



Lee Burgess: Welcome to the Bar Exam Toolbox podcast. Today, as part of our “Quick Tips” series, we’re talking about what to say when you find out someone failed the bar exam. 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.

Lee Burgess: Today, I want to talk about something that comes up pretty frequently for us as tutors, but which is also tricky to navigate as a friend, partner, family member, or colleague, and that is: what to say to someone who has failed the bar.

Lee Burgess: Everyone who takes this exam is hoping to pass. Finding out you failed, especially if you’ve studied really hard, taken out loans, or if your job security depends on passing, can be disastrous news to get. Many of us can’t afford to put our lives completely on hold to study again, and even if we can, it is still an emotional rollercoaster and hard work every day. When a student finds out they failed the exam, there’s often a grieving period that needs to follow. It might sound dramatic, but it really can feel like grieving. So, if someone tells you they got bad bar exam news, what should you say? And, importantly, what should you avoid saying? So, let’s jump in!

Lee Burgess: First things first, don’t just assume someone failed the bar unless they tell you that. If they don’t want to talk about exam results or if you look them up and see that their name is missing from the pass list, don’t say anything at all. Leave it up to that person if they want to start a conversation about it. They may not, and that’s okay. However, if they do tell you they’ve failed the exam, my first piece of advice is not to beeline straight for getting to the bottom of it all. Avoid saying things like, “Oh no, what happened?!” , “But how is that possible, you worked so hard?!”, “Maybe the graders made a mistake!”

Lee Burgess: These responses are not helpful. There are many reasons a person could fail the bar, and they may or may not fully understand themselves why it happened. Even if they crashed during the exam and expected to get a failing score, it still may not be something they want to hash through in detail with you. Besides, discussing the ins and outs of which essay killed their score, or which MBE subject they felt was their downfall probably isn’t productive, and will probably



just make them feel worse. Instead, offer sympathy, and most importantly, just listen.

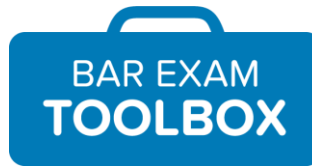
Lee Burgess: Another well-meaning response that you should probably avoid is going right into problem-solving mode. So, don't say things like, "But what was your score, though?!" or, "Here's what I did to pass, so you should do the same thing!" or, "Do you want my old flashcards? My outlines will definitely help you!"

Lee Burgess: It may seem like offering to help somebody study, giving advice, or discussing the numerical breakdown of their scaled exam score is supportive, but it often doesn't come across that way when you're on the receiving end.

Lee Burgess: Remember, this person is likely already feeling vulnerable and may be struggling with self-doubt and thoughts about why they aren't good enough or smart enough. Failing the bar can send anyone into a tailspin of feeling ashamed, blaming themselves, and negative self-talk. So, you telling them how they can get better or get smarter might not be the best strategy in this moment. Remember, immediately after failing the bar, there's that grieving period I mentioned. There's a time and a place for problem-solving later, but it has to come from the student themselves, not you. And they need some time to even get to that point, so don't push them quite yet.

Lee Burgess: Next, when finding out someone failed the bar, it may seem encouraging to say something like, "Oh, don't worry, you'll get it next time!" or, "But you can re-take in July, so no big deal!" or, "Tons of people fail. No worries, you can get there!"

Lee Burgess: What's the problem here? Well, we shouldn't assume a student even wants to take the exam again, that it's possible for them, or that they've even thought through that decision. Many students who come to us after failing the bar want to jump right back into studying, without even processing the failure. This is such a bad idea. The decision to take the bar again should be based on several factors, including what the student's life looks like right now, and whether studying is even feasible for them, their job, their family life, loans and bills, and most importantly, whether they even want to be a lawyer. Some people don't! It's so ingrained that we finish law school, pass the bar, and work as lawyers. But that's not the only career path, and lots of JDs out there are using their degrees for something else and finding fulfilling careers outside of the law; or even doing law-adjacent work in a non-esquire capacity. There's no one path to success, and we all need to be free to decide what success means to us.



- Lee Burgess: You know, it's funny, we've actually had several students in the past who came to us after failing the exam looking for a tutor to help them on the next round. And then as part of the intake process, we find out that they don't actually want to practice law. They hate the idea of working as a lawyer. They're just doing it because it's "the next step" after law school. Sometimes going through the grind of law school and various legal internships is what lets us know that we want some other career path. And you know what? We've told those students to follow their hearts and go be interior designers, or chefs, or start their own businesses instead. Life is too short to work in a job you hate if you can possibly help it. So, if someone tells you they failed the bar, don't just assume they will take the exam the next time around, because if they can't or don't want to, that's perfectly okay, and they don't need any extra pressure.
- Lee Burgess: Finally, we have come to one of the most common responses bar students hear when they tell someone they've failed: "But how did that happen?! You're so smart?!"
- Lee Burgess: Look, of course you need to be smart to pass the bar. But just because you don't pass doesn't necessarily reflect on your intelligence, or lack thereof. Plenty – and I mean plenty – of people who are very smart have failed this exam. You know who has failed the bar exam? Presidents, first ladies, attorneys general, governors, deans of prestigious law schools, and lots of other very smart folks, many of whom I even know.
- Lee Burgess: Bar taking skills are just that – they're skills. You need to work on not only understanding and memorizing the law, but then learning how to apply it. And that takes time and a lot of practice. A student told me once, "I hate it when my parents tell me how 'smart' I am because it just feels like more pressure – like if I don't end up passing, it means they think I'm stupid." A lot of students feel this way. So, if you find out someone failed, it could have happened for a lot of reasons, and even though telling them they're smart might seem like a compliment, it could land differently to them.
- Lee Burgess: Okay, so we've talked about what not to say. But what should you say when you find out someone failed the bar? Being a good listener is always a safe bet, and always appreciated. It's also fine to just be real with the person and acknowledge that this is terrible news that no one wants to get, and being in this position is hard. Maybe you passed and they didn't, and the conversation feels awkward. I promise you saying something is better than saying nothing at all. Think of what you'd want to hear if you were the one who failed.



Lee Burgess: For example, you could try telling your friend or family member, “Wow, I’m really sorry to hear that. If you want to talk about it, I’m here for you” or, “That’s really tough. What can I do to help?” Sometimes a person who failed wants to blow off some steam and forget it ever happened. You can go grab some food or do something fun together to get their mind off the bad news. Sometimes, they do want to talk about how they’re feeling, or their experience in the exam room. Either way, let them take the lead and see what they’re comfortable with.

Lee Burgess: That brings us to the hardest part. What if the person who failed is you? What do you say then? We’ve written about this a lot on our blog, but suffice to say, it is so easy to go one of two ways. Students who fail the bar exam seem to either jump into wallowing and self-loathing mode, or forget-it-and-fix-it as fast as possible mode. And neither of these is completely healthy. Why?

Lee Burgess: First, if you fail the bar, all is not lost. Recognize that this is just one small moment in your life, and even though it feels catastrophic, you will get through it. It doesn’t mean you’re not smart. It doesn’t mean you’re not cut out to practice law. It doesn’t mean you can’t pass a future administration of this same exam. It’s a horrible feeling, but this blip of failure is a small dip in an otherwise long successful career, and it will not last forever. There will be a day, probably sooner than you expect, when failing the bar is not something you feel ashamed of, or even something you think about. It is very unlikely any of your future colleagues will ever ask you how many times you took to pass the bar. People don’t care. So, while this feels monumental – and it is in this moment – it doesn’t define you, and this feeling will subside eventually. So, maybe wallow a little bit, but make sure you finish up with that part before you try to study again, because I promise you, self-loathing and bar study are not a good mix. If you’re feeling bad, take a bit of a break and come back when you have the mental energy to study again.

Lee Burgess: Second, if you do decide you want to study again, take a pause first and let yourself feel all these terrible feelings, and spend some time coming to terms with what happened. Do a self-assessment:

- What is the reason you think you failed in the first place?
- Did you not study hard enough?
- Did you work hard but focus on the wrong activities?
- Did you practice enough? This is a big one!
- Was there anything else going on in your life that negatively affected your performance?
- What happened on exam day? Did your nerves get the best of you?



Lee Burgess: Look, if you don't figure out why you failed, your chances of passing next time are a bit lower. So, take the situation apart. If you get your old essays back, analyze them and figure out why they missed the mark. If you don't know why, ask a colleague, former professor, or tutor to read them. Figure out what you were missing, so you can do things differently next time around.

Lee Burgess: And, like I said, take a moment to evaluate your own life, your goals, and what it is you want to achieve.

- Do you want to be a lawyer?
- How much time can you feasibly dedicate to studying?
- Should you study now or later?
- What is it you need to do to get your life in order, so you can give the next exam your best shot?

Lee Burgess: And, remember, there's no right answer. It's your future and it's up to you what you want to do. That said, if you – or your friend, partner, family member or colleague who failed – do decide to take the bar again, change up your test-taking strategies and study tactics, so you're not doing the same thing over and over again and expecting to somehow yield different results.

Lee Burgess: And with that, we are out of time! 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 would really appreciate it. And be sure to subscribe so you don't miss anything. If you have any questions or comments, please don't hesitate to reach out to Lee 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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