

# Tackling the Texas Essays



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## *Efficient Preparation for the Texas Bar Exam*

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*Look, Ma—I did it!*



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# Glossary of Acronyms and Jargon

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- BLE—the Texas Board of Law Examiners, the entity charged with administering the Texas bar exam and regulating entry to the practice of law in Texas. Located in Austin. Website: [www.ble.texas.gov](http://www.ble.texas.gov).
- DTPA—the Texas Deceptive Trade Practices Act, Texas Business & Commerce Code Chapter 17. This is the Texas consumer law statute, and it is tested on one bar exam essay.
- MBE—the Multistate Bar Exam, a six-hour, 200-question multiple-choice exam written by the NCBE. Not Texas-specific. Worth 400 points, or 40 percent of the overall Texas bar exam score.
- MIO—a Mineral Interest Owner, the name in Texas Oil & Gas law for a person who owns mineral rights under a certain piece of real property.
- MPT—the Multistate Performance Test, a 90-minute, closed-universe reading and writing exam written by the NCBE. Not Texas-specific. Worth 100 points, or 10 percent of the overall Texas bar exam score.
- NCBE—the National Conference of Bar Examiners, a nonprofit located in Madison, Wisconsin. Writes and distributes the MBE, MPT, MPRE, UBE (Uniform Bar Exam), and MEE (Multistate Essay Exam). Website: [www.ncbex.org](http://www.ncbex.org).
- NPRI—a Non-Participating Royalty Interest, the ownership interest in Texas Oil & Gas law that entitles the holder to receive royalty payments, but not the right to make decisions about selling or leasing the property.
- P&E—the Procedure and Evidence exam, a 90-minute exam consisting of 40 short-answer questions about Texas Civil Procedure, Texas Criminal Procedure, and Texas Evidence. Written by the BLE, and obviously Texas-specific. Worth 100 points, or 10 percent of the overall Texas bar exam score.
- TCOP—a Temporary Cessation of Production, the common-law doctrine of Texas Oil & Gas law providing that a brief stoppage of production won't terminate a lease.
- UCC—the Uniform Commercial Code. (You knew that one, right?)



# Introduction

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The Texas bar exam is a unique animal. It's longer than most other bar exams in the nation—it's 2½ days—but it's more predictable than many other exams. And a predictable exam can be prepared for.

This book will help you prepare for the essay portion of the Texas bar exam. It will teach you how to approach an essay question and craft a well-organized and thorough answer under intense time pressure. There is subject-specific advice for each topic tested on the Texas essays. Most important, the book will teach you how to *study* for the Texas essays—how to write practice questions and learn the law while doing so.

## Overview of the Texas Bar Exam

The Texas bar, like most states' bar exams, is administered twice a year, during the last week of February and the last week of July. While most states offer a two-day bar exam on either Tuesday/Wednesday or Wednesday/Thursday, the Texas bar is 2½ days long, spanning all three days.

**Tuesday** is the half day. On Tuesday, examinees complete:

- A 90-minute Procedure and Evidence (P&E) exam, written by the Texas Board of Law Examiners (BLE). The P&E consists of 40 short-answer questions on Texas Civil Procedure, Texas Criminal Procedure, and Texas Evidence. Past exams and graders' comment sheets are available at [www.ble.texas.gov/selected-answers](http://www.ble.texas.gov/selected-answers).
- A 90-minute Multistate Performance Test (MPT), written by the National Conference of Bar Examiners (NCBE). The MPT is not Texas-specific. More information, including old released exams, is available at [www.ncbex.org/exams/mpt/](http://www.ncbex.org/exams/mpt/).

On **Wednesday**, Texas examinees—like examinees across the country—take the Multistate Bar Exam (MBE). The MBE is written by the NCBE and is not Texas-specific. The MBE is a six-hour exam consisting of 200 multiple-choice questions. The questions range across seven core subjects: Federal Civil Procedure, Constitutional Law, Contracts and Sales, Criminal Law and Procedure, Evidence, Real Property, and Torts.

**Thursday** is the Texas essay day, and the focus of this book. Examinees answer 12 essays over the course of six hours. The essays are written by the

The acronyms can be overwhelming. Should you get lost, and no one would blame you, there's a Glossary of Acronyms and Jargon at the front of the book and an index at the back.

Texas BLE and are, naturally, Texas-specific. Texas is more forthcoming than many states on what topics will be tested. There will be:

- Two essays on Texas Real Property—usually, at least one of these questions is entirely about Oil & Gas Law
- Two essays on Texas Family Law, including Texas Community Property (also known as Marital Property)
- Two essays on Texas Business Associations—usually one question on corporations and one on partnerships, probably with some agency law incorporated
- Two essays on the Texas UCC—drawn from Articles 2, 3, 4, and 9
- Two essays on Texas Wills & Estate Administration (Texas Community Property can crop up here, too)
- One essay on Texas Consumer Law, generally meaning the Texas Deceptive Trade Practices Act (DTPA)
- One essay on either Texas Trusts or Texas Guardianship Law

Note that Federal Tax and Bankruptcy are considered “crossover topics” and may also appear. These topics don’t often get their own dedicated essays (though that has happened!), but there is sometimes a tax or bankruptcy issue woven into one of the other 12 essays.

**Bar Exam Scoring:** The Texas bar exam is scored out of 1000 points. The 12 essays are collectively worth 400 points, or 40% of the total score. The MBE is also worth 400 points, or 40% of the score. The MPT and P&E are each worth 100 points, or 10% each of the total score.

A passing score is 675 points. This is a total score—there is no requirement that an examinee pass the MBE with a certain score, or the essays with a certain score, etc. (Some states require examinees to pass each portion of the bar exam separately, but Texas doesn’t.) More specific information on how the essays are scored appears toward the end of Chapter 1.

## Using This Book

This book is designed to help Texas bar examinees prepare for the essay portion of the Texas bar exam. It will probably be most helpful in the few months leading up to your bar exam.

Chapter 1 discusses the format of the Texas essays, how they differ from law school essay exams, and how they are graded. Chapter 2 discusses the IRAC approach to answering a Texas essay. Chapter 3 describes how to practice essay-writing for maximum effect and efficiency. **Chapters 1 through 3 will be helpful from the very outset of your bar prep.**

Chapter 4 offers advice for specific subjects tested on the Texas essays, combined with practice questions, also organized by subject matter. **Chapter 4 will probably**

**be the most useful in the last month of your bar prep.** The information provided in Chapter 4 is not a comprehensive review of any subject, but is intended to help you troubleshoot and shore up subjects you're weaker in.

The Texas Board of Law Examiners gave permission for the reproduction of previous bar exam essays in this book, but it has not reviewed the content of this book or endorsed it. I am confident, however, that this book contains useful information and strategies for tackling the Texas essays. The advice here has been developed through my own experience of taking the Texas bar exam in 2012 as well as my experience guiding hundreds of law graduates through their bar preparation.

