Passing the Bar: A Quick Reference Guide For Today’s Law Student  
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What is the Uniform Bar Exam?

The Uniform Bar Exam (UBE) is a professional licensing exam written by the National Conference of Bar Examiners (NCBE). The exam, per the NCBE, is designed to test the minimal competency required to become an attorney. The NCBE states that “the UBE is designed to test knowledge and skills that every lawyer should be able to demonstrate prior to becoming licensed to practice law.”

The UBE is traditionally given on the last Tuesday and Wednesday of every February and July. For an up to date list of which states have adopted the UBE, see the NCBE website at <http://www.ncbex.org/exams/ube/>.

While there is plenty of debate about the efficacy of the bar exam, it is important to know what the bar examiners believe they are testing in every section of the exam. The UBE consists of three parts – the Multistate Performance Test (MPT), the Multistate Essay Exam (MEE), and the Multistate Bar Exam (MBE). We will go through preparing for each of these sections one by one later in the book. This chapter briefly introduces each section.

The Multistate Performance Test (MPT) consists of two lawyering exercises. You have three hours for the MPT portion of the bar exam, and thus should spend no more than 90 minutes on each MPT. The MPT is the NCBE's response to pressure from the bar and the legal academy to include a lawyering skills component to the bar exam. The performance test places you in the role of a new attorney. You are given a case file, similar to one you would find in a law office, and a library, which is a series of statutes, regulations, and/or cases. You are also given an assignment memo that tells you who you are, who you represent, and what your task is. All MPTs take place in the fictional state of Franklin in the fictitious 15th circuit. The good news is that you are asked to only use the law that you are given; you do not need to incorporate any outside doctrinal knowledge.

The majority of MPTs ask applicants to draft a memo to a senior partner or a letter to a client or opposing counsel. Sometimes you are asked to draft/redraft a closing argument, will, contract, or another legal document. Generally, if it is not a letter or memo you will be given explicit instructions on how to structure your response. The most important aspects of the MPT are (1) following instructions and (2) making your response look like the requested document.

The Multistate Essay Exam (MEE) consists of six essays in three hours. Most commonly, the essays are single subject, however one essay can include more than one doctrinal area. Conflicts of law, for example, is often tested alongside a larger subject, as is agency. Additionally, criminal procedure and evidence are often combined into a single essay. The MEE subjects are: Agency, Civil Procedure, Conflict of Laws, Constitutional Law, Contracts and Sales, Corporations, Criminal Law and Procedure, Decedent’s Estates (Wills and Trusts), Evidence, Family Law, Partnerships, Real Property, Secured Transactions, and Torts. This means that you need to know 14 subjects for the essays, but will most likely only be tested on six to eight of them.

Each question should be answered in about thirty minutes. Just like with the MPT, it is important to have a strategy in place and to have a formula down before you walk into the exam. You want to be thorough, yet succinct. Your answers should closely follow the IRAC or CRAC format and should be directly responsive to the question asked.

The Multistate Bar Exam (MBE) is perhaps the most well-known section of the bar exam. It consists of 200 multiple choice questions and is given on the last Wednesday of every February and July. You will be given 100 questions in the morning and 100 questions in the afternoon. Each session runs for three hours. This means that you have to complete each question in approximately one minute and forty-eight seconds. The MBE tests seven subjects: Civil Procedure, Constitutional Law, Contracts and Sales, Criminal Law and Procedure, Evidence, Real Property, and Torts. The subjects are each tested in roughly equal proportions. As with the other sections of the bar, timing and stamina are often issues on the MBE, so you want to make sure you have practiced enough large sets of MBEs to develop a plan and rhythm.

That's it! Two days, three components, and you're done and on your way to becoming a licensed attorney.

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