

**A MESSAGE FROM THE  
GEORGIA BOARD OF BAR EXAMINERS  
ON  
PREPARING FOR THE  
GEORGIA BAR EXAMINATION**

The Georgia Bar Examination consists of three parts: (1) the Multistate Bar Examination (MBE), which has been developed by the National Conference of Bar Examiners (NCBE) and is administered in virtually every state; (2) the essay portion of the examination which is prepared and graded by the Georgia Board of Bar Examiners solely for those applicants taking the Georgia Bar Examination; and (3) the Multistate Performance Test (MPT) which has been developed by the NCBE but graded by the Georgia Board of Bar Examiners.

(1) The **MBE**, a multiple choice test consisting of 200 questions, has gained acceptability in virtually all legal circles as a method of testing an applicant's ability to reason and to analyze legal problems. However, the MBE is, by its nature, reflective only of an answer, and obviously does not demonstrate the mental processes by which the applicant reached the answer (see [www.ncbex.org](http://www.ncbex.org) for information on the MBE.).

(2) The **Essay Examination** is designed to test the ability of the applicant to reason and to express himself or herself in writing – like a lawyer. More specifically, the essay examination is designed to test the applicant's ability to recognize and understand the issues suggested by a legal problem, to analyze the problem and apply the principles of law to the issues raised, and to discuss each reasonable approach before reaching a plausible conclusion or answer to the legal problem.

The following is a discussion which may be of assistance to an applicant in preparing for the Georgia **Essay Examination**.

The legal problems are put to the applicant in four questions of equal value, designed to cover any of the subjects listed in the Rules; however, the individual question will inevitably involve more than one of the subjects listed and frequently will also involve areas such as procedure, evidence or damages. The applicant will have three (3) hours in which to answer all four essay questions. The applicant is allowed to manage the time in answering the essay questions within the three-hour testing session.

The applicant should understand that the questions have been carefully prepared by the Examiners to avoid peripheral issues. Questions are never designed to present subtle issues or to be deceptive.

In each question there will be one or more major issues. By way of example, on a recent examination one question involved the contracts issues of the statute of frauds and part performance, as well as the issue of damages. It is essential that all such issues be recognized in order that the applicant handle the question properly. If the applicant misses these issues, he or she is likely to go astray on the entire question, expounding principles of law which may be correct but which are not relevant to the problem. A good use of the facts (i.e. indicating how the facts are relevant to the applicable law) is an excellent way to demonstrate your legal analysis to the Examiner – that you can "reason like a lawyer." On the other hand, you should not repeat facts just to show that you have read the question. Facts should only be repeated in the answer if they are essential to the discussion of legal principles. However, any assumptions made by the applicant in answering the question should be clearly stated.

After recognizing the issues, the applicant must then apply the various legal principles which are relevant to the issues. The manner in which the applicant applies these legal principles may be handled differently by different applicants, reaching different results. However, if the applicant has gone about the application of legal principles in a logical and well organized manner, then the applicant should pass the question irrespective of what conclusions are reached. Applicants are well aware that many of the cases before the Supreme Court of the United States are decided on a 5-4 basis; therefore, four distinguished jurists did not have the "right answer." Thus, to reemphasize, the method by which the applicant arrives at the answer is of the greatest importance, the Examiner being less interested in where one ends up than how one got there.

In dealing both with the issues and with the principles of law, the applicant should be mindful of the priority which is assigned to each. For example, if the main principle of law related to a particular issue is thrown in at the end of a list of three or four other viable but less pertinent points, it suggests a lack of clear legal analysis. One of the problems in the practice of law is the inability of a lawyer to recognize a number of viable points related to a problem and to distinguish those points which are important from those which are insignificant.

The applicant should spend more time in organizing and outlining the answer than in writing the answer. This procedure will help in analyzing the question more carefully and will allow a response to the question which is clear and concise. The applicant has ample time to consider the problem and to write a complete answer. Many low grades are due to misreading or misinterpreting the facts. Applicants can avoid this problem by carefully reading the question and digesting the facts before beginning to write an answer.

Essential to the presentation of a clear and concise answer is the proper use of the English language, including punctuation and paragraphing. The inability to express oneself effectively in writing is a serious handicap for a lawyer. Such inability presents a serious difficulty to a lawyer in dealing with legal matters and with presentations in court.

Both from a procedural and a substantive standpoint, the applicant should avoid references to personal experiences or philosophies. One should avoid discussions beginning with "I feel . . ."; "If I were the judge . . ."; "My own thoughts are . . ." The applicant should also avoid attempts at being cute or funny. Likewise, both slang and other "street language" should be avoided. The examination is a serious exercise for all concerned.

Many times the question will end with a numbered set of issues to be addressed (the "Call of the Question"). To the extent possible the applicant should address these issues in the order they are presented; but, in any case, always number the responses so that they correspond to the numbered issues. Do not force the Examiner to guess which part of the question is being answered. Also, the applicant should avoid using abbreviations to the extent possible, especially those utilized in taking law school notes (i.e. D for defendant, P for plaintiff, etc.). Do not assume that the Examiner will understand abbreviations or other shorthand notations.

If an applicant is interested in particular suggestions to prepare for the essay portion of the examination, the following steps might be considered:

- (a) Review the **Rules Governing Admission to the Practice of Law** which are available on the website of the Office of Bar Admissions ([www.gabaradmissions.org](http://www.gabaradmissions.org).) and which set forth very precisely the areas of law upon which the examination will be founded. The applicant should be concerned if he or she has no knowledge of any one of these areas, and should take whatever actions are necessary to be familiar with all areas which may be tested.

(b) Examine past bar examinations to get a feel for the style of the questions. The applicant may attempt to write his or her own answers to these past questions. The Office of Bar Admissions has also published answers to some recent bar exam questions. Some recent questions and sample answers to them appear on the Bar Admissions website at [www.gabaradmissions.org](http://www.gabaradmissions.org).

It should be noted that nothing in the way of specific preparation for the examination will substitute for a clear understanding of the legal principles which should have been learned in the individual courses in law school.

(3) In February 1997, the **Multistate Performance Test** (MPT) was added to the Georgia Bar Exam. The MPT is designed to test an applicant's ability to perform a fundamental lawyering skill in a realistic situation. Each test evaluates an applicant's ability to complete a task within a specific time frame which a beginning lawyer should be able to accomplish. The Performance Test examines six fundamental lawyering skills: problem-solving; legal analysis and reasoning; factual analysis; communications; organization and management of legal tasks; and recognizing and resolving ethical dilemmas. The following discussion may be of assistance to an applicant in preparing for the **Multistate Performance Test** (MPT) portion of the examination.

The MPT will consist of two performance items to be administered on the first day of the bar examination in a three-hour testing session. The MPT is not a test of substantive knowledge; rather it is a test of the six fundamental skills lawyers are expected to demonstrate regardless of the area of law in which the skills arise. The MPT requires applicants to: (1) sort detailed factual materials from irrelevant facts; (2) analyze statutory, case, and administrative materials for principles of law; (3) apply the law to the relevant facts in a manner likely to resolve a client's problem; (4) identify and resolve ethical dilemmas, when present; (5) communicate effectively in writing; (6) complete a lawyering task within time constraints. The applicant is allowed to manage the time in answering the two MPT items within the three-hour testing session.

These skills will be tested by requiring applicants to perform one of a variety of lawyering tasks. Although it is not feasible to list all possibilities, examples of tasks applicants might be instructed to complete include writing the following: a memorandum to a supervising attorney; a letter to a client; a persuasive memorandum or brief; a statement of facts; a contract provision; a will; a counseling plan; a proposal for settlement or agreement; a discovery plan; a witness examination plan; a closing argument.

All of the advice offered above with regard to answering an essay question applies with equal validity to the MPT. Use clear and concise language, organize the answers carefully before writing, outline and understand the facts thoroughly before preparing an answer, and perform the task required.

Information on the MPT and a sample MPT question and answer are available from the National Conference of Bar Examiners for a small fee (see [www.ncbex.org](http://www.ncbex.org)).

(Revised January 2012)