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

> UC, Berkeley, School of Law Career Development Office Minji Kim September 16, 2011

### 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 2010 - 13% vs. 33% for NY

## Basic Info: When, Where & Registration

	NY Bar	CA Bar				
When	(last Tues. & Wed. of every July)	July 24				
	July 24, 2012	July 25				
	&	July 26				
	July 25	(3-day exam)				
	(2-day exam)					
Test Centers	Albany, Buffalo, or Saratoga Springs	San Francisco Bay Area -				
		Oakland Convention Center,				
		San Mateo Expo Center				
Registration	Online registration at <u>https://www.nybarapply.org/</u> Or go to the homepage at http://www.nybarexam.org/	Online registration at <u>http://calbar.xap.com</u>				
Registration Deadline & Fee	Between April 1 – April 30, 2012 Registration fee – \$750 (*online registration accepts credit card payment only)	April - May Fee - \$ 584 (*fee info based on July 2011 exam)				

#### Exam Registration & Deadlines

	NY Bar	CA Bar					
Important Deadlines	Proof of Eligibility to Sit for the Bar Exam – TBA (approx. 8 weeks prior to the exam) Change of Address – report immediately in writing but before the release of exam results Test Center Change – rarely allowed, need to show good cause by submitting an affidavit	Final Eligibility Deadline – TBA Change of Address Deadline – TBA (approx. 6-8 weeks prior to the exam date) Test Center Change Request Deadline – approx. 8 weeks prior to the exam date					
Testing Options	<ol> <li>Writer</li> <li>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</u> <u>computer has to meet certain requirements</u> (English versions of Windows XP or Vista – for detailed info, refer to http://www.nybarexam.org/Docs/hbook.pdf)</li> </ol>	<ol> <li>Writer</li> <li>Laptop computer – (additional fee of \$132 is charged; if request to use laptop is submitted after registering, a late fee of \$15 is charged.)</li> </ol>					
Withdrawal & Fee Refund	Registration fee non-refundable	May be partially refundable, if withdraw At least 10 weeks prior the exam date					
Further Info	http://www.nybarexam.org/Docs/hbook.pdf	http://www.calbarxap.com/applications/calbar /California_Bar_Exam/					

#### Forms: NY Bar Exam

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

Visit the NY Board of Law Examiners' website at www.nybarexam.org

Online Foreign Evaluation Form prior to applying (<u>www.nybarexam.org/foreign/foreignlegaleducation.htm</u>) (a year in advance)

- Create an online account and submit the Online Request for Evaluation form before submitting an application to sit for the bar examination.
- After submission of your Online Foreign Evaluation Form, you must submit the supporting documentation (<u>http://www.nybarexam.org/foreign/foreignlegaleducation.htm</u>)
  - (a) Official Transcripts sent directly by schools (but they will also accept official transcripts sent by students if and only if they are in <u>sealed</u> envelopes ); if your school does not provide English translations, you can submit translations from a translation service; even then, students must still have the schools send their official transcripts (untranslated) directly to the Board of Law Examiners.
  - (b) Degree Certificate required only if the official transcript does not clearly state the degree awarded and/or the date such degree was awarded,
  - (c) Proof of fulfillment of the educational requirements for admission to the practice of law in the foreign country copy of your admission certificate
  - (d) Accreditation from the competent accrediting agency of your foreign government that the law school or schools you attended were recognized by them as qualified and approved

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Visit the NY Board of Law Examiners' website at <u>www.nybarexam.org</u> Forms are available at <u>www.nybarexam.org/forms/forms.htm</u>

• Submit an Online Foreign Evaluation Form prior to applying

(<u>www.nybarexam.org/foreign/foreignlegaleducation.htm</u>) (a year in advance)

- Online Application to take the exam (<u>https://www.nybarapply.org/</u>)
- 20-Credit Program Certificate of Successful Completion
   submit the form to the Registrar's office before graduation (Registrar's office sends the form to the Board directly)
- Specimen of Applicants Handwriting submit the form to the Registrar's office before graduation
- Admission packet if you pass the bar, you will be asked to submit the following (anytime within 3 years of passing the bar) (www.nybarexam.org/Docs/AdmissionsPackage.pdf)
  - (1) copy of the letter or notice of certification from the State Board of Law Examiners (further explained below);
  - (2) application for admission questionnaire;
  - (3) two affidavits of good moral character;
  - (4) employment affidavits or letters (see application for admission questionnaire question number 7);
  - (5) certificates of good standing and grievance letters from jurisdictions in which you have been admitted to practice (see application for admission questionnaire question number 10)

#### Forms: CA Bar Exam

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

- Forms are available at <u>www.calbarxap.com/Default.asp</u>
- Register with the Committee of Bar Examiners
  - Submit the "Request for Social Security Number Exemption Required for Admission to Practice Law in California" at the time you register with the Committee of Bar Examiners
- Apply for the Bar Exam online
- Apply for Moral Character Determination
  - Complete the online application; sign and mail the required paper copy within 60 days following the submission date
  - The process involves filling out an application, submitting fingerprint cards and providing references.

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

- For comprehensive information on bar admission requirements, go to <u>www.ncbex.org/uploads/user\_docrepos/2011\_CompGuide.pdf</u>
- 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 (March, August, Nov.); remaining exam date for this year is
    - Sat. November 5, 2011 (register by Sept. 20)
    - Sat. March 3, 2012 (to be verified. Registration deadline will be early Jan.)
  - register at <u>https://actapps.act.org/mpreservices/</u>
  - must request that your score be reported to California or New York, whichever bar you are taking
  - o for further information, visit <u>http://www.ncbex.org/multistate-tests/mpre/</u>

#### 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 <u>http://www.nybarexam.org/D</u> ocs/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 <u>http://calbar.xap.com/Applications</u> /CalBar/California\_Bar\_Moral\_Ch aracter/default.asp
- File the form as soon as possible – processing the form often 4 - 6 months
- No personal interview required

### 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 may be more used to typing than hand-writing, also, it may be easier to incorporate your exam outline into the final answer

### Bar Passage Rates (NY & CA)

First-time exam takers' passage rate range for 2001 – 2010

	'01	02	03	04	05	06	07	08	09	10
NY	76%	74	75	74	74	77	77	81	77	76
CA	66%	61	61	60	62	65	66	71	66	65

- NY Bar Passage Rates for Berkeley Law LLMs (2008-2010)
  - o 22 out of 33 LLM takers passed the NY Bar in 2010 (approx 67%)
  - 25 out of 49 LLM takers passed the NY Bar in 2009 (approx. 51%)
  - 16 out of 33 LLM takers passed the NY Bar in 2008 (approx. 48%)
- 2010 Statistics (Feb & July combined) on Exam Takers who received legal education outside the U.S.
  - Total number of exam takers with foreign legal education 5,761 (entire U.S.)
  - NY 34% (out of 4,596 exam takers)
  - CA 13% (out of 724 exam takers)
- Information available on the National Conference of Bar Examiners' website at <u>http://www.ncbex.org/bar-admissions/stats/</u>

#### Exam Schedule

- NY Bar (Two-day exam)
  - Day 1(Tues.):
    - 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.):
    - AM (9am-noon, 3 hours)
      - 100 MBE questions (1.8 minutes per question)
    - PM (1:30-4:30pm, 3 hours)
      - o 100 MBE questions

- CA Bar (Three-day exam)
  - Day 1 (Tues. July 26)
    - AM (9am-noon, 3 hours)
      - Three essays (one hour each)
    - PM (1:30-4:30pm, 3 hours)
      - One Performance Test
  - Day 2 (Wed.):
    - AM (9-noon, 3 hours)
      - 100 MBE questions
    - PM (1:30-4:30pm, 3 hours)
      - 100 MBE questions
  - Day 3 (Thurs.):
    - AM (9-noon, 3 hours)
      - Three essays (one hour each)
    - PM (1:30-4:30pm, 3 hours)
      - One Performance Test

#### **Exam Score Distribution**

#### NY Bar

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

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

#### 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 <u>http://www.ncbex.org/multistate-tests/mbe/</u>
    - "2011 Information Booklet" outline of the areas to be tested on in each of 6 multistate subjects (pages 7-14)

# 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
  - <u>http://www.nybarexam.org/</u>  $\rightarrow$  "Content Outline"  $\rightarrow$  "The Bar Exam Content Outline"
  - o 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
    - <u>http://admissions.calbar.ca.gov/</u>  $\rightarrow$  "Bar Exam"  $\rightarrow$  <u>"Scope of the California Bar Examination</u>"

#### Exam Format continued

- Multistate Performance test (MPT)
  - Part of the NY Bar Exam as well as other participating jurisdictions <u>excluding</u> 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 90minute 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 <u>http://www.ncbex.org/multistate-tests/mpt/</u> (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):
  - o Contracts
  - Constitutional Law (federal)
  - Criminal Law & Procedure
  - Evidence
  - o Real Property
  - o 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
  - www.ncbex.org/uploads/user\_docrepos/MBE\_ib\_101110.pdf (includes multistate bar exam questions)
  - www.nybarexam.org/Docs/CONTENT%20OUTLINE%20%28revised%20May%202 010%29.pdf (NY subjects)
  - <u>http://admissions.calbar.ca.gov/LinkClick.aspx?fileticket=VQF73Jr-8iE%3d&tabid=245</u> (CA subjects)

## Past Bar Exam Questions & Sample Answers

- Sample MBE questions
  - www.ncbex.org/uploads/user\_docrepos/MBE\_ib\_101110.pdf (pages 25 - 35)
- Past NY bar exam essay questions and sample answers are available at
  - o <u>www.nybarexam.org/ExamQuestions/ExamQuestions.htm</u>
- Past CA bar exam questions and sample essay answers are available at
  - <u>http://admissions.calbar.ca.gov/Examinations/PastExams.aspx</u>

#### **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 <u>www.barbri.com</u>
- 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 <u>http://www.kaplanpmbr.com</u>
- 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 <u>http://www.thestudygroup.com/</u>
  - \* This is NOT an exhaustive list. Berkeley Law does not endorse any of the commercial prep courses. This list is provided as a sample.
- 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!
- 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
  - **R**ules 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!)
  - **C**onclusion answer the question presented in the issue section of the IRAC

#### **Preparation Tips!**

- Maintaining your stamina and motivation is key to success on the 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 and you're studying in CA, 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)
  - do not be overly concerned about not having the time to solve the Advanced-level Practice Exam Questions

## 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.

# Questions?