

The California Bar Exam: Performance Test Tips

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Performance Test Tips

The performance test portion of the California Bar Exam is designed to test practical lawyering skills. The test will consist of approximately 15-20 pages, including: (1) a task memo – telling you what the examiners want done; (2) a library – providing legal authority relevant to the task (e.g., statutes, codes, cases, etc.); and (3) a client file – containing factual information. Here are some tips to passing the performance test.

- ❑ **Remember To Be Confident:** You can pass this part of the exam, because you have done this before. Your entire law school experience has trained you to do legal analysis and solve legal problems – exactly what the performance test requires. Your first-year legal writing course assignments, for example, were a series of complicated performance tests.
- ❑ **Practice, Practice, Practice:** The key to passing the performance test is practice, and lots of it. Studying the substantive law is critical for the Essays and MBE, but the performance test is all about doing. Be sure to take many practice performance tests before exam day. Keep taking practice exams until you feel very comfortable with these kinds of questions. Practice exams can be found on the California Bar website: www.calbar.org
- ❑ **Answer the Question:** You cannot pass the performance test unless you answer the question asked. Be sure you carefully read the instructions and do exactly what you are asked to do. Do what the examiners require and nothing more. Do not answer questions not asked.
- ❑ **Follow the Format:** Follow directions. This sounds simple, but is often ignored. You will be asked to complete a specific task (e.g., write a memo, draft a contract, prepare a letter, draft a brief, etc.). To pass, you must be sure to follow the format that the exam asks for. If you are instructed to write a letter and instead write a memo, your chances of passing will be slim.
- ❑ **Allocate Your Time:** You must carefully allocate your time. Each performance test is three hours long. At least an hour of this time (and maybe more) should be allocated to reading the file, digesting the material, outlining, and preparing your answer. If you start writing too quickly, you will miss something. If you wait too long to write, you will not complete the test.
- ❑ **Use Headings and Subheadings:** Regardless of the format, be sure you break up your document with headings and subheadings. Your goal is to make it as easy as possible for the reader to see that you have understood the question asked and solved the legal problem.

- ❑ **Some Things Are Not Relevant:** In law school, students are sometimes told that every fact mentioned in an exam question is important – not so for the performance test. In the Library and Client File there will likely be irrelevant facts and law. The Library and File may also be missing facts, or the facts will be ambiguous. Do not worry if you do not use every fact or every bit of law from the test.

- ❑ **Do Not Panic:** Ensuring that you don't freak out is more than half the battle. The first time you practice taking a performance test, it may go terribly. You are unlikely to finish in the three hours. Do not worry, this is normal. You have been preparing for this test for the last three or four years. Stay calm; you can do it.

Exam Structure

California Bar Exam		
Written Portion 65% of bar exam		Multistate (MBE) 35% of bar exam
6 Essay Exams 60% of written portion 39% of bar exam	2 Performance Tests 40% of written portion 26% of bar exam	

California Bar Exam Schedule (exact times are subject to change due to logistics)			
	Tuesday	Wednesday	Thursday
9:00-12:00	Essays 1, 2, 3	MBE (100 questions)	Essays 4, 5, 6
12:00-1:45	Lunch	Lunch	Lunch
1:45-4:45	Performance Test A	MBE (100 questions)	Performance Test B