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

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Unlearn What You Learned About Learning

One of the reasons that bar study can be frustrating is that most of what we think about how learning happens is incorrect. Bar study asks students to engage in activities on a daily basis that most of us were taught are designed to test what you learn, not to help you learn. Here are five myths about learning that can make bar study feel uncomfortable:

**Myth 1: Learning Happens by Listening to a Teacher in a Classroom**

Many of us who received our early education in the United States grew up listening to teachers in a classroom, and were expected to passively learn what we need to know from the words that came out of our teachers’ mouths. In bar study, that translates into passively listening to bar review lectures and believing that you are supposed to walk away understanding all of the rules. You’re not. You can’t. The lectures are simply one step in the learning process. It is an introduction. You aren’t expected to walk away from the lecture fully understanding everything, and you definitely aren’t supposed to walk away having it all memorized. Lectures are only the beginning. You need to do much more than listen to lectures in order to actually understand the material, and be able to use it.

**Myth 2: Reading is Studying**

Many of us grow up thinking that in order to study effectively, we must repeatedly re-read our notes, textbooks, or outlines. However, reading, too, is passive. Many people learn very little through re-reading. In fact, re-reading can have a deleterious effect providing a false sense of what we know, because we think that if we understand the words on the page, we actually understand how the law works. But, recognizing words on a page doesn’t actually mean we could restate a rule, or more importantly, apply it to a set of facts. As with lectures, reviewing outlines is an essential component of bar study, but it is just one component. Outline review is not where deep learning happens. You need to be more actively engaged in studying than reading allows for. (Outline creation, on the other hand, is active learning. Synthesizing material from your cases, class notes, supplements, and other sources, and putting it all together in a structure that provides a framework for how the law is applied, is critical. The students with the “best” outlines don’t do well on exams because they had access to the words on the page. They do well because they figured out how to formulate those words on the page, thereby engaging in more active learning.)

**Myth 3: You Need to Study One Thing at a Time**

Another myth that often causes trouble for bar studiers is the idea that they have to study one subject at a time. Students feel like they can’t move on to Civil Procedure if they haven’t mastered Contracts. The truth is that your brain learns more when it works harder. Spacing out your study so that your brain has to come back to things over a period of time will actually help you remember more. This is called spaced repetition, and is an effective method of studying.

Law students are used to cramming for finals. They study Contracts for a period of time, take the final exam, and then start studying Criminal Law. But breaking up, and interleaving your study is actually a more effective method of learning. This means that in bar study, you shouldn’t wait until you feel like you have mastered something before you move on. For example, during the first part of bar study, when you are still doing lectures every day, you should keep up with the lecture schedule, even when you feel uncertain about a particular doctrine. In phase two, when lectures are over and you’re memorizing, you should move through each subject quickly, studying multiple subjects per day. Develop a schedule that allows you to come back to each subject multiple times, spacing out your study, and forcing your brain to work harder to remember. Don’t build a schedule that has you studying Contracts for two days and then not coming back to it. That will be less effective than shorter, more numerous, reviews of a subject.

**Myth 4: In Order to Learn Something New, Something Else Must Be Forgotten**

Students often tell me that when they learn something, they forget something else. But your brain does not have finite capacity. The human brain continues to grow, even in adults. So, learning a new concept is not going to make you forget an older one. It’s all still in there. Law school, and bar study, rewire your brain. Your brain will grow and expand to remember what it needs to. (That doesn’t mean you will remember everything about every rule that could possibly be tested on the bar. You won’t. Fortunately, you don’t need to. But, it does mean that learning what an impleader is doesn’t mean you’ll forget the elements of defamation). Your brain is truly incredible. It has helped you get very far in life. Have confidence that it will get you successfully over the hurdle of the bar exam as well.

**Myth 5: Questions are for Testing**

This is perhaps the most pervasive – and dangerous – myth perpetuated by our schooling today. Students do practice questions as if each one is a form of summative assessment – there to test what you know, and tell you how you would perform on exam day. But testing is actually where the most learning happens.

Passing the bar requires you to test yourself every day. You should be doing some form of practice (MBE, MEE, or MPT) every single day. Ideally, you would do a set of MBEs and an essay each day, and an MPT at least once per week. Many students feel that they can’t do the practice until they “know” the doctrine. They don’t want to do practice questions until they are “ready,” meaning when they have fully understood and memorized the doctrine. Don’t be that student. You may never feel ready. You need to do practice questions every day anyway.

Practicing is learning. It is not only how you learn the test itself – putting yourself into the mind of the bar examiner and understanding how they think and formulate questions – but doing practice questions and applying the law, is actually how you learn the law. It forces your brain to work hard to figure out a problem. The harder your brain works, the more you remember. That is why practice questions are where the real learning happens, not in lecture or outline review. It is also why you will learn some new rules through practice that weren’t in your bar review lecture or outline. It is all designed to help you learn more.

The only way to do well on the bar exam, is to get ready for the bar exam. That means practicing what you will be doing on exam day, every single day. It is not enough to memorize the law. If you don't know how to apply it, and how the bar examiners will test you on it, you will not be successful. The more practice you can do, the better, but you want to make sure that you are doing it thoughtfully. Don't just race through 50 MBE questions, tally your score, and move on. You need to go through each question (yes, even the ones you got right), and make sure you understand why you answered it correctly, or incorrectly. **If you learn a new rule, add it to your study materials.**

Reflect on why you are answering questions incorrectly. Are you reading too quickly and missing important details? Are you adding facts that aren't there, or over-analyzing? Once you begin to notice patterns, you can come up with solutions to correct your common mistakes. Keeping a journal or list of these common missteps can help you identify those patterns, and break through them. Reflection is critical to the process of metacognition – or learning how you learn – as well as to the process of pushing yourself to learn in new ways.

Practicing essays, MBEs, and MPTs, also helps you get into the minds of the bar examiners. What do they think a reasonable person would do? What are they trying to trigger when they include certain facts? As you practice, you will begin to recognize patterns in the questions, and in what doctrine is heavily tested. On exam day, you will see some questions that are very similar to what you have studied. That is a glorious thing to experience on your actual exam day – seeing questions that you feel like you have seen before.

In this way, the bar is similar to any other performance you are getting ready for, or any other big day. You wouldn't get ready for a sporting event, concert, speech, or play without practicing or rehearsing over and over. Don't minimize the importance of rehearsing for the bar exam either.

So, remember:

Trust the process;
Do more practice than you think you’re ready for; and
Have confidence in your ever-growing brain!

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