Passing the Bar: A Quick Reference Guide For Today’s Law Student

Allie Robbins
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For 1Ls and 2Ls: Using Law School To Prepare For The Bar

Both the bar exam and law practice require you to work with a large volume of material – to understand it, synthesize it, and ultimately apply it to different sets of facts. Those are the skills you learn from day one of law school. Beware of shortcuts. If you don't figure out how to do this in the manner that works best for you during law school, the transition to both bar study and practice will be more difficult later.

That means you have to struggle through making case briefs. It means you need to labor through making your own study materials – outlines, flashcards, charts. You may think that this doesn't apply to you, that you can use other people's outlines or canned briefs and still do well on the bar and as a lawyer. Maybe you can – but it will be much harder – and you won't graduate with some of the fundamental analytic skills that lawyers need to do their jobs well.

Law school is hard and hectic. There is a lot to juggle, and it can be difficult just to keep up with your daily responsibilities. However, there are a number of things you can do during law school that will help you with the bar study process. You will be much better off going into the bar prep period if you have a strong sense of who you are as a learner. Paying attention to how you learn will also make you more academically successful during law school. Bar prep (and law school) is full of advice – people telling you what to do based on what they did. But the only way to pass the bar exam is to study in a manner that is well connected to your own cognitive processes. You will have a tremendous advantage if you know what that is before you enter the bar study period.

This is where law school comes in. You have three or four years to figure out what study materials and methods work best for your brain. The time in law school is the time to figure out your best study practices. Fortunately, there are experts on most law school campuses who can help you with this. Seek out your academic skills teachers, as this is what they do best. They might also be known as academic success or academic support. If you are reading this at the end of your time in law school, or if you have already graduated, do not fear! It is not too late to figure out a learning practice that works for you. The key is to be active with your learning, and to continuously reflect upon and revise your study process.

One main task you will have to accomplish during bar prep is to understand and memorize a large amount of material. A lot of research has been done regarding how people learn best. The key is to be active with your learning, to do more practice questions than you are comfortable doing, before you are ready to do them, and to space out your memorization. Many students spend a lot of time reading things over and over, whether that is cases or outlines. Unfortunately, most people can’t actually memorize just from reading. Repetitive reading gives you a false sense of what you actually know. As you read you will become familiar with the words on the page and think that you have understood and internalized them. But familiarity does not actually mean that you have memorized and processed what the words mean. It certainly doesn’t mean you know how to apply the rules to new factual scenarios, which is the primary skill you will be assessed on during law school. Instead, you need to test yourself, write things out, talk things out, and otherwise be actively engaged with the material.

The more active you are in your own learning process during law school, the better off you will be for the bar, and in practice. Some students like to make linear outlines, some make flashcards, some make mind maps, some make charts or diagrams, some write notes on giant posters or white boards, some record themselves and repeatedly listen to themselves reciting doctrine, some write or type out rules over and over. The most successful students do a combination of these things, or find other creative ways to learn the material they need to know in law school. You should use your time in law school to experiment with different methods of memorization and see which methods work best for you. The key is to be energetically engaged in both memorization and understanding, instead of passively re-reading. Memorization is necessary, but you will not do well in law school or pass the bar if you have only memorized rules, but have not learned how to apply those rules to different factual scenarios.

In order to *effectively* memorize, you must in some way make the material your own. You will have to synthesize it for yourself so that you gain facility with it, and understand the nuances of the material. That doesn’t mean that you should never look at anyone else’s outlines or commercial study materials. It is helpful to use them as a tool – as a reference point. But, you need to know how to get to that place yourself too. Now is the time to develop the skills of rule synthesis and memorizing so that doing so becomes second nature to you. It will pay off for the bar exam, and throughout your legal career. It is the process of synthesizing the material that is the real learning, not memorizing the finished product of an outline itself.

One of the traps that students fall into during bar prep is trying too many new things. Sometimes students will succumb to peer pressure. For example, students often feel like they need to use flashcards, even though they have never used them before and they don’t work for them, simply because a friend is using flashcards. Bar study is generally not the time to try something new or use something you aren’t comfortable with, especially just because others are doing it. You can be confident in the study methods that work for you if you have been using them throughout law school, and have been thoughtful and deliberate about determining how you learn best.

The other skill to perfect during law school is, of course, exam taking itself. You will be confronted with a number of in-class exams during law school. Many of these will include multiple choice questions and essays that are modeled after those you will see on the bar. Even if the questions your law professors test you on are not in bar exam format, the analytical skills you will need to do well on them are substantially similar to the skills you will need on the bar exam. Becoming accustomed to taking exams is imperative, especially if you earned an undergraduate degree primarily by writing papers, or other untimed assessments. Even if you are historically a good test-taker, that does not mean exams will be simple in law school. The analytical skills being tested in law school are unlike what has been tested on your prior exams in other educational programs. Consequently, your exam preparation must change as well.

In order to learn how to become a better test-taker, you must practice the kind of essays and multiple-choice questions that law schools use. You should seek out practice questions from your professors, law school exam files, and academic support professionals. If you cannot find previous exams from your professor, use commercial sources like study guides and bar review books. You can also turn any hypothetical question or example that your professor uses in class discussion into an opportunity to practice writing out a full essay answer in IRAC format.

It is not enough to just do questions and look at the answers. You have to be thoughtful and reflective, and assess why you are answering a question incorrectly. Is it because you didn't know a rule? Did you forget an important exception? Did you read too fast and miss an important word or fact? Did you read too slowly and overanalyze? Did you add a fact that was not actually included in the question? Reflecting on each question you do – not just on the rule itself, but on your test-taking process – will help you improve tremendously. You can do this by carefully reading and deconstructing sample/model answers. As you begin to notice patterns in your test-taking missteps, you can develop strategies to retrain yourself to avoid those common mistakes. You do not need to do this work alone. Seek assistance from your professors and from your school’s academic skills professors.

It can be helpful to keep a journal of these types of tidbits during your first semester of law school. You can develop valuable insights about yourself as a learner and your own learning processes. (The technical term for this process is metacognition.) Then you can begin to develop strategies to strengthen your weaknesses and avoid common pitfalls. Many of us go through years of education without knowing how we learn best. Paying attention to this in law school will give you a tremendous advantage when you begin to study for the bar exam, and when you enter law practice, as lawyers are lifelong learners.

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