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

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Multistate Essay Exam (MEE)

According to the National Conference of Bar Examiners (NCBE), the purpose of the Multistate Essay Exam (MEE) “is to test the examinee’s ability to (1) identify legal issues raised by a hypothetical factual situation; (2) separate material which is relevant from that which is not; (3) present a reasoned analysis of the relevant issues in a clear, concise, and well-organized composition; and (4) demonstrate an understanding of the fundamental legal principles relevant to the probable solution of the issues raised by the factual situation. The primary distinction between the MEE and the Multistate Bar Examination (MBE) is that the MEE requires the examinee to demonstrate an ability to communicate effectively in writing.”

The MEE consists of six essays in a row. If you take the exam under standard exam conditions, you will have thirty minutes per essay. The MEE tests on all of the MBE-tested doctrines (Civil Procedure, Constitutional Law, Contracts and Sales, Criminal Law and Procedure, Evidence, Real Property, Torts), as well as Agency and Partnership, Conflicts of Law, Corporations, Family Law, Secured Transactions, Trusts, and Wills.

Inevitably, you will need to study doctrines that will not appear on your bar exam. That is part of the nature of the exam. It is not worth your energy to spend much of it lamenting this fact. You are far better off focusing your energy on memorizing the law and practicing MEEs.

As with all aspects of the bar, a key to the MEE is to have a plan. You should spend roughly a third of your time (10 minutes) reading and planning what you will write. It is helpful to read the call of the question first. If the questions are pointed, they can help you focus your reading of the facts on the narrow issues being tested. Write some notes to yourself about issues that are triggered, as well as a skeletal outline, so that you know what you will address for each sub-question. Many bar takers are rightly concerned about time, and therefore think the best thing to do is to start writing as quickly as possible. However, if you start writing or typing before you have a plan for the entire essay question, you will likely end up spending more time thinking and rewriting later. You also may find yourself analyzing an issue in one place, when it really belongs in response to a different question. Taking time to plan will ultimately save you time.

Some MEEs will have 3-4 pointed calls of the question. Others will have one or two open ended questions that require more issue spotting. Make sure that you practice plenty of both types of essays before exam day. Whatever the call of the question, this is not a law school exam where you want to show the professor everything that you know. The bar examiners want to see that you understand the crux of the legal question. They want you to spot the issue, state the relevant rule, apply it, conclude, and move on. They do not want you to regurgitate everything that is in your outline about a particular subject. They are more interested in your ability to identify what is relevant, and demonstrate your legal reasoning skills.

Whether or not they explicitly say so, because they are lawyers, bar examiners instinctively expect your answer to be in IRAC or CRAC format, where you state a legal issue or conclusion, state the rule, apply the facts to that rule, and conclude. This is the same format that you have used throughout law school, and is the framework for legal writing. Keeping the sections of IRAC physically separate from one another in distinct paragraphs will make it easier for a bar grader to see that you have addressed everything that they are looking for. For a refresher on IRAC, you can find the IRAC CALI Lesson here: <https://www.cali.org/lesson/18022>. It is worth spending 45 minutes going through the lesson to refresh your IRAC skills before you are deep into bar preparation.

Each bar exam grader only spends 2-3 minutes grading each essay. Therefore, you want to write clearly to make their jobs as easy as possible. Put a paragraph break between each section of IRAC, even if it is only one sentence. If your analysis requires stating and analyzing multiple elements, break the IRACs of each distinct element into separate paragraphs as well. Large paragraphs are harder to read, and graders are reading very quickly. You don’t want them to miss something that is there. Not only will breaking your answer up into smaller paragraphs make it easier for your grader to see what you included, but it will also keep you from forgetting to apply a piece of the rule. It is much easier to keep track if your application directly follows the relevant rule, as opposed to putting several rules together and then multiple analyses.

You also need to be prepared for the fact that you will not know everything the MEE tests. You will know most of it, but there will be a sub-question on at least one essay that you do not know the answer to. That is ok – just have a plan for it. You should use your general knowledge of the area of the law at issue to decide who you think should win, and make up a rule to that effect. Address it in IRAC format, and move on to where you know the rule and can get more points. Examinees get into trouble when they get stuck on something they don’t know, and waste precious time and energy. You know enough about the way the law works to make up something that is probably partially correct. Seize the moment, write down a rule, apply it, and keep moving. Just keep going.

There are also likely subjects tested on the MEE that you didn’t cover in law school. No one takes every single class that covers bar-tested material. You may not have seen trusts or secured transactions before you begin studying for the bar exam. It can feel very overwhelming to learn a subject for the first time during the bar study period. The best way to tackle a new subject is to do as many essays as possible in that subject. If you don’t have time to do them all, simply read an essay prompt, issue spot, and then read through the model answer. This is great practice, and an excellent learning tool. But don’t just stop at reading – write down what you learned about how the rules are applied. There are only so many ways any rule can be tested, so the more essays you engage with, the better prepared you will be.

Students often ask whether they should look through all six MEEs on exam day and then decide what order to write them in. This is generally a waste of time. You need to tackle them all. You don’t want to waste several minutes reading and deciding. If you come across an essay that you are particularly uncomfortable with, you can always skip it and come back to it. But, you don’t want to lose precious time skimming them all and deciding what order to do them in.

As the bar exam approaches, many applicants focus on essay predictions. Major bar review companies, supplemental study programs, and everyone who has taken a bar exam within the past few exam administrations will start to predict what subjects will appear on the essays.

NONE OF THEM KNOW!

The bar examiners are intentionally unpredictable. Yes, most administrations of the Multistate Essay Exam include 3-4 essays on MBE subjects. Yes, Evidence and Criminal Procedure are often tested together in the same essay. They also seem to test on Civil Procedure and Secured Transactions regularly. But nothing beyond that can be predicted.

The MEE often tests the same subjects two exams in a row. Sometimes, they don't test the same subjects twice in a row. No one knows what will be tested, except the NCBE, and they are not going to tell you.

So, do not spend time trying to guess what might be tested. Spend that energy on learning the material. I have seen many people over-rely on the predictions to their detriment. Yes, you should know the subjects that whatever popular predictor of the year is claiming will be on the exam. They are safe bets. Some of those subjects will be there. But know something about everything else too, because some predictions will definitely be wrong.

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