Passing the Bar: A Quick Reference Guide For Today’s Law Student
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Multistate Performance Test (MPT)

On the Uniform Bar Exam (UBE), the Multistate Performance Test (MPT) consists of two written simulations. According to the National Conference of Bar Examiners (NCBE), “The MPT is designed to test an examinee’s ability to use fundamental lawyering skills in a realistic situation and complete a task that a beginning lawyer should be able to accomplish. The MPT is not a test of substantive knowledge. Rather, it is designed to evaluate certain fundamental skills lawyers are expected to demonstrate regardless of the area of law in which the skills are applied.”

Many students struggle with how to tackle the MPT. For most students, the main trouble with the MPT is time pressure. If you are taking the exam under standard exam conditions, you will have three hours to do two MPTs. That means you will need to spend no more than 90 minutes on each. The problems are not usually especially complex, but they require you to process and sort through a large amount of material in a short period of time, making even simple things feel complicated. That's why the key to success on the MPT is to have a plan of action for how you will tackle it.

A critical step is to spend time reading the assignment memo so that you understand what your role is and what type of document you have to draft. The assignment memo is the first item you will find in the File. Be sure to jot down each task, so that you don't forget to cover any component. You can also write out draft point headings at this stage, so that you remember to address each issue in the assigned document.

After you know what your role and tasks are, the next step is to turn to the Library, the last part of the MPT. Read the law in it – the statutes, regulations, and cases – so that you know the basic framework of the rules you are to apply. Break the critical rules into elements so you can see how they are structured. Generally, the cases will give you tests for how a rule in a statute or regulation is to be applied, so read the cases to see what they tell you about the meaning of the statutes or regulations in the Library.

You will probably not have time to read the cases thoroughly from the first line to the last, as you have done when preparing for class since your first semester. You are reading these cases with a specific mission – to find clues such as the statute number, or words like “the test,” or “the rule.” Instead of simply reading from top to bottom, scan the cases for the statute number, or read the first line of each paragraph to find a rule. Once you have found the rule, you can skim the case to get an understanding of the facts so you can analogize or distinguish them (later) from the facts in your case file. At this point, it’s a good idea to write out the main rules directly in your exam document so that you can begin an outline. Place them under the headings that you have already drafted.

Once you have a sense of the rules that you will need to apply, go back to the File. The File is the first part of the MPT, and is where you found your assignment memo. Understanding the rules first will help you decide which facts are relevant to each part of your analysis. (Starting with the File and the facts in it creates the risk that you will get lost in the facts, and will spend too much time in the File trying to understand facts that, it turns out, are irrelevant.) As you read through the File, put key facts under the relevant pieces of the rule in your outline. This way, you are developing a thorough outline as you process the facts. This outline will save you time later and will help you with the organization of your document.

It is important to spend enough time reading and outlining, before you start writing. The bar examiners recommend that you spend half the time (a full 45 minutes if you are taking the exam under standard time conditions) on this process. That suggestion illustrates the importance of planning. Rushing the planning process will cost you time later because you will have to re-read the material multiple times to figure out what to write.

You can tweak the plan to suit your own needs, but make sure that you have a plan, and that you practice using your plan multiple times. Some people find that reading the library before the case file does not put them on solid ground. They prefer to read through the facts first. If that is true for you, that is fine, but make sure that you have a plan and you practice following it several times before exam day. You want to feel like you know what you are doing and the process is second-nature when you sit down to take the MPT on exam day.

It is important to make the document you are drafting look like a finished document. So, even if you find yourself running out of time, you should conclude. If you have a detailed outline written out, keep it there. Do not delete it. You may get partial credit if the grader can see where you were going.

You want to practice the task as you will have to do it on exam day. That means that if you are taking the exam in a state where you will have to do two MPTs back to back, you should practice doing two MPTs back to back at least twice in the weeks leading up to the exam. Force yourself to stop the first MPT after 90 minutes and move on to the second. You don't want to get caught up spending all of your time on one MPT. Even if you write a beautiful MPT, it will not be beneficial to your overall exam score. Aside from these three-hour sessions, you should practice an MPT at least once per week.

By virtue of having graduated from law school, you have most likely drafted legal documents like the task they present to you. Most of the time, you will be asked to draft a memo, brief, or letter. If it is a different type of document, they will give you detailed instructions and probably an example. Additionally, everyone else will be as thrown off as you will be, and you just need to be where most people are in order to pass the bar.

Follow instructions. The bar examiners are testing your ability to follow instructions, synthesize rules, sort relevant and irrelevant facts, analogize to cases, and draft a document that looks like something a first-year associate would draft. You have all of those skills. Your task is simply to show them what you can do in the time given.

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