Episode 78: Advice for First-Time Bar Exam Takers

Lee Burgess: Welcome to the Law School Toolbox podcast. Today, we're sharing tips for first-time bar takers. Your Law School Toolbox hosts are Alison Monahan and Lee Burgess, that's me. We're here to demystify the law school and early legal career experience, so you'll be the best law student and lawyer you can be.

We're the co-creators of the Law School Toolbox, the Bar Exam Toolbox, and the Catapult Conference. Alison also runs the Girl's Guide to Law School. If you enjoy the show, please leave a review on iTunes, and if you have any questions, don't hesitate to reach out to us. You can reach us via the contact form on lawschooltoolbox.com, and we'd love to hear from you.

And with that, let's get started.

Alison Monahan: Welcome back. Today we're sharing advice for first-time bar takers. Even if you're still in law school and the bar exam may be a few years away, this is great stuff to keep in mind, so listen up. So Lee, what's your... I mean, you know, we work with a lot of people who fail the bar.

Lee Burgess: Right. Unfortunately or fortunately.

Alison Monahan: Unfortunately, yes, there are a lot of those people out there. I mean, what do you think, if you're a first time taker, what do you think is, like, the single most important thing you can do to make sure you only have to take this exam once?

Lee Burgess: I think the biggest mistake that people make when they're studying for the bar is they don't critically evaluate whether or not your bar prep is working for you.

And let's be honest, most people take some sort of large commercial bar review course that will remain nameless. There are some other online versions as well. But it's important to think about what these courses are. They are a one single solution marketed to, you know, everyone across the country.

Everyone. Everybody. And people who go to Harvard–

Alison Monahan: Literally everyone.

Lee Burgess: Yeah, like, students who go to Harvard, students who go to unaccredited law schools, students who go to online law schools, students who have been successful on standardized tests, students who have struggled on standardized tests, students who are, you know, on the dean's list of their law school, students who are on academic probation.

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And I think it's important to realize that there is really no one out-of-the-box solution that is going to adequately prepare, in our opinion, everybody in that entire class of people. Like, that's an unbelievable mixture of folks. And so you can kind of be lulled into this false sense of security by saying, "Well, the bar prep companies know what they're doing, you know.

Sure, I'm kind of freaked out and feel like I can't do the practice. But you know, if I just do everything they tell me to do, I should be fine, right?" And then you should look at your pass rates in your state, and you will probably realize that that's not the case.

Alison Monahan: Right. Well, I mean, I think that's the key takeaway here.

It's not like most people show up for the bar cold and then fail it. You know, like, everybody does a lot of work, and typically with some very expensive program backing them. So yeah, I mean, I think that's a very good point. If you look at the pass rate for any given state for first time takers, that's basically the pass rate of a large bar company.

You know? Like, yeah, that's the reality of it. If 50% of the people pass the California bar on their first attempt from a certain school, well, most of those people probably took a pretty substantial bar course. So I think that's absolutely right. Like, you cannot just sort of dial it in, show up, you know, listen to these lectures or go to the lectures.

I don't even think they do them in person anymore. But you know, you can't just sit through these videos and do the stuff that they tell you to do and think that you're guaranteed to pass. That's just not the case.

Lee Burgess: That's absolutely true. And the other key information that I think people seem to forget is you know a lot about your academic strengths and weaknesses.

You know, you're in law school right now. You are getting grades from law professors. You are taking essay exams. You are taking likely multiple-choice exams. We're seeing that more and more in our law school classes. And if you're struggling, those struggles don't go away. Like, I mean–

Alison Monahan: No.

Lee Burgess: You know, it's amazing, 'cause students think, you know, they get out of that first year of law school, and they're like, "Oh, man, real property, that was a doozy.

Thank goodness I'll never see that again." Well–

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Alison Monahan: Ha, ha. Guess what?

Lee Burgess: Guess what?

Alison Monahan: Time to brush up on the rule against perpetuities. Sorry.

Lee Burgess: Yeah, future interests are definitely gonna come back and haunt you. Or even subjects like mortgages, which, oh my gosh, we didn't even learn in my real property class, which is all over the multi-state bar exam.

So it's just really important that you evaluate your own individual situation. And I remember when I was studying for the bar, I got so much crummy advice. I got some good advice, but I got a lot of crummy advice, and one of the worst pieces of advice I got was, "Just do everything that the bar prep company tells you and you will be just fine."

Well, that's great in theory, but I can't tell you how many people, like, literally on the brink of tears, are on the phone with me after they fail saying, "I literally did everything on my to-do list. I killed myself. I studied 60-plus hours a week. How is it possible I failed?" That is just not the right way to approach bar prep.

Alison Monahan: Yeah, I mean, and I think the flip side of that, too, is you know how you learn best. So for me, you know, I've got multiple posts up saying, you know, telling people the story of how I passed two bar exams and never took Barbri.

And the reason for that is because I looked at this and I was like, "Well, it's really expensive, but my firm will pay for it, so that's not really, you know, such an issue."

But I basically looked at it and was like, "This just seems really inefficient."

You know? Like, this is not the way that I learn best. I don't learn best by sitting in a classroom and having someone lecture at me for four hours when I might already know 80% of this material. And so, you know, I got a lot of flack at the time, but I went a different route.

You know, I took this course that no one had ever heard of for the Massachusetts Bar. Part of it was automated, like, computerized MBE stuff, which I totally swear by. And I basically studied for the Massachusetts Bar in two weeks.

Lee Burgess: Yes, you being an anomaly. We have also helped other people. We have helped people pass the California Bar in two weeks as well.

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We do not recommend that. But–

Alison Monahan: That is not a recommended course of action, but what I'm saying is it is possible.

Lee Burgess: Well, and I think it's very important. What I always take from your stories of how you approached the bar is it's very important to evaluate who you are as an exam-taker and as a student, you know?

You went to an Ivy League law school. You have great standardized test-taking skills. You are a quality writer. You think and write very fast. Like, you come to the table with a lot of skills. You know, you don't have testing anxiety. You have a lot of–

Alison Monahan: No, definitely. And this was basically the analysis that I did.

And also, the pass rate at the time in the Massachusetts Bar was upwards of 90%.

You know, so I was like, all right. Given all these things, I don't need to go and spend, you know, 12 hours a day, like, listening to lectures and doing all this other stuff. It's more efficient for me to have really focused study time.

And I don't mean to say I didn't study. Like, I studied a lot in those few weeks. You know, like, very, very, very intensively, and I targeted my weak areas. And I really was evaluating on an ongoing daily or multiple-times-a-day basis, like, what do I need to know here?

You know, what are the most important things that I need to know?

What do I have to know in order to pass this test? And I think that mindset of, you know, really targeted at your own strengths and weaknesses is so much, you know, more likely to result in a passing result than someone who just says, "Well, I'm just gonna do everything that the company tells me to, even though I already know 70% of it, and 20% of it I'm completely clueless about."

Lee Burgess: Right. And to me, you know, when I think about my own bar experience, I took a big bar review course. I was on my law school's campus with everyone in my class kind of taking it together, and I found it very anxiety-inducing because people would even talk about how many hours they were studying, you know.

And I had put parameters around how I studied. I was treating it like a job. I was leaving at 6:30 every day. I was taking one day a week off. I was only studying half days on Saturday. Like, I mean, I had a lot of restrictions on it so it couldn't, you know, spiral out of control. But I remember one lunch, eating lunch in our,

like, student lounge area with some other people from law school, and a few people are just talking about how they're in the library every night until, like, 11:00 or 11:30 or whenever the library closed.

And, you know, by the end of this lunch, I'm just, like, panicking, 'cause you just start to doubt yourself. You know, you just start to doubt. Like, maybe I'm not studying enough. What if I'm not setting myself up for success? And I remember going home to my now husband, who was my boyfriend at the time, and just totally freaking out, you know, 'cause it's not–

Alison Monahan: Which everyone will do at some point during their bar prep.

Lee Burgess: And, yeah, and it's not a very, like, a long road to get to freak out when you're studying for the bar. I mean, it's, like, five steps from where you are at any given moment. And you know, I'm just starting to really panic and I'm like, "What if I'm doing this wrong?" And, you know, and he just looked at me, and he's not a lawyer and he was just like, "Well, didn't you do better in law school than all of those people you're talking about?"

And I was like, "Well, yeah." And he's like, "You didn't study until midnight when you were in law school. Like, why would you start doing that now?" And I was like, "Well, that is so reasonable and rational and good advice." Yeah, that's not where my head was at. But that was a very good reality check of just someone from outside the process saying, like, "Why would you change what you did in law school?

You know what works. Like, why are you thinking you have to do more?" And I think that was very sane advice in a very somewhat insane period of time where people really get worked up and try and push themselves to do things that are unnecessary.

Alison Monahan: Well, and I think that's a good point, too, is, you know, you basically know how you learn best.

And you know, you know whether you're one of those people that has to work five hours longer than everyone else to get the same result or not.

And it's important to design your schedule around your learning capacity, basically. You know, I mean, frankly, if you're studying, like, 12 hours a day for eight weeks every day for one test, you're not studying efficiently.

Lee Burgess: No.

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Alison Monahan: You're not learning, you know? You're just, you're basically, you're almost guaranteed burnout at that point.

And I think that's one of the things, you know, overworking and really overstudying, you know, thinking you have to know every single detail of every element, of everything. Like, I think, you know, for good students, I think that's really what makes them fail.

Lee Burgess: I think that's true. I think they, you know, lose the forest through the trees. They really lose what the task is at hand. The fact that the bar exam, although it can feel like an overwhelming amount of law, and we'll be honest, it's a lot of work and a lot of law, it is still a minimum competency knowledge of the law exam.

It is not about becoming an expert in the 13 or however many subjects are on your given jurisdiction. And you have to keep perspective. You have to know the rules of the game. And one of the things I often talk about with folks who have failed the bar is, you know, how this test is graded.

Like, what's the end game? You know, what are they really looking for? You know, we talk about this in our law school podcast and when we work with tutoring students as well. It's like, do you know what the exam grader wants? Do you know what the professor's looking for? Do you know what the sample answer needs to look like?

Are you studying to create that answer? And I think that gets lost in the bar world. It's like, oh, they're only spending a couple minutes grading your answer. They don't care if you have the most novel argument because you have done a deep dive into real property, you know, and you now have this appreciation of the rule against perpetuities that no one else in the room has.

They really don't care. That's not what they're looking for. They're just–

Alison Monahan: In fact, that's sort of the opposite of what they're looking for.

Lee Burgess: Right. You know, they're looking for a response that is solicited by the call of the question and the facts in the question. They're looking for, you know, clean, clear statements of the law.

They're looking for precision on the issues that are raised. They're looking for solid analysis. And then they want to move on, you know? Extra stuff doesn't get you any extra points. And it's so easy when you get buried in these hours and hours and hours of lectures to kind of forget what the end game is, and have a

bit of a reality check, and realize what's really going on and how you're being graded.

Alison Monahan: Right, and I think for a subject that you've never studied before, like take community property, community property is probably one of the big ones, 'cause that's actually, you know, like a real subject. But I mean, you should be able to learn the law necessary for the bar exam from scratch in any given subject area in a, like, couple of days.

Like, you know, that's the level of knowledge we're talking about.

Lee Burgess: Yeah. I remember on my bar exam, I never took remedies in law school, and they had told us that remedies was not gonna be on our test. That's what the powers that be had told us. But I–

Alison Monahan: Really?

Lee Burgess: Yeah, I know. I know.

Alison Monahan: I'm like, that seems highly unlikely to me, I'm just gonna say.

Lee Burgess: Yeah. But they told us there–

Alison Monahan: Just because they're so easy to weave into any other question.

Lee Burgess: Yeah. Well, they... Well, it was a straight-up remedies question. They were like, "There's no way. There hasn't been one in years. There's no way you'll get a single subject remedies question." I'm not a paranoid person, but I'm a risk-averse person. I don't like to gamble. And so, like, if I'm gonna waste money, I'd rather buy things.

Like, I just don't like to gamble. And so I was kind of like, "You know, that doesn't really sound like a good bet to me." And so, day three of the California Bar, at that point it was three days long, there's a session of three essays in the morning, and as I'm drinking coffee in my hotel room, I pull out my bare bones remedies outline that I'd built and said, "You know, I better just review this one more time.

It hasn't showed up on the test yet. I didn't take this class in law school, and I just gotta know something." And then I literally walk into the test, open the book, question number four is a straight-up remedies question. Nothing... I

mean, and with very, like, replevin was, like, in the call of the, like, one of the calls of the question.

God. Like, it wasn't even like you could BS your way around that. I mean, like, you had to know what replevin was, because there was like a three or four part call to question, and replevin was one of them. Specific performance was one of them that isn't. So, but, like, replevin. But luckily, I was like, "I just read about replevin over coffee.

Like, I am good," you know? And so, but again, it was that idea that had I not thought about the end game, right? Had not thought about the fact that I just needed to know something. I needed to know the basics. I did not know any sophisticated information about remedies. I was still able to answer that question, and I think if I could get my scores back, I bet I did pretty well on that because I just knew basic law that could be applied. You know, like–

Alison Monahan: You were probably one of, like, 10% of the people in the room who had any clue what replevin actually was.

Lee Burgess: I know. But again, it's just not freaking out and saying, like, "Oh, well, I didn't take remedies, so I should just bank on the fact that it's not gonna be on the test." It was more like, "Well, I didn't take remedies, so I better memorize basic remedies rules so I could spot them out if needed to be."

And I knew plenty of law to rock that question. Plenty. And you know–

Alison Monahan: Yeah, I think in Massachusetts they had some weird thing called, like, commercial paper.

Lee Burgess: Oh, yeah.

Alison Monahan: I don't think it's on the California bar. But it was all about, like, checks and things like this. I mean, no one had taken this in law school.

It was, like, this weird, antiquated... But again, it was like, you spend half a day on it, make yourself a, you know, basic outline, and then review the outline. That's all the information you need should this come up.

Lee Burgess: And then there's also the fact that there is likely to be information on the bar that no one in the room has studied.

There was a BarBri lecturer when I was taking the bar who used to have this quote that said, "If you don't know it, nobody knows it," because it probably

wasn't in the review books. And question number three on my bar involved a law that wasn't in the Conviser mini review. Like, 'cause I went back and looked when I went back to review.

Alison Monahan: Do you think the bar examiners, like, read that and then put questions based on what's not in it? That would be brilliant.

Lee Burgess: I know. I don't know. But you know, it was really interesting. There was law on there. It was something about preemption of executive orders over state law or something like that or, anyway, it was something that, I mean, I had taken federal courts.

I had taken advanced con law. Nothing. Nothing. I'd never heard of the stuff. And–

Alison Monahan: No, the reality is, like, you're not gonna lose that many points for making up something that seems reasonable. Trust me, I did it. I passed.

Lee Burgess: But I think that's what's important is this, you have to accept that no matter how much you study, you could still walk into the test and have law on there that you don't know.

And that's why you, again, have to keep perspective when you get very, very caught up in these hours and hours of lectures or feeling like you're drinking from a fire hose when you're studying the law. Because they could still–

Alison Monahan: Or what I love, like, people making flashcards of, like, the exceptions to the exceptions to try to memorize these.

It's like this is not where you should be focusing your attention. This is the 80/20 rule. Focus on, like, what really matters. Know that you will probably be okay.

Lee Burgess: Right. So you just have to own the fact that you could memorize some of the entire outlines provided by your bar review providers and still not know some of the law that's on the test, that should really be a reality check for you about how you need to study for this exam.

And so it's a balance, you know? I think it can feel like you need to spend all your time learning substantive law, but I think one of the biggest mistakes we see with especially first-time takers is they get caught up in studying of the law, and they don't do the practice. I mean, your bar review companies are gonna let you turn in some essays for feedback.

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I have students tell me they didn't do it. I think that's a mistake. Like, first of all, you paid all this money. Like, you should use every single resource they provide you. You know, or I've also heard students say, "Well, I didn't do the practice because I didn't know the law well enough."

I'm like, practice is how you test yourself on knowledge of the law. Practice is how you learn. But it's also how–

Alison Monahan: You solidify that knowledge.

Lee Burgess: Right.

Alison Monahan: You know, there's lots of, like, learning theory stuff about if you want to learn something, practice it and see what you don't know, and then work on that part.

You know, particularly for something like the MBE, like, it's just insane to think that you could possibly pass this section of the test without doing a lot of MBE questions, and not just at random, you know? It's like if you don't have a lot of time or, no one has a lot of time studying for the bar, like, target the stuff you don't know.

Lee Burgess: Right. Exactly.

Alison Monahan: It's not fun. It's horrible. I mean, that's how I passed the MBE is, it was, you know, the software I had is now similar to what AdaptiBar is. But, you know, it was quizzing me on the stuff I don't know. And so after you get, you know, the same Fourth Amendment search and seizure questions wrong 15 times, you start to learn what the correct answer is.

But you need to do those questions over and over, and not just be doing, you know, 30 random questions where, again, like 25 of them you might be solid on.

Lee Burgess: I think that's true, and I think the mistake students make oftentimes with the MBEs and with the essays and performance tests is that they don't evaluate why things have gone wrong.

So, you know, you'll do a set of MBE questions, but then they're like, "Oh, man, I just got 50%." It's like, okay. Well, why? Is it because–

Alison Monahan: Yeah, like what's happening?

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Lee Burgess: Right. Is it because you didn't know the law? Is it because you misread the question? Is it because you didn't notice something in the facts? Is it because you got distracted by one of their distractor answers?

Like, there's a reason why you're missing a question. I mean, for me, I am not a multiple-choice whiz. And so if I don't read a multiple-choice question carefully, I almost always get it wrong. And I know a lot of bar law, and I'm pretty good at taking tests at this point. But, you know, if I sit down and a student hands me a question, I, like, have to look and read it carefully because if I don't, I skim over something 'cause I don't like multiple choice, so I'm just like, "Blegh."

So I just skim it over, and then you end up getting it wrong. Like–

Alison Monahan: Right, which the questions are designed to do that.

Lee Burgess: Right. Yeah. And guys, I used to tutor the SAT. It's not like I'm a new kid on the block when it comes to like standardized testing. We all have our weak points and, like, you know, if you are one of those people who can miss questions just because you don't slow down and read it carefully enough, then that's important to check in with yourself every time you're doing that multiple choice to see if that's the reason why you're struggling.

I mean, I even got to the point where I hated doing that practice so much that I would take like a ruler and make myself read line by line the question on the paper. So I'd slow down and force myself to be conscious of it because that increased my accuracy. Nobody cares how you get them right.

You just have to figure out what's going wrong so you can get them right. I mean, they care if you're cheating, so don't cheat. But other than that, you can do pretty much whatever you want.

Alison Monahan: Yeah, exactly. I mean, you're the one who has to go into this test. You're the one who has to pass this test. People can give you all kinds of advice.

You know, companies can give you all sorts of information to work with. But ultimately, you are the person who is sitting down in that chair, who has to, you know, get the stuff down on paper in a way that will enable you to pass.

Lee Burgess: Yeah. So let's go back to the feedback. You know, hopefully you're gonna get some sort of feedback from your school, from your bar review provider, whatever it might be.

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Here's another common mistake. You get the feedback and you read it, and you're like, "Oh, man, I just don't have enough analysis." And then you, like, put it in the pile on the floor. Okay, that's a mistake. You know? That's a mistake. So if you don't understand their feedback or if you're like, "Oh, man, I really screwed up that section," the next step is what's really important.

It's like, how would you fix it? You need to figure out how to fix it. You need to figure out how to rewrite it. You need to figure out what better analysis would look like. You need to really, you know, learn that information. You know, we talk about a tool on our website called BarEssays.com that'll have banks of real graded student answers.

A lot of students like comparing their answers to, this is only for the California Bar unfortunately, but comparing their answers to different levels of answers. That can be really helpful. You know, for the UBE, they release these very intense score sheets that can be a little frustrating to deal with.

But still, what you need to do is to make sure that if you're getting feedback that, like, your analysis is too thin, spend some time figuring out how you would change that. And if you can't figure that out, that is a great opportunity to reach out for additional help. I think that's really where tutors or folks at your school or whoever you have access to to really help shift your writing so you understand what needs to be out there for the bar graders.

That's really what's important because, you know, I was just talking to someone recently, and they were foreign-trained lawyers. They were someone for whom English was not their first language. And they were really feeling like that the fact that their English may not be perfect was the reason that they were not passing the bar.

And, you know, we talked to graders. They don't really care. Like, it has to be legible, you know? They have to be able to understand it. But they can tell if possibly English is not your first language. That's not gonna, probably what's gonna stand in your way. They know it's a tight timeframe, you know.

But is the analysis still there? Is the issue spotting still there? Is your understanding of the law still there? You need to be worrying about the right things that are standing in your way. And if you don't know what those things are, you have to get extra help. The opportunity cost of failing the bar is huge.

Alison Monahan: Oh, absolutely. I mean, you're talking six months of your life, everything's on hold.

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Lee Burgess: Thousands of dollars.

Alison Monahan: Thousands of dollars. Possibly you lose a job. Possibly you don't get a job. I mean, this is, you know, I think the takeaway here has to be you need to do everything in your power to pass this the first time you take it.

And that means getting... You know, sometimes you hear people say things like, "Oh, well, I just thought of the first run as, like, a dry run for practice."

Lee Burgess: Yeah, and–

Alison Monahan: It's like why, like why bother?

Lee Burgess: Why? Why do that to yourself? Also, once you have failed, even if you go into it knowing you failed, it still creates disappointment.

It still makes it more difficult to come back and be successful. 'Cause we're not used to failing. Like, law students are typically perfectionists or have some sort of part of their personality that's a perfectionist part. We don't like to fail. So don't set yourself up for failure. Don't just throw up your hands.

You know, don't... I've had a lot of students, you know, crazy stuff happens during the bar. I had a student once who had appendicitis, like three or four weeks before the exam, and had to basically take, you know, a week and a half off to two weeks off completely just because she needed to get better.

And I remember being on the phone with her, and she's like, "What do I do?" I said, "We create a strategic plan, and you study your ass off because I don't want you to have to do this again." You know, it's like... And this, you know, when she studied her ass off, she passed.

Alison Monahan: Yeah, it's like, if you think it's bad now, wait until you're doing it for the second or the third time.

Lee Burgess: Yeah. I mean, it's... So, you know, when those moments of doubt come up as they do for everybody, it's important to critically evaluate, is there something else I need? Do I need more people on my team? Do I need feedback? Do I need a tutor? You know, what do I need to get myself–

Alison Monahan: Do I need a massage?

Lee Burgess: Yeah. Do I need a massage or do you need to go for a run? Do I need to go to yoga? Do I need to do a day of day drinking in the sunshine? Like, whatever it is,

it is. You know, I think you have to kind of critically evaluate at each point in this process. Because what breaks my heart is when I talk to people who've failed, and they admit that they knew things were going south, and that they didn't do anything.

They just stayed the course. And then, you know, as much as they were upset by the result, they weren't shocked by it. And it could've been salvageable. I think that that's, to me, what's really sad.

Alison Monahan: Right, I think one other thing that we should at least touch on is, and I think it's worth it to get real about whether you even wanna pass.

Like, we've talked to people who failed and were happy about it. Because actually they didn't really wanna go to law school, they didn't really wanna be a lawyer, and it's just like, why subject yourself to this? Like, you know, just don't even take it if that's the situation.

Lee Burgess: Yeah. I mean, if you are debating whether or not you wanna be a lawyer, it... Well, whatever, don't have that debate during bar season. Like, you need to either–

Alison Monahan: Yeah, just make a decision one way or the other.

Lee Burgess: Yeah, just decide you're all in or all out, because any feelings of doubt you might have are gonna self-sabotage yourself. I mean, we've got other podcasts on self-sabotaging behavior, which, you know, can even be more intense during the bar season, 'cause it's so long.

But for first-time takers especially, like, if you are now through law school and you don't have a job, and you're saying, "Well, maybe I'm just gonna go home and work for the family business or, you know, move back to, you know, to where my grandparents live, or do this or that," or whatever. And so the stakes don't feel high enough.

You know, one and done needs to be your motto. That was always my motto. Every time things got rough, I was like, "I just want this to be one and done. I'm just gonna do this and get through it, and I never wanna have to do it again. And I'm gonna do whatever I have to do to increase the likelihood that I'm never gonna have to do this again."

Alison Monahan: Yeah, it's a miserable experience. We don't recommend repeating it if you can avoid it.

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Lee Burgess: Right. So, you know, we have a great podcast on, you know, how to come back from a bar exam failure if you're there. But if you're looking into your bar exam future right now, I think you want to, you know, evaluate your resources.

You wanna think critically about what your strengths and weaknesses are. Hey, if you're still in law school, if you're a 3L and you're listening to this, you can actually do things right now to get yourself ready based on your own weak points. You know, depending on your jurisdiction, you can even start studying now for certain parts of the exam, especially the performance test, which requires you to know no law.

So there's a lot that can be done, but you need to sit down and think about, you know, who you are as a law student, who you're gonna be as a bar exam taker, and who you need on your team to make sure that you can do this and make it one and done.

Alison Monahan: Yeah, I think you've got to critically evaluate on an ongoing basis, how are things going?

Am I preparing in a way that makes sense for me? Are there other resources? You know, say for example, you mentioned practice earlier. You're like, "Oh, well, I just can't make myself, you know, do the practice." Well, we happen to have a course called WOW, which is like a writing-of-the-week course. It's not gonna force you to sit down and do that practice, but it might help you do that.

You know, it's like these little things of, you know, maybe you need to meet with someone else as a pair to study or in a, probably not a group study, but you know, maybe you go to your friend's or the library and you both study together, and then you both take a break for coffee. You know, these little things to make the process just more bearable, I think, can really make a huge difference.

I mean, one thing I did was I got an unlimited monthly yoga pass when I was studying in California, and I would literally sometimes go twice or three times a day. I think by the third time, they were finally like, "Why are you here all the time?" And I was like, "I'm studying for the bar."

They're like, "Oh, great." You know, it was like I would go in the morning, and then I would do a few hours of study, and then maybe I'd get burned out, you know, start getting a little low on energy, go have some lunch, go to yoga.

And then sometimes I'd even do it at night to relax.

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Lee Burgess: Yeah, I mean, you have to think about what you can do to really set yourself up and protect yourself from burnout and things like that.

So a couple other areas that I think first-time takers don't pay enough attention to is spending a little bit of energy really getting ready for the exam day. I think that you can get so caught up in knowing the law that you forget to think a little bit about logistics. Logistics can actually really play a big part in setting yourself up for success.

So by logistics–

Alison Monahan: Oh, yeah.

Lee Burgess: Yeah, so by logistics, I mean make sure that you have a hotel booked, make sure that you have a low level room for that hotel. You don't want to be at the top of a tower, 'cause you'll never be able to get to your room with the elevators.

Alison Monahan: The other thing I'd say on a hotel front, speaking from experience, you probably wanna consider not staying in the hotel that, like, every other bar taker is staying in.

Like, or at least evaluate how that's gonna work for you. Like, for me, I knew, like, I never studied in the law school library. Being around other stressed out people stresses me out. I was like, "Yeah, okay. There's a hotel right by where I could take the bar." I think that's where you stayed. And yeah, that's convenient, but I could stay three blocks away, I could have a hotel on the waterfront, and I would not be surrounded by thousands of stressed out people.

And for me, that was a much better option.

Lee Burgess: Oh, yeah. I mean, when everyone was checking in, it was like dorm move-in day. It was crazy. People were, like, bringing in all this stuff. Yeah, you knew people in your hallway. One of my friends from law school was across the hall from me, and I used to see how many beers he had drank because he was leaving them out in the hallway for the housekeeping to pick up.

Alison Monahan: Oh, dear. What I did is I took the ferry from San Francisco to Oakland, and I got off the ferry, and I walked across the parking lot, and I checked into my hotel.

Lee Burgess: Yeah. That's not a bad deal. But, you know, you've gotta evaluate the hotel. You've gotta make sure it's gonna work for you, and then you need to figure out, you know, transportation issues.

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Other things people don't think about is oftentimes you can go back to your hotel and eat lunch, which I think is actually a really critical thing to get away from the craziness, especially if you're able to have a fridge in your room. You can leave food in there. But again, you gotta think through this stuff earlier, so you can make sure it's all set up.

And–

Alison Monahan: Well, and just making sure you have some place to eat lunch–

Lee Burgess: Yes.

Alison Monahan: If not, like, figuring out what you're gonna do.

Lee Burgess: Right. Yeah. Feeding yourself is important. French fries for lunch are not recommended. That's probably not gonna sustain you. Like, I have talked to students who I see their afternoon scores, and I'm like, "What happened?"

It's like, "What did you eat?" "Well, I had french fries for lunch." Okay, well, I have never met a potato I don't like, but I cannot just eat french fries for lunch and perform at my best. So it's just–

Alison Monahan: No one can, particularly not after three hours of heavy thinking.

Lee Burgess: Exactly. Exactly. So you have to really think about all of these things.

What you're gonna feed yourself, where you're gonna eat, you know, where you're gonna sleep, how long is it gonna take you to the testing center? You know, can you walk? Do you need to take a bus? Do you know which bus routes at, you know, near the thing?

Alison Monahan: I mean, I would say do anything in your power to avoid having to do anything but walk to the test site.

Lee Burgess: I agree. Man, public transit is just a gamble. Parking is also somewhat of a gamble, but public transit, just stuff can happen, man. Stuff can just, stuff can happen.

Alison Monahan: I mean, stuff can happen driving too. That's the whole thing. It's like if you can find a hotel that works that, like, allows you to walk or even, like, bike to the hotel, like propel yourself by your own power.

You know, I think that is, like, that just eliminates a whole source of stress.

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Lee Burgess: Yeah. I think that that's very true. And minimizing risk around the bar is very important. Other things that people forget to think about, you know, do you have your admission ticket? Do you know what's allowed to be taken into the exam room?

Different jurisdictions have different lists of things.

Alison Monahan: Oh, and then do you know what you can wear? Like, I think it's Virginia makes you dress in a suit.

Lee Burgess: I think they might have changed that rule, but they at least used to. Like, it's crazy what they would, you know, have required and stuff. Yeah.

Alison Monahan: Like, can you wear a hoodie or not wear a hoodie?

Lee Burgess: Right.

Alison Monahan: You know? It's like you need to know these things.

Lee Burgess: What about your computer? Is your computer set up? Does it... You know, have you loaded the test software? Have you tested the test software? Do you know–

Alison Monahan: Where you're gonna upload your answers?

Lee Burgess: Yeah.

Alison Monahan: If you have to upload them.

Lee Burgess: Exactly. Do you know what happens if your computer doesn't work? You know, I hate to talk about it, but computer problems happen during the bar all the time, and sometimes it's not even your computer. One year a few years back, I went to California in the Oakland's location.

They had power strips for the first like two or three rows of desks. And I mean, guys, like, this was the July bar. I mean, like thousands of people. Like, three or four... Don't you think... Did you take the July California in Oakland?

Alison Monahan: I took February.

Lee Burgess: Oh, you took February, so it's not... I mean–

Alison Monahan: I was working.

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Lee Burgess: Thousands and thousands of people are in this room. It was like not a small space. And just a few of them, they're like, "Oh, yeah, sorry, your power cords aren't working." So my friends who had older laptops who didn't have battery life that would last for the whole session, their laptops broke in the middle, and they were handed a Bluebook.

That's not fucking... And like there's no, you can't, you cannot complain. You have no recourse. You have no recourse. They just hand you a Bluebook. So, you know, you need to just–

Alison Monahan: In fairness, when I took the Massachusetts Bar, they still required everyone to hand write.

Lee Burgess: Yeah. So it's better than that.

Alison Monahan: It's like try handwriting for six hours a day, and like tell me the last time you hand wrote more than like 10 words.

Lee Burgess: Yeah. So just be aware of what your bar's rules are about stuff like that. Make sure you know what is allowed to be brought into the room. I mean, if you get caught with contraband, like a cell phone or anything in your pocket, some jurisdictions–

Alison Monahan: Or even just like snacks and water.

Lee Burgess: Food, water. Like, mixed berries.

Like, it's like in California, it's a Rule 11 violation. They talk about it all the time. You don't wanna get caught with that stuff. I mean, this is serious business. The bar is not something to be, like, joked around with. The state bars take this stuff really seriously, and if you are not taking it seriously, it can cause a lot of trouble.

Alison Monahan: Yeah.

Lee Burgess: Yeah. So make sure you have all your ducks in a row. You know, pack up your stuff, know what you can take in the room, what you're gonna wear, what you're gonna carry all your stuff in. Are you gonna leave stuff in the hallway? You know, things like that, all very, very important.

Alison Monahan: Well, the other thing is, like, you know, if you have any sort of special situation.

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Do you need accommodations for anything? You know, are you breastfeeding? You know, this is something that comes up all the time. Do not leave these things to the last minute.

Lee Burgess: Yep, exactly. And if you've been on the fence about getting accommodations, we have a great podcast on accommodations, from a therapist who does those accommodation testings and writes the letters to the bar and things like that.

But it's not a simple process. You need to get those, you know, balls rolling as quickly as possible. Nothing's more stressful than not knowing the conditions under which you're going to be allowed to take the test. You know, like, are you gonna get 60 minutes or 90 minutes? Are you going to get 30 minutes or 60 minutes?

I mean, that's a huge, huge difference you need to know. Are you gonna take the test over six days or three days or four days or two days? Are your MBEs gonna be, you know, one set a day or two set a day? You have to know that information. It allows you to prepare. So that doesn't mean, that doesn't just discourage you, if you're a little late on applying for accommodations, to go ahead and do that.

I think you should go ahead and do it, but you need to get it done and then move on, because you need to get back to work and back to studying.

Alison Monahan: Yeah, and ultimately, there's nothing you really can do about it while you're waiting for the answer, so focusing on that, again, is just another type of self-sabotage.

Lee Burgess: Yeah. I think the last thing to think about is, you know, of course, I mean, we run a whole website with bar exam advice, BarExamToolbox.com, but it can be very easy to dive into the internet and get very caught up in all of the different advice, much of which is bad, we'll be honest. There's terrible advice on the internet.

There's terrible advice from other people who've taken the bar. There can be terrible advice from people who have just graduated and passed the bar. You have to be very careful to control your information. Make sure that what you're seeing online, what you're reading online is helping you get to where you need to be.

You know, reading tragic stories of what's happened to people on the bar exam is probably not a good use of your time. You know, to spend all of your energy

reading, you know, 27 different approaches to how to study the law is probably not a good use of your time. You know, the same kind of goes with social media, I think.

I think especially in this current political climate, you know, I know Alison, we just went on a retreat and we spent a lot of time talking about, you know, taking social media diets or how to contain social media use, because it can be very emotionally triggering these days. And you have to really evaluate the information that you're taking in.

If all your friends are studying for the bar and posting crazy stuff about how stressed they are on Facebook, maybe this is a good time to only look at Facebook on your days off.

Alison Monahan: Or not at all.

Lee Burgess: Or not at all. You know? Not at all.

Alison Monahan: Maybe just announce, like, you're taking a Bar break. It's totally acceptable.

Tell people you're not gonna be there. And just, you know, maybe your social media break is looking at pretty pictures on Instagram.

Lee Burgess: Exactly. Or we just read an interesting post. Is it Cal Newport? Is that the post that you sent me about this? Where he was talking about, you know, only really reading the news in digest form on the weekends because it's so distracting.

Which I thought was actually, like, if you're one of these people who needs to be connected in some way, just set some parameters around it so you do it on your days off so it's not distracting. You know, maybe don't watch John Oliver at night before you're going to bed 'cause if that's gonna make you really angry, that might not be the best thing to, like, lull you into a peaceful slumber.

It might send you, you know, into the deep depths of the internet, you know, reading about whatever controversial thing is being talked about, and then you're up half the night because you're stressed out. And because of the Bar, you're gonna be more stressed out and more easily triggered because you're likely even more emotional.

And so it's just something to be really, really conscious of. I think it's a great time to get some books that you wanna read. I am a big fan of biographies because very seldom when you read a biography can you not put it down. Because, like, I

don't know, that's one of the reasons, like in high-stress situations, I like to read biographies.

And so I actually read Barbara Walters' biography first when I was studying for the Bar. Very interesting. I don't remember who gave that to me, but somebody did, and it was very interesting. But I would read at night before bed because I had to do something outside the box that was not stressful and that wouldn't get me, you know, too excited about what was going on so I could put it down.

Reading like a murder mystery or something where you're like, "I gotta get to the next chapter. I gotta get..." Then you're up, you know, for hours trying to finish a book, which is not really conducive to helping you study, either.

Alison Monahan: Yeah, I like the new Salman Rushdie. I just finished that recently. It's a good–

Like, it's a fable, basically. Sort of a fairy tale. But yeah, it's a good... Like, it's engaging, but not too engaging, and I think that's really what we're looking for.

Lee Burgess: Yeah. I was actually reading a book during bar week. Gosh, I can't remember what it was called, but it was... It was something about, like, a knitting club or something like that.

It was kind of a feel-good story of women and their community. And then I, like, literally get to a chapter. I won't say too much about it, 'cause I don't wanna ruin it if somebody's reading this book, but... And then somebody, like, gets cancer, and I literally turned the page, it was like, "Cancer," and I shut it.

I, like, laid it on the nightstand. I was like, "I can't read about cancer right now." Like, it is, like, the night before day three of the bar exam. Like, it's, like, 10 o'clock at night. There's no... I can't go there. I can't go there.

Alison Monahan: Yeah, I think that night I was really happy to find on TV, I think it was, like, Harold & Kumar Go to White Castle, which I'd already seen. Like, I knew what was gonna happen. I was like, "Oh, this is the perfect movie to be watching," like, the night before the last day of the bar.

Lee Burgess: I know. I think HBO was playing Happy Feet on loop. You know, the animated penguin movie. So I watched a lot of Happy Feet while I was studying or taking the bar exam.

But you have to be really careful about your own sanity, you know? And–

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Alison Monahan: Oh, for sure. Remove the triggers that you can remove. It's a very, very, very stressful experience. I don't think anyone shows up to the bar exam being 100% confident that they're gonna pass. A lot of why people fail is because they just, like, literally fall apart.

You know, with the burnout, and the overwork, and all this. That is not a path you wanna go down. Like, better to study an hour less per day and arrive refreshed and ready to go.

Lee Burgess: Yeah, exactly. So this podcast wasn't, you know, really meant to stress you out about the bar, if you're either studying right now or getting ready to study this summer.

But what we really want you to take away from it is that it's, you know, it's not an easy just like check the box on a list of things to do and you'll be fine. You have to be engaged. You have to realize that this is your fate. You have to critically evaluate what you're doing. You have to take care of yourself.

You have to, you know, be organized and keep your ducks in a row and, you know, have a plan for what's gonna happen on exam day. It's totally possible to pass with a smart plan, and you need to reach out to additional resources if you are struggling. Don't struggle alone. There are plenty of people at your law school.

There are bar exam tutors like us. There are resources out there to help you if you're getting derailed. But you need to be aware enough to know that things are going south so you can fix them. Because as much as I would love to talk to you listeners out there, you know, you can just send me an email to tell me how great you did on the bar exam.

I don't necessarily, you know, enjoy having to talk to folks about why this situation went south for them. And so we just hope that our words of warning here can kind of prop you up, to be on the lookout for these common pitfalls. So hopefully, you are in the portion of people that do pass come exam day.

Alison Monahan: Good luck.

Lee Burgess: Yes.

Alison Monahan: All right. Better you than me.

Lee Burgess: So with that–

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Alison Monahan: Not an experience I want to repeat.

Lee Burgess: I know. One and done, guys. One and done. So with that, unfortunately, 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 iTunes.

We'd really appreciate it. And be sure to subscribe so you don't miss anything. You can also check out our sister site, thebarexamtoolbox.com, for more tips on the bar exam and information on our courses, such as the Writing of the Week course and tutoring options. We tutor for both the California Bar and the UBE.

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. Good luck studying for the bar exam, and we'll talk soon.