

PERFORMANCE TEST TOOLKIT

HAQs for Navigating the PTs

Brian Hahn | Make This Your Last Time



WELCOME



Hey there! You look scared shitless about the performance tests (PTs / MPTs).

This nifty guide will answer a lot of your burning questions about those pesky PTs that somehow creep up and make you bolt up from your bed shouting “oh f***” because you’d forgotten about them while being busy with the MBE and essays. After going through this guide, you’ll be equipped to practice the PTs so that they don’t end up being your one tragic regret.

I’ve updated this guide to generalize the concepts to fit most, if not all, of the state bars. I’ll link to some resources below for the California exam and the UBE. Ignore any small differences and see if you can take away any useful ideas for your own situation.

This is a toolbox you can always open whenever you want guidance. By acquiring the knowledge within *and putting pencil to paper*, you shall instantly leap ahead of others who suddenly remember PTs two weeks before bar week and decide to wing them.

Don’t gamble. Don’t try to get lucky. Get prepared. The more you prepare, the more you seem to get lucky...



Don't let the PTs kick your ass on the real thing. This is Brian's guide to kicking ass on the PTs.

Asmita [redacted]
to Brian ▾

4:45 PM (3 hours ago)



Share this email



Thanks, Brian!

Mike [redacted]
to Brian ▾

Brian,

I passed this time!!

Thanks for your help. The PT guide was very useful.

This email came at a perfect time. I am currently dealing with the embarrassment of not finishing a CPT on time, but I know 5 weeks is more than enough to get me to where I want to be. It's a lot more than I gave myself last time so there can only be improvement from here on out. Also, I just read your CPT pdf and it helped a LOT by providing a structure to go off of. So I am going to attempt another one tomorrow morning with your tips and see how it goes!
Thank you!

I read it and was able to finish a PT in the allotted time for the first time!

But somehow, it was enough. I owe a lot of that to your PT materials. I practiced enpugh, with intention, doing every Barbri PT in the book with your guide--the first couple untimed, then timed. I practiced each type. I made a short outline of points of the PT material so I could read and memorize the steps more easily.

Thank you for suffering through a first failed attempt so I didn't have to.

You'll get to where they were, too.

Consider this guide an overview and a framework to get you to practice more effectively or start practicing seriously if you haven't already.

"I'll bite. What are 'HAQs'?"

Hypothetically asked questions. Just think of them as "lessons."

I'll admit it: No one asked me most of these questions—not frequently, anyway. But these are important questions for tackling the much-neglected performance tests. Are "frequently asked questions" (FAQs) even real questions? I'll be using a Q&A "FAQ" format for easy digestion nonetheless.

Incidentally, "HAQs" sounds like "hacks," which is like a buzzword or something.

WELCOME

Lessons

1. [What are the PTs like?](#)
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 - Timing
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8. [I still have no idea what to do. Could you suggest how to start?](#)
9. [I've finally accepted my fate thanks to your relentless enlightenment and tough love. So which PTs are good to practice?](#)
10. [How many PTs should I practice?](#)
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12. [Should I redo PTs?](#)
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[Get in touch](#)

WHAT ARE THE PT'S LIKE?

There is at least one PT for each day of the written portion of the bar exam. Yeah, you have no choice but to face one of these monsters when you're tired from bullshitting the essays.

Each PT can last 90–180 minutes long depending your state, and you're presented with pages upon pages of documents comprising *instructions*, the *File*, and the *Library*.

Instructions: Follow. These. I'm talking about the ones given with your assignment (such as a memo from your hypothetical supervisor), not the general instructions. The assignment will either ask you to discuss specific issues it provides you, or resolve a general legal problem that needs to be researched and analyzed quite urgently.

File: The facts. But not like the essays where the facts are already distilled for you. The File will have things like transcripts, letters, flyers, wills, memos, court documents, and other documents. Wow! It's almost like you're already a lawyer rummaging through evidence in a gray cubicle in a legal drama.

Library: Oh wow, your supervisor already did all the legal research for you. And they all happen to be ones on point in your hypothetical jurisdiction which you can analogize to the facts of your case or distinguish from them. Cool! I wish my legal writing and moot court professors had given me all the relevant cases up front.

- - It may sound funny but I gained confidence with PT when I read on MTYLT pointing that "Imagine you have a very nice boss and he is asking your help. But he is so nice that he is even giving you the sources he already searched. All you need to do is take the facts and combine with the law". As soon as I get that mentality, PT booklets seemed so easy :)

From these raw ores, you must be able to pull out the rules from these cases and statutes like you did in law school. If you were a lazy bum who relied on existing outlines instead of manually pulling rules from cases, then I salute you for being smart. Fortunately, the “black letter law” in these cases is often obvious enough that a 1L could do it with ease (if you can't, you can always blame the bar exam for not being passable ... or you could practice pulling out just the rules from the Library). That's minimum competency for you.

Everything else in the PT requires you to engage your most competent faculties, though. Within the time given, you must write an organized, well-cited (make sure to refer to the hypothetical jurisdiction), well-analyzed product, combining the rules embedded in the Library with the relevant facts and implications from the File in a logical manner (IRAC works).

The PT primarily tests R and A of IRAC—how well you can pull out relevant rules and discuss them with respect to relevant facts.

SOUNDS TROUBLESOME... I THINK I'LL JUST FOCUS ON IMPORTANT THINGS LIKE ESSAYS AND FINDING PLACES TO STREAM SUITS?

For some reason, people don't really care about PTs! Well, if you're one of them, I'm going to change your mind right now. Let's take the California Bar Exam (CBX) and the Uniform Bar Examination (UBE) as main examples:

CBX	UBE
The sole PT is worth about 14.3% of your total grade. You only get one shot at it. Compare this to five shots for essays and 200 shots for the MBE. In fact, the PT is part of the Tripod Approach .	The MPT is worth 20% of your total grade. There are two MPTs, so each one is worth 10%.
The PT is 1.5x as long as an essay (90 vs. 60 minutes) but worth 2x as much. It's worth more points per minute! Extra 5 points on the PT = extra 10 points on essays = your scaled score possibly tipping over the passing mark.	Each MPT is worth 2x as much as an essay, although it's 3x as long (90 vs. 30 minutes). But MPTs are still worth 20% of your score. MPTs are relatively less of a time crunch. You can make up some points here if you were feeling rushed on essays.
PTs are the easiest portion of the bar to improve because they are skill based. <ul style="list-style-type: none"> • Why? It's an open-book test, and you don't need to recall any law you memorized during prep. As you spend more time on this, you will improve regardless of how much bar law you know. • You can focus more on how to organize the mass of information and writing. 	
The PTs are in the afternoon, so you are more susceptible to lethargy, apprehension, homesickness, etc. Careful! You might also consider doing the PT first if possible.	

Although you can't study for the content, you can get used to the timing and structure.

So practice them. In fact, I'd say this is one area where you're free to go *quantity* (so you can practice the structure) and *exposure to variety* over quality of review. Ideally do both so you know you can fit the (made-up) law with facts (like you would with essays and MBE).

You can find some practice PTs and model answers directly from your state bar (e.g., [California State Bar](#)) or [here](#) where I've curated them. or the [MPT Preparation website](#) by the NCBE. Those might be the only free things you get from them. [Jump to this page](#) to get more practice than you'll ever need.

I JUST OPENED ONE, AND EXCUSE ME, HOW DO I ORGANIZE THIS? WHAT ABOUT ON A REMOTE EXAM?

There are multiple ways to approach it. If you do it right and things click and start to cascade into a beautiful symphony of words worthy of being archived in the Library of Congress, it'll feel like a big brain moment where your own genius frightens you.

First, decide how you will approach the assignment. You can do this one of three ways. Try to find out which one you prefer ahead of time (i.e., as you practice), so you don't have to think about it on test week:

1. Instructions → File → Library
2. Instructions → Library → File
3. Instructions → check the booklets & table of contents → the shorter of File/Library

Reading the instructions should always come first so you can figure out the nature of the assignment and get into the mindset of a professional learner, writer, and preparer (AKA an attorney). If you want, rip out the instructions for easy reference.

As you'll see below, I prefer approach 2 (Library before File).

Are you asked to write an objective memo or a persuasive brief? Maybe a motion for summary judgment? A client letter? Determine which type it is, whether it's objective (memo, client letter) or subjective (persuasive brief to the court).

If you have to write an objective memo, you know you have to keep track of everything that's favorable and not favorable to the client. Your boss or client wants to be aware of the strengths and weaknesses of the case so that they're not caught by surprise.

If you're writing a persuasive brief, you can focus more on the law and facts favorable to you. You'll also want to be able to preempt any arguments from the hypothetical opposing side by setting up a weaker "strawman." To do this, look for weaker law (lower court) and facts unfavorable to your opponent (contradictory to an element of a rule), and then knock them down with a better argument using your favorable law and facts. You can also distinguish good cases favorable to the opponent by explaining how your situation is different.

The main difference between objective and persuasive tasks is how you use the unfavorable arguments (favorable to the other party).

In an objective memo, you'd point out the unfavorable arguments but come to a balanced conclusion. It doesn't matter if it's favorable to the client or not. The client needs to know the weakness in its position.

In a persuasive argument, you'd try to distinguish your case and facts by pointing out differences from the authorities. You want your arguments to favor the client.

In other words, you want to be fair to both sides in objective-type assignments, and pretty much bully the other side in subjective-type assignments (don't do this IRL).

Either way, your answer should feel as if you're writing to a real person and trying to either prepare or inform (e.g., a boss or client) or persuade (e.g., a judge).

As you look at several examples of PT answers, you'll start to understand the tone better and see different formats. In rare cases, you may be asked to answer in a non-standard format like a closing statement or even a will, so it would be helpful to know what they look like at least.

“Should I start with the File or the Library?”

Some people go on autopilot and simply go in the given order (**approach 1** above). Others wonder whether to start with the File or the Library. Either order works. I'll tell you my preference in a bit.

If you go from File to Library (approach 1), you'll probably recognize that a case you just read fits into some facts you saw from the File earlier. If you go from Library to File (**approach 2**), you'll probably recognize that some fact you just read fits into a rule you pulled out earlier. Try to find out which way your brain prefers.

I personally prefer to check which booklet is smaller (obviously only possible for in-person paper exams). For instance, fondle each booklet to check their thickness, maybe even before the PT session officially starts. And then start with the smaller one. That way, I can hold in my head whatever is in the smaller set of documents as a reference while working through the bigger one. This is **approach 3**.

But in general, **I prefer to start with the Library** because I can pull out all the rules first, then go through the File to take notes on which facts can be discussed under the rules I just pulled out. Put another way, having the rules available first gives me context for which facts are important. This is **approach 2**.

It's easier for me to organize an outline with *each case or rule as a big theme* and *smaller pieces of fact underneath each theme* (examples below). If I were to go through the File first, I might skim it for the gist of the story and come back to it again anyway after pulling out the rules from the Library (extra time spent). It depends on each case. I just prefer to get down the big rules from the Library first, pick out golden nuggets from the File under the rules, and dog ear those pages. Again, see what works for you.

If you end up being bogged down by a bunch of facts in the File or in a case, stop highlighting everything and instead only look for ones that are especially hitting home that you can use to analogize/distinguish. Some will feel relevant-*ish*, while others you can tell it's going to be helpful to your analysis by the voice in your head that says “hell yes!” Look out for the latter.

You are free to note or highlight whatever you feel is potentially relevant, and *then* separate the ones that meet a higher relevancy standard.

In the end, I end up with 3-10 bullet points with the best facts I can use with each case, with pages dog eared for later reference. I also summarize each case as a note to self.

“How do I keep track of everything on a remote exam where the File and the Library are in tiny windows?”

If you're allowed to have paper to take notes on, use that to the extent it's helpful. I might jot down quick notes and references rather than draw up a whole outline on paper.

A better way might be to organize your notes on screen (as it has been even before remote exams). More specifically, you could type directly into the answer box:

- The big assignment you must address (to remind yourself what the issues are)
- Rules you've extracted from the Library
- Whether the rules are advantageous or disadvantageous to the client
- Notes or relevant facts you've flagged as you read the File
- Reference page numbers to the File or Library

You could put all this information that you collect in one place and later piece it together. This first organization method is a brain dump and can be more useful if you want to concentrate on being able to pull out information and are more confident in your ability to later filter through relevant pieces and assemble arguments.

A second method is to organize the information on the fly under issue or argument headings or “umbrellas” as you read the Library and the File. This might be more useful for subjective assignments where you must argue in favor of one side and want to be sure to categorize one type of information in one place (e.g., group favorable facts and case law under one argument heading).

BarMD goes through a step-by-step approach to doing a PT on a screen in gory detail using the second organization method above: <https://www.youtube.com/watch?v=C5yMmgpkRaY>

Again, you can still use the paper to jot down any stray thoughts, if allowed.

There's also a one-page cheat sheet at the end of this lesson that summarizes this approach.

CAN YOU BE MORE SPECIFIC ABOUT YOUR PERSONAL STRATEGY?

Yes. The process is in two phases: the **setup phase** and the **writing phase**.

Allot **40–50%** of your time to the setup phase (that's about 35–45 minutes for a 90-minute PT for example) and **50%** for the writing phase. Reserve **10%** as a buffer for writing if you can. **A common problem with the PT is running out of time to write your answer.** Manage your time carefully so that you don't end up rushing to write an incomplete answer.

As a guideline, stop outlining at the halfway mark at the latest, and start writing with what you've got. More on this under "Time Management" below.

"But I need more time!" Better learn to outline faster because if you need more time going through the materials, you're going to be even more stuck writing the damn thing. That said, this is my personal preference. If you figure out a strategy that works better, use it.

Basic Prep

✓ Prepare a pen (or pens of different colors) for facts and a highlighter for rules. This is just personal preference; do what you're comfortable with. I make it easy to see what are facts and rules I can use.

If doing an objective memo, I use different colors (e.g., red and blue) to set up potential arguments for each side, counterarguments included. For example, I'll underline parts of the File and Library that support my client's case in **blue ink**. Things that support the other side will be in **red ink** to anticipate the opponent's argument in my work product later.

This is less important for persuasive briefs where you push for one position, but as noted above, setting up a "strawman" for the opposing side to knock down can bolster your argument.

✓ Set Word to Web Layout instead of Print Layout to create a continuous workspace and simulate the width of the text area in the test software (assuming you're typing).

✓ See whether the File or the Library is bigger. Read the shorter one first, then the longer one, then if you need to, back to the shorter one to connect the dots. The Library is typically shorter, and that's the ideal situation because the principles (rules) you find there will inform which facts in the File are going to be relevant.

Library

✓ Use the pen(s) to mark potentially important facts as you read the cases: blue, red, whatever. You can filter them later.

✓ Use the highlighter to note “big rules”—the ones you want to cite in your answer. These are general principles that aren’t directly about the parties, but the court applies them to the parties in the case. They’re likely recognizable as being related to the issue(s) given in your assignment. Relatively obvious examples are multi-element/factor tests and citations from another case.

✓ You don’t have to be terribly judicious about which rules to note, as long as they’re principles that are applied to the facts in the case to come to some resolution. Perhaps you can underline with the highlighter if you think it’s a minor principle and fully highlight if you think it’s a “big rule.” **The purpose is to generate quotes you can potentially use to support your analysis later. You can later decide not to use them.** You don’t need to use all of the principles that the court used in its reasoning—just the relevant ones. You’ll get a better sense of which ones are relevant after going through the File.

✓ Also, note how the case turned out. Was the case favorable to your client or not? This is helpful for analogizing or distinguishing the case in your answer, in combination with the facts of the case.

- This is handy to know in case you have to make parallels or distinctions between your facts and the case facts. If the facts are similar and the judges were in favor of the party analogous to your client (even better if the court “reversed”), then you know it’s a good case to use in support of your client. If not, then you could bring it up as a potential counterargument in an objective memo. In an argumentative brief, either look for a different case or try to distinguish your set of facts from the case.

Next, the File and outlining →

File

✓ If you read the Library first, what you saw just now should have given you some context. Keeping what you saw in mind (including legal principles), note facts in the File that you believe you can use to address the issue(s) of your assignment. Feel free to annotate quick notes in the margins as reminders. Dog ear pages with items of interest, as there will likely be several pages.

✓ If you're using different pen colors, use this time to mark facts as being in favor of or against your client. For example, **blue** for favorable facts and **red** for unfavorable.

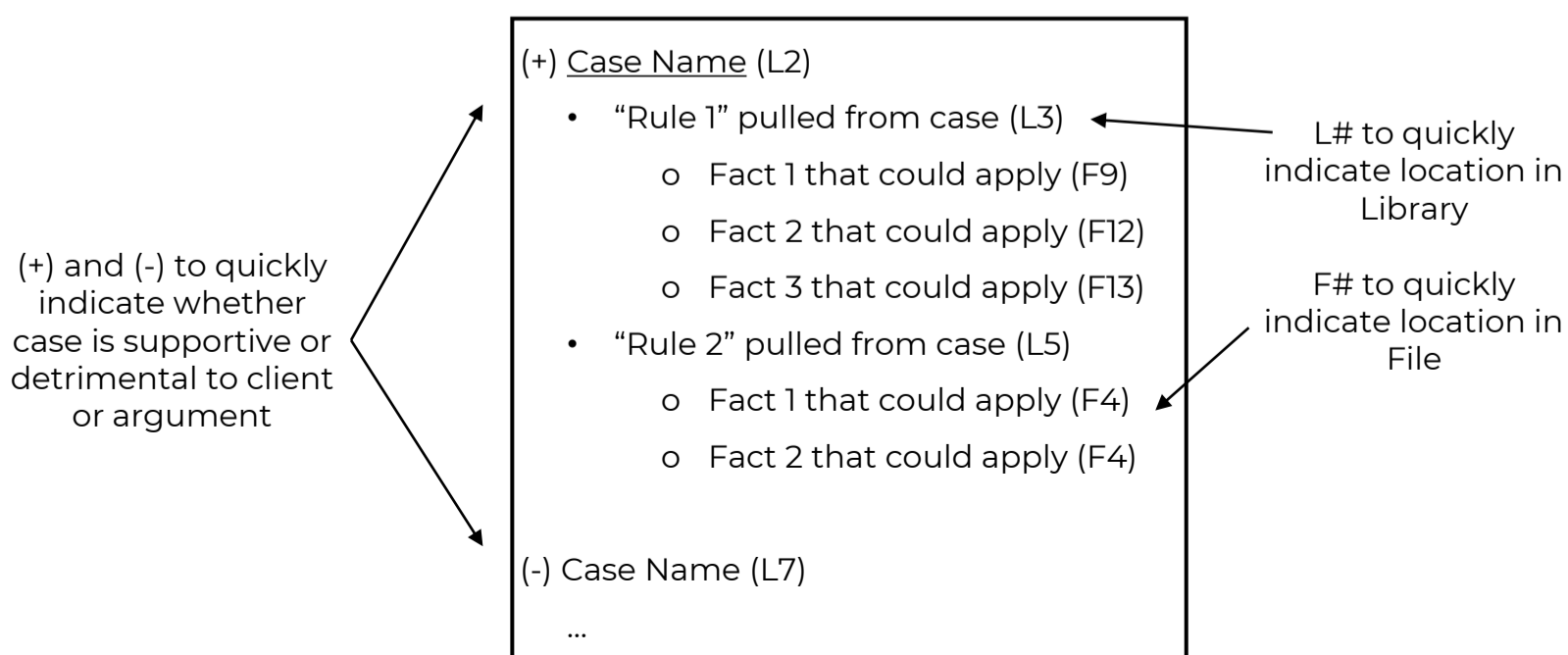
Outline – Part 1 – Rough Case Outline

✓ Based on what you saw in the File and the Library, draft a rough outline that collects what you've found so far. Example below. It could be on scratch paper as this is a rough plan for later assimilation into the work product—no need to write everything here.

✓ I recommend shorthand like below (or any notation you prefer). Doing this lets you refer to key locations with a simplified outline of your answer. You may not end up using all of these once you've put together a rough outline, so this saves time up front as well, as opposed to copying down or summarizing what you initially thought you'd need from the File or Library.

✓ Include the case names, whether each case is for/against your client or argument, relevant rule statements or excerpts, any statutes, and key words from the File (any facts the rules could apply to). Cases often interpret statutes. While you can cite a statute in your answer, it's unlikely you can directly apply it in your answer because that would be your own interpretation. But only the court's opinion matters, not yours. So check the cases for valuable case law and rule statements that use the statute. Indicate their locations in the materials for quick reference.

The case outline could look something like this:



Outline – Part 2 – Working Outline

You can do this part as you write instead of making it an additional outlining step:

✓ Now that you have the whole picture in front of you, begin typing (or handwriting into your blue book) a full working outline using the rough outline as a guide: Go through the earmarked pages. Decide which facts or rules are actually going to be relevant to your answer. Collect and write out the underlines and highlights and other marked portions you've made, paraphrasing any relevant facts that need it (such as transcript lines).

This will enable you to later cut and paste rules and facts into your answer so you know you used (or considered using) everything you wrote in the case outline.

What to add into the working outline:

- Big issue headings: Determine from your assignment or questions asked to you in the assignment. If the task is general and vague, set up using any “big” law you've pulled out.
- Smaller issue headings: Determine backward from rule elements or any “big” law you've pulled out.
- If you can see it, the conclusion for each issue and sub-issue.

Time Management: Spend no more than 40-50% of your time on outlining. If at any point you're past the halfway mark (e.g., 45 minutes into a 90-minute PT), leave in what you have as the outline, and start writing your answer by filling in your outline.

Include your issue headings, any introductions, any concluding remarks, and what you have outlined. A “complete” sketch is better than an incomplete masterpiece.

A student reiterated the process:

3) PT: go to the file to get the marco structure (the skeleton of pt answer), then go to cases to highlight the rules in red and court holdings in blue for each case (the secret is the chronological order of the cases in library matches the chronological issues in the macro framework; the applicable statues are cited in cases). For the outline of PT, just need to put the macro framework and the page number of the rule and could holding (for comparing and contrasting facts in the client file), then go back to the client file to copy client facts into the answer.

Now I know why those commercial bar courses and private tutors can't help any repeaters because it is all about practicing (memorizing black letter law, issue clusters, keeping doing mbe questions to boost overall score.

I think your playbook is the best so far.

Regards

Next, writing →

Writing – at least 50% of your time

Remember from Lesson 1 that the PT focuses on R and A of IRAC: your ability to extract rules and facts, and your ability to apply the rules to the facts in detail. Don't worry about the conclusions too much; they should flow out naturally from your work.

✓ As a general guideline for time management, reserve up to 50% the allotted time for reading, annotating, and outlining. Use the remaining time for actually writing out your answer. I emphasize this yet again so you don't get caught in the pitfall of PTs.

I tend to be lazy and type slowly wondering when the hell I can get out, so I leave a little buffer room and aim to do something like 40% outline + 60% write and “relax” throughout the writing phase because my answer looks better when I take the time to make it formatted, focused, and organized. This also gives me more time to flip through the documents to find that one piece of information that I know I saw that would be good to include in a particular section.

It's also generally better to leave extra time than struggle to type everything in 30 minutes because you spent too much time preparing. I know I keep emphasizing this strict time management, but that's only because I don't want you to get screwed.

✓ For citations, forget Bluebook for now. It's OK to cite just the case name or statute and underline (as opposed to *italicize*) the citation so that graders can easily see that you cited the rules.

“Can I copy the rule statements verbatim from the cases without using quotes?”

Sure you can. It's not going to be “plagiarism.” But in addition to underlining the cited case name to make it pop out, I would include quotation marks for a few reasons:

- (1) It makes the rule pop out and indicates to the reader (don't forget it's another human) that it's not coming from you. Rather, you're beginning or ending a citation.
- (2) It really doesn't take much time to wrap text in quotes.
- (3) Graders are humans, too, and presentation counts even if it may not explicitly be worth X points.

If you have a huge rule paragraph, you can break it off into a new paragraph. In fact, when you introduce a rule statement, it should be a new paragraph anyway for clean IRAC.

Next, IRAC →

✓ Make sure to answer the actual task. That's the first thing that goes on my computer (in Outlining – Part 2) so I can set up my main headings. Alternatively, rip the instructions out for easy reference. I don't do this because I like things neat and there's plenty of pages to keep track of already. However, others have found it helpful to have the instructions separate.

✓ For a framework, use the given task or questions from your assignment as a guide. If they give you 4 questions to answer, you'll probably have 4 big headings. Like essays, the format is IRAC/CRAC and mini IRAC/CRAC. If they want you to just write a memo, the big law you pulled out will serve as issues and/or sub-issues (for example, elements of the law). From looking at how much notes on law and arguments you have typed up during the outlining process, you can estimate how much time to spend on each heading.

The rest is simply filling in the blanks that you've set up in your outline.

Whatever you do, use clean IRAC (or CRAC) and presentation, including conspicuous headings (bold/italics/underline). Grading bar papers is some of the most mind-numbing and frustrating activities one can do, and after reading hundreds of the same answer, the grader (the underemployed and underappreciated human who doesn't get paid much) will be tempted to simply look for main points (headers) and speed read through the rest.

Of course, you should still analyze your case properly in case they carefully read what you wrote. Starting with a good outline will serve as a strong foundation that carries you through the task.

The following pages have template examples of what an answer to an issue might look like on a PT:

Next, examples →

Here's what a basic unit of IRAC might look like:

IRAC

I. ISSUE HEADING [A summary of your argument may be appropriate in a persuasive brief: "X is the result because Y summary of arguments"]

According to CASE/STATUTE, "[insert rule statement(s), typically multiple sentences]."

[Break out into multiple sub-issues if the rules touch on different concepts.]

In the present case, [connect the pieces of facts you found to other facts or to the rule statement you just provided].

[This is also a good place to analogize. "Like CASE, [analogize with similar facts]."]

[Add counterarguments if objective memo.]

On the other hand, [argue with facts and law favoring the other side]. CASE 2.

[If your original argument is stronger] However, [emphasize 1st argument and/or rebut 2nd argument].

[This is also a good place to distinguish. "Unlike CASE 2, [distinguish with differing facts]."]

Therefore, [conclude and resolve the issue] because [summary of argument].

Here's what a unit of IRAC might look like with multiple parts to analyze (likely scenario):

I. ISSUE HEADING [A summary of your argument may be appropriate in a persuasive brief: "X is the result because Y summary of arguments"]

According to CASE/STATUTE, "[insert rule statement with elements 1 through N]."

[If there are several elements to a rule statement, each one gets a separate sub-issue heading here:]

Element 1

[Rule] requires [element 1] to be met. Specifically, [explain element 1 from supporting case law].

In the present case, [connect the pieces of facts you found to other facts or to the rule statement you just provided].

[This is also a good place to analogize. "Like CASE, [analogize with similar facts]."]

[Add counterarguments if objective memo.]

On the other hand, [argue with facts and law favoring the other side]. CASE 2.

[If your original argument is stronger] However, [emphasize 1st argument and/or rebut 2nd argument].

[This is also a good place to distinguish. "Unlike CASE 2, [distinguish with differing facts]."]

Thus, [conclude and resolve the sub-issue].

Element 2

[Repeat similarly to above.]

Element N

[Repeat similarly to above.]

Therefore, [conclude and resolve the major issue] because [summary of argument].

IRAC

This is one mini IRAC

This is one mini IRAC

This is one mini IRAC

Other ways you can start the rule statement:

- “In CASE, the court ruled that...”
- “Per CASE/STATUTE...”
- “[Rule statement(s)].” See CASE.

Other ways you can start the analysis:

- “Here...”
- “In this case...”
- “In our client’s case...”

Finally, does it reasonably look and sound like work product you’d send a judge or your boss or client? Not just in terms of tone and jargon (e.g., headers for a firm memorandum, title of brief, more layman language for clients) but overall presentation.

I used the above process on a practice PT, albeit a relatively easy one (for me, it was PT-B from California’s 2006 February exam), compared it to an answer at BarEssays.com (for CA students only—use code **MTYLT25** to get \$25 off), and thought mine was better.

For your reference, this answer officially scored a 70 (FYI, this is considered a good score in California, above the on-track-to-pass score of 65) with the following:

- Inconsistent designation of parties throughout (Robert, Robert Small, R)
- Nonsensical arguments (arguing against own position in a persuasive brief)
- Inappropriate “ping pong” tone for an argumentative brief ([Other side] will argue... However....)
- Misspellings
- **BUT the issues and sub-issues are there, and rules are correctly pulled out**

Now that you have a specific framework, it’s up to you to put it to practice and see if it works for you. This is but one approach you could take. The most important thing to see improvement is to actually do it (instead of just reading about it) and get feedback from a model or sample answer.

Model answers will give you a better idea of what each kind of PTs should look like. Do you know how to write a closing argument?

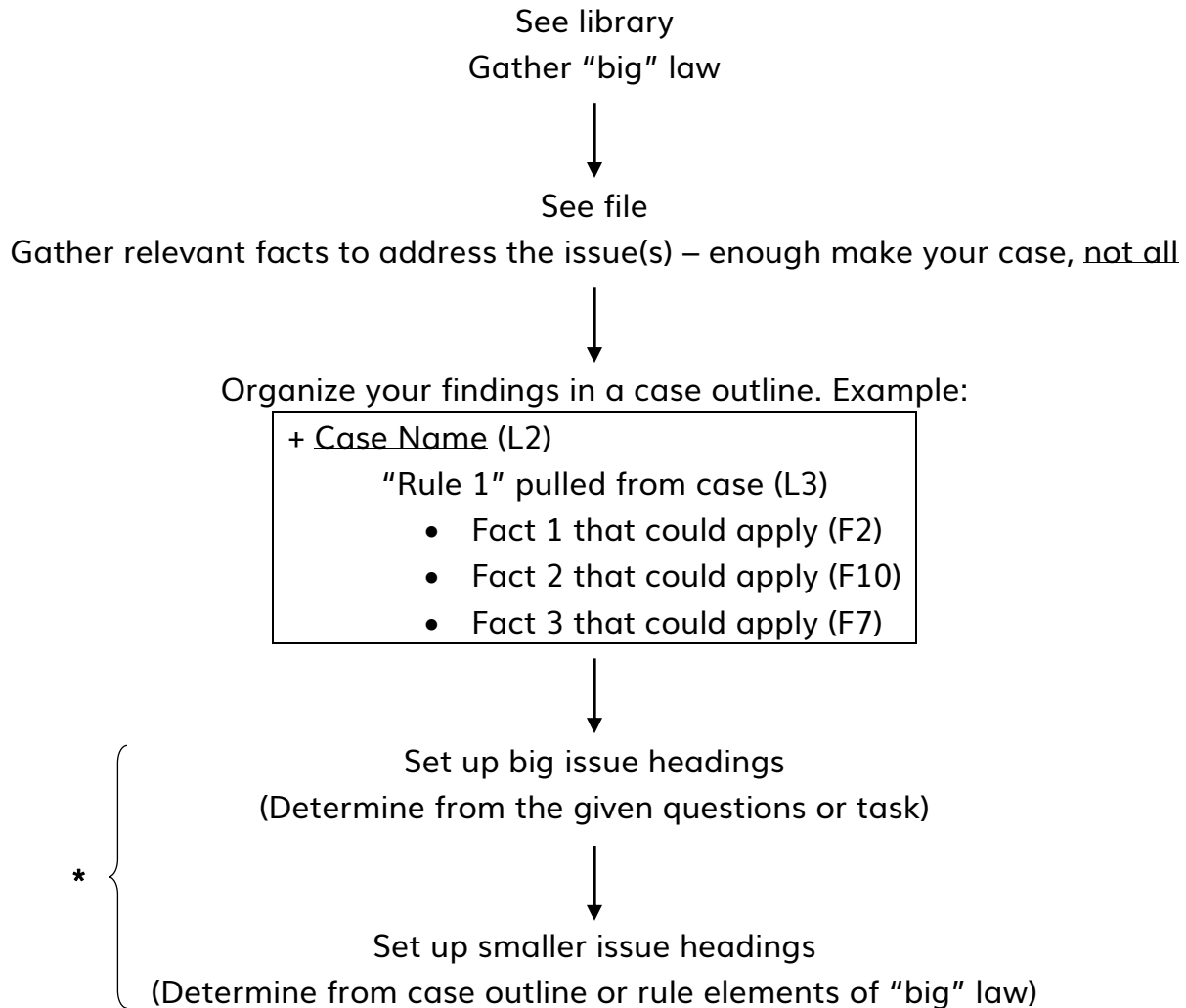
And once you get consistent and enough PT practice, you won’t forget how to do one, just like riding a bicycle. I recommend doing and reviewing 1 or 2 a week on Tuesdays (written portion of bar) and/or Sundays (slow days) and getting a wide exposure to different types.

PT / MPT CHEAT SHEET

IRAC elements tested: R + A

Setup phase – 40-50% of allotted time

This assumes you'll read the library first, then the file. You may prefer a different order (decide beforehand and adjust accordingly).



* May be done during writing phase

Writing phase – 50% of allotted time + up to 10% buffer time

Fill in IRACs (use smaller issue headings). For each IRAC...

- ___ Rule and analysis were discussed in separate paragraphs (not jumbled together)?
- ___ No "ping pong" arguments, unless doing objective memo?
- ___ Heading and paragraph breaks were used? Not writing giant paragraphs helps, too.
- ___ Case names and statutes were underlined?

UGH, NEVER MIND. I DON'T KNOW ABOUT THIS WHOLE BAR THING ANYMORE. HOW CAN I PREP FOR PT'S WHEN I'M NOT GOOD AT WRITING?

Some possible ways to get feedback on your writing (which is important):

1. Self-evaluation, the most immediate type of feedback: Compare your answer (issues, rules, facts used) to model answers from your state bar (for example, see the [California State Bar website](#) or the [MPT Preparation website](#) by the NCBE)
2. If you're in California, compare your answer (issues, rules, facts used) to low- and high-scoring answers on [BarEssays.com](#) (use code **MTYLT25** to get \$25 off)
3. Get it graded by graders from your bar prep course
4. Get it graded by a tutor

BUT I HEARD PT'S ARE ALL DIFFERENT AND GENERALLY JUST TEST YOUR WRITING AND ATTENTION TO DETAIL AND ORGANIZATION?

Didn't you get into law school in the first place because of those skills? Never mind.

To improve writing: Study past answers and try to emulate them. Recall your legal writing activities like law journal, legal writing and research class, research papers, etc.

If you need a supplement (say, if you're a foreign student), read and do the exercises in [Plain English for Lawyers](#). Or don't. Here's a summary: Use clear and succinct language. The "easier" your words are to read, the easier your work is to understand.

I think back to this book when I feel like my writing becomes too convoluted. You don't need fancy words or long sentences. In fact, the simpler you write (using "easier" words), the better time your graders will have and the more intelligent they'll think you are (hopefully).

But merely thinking about writing won't get you very far. Improve your writing by doing, through practice and emulating others. You could, for example, copy model answers or actual high-scoring answers. You'll probably get tired of that real quick, though, like I did. Nonetheless, it's a good exercise to try at least once.

Maybe it will take a couple tries to pass the bar if for some reason legal writing didn't click in three years of law school (because it sure didn't for me). Maybe you'll decide law isn't right for you and give up on the bar altogether. But you will eventually pass if you consistently put in the effort and take baby steps. Anyone who has graduated law school can. Like many things, this is a learnable skill, PTs *especially* so because it is purely skill based unlike essays and MBE where there's a strong element of recalling all these different rules.

Also, you should ideally maximize your words per minute, especially if you're typing.

To show attention to detail: First of all, focus. Stop thinking about that random FB status you saw, and remember that this is your whole life right now. Read slowly, and mark important parts with your pen, pencil, or highlighter. Or take notes on your outline. Collecting relevant nuggets of fact across the dozens of pages is important and takes focus. This is another reason I read the Library first. It primes me to be alert to relevant facts.

To improve your focus: Do you have ADHD symptoms? I don't blame anyone for developing symptoms after enduring a three-year assault on their fragile psyche. Here's what the world's best minds have to say about it:

"People think focus means saying YES to the thing you've got to focus on. But that's not always what it means at all. **It means saying NO to the hundred other good ideas that there are.**"—Steve Jobs

"Focus is a function, first and foremost, of limiting the number of options you give yourself for procrastinating... I think that focus is thought of as this magical ability. It's not a magical ability. It's put yourself in a padded room, with the problem that you need to work on, and shut the door. That's it. The degree to which you can replicate that, and systematize it, is the extent to which you will have focus."—Tim Ferriss, entrepreneur and author (if it was really him I saw at Chipotle, I missed out on my chance to talk to him)

Say NO to things so you can say YES to what you originally set out to do: passing the bar.

To improve organization: Even if you end up having no idea what to do upon reading a PT, you'll probably have a good start going one of two ways.

1. If the assignment gives you general calls, use the rules you pull out of the case as a guidepost. For example, one rule might have X specific elements. Is that a linchpin rule that is highly relevant to your case? Make each element a heading. If there is no such rule, you might start by creating a heading from each rule that you pull out.
2. If the assignment gives you specific calls that tell you specifically what you need to analyze, those calls are the major headings/issues. Look for rules that seem designed to answer the calls. If a rule relevant to a call has multiple elements, make each element a heading (see the [second template example](#) above).

BUT THIS IS ALL LUCK! YEAH, THAT'S IT...I'M JUST UNLUCKY...WHAT IF I GET ASKED TO DO A WEIRD FORMAT?

The reality is that this whole law experience is subjective. Employers want students with good grades because clients demand pedigree, but you could get a different grade at your professor's whims and choice of words, interpret a final exam question in a totally off direction, or end up following a professor's advice you shouldn't have followed ("Don't use commercial supplements!").

Getting into law school in the first place meant you had to take one of three different LSAT forms or arrangements, all of which were standardized by the same curve.

The bar exam also has an element of luck and subjectivity.

Your bar graders could arbitrarily throw around points like it's nothing. If you get a less generous grader, your answers might get stuck in the loser pile and never escape. Your score is a function of whom your answers initially get shuffled to.

So basically these quasi-subjective measures are turned into objective numbers and rankings, even when you try to become partner at a firm. What a world.

Yet everyone is taking the same test. Don't you want to turn chance to your advantage? Be better prepared than everyone else? You're the champion of composure! The maven of meditation! The paragon of preparation!

Luck favors the prepared. The more you prepare, the luckier you seem to get.

In *The Dark Knight*, Harvey Dent said he made his own luck and became a star DA! He dies at the end of the movie, but that's not the point.

I STILL HAVE NO IDEA WHAT TO DO. COULD YOU SUGGEST HOW TO START?

If you're completely baffled or unsure how to get started, just play around. Here's what I mean:

- Pick any PT. You can find one to do [here](#).
- Try a PT untimed and see how that goes. No pressure.
- If you're stuck, it's also totally fine to peek at a sample answer published by the state bar. Or if you're lost, try copying it.

I actually started this way... I didn't quite get PTs, so I just read the PT assignment and retyped the answer. Yes, I remember retyping an entire sample answer!

This way, you at least get a sense for the structure and what a PT answer should look like. On your next PT, you can wean yourself away more and more. For example, try to stay on time more.

This play approach can also be helpful if you run into a completely new format other than a straight objective memo or subjective brief. In fact, this is how you can get started on anything you're stuck on, such as essays.

I'VE FINALLY ACCEPTED MY FATE THANKS TO YOUR RELENTLESS ENLIGHTENMENT AND TOUGH LOVE. SO WHICH PT'S ARE GOOD TO PRACTICE?

Whether you're taking the Multistate PT (check [here](#) for whether your state administers it) or the 90-minute California PT (please stop calling it "MPT"), take a look at these sources.

There's plenty of them to practice with:

- Downloadable PTs and MPTs: <https://www.makethisyourlasttime.com/past-bar-exam-essays-pts/>
- Point Sheets for MPTs from a few years ago: <http://www.ncbex.org/exams/mpt/preparing/>
- MPT assignments and sample answers since 2000: <https://www.gabaradmissions.org/essay-and-mpt-questions-and-selected-answers>
- Includes different sample answers to same MPTs from 2005: <https://www.nybarexam.org/ExamQuestions/ExamQuestions.htm>

If you're taking the CA bar, these MPTs are pretty similar to the now-90-minute CA PTs.

I used to suggest doing the 3-hour legacy PTs when there weren't enough practice materials and I wasn't sure whether MPTs were similar enough. Since then, I've found that the MPTs are pretty similar. Legacy PTs could be good for endurance training, but I'd mostly focus on MPTs (plenty in the links above), the [sample PT](#), and [selected PT answers](#) starting from July, 2017.

Get a good handle on both objective- and persuasive-type assignments. An example of an objective type is a balanced memo to a supervisor on merits of case. An example of a persuasive type is a legal brief to a judge.

At the end of the day, almost all PTs are objective or persuasive in nature. 90% of the time, it's straight up an objective memo or an argumentative brief.

Sometimes, though, you'll be asked to write a client letter (conceptually an objective-type assignment). Sometimes you'll get a weird one like a closing argument or a motion for summary judgment, but conceptually, those are still persuasive types. Maybe even a will.

So it's a good idea to look through various ones to know what you can expect. Quantity and exposure to variety are important for PTs.

If you run across these rogue PTs, you can read over them just so you won't feel completely lost if a rare format appears on the actual test. The instructions will likely tell you how to format your document. The format is merely a technicality. Your bar prep material, if you have access to a course, probably has a section on how to approach various miscellaneous formats like a declaration, will, closing statement, etc.

Overall, you'll get the most bang for your time buck by focusing on *how to form objective and persuasive arguments* with various memos and briefs.

Anyway, re: advice, I took yours and did a PT today...just outlined it and was an Obj. memo. I am so glad I did that because I saw that **the method I was using was not flexible enough to handle that PT!!** Looking at the sample answer I freaked out and then got over myself and learned the lesson(s).

HOW MANY PT'S SHOULD I PRACTICE?

How many PTs you schedule in your study calendar depends on how well you can *actually* do one now, more so than how confident you *think* you are. To gauge where you are, aim to do at least one PT in by May or December to see how you fare.

The PT appears simple since you remembering bar law is not part of the preparation. The PT portion typically counts for the least compared to the MBE and essays. So it's easy to underestimate and take it for granted.

In part, the PT is an exercise in timing, organization, and endurance. **Generally, doing and reviewing at least 1 or 2 PTs per week (such as every Tuesday) gives you a good amount of practice. Adjust for how well you do, but do more than you think you need to.** Also, generally, it's more of a matter of how many you go through (even just reading them) rather than how deeply you try to understand each one (unlike MBE and essays). Both are important, of course.

At an absolute bare minimum, take a look at one objective memo and one persuasive brief before your exam. I personally did 3 the first time and 5 the second time. They were simulated, 3-hour exercises.

That said, make sure you get your answers evaluated so you know where to improve. At the end of the day, it's not putting in the time itself that makes you better. Improvement comes from constant feedback and learning every time you try to solve a difficult problem.

Self-assess them with model answers (see links [above](#)), or submit them to your prep-course grader. If you're in California, BarEssays.com has answers with actual scores (use code **MTYLT25** to get \$25 off).

I KEEP RUNNING OUT OF TIME! HOW AM I SUPPOSED DO THIS WHEN I'M SPENDING WAY TOO MUCH TIME OUTLINING THE LAW AND FACTS?

Are you taking up the whole time just to gather the law and facts before you can even finish the assignment? One common trap with the PT is running out of time from getting lost in the weeds or neglecting time management.

It may be counterintuitive, but spending time up front to organize the materials and set up an outline first can save a lot of time. Once a good outline is set up, the rest is just “busy work.”

To that end, during practice and during the exam, either set a strict time limit for outlining (I recommend using no more than 40-50% of your time to outline and getting to writing no matter what so that you can finish), or give yourself more time by shaving some time off your afternoon essays (CA bar—also see if you want to do the essays after the PT) or the other MPT (if UBE). You could also try practicing just outlining (“PT cooking”).

If you're writing all sorts of possible rule statements, try limiting them to the most important ones so you don't have a whole mess of law. You can highlight the potentially relevant rules that you see but not transfer them to your outline until later when you have a better idea of which ones are most important (not spending time typing up every bit of law you think might be useful). Also, note whether a particular case will be for or against your argument, as well as a brief factual summary in case you want to analogize/distinguish your case. This will help keep track of what's important.

You could also practice pulling out *just the relevant rule statements* (“rule spotting”) or *just relevant facts* (“fact spotting”) within a time limit you set for yourself (see the [MPT Point Sheets](#) for an example).

“Rule spotting” is relatively simple if the Library is only made up of cases. It's just like case briefing in law school where you extract the rule statement, except it's usually relatively obvious here (numbered elements, general principles, the “truth” used by the court to come to the point or conclusion of the case).

This becomes a bit more confusing if there are statutes. In this case, the case law may interpret a statute, or you may have to use the statutes on your own.

SHOULD I REDO PT'S?

I would be hesitant because PTs are about analysis—organizing and putting together an unfamiliar File and Library in a time crunch. If you already know ahead of time the issues and where to extract the relevant facts and law (after having done it before), it wouldn't be a true exercise of a PT. You'd just be rigging the exercise.

Unlike the MBE or essays, PTs are better learned through exposure to a variety of them rather than trying to deeply understand the answer. I would generally focus on *quantity* and *variety* of PTs rather than trying to redo the same one (unless you somehow run out of PTs to do, in which case you had enough practice).

Instead, if you'd like to challenge a PT again, one way to practice the stuff that matters is to...

1. Do some “rule spotting” where you try to pull out usable rule statements and decide which ones are more important than others for your assignment. See [Lesson 11](#).
2. Or perhaps you could review the File and mark relevant facts and evaluate other facts you didn't use previously. In essence, you'd be practicing pulling out the facts (“fact spotting”).

If you put both of these these together using at most half of your allotted time, you get an outline without doing the busy work of writing out the full answer.

It's great that you're doing the work, but don't forget to review your work, too. Otherwise, how do you know you did the work correctly?

ANY TIPS FOR HANDWRITING A PT?

The basic approach to answering a PT is the same as above.

Personally, I wouldn't handwrite because of possible added disadvantages related to legibility, writing speed, and ability to edit.

But if you insist on handwriting, try these to increase your chances of turning in a good answer that will be graded fairly:

1. Practice your handwriting speed and legibility before the exam. Your answer is going to be slower and messier than typing. Your hand is a muscle and can get fatigued if you suddenly try to write for 90 minutes straight (especially after any essays you may have written earlier or have to write after the PT).
2. Use abbreviations and shorthand to save time when creating an outline. Same principle as the examples in [Lesson 4](#). This becomes even more important for saving writing time since handwriting is slower than typing. But avoid using shorthand or defining it for the grader in your actual answer. Write out names entirely unless they're obvious (e.g., P, D).
3. Clearly label sections and use headings to make your answer organized. Use capital letters or underlines, something to make headings clear. Handwriting is already hard to read as it is.
4. Leave space between paragraphs (or even lines). You might need to write more.
5. See that your writing is reasonably legible from beginning to end. Preferably, you don't write in cursive (who does that anymore), and you write as close to typed letters as you can (standard American English typeface). Don't judge the legibility on whether YOU can read it. Remember that graders are strangers to your writing and don't have time to decipher your scribbles (or shorthand). One of the goals in PTs and essays is to make it EASY for the grader to grade. If in doubt, ask someone (preferably who can be honest) if they can read your handwriting well.

ENDNOTE

WRAPPING UP & WHERE TO GO FROM HERE

I hope you found this guide helpful. If so, please let me know what you liked about it or what's missing (email address on the next page). It will help with future revisions.

Don't assume someone else is going to email me. Assume *you* will. I read everything.

Remember: Practice consistently with a variety of PTs, and review your work.

But performance tests aren't the only thing on your mind right now. If you need extra help with the MBE or essays, I recommend these resources:

MBE – [Strategies & Tactics for the MBE \(8th Edition\)](#) – guide for each subject and curated past exam questions covering a range of issues with excellent explanations

-AND/OR-

[AdaptiBar](#) – 1,650+ past questions and optional (popular) add-on lectures

CA essays – [BarEssays](#) – repository of real student answers with scores and annotations

[I keep up-to-date discount codes for AdaptiBar and BarEssays here.](#)

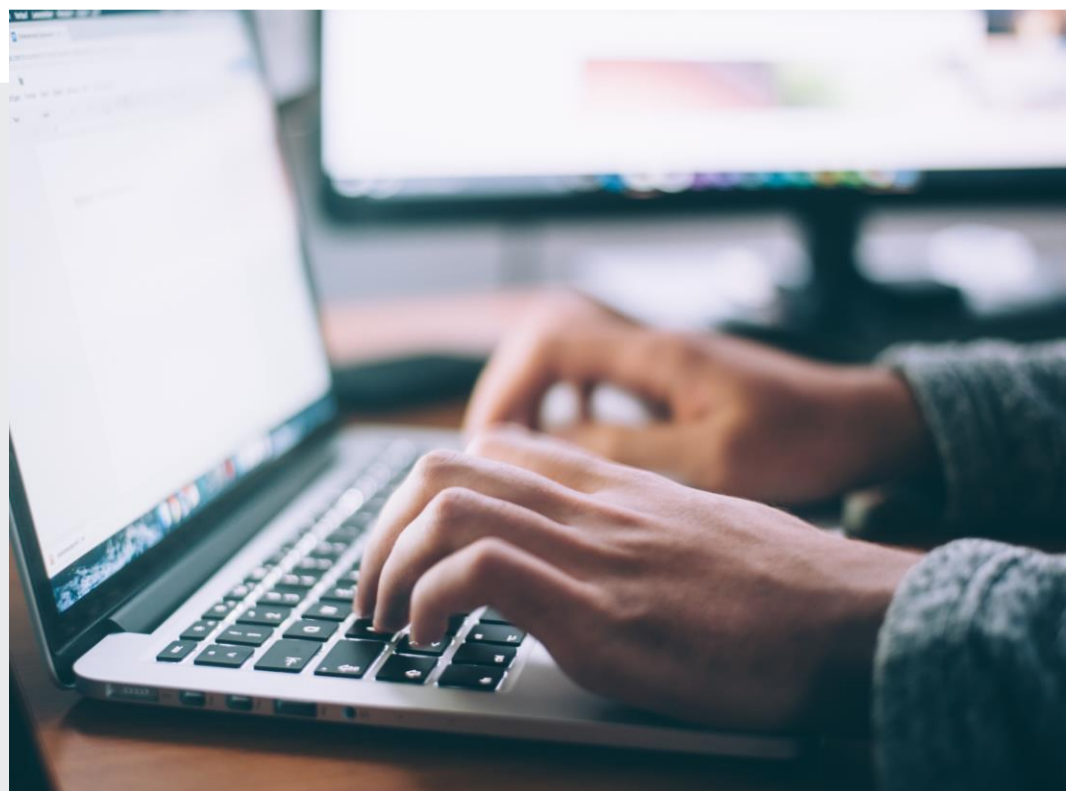
Do your best on the performance tests! They're a low-hanging fruit.

If you're looking for further resources to help you prepare for your bar exam, check out my [Resources](#) page.

Brian

**“PATIENCE,
PERSISTENCE AND
PERSPIRATION MAKE
AN UNBEATABLE
COMBINATION FOR
SUCCESS”**
—NAPOLEON HILL

**“WITH EVERY FAILURE
COMES WITH IT THE
SEEDS OF SUCCESS”**
—NAPOLEON HILL



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- Detailed articles, strategies, and resources for the bar exam.
- Sign up for my weekly emails for coaching emails, MBE Q&A, and inspirational case studies of passers.

EMAIL: brian@makethisyourlasttime.com

I read every email.

REDDIT: I post as [u/amaleshuman](https://www.reddit.com/u/amaleshuman) in subreddits for the bar exam and law school.

FACEBOOK:

Join the private [MTYLT FB community](#) full of other students (and passers). It gets very active during bar seasons, so you'll learn a lot and have support.

[FACEBOOK PAGE](#) / [TWITTER](#)

I post quick tips about the bar sometimes.

Tag me on Reddit, Facebook, or Twitter if you have something to share.