Passing the Bar

The bar exam – the last hurdle you must jump before becoming a licensed lawyer. I remember feeling relieved that I was “almost there” yet terrified that everything came down to one test. Three years (or maybe more) of lectures, papers, and exams came down to one three-day exam.

I was told not to fear. And, I was assured that the bar review courses would fully prepare me. And, they did … but it cost me. Despite scholarships and financial aid, I had already accumulated a healthy amount of student loan debt. I was not anticipating having to add an additional hefty sum for a four-week course that would prepare me for what law school should have arguably already taught me.

Whether or not you plan to participate in a bar review course, TYLA wants to help you understand the Texas bar exam a little better. TYLA’s Passing the Bar: A Study Guide attempts to break down the exam structure in the hope of getting you more comfortable with the exam. This online resource is no substitute for studying, hours of preparation, or a bar review course. But it does provide useful tips to minimize some of the fear and prepare you to meet the challenge.

In the end, the bar exam is just a test. By this point, you’ve taken hundreds over the course of your lifetime. Buckle-down, study hard, and you can do it!

Good luck!

Rebekah Steely Brooker
TYLA President, 2014-2015
Who are the Board of Law Examiners?

The Board of Law Examiners is an agency of the Supreme Court of Texas. The Board’s rules are adopted and promulgated by the Supreme Court of Texas. The Board and its staff investigate the character and fitness of applicants for admission to the Texas Bar. When the Board determines that an applicant has met all requirements for admission, the Board certifies the applicant to the Supreme Court as being eligible for licensure. While the Board makes these determinations as to eligibility, only the Supreme Court has the authority to issue a law license. Members of the Board also prepare and supervise the grading of the Texas Bar Examination. Official rules governing admission to the Bar of Texas are available at:


What is the Texas Bar Examination?

The Texas Bar Examination (TBE) is a very extensive examination lasting two and one-half days. It is given two times each year, beginning on the Tuesday before the last Wednesday of the months of February and July, unless the Board otherwise directs.

The TBE Is Broken Down Into The Following Components:

<table>
<thead>
<tr>
<th>DAY 1: TUESDAY</th>
<th>DAY 2: WEDNESDAY</th>
<th>DAY 3: THURSDAY</th>
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<tbody>
<tr>
<td><strong>Multistate Performance Test (MPT)</strong></td>
<td><strong>Multistate Bar Examination (MBE)</strong></td>
<td><strong>Texas Essay Questions</strong></td>
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<tr>
<td>- 90 Minutes</td>
<td>- 6 Hours (with lunch break between the morning and afternoon testing)</td>
<td>- 30 Minutes per Essay/6 Hours (with lunch break between the morning and afternoon testing)</td>
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<td>- Weighted score of 10%</td>
<td>- 200 Multiple Choice Questions</td>
<td>- 12 Texas Essays</td>
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<tr>
<td>- Procedure and Evidence Questions (P&amp;E)</td>
<td>- Weighted score of 40%</td>
<td>- Weighted score of 40%</td>
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<td>- 90 Minutes</td>
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<tr>
<td>- Weighted score of 10%</td>
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How is the exam graded?

After grading the answers to the MPT, the P&E, and the Essays, the resulting raw scores on each of these portions will be scaled to the Multistate Bar Examination, using the standard deviation method. If you earn a combined scaled score of 675 (out of a possible 1000 points), you pass the examination.

What should be my first steps when preparing for the TBE?

1. Complete the Application Process
2. Build a Support System
3. Take a Personal Inventory
4. Develop a Weekly Schedule
5. STUDY
1. **Complete the application process.**

   Make sure you complete all the necessary steps in the application process as specified by the Texas Board of Law Examiners. The application process is extremely detailed. You must complete all portions of the application process in order to actually take the examination. Your law school should be an excellent resource throughout this process. Make sure you ask questions if you do not understand what you should be doing.

2. **Build a support system.**

   You should not go into this examination alone. Find a few dependable individuals who can assist with daily tasks that you will be unable to maintain due to your rigorous study schedule (e.g. household chores, child care, and miscellaneous tasks.) Be sure they understand the realities of the exam and your schedule and the importance of them being dependable and reliable.

   The pressure of preparing for such a difficult exam can be overwhelming. Be sure you have individuals with whom you can depend on for emotional support as well.

   If the pressure is becoming unmanageable, consider seeking assistance from a mental health expert. The Texas Lawyer’s Assistance Program (TLAP) provides confidential help to ensure mental wellness for law students. Should you need assistance, do not hesitate to call them at 1-800-343-8257. For more information about TLAP, visit the State Bar of Texas website at [http://www.texasbar.com](http://www.texasbar.com), select the “For Lawyers” tab, and click on “Texas Lawyers’ Assistance Program” under Benefits.
3. **Complete a personal inventory.**

   It is very important to quantify everything you need to accomplish before the TBE, and this should take place before you ever even open a study book or make an outline. The following is a brief list of the items to quantify before you start studying:

   ✓ **Complete all law school obligations including finals and graduation.**

   ✓ **Identify all the likely (and unlikely) TBE subjects.** The Texas Board of Law Examiners (TBLE) posts a document called *Rules Governing Admission to the Bar of Texas* online. Appendix A and B in this document includes a breakdown of all the subject matter on the TBE. This document is available at [http://www.ble.state.tx.us/MainPage/examinfo.htm](http://www.ble.state.tx.us/MainPage/examinfo.htm). It is a great place to start in order to get a good idea of what subject matter will be covered.

   ✓ **Identify which TBE subjects you learned or did not learn in law school.** This enables you to gain perspective on what subjects you will be learning from scratch and will take additional study time. Ideally, the courses you are required to take during your law school career will cover the bulk of TBE tested material. However, there a few that may be optional at your school. For example, oil and gas, and bankruptcy may be courses you opt to learn during your TBE studies.
Determine how you study best and identify any weak studying or testing areas you may have developed while in law school. Do you need to know the big picture before you start? Do you study well by making outlines or just by reading? Do you learn better through answering example questions? Are you an auditory or visual learner? These questions can help you identify the type of studying which will serve you best.

Also, based on your law school courses and grades, determine whether you need extra practice with answer formatting, issue-spotting or analysis, time management practices, or outlining answers. It is also advantageous to take an inventory of your spelling, grammar, and sentence structure. If you will need additional instruction, most law schools have resources to assist you in these areas.

Determine what resources you already have to help you study. Most law schools and law libraries have access to free TBE materials. Often times these materials are a few years old, but they can provide extra question banks or information. You may have some friends with old study materials. You may have several study aids from law school. All of these things can be extremely helpful and should be considered a resource to you during your studying. They can also help you cut your costs.

Determine what people will be available to help you study. If you feel like you need a study group occasionally, plan it out in advance. Make a list of professors or mentors who could help you with difficult study material or areas which will require additional
instruction. Also remember to schedule someone from your support team to help you with your family, your other commitments, and any other personal responsibilities.

✓ Based upon the resources you already have and what you may still need, you should determine what kind of TBE preparation courses you can afford. The TBE itself will cost about $320 or $370 if you use your laptop. Signing up for bar review study courses will be an additional cost to you. Contrary to popular belief, there are a wealth of TBE courses, guides, and classes available. Each comes with a different price tag. You need to determine what you can and cannot afford in advance of your studying and sign up early to get the best price. Remember, there are a wide-range of options available and a wealth of free resources to consider. Bar loans can be used to help with the cost up front.

4. Develop your weekly schedule.

Everyone’s schedule will be different. Set your goals up front, then work backwards to develop your overall schedule. Take a realist view of all of your commitments and priorities (e.g., work, family, personal health and fitness). Then, delegate tasks to your support system, so you can free up at least 8 hours per day, 6 days per week for studying.

Please note that you may need more time than this in order to study adequately. You will need to adjust as needed throughout the process. Ensure that your schedule is REALISTIC.
and allows adequate time for sleep, exercise, eating, and personal time. Take a day off once a week from studying for personal and family time.

5. Study.

Will the TBE affect my family and friends?

Studying for the TBE can be very demanding on you and your loved ones, but it is not impossible. With proper planning, it can be only a temporary inconvenience with no lasting ill-effects on your family. It is important to establish priorities, schedules, and expectations in advance.

If you are married, have children, or have significant others in your life that will be a part of this process, let them know that your time will be limited, but allot a specific amount of quality time for them. Explain to them where they fit into your schedule and be sure to follow through with your promised time.

REMEMBER THAT QUALITY TIME IS MORE IMPORTANT THAN QUANTITY OF TIME. Make sure you leave your studying out of this time. Although the time spent will be short, your loved one will appreciate consistent and predictable quality time with you. Respect their needs and concerns. Your family and friends can be some of the greatest allies you have during this time. TREAT THEM WELL.
How should I prepare for the TBE?

Similar to developing your weekly schedule, you need to **SET YOUR GOALS UP FRONT**. Then, work backwards from these goals to develop your preparation and study time for the TBE.

Most bar review courses will provide you with a general study schedule, but you may need to adjust this or be more specific when developing your personal study plan. If you plan to utilize a bar course, remember that you will likely need to **ADD ADDITIONAL STUDY TIME** to the schedule in order to master the material in a way that is specific to your personal needs.

**USE THE TEST AS YOUR GUIDE**, and mirror your study time to match how the items are tested on the examination itself. Initially, you want to focus on just learning the content, then move towards practice examinations and actual timed conditions.
Here is a sample breakdown of how you should study for each TBE section:

Procedure & Evidence (P&E)

This portion of the exam requires you to answer 40 questions in short-answer form. You will have 90 minutes to complete this portion, and it will count for 100 points of your overall score. It is broken down into two sections, Criminal and Civil.

- Texas and Federal Criminal Procedure and Evidence:
  - 20 questions, 45 minutes
  - 2.25 minutes per question/50 total points/2.5 points per question

- Texas and Federal Civil Procedure and Evidence:
  - 20 questions, 45 minutes
  - 2.25 minutes per question/50 total points/2.5 points per question

Multistate Performance Test (MPT)

This portion of the exam requires you to perform a lawyer-like task (e.g., a client letter, a memorandum of law, a brief, etc.). You will have 90 minutes to complete this portion, and it will count for 100 points of your overall score. You should devise a strategy to approach the exam. Below is a suggested use of time:

- 45 minutes to read, research, and organize an answer
- 45 minutes to draft your answer

Multistate Bar Exam (MBE)

This portion of the exam is standardized across the nation. It focuses on common-law subjects, and it will be an all-day, 200 questions, and multiple-choice test. You will have 6
hours to complete this portion, 3 hours in the morning and 3 hours in the afternoon, with a lunch break in-between. It will count for 400 points of your overall score.

- Study one subject at a time, one sub-section at a time. Subjects tested are:
  - Civil Procedure (27 questions)
  - Constitutional Law (27 questions)
  - Contracts (28 questions)
  - Criminal Procedure (13 questions)
  - Evidence (27 questions)
  - Property (27 questions)
  - Torts (27 questions)

- Once you have mastered the content of each subject, begin practicing under real time conditions.

**Essays**

This portion of the exam requires you to answer 12 Texas law specific essay questions. You will have 6 hours to complete this portion, 3 hours in the morning and 3 hours in the afternoon, with a lunch break in-between. It will count for 400 points of your overall score.

- **Study one subject at a time.**

- **Devise a general strategy** when approaching each essay. Specifically, allow time to read, think about, and organize each essay before drafting.
• Each essay is 30 minutes.
• Allow 5 to 10 Minutes to:
  • **READ** the question;
  • **THINK** about the issues(s) being tested; and
  • **ORGANIZE** and outline your answer.
• Allow 20 to 25 minutes to draft your answer.
  o When organizing your answer consider using the CRAC method or something similar:

**THE CRAC METHOD**

**C – Conclusion** (Answer): Unlike your typical law school exam, the BAR examiners are asking you to answer the essay questions decisively and then defend your answer by applying the law to the facts of the question presented.

**R – Rule**: Provide the applicable rule(s) to answer the question adequately.

**A – Application**: Apply the facts of the case to the rule.

**C – Conclusion**: Give a one or two sentence statement to summarize the reason for your answer.
Subjects Tested Include:

Texas Real Property (2 questions):
  Oil and Gas

Business Associations (2 questions)

UCC (2 questions):
  Sales and Leases – Article 2 & 2A
  Payment Systems – Article 3 & 4
  Secured Transaction – Article 9

Family Law (2 questions):
  Martial Property

Wills & Estates (2 questions):
  Trusts OR Guardianship (1 Question)

Consumer Law (1 Question)

  Crossover Topics:
    Bankruptcy
    Federal Income Tax

REMEmber! The list of subjects tested CAN change. As mentioned above, the TBLE posts a document called Rules Governing Admission to the Bar of Texas (the “Rules”) available at http://www.ble.state.tx.us/MainPage/examinfo.htm. Check the Rules before you start your study schedule and periodically during your study period for any changes.

Once you have mastered the content of each subject then

BEGIN PRACTICING UNDER REAL TIME CONDITIONS.
Study Assistance

As mentioned above, most law schools and law libraries have access to free TBE materials. Often times these materials are a few years old, but they can provide extra question banks or information. You may have some friends with old study materials, or you may have several study aids from law school. All of these things can be extremely helpful and should be considered a resource to you during your studying. They can also help you cut your costs.

Free or low-cost resources you may consider:

Flash Cards:

Flash cards are a great to assist with retaining vital information. Below are a few resources you can utilize to assist you with creating and practicing with your flash cards:

- Quizlet: https://quizlet.com/subject/bar-exam/
- Cram: http://www.cram.com/

Outlines:

Bar Exam Mind can assist with obtaining PDFs of free older law outlines or updated and editable ones for a small fee. Please note, that although these may be useful, remember to verify all information within them for accuracy.

Law Library:

Often law libraries have old study materials to use. Also, most law schools subscribe to online study resources to further aid students in their studying efforts.

National Conference of Bar Examiners and Texas Board of Law Examiners:

The National Conference of Bar Examiners (NCBEX) and the Texas Board of Law Examiners (TBLE) post study aids, old exams, and sample answers for free or a small fee. These can be useful in gaining a sense of how the bar exam has been administered in the past:

- NCBEX (Study-aid): [https://www.ncbex.org/study-aids/](https://www.ncbex.org/study-aids/)
- NCBEX (MBE): [http://store.ncbex.org/mbc/](http://store.ncbex.org/mbc/)
- Texas BLE: [http://www.ble.state.tx.us/](http://www.ble.state.tx.us/)

Bar Review courses you may consider taking:

Students often chose to invest in taking a Bar preparation program to assist them with studying for taking the TBA. TYLA is not affiliated with any companies that handle bar review courses. The following names have been taken from the Texas Board of Law Examiners website for your consideration:
- BAR/BRI – www.barbri.com
- Fleming's Fundamentals of Law (MBE Only) – www.lawprepare.com
- Lewis & Davis (P & E only) – material distributed by BAR/BRI
- Kaplan PMBR Review – www.kaplanpmbr.com
- Reed Bar Review – www.reedbarreview.com
- Celebration Bar Exam Review – www.celbration-bar-exam-review.com
- MyBarPrep – www.mybarprep.com
- Sol Software (MBE / MPRE Only) – www.sol-software.com
- AdaptiBar (MBE Only) – www.adaptibar.com
- NCBE Store (MPT / MBE / MPRE Only) – http://store.ncbex.org
- Ameribar Texas – www.ameribar.com

*This list is provided for informational purposes only and should not be construed as an endorsement of any particular bar review course or study resources. There may be other bar review courses or resources of which TYLA is not aware.*
Exam Day

Here are a few general tips for taking the exam:

1. **ARRIVE PREPARED** to the exam. Remember to bring all of your supplies, ID, snacks, and earplugs. Make sure you get good sleep and eat well during the few days before the TBE.

2. **ANSWER EVERYTHING** on the exam, even if you don’t know anything about the question being asked. That kind of stuff will happen, but you should at least try to get some points by putting something down.

3. **READ THE QUESTION** carefully and understand what is being asked.

4. **BREAK DOWN YOUR ANSWERS** for the TBE graders. Use white space, headers, underlining, etc. Your response will likely be received with a more generous attitude if it is easy to read.

5. **MANAGE YOUR TIME WISELY.** Towards the end of your studying, you should be doing practice exams in real time to give you sense of what is expected. In the actual exam, answer the questions you know first, and use the time you have left to answer the ones you do not know. Sometime the delay can help you think of the answer or build your confidence. If not, you didn’t know the answer to begin with, so you are not wasting time on it. If you run out of time to develop a full essay, put something down, even if it is not in complete sentences. **PERFECTION CAN BE THE ENEMY OF A GOOD RESPONSE.**
6. **DETAILS MATTER.** Learn definitions for key terms. Track key distinctions in the law. Know when there is a minority/majority split. Those types of distinctions can gain you points and confidence.

7. **Last but not least, BREATHE!** If you did the work by preparing adequately, you are ready.

**YOU GOT THIS!!**

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**DISCLAIMER:** This material and information within is provided for informational purposes only and should not be construed as an endorsement of any particular bar review course, study resources or study method. There may be other bar review courses, resources, or study methods of which TYLA is not aware; thus any omission of such program, resources, or methods is unintentional.