

Introduction

Greetings! The American Indian Law Center, Inc. (AILC) would like to thank you for supporting examinees in their next step toward becoming licensed attorneys. The attorney-coach program is one component of AILC's Native American Bar Exam Passage Initiative, established to support Native American examinees pass the bar exam. The attorney-coach program connects licensed attorneys with examinees to provide examinees with a coach/mentor who will assist examinees throughout their bar exam preparation by checking-in and providing advice throughout. The goal of the Native American Bar Exam Passage Initiative is to eliminate barriers to success by reimbursing examinees for costs associated with the bar exam, providing examinees with supplemental study materials, and to create a forum where students can connect and provide support to one another, curbing common negative emotions associated with the bar exam such as anxiety, isolation, or shame.

Roles and Expectations

Attorney Coach- Your role as an attorney coach is to provide your examinee with support, guidance, and accountability. As an attorney, you sat for, and passed the bar exam. Many of us are familiar with the work and sacrifice necessary to overcome this hurdle. The skills that you acquired throughout law school, the bar exam, and in your career will assist you as you coach your examinee.

As an attorney-coach, your understanding, patience and thoughtfulness will be extremely important when you meet with your examinee to allow them to feel safe and comfortable to share their struggles and obstacles openly. You may also find it necessary at times to emphasize the importance of time management, diligence, and self-discipline to your examinee and provide ideas and suggestions for improvement.

Examinee- An examinee's job is to focus on the bar exam. They are expected to communicate and update their attorney-coach regularly about the progress made in their study plan. If they start falling behind, or if other issues arise during the bar exam, they should contact their attorney-coach immediately to plan and discuss their options.

PLSI Director- The PLSI Director's role is to monitor the attorney coach and examinee pairings. The PLSI Director will communicate occasionally with the attorney coaches to measure the progress of examinees in the program. The Director will gather input and suggestions from attorney coaches and examinees about training sessions or materials that are needed for examinee success. The Director supports attorney coaches in their one-on-one work with examinees.

Expectations of Attorney Coach:

- Schedule a meeting with your examinee in the first two weeks after you have been paired.
- Review and discuss your examinee's study plan.

- Contact your examinee regularly to see how their studying is going and if they are on track with their study plan.
- Try to maintain communication with your examinee until the bar results are posted.
- Communicate any issues or concerns with the PLSI Director.

You are not expected to:

- “Chase-down” your examinee in order to provide support, if your examinee is not responding to you.
- You are not responsible for teaching substantive law, but you are responsible for suggesting resources to your examinee that might allow them to find answers.
- Counsel your examinee on personal matters. If there is a concern for the wellbeing of your examinee, contact the PLSI Director. While it is encouraged to have open discussions with your examinee, if you ever feel uncomfortable, it is best to reach out for assistance.

General Information About the Bar Exam

The New Mexico State Bar Exam takes place twice a year in February and July (usually the last Tuesday and Wednesday of those respective months).

The following three areas are tested on the bar exam (MBE/MEE/MPT) please review summary of each below:

MBE:

The MBE is a six-hour, 200-question multiple-choice examination developed by the National Conference of Bar Examiners (NCBE) and administered by 54 jurisdictions as part of their bar examinations. The purpose of the MBE is to assess the extent to which an examinee can apply fundamental legal principles and legal reasoning to analyze given fact patterns.

Of the 200 multiple-choice questions in any given administration, currently 190 are scored questions and 10 are unscored pretest questions (questions whose performance will be evaluated for use on a future exam). The pretest questions are indistinguishable from those that are scored, so examinees are advised to carefully answer all questions. The 190 scored questions on the MBE are distributed among the following seven subjects (there are 27 questions for each subject, with the exception of 28 questions for Contracts): Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, and Torts. (A detailed subject matter outline listing the MBE’s potential scope of coverage on the test is available on the NCBE website.)¹

¹ Beth Hill, MBE Test Development: How Questions are Written, Reviewed, and Selected for Test Administrations, The Bar Examiner (September 2015) <http://www.ncbex.org/pdfviewer/?file=%2Fassets%2FUploads%2FBEBE-Sept2015-MBETestDev.pdf>.

MEE:

The MEE is a six-question essay exam whose purpose is to test an examinee’s ability to (1) identify legal issues raised by a hypothetical factual situation; (2) separate material which is relevant from that which is not; (3) present a reasoned analysis of the relevant issues in a clear, concise, and well-organized composition; and (4) demonstrate an understanding of the fundamental legal principles relevant to the probable solution of the issues raised by the factual situation. (Jurisdictions may administer fewer than six MEE questions if they choose; however, most jurisdictions, including all jurisdictions administering the Uniform Bar Examination, administer all six questions.) The primary distinction between the MEE and the Multistate Bar Examination (MBE) is that the MEE requires examinees to demonstrate an ability to communicate effectively in writing. Unlike the MPT, the MEE requires an examinee to have studied substantive areas of law and respond to specific questions according to generally accepted fundamental legal principles. The MEE may cover any of 12 areas of law, which vary from exam to exam; some questions may include issues in more than one area of law.²

MPT:

The MPT is a closed-universe test consisting of two performance tasks designed to test an examinee’s ability to use fundamental lawyering skills in a realistic situation. Each MPT item evaluates an examinee’s ability to complete a task that a beginning lawyer should be able to accomplish. (Jurisdictions may administer one or two MPT items; however, most jurisdictions, including all jurisdictions administering the Uniform Bar Examination, administer two items.) The MPT is not a test of substantive knowledge. It requires examinees to (1) sort detailed factual materials and separate relevant from irrelevant facts; (2) analyze statutory, case, and administrative materials for applicable principles of law; (3) apply the relevant 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; and (6) complete a lawyering task within time constraints.³

EXAM SCHEDULE

	AM (3 hours)	PM (3 hours)
Day 1	MEE (6 essays)	MPT (2 assignments)
Day 2	100 MBE questions	100 MBE questions

² Judith A. Gundersen, MEE and MPT Test Development: A Walk-Through from First Draft to Administration, The Bar Examiner (June 2015) <http://www.ncbex.org/pdfviewer/?file=%2Fassets%2Fuploads%2F840215-Gundersen.pdf>.

³ *Id.*

Research Summary (Bar Exam Trends)

As bar exam passage rates decline across the country, more research studies discuss bar exam passage rates and provide tips for successfully passing the bar exam. Some studies include predictors about who is at risk for not passing the exam. Most of the research that is available on this topic conclude that having a low class rank in law school or a low GPA following 1L year and low LSAT scores may all predict future struggles on the bar exam.

Many of the recommendations state that law schools should begin cautioning students early on that they are at risk of not passing the bar exam based on the factors mentioned above. Being on notice earlier in their law school career may give students ample time to master the areas of law that will be tested on the bar exam and perhaps receive tutoring in those areas in their 2L and 3L years. While this information will not impact your coaching, it is important to know what is being discussed nationally as it relates to bar exam passage rates.

Many studies also include recommendations for examinees and these recommendations are summarized below. This section was included in the attorney coach handbook to provide you with food for thought as you work with your examinee, not to support or encourage any particular conclusion presented in the studies cited.

Research Findings

TOPIC	RESEARCH SUMMARY	HOW IT APPLIES
Bar Review Course	<ul style="list-style-type: none"> • Inform students about bar review courses that are offered and give them all the information needed to make educated decisions about which course(s) to take.⁴ • The number of practice tests taken prior to the first bar exam related significantly to first-time performance. In fact, on average, graduates who passed the bar exam on their first try took almost twice as many practice tests as did those who failed.⁵ 	<ul style="list-style-type: none"> • Your examinee should have already selected a bar exam course. However, if they are not taking a course inquire about their materials, should they need extra materials-contact PLSI Director. • Encourage your examinee to take more practice tests. There may be a fear of jumping into testing, but work with your examinee to move past this fear and to begin testing ASAP.

⁴ Lorenzo A. Trujillo, *The Relationship Between Law School and the Bar Exam: A Look at Assessment and Student Success*, 78 U. Colo. L. Rev. 69, 112 (2007).

⁵ Keith A. Kaufman & V. Holland LaSalle-Ricci & Carol R. Glass & Diane B. Arnkoff, *Passing the Bar Exam: Psychological, Educational, and Demographic Predictors of Success*, 57 J. Legal Education 205, 218 (2007).

<p>Learning style</p>	<ul style="list-style-type: none"> • Students learn in different ways and should be encouraged to discover how they learn. For example, kinesthetic learners make a connection with information in a tactile way through writing it down. Typing the information on a laptop in class may be counterproductive for these students, making it difficult for them to retain the information.⁶ 	<ul style="list-style-type: none"> • Encourage your examinee to participate in the Bar Passage Initiative Workshop on study skills. • Talk with your examinee about classes they did well in during law school and ask how they studied in those classes. Their reflections may assist them as they study for the bar exam.
<p>Psychological considerations</p>	<ul style="list-style-type: none"> • For graduates who failed initially, LGPA, class rank, and LSAT score did not significantly predict second time bar exam passage. It is possible that psychological variables play a greater role at this time than do these educational variables.⁷ • Test anxiety and neuroticism, which are treatable, had a significant relationship with performance on the bar exam.⁸ 	<ul style="list-style-type: none"> • If you are working with a re-taker or a first time test taker who is struggling with anxiety and stress, you may want to encourage them to meet with a counselor during their bar exam preparation.
<p>Testing skills</p>	<ul style="list-style-type: none"> • When reviewing bar exam practice questions, students must learn to fully analyze an issue when responding. Answering hundreds of questions, without an in-depth understanding of the proper response analysis, is a meaningless activity that will not give positive results.⁹ • Students must become keenly aware that their success on the bar exam requires them to skillfully identify legal issues, separate relevant from irrelevant information, and organize and analyze legal issues.¹⁰ 	<ul style="list-style-type: none"> • Encourage your examinee to practice reviewing the call of the question first, before they read the question, especially for MBE questions that are very lengthy. • For MEE/MPT problems, examinees should review the call of the question before they begin outlining an answer and once again before they draft their response.

⁶ Trujillo, *supra* note 1 at 110.

⁷ Kaufman & LaSalle-Ricci & Glass & Arnkoff, *supra* note 2, at 218.

⁸ *Id.* at 220.

⁹ Lorenzo A. Trujillo, *The Relationship Between Law School and the Bar Exam: A Look at Assessment and Student Success*, 78 U. Colo. L. Rev. 69, 113 (2007).

¹⁰ *Id.* at 114.

<p>Working and the bar exam</p>	<ul style="list-style-type: none"> • Make it a point to explain to students preparing for the bar that it is a full-time job, and their personal and financial affairs need to be in order to allow focused study time.¹¹ • Students should not work during the bar prep time because the review is intensive and extremely important to success on the exam. Obviously, studying for the bar will come at a cost to the student who is paying for the review course and cannot earn a wage. However, the cost is small compared to failing the bar exam, and making a six figure investment in a legal education inoperable for a period of at least six months.¹² • Hours of employment per week in the two months prior to taking a first bar exam did not relate significantly to first-time passage or to second-time passage following a failure, although the mean number of hours worked per week by those graduates who failed their initial bar exam was approximately 19 percent higher than the mean number of hours worked by those who passed.¹³ • [T]he mean number of hours worked per week by graduates who failed both their first and second bar exam attempts was approximately 78 percent higher than the mean number of hours worked by those who passed on their initial try, and 54 percent greater than those who passed the second time.¹⁴ 	<ul style="list-style-type: none"> • If your examinee is working during the bar exam, talk with them about their work obligations and whether there is any way to cut down the number of hours they work each week. This conversation may be difficult, but try to encourage your examinee to request time off and to have a discussion with their employer about accommodating their study schedule.
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¹¹ Trujillo, *supra* note 1, at 113.

¹² *Id.*

¹³ Kaufman & LaSalle-Ricci & Glass & Arnkoff, *supra* note 2, at 218.

¹⁴ *Id.* at 218-219.

Timeframes

In total, there will be 6-9 weeks of intense studying. If your examinee is taking a bar exam course they should begin by studying that course's calendar and use that to create their personal study schedule. It will be critical that your examinee stick to the course schedule, if they fall behind they must make time to catch up.

Weeks 1-2 – Examinees should review the course calendar and compare the coursework to their personal schedule. This is a good time for your examinee to explain their study obligations with friends and family. This may also be a good time to encourage your examinee to disable their social media because this can be very distracting. Encourage your examinee during these early stages to reflect on those classes in law school that they excelled in and have them reflect on what made them successful in those classes, for instance, how did they study, how often did they study, where did they study and did they use any study tools such as flashcards, diagrams, or outlines as a supplement?

Weeks 3-4 – Your examinee should be in a routine by this point, ask about their routine and whether it is working. Ask them about the obstacles they are encountering with their schedule. Remind them that the bar exam should be treated like a job, they should be engaged with the coursework and should be working consistently. At this point they should not be too worried if they're not scoring where they want to be, but they should be taking practice exams regularly and testing themselves on previous topics. Your examinee should be taking practice essay exams at this point. Encourage them to take at a minimum three essay exams each week on areas of law that they have covered. At this point your examinee should have completed at least one simulated practice exam.

Weeks 5-6 – If your examinee is following a bar exam course they will likely begin studying MEE topics during this time. This will require them to start completing more MEE practice exams. Although your examinee is spending more time focusing on areas of law only covered in the MEE, you should emphasize the importance of studying all areas of law, especially reviewing those areas of law already covered. You should also make sure that up to this point your examinee has completed or spent time practicing MPTs and should have completed at least one timed practice exam by this point.

Weeks 7-8 – This is the end stretch for your examinee and they may be very tired and anxious, so they may appreciate words of encouragement and support. Start discussing bar exam day with your examinee. Inquire about whether they have made plans to visit the testing site and discuss other test day logistics such as whether the plan to drive, or get a hotel room during the testing dates, etc. Provide your insights and reflections about preparing for a big event and the importance of getting enough rest and nutrition.

Bar Exam Courses

	Access Period	Cost	Lectures	MBE prep	MEE prep	MPT prep
Kaplan	5/30 – 7/20	\$1899	X	X	X	X
	12/16 – 2/8	\$2599				
Barbri	5/26 – 7/28	\$3795	X	X	X	X
		\$4095				
Themis	5/20 – 7/31	\$2195	X	X	X	X
Barmax	5/8- 7/26	\$1500	X	X	X	-
		(A la carte option)				
Adaptibar	3/1 – 7/31	\$395	+\$95/topic or \$450 for all	1964 Qs	-	-
	8/1 – 2/29	\$295	MBE	814 Qs		

Resources

National Conference of Bar Examiners: <http://www.ncbex.org>

American Bar Association: <https://www.americanbar.org/>

National Native American Bar Association: <https://www.nativeamericanbar.org/>

Kaplan: <https://www.kaptest.com/bar-exam>

Barbri: <https://www.barbri.com/>

Themis: <https://www.themisbar.com/pass-the-bar-exam>

Adaptibar: <https://www.adaptibar.com/>

Bar Prep Hero: <https://barprephero.com/>