

Beginner's Guide to the Bar

Created by the
Michael G. Massey
Professional Mentoring Program
and the DU Bar Success Program



Sturm College of Law
UNIVERSITY OF DENVER



The University of Denver Sturm College of Law

BEGINNER'S GUIDE TO THE BAR

OVERVIEW

Introduction

Each year about 1,300 recent law school graduates or relocating attorneys sit for the Colorado Bar Examination (the Bar). The exam is held twice a year in July and February.

Exam results are announced by publication of the names of all passing test-takers on the Colorado Supreme Court's website. The results announcement typically occurs about 10 weeks after the Bar.

Although studying for the Bar primarily takes place in the two and one-half months before the exam following graduation, students should begin thinking about the Bar beginning on their first day of law school.

Exam Overview

The Bar is a two-day examination. The first day consists of six written essays to be completed in three hours followed by two performance tests with legal materials provided. The second day consists of 200 multiple choice questions. The Bar contains no jurisdiction-specific content. All topics tested are a part of the written Uniform Bar Examination—a bar exam written by the National Conference of Bar Examiners and is administered in about 40 states. Students must score at least a **270 out of 400 points** to pass the Bar in Colorado — one of the higher scoring requirements in the U.S. The formula for determining the total Bar score is:

**MBE Scale Score (200 pts) + MEE/MPT Scale Score (200 pts) =
Bar Exam Score (400 pts)**

Important Note: *This guide provides only a cursory overview. It is designed to provide information to students and mentors early in a student's law school career. Students should carefully and thoroughly review the rules and relevant publications of the bar examiners in the jurisdiction in which they are sitting to ensure they have the most accurate, up-to-date information on applying, sitting for, and getting admitted to the bar.*

THE THREE COMPONENTS OF THE BAR

Multistate Essay Examination (MEE)

The MEE portion of the Bar consists of six essay questions. It occurs during the morning session on the first day. A total of three hours is allocated to answer six essay questions (an average of thirty minutes per question). All eight multiple-choice topics on the MBE (listed below) may also be tested on the MEE portion of the Bar, in addition to the following five essay-only topics:

- Business Associations (including Agency, Partnership, Corporations, and LLC)
- Conflict of Law
- Secured Transactions
- Family Law
- Wills, Estates and Trusts

Multistate Performance Test (MPT)

The MPT consists of two 90-minute tests. Examinees are tasked with drafting legal writing documents, such as memoranda, orders, persuasive briefs, or motions, etc., while using the law provided and the facts given. Both MPT questions are given in the afternoon session of the first day. A total of three hours is allocated to answer the two MPT questions. The MPT questions are designed to test skills commonly used by lawyers practicing law competently, like legal analysis, fact analysis, problem solving, research skills, professionalism, and writing skills.

Multistate Bar Examination (MBE)

The MBE is a 6-hour multiple-choice test consisting of 200 questions. It is divided into a 3-hour morning session and afternoon session. The following eight (8) topics/courses are covered on the MBE portion of the Uniform Bar Exam:

- Contracts (including UCC Article 2)
- Real Property (including Mortgages)
- Criminal Law
- Criminal Procedure
- Torts
- Evidence
- Constitutional Law
- Federal Civil Procedure

OTHER DETAILS

Grading

The MEE and MPT are graded holistically with graders assigning scores “based on global impression of the answer’s quality.” The MBE is machine-scored using scantrons. Colorado exam results are final and are not open to regrading or appeal. Accordingly, students should take steps to improve their holistic writing impression, such as taking many practice exams, reviewing practice exam answers, and analyzing highly scored essay answers to get a sense of what exam graders score. Some states (such as New York) release one or two good examples of passing MEE and MPT answers.

Assessing Bar Passage Risk

Empirical studies show the best predictor of students’ bar passage rate is first year law school grades. The next best predictors are LSAT scores, participation in the Bar Success Program (see below), and enrollment in Legal Analysis Strategies (see below). Accordingly, students who have lower first year GPAs or who came into law school with lower LSAT scores should strongly consider taking each of the steps outlined in this guide to increase their chances of passing the Bar.

Despite the ability to identify various correlations with Bar passage rate, students can take many steps to greatly enhance their chances of passing the Bar. Regarding LSAT predictions, many law schools — particularly Denver Law — manage to routinely achieve bar passage rates that exceed their LSAT predicted rates.



PREPARING FOR THE BAR

Generally, students should plan to spend eight to ten weeks learning, preparing and practicing for the Bar. It should be their full-time “job” upon graduation, consisting of 50-60 hours per week of prep courses, workshops, studying, practicing, and learning through practice. In general, during the bar prep period students should probe, ponder, analyze, and work through about 2,000 practice MBE questions, hundreds of essay questions, and a dozen or so MPT exams. Students have many resources at their disposal to help with their studying and preparation.

Commercial Prep Companies

In 2023, the University of Denver entered into a partnership with Themis Bar Review to provide a free bar review commercial course to all Sturm College of Law JD graduates for at least three years. The classes of 2024, 2025, 2026 and 2027 will receive a complimentary Themis Bar Review course. This initiative is possible thanks to a generous gift from the Sturm Family Foundation.

The DU Bar Success Program

The DU Bar Success Program consists of three core components. First, students are encouraged to take a course during their second year called **Intermediate Legal Analysis (L4015)**. This is a skills-based course designed to develop the learning and analytical strategies necessary for success in law school, including rule synthesis and application, statutory interpretation, case analysis and briefing, fact evaluation, discernment of legal principles and theories, and effectiveness in written communication. This course is required for students who had a first-year grade point average below 3.0, but is open to all students interested in improving their learning, legal analysis skills, communication, and writing skills.

Second, students can take a course called **Legal Analysis Strategies (L4032)** during their last semester of law school. This course provides students with instruction, guidance, and feedback to develop foundational learning and practitioner skills necessary to achieve success on both the bar exam and in the legal profession as skilled legal analysts. Substantive topics covered include core bar exam subjects. Students who have a grade point average

below 3.0 after their first year of law school are required to take Legal Analysis Strategies, but it is recommended for all students.

Third, students are offered a post-graduate study program, called the **Bar Success Program**, designed to supplement commercial bar review courses. This supplement is free to Denver Law graduates and consists primarily of problem-solving workshops and mock bar exams with individual writing feedback for both workshop and mock bar answers. The workshops occur after the morning commercial prep course sessions. The program includes several Saturday morning mock bar exams and the opportunity for one-on-one counseling and feedback with bar exam coaches regarding test-taking strategies, essay writing, and MPT writing, which are offerings that substantively supplement what is offered by the commercial bar review courses. Students can choose which sessions they attend.

Course Selection

Bar preparation is intense. Commercial programs frequently cover large topic areas in just one, two, or three morning sessions. The more students can learn and familiarize themselves with Bar subjects before preparation, the quicker and easier it will be for them to re-learn and retain the Bar subjects during the stressful post-graduation preparation period. The following list shows the subjects tested on the Bar, along with courses offered at Denver Law that cover each subject.

Students should keep in mind that the subject matter covered during the first year of law school is tested on both the MEE (essay) and MBE (multiple choice) portions of the Bar.

Students only have so much time to take classes during law school. They will, undoubtedly, have strong views as to which classes they should take to enhance their practice skills, learn a substantive area of law, or which they simply find interesting. While students should take courses they are interested in, they should not ignore some of the more difficult subject matter courses that will appear on the Bar. The following graphic shows the topics on the Bar, along with corresponding coursework that covers these topics.

Subjects Tested on both the MBE & the MEE and Related DU Course Offerings

Federal Civil Procedure	<u>Civil Procedure (L4120)</u> Civil Procedure (Advanced) (L4028)
Real Property	<u>Property (L4490)</u> Real Estate (L4095)
Criminal Law / Procedure	<u>Criminal Law (L4195)</u> Criminal Law (Advanced) (L4018) Criminal Procedure (L4200) Advanced Criminal Procedure (L4026)
Torts	<u>Torts (L4610)</u> Torts (Advanced) (L4615)
Constitutional Law	<u>Constitutional Law I (L4164)</u> Constitutional Law II (L4166)
Contracts	<u>Contracts (L4175)</u>
Evidence	<u>Evidence (L4235)</u> Evidence Practicum (L4237)

Subjects Tested on the MEE and Related DU Course Offerings

Business Associations	<u>Corporations (L4190)</u> <u>Agency, Partnership & the LLC (L4048)</u> Business Entities (L4185)
Family Law	<u>Family Law (L4240)</u> Family Law (Advanced) (L4030)
Wills, Estates & Trusts	<u>Trusts & Estates (L4640)</u> Estate Planning (L4230)
Secured Transactions	<u>Secured Transactions (L4530)</u> Commercial Paper (UCC & Negotiable Instruments) (L4142) <u>Commercial Law Survey (L4131)</u>

Bolded courses are those courses already required to graduate. Most are taken during the first year of law school. Underlined courses are ones that cover the core curriculum tested on the Bar. In addition, students might consider taking Conflicts of Law, an essay-tested

subject most often tested in the context of Family Law and other similar subjects, and Remedies, found most often in Contracts, Torts, Civil Procedure and Constitutional Law bar exam problems.

DU Bar Success Program Director Scott Johns recommends students take at least some of the courses titled Uniform Commercial Code, Business Organizations, and Trusts & Estates, Family Law, First Amendment Law, etc., as these courses cover more complex topics that will be difficult for students to learn during their two to three months of Bar Examination preparation.

Course Selection Limitation

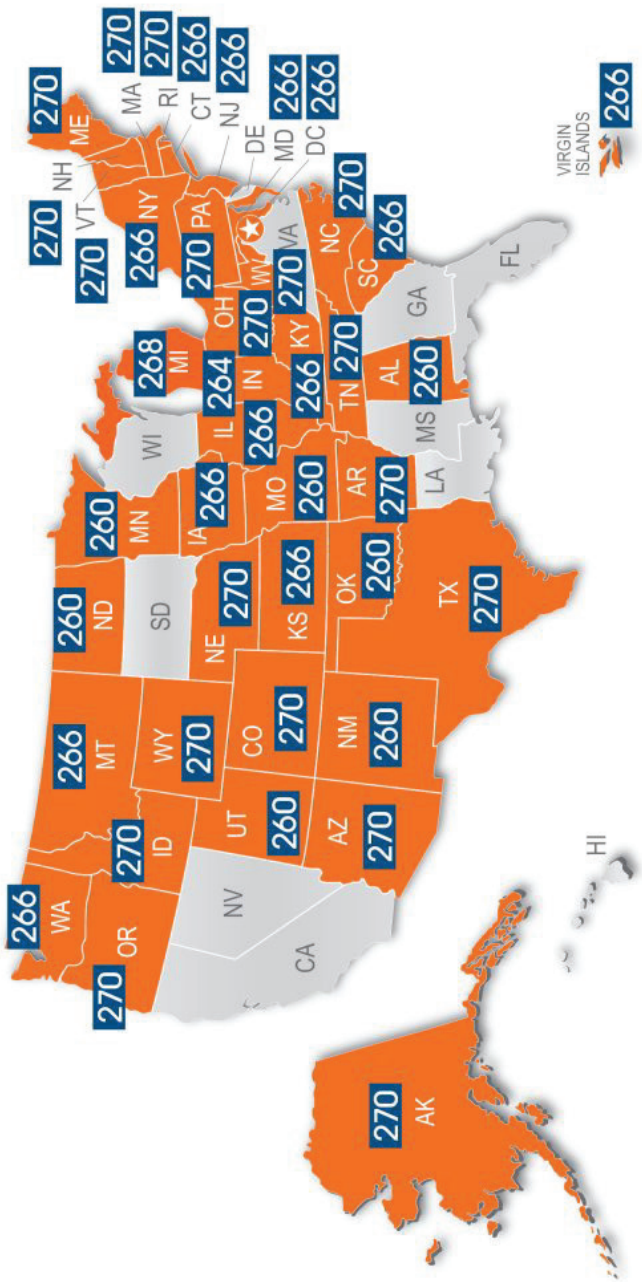
Although taking courses covered on the Bar can expose students to complicated topics before Bar preparation begins, students should remember that the most important aspect of preparing for the Bar is learning how to learn. All law school courses, regardless of their subject, help students develop critical learning, reading and analysis abilities. *Taking the courses covering subjects tested on the Bar is not as important as developing solid reading, writing and analytical skills.* Accordingly, throughout law school, students should complete all of their law school reading assignments, write all papers to the best of their abilities, study diligently for all exams, and take time to reflect upon how they can improve on their papers and exams after receiving their grades and feedback.

The Fresh Start Program

Graduates who do not pass the Bar on their first attempt can receive additional guidance by participating in the Denver Law Fresh Start Program. This program provides graduates who have struggled with the bar exam by providing one on one diagnostic feedback on their previous bar experience.



Minimum Passing UBE Score by Jurisdiction



These 41 jurisdictions have adopted the UBE, meaning they utilize all three standardized exam components: the MEE, MBE and MPT. Many other states have also adopted one or two components of the UBE. States that have adopted all or some of the UBE are more likely to accept transfer scores for exams taken in other states.

Minimum Passing UBE Scores

MINIMUM PASSING UBE SCORE*	JURISDICTION
260	Alabama, Minnesota, Missouri, New Mexico, North Dakota, Oklahoma, Utah
264	Indiana
266	Connecticut, District of Columbia, Illinois, Iowa, Kansas, Kentucky, Maryland, Montana, New Jersey, New York, South Carolina, Virgin Islands, Washington
268	Michigan
270	Alaska, Arizona, Arkansas, Colorado, Idaho, Maine, Massachusetts, Nebraska, New Hampshire, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, West Virginia, Wyoming

Since jurisdiction rules and policies change, you are strongly advised to [consult the jurisdiction's bar admission agency](#) directly for the most current information.

Minimum Passing UBE Score in 2023

Images and statistics from the National Conference of Bar Examiners' 2023 Bar Examiner Magazine. For more information, visit their website at www.ncbex.org.

BAR APPLICATION PROCEDURES

The Application

Students should begin the application process during their graduating academic year. Emails from the law school will remind students about this process and various law school resources can help students complete their application.

Please to reach out to the Career Development Office (CDO) for assistance with the bar exam character and fitness applications.

Financial assistance is available post-law school to help with living expenses, application fees, and bar review courses. Please feel free to reach out to the Student Affairs Office for assistance.

Getting Admitted to Other States

Colorado is a Uniform Bar Examination jurisdiction. Forty jurisdictions have adopted the Uniform Bar Examination (UBE) for either all or part of their exam. This means that students who sit for the Colorado Bar can often transfer their score to get admitted to other states. Students should be aware that the minimum required passing scores vary greatly across UBE jurisdictions. Accordingly, students should strive to earn the highest possible UBE score regardless of jurisdiction, particularly since Colorado has the second highest required passing score out of all of the UBE jurisdictions. Students who are considering practicing in any other state should check with that state's examination requirements to ensure sitting for the Bar in Colorado will transfer, as well as to learn about any admission requirements.

In addition, students should be aware that most states only accept a UBE score if application to the state is made within 3-5 years of sitting of the exam. Hence, students who are considering practicing in other states should consider applying to those states shortly after sitting for the UBE – even if they do not intend to practice in the other state for some time.

Finally, most states allow attorneys to apply to practice by motion. This “admission on motion” application varies from state to state, but usually requires three or five years of practice experience before one can apply by motion.

Students can find a summary of each states' admission requirements in the National Conference of Bar Examiners' *Comprehensive Guide to Bar Admission Requirements* (online at <http://www.ncbex.org/>).

THE RULES OF PROFESSIONAL CONDUCT EXAM

As a final note, students should be aware that admission to practice in Colorado – as well as any other U.S. jurisdiction save Maryland, Wisconsin and Puerto Rico – requires not only a passing score on the Bar Exam but also a passing score on the **Multistate Professional Responsibility Examination (MPRE)**. The MPRE is a two-hour, sixty question multiple choice test designed to measure knowledge and understanding of lawyers' professional conduct (i.e., ethics). It is administered three times a year, with the law school serving as one venue of administration. It can be taken any time after the 1L year, including after the Bar Exam. However, it must be taken within two years prior to the date of application for admission.

Colorado requires a score of 85 (scaled) on the MPRE for admission, one of the highest score requirements in the U.S. Students are encouraged to complete the MPRE before they begin studying for the Bar so that they need not worry about studying for the two exams at the same time. Moreover, students should try to schedule their test shortly after they complete Denver Law's required ethics course, Legal Profession (L4425), to ensure material is fresh in their mind at the time of the exam. That said, graduates can still study and sit for the MPRE after the Bar exam, but they will not be admitted as attorneys until they have passed the MPRE.



CONCLUSION

The Bar is a daunting challenge, but students should rest assured that, just like tens of thousands of Denver Law students who came before them, they can overcome this challenge. To recap, to maximize their chances at passing, students can take the following steps:

1. **Throughout law school**, students should focus on becoming experts in learning to learn (self-reflection, spaced-repetition learning, interweaving practice, etc.) and experts in critical reading, analysis, writing, and legal problem-solving.
2. **During law school**, students should take a majority of the courses tested on the Bar which concern more complex subject matters, and should consider taking the second year course Intermediate Legal Analysis (L4015).
3. **During the last semester of law school**, students should take the Bar simulation course, Legal Analysis Strategies (L4032).
4. **Upon graduation**, should study for the Bar like it is a full-time job, completing both a commercial prep course and the supplemental DU Bar Success Program workshops and practice exams.

Sources & Disclaimer: *The information in this guide was prepared using information found on the following web sites: the Colorado Supreme Court, Office of Attorney Regulation, the National Conference of Bar Examiners, the Denver Law Bar Success Program, and the Denver Law. Statistical information concerning the empirical evidence on Bar passage rates came from DU Bar Success Program Director, Scott Johns. It is students' responsibility to read about the current Bar application and requirements, to timely apply for the Bar examination, and to adhere to all rules and requirements for taking the examination and getting admitted to the practice law in Colorado. This Guide is for informational purposes. The information and programs in this guide are subject to change without notice. Students and graduates rely upon this guide at their own risk.*

Closing Statement by Director Scott Johns

The key to passing the Bar lies in believing in yourself, in knowing yourself as a learner, in making wise and informed choices throughout law school and during bar prep as to what essential tasks one must accomplish, self-assessing and reflecting on what you knew and what you didn't know, and then actuating a self-efficacy plan to improve on your own learning. In short, the path to success lies in both doing your daily homework and in "being your own homework," i.e., in understanding how to learn and then confidently implementing those learning strategies day-by-day and step-by-step. People don't pass because of what they did on bar exam day. They pass because of what they did enroute to the bar exam as problem-solving legal learners. And, that's great news because that's something that you can implement today to change your destiny for your tomorrow.



Michael G. Massey
Professional Mentoring Program

law-mentor@du.edu

(303) 871-6712

DU Bar Success Program Director Scott Johns

William.Johns@du.edu

(303) 871-6763

