

MBE ATTACK PLAN: REPETITION AND PRACTICE

- I. To achieve the score needed to pass the MBE section of the California bar exam requires: 1) a basic mastery of the substantive law; 2) a proficiency in application of the substantive law; 3) exposure to the varied MBE questions tested; 4) practice and repetition of the MBE questions until an above passing proficiency is reached.
- II. Practice makes perfect . . . or near perfect.
- III. Look for the best answer of the choices given – and not necessarily the right or correct answer. One of the reasons why completing only a substantive review (and failing to practice MBEs) does not work is because you will only uncover how to pick the best of four “not so great” answer choices by facing the problems head on. The MBE is designed to be difficult and one of the ways the bar examiners make it difficult is by requiring more from you than just substantive law knowledge.
- IV. Avoid the common pitfalls:
 - a. ***“I should not practice the MBEs until I have memorized the substantive law.”*** No matter how long you study and no matter how well you have memorized the substantive law, you will only develop the level of proficiency needed by ***practicing*** MBEs. Practice really does make perfect or near perfect. By practicing MBEs you will uncover the distinctions tested and learn how to pick the *best answer*. The longer you delay practicing MBEs, the longer you will take to master the MBE portion of the test and the longer you will take to truly understand the nuances tested. Practicing MBEs enables you to both *apply* what you know and *learn* what you do not know.
 - b. ***“If I don’t have enough time to complete 30 or 50 MBEs in one sitting then there is really no point to doing any.”*** This could not be more incorrect. If you have time to do one MBE that is something. Better still, would be to have the time to do 5 or 10 or 50. However, allowing days to go by without doing any MBEs is risky. You should make sure that you consistently complete MBEs most every day of bar review (even if you only have time to do a few MBEs).
 - c. ***“The only reason why I am missing MBEs is because I need to spend more time reviewing the substantive law.”*** While knowing the substantive law is extremely important, simply coming to the conclusion that the reason you are doing poorly on a set of

MBEs is because you need to go back and review the substantive law is not the complete answer. Instead, you should use the very questions that you have missed as a tool to correct your misunderstandings of the law. Furthermore, you want to avoid making the common mistake of thinking the following: “If I just go back and read my outlines over and over and keep doing so I will then be able to score high on the MBEs.”

- d. **“The MBE tests only substantive law knowledge.”** The MBE tests substantive law knowledge as well as the ability to *apply* the substantive law to a given set of facts. Therefore, to succeed on the MBEs you must practice *applying* the law that you have learned.
- e. **“I must do all of my MBE practice under timed conditions – 1.8 minutes per question.”** At first glance, it would seem to make sense that if you ultimately only have 1.8 minutes to complete each MBE question on bar exam day that you should practice MBEs under these same time constraints. However, doing so will eliminate the opportunity to learn from each question. Completing MBEs slowly, taking as much time as you need, will enable you to learn from your mistakes and will lead to eliminating these mistakes in time for exam day. Here is an appropriate approach to successfully tackling a set of MBES:

MBE APPROACH

1. Complete one MBE and then check your answer immediately.
2. If you correctly picked the right answer, quickly review the explanations, paying particular attention to any answer choices that you appropriately eliminated but that gave you some difficulty in doing so (in other words, even though you did choose the correct answer, review any explanations for answer choices that you were uncertain or unsure about eliminating).
3. If you chose an incorrect answer, carefully review the explanatory answers and proceed to step 5.
4. If you were able to eliminate two answer choices but were unsure as to which of the remaining two answer choices were correct (could not decide between the two and basically felt like flipping a coin - - i.e. you had no real basis for picking one over the other) then

make your best guess and immediately review (and study) the explanations provided. Study the explanations very carefully. Resolve to figure out why one is correct and the other is not correct. Commit to making the correct choice next time (you can do it).

5. *Create flash cards for missed questions. Make your flashcards as you go. Complete one MBE, correct and review the answer explanations and then make a flash card on the spot while the material is in front of you and still fresh in your mind. Here the issue becomes what you should write on the flash card. Your ultimate goal is to write what you will need to know to get the question correct the next time. In many cases, this is the rule of law. However, in other cases it will be an explanation of the reason that you missed the question which could be something like this: in this case a robbery did not occur because where the defendant removed the wallet from Victim's jacket, he did not take the Victim's wallet by force since Victim's jacket was draped over a chair and Victim was asleep on the couch.*
6. *Move onto the next question and repeat steps 1 through 6 until you have completed the set of MBEs.*
7. *Periodically review your flashcards.*

SAMPLE MODEL MBE SCHEDULE

MONDAY

50 MBEs (25 Torts & 25 Property)

TUESDAY

50 MBEs (25 Crim Law/Pro & 25 Evidence)

WEDNESDAY

50 MBEs (repeat Monday's 25 Torts & 25 Property MBEs)
25 "new" MBEs (Constitutional Law)

THURSDAY

50 MBEs (repeat Tuesday's Crim Law/Pro & Evidence MBEs)
25 "new" MBEs (Contracts)

FRIDAY

25 MBEs (repeat Wednesday's 25 Constitutional Law MBEs)
25 "new" MBEs (Property)

MONDAY

25 MBEs (repeat Thursday's Contracts MBEs)
25 new MBEs (Criminal Law/Pro)

TUESDAY

Review flash cards created to date

WEDNESDAY

25 "new" MBEs (Con Law)
25 "new" MBEs (Torts)

NOTE: The key thing to notice here is that there is repetition from day to day. You can utilize this method even if you do not have time to complete 50 MBEs daily. For example, each set of 50 above could be done in sets of 10 or 20 (for those who are working full time during the week). In addition, each set of 25 above, could be reduced to 5 or 10 MBEs for those who are working full time during the week. The point is to continue doing MBEs and to do some nearly every single day. This is critical.