



Alison Monahan: Welcome back to the Law School Toolbox podcast. Today, we're discussing some bar exam basics to help ensure you pass on the first try. Your Law School Toolbox host today is Alison Monahan, and I'm here with Lee Burgess. We're here to demystify the law school and early legal career experience, so that you'll be the best law student and lawyer you can be. Together, we're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career-related website [CareerDicta](#). I also run [The Girl's Guide to Law School](#). If you enjoy the show, please leave a review or rating on your favorite listening app. And if you have any questions, don't hesitate to reach out to us. You can always reach us via the [contact form](#) on LawSchoolToolbox.com, and we would love to hear from you. With that, let's get started.

Lee Burgess: Welcome back to the Law School Toolbox podcast. Today, we're discussing some bar exam basics to help ensure you pass on the first try.

Alison Monahan: Well, Lee, first off, let's talk about what the bar exam even is, and really, how it might be changing. So, tell me about this.

Lee Burgess: Well, this is a tough time if you're new in law school because you don't exactly know what bar exam you're going to be sitting for, which is a little bit chaotic to think about. You may have heard of the UBE – the Uniform Bar Exam, which is given in a large number of states around the country. It is being phased out for something called the [NextGen Bar Exam](#), which some states are going to be adopting as early as 2026. Now will you be taking the NextGen, will you be taking the UBE? Who really knows? Because the states continue to adopt and announce when they're going to be using this new test. So that's a fun twist of events for folks who are getting ready to graduate in 2026 – you may not know exactly what bar you're going to be sitting for in your state. California still has its own test, I believe Florida still has its own test, Louisiana. So there are definitely still some state-specific tests out there. The California bar right now is still two days and involves essays and the MBE and the performance test. There are some future changes coming because in theory, they will stop administering the MBE, so I don't know. Who knows? But probably not by 2026.

Alison Monahan: Right, yeah. Certainly probably by 2028, I think is when they're probably going to be really phasing out parts of the UBE like the MBE. So it is definitely a little bit of a chaotic time, but I think the main thing is you just want to stay up to date, be in contact with your school, pay attention to things they send out, figure out what state you're going to take it in, you can look up what they're doing. But it's kind of a wild time in the bar space.

Lee Burgess: Yeah. I'm sure it sounds really stressful if you are going to graduate in some of these years, because most of us knew exactly what bar we would likely be



taking, and things have really been in shift. So, it's time to just make sure that you're tracking everything and that your school is giving you consistent updates, so you can make the best choice you can. But assuming that you're going to be taking the current version of the bar exam, Alison, what are some of the things that you need to keep in mind?

Alison Monahan:

Well, I think one thing is just understanding the test you are going to be taking. So, right now the UBE consists of a day of multiple-choice questions, one day of essays in the morning, and then in the afternoon you do performance tests. California is a little different – they have longer essays, 60 minutes versus 30 minutes; you only do one PT. But generally speaking, they're pretty similar. And then you have these kind of outliers that are their own thing. So you want to understand what you're going to be asked to do. And then I think the most critical thing really – and we see this so many times with people who don't pass the first time, and a lot of these people went to good schools, they did well in law school – is, you can't just blindly sign up for a course and do stuff that isn't actually going to work for you, particularly if it's stuff that's never worked in the past. So for example, I'm not a person who learns particularly efficiently by sitting and listening to having someone lecture at me. So I didn't actually do a big bar course because I knew it wasn't going to be for me. But a lot of people in that scenario do – they say, "Oh, I'm a visual learner primarily" or, "I feel that that works best for me, even though there's dispute over this." But basically, you know what works for you in terms of memorization and learning material. And then people, for some reason, just sign up for a course that does things completely differently. And then they just slavishly follow the schedule and they think, "Oh, if, I just do 95% of this course, I know I'm going to pass." And the reality is, that doesn't work for everybody. So, I think that for me is really the biggest takeaway, is you've got to really sit with this and kind of think about what you think is going to work with the way that you learn. What do you think?

Lee Burgess:

Yes, I would agree. And I know what you're talking about because I am listening to the new [Adam Grant book](#), where he starts criticizing learning styles. In fact, I was listening to it this morning while I was cleaning my kitchen. One of the things he's really talking about is it's not just as simple as saying that you're always one type of learner versus always another type of learner, and that the data to support that isn't really there, even though I think this discussion of learning style started in the '70s and is taught as part of teaching credentials and education programs. His kind of idea is that it's just not so blanket. It can change based on what you're trying to learn, and there are some interesting studies about retention. Do you retain more reading than you do auditory? And then also, it's really about doing something that's hard for you and doing the heavy lifting, which is something that we constantly talk about. So, if you're uncomfortable while you do it, it's more likely that you're working those



muscles and retaining that information. So, I'll be honest, I'm only in Chapter 1 of the book. It is quite interesting, and I'm sure that we will talk about it more. But it isn't as simple as this idea of learning styles should be totally thrown in the garbage, at least upon my kitchen cleaning analysis of what I was listening to. But I guess that I should have been reading it because my retention would have been higher, so, whatever. I have more time to listen to audiobooks than I do to read physical books these days.

Alison Monahan: Right. And I think that's a fair point. It's not like you can just sit down and be like, "Oh, I learn by reading, so I'm just going to read this outline and then do nothing with it." I think that's the second point here, is you've got to actively use the information, and active practice is really the key. So sometimes I talk with people and they tell me, "Oh, I was so bogged down in watching all these lectures and checking the boxes that I ran out of time to actually do the practice." Yeah, they didn't generally pass.

Lee Burgess: Yeah. So it's a fascinating book. I think that we should read it, and then we should come back on the podcast to talk about it. I did get that nugget of the learning styles part of the book this morning. So, thought I would share it today.

Alison Monahan: I agree. In fact, one of our tutors recommended it to us.

Lee Burgess: I know. That's why I downloaded it last night. The other thing you want to think about is how much time you really need, both to study and execute the exam. Most people need to study for over 400 hours to get ready for the bar exam, which sounds like an intimidating amount of time. When you really break it down over 8 to 10 weeks, it is not an insane amount of time. But those 400 hours need to be very productive hours. You need to be really doing actual work and not just passively sitting in front of the computer with a blank look on your face, thinking that it's going to happen through osmosis. The other thing you need to think about is if you are someone who gets accommodations in law school or who thought that they needed accommodations in law school but may want to engage with the bar about this, you are going to want to investigate that and apply for those as early as you possibly can. Often, folks get rejected the first time that they apply and you may need to appeal. And if you wait until the last minute, you will not have the opportunity to appeal, and that can be a big game changer and cause folks to end up not passing when they would have had a better opportunity if they'd had those accommodations. So then they go get the accommodations, they sit with the accommodation, and it's a very different experience.

Alison Monahan: Right. And I think the key thing to keep in mind too is if you are getting extra time on the test, you're probably going to need extra time to prepare. Maybe a



more standard approach is 400, maybe 500 hours, but you're getting time and a half. Well, you might need 600 hours, or 700 or 800. You've really got to be realistic about your personal situation, because this is not a one-size-fits-all box.

Lee Burgess: One of the things that we do is we spend a good chunk of our time talking to folks who have failed after their first attempt. And one of the things that we wanted to share with you today were some of the reasons why we see across the board that folks are not successful on the exam. So, some of the common problem areas that we see are the following. I know this seems simple, but a lot of times students don't really know that much about the test that they're studying for. They maybe didn't get that much information from their law school, they haven't done quite a bit of research. They don't appreciate what law is actually tested. They may not appreciate in certain states like California what California-specific law is tested. This was a mistake that Alison made when she sat for the bar in California.

Alison Monahan: It was, because I went to law school in New York, and my school never talked about the bar. And I was taking California when I was working, so I had very limited time. And, yeah, I literally am not sure I actually even knew exactly what was tested on the exam. I certainly did not realize until far too late that there were a lot of California distinctions that I need to be looking at. So these are all things that ideally you would know in advance. But we talk to people all the time who are like, "I never did a practice performance test", and that is a mistake. You need to practice that, even if you think you're a good writer, just because the time constraints are very tight on this and it's an artificial exercise. So, I think sometimes people are maybe a little overconfident and just don't think they need to prepare for this particular exam. I've even talked to people who didn't do multiple-choice questions, which is crazy. It's half of the test. I think it's just people feed into this idea of, you just have to know the material, have to know the material. But the MBE is a very difficult test. You have to practice it.

Lee Burgess: Yeah. And you have to practice the execution of the test. This is, I think, one of the other biggest problems, is that everybody thinks that if you just put in the time reviewing the law that you can actually execute. And that's just not the case. Being able to give me a four-pronged test for something is completely different than reading a fact pattern and applying that four-pronged test. So, you've got to practice the application piece to execute this part of the test. The other thing to think about is what the exam is actually testing. So, the exam in theory is testing legal analysis skills – what they think means that you can think like a lawyer. And sure, they are testing your ability to memorize massive amounts of information. Fair. However, that's really not the most important piece when it comes to the execution of the test, because you can have



incorrect law, let's say on an essay, and still have the correct analysis and you're still going to get some points for that, because what they really want to know is, can you apply law to facts and make thoughtful conclusions? That's in theory what it means to think like a lawyer.

Alison Monahan: Absolutely. I 100% guarantee you I made up law on that test and I 100% guarantee you some of it was not correct, and I passed. Granted, that was probably the multiple-choice, but you've got to play to your strengths. I think a lot of people also don't take a lot of these bar classes, depending on the school. We're not saying that you have to take every single bar class – we have whole podcasts on what you should take and not take – but you probably want to take some of them. You definitely want to take all of the MBE topics. So, sometimes people haven't taken Evidence, for example, and I really feel like that's a mistake. What do you think?

Lee Burgess: Oh, well, first, I think every lawyer should have taken Evidence because it's just a huge part of the law that I think if you are licensed, you should know about. But Evidence is a big one, and it is heavily tested and it's complicated. It would be very hard to cram Evidence. I did not take Wills and Trusts in law school – I think that was my big class that I did not take. But I did take Community Property, since I went to school in California, and that has a tiny bit of Wills and Trusts dribbled in there, because what happens upon death is part of that law. So that wasn't a tricky subject to really go memorize the rules, because one, there aren't that many rules and a lot of them kind of make sense. I mean, they're practical rules, and that makes something like Wills and Trusts maybe easier to study without having sat through the class than a large doctrinal class like Evidence.

Alison Monahan: Yeah. Or sometimes people haven't taken Con Law or they've only taken part of it. You do the separation of powers piece because it's required, but that you don't do individual rights. But individual rights is very heavily tested on the bar. Or a lot of people haven't done Crim Pro; I had not done a full Crim Pro class. So, you've got to kind of look at these things, particularly that are tested on MBE, and I really feel like you probably want to take those classes. Some schools just don't focus really at all on bar prep. I think this is why people who went to higher ranked schools often don't pass, is because they just don't really know what's expected. And then you get into things like just overall weak writing and test-taking. If test-taking has always been a problem, that's something to take seriously because you might need some extra help on this. If you know that you're really terrible at multiple-choice questions and things like that consistently – you took the LSAT several times, you took the SAT several times – you want to basically make sure that you're doing everything you can to set yourself up for success on the bar. And that might mean, as we'll talk about in a



minute, something different than somebody who's great at standardized test-taking.

Lee Burgess: Yeah, for sure. Also, one of the things that we see over and over again is that life chaos just makes it impossible to study. And there's planned life chaos and unplanned life chaos. Planned life chaos is: I'm getting married, I'm going to move during bar prep, I decided to go on vacation during bar prep, or I'm planning my wedding – we hear that one a lot. There are these big planned life distractions that I would not recommend doing while you're studying for the bar, because the bar is hard enough as it is. So you want to minimize the distractions that you can minimize. Life also happens, right? We have heard it all, from an individual's health crisis to a family member's health crisis, to houses burning down, to cars having major issues. There are all these unplanned things that can come up, and being challenging too. But you want to minimize the things that you have any control over and don't set yourself up for a huge number of distractions. It is going to make everything incredibly difficult.

Alison Monahan: I 100% agree. I think the more you can simplify your life, get everything set up in advance, and make sure that everything that needs to be taken care of is taken care of. And then if something happens, you deal with it. But a lot of the sort of stuff that's happening was really avoidable. And I just think that's unfortunate. For somebody to set themselves up not for success just doesn't usually end in a good place. But to be fair, the house next to me almost burned down when I was studying, and I was woken up from a nap by the fireman banging on my door saying, "Get out right now." And I'm like, "Oh my gosh, what do I take with me?" I took my laptop, one book basically. And I was like, "Wow, I wonder if my house is getting ready to burn down. That would be interesting." But it didn't.

Lee Burgess: Well, that's good. The other thing that we see happen – and I think this is some kind of crummy advice that comes from a lot of the large bar review programs – is this idea that folks should leave all the memorization until the end. We're talking massive amounts of information. Massive. And if you think that you can cram that in like 10 days to two weeks, for most people, that is just not possible. There may be some law that you are still learning and memorizing at the end, but the big sweeping law really should be in your memory by the time you get to the last couple of weeks of your prep. And so, really be careful about that advice and taking it too much to heart. It really is an impossible feat to study all of the law at the end.

Alison Monahan: I absolutely agree. And I think some of those people don't have a very firm handle on the most heavily tested law because they are trying to memorize everything. And that is also probably impossible and not necessary. But if you can't execute a hearsay analysis, that is a problem. If you don't know the basic



law of homicide, that is a problem. There are these things that are heavily tested, you can go look them up. I mean, the [NCBE](#) publishes a list, they break it down for you, they tell you exactly what they're planning to test. It's not mysterious. But I think people need to focus early using something like [spaced repetition](#) that we've talked about on the Bar Exam podcast a lot, on getting this stuff in your head and really getting it in your memory so that you can use it. And do not wait until the last two weeks to do this, because that is way too late.

Lee Burgess:

Yeah. I was listening to the Adam Grant book this morning, and he was talking about learning a new language. And one of the big mistakes that folks make when they learn a new language is they wait until things are perfect to practice applying it. And so they don't want to sound like a child when they speak, so they just prefer not to speak. And I think that this comes up for a lot of first-time takers with the practice and application piece of this law that they're learning, because there's this idea of, "Well, if I don't have the law perfect, I just shouldn't practice." And that is just the same argument as, "I shouldn't practice a foreign language until I have perfect vocabulary." Then you will never practice, and then you will thus never reach your goals. And so, you do need to do this practice and application piece throughout the preparation, even if you don't have the law in a perfect place in your long-term memory, because the exercise of pulling it out of your brain, of putting it on the paper, of doing that analysis is a method of learning, but it is also just going to help you work on those study skills to be more effective as you continue to practice taking this exam.

Alison Monahan:

Absolutely. I mean, that was so hard for me when I was trying to learn Spanish, because I am a perfectionist and I have a very high vocabulary in English. So it was really hard to go back to being basically a two-year-old pointing at something saying, "eso". But that's kind of what you have to do. I remember one of my first Spanish teachers, when they taught me "this", "that", "those", whatever words, they were like, "Congratulations, you can now speak like a toddler."

Lee Burgess:

I know. And that's really hard.

Alison Monahan:

Yeah, they're like, "That's better than not being able to speak at all." And also, when you make mistakes, that's when your brain is actually most actively engaged. So if you make a mistake, rather than beating yourself up about it, it's actually a good thing, because you're less likely to make that mistake on the test.

Lee Burgess:

Yes, so true. So, it's something to really keep in mind, that so much of feeling like we do not have the skills to memorize or to learn or to practice or apply this law is just us not willing to put our perfectionist tendencies aside and just kind



of stand in the mess and try and get what we can out of it. It feels so crummy for Type A personalities to not perform well. I am also working on a foreign language, and it drives me crazy to make mistakes. But I'm just working on my neuroplasticity, and I am just going to keep doing it no matter what. So, there you go. And you should take the same approach to studying for your bar prep.

Alison Monahan: Absolutely. Alright, well, before we wrap up, let's just give you a really quick list of what we think you should be doing to set yourself up to pass. And the first thing I would put on this list is actually something that I think a lot of people don't really consider, which is start early. If you are in your last semester of law school and you have time, there's no reason that you can't start doing some of this stuff. You can start memorizing some law, you can start doing some practice questions, you can at least get yourself up to speed on what does the performance test require. This idea that you have to wait to start until X date because that's what your course tells you to do – I just think for a lot of people, particularly people who get extra time, is a real mistake.

Lee Burgess: Yes. I think the performance test specifically, of which you need to know no law to practice it, is ripe for the early studying, because you could just pick one up on a weekend that you have an extra couple of hours, and do one and review the model answer and start to get more comfortable with the different types of test. Or our [Writing of the Week program](#) that we have through our Bar Exam Toolbox brand is super helpful, because it's going to walk you through different types of MPT questions. But this is something that you can start at any point really in your third year, because once you get your cadence down with these MPTs, all you need to do is somewhat keep up with them to keep it fresh in your mind how you're going to approach them. I also think that most people don't realize that some of the multiple-choice programs such as [AdaptiBar](#) or [UWorld](#) that they give you access, let's say, for a July exam, in early March. And you don't have to pay any more than what you would already pay if you were to buy it in May. So, why wouldn't you buy it in March? Why wouldn't you spend even a few hours a week just doing these multiple-choice questions to start putting deposits in your study bank. If you did, let's say 50 questions a week – which really isn't that many when it all comes down to it – for an extra eight weeks, you're talking about real study time. And I think folks don't think about the compounding effects of doing a little bit of this work every week.

Alison Monahan: I think that's absolutely right. And it's the same thing I mentioned earlier, spaced repetition – we have a couple of podcasts we've talked to people who do this, they have programs and things. But the idea that always blows my mind about the spaced repetition is you can spend 10 minutes a day if you spend it consistently, and you're going to have something like 90% retention by the end of the study period. So, that also is one of those things where the earlier you



start on that, I think just the better off you're going to be. And you can do it with a program, you can do it yourself with flashcards, but it's kind of mind blowing that you can spend 10 minutes a day over the course of a couple of months and have this material ready to go when you need it for the exam.

Lee Burgess: Yeah, I know. And this is what Duolingo and all these language apps are basically suggesting, right? I've been working my Duolingo for my 2024 resolution to work my foreign language skills, because I was not finding large amounts of time. And so I just committed to 10 minutes a day because I thought, "Well, I always have 10 minutes a day." And all of a sudden you start to realize that you actually are increasing your vocabulary, with 10 minutes a day. I mean, it is pretty amazing. It doesn't feel as good as in the way of doing something big and feeling that you accomplished something great. But if you gather up a few little words or a few phrases or a few pieces of law or a few elements, over time, it just starts to add up. It's pretty amazing.

Alison Monahan: It is. And I think it's actually just so much easier and so much less stressful than trying to cram all this stuff at the end when it's not actually going to work, and then you're going to be stressed out. Versus just walking in and being like, "Oh, I know the elements of this rule, absolutely. I don't even have to think about it. It's like knowing my own address." That's kind of the goal of getting the spaced repetition going early. And another thing I think, really focus on honing the material and not trying to learn an entire telephone book-sized material. I think that's another mistake people make. But really focus in on those heavily tested areas, practice them, make sure that you can do a good analysis. Yeah, maybe something's going to come up on the test you're less familiar with, but that is typically not going to be enough to sink your entire exam if you are doing really well on the stuff that comes up a lot.

Lee Burgess: Yeah, I agree. We also like [SmartBarPrep](#) outlines, because they know the most heavily tested areas of the law as well. So that's something else to check out if you're trying to hone in on what is the most heavily tested. I think one of the big ones is just be really efficient with your time and don't waste time and say, "Oh, I studied for 15 hours", but you really didn't do anything. So, track your time, set goals, decide what you're going to spend your time on that's going to create value, and implement that, because wasted time is just no fun.

Alison Monahan: Right. And I think sometimes you feel like, "Oh, I'm checking these boxes." And a lot of the time, the boxes you're checking are actually taking people longer than the allotment. So if it's supposed to be an 8-hour day, suddenly you're doing a 12-hour day. But really, all you've done is watch videos. That is not an effective use of your study time.



- Lee Burgess: No. Even though it can feel so productive, it just really is not.
- Alison Monahan: Well, it can just feel really overwhelming. I feel like that's what leads to burnout, is you're just so tired, you've been doing this all day, you know that you're not really getting anywhere, but it's so exhausting and your brain is tired, but it's really not moving the needle. I would rather have somebody do four to five really focused hours where they're diving in, they're doing practice tests, they're looking at what they've done, than eight hours of just sitting there staring at the screen.
- Lee Burgess: Yeah, I totally agree. I also think it's important to recognize when you need some additional help. Maybe these traditional programs that are out there are not going to get you where you need. Perhaps you have always excelled using either a one-on-one tutor or a more individualized approach. The reality is, you are going to get much more bang for your buck by getting some additional help if you don't wait until the last minute to do it. So, help four weeks before the exam is still helpful, but help three months before the exam is going to help you approach your studying in a much more productive way. So if you're having an inkling that you feel a little in over your head or you have special circumstances, which is going to make this bar even harder than it would be for most folks, reach out and investigate what your options are to get additional help, because as much as it feels like more money, more time, more effort, failing the bar is a lot of time and effort and sadness and frustration, and then you can't work as a lawyer. So the opportunity cost of failing the bar is incredibly high.
- Alison Monahan: Right. And then it also gets expensive fast because some people are losing their jobs. If nothing else, you're not working for another six months. Bad things happen. It's really better if there's any way possible that you can just deal with this once, just deal with it once.
- Lee Burgess: Once and done.
- Alison Monahan: Exactly.
- Lee Burgess: And as we mentioned earlier, get your life in order as much as you can. Unavoidable things are unavoidable, but don't let avoidable drama make life harder than it needs to be. This is an intense time. It's kind of like having final exams for a few months, over that summer after you graduate. So set it up as such. Don't make a bunch of doctor's appointments or a bunch of other life things. Don't move, don't get married. Try to schedule vacations outside of that time. And if there's some stuff that you can't move... For instance, during law school and while I was studying for the bar, I had a number of friends who were getting married, and I chose to go to some things, and I chose to not go to other



things. But there were some things that I just decided I wanted to build in the cushion to do. So, if you know that you're going to need to go on a trip for four days during your bar prep – well, then start studying early, and then go take the trip and not feel guilty about it. That's okay. I think that so often folks are just like, "Well, it's during bar prep. What am I going to do?" It's like, well, then make a plan. Work around it. It'll be okay if you think thoughtfully about it and come up with a plan.

Alison Monahan: Right, and I think it's the same thing around breaks and burnout and that kind of thing. Sometimes people feel like they can't take a second of the day off, and that's also not going to lead to success. So, you absolutely can go walk your dog, go on a run, see a friend, go to a yoga class. I was going to yoga twice a day when I was studying for the California bar. And that was great, but that was basically my break for the day. I didn't also sit around and watch eight hours of Netflix. So, I think you just have to figure out what's going to be refreshing for you and actually do those things and not waste a bunch of other time.

Lee Burgess: Yeah, I think that's true. Well, Alison, any final thoughts? I always get a little anxious when we do these episodes because I remember how intimidating the bar was when I was in law school.

Alison Monahan: I know. I think I actually had an anxiety dream last night now that I think about it, about taking a test and not knowing the answers. So maybe it was preparation for this. So we feel your pain. We literally feel your pain. Every bar season, I have at least one nightmare where I'm taking the bar again and I haven't studied or something like that, or they give me the wrong test. So it is a really intense time. And I think going into it with the expectation that this will be difficult and challenging, but that you can do it, and you should make good decisions to set yourself up for success, I think would be my best advice.

Lee Burgess: Yeah, I think that's true. And to just try and keep perspective, take this test seriously, but do not let it take over your life. It is still just a test. So be thoughtful about it, but don't let it drive you into the ground. Life is too short. Just prepare for it, that's all it is. It's just like any other academic exercise. It just feels a lot bigger because there's so much riding on it.

Alison Monahan: I'm always really curious about people who throw out the baby with the bathwater on this one. It's like, you know it worked, you got through law school. Don't change everything. You don't need to change everything and do something different. Just figure out what's going to work for you, get the resources you need, and hopefully pass and move on with your life.



Lee Burgess:

That is the goal. That is the goal. Alright. Well, with that, we are out of time. If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review and rating on your favorite listening app. We'd really appreciate it. And be sure to subscribe so you don't miss anything. You can also check out the [Bar Exam Toolbox podcast](#) for more information on the bar exam. If you have any questions or comments, please don't hesitate to reach out to myself or Alison at lee@lawschooltoolbox.com or alison@lawschooltoolbox.com. Or you can always contact us via our website [contact form](#) at LawSchoolToolBox.com. Thanks for listening, and we'll talk soon!

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