

EARLY BAR PREP

Quick facts

- Commercial bar prep course is essential
- Bar formats
 - Texas- 2.5 days
 - California
 - Two days – Five 1 hour essays, one MPT, MBE
 - Uniform Bar Exam
 - NY, NJ, MA, CO, WA, OR and 22 more
 - Two days; Day 1 is MBE, Day 2 is 2 MPTs, MEE (6 30-minute mixed subject essays)

Texas Bar Exam

- Day One
 - 90 minute TX Civil and Criminal Procedure and Evidence (short answer)
 - 90 minute Multistate Performance Test
- Day Two
 - Multistate Bar Exam – two sessions, three hours each. All multiple choice
 - All 1L subjects + Evidence
- Day Three
 - Texas Essays – two sessions, three hours each.
 - Each essay takes approximate 30 minutes.
 - Wills, BA, Family Law, UCC (Secured Credit, Comm Paper), Real Property (including Oil & Gas), Consumer Protection, Trusts/Guardianship

Why do this now?

- And what, exactly, are we doing?

Why bar essays are different

- Purpose
- There **is** a right answer (but you can get points even with the wrong conclusion).
- More specific, concrete and concise than the typical law school exam.
- On UBE, multiple subjects in one essay.

What do bar graders want to see you do?

1. Analyze the facts of the question.
2. Spot the issue – find the legal problem.
3. Material v. immaterial facts.
4. Apply relevant legal principles to the facts provided.
5. Organize your answer and make it easy to read.

Answering a bar essay question

1. Read the call of the question
2. Read the question – circling important items
3. Re-read the call
4. Outline your answer
5. Write your answer
6. Re-read the call. Did you answer it?

Content of a bar essay

- Use the same legal analysis methods you learned in law school
- Determinative facts should take center stage
 - The graders know the facts. They don't need a recitation.
- Grammar, complete sentences and paragraphs matter
 - Be precise and concise
- Use headings
 - If given multiple prompts, label your answers and answer in the order asked.
- Acknowledge counterarguments where appropriate.
- Follow the same process for each answer. Develop a template.

Content of a bar essay

- CRAC
 - Conclusion – Be explicit. Begin with, “Yes, ...” or “No, ...”
 - Rule – State the applicable rule. Give the appropriate statute if you know it. “As a general rule...” or “Under the Texas _____ code, ...”
 - Analysis – Apply rules to relevant fact. “Here, ...” or “In this case, ...” or “Because.”.
 - Conclusion – Repeat your explicit conclusion. “In sum, ...” or “Therefore...”.
- CIRAC
 - You’ll often be encouraged to include an issue statement. Some students find that it helps them focus their answer. Make sure you use facts from the question.
 - Bad: The issue is whether a life estate was created.
 - Good: The issue is whether the phrase “until she dies” created a life estate for Donna.

What to NOT put in your answer

- Avoid lengthy discussions of law
 - No brain dumps
 - Tell the graders what they want to hear
 - They spend an average of two minutes (TX) to three-five minutes (CA) reading your answer.
- Do not assume any facts (unless the call directs you to do so).
- Citations

What I grade based on:

- Practically: Neat/legible. Paragraphs clearly identified.
- Is the writing style clear and concise?
- Writer answers the call of the question.
- Overall structure makes sense.
- Use of headings and appropriate transitional phrases to guide the reader through the answer.
- Begins with an explicit conclusion.
- Correctly identifies the issues raised.
- Explicit and accurate explanation of the applicable law.
- CRAC (CIRAC) format.
- Law properly applied to the specific factual scenario in the question asked, dealing specifically with the determinative facts in the question.
- The essay and any subparts end with an express conclusion.