

The Complete Bar Writer

The Complete Bar Writer

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Online Materials

Additional content for *The Complete Bar Writer* is available on Carolina Academic Press's *Core Knowledge for Lawyers* (CKL) website.

Core Knowledge for Lawyers is an online teaching and testing platform that hosts practice questions and additional content for both instructors and students.

To learn more, please visit:

coreknowledgeforlawyers.com

Instructors may request complimentary access through the “Faculty & Instructors” link.

Preface

We wrote this book for law students and lawyers studying for the bar exam and for professors and other instructors helping people study for the bar exam.

The premise that underlies this book is this: the Multistate Performance Test (MPT) and the Multistate Essay Exam (MEE) are, at their core, legal writing exams. The legal writing skills that students learn in law school—and that students will need after law school when they enter law practice—are the skills they need to write well for the bar.

The more we studied the MPT and MEE, the clearer the relationship between **legal writing skills** and **test-taking skills** became.

Let us explain.

A. These Skills Are Important Skills

The purpose of this book is to teach readers legal writing skills that will serve them well on the MPT and MEE—and in law practice. The title of this book, *The Complete Bar Writer*, tells you that we intend to teach readers how to write well for the bar exam. But we will *also* show readers that learning to write for the bar exam is not a waste of time. Bar writing need not be a skill that test takers dump in the trash along with their test materials when they walk out of the bar exam.

No, the legal writing skills we teach in this book are skills readers will keep forever. In teaching terms, these skills are *transferable*. In fact, we connect the learning readers did in their first-year legal research and writing courses to what they need to know for bar writing, and then connect that new knowledge forward to legal writing in law practice. So much of students' knowledge can transfer. And, along the way, we help fill the gaps in readers' knowledge.

The MEE closely resembles a writing task that law students are already familiar with: their law school essay exams. **Both are legal analysis essays that use C-RAC structure.** Furthermore, like on the MEE, when students write their law school exams, they do not have legal authorities at their disposal.

The MPT more closely mimics a practical legal writing assignment. The client file is complete, the legal authorities have been pulled. Test takers must use their knowledge to figure out what writing task they must write (Office memo? Trial brief?), read the facts and law to formulate a legal analysis, and then write the legal document—all in 90 minutes.

Of course, we do provide many tips for how to do legal reading and writing under pressure, and tips for the bar exam in particular. However, fundamentally, most of the skills needed to do well on the bar exam are skills that you need to do well in any high-pressure legal writing situation.

That's a relief. That means studying for the bar exam isn't a waste of time. It'll make you a better lawyer.

B. Scope

This book covers two portions of the Uniform Bar Exam (UBE): the Multistate Performance Test (MPT) and the Multistate Essay Exam (MEE). Some jurisdictions that do not use the full UBE do still use portions of it: test-takers might encounter an MPT or an MEE or similar essay exam even if they are not in a UBE jurisdiction.

The MPT is the test that will be most foreign to law students, and we give it more attention in this book. Everything, from the test packet to the task assignment to how it is graded will be new and, frankly, weird. The MEE, on the other hand, will be more familiar, because the MEE questions resemble law school essay exams, just in shorter form. We give advice for how to complete the MEE, and pull back the curtain on the MEE itself, but because the MEE is far less complex than the MPT (and much shorter in duration), we do not focus as much of the book on specific strategies to complete the MEE.

However, there are many chapters in this book that help readers improve their performance on *both* tests. After all, to do well on the MPT and MEE, readers need many of the same skills. Therefore, we handle topics such as time management, writing under pressure, organizing legal analysis, evaluating practice tests, and more.

C. Three Governing Principles of This Book

There are three principles that guided us as we wrote this book.

Decide in Advance

When writing for the bar exam, you should decide as many things as you can in advance of test day. In this book, we encourage readers to make decisions now, to gain habits now, so that when test day comes, they do not have to make decisions that could have been made in advance. Here are some examples:

- (1) Read the MEE prompts before reading the fact pattern.
- (2) Complete MPT-1 before MPT-2.
- (3) Memorize the MPT citation style so it is second nature.

There are many more choices that we encourage students to make, and many more good habits we encourage them to form, than the ones listed here. The point is this: preparation isn't just about memorizing the law for the MEE, for example. It's about learning good test-taking, legal writing, and lawyering skills before you need them under pressure.

The Bar Exam Is a Quirky Boss

As we were writing this book, we noticed lots of difficulties that both tests placed on examinees. We recognize that these difficulties can be frustrating. But we encourage readers to set aside their frustrations and accept the constraints of the test. They need to do so not only to succeed on the test, but also to succeed in the legal profession.

Throughout this book we refer to the MPT (and the bar exam) as a “quirky boss.” Your quirky boss hands you a writing assignment, an incomplete case file, a ridiculously short amount of time in which to write a vague assignment—and then your boss goes out on a hike so you can't ask your boss questions.

What a horrible boss!

Except—as many of us know, we might encounter bosses just like this in legal practice. Sure, not all bosses will act like this all the time, but difficult situations do occur, and being able to roll with the difficulties and perform well under pressure will serve any lawyer well in practice. Ridiculous deadlines. Incomplete files. Confusing assignments. Hard-to-reach supervisors. Clients who can't get their facts straight or who have made really, really bad decisions—those are all part of law practice.

We encourage readers to think of the skills they're learning as **lawyering skills**, not just test-taking skills. The bar exam is a quirky boss, and test-takers have to make their quirky boss happy—just like the bosses they will have in the future.

Genre Discovery

The third principle that guided us as we wrote this book is genre discovery. **Genre discovery** is an approach for learning how to write unfamiliar genres, by which a writer studies samples of a genre to identify the genre's conventions so that she can write the genre.¹ A major benefit of this approach is that a writer doesn't need a mentor to give her instructions about how to write an unfamiliar genre. Instead, she can rely on her systematic study of sample documents. Once she discovers the genre's conventions, she can give herself instructions.

On the MPT, the exam assigns all kinds of writing tasks (or genres). Some tasks are tested frequently, like the argument section of a trial brief or a traditional office memo. Others have been assigned only once, like a legislative leave-behind, a genre that neither author of this book had heard of before reading that MPT.

There's no way to predict which genre the MPT will assign on a given exam, but you can learn a system that will help you no matter what genre you are assigned. That's what genre discovery is for.

The bar essays of the MEE is just another genre, one that many students have some familiarity with because it is like a genre they wrote in law school, their law school final exams.² This book teaches students how to transfer their knowledge from their law school exams and legal writing classes to the bar exam so that they can write strong MEE answers.

D. About the Complete Series

This book is part of The Complete Series for Legal Writers. The first, *The Complete Legal Writer* (Alexa Z. Chew and Katie Rose G. Pryal, 2nd ed. 2020), introduced the genre discovery approach, along with other foundational legal

1. Katie Rose Guest Pryal, *The Genre Discovery Approach: Preparing Law Students to Write Any Legal Document*, 59 *Wayne Law Review* 351–81 (2014). Dr. Pryal also owes a debt to her colleague and co-author Professor Jordynn Jack of the University of North Carolina at Chapel Hill, with whom Dr. Pryal worked closely on genre pedagogy for many years.

2. Law school exams are one example of a “student genre.” Other examples of student genres from law school include research papers, response papers, reflection papers, student notes, and more.

concepts such as citation literacy. This book, *The Complete Bar Writer*, is the second in the series, and will be followed by *The Complete Legal Stylist* and *The Complete Legal Editor*.

The Complete Series for Legal Writers teaches legal research and writing concepts as transferable skills—as systems that readers can easily apply in a variety of unpredictable situations. To be complete does not mean to list every possible scenario, but rather to prepare readers to encounter them.

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