Lee Burgess: Welcome back to the Law School Toolbox podcast. Today we are looking toward the future and discussing preparing for the bar exam as a 3L. Your Law School Toolbox hosts are Alison Monahan and Lee Burgess, that's me. We're here to demystify the law school and early legal career experience, so you can be the best law student and lawyer you can be. 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 or rating on your favorite listening app. And if you have any questions, don't hesitate to reach out to us. You can reach us via the contact form on LawSchoolToolBox.com, and we'd love to hear from you. And with that, let's get started.

Alison Monahan: Welcome back to the Law School Toolbox podcast. Today we're diving into essential tips for 3Ls who are gearing up for the bar exam. Let's talk about what students might want to know about the UBE versus the still-lingering state-specific exams.

Lee Burgess: Well, the UBE and what's coming down the pipe – this NextGen bar exam – is cool, because it includes score portability. And so you take it in one jurisdiction – typically the jurisdiction where you want to be licensed – and then if you get a certain score, you can bounce around the country and get licensed in other states. Now, it is important to note that there are still requirements for each state, so you may have to do another moral character, you may have to pay a bunch of fees. There are going to still be loopholes that you need to do, but generally speaking, if you take the New York bar and you get a high enough score, you could also get licensed in Washington, or Arizona, or Texas, or any other of these UBE jurisdictions. And there is a handy dandy chart on the National Conference of Bar Examiners website that does list out all of the states and all of the passing scores. And one of the things that is interesting is that some states you only need a 260 and some states you need over a 280. It's a very big score difference.

Alison Monahan: That's a big range.

Lee Burgess: It's a very big range. So, you should think about that when you pick your jurisdiction.

Alison Monahan: Yeah. The other thing to keep in mind is that generally your score is only good for a certain number of years. So, if you do think you want to be admitted multiple places, just go ahead and lock that down. Sometimes if you've practiced for X number of years in a jurisdiction, they'll let you transfer to a new one, but I would say if you know that you want to be in two places and just go

ahead and get that taken care of, I would just get licensed in both of them as soon as possible.

Lee Burgess: Yeah. The other thing you may want to think about is if you are pursuing a career path where you just need a license, but you don't need a state-specific license, I think that's where looking at these different score thresholds around the country can be really wise. If you're somebody who perhaps is concerned about their ability to perform on this exam, and you just need a bar license somewhere, I might choose a 260 jurisdiction to do that in, and not a 280 jurisdiction, because it's going to be a much easier bar to jump over. Now, again, that doesn't mean that you're not going to be a great lawyer. It's just that you need to be practical and make sure that you're getting licensed where you need to be licensed. And the most important thing is that you may just need a license. So just go get a bar license somewhere.

Alison Monahan: Right, yeah. That's basically the situation I was in. All of my cases were in federal court. I was a patent litigator. Eventually I got licensed in California, but it was definitely not mission-critical.

Lee Burgess: So, you also want to think about if you want to practice law in California, California does not have reciprocity. So you will have to get a bar license in California, whether you take what's called the attorney's exam five years after practicing. So if you think you might want to sit in California, just get it over with and just try and get that California license. Florida is still out there doing its own thing as well. Georgia and some places are still pulling in different parts of the UBE. It is a time of change right now, with the impending NextGen bar exam, but you want to be up on the news, see what the different state requirements are, and pick the best state for you.

Alison Monahan: Right. And as we mentioned, starting in 2026, some of these UBE states will start rolling on to the NextGen. So that's another exciting thing to have on your radar, but not for right now.

Lee Burgess: Something that we have been talking about on this podcast since I think episode like two or three, maybe? One?

Alison Monahan: Actually, one.

Lee Burgess: One after our introduction episode. But one of our very first episodes we did was on mindset. And so, what role does mindset play in your bar exam prep?

Alison Monahan: Well, I think this is definitely where you've got to lean into the growth mindset. And for people who aren't familiar, you can go back and listen to very early Lee and Alison on the podcast, probably with really crappy audio.

Lee Burgess: Sorry about that!

Alison Monahan: But the growth mindset basically is the idea that you can learn things, and that there's a process and a mindset and a way to go about learning things that is more effective than other options. So, what happens sometimes with the bar, I think, is people are like, "I'm really smart, I don't really need to study for this test, I'll be fine." That doesn't often work out. So, I think going in with the idea of, "I have strengths and weaknesses like anyone else." And if you hit a rough patch thinking, "Okay, how can I be strategic about this?" That's how I kind of think about the growth mindset. What is my strategy? I've hit a rough spot, I'm trying to figure out what to do. Is the strategy that I just give up? Probably not going to work very well.

Lee Burgess: Hopefully don't pick that strategy. That's not a good strategy.

Alison Monahan: I think it can be subconscious.

Lee Burgess: But people do it.

Alison Monahan: Yeah, people 100% self-sabotage here. And I don't think it's conscious necessarily, but in retrospect it often becomes apparent. But it's the idea that really, you have to figure out what the problem is and a way to approach it, and to think about it as a skill that you need to learn, rather than something that is somehow inbred in you that you are going to be able to do or not do, because no one is born knowing how to pass the bar exam.

Lee Burgess: No. I really think this is also something to keep in mind when you start comparing yourself to your peers. This is such a toxic game that is played with law students and people taking the bar. How often I hear people talk about what they did in comparison to what other people did, or this person passed, and so I need to do exactly what this person did. Or even sometimes, you will have significant others both studying for the exam, and then you're comparing the experience, and then if one person passes and the other person doesn't, they're comparing experiences. You really just have to play your own game.

Alison Monahan: Or Reddit said, someone on Reddit said they did this and they passed. It's like, okay, great. That worked for that person. And I'm not saying there's not good advice there. I actually consult Reddit on many things, including recently learning how to make better espresso. But there are a lot of ideas there. Some of them are probably relevant to you; some of them are definitely not.

Lee Burgess: Yeah. I think that after all these years of helping so many different students study for the bar, there are definitely some truisms. One of them is, there's no magic outline, you have to do the heavy lifting of the practice, you have to memorize law strategically. But some of these nuances, it's really about how we all work individually. And if you start getting down, I think, where mindset really plays a piece, is to just say what do you have to do to reset yourself so you can chip away at this challenge every day and to not get convinced you're going to fail, to not fall into imposter syndrome, which we've all had show up for us. But you have to just continue to check in with yourself. And if you really find yourself spiraling, you must hit "Pause" and go reach out to your resources at your school, to a therapist, to whoever it is that kind of counsels you through those moments, because what you can't do is lose a month to self-sabotage and chaos. There's just not enough time to fix it. So, you want to kind of check in with yourself on a regular basis, maybe even weekly. Have a journaling session on Monday before you get started, to see how you're feeling about the week ahead.

Alison Monahan: Yeah. I read an interesting article recently by someone who coached Olympic athletes, and they had this theory that any time you're training for something that's difficult and is long-term – which I think the bar qualifies – it's just natural that one third of the days, you're going to feel great about everything and your progress; one third of the days, you're going to feel kind of okay, but not terrible; and one third of the days are probably going to be pretty terrible. And that's normal. So I think when people hit that spot of like, "Oh, I had a really bad day. My MBE scores went down. This is terrible. I'm tired, I'm burned out" – it's really easy to think that's where you are permanently. And I just thought that was a great approach of just saying, "You know what? This is one of the one third bad days. Doesn't mean tomorrow's going to be terrible." So, I've actually started using this in my normal life. If I'm out skiing and I have a bad day, I am like, "Alright, that was my bad day. One third of them will be bad, so cool, I did that. I'm going to get up tomorrow and do whatever." But I think that might depersonalize this a little bit for people and just help them put that bad day in the category of a bad day and move on. And if you have a string of them, then that's more concerning. At that point, I think you need to evaluate what's happening. But everybody has bad days. You're going to get essays you don't

know, you're going to get MBE questions that you do terribly on for whatever reason. Doesn't mean you're going to fail.

Lee Burgess: Yeah, I 100% agree. It is interesting, in athletics, we talk about this all the time. We – not as we are athletes – but we, as in people who watch Netflix documentaries about athletes...

Alison Monahan: Exactly. Even Simone Biles, I'm sure, has a bad day.

Lee Burgess: Yes. Well, watch her Netflix documentary, she talks about it, right? We can learn a lot from seeing how seriously athletes take mindset. And I think athletes at the top level, many of them have performance coaches and folks to help them with their mental state, because that is how important it is. They will have a whole person on their team. I know this with tennis players too, because I'm a big tennis fan, but they will have just someone on their team whose job it is to keep them focused and in the right mindset. So, it's not like a criticism if this is something you need to work on. This is something that we all need to work on. So it's worth spending some time thinking about what you need. And I like that idea – just accepting that sometimes things are going to be rough, and that's okay.

Alison Monahan: Yeah, that's a sign of progress. If you tough it out for that day, and then maybe you take a break and you watch a TV show and you go to bed early, and you get up the next day and you're going to have a better day. You get up and you're ready for the good day. That's all you can do.

Lee Burgess: That's true. So, if you have a few semesters of law school left – let's say you're not in the second half of your third year – what bar prep classes should people take, or is this even something that they should be worried about?

Alison Monahan: I think if you're going to take the NextGen or not, look to see what's on it. But generally speaking, the one class I always think people absolutely should take – and some of them don't – is Evidence.

Lee Burgess: You have take Evidence.

Alison Monahan: You need to take Evidence. It is a one seventh of the MBE. It is not a topic that's that easy to sort of get on your own. So, I took Evidence my last semester because I wanted it to be fresh for the bar, and also because the judge I was working for told me I had to take it or he wouldn't hire me. And I think you need

to take Evidence. There are other ones maybe in that basket. I kind of wish I'd taken Crim Pro, because I took an adjacent seminar that really was not accurate, as it turned out, about the actual rules of criminal procedure. So I think that's another one that is tested on the MBE – not quite as heavily because it's half of the Crim topic. But again, I think that one's a good one. I don't know, what are your thoughts?

Lee Burgess: I agree with Evidence and Criminal Procedure. And really, how are you going to watch legal TV if you do not watch those shows?

Alison Monahan: Yeah, exactly. You need to know something about these shows so you can be like, "Oh, that's not accurate. You can't do that."

Lee Burgess: I know. I'm constantly criticizing legal TV shows.

Alison Monahan: Or when your friend or family member calls you up, it's like, "The cops just stopped me and searched my car. Was that okay?"

Lee Burgess: I know, I know.

Alison Monahan: Because that happens. I've had that question more than once. And I'm like, "Well, what did you say they were allowed to do? Yeah, you just consented to that. Sorry. Next time, don't consent."

Lee Burgess: Yeah, I think that also it's important to just know what your friends are going to call you about. So, I would say employment law, family law, criminal law, and evidence – those are most of the "Hey, lawyer friend" type texts I usually get.

Alison Monahan: Yeah. The Family Law I'm glad I took, because I definitely get a lot of questions about that one.

Lee Burgess: Yes, for sure. I think the ones that you can decide on are things like Wills and Trusts, which right now it's on the UBE, it is tested in California, but it's not the most complicated law. Although if you haven't taken Family Law or Wills and Trusts, there's some crossover in those classes. And so I do think that you might want to take one in that arena, so that you have at least some basic understanding of that law. I know in California, they test Community Property. And so, I did not personally take Wills and Trusts, but I did take Community Property and Family Law. And so I got some Wills and Trusts mixed in there, because some of Family Law and Community Property is what happens when

people die. You just don't want a whole part of this law to be completely new to you. You want to have some understanding of it, even if it's cursory, so if you have to go back and learn it for the test, it's not something that you have never seen before. I would put Corporations in there for some people. You can learn it for the bar, but corporations, agency, partnership, all of that kind of stuff, it is kind of meaty. So if you haven't had any exposure to it, it might seem a little overwhelming.

Alison Monahan: Right. And I think Corporations, the class, generally lumps in agency and partnership too, so you get multiple topics that are covered. I would say you almost certainly need to take the MBE classes and whatever ends up being in the list of the NextGen, because that is very detailed law they're testing. The essays, I think you can get away a little bit more with, "Okay, I have a cursory understanding of the rules of community property. I understand the basics of wills and trusts." I mean, those, again, are life classes, so depending on where you're practicing, they could be useful for your friends calling you up. But I would absolutely say nobody should show up to bar prep, not having taken at least the basic MBE classes.

Lee Burgess: I know. I've got to say, if you are going to law school in California and you ever plan on being married, having a domestic partnership, or a parent in California, you should just take Community Property, so you understand what you're biting off. I think it's wise.

Alison Monahan: And owning property, turns out you need trusts. I signed up for Wills and Trusts, and then I dropped it to take Federalism and the Family as a seminar. And I would argue that class was actually really useful in the end, given everything that's going on in the country now. But I do kind of wish I'd taken the basics of Wills and Trusts as well, just for basic life stuff, because these are things that show up in your life. You find out you need a trust when you own property.

Lee Burgess: What does that even mean? There are lots of different kinds. What does it mean to be a trustee?

Alison Monahan: Yeah. All these things.

Lee Burgess: Yeah. This is one we get a lot: How do you avoid burnout during the bar? Because I talk to a lot of people that say they suffered from burnout or are burned out or in the process of burning out. So this is something I feel like I'm hearing more and more.

Alison Monahan: Well, and I hear from it too, a lot of people tell me they were burned out from law school, before they even started the bar prep. And so, I think that's something to be aware of your final semester, is, are you setting yourself up for burnout when you start your bar prep?

Lee Burgess: Yeah, I think that's true. So, this really relates to, how many hours can you practically study a week? Not as many as you may be sold that you can practice by your bar prep company, like 60 hours a week, 70 hours a week. Guys, there's not great stuff that's going to happen in those 70 hours. You're just going to end up filling time and not being restored from that time. You're just going to probably lead the fast track to burnout or self-sabotaging behavior, like staying up all night watching Netflix. You want to really avoid cramming into the night. So often I talk about when do you have your best brain to study? Most people's best brains are not at 11:00 o'clock at night. And so, if you're staying up and finding that you're getting diminishing returns in the middle of the night, then stop studying in the middle of the night, because you're probably going to just lead to being super tired, not being able to sleep well, and that's no good either. So you really need to prioritize quality over quantity, and I would much rather have less hours of studying where you are focused and restored and able to work, than 10 hours of burndown study where you're probably not retaining much of anything.

Alison Monahan: Yeah, and I think sometimes some of this can become a little compulsive, particularly with the MBE, which almost gets gamified a little bit. So it's almost like, "Oh, I'm just going to do one more, and one more, and one more, and one more." And if it is 11:00 o'clock at night and you should be sleeping, but you're compulsively doing MBE questions that you're not really getting right, or you're not really retaining – I just think you've got to put some boundaries around that. And I understand it's really hard because people think that they need to do this insane volume of work, but ultimately it's not the volume that gets you there; it's the quality. And you're going to be better and more effective if you're studying less in a lot of cases. And again, this kind of goes back to what are you doing in those study hours? Because if it's really active work and you're doing practice questions, you're really looking at them – that's going to be a lot harder for your brain than if you're just passively watching a lecture, but in the end it's probably going to be leading to less burnout, because you're actually making progress. You can feel yourself making that progress. And frankly, it's probably more interesting than just sitting there passively watching something.

Lee Burgess: Yeah, I know. It's just better to get work done. Create a to-do list, cross it off, you get the dopamine hits. It's just great for everything.

Alison Monahan: Yeah, I think you need a structure. And I think it can be hard to go off script with these schedules that you're presented with, but if you know that this is not going to be the best way for you to move forward, I think it's really... I mean, I sometimes just give permission to people to say, "You know what? If you know that watching four hours of lectures a day is not as effective as studying an outline for two hours and doing a practice test, then drop the lecture." And they're like, "But I paid for it." Yeah, but so what?

Lee Burgess: But you paid for the test too, and it's going to be really expensive to sit for it again.

Alison Monahan: Exactly. Great, you paid for it. That's called a sunk cost. Maybe you took Economics, maybe not. But point being, you're not getting that money back, so let's figure out what to do moving forward.

Lee Burgess: Right. But to throw out another economics term, I do think this is where return on investment is a great mindset to have. What are you getting from the time that you're putting in? And if you're putting in four hours and not getting anything out of it, then you need to sit down and strategically ask yourself if that's the best use of your time. So, I don't like wasting time, because I'm super busy and I have other things that I would like to do if I have extra time. If I'm at CVS for 90 minutes and wasting my precious time off doing something like that, that really annoys me. I will not do that again. I think that's where you want to keep in mind that you can be strategic about how you spend your time and just make sure that if you're studying – which is not the most fun activity in the world – just be as efficient as possible so you can move on and do something else with your life. It is much more fun to feel that you can go do something in the evenings because you were focused and got a lot of impact from your studying of six, seven, eight hours in a day, than sitting in the library until 11:00 o'clock with other stressed out people who are all just passively looking at the screen blankly, not really retaining any information.

Alison Monahan: Yeah. That's just not great, because you're not studying and you're not resting. So it should either be study or not study. This kind of blending together of everything into this mushy kind of nothingness is not usually what's going to work that well.

Lee Burgess: Yeah. Well, another thing that we are very passionate about is practice, and the importance of practice in your bar prep. So how can students effectively practice essays and performance tests?

Alison Monahan: I think this is a great question, because oftentimes we hear from people, "Oh, I couldn't do the practice because I didn't know the law." So, it becomes this chicken or the egg question. We have actually created our Writing of the Week program, where we give you the law and walk you through how to apply the law and you do it with us, to circumvent this question. I think you can also circumvent it in other ways. For example, there's no reason you can't do the question open-book to start with, particularly if you're still a 3L. Nobody expects you to suddenly jump into a closed-book timed essay. You have to work up to that. So, maybe your school has given you resources or classes, but you can also just go get a lot of these questions. A lot of them, depending on the state and jurisdiction are floating around out there. We have our Brainy Bar Bank for the California and the UBE, where we've categorized them by topic or subtopic. This is actually even a great way that you can study as a law student.

Lee Burgess: It's true. I also think that you can really focus early when you're studying, even if you're doing them open-book, on your IRAC, your process, your formatting, using clear headings, having concise analysis. What does that even mean, right? Thinking about the time management piece of this, how you're going to mark up your scratch paper, all of that. All of those are early test taking skills that you can absolutely work on while practicing, even if you're doing it open-book. And the reason why this practice is so important is that we're testing legal analysis in theory on the bar exam, and you can only test that by practicing. You can't do that by listening to a lecture. That's not how it works. So, even if you are referencing the law, looking at facts and applying the law to the facts and working on that legal reasoning is such a critical skill, and it's one that takes time and practice to develop.

Alison Monahan: Right. And I think you want to look at which tests are you taking and how are those questions structured? How long are they? They could be 30 minutes, they could be 60 minutes. Sometimes there are states that do things in between. But a 30-minute question, I think for a lot of people is going to feel really rushed, compared to what you generally did in a law school exam. So, that's also something where you just need to get used to that kind of very focused, generally, question. If you've had law school exams, particularly that maybe were more rambling or they were three hours long and you had time to talk about all kinds of things, the MEE approach is very, very focused.

Lee Burgess: Yeah. So, no matter which bar you're sitting for and what the format of the bar, executing questions early in your bar prep is just going to help set you up for success.

Alison Monahan: Right. And I think it's going to help put what you're learning in context too, because you need to think about, "Okay, if I'm learning this rule", you probably want to do it element by element. So if it comes up on a question, you're ready to go with that like, boop, boop, boop. And I think that's going to help you kind of understand what the level of knowledge you're aiming for is, in a way where it's not just, "Oh, I need to learn this entire topic and then start applying it." I think the application piece – as we say all the time – super critical.

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