

VERSION 2.0



# BAR EXAM REVIEW

INTRODUCTION

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### The Side-Bar Bar Review Course

Welcome to your Bar Review Course. As you will soon discover, the Side-Bar® Bar Review system is different and more comprehensive than any other bar review course on the market today. So, let's not waste any time and get right into how the course works.

The course is divided into three sections which comprise the Bar Exam. These are: the essay questions, the multiple choice MBE questions and the performance exam. The performance exam is given in many, but not all, jurisdictions (e.g. California, New York, New Jersey, Conn., Penn., Ill., Arizona, Colorado, Oregon, District of Columbia and others) and is included in this course for those within those jurisdictions. If your State does not include a performance exam, simply ignore this section of the course.

As you most certainly know, depending upon what jurisdiction you are in, the essay questions and the performance exam are either developed by the individual State Bar jurisdictions or by the National Conference on Bar Examiners (NCBE). Whereas for all jurisdictions, the multiple choice (MBE) questions are developed by the (NCBE). Therefore, the MBE questions will be the same in any given year for all State Bar exams.

The MBE questions cover the following subjects: Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, and Torts.

The essay questions cover: Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, Torts, Wills & Trusts, Business Relationships (Corporations, Agency, Partnerships and LLC's), Professional Responsibility, Remedies, and Community Property. This covers all the courses in a majority of jurisdictions.

Some jurisdictions may not include Remedies and Community Property as tested subjects as Remedies will be included within questions of basic law (e.g. Contracts, Torts etc.) and other states may test Family Law instead of Community Property or sometimes not test either. The very few jurisdictions which test Family Law (e.g. New York), are state law specific and therefore beyond the scope of this Bar Review course (however, our standard law course in this area covers Family law).

Also note, those few jurisdictions which test other state law specific courses (e.g. Administrative law, Deceptive Practices and Civil Procedure), based in that state's law are beyond the scope of this course. Despite those few exceptions, you will find that this Bar Review Course is very comprehensive and will cover all subjects in most jurisdictions and 90 percent in the remaining few.

The California Bar Examiners have changed their format from a 3 day exam to a two day exam which is in-line with most other jurisdictions. The California Exam now gives you a total of five essay questions and one 90 minute performance examination on day one and then 200 MBE questions on day two. The New York Bar Examiners have a 2 day exam which gives you six essay questions, and 2 performance exams on the first day and 200 MBE questions on the second day. You will find these formats to be very similar in most jurisdictions.

Because of this, we provide in this review course all of the elements of a California exam and beyond, and with that, which ever jurisdiction you are in, you will be able to tailor this course to your jurisdiction (with the exception, as mentioned above, of a few jurisdictions which include within their exam a State specific subject and thus beyond the scope of this course).

A word about this course. Please do not think you can do any one portion of this course and think you will be able to pass the Bar Exam. Every single portion is as important as the other portion. The course is designed as an integrated system geared at you not only remembering all of the material you need to know, but to use it to answer the questions the way the Bar examiners want to see it. If you decide to skip any portion (e.g. initial outlines, early MBEs, reading explanations to answers you got right, etc.), you will greatly diminish the returns this course is designed to give you.

However, before we get into what this course is about, a word about timing. No matter what jurisdiction you are in, your Bar exam will be a marathon event, and be the most difficult test you have ever taken. So you must prepare. Given that, you should start your study for the Bar exam 4 to 6 months prior to the test date, with developing your schedule so that you peak and at your best (not over burdened or tired) just days before the test. You know yourself better than we do for developing that schedule. But, for the preparation, you should allocate a minimum of 3 to 4 hours a day for study/prep and 5 to 6 as you reach the home stretch (the last 4 weeks).

The first place to begin this review course is with the Law Review Course Outlines. Unlike any other review course, the Side-Bar Outlines have five levels.

First is the initial level. These are comprehensive outlines which contain all of the essentials you need to know, without any fluff. You should read each initial level Outline at least 2 to 3 times before progressing to the four levels of the Compacted (or condensed) Outlines and the practice questions. Each outline covers the following subjects: Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, Torts, Wills & Trusts, Corporations, Professional Responsibility, Remedies, and Community Property.

Because it has been a while since you took many of these courses, and that the Compacted Outlines are designed that you have a good knowledge of the course materials already, once you have read the initial course outlines through, you will have a good refresher. Do not skip this part of our system, because the Compacted Outlines are not designed as course review/refresher

courses, they are reinforcement tools.

Then come the Compacted Outlines: Begin with the first level for which you should read the Outline at least a dozen or more times before progressing to the second and third levels.

Then, after you begin your daily reading of the second level outline, you should start to do some practice questions (MBE and Essay) in between, but without time constraints. Keep reading the compacted outlines while incorporating more and more practice questions into your schedule. We give you plenty of practice questions, so there is no worry about running out. Of course before you start doing any practice questions (whether MBE or essay), read and have handy our tips, guide and approach to answering these questions the correct way. Get to know these tips and guides very well.

Moving forward, there is the third-level Compacted Outline, which you should start reading two to three times daily while doing even more practice questions.

Then there is our “Bar Bones” outline. The Bar Bones is a quick snap shot, which is there for you to read several times a day just a couple days before your exam and also the morning before your exam. This will keep fresh in your mind the basic concepts you need to have when reading the exam questions, and not allow your mind to get drawn down into the “weeds” on the front end of reading an exam question. Once you have the overview of the question, what you learned in the “weeds” will come forth as you write.

For practice questions, we recommend that you begin with the essay portion of this course. Thus, start by reviewing our essay approach system. This system is geared directly at Bar Exam essay questions and how to deal with them. If you learn the system, you will find that when you read a Bar Exam question, you will go into auto-pilot. The reason for this is that the Bar can only test these subjects in just so many ways.

Once you have reviewed the essay approach system, then it is time you started practicing taking Bar exam questions. We cannot stress this enough.... Practice makes perfect!!! Do NOT take the approach course and then simply think you can go into the Bar and ace it... you need to practice, practice and practice.

We have provided many actual Bar exam essay questions, with answers for which the Bar Examiners feel are the best answers (a key here is that the answers are what the Bar Examiners believe are the best, not what you and I think are the best).

You should practice essay questions by writing your answer first, and then looking at the ideal answer and adjust your analysis and answer technique accordingly. You do these first practice questions un-timed, with your course outlines available and the approach techniques open next to you for reference.

One side note I would like to mention, however, is about “form and substance.” I am sure many of you have heard the old expression about it is better to have substance over form. That may be true with many things in life, but it is not true with answering State Bar essay questions. In the Bar Exam, form and substance are closely of equal value for many different reasons.

But the most important reason for you to know is that the form we teach you forces you to organize the substance into a cogent logical form and it is that form in which the State Bar Examiners like to see and look for in your answers. Frankly, you can know the law front and back, and spot all of the issues in a question and write everything you know about it as the thoughts come into your head, and even if your answer is correct, after being dissected, you may not get a passing grade. The key is to get your answer into the proper organized form, forcing the Bar examiners to see that you know the material.

Concerning essay questions, after doing some un-timed practice questions successfully, then put away the course materials and bring out a timer and start taking questions under test conditions. Allow yourself 1 hour per question and afterward, go back and look at the sample answer to see how you did. Do as many practice questions as you possibly can within your schedule. The more you do, the easier the Bar will be to take and pass.

After you started with your timed essay exam practice questions, you should start breaking it up with practicing the MBE questions (of course with the daily reading of the Compacted Outline).

First read through the MBE Approach course several times, and reference and follow those instructions/tips when beginning your practice questions. Before taking your actual simulated exam, you should have completed the hundreds of practice questions for each subject and then completed the hundreds of mixed subject questions.

You should take the Simulated Exam under test conditions and it should be timed. You may want to consider purchasing more practice questions from the NCBE. The more you practice, the easier it will be, and those you purchase will be actual MBE questions and not simulated ones as we have provided.

With regards to the practice questions... do as many as you can. The idea here is that you start reviewing the law and then start integrating the questions in more and more, until you are at the point of mostly spending your time answering questions, and much less reviewing the law. A winning combination!

For the last 14 days before the Bar exam you should be doing 50 to 75 MBEs a day broken up in sets of 25 each (to review the answers). While also reading, outlining and writing 2 essay questions a day, and of course reading and re-reading the Compacted Outline. This should take about 5 hours a day to complete properly. In addition, during that 14 day period, review and complete the entire section for the performance exam.

Concerning both the essay and MBE portions of your exam... I cannot emphasize this enough, in that practice makes perfect. You are given an ample supply of both MBE, essay questions and performance exams to use for practice.

Final note... over the course of your study, you have learned and memorized a tremendous amount of material, and have learned the techniques for analyzing the law. To say this is critical to your passing the Bar exam is stating the obvious.

However, as I mentioned above concerning form over substance concerning your essay exams, believe it or not, the Bar exams across the nation are formula driven. The Bar examiners can only test the subjects so many ways (in both the essays and the MBE), and when you answer questions, they are looking at their formula. This "formula" will become more apparent after you read, learn and memorize the approach and tips for the essays and the MBE. These formats, approaches and tips are designed to get you to answer the questions in a way the Bar examiners are used to seeing and want to see, and are designed to get you to recognize just how the examiners ask the essay and MBE questions and thus what they are looking for in the answers.

Thus, despite all of your knowledge, the Bar Exam is very formula driven. I have seen some very intelligent and knowledgeable law graduates fail their first time taking the exam because they didn't know the formula and formats. And the only way to know them is to review them and then apply them repeatedly on practice questions. Unfortunately, the test is not as much to see what you know about the law, as it is to see if you can take what law you were given in law school and conform it to the boundaries of their test and the way their test is designed. So stay within the "four corners" of their test design.

As mentioned, we give you the formulas and formats, learn them using the tools and practice questions we have provided in this course and you should enter the exam with confidence and we believe you should have no problem passing.

Now for the Performance Exam.

Learning to take the Performance Exam is somewhat similar to putting together a jig-saw puzzle. There is no way to teach someone to put one together. You just have to open the box and dump the pieces on the table and have at it.

However, after you have put a few puzzles together you figure out a few shortcuts. The first is you lay the picture on the box of what the puzzle is to look like in front of you. That gives you not only what your goal is, but also where certain colors are to be placed. Then you sift through the pieces to get all the edge pieces and start putting those together, and finally you separate the colors of the internal pieces and start putting them in place.

The performance Exam is very similar. You will be given a legal problem to solve and information to use to solve the problem which includes a case file and a library.

Like the jig-saw puzzle, first look at what you are asked to accomplish. What is the picture? What is your goal? Then, with those in mind, start reading the library and case file. When you see something in the library which you think will apply to your goal, make a note of it (where it is or what it is called). From there, you can start making a short outline of how you will approach the issue, which is designed to give you a road map for your essay, memo, or whatever you have been tasked to do. You will already know what materials you will be using from your notes, so from there, it is time to start writing.

Remember, the performance exams are self contained. Meaning do not bring any outside knowledge of law and facts into your answers of what you are to produce. Like the jig-saw puzzle, everything you will need to complete the project will be supplied to you in the case file and library. The Bar examiners are attempting to see how you can assess a given situation, sift through materials, organize the materials and present a cogent analysis in the task presented and within the time constraints. They are not attempting to test you on your knowledge of the law.

So, like the jig-saw puzzle, the only way to learn how to be successful at completing the Performance Exam is to do them. For practice you should do at least 4 and up to 6, so you will be in a comfort zone when you take the Bar. Also, during practice, become familiar with the general instructions, this way you can save time and skim them during the actual exam.

We have provided you with 6 performance tests given on past Bar examinations. Also included are, what the Bar considers, passing answers.

Enjoy the Bar Review Course and good luck on the Bar Exam!

