



# Bar Exam (NY & CA) Preparation Tips for LL.Ms

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# Basic Info: When, Where & Registration



	NY Bar	CA Bar
<b>When</b>	July 28 - NY local law & July 29 - MBE (2-day exam)	July 28 - MBE July 29 - CA law essay & Performance Test July 30th - CA law essay & Performance Test (3-day exam)
<b>Test Centers</b>	Albany, Buffalo, or Saratoga Springs	San Francisco Bay Area - Oakland Convention Center, San Mateo Expo Center
<b>Registration</b>	Online registration at <a href="https://www.nybarapply.org/">https://www.nybarapply.org/</a> Or go to the homepage at <a href="http://www.nybarexam.org/">http://www.nybarexam.org/</a>	Online registration at <a href="http://calbar.xap.com">http://calbar.xap.com</a>
<b>Registration Deadline &amp; Fee</b>	Between <b>April 1 – April 30</b> Registration fee – \$250 (*online registration accepts credit card payment only; for paper application, accepts only cashier’s check, money order, and certified check. Personal check/cash NOT accepted)	By April 1 - \$ 529 By May 1 - \$50 late fee By June 15 - \$ 250 late fee

# Exam Registration & Deadlines

	NY Bar	CA Bar
<b>Important Deadlines</b>	<p><a href="#">Proof of Eligibility to Sit for the Bar Exam – June 15, 2009</a></p> <p>Change of Address – report immediately in writing but before the release of exam results</p> <p>Test Center Change – rarely allowed, need to show good cause by submitting an affidavit</p>	<p><a href="#">Final Eligibility Deadline – July 14, 2009</a></p> <p>Change of Address Deadline – June 15, 2009</p> <p>Test Center Change Request Deadline – June 15, 2009</p>
<b>Testing Options</b>	<p>1. Writer</p> <p>2. Laptop computer – may use your own personal laptop but must elect for the laptop program when registering to take the exam (*additional fee of \$ 100 is charged); <u>your computer has to meet certain requirements</u> (English versions of Windows XP or Vista – for detailed info, refer to <a href="http://www.nybarexam.org/Docs/hbook.pdf">http://www.nybarexam.org/Docs/hbook.pdf</a>)</p>	<p>1. Writer</p> <p>2. Laptop computer – (additional fee of \$119 is charged; if request to use laptop is submitted after registering, a late fee of \$15 is charged.)</p>
<b>Withdrawal &amp; Fee Refund</b>	<p>Registration fee non-refundable</p>	<p>May be partially refundable, if withdraw by May 1 – 60%, or by May 18 – 30%, but No refund between May 18 and July 14th</p>
<b>Further Info</b>	<p><a href="http://www.nybarexam.org/Docs/hbook.pdf">http://www.nybarexam.org/Docs/hbook.pdf</a></p>	<p><a href="http://www.calbar.ca.gov/calbar/pdfs/admissions/GBX/CBX_INFO.pdf">http://www.calbar.ca.gov/calbar/pdfs/admissions/GBX/CBX_INFO.pdf</a></p>

# Eligibility to Sit for the Bar Exam

\*Not an exhaustive list - it is the individual student's responsibility to review and understand relevant rules and establish his/her eligibility to sit for a bar exam.

## ■ NY Bar

- Visit the Board of Law Examiners' website at [www.nybarexam.org](http://www.nybarexam.org) and click the link to "foreign legal education"
- Foreign law graduates must meet the following requirements, among others:
  - Fulfill the educational requirements for admission to practice law in their home country
  - Period of law study is "substantially equivalent in duration" to that required by ABA approved law schools, and
  - The "program and course of law study" were the "substantial equivalent" of the legal education provided by an approved law school in the U.S.
- Failure to meet either the "durational" or "substantive" equivalency requirement can be cured by successfully completing "a full-time or part-time program consisting of a minimum of 20 semester hours of credit ... in professional law subjects, which includes basic courses in American law, in an approved law school in the U.S." (Section 520.6(b)(1)(ii))
  - "Professional law study" - most courses typically taught at an approved U.S. law school qualify; non-law courses, directed research, or independent study does not count toward the required 20 credits
  - "Basic courses in American law" - a minimum of two courses from the list of subjects tested on the bar exam (MBE subjects and NY state subjects; two courses may be in the same subject)

## ■ CA Bar

- For a summary of requirements for admission to practice law in CA, please refer to
  - [http://www.calbar.ca.gov/state/calbar/calbar\\_generic.jsp?cid=10115&id=3922](http://www.calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10115&id=3922)
  - <http://calbar.ca.gov/calbar/pdfs/admissions/Outside-Ed-Bulletin.pdf>

# [ Which Bar Should I Take? ]

Mainly a question of where you would be working in the U.S.  
(or where you hope to find work)

Otherwise, what type of legal practice do you intend to specialize in? Finance? High tech law?

Other exam specifics:

## ■ NY Bar

- Two-day exam
- Score distribution - Multiple choice questions (50%), Essay & MPT (50%)
- Unfamiliar testing environment - 3-hour time difference between the EST and PST [you would be taking the exam at 6am PST]

## ■ CA Bar

- Three-day exam
- Score distribution – Multiple choice questions (35%), Essay & CA Performance Test (65%)
- Lower passage rate for those who received their law degree outside the U.S. in 2007 - 19% vs. 34% for NY
- Higher registration fee - \$529 vs. \$250 for the NY Bar

# [ Which Testing Options? ]

- Writer - may be slower in writing it out, sore arms and hands; but safer and more reliable
- Laptop option - computer may crash, any problems with the computer during the exam, you will have to immediately switch to writing; but it may be faster and you maybe more used to typing than hand-writing, also, it may be easier to incorporate your exam outline into the final answer

# Bar Passage Rate (NY & CA)

- First-time exam takers' passage rate range for 1998 – 2007
  - NY - 74~77%
  - CA - 61~66%
  
- July 2007 Statistics on the First-time Exam Takers
  - NY - 9,152 took the exam of whom 7,241 passed (79%)
  - CA - 6,040 took the exam of whom 4,161 passed (69%)
  
- 2007 Statistics (Feb & July combined) on Exam Takers who received legal education outside the U.S.
  - Total number of exam takers with foreign legal education – 4,869 (entire U.S.)
  - NY – 1,385 out of 4,049 passed (34%)
  - CA – 104 out of 560 passed (19%)
  - Virginia – 16 out of 70 passed (23%)
  
- Information available on the National Conference of Bar Examiners' website at <http://www.ncbex.org/bar-admissions/stats/>

# Exam Schedule

## ■ NY Bar (Two-day exam, July 28-29)

- Day 1 (Tues. July 28):
  - AM (9am-12:15pm, 3 hours 15 min)
    - Three essays (approx. 40 minutes each)
    - 50 NY multiple choice questions (approx. 75 minutes, 1.5 minute per question)
  - PM (1:45-4:45pm, 3 hours)
    - Two essays (45 minutes each)
    - One Multistate Performance Test (90 minutes)
- Day 2 (Wed. July 29):
  - AM (9am-noon, 3 hours)
    - 100 MBE questions (1.8 minutes per question)
  - PM (1:30-4:30pm, 3 hours)
    - 100 MBE questions

## ■ CA Bar (Three-day exam, July 28-30)

- Day 1 (Tues. July 28)
  - AM (9am-noon, 3 hours)
    - Three essays (one hour each)
  - PM (1:30-4:30pm, 3 hours)
    - One Performance Test
- Day 2 (Wed. July 29):
  - AM (9-noon, 3 hours)
    - 100 MBE questions
  - PM (1:30-4:30pm, 3 hours)
    - 100 MBE questions
- Day 3 (Thurs. July 30):
  - AM (9-noon, 3 hours)
    - Three essays (one hour each)
  - PM (1:30-4:30pm, 3 hours)
    - One Performance Test

# Exam Format & Subjects

- Multistate Bar Exam (MBE)
  - 6-hour, 200 multiple-choice questions – 2 periods of 3 hours each for 100 questions (4 answer choices)
  - Most U.S. jurisdictions use the test including NY and CA
  - Tested on 6 subjects - Constitutional law (federal), Contracts, Criminal law & Procedure, Evidence, Torts, and Real Property (a.k.a., “multistate subjects”)
  - 33 questions each on Contracts and Torts; 31 questions each on Con Law, Crim Law & Procedure, Evidence, and Real Property (a total of 190 scored questions)
  - Additional 10 pretest questions (not scored; do not try to guess which ones are pretest questions (they are indistinguishable!))
  - The order of the subjects tested is random
  - Scores are based on the number of questions answered correctly (no penalty for guessing!); Scaled scores
  - For further info, go to <http://www.ncbex.org/multistate-tests/mbe/>
    - “2009 MBE Specifications Outline” – outline of the areas to be tested on in each of 6 multistate subjects

# Exam Format & Subjects

## continued

- Essay questions: any of the six multistate subjects plus state-specific subjects
  - NY
    - 5 essay questions (approx. 40 – 45 minutes each)
    - NY Local Section - Business Relationships, Conflict of Laws, New York Constitutional Law, Matrimonial & Family Law, Remedies, New York and Federal Civil Jurisdiction and Procedure, Professional Responsibility, Trusts, Wills and Estates, and UCC Articles 2, 3 & 9
    - More than one subject is tested in a single essay question
    - <http://www.nybarexam.org/> → “The Bar Examination” and “Content Outline”
  - CA
    - 6 essay questions (one hour each)
    - CA subjects - Civil Procedure, Corporations, CA Community Property, CA Professional Responsibility, Remedies, Trusts, and CA Wills & Succession, as well as UCC Articles 1,2 & part of 9
    - <http://www.calbar.ca.gov/calbar/pdfs/admissions/ex1000900.pdf>

# [ Exam Format continued ]

- Multistate Performance test (MPT)
  - Part of the NY Bar Exam as well as other participating jurisdictions excluding the CA Bar Exam
  - Consists of two 90-minute skills questions covering basic lawyering skills such legal reasoning, fact analysis, problem solving, etc (NY Bar uses only one 90-minute question)
  - A “closed universe” setting
  - Specific task assigned may involve writing a memorandum to a supervising attorney; a letter to a client; a persuasive memorandum or brief; a contract provision; a will; a proposal for settlement or agreement; a discovery plan; a witness examination plan; or a closing argument
  - Contains a File with facts of the case and the assignment instructions and a Library with cases, regulations, statutes, rules, etc.
  - More further information, refer to <http://www.ncbex.org/multistate-tests/mpt/> (the site also has summaries of past MPT questions)
  
- NY Multiple Choice Questions
  - 50 multiple-choice questions (four choices)
  - Tests knowledge of the laws of NY

# [ Exam Format Continued ]

- CA Performance test
  - Administered by the California Bar Association
  - Consists of two 3-hour skills question testing basic lawyering skills
  - Applicant is asked to produce any one of several types of writings, e.g. a memo of law, trial brief, memo to judge, client letter, letter to opposing counsel, case plan, etc
  - A "closed universe" setting, meaning that any substantive information the applicant needs to know to answer the question is provided with the exam
  - Usually provided with –
    - Task Memorandum - contains instructions for the question (usually one or two pages long)
    - Library - legal authorities necessary to complete task; no need to rely on your personal outside knowledge of the relevant law
    - Client's File - contains factual information about the case

# Summary of Subjects Tested

- Common (MBE subjects):
  - Contracts
  - Constitutional Law (federal)
  - Criminal Law & Procedure
  - Evidence
  - Real Property
  - Torts
  
- State-specific subjects:
  - NY – Business Relationship, Conflict of Laws, NY & Federal Civil Jurisdiction & Procedure, Family law, Wills & Estates, Trusts, UCC Articles 2,3, & 9, Professional Responsibility, and Remedies
  
  - CA - Civil Procedure, Business Associations including Corporations, CA Community Property, CA Professional Responsibility, Remedies, Trusts, and CA Wills & Succession
  
- For further information, please refer to
  - [http://www.ncbex.org/uploads/user\\_docrepos/2009\\_MBE\\_Info\\_Booklet.pdf](http://www.ncbex.org/uploads/user_docrepos/2009_MBE_Info_Booklet.pdf) (includes multistate bar exam questions)
  - <http://www.nybarexam.org/Docs/CONTENTOUTLINE08-08-08.pdf> (NY subjects)
  - <http://www.calbar.ca.gov/calbar/pdfs/admissions/ex1000900.pdf> (CA subjects)

# Exam Score Distribution

## ■ NY Bar

- 40% - Multistate Bar Examination (MBE)
- 10% - NY subject multiple choice (50 questions)
- 50% - written part
  - 5 Essays – 40%
  - Multistate Performance Test – 10%

## ■ CA Bar

- 35% - MBE
- 65% - written part
  - Six Essays – approx. 39%
  - CA Performance Test – approx. 26%

# Past Bar Exam Questions & Sample Answers

- Sample MBE questions
  - [http://www.ncbex.org/uploads/user\\_docrepos/2009\\_MBE\\_Info\\_Booklet.pdf](http://www.ncbex.org/uploads/user_docrepos/2009_MBE_Info_Booklet.pdf) (pages 25 - 35)
  
- Past NY bar exam essay questions and sample answers are available at
  - <http://www.nybarexam.org/ExamQuestions/ExamQuestions.htm>
  
- Past CA bar exam questions and sample essay answers are available at
  - [http://www.calbar.ca.gov/state/calbar/calbar\\_generic.jsp?cid=10115&id=1010](http://www.calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10115&id=1010) → click on “Examination Statistics/Selected Answers/Study Aids”

# [ Bar Prep Courses ]

- Bar Prep Courses - Most students who sit for a bar exam take a review course in the summer
  - Barbri offered by Thompson:
    - Most widely used by U.S. law students
    - Covers both the multistate and state-specific components of the NY and CA bar exams (\$ 3,550)
    - Includes lectures (lecture outlines), books (review books, essay workbook, performance test workbook, multistate practice questions), study plan, and simulated exam sessions as well as essay and performance test grading
    - Usually runs for 8 weeks ending approx. two weeks prior to the exam date
    - Options include signing up for multistate or state subjects only or purchasing books only
    - Usually offers classes on campus at major law schools such as Berkeley Law and Stanford
    - For info, go to [www.barbri.com](http://www.barbri.com)
  - PMBR offered by Kaplan
    - Previously focused on the MBE section only (6-day or 3-day review class and MBE practice exam books)
    - Since fall 2008, they are offering a complete preparation option for the NY Bar (but not for the CA Bar) that covers both the multistate and state subjects, similar to the one offered by Barbri – lectures, workshops, study plan, essay grading, etc. (approx. \$2,950)
    - For info, go to <http://www.kaplanpmbri.com>
  - The Study Group
    - Covers both the multistate and state-specific components of a bar exam (\$1,595 ~ \$ 2,240)
    - Includes lectures on Audio CD or Apple iPOD, outlines, study guides and daily syllabus, performance test trainer course that includes software, etc;
    - For info, go to <http://www.thestudygroup.com/>
- Pros & Cons of Commercial Bar Prep Courses
  - Costly (few thousand dollars) and more materials than you actually need or have time for ... but
  - Well-organized, helps you stay motivated and follow the study plan, opportunity to take practice tests under simulated testing environment, detailed analysis of past exam questions and what bar graders are looking for in an essay, etc.

# Preparation Tips!

- Seriously consider taking a bar review course! If not taking any bar prep course, form a study group – helps you keep your study pace and stay motivated
- Breadth over depth of knowledge!
- Be pragmatic, not overly academic!
- Time management is critical! Each question is worth the same; do not dwell on difficult questions; make an educated guess (1.8 minutes per MBE question; 1.5 minutes per NY multiple choice question; approx. 40 minutes per NY essay and one hour per CA essay)
- Normal study schedule - 8-10 hours a day for two months
- Bar exam myth – if you do really well on the MBE, you can pass the exam despite a really low score on the essay part of the exam (NOT!)
- Essay exams - issue spotting and legal reasoning much more important than getting the conclusion right; take timed-practice exams!
- For essay questions, take 10-15 minutes to outline your answer before starting to write down your answer; structure of the answers is important!
- Essay exams - follow the IRAC structure
  - Issue – start with a statement of the issue or question at hand
  - Rules – state the applicable rules to the issue identified; when in doubt, make an educated guess
  - Application – apply the rules to the specific facts of the issue at hand (most important part of your answer!)
  - Conclusion - answer the question presented in the issue section of the IRAC
- When writing essays, do not be overly concerned about your English!

# Preparation Tips!

- Maintaining your stamina and motivation is key to success on a bar exam
- Practice, practice, practice! Timed practice session! If taking the Barbri, take the mock exams in classroom rather than on your own
- If taking the NY Bar, take practice exams early in the morning to simulate the actual testing environment
- If taking the Barbri, do not attempt to review all the books they give you; focus on your class notes and take practice exams (again, breadth over depth of knowledge)
- If taking the Barbri, do not be overly concerned about not having the time to solve the Advanced-level Practice Exam Questions
- If you feel that the MBE section is your weakness, you may consider taking bar prep programs that focus on the MBE

# Additional Information/Advice

- If you are taking the NY Bar, consider flying out there at least two days prior to the exam
- You will not be permitted to bring in your handbags or backpack to the exam room; pack lightly to the exam (use a clear, plastic food storage bag such as Ziploc)
- Things to bring to the exam
  - Passport or U.S. driver's license
  - Admission Ticket:
    - NY – print directly from the NY Bar's website; no longer mailed (available 2-3 weeks prior to the exam date)
  - Snacks and drinks (you need to maintain your energy level throughout the exam!)
  - Earplugs, if you are sensitive to noise
  - Digital watch to help you manage your time
  - And of course, extra pens & pencils just in case they run out of ink or break

\* Prohibited items - books, notes, highlighters, handbags, hat/baseball cap, cell phones/electronic devices, etc.

# Exam Results

## ■ NY Bar

- “Historically results from the July examination are released in mid-November”

## ■ CA Bar

- Results scheduled to be mailed on Nov. 20, 2009
- Pass list will become available on Nov. 20 at 6pm at [www.calbar.ca.gov](http://www.calbar.ca.gov)

## Other Requirements for Bar Admission: Multistate Professional Responsibility Exam

- Multistate Professional Responsibility Exam (MPRE)
  - 2-hour exam with 60 multiple-choice questions
  - required for both NY and CA Bar admission
  - may be taken prior to or after taking the bar exam
  - administered three times a year; remaining exam dates are
    - Fri. August 7, 2009 (must register by June 30), and
    - Sat. November 7, 2009 (register by Sept. 29)
  - register at [www.act.org/mpre](http://www.act.org/mpre)
  - must request that your score be reported to California or New York, whichever bar you are taking
  - for further information, visit <http://www.ncbex.org/multistate-tests/mpre/>

# Other Requirements for Bar Admission: Character & Fit (NY) / Moral Character Determination (CA)

## ■ NY Bar

- The Supreme Court of the State of New York, Appellate Division, will send information and admission application forms to the successful exam takers (important to have your up-to-date address)
  - For your information, Instructions and relevant forms including an Application for Admission Questionnaire, Employment affidavit form, and Moral Character Affidavit are available at <http://www.nybarexam.org/Docs/AdmissionsPackage.pdf>
- Requires a personal interview – usually asks questions on the packet you had submitted (more of a formality)

## ■ CA Bar

- Online Moral Character Determination Form and instructions are available at [http://calbar.xap.com/Applications/CalBar/California\\_Bar\\_Moral\\_Character/default.asp](http://calbar.xap.com/Applications/CalBar/California_Bar_Moral_Character/default.asp)
- File the form as soon as possible – processing the form often takes 6 months or more
- No personal interview required
- For further information on admission to the CA Bar, refer to [http://calbar.ca.gov/calbar/pdfs/rules/Rules\\_Title4\\_Div1-Adm-Prac-Law.pdf](http://calbar.ca.gov/calbar/pdfs/rules/Rules_Title4_Div1-Adm-Prac-Law.pdf)

# [ Questions? ]

- Announcement: Please be on the lookout for the post-graduation employment survey and fill it out before graduating
- Good luck!
- Keep me posted on your bar exam result at [mjkim@law.berkeley.edu](mailto:mjkim@law.berkeley.edu)