And sleep deprivation – take it from me, mom of two kids who does not have great sleepers – that it starts to make you crazy, and you literally can't cognitively function at a high level at all. You have to be very honest about that, and so if you are stealing from your sleep to do this crazy schedule, it's just working against yourself; you're not going to be able to get where you need to be.

Alison Monahan: Well, and also, it becomes this vicious cycle where because you're tired, you're not able to focus and get through things, and so then you have to end up studying even more. And then it's 10:00 or 11:00 o'clock at night, and you're trying to just fall asleep, and of course your brain is still plowing through all this information. This happened to me in my first year of law school, during exams. I blocked out eight hours of sleep, but I wasn't able to fall asleep for four hours, so I was operating on four hours of sleep for weeks at a time, and it made me crazy.

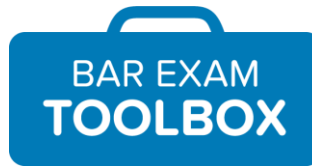


- Lee Burgess: Yeah, that's not good. And so often, more often than I think I expected when I just began in this work, when somebody is struggling with retention or is starting to see weird patterns of improvement – like they were improving a lot, but then their improvement cratered, things like that – one of our first questions is, "Are you sleeping? Are you overly stressed out?" It's almost like not about the studying; it's always about the things outside the studying.
- Alison Monahan: Right. It's like, what does your emotional state look like right now? Because your brain can't process information unless you're relatively relaxed and relatively well-fed and you've got enough sleep. Otherwise, it's literally in one ear and out the other. The time you're spending is time that's wasted.
- Lee Burgess: Yeah. It is really fascinating. It's gotten to the point now, as I feel like I've become an expert in sleep deprivation over the last seven years of my parenthood journey. But it was funny that.. My kids are older now, and they sleep pretty well, but my almost three-year-old is having busy toddler brain, which happens to the point where she was creepily staring at me in the middle of the night. I had brought her to bed, and I opened my eyes, and she was just staring at me intently in bed. I mean, she's adorable, but that's not cute, man, at 3:00 o'clock in the morning.
- Alison Monahan: That's like something out of a horror movie.
- Lee Burgess: I know. I was like, "What are you doing, sweet girl?" And she was like, "I'm just resting." And I was like, "Cool. I'm going to try and go back to sleep. I hope you do too." But I think one of the things that I even noticed about myself is that particular night, I had been up with her multiple hours of the night, and then the next day, I had to readjust what I was able to do on my to-do list. I've just learned that some things aren't going to happen if I get four hours of sleep. And I think there is some of that acknowledgement, even in your studying period, if you get sick... During the pandemic, most of us haven't been getting sick, thankfully, but that's going to come back, roaring back. What happens if you get a cold, or you get the flu, or you get bad allergies, or something happens? You have to release yourself from these schedules to be able to modify for your overall health and wellness.
- Alison Monahan: Well, and I think too, it's important, when you're looking at setting up your schedule, to build in official times when you're not going to be working, and then also to build in almost like redundancy. So when we make study schedules for people, we try to have a half day or even a day per week where it's like, "Okay, this is your time that, if you need to catch up on things, you can catch up. If you don't, take that time off and go have an extra walk." You've got to kind of



build that into the process, versus just thinking you're going to study every single day, no breaks, no nothing, and if you don't achieve that goal, everything's going to fall apart, because that's also not realistic.

- Lee Burgess: And this is something that was really introduced to me when I started a yoga practice many, many moons ago now, but I think it's this idea of meeting you where you are on that given day. There is that balance of having a plan and executing the plan, but there also is the need to meet yourself where you are. So if you're sick, or if you're overly tired, or if you're having an anxiety attack – whatever it might be – then you need to hopefully have a schedule built in with these catch-up days. So, use them.
- Alison Monahan: So you can catch up, or you can rest.
- Lee Burgess: But pushing through just for the sake of a study schedule or for the sake of this idea of what you have to do to study, is just ridiculous.
- Alison Monahan: Yeah, and I think a lot of students like checking things off, and so that becomes this kind of like, "I just have to check the boxes. If I check the boxes, I'll be fine." It's like, "Yeah, probably not." I'm sorry, that's not actually how this really works. Yeah. Alright, well, let's not belabor this point. What's next on our list? What other bad advice have we heard?
- Lee Burgess: Oh yes. This one is a good one, because this also comes up in law school as well as the bar, but "You have to know the law before you can practice."
- Alison Monahan: Oh, I love that.
- Lee Burgess: Oh yes.
- Alison Monahan: I hear this so much. You talk to someone who's like halfway through their preparation period, and then you're just like, "Oh, how are your practice exams going?" It's like, "You have done something, right?" "Well, no, I'm still studying the material."
- Lee Burgess: It is super common; it's super common in the law school space too. And maybe some of you listening made this mistake in law school, where you delayed doing practice because you felt like you were still learning material. I mean, open book practice is still valuable practice. It's analysis; legal analysis is the part of the exam that gives you the most points, and that doesn't actually have anything to do with memorization. That has to do with understanding how law is applied



and arguing facts, and you can do that with an outline sitting next to you. You don't get to wait until it's all memorized.

Alison Monahan: Right, and I think there are two reasons that you want to practice early. One is that it helps you kind of test your understanding. Even with an open book outline, can you do this practice question? If not, that's a different problem. It also helps you figure out what you don't know. And you need to practice writing in the style that they're looking for. Or if you're doing MBE questions, obviously you need to practice those. Seems obvious, I don't know. With the MBE, a lot of how you learn the material is really through repetition and seeing those questions, and those types of questions again and again. So, it's not that there's a separate learning and then practicing; these are the same. Practicing is how you learn.

Lee Burgess: Yeah, it's wrestling with the material. And I think that people want all sorts of excuses not to do the practice, because it makes you uncomfortable and it confronts for you what you don't know, but that is why it is so effective.

Alison Monahan: Exactly. This is literally why we created our [Writing of the Week program](#), was because people kept saying, "I can't do any practice questions, I don't know the law." It's like, "Fine, I'll tell you the law. Here you go. Now you do your outline. Now you do your question." So, I think it's a hard hump to get over, but you really have to force yourself to do as much practice early as possible, even if it's not in the exam format, because you're going to get better and better. And as you get closer and closer, then you start doing closed book, then you start doing timed conditions. You don't have to do those upfront.

Lee Burgess: Yeah. And I think married to this idea is this idea of when you're supposed to be memorizing, which is our next piece of bad advice.

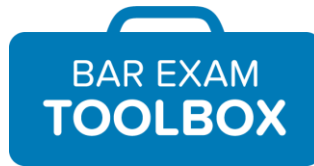
Alison Monahan: Oh, I love this too. I love all these, they're all so bad.

Lee Burgess: I know. Which is wait until the end to memorize anything, especially the final two weeks. A lot of the commercial bar programs tell you that: "Memorize everything in the final two weeks." It's terrible advice.

Alison Monahan: That's really terrible advice.

Lee Burgess: It's terrible advice.

Alison Monahan: For so many reasons.

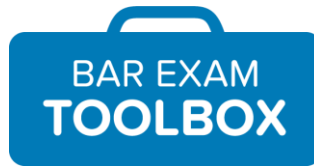


- Lee Burgess: Yeah. First of all, the volume of information, it cannot be memorized by most people in the last two weeks, and there's no need to. You want some of this stuff in your long-term memory. You want some of this law to feel second nature. Sure, you're going to continue drilling towards the end, but there is no reason why you shouldn't be learning throughout the preparation period. It is just such a waste of study time if you're not also trying to learn things too.
- Alison Monahan: Yeah, [spaced repetition](#), you can't just sit down. The idea just boggles my mind; it'd be like the idea that I'm just going to sit down and learn Spanish in two weeks and just memorize all the words. That not how this works.
- Lee Burgess: No. It takes a lot of repetition, and you just can't have all of this stuff in your short-term memory; that's not how our brains work. And you need to understand a lot of it. This isn't just memorizing lists of items; this is about understanding how it functions. Sure, maybe you have certain areas of the law that you have to drill – maybe it's a four-prong test and things like that.
- Alison Monahan: Or a list of hearsay exceptions.
- Lee Burgess: Yeah, there's stuff like that at the end if you want to continue to drill, but these big things, like these larger attack plans – all of that should be in your head, all of it. If you do it early, it just lightens the load at the end.
- Alison Monahan: Yeah, and I think people also have to be realistic about what they can memorize. You can't memorize a telephone book volume of information, but you don't need to memorize word-for-word that much information anyway. So I think in terms of memorization, you can think about, "What is absolutely crucial for me to know word-for-word, element-for-element?" For example, if an Evidence question on hearsay comes up, obviously, you need to know that rule. It is not optional. But then there are these other things that you may not need to know word-for-word, so don't even bother trying to memorize them. So something like the [SmartBarPrep](#) outlines can be really useful here, because they show you what are the highly-tested things that you probably do need to focus on word-for-word memorization, versus what are the things that maybe occasionally come up that if you understand they exist, you can probably do fine on part of the question.
- Lee Burgess: Yeah. People don't want to memorize this stuff, but you just have to. So if you just continue to do it, just continue chipping away at it, it's going to lighten the load the closer you get.





- Alison Monahan: Right. And a lot of the memorization really happens in using the material. Once you've done a hypo and you've gotten something wrong, you're probably going to remember that better than if you had never done that practice to begin with.
- Lee Burgess: Yeah, alright. That one just really gets me. I just can't stand that one. And then people really push back, where they're like, "But there's no way to memorize it throughout." It's like, "Yes, this is what you do. Learn it."
- Alison Monahan: Yeah. We've created quizzes, people can do this for themselves. Take the most heavily-tested rules in a given topic, write them down, try to write them again word-for-word. That's the quiz, done.
- Lee Burgess: Yeah, done. Alright. What's our next favorite bad advice? This is almost stressful, I'm saying, going through this, because I'm just like, "Ugh, all this stuff makes me cringe."
- Alison Monahan: And you're like, "Don't do any of this."
- Lee Burgess: I know.
- Alison Monahan: Well, another one that I hear a lot, and is kind of related – these two things: A, that you don't need to do timed practice questions or closed book practice, and/or that it's fine to just outline the essays and the PTEs; you don't really need to write them out.
- Lee Burgess: Yeah, no, it's terrible. So first of all, it is a timed closed book exam...
- Alison Monahan: That you have to write an answer to.
- Lee Burgess: And take multiple choice questions in, and so therefore, you should do practice timed and closed book. There are so many things wrong here; so many, so let's start with some. One, you always have to practice for the test that you have to take, so at some point, your practice needs to mimic the actual exam. That should be kind of a no-brainer. But then I think there's another level of this, which I really think is tied to self-indulgence and what people do to feel better about themselves in this process, which is they will say, "Oh well, I will spend two hours writing this essay, but it's going to be perfect, so I can know what a perfect essay is going to look like, to show I can do it." And it's like, that's cool, no one cares. Literally no one. Not even our tutors care, because why would you pay us to evaluate your work that you spent two hours on, that you could not replicate in one hour, or even close to it?



Alison Monahan: Right. And we're not saying that you never, at the very beginning, that you can't do things that take longer. In the beginning, like MBE questions, for example – I don't ask people to do them under timed conditions because they're not at that point yet. But they need to get to that point pretty quickly, where they are doing them under timed conditions.

Lee Burgess: Yeah. The other thing too is, what is some extended time? I would say that double the time that you're allowed is maybe almost never a good idea, even in the beginning, because then it makes the one hour or the 30 minutes, whatever, test you're studying for, seem practically impossible. I mean, if you want to give yourself another 25%, 50% longer, I think that you can come back from and continue to chip down. But I do think this idea of spending double the time, it is just very hard to come back from that and appreciate how little time that you have.

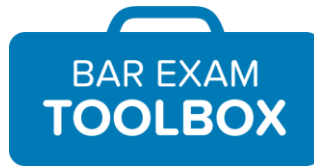
Alison Monahan: Also, it's hard to appreciate how little you actually may need to do. If you're diving deeply into every possible thing that you ever could think about on this 30-minute MEE, it's like, that's not the point of this question. It's a 30-minute question; you have to hit the high points, you have to write clearly, and then you have to get out and move to the next one. So if you spend two hours on that and write an entire Law Review article on this, it's like, that's not the point of this exercise.

Lee Burgess: Yeah. You've got to just remember what you're doing with your time. We find this with the performance test too. It's like, "Oh well, I did a great performance test, but I did it in three hours."

Alison Monahan: It's like they don't give that exam any more than 20 minutes now.

Lee Burgess: I know. I'm just like, "That's cool, I'm not going to read that." It's just not going to add value for you. Now, if it takes you 15 minutes longer, you can come up with strategies to cut down your time by 15 minutes. But an extra hour, you just can't come back from that. It's a terrible idea, don't do it, it's so self-indulgent, and it really just sets yourself up for always feeling like you never have enough time.

Alison Monahan: Right. And the reality is, a large part of this exam is about staying on time and getting things done and working efficiently, and if you're not training yourself to do that from the get-go, then things are probably not going to end well if you consistently don't get to one of the essays or something. This is less of an issue online because they divide it up better for you, which I think actually helps people in a lot of cases. But if they just give you three hours and you have to do



something with that time, you need to make sure that you're doing things at a scale that's at least in the ballpark of what they're looking for.

Lee Burgess: Exactly. Yeah, this one really gets me. And we have battled students on this too. Consistently. Every season we get somebody who just refuses to do the timed practice. Then the other piece is you have to write them out.

Alison Monahan: Right, I love that: "Well, I outlined a bunch of essays." it's like, "Okay, did you write any? No? Okay, well..." We speak to people, and it's like the first time you ever wrote one of these essays for real was when you sat down for the test. Does that seem like a good idea in retrospect to you?

Lee Burgess: No.

Alison Monahan: I don't think so. I don't think that was a good call.

Lee Burgess: Yeah, it's really important to make yourself do this stuff. Again, learn about how the test is graded. The writing portion is graded about analysis; that is the piece that's so important, and the only way to practice that is by actually writing it out. And at all levels. In our Writing of the Week course, we have sample answers that we have written as a team. And even for us doing this work, it is good practice to remind ourselves how challenging it could be to write out really solid answers. It's not easy stuff, guys. You have to practice it.

Alison Monahan: Yeah, because if you just do the outline, then okay, fine, you've identified some issues, but do you know how to talk about those? Can you apply facts? It's just like, great, there's some issues, but that's not exactly what we're looking for.

Lee Burgess: Yeah, so it's good practice for everyone. And again, I think oftentimes why people are outlining is they just want to feel more confident, because it's easier to outline.

Alison Monahan: Right, it's easier, and that's kind of a great step one in the process. If you do the Writing of the Week program, we have a whole video where you outline. But then you sit down and you do the writing, and most of the time is actually in the writing.

Lee Burgess: Yeah. Alright, this next one has come up recently with much more dialogue in our team, and we've even seen this advice apparently floating around Reddit.

Alison Monahan: Yeah, like this one, that the way that you should study for the bar is just to sit down and copy sample answers.



Lee Burgess: Yeah.

Alison Monahan: Over and over again.

Lee Burgess: Yeah.

Alison Monahan: We're like, "Really? Do people say this?" It turns out, yes they do.

Lee Burgess: Yeah. So I think I got to unpack it, because on one hand, writing rules and studying rules over and over again – that is good practice.

Alison Monahan: Well, and looking at sample answers, and really analyzing them, and trying to understand how they're written and why they're written that way – that could be a helpful way to study.

Lee Burgess: Yep. That's definitely something worth doing, but copying answers verbatim?

Alison Monahan: Repeatedly. That's the part I really like – just do it over and over again, the same answer. Like, what are you talking about?

Lee Burgess: Yeah, I just don't think that that's teaching you the analysis piece, which is tricky tricky.

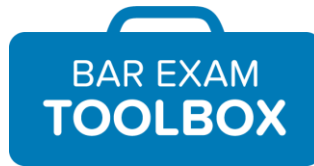
Alison Monahan: Well, it is just not teaching you, really. I do think there's value in carefully looking at sample answers; however, just repeatedly copying them does not seem like something that's going to help you pass the bar, because they're not going to give you the same exact question.

Lee Burgess: Right. That's very, very bizarre.

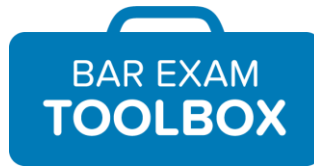
Alison Monahan: Yeah, so people apparently think this. If you think this, we do not think this is a great way to study.

Lee Burgess: No, we think this is a terrible way to study. Also, it is important to recognize that the [National Conference of Bar Examiners](#), the answers that they circulate are not...

Alison Monahan: They're not answers.



- Lee Burgess: They're not answers. They're these score sheets that kind of discuss the answers. So, if you are writing those out over and over again, that's not even an answer that is possible to do in the time allowed.
- Alison Monahan: No, it has citations, basically a discourse on the answer. I think certain states put out actual answers, but... The thing you have to be aware of too, California puts out answers – they are student answers; you don't even know if they're right half the time.
- Lee Burgess: It's true. Sometimes, the answers conflict with each other. They always present two.
- Alison Monahan: Yeah, they give you two. Sometimes there's some overlaps, sometimes there's not. These are not something that's made by your professor. These are just something someone happened to write that may or may not be correct.
- Lee Burgess: Yeah, they just were really, really high scoring.
- Alison Monahan: Yeah, and it may have been a case where everybody did a bad job on that question, and these are not very good. They definitely vary a lot in quality. We read them, they're bad, some of them.
- Lee Burgess: Yeah. Again, it's like these absolute things of advice, it's like, there are nuggets in there that might be worth thinking about, like looking at model answers, studying them, seeing what they did right, all of that. But there's also a lot that you've just got to do the work, guys. You've got to do the work.
- Alison Monahan: Yep. Alright, well, we're running a little short on time, so we're getting very verbose on these. We have a few more to go.
- Lee Burgess: I know. We're getting down to the end of our list, though.
- Alison Monahan: I know. I love this one: "Don't worry about the performance test, you don't need to practice it."
- Lee Burgess: But it's the best part of the test – you don't need to know any law.
- Alison Monahan: It is really frustrating to see people who literally fail because they did poorly on the performance test.
- Lee Burgess: I know. It's just such a great part to be successful.



Alison Monahan: And the thing is, here, you need to process, you need an understanding of what you're being asked to do, you need to do a few of them. If you're a strong writer, that's probably sufficient. You don't need to practice one every single day if you're a generally strong writer. But it really just pains me to see people go in and basically fail the exam, because they totally blew this off and had no idea what they were doing. And then, what usually happens is they run out of time.

Lee Burgess: Yeah, you've got to practice these. They are tricky enough. We've helped really accomplished lawyers, especially those who are already practicing, have to come back and work on these, and they have to study them. You still have to study them. It's not an impossible task, but you still need to study them.

Alison Monahan: And it doesn't require that many. I feel like if you do a couple, and you're doing fine on them, then that's probably sufficient. But do not go in cold on this.

Lee Burgess: Yeah, it's just, got to do it. There's no two ways about it, you've got to study. You've got to study for all parts of the test; they're all graded, they're all part of the assignment.

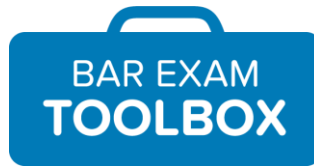
Alison Monahan: Exactly, you cannot go in cold on one and just be like, "Oh, I'm sure it'll be fine. I'm a good writer." Because you're just not going to be very efficient, and you're not going to have a process; you're not going to know what to read first or how to keep track of anything. It's not rocket science, but it's also not something you can totally blow off. It's just very painful when that ends up being the reason that you failed the test.

Lee Burgess: Yeah. Alright, our last one on this list: "If you don't know every detail of the law, you will definitely fail."

Alison Monahan: Yeah. We hear this a lot, and I think people do believe that.

Lee Burgess: I think they do, yeah.

Alison Monahan: It's like, "If I don't know every nuance of every nuance and every exception to the exception, there's no way I'm going to pass this test." Reality is, it is a test of basic competency, and there are certain things that you do need to know very well. However, you don't need to know everything at that level, and it's basically impossible. And so, I think a lot of the people who fail have basically over-studied, trying to learn all these things tied together. Trying to learn every detail, they think they can't practice until they know every detail, and then they get to the end, and they haven't done any practice questions, certainly not



under timed conditions, and they have not really learned a lot of stuff. That's kind of what happens.

Lee Burgess: Yeah. You can find out what is heavily-tested, and you've got to know all that stuff, but these little nuances, that's just not the make or break. You've got to let stuff go. And people go down into these rabbit holes, like this one area of the law that they just don't understand and it's not very heavily-tested, and they spend a whole day studying this nuanced law. And that is a bad waste of time, so please don't do that.

Alison Monahan: Yeah, what I like is when people get so obsessed with the way that the elements are laid out that they start comparing it in multiple different sources, and, "This outline has four elements, and this outline has five, and this outline has four and a half, because they split it differently. Which one am I supposed to know?" And it's like, "This doesn't matter. This is not important. Pick one."

Lee Burgess: No, or like, "One source uses this one word, but the other source uses this word, so which is the word?" Then there's clearly not a word, so move on.

Alison Monahan: Right. It could be either. If you've got the concept, and you describe it one way or the other, and it's relevant to the question, you'll be fine.

Lee Burgess: Yeah, go for it.

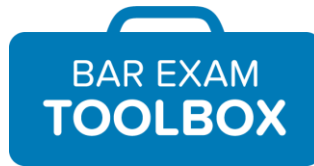
Alison Monahan: They're not going to ding you because you used word A instead of word B if you're talking about the same thing.

Lee Burgess: Yeah. Alright, well, now that we've talked a lot about what not to do...

Alison Monahan: I feel like we just need to take out sage or something.

Lee Burgess: I know, I know. Let's take a minute to talk about, in summary, what we think people should be doing. So basically, you've got to have a realistic schedule. And we've talked about this a lot, kind of through a lot of these notes of bad advice, but you've got to be realistic, you've got to be honest with yourself. It's just going to go better in the end. So, make sure that you're giving yourself some flexibility, make sure that you're listening to yourself about what you need based on your skill set, and you're going to do a lot better than just following some template. So just keep a realistic schedule and try and stick to it.

Alison Monahan: I think that's great advice. I think you also want to focus on really using the material and practicing.



Lee Burgess: [Active learning.](#)

Alison Monahan: Active learning, and increasingly moving towards exam conditions. You can't do that at the very beginning, but you need to be increasingly moving in that direction and forcing yourself to do those things that are not comfortable, like doing a closed book, doing it in timed conditions, or maybe almost timed conditions. Because if you don't practice these things, you're going to have to show up to the test anyway and do them, so you don't want that to be the first time you've done this.

Lee Burgess: Yep. And we just can't say this enough – focus on the heavily-tested material. It's the most important rules to memorize. The nuances aren't going to make or break you. It's going to be the heavily-tested material that's going to make or break you.

Alison Monahan: Right. And you want to start memorizing those things early, so rewriting rule statements, quizzing yourself, all these kinds of things on what's most tested. And then, once you get that down, you can move into other things, but you always want to be practicing. And you will see the same rules come up over and over again, which should be reassuring, actually.

Lee Burgess: Yep. Yeah. Well, any final things you want to add?

Alison Monahan: I think this is a difficult experience for a lot of people, but I would just encourage people to do what's worked for them previously and not just outsource their entire brain to a company that they pay to tell them what to do, because realistically, that may or may not work for you. You are the one who has to go in and take that test, and frankly, no one cares in the end how you prepared if you pass.

Lee Burgess: Yeah. I think my advice is similar. It's really just this idea that this is... You have a lot of wisdom. You've lived through law school. You know what works for you and what doesn't. You have to listen to yourself. Don't throw all of it out the window.

Alison Monahan: Right. It's like, if something is not jiving for you and you don't feel like it's an effective use of your time, stop doing it and do something that helps.

Lee Burgess: Yeah, exactly. Well, with that, we're out of time.

Alison Monahan: That was very stressful.





Lee Burgess:

That was a stressful episode. Sorry, guys. I want to take a second to remind you to check out our [blog](#) BarExamToolbox.com, which is full of 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 make 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](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!

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[Podcast Episode 51: Making the Most of Your Bar Exam Practice](#)

[Podcast Episode 118: More on Memorization for the Bar Exam](#)

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