

Georgia Bar Essay Workshop

September 10, 2020

Prepared by:

Katherine Brokaw
Rhani Lott



Make Sure to Comply with ALL Restrictions

- Read carefully the most recent, updated FAQ online about the logistics of how the remote bar exam will be administered in Georgia.
- Watch the recorded Zoom session with the Director of Bar Admissions and pay close attention to all requirements, whether or not she discussed them directly. It is assumed you have read the FAQ and instructions.
- Be very careful about disallowed materials. When in doubt, don't have a questionable item in your testing area. Make a plan for where and how you will store the items you plan to use for the open book essays, SEPARATE from the testing area that you'll use for closed book parts.
- Don't assume a particular item is allowed. ASK AHEAD OF TIME.

The Georgia Bar Essay Examination

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.***

<https://www.gabaradmissions.org/message-on-preparing-for-the-ga-bar-exam>

Look For Multiple Issues

The legal problems are put to the applicant in 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.

Remember, the essays are testing your analysis AND your knowledge of Georgia law! Make sure you identify and discuss Georgia distinctions for areas like civil procedure, evidence, professional responsibility, etc., if the Georgia rule will drive a different outcome than common law or federal law. Pay attention to jurisdiction in the essay fact patterns.

Possible Combinations

- Issues of **substantive law** (for example, breach of contract) combined with issues of **remedial law** (for example, specific performance or damages)
- Issues of **substantive law** (for example, criminal law) combined with issues of **constitutional law** (for example, criminal procedure)
- Issues of **substantive law** (for example, family law) combined with issues of **professional responsibility**; this combination is common on the Georgia bar.
- Issues of **substantive law** (for example tort law) combined with issues of **evidence law**
- Issues of **substantive law** (for example, tort law) combined with **procedural rules or appellate standards of review**

(From: *Pass the Bar!* by Riebe & Schwartz, pp. 142-154)

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. Recognize also where Georgia law may differ, e.g. application of the Statute of Frauds to specific situations.
- 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.

The Bar Examiners are Not Hiding the Ball

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.

Questions are not designed to include “red herring” facts to mislead you. While there may be some less relevant, or even irrelevant, facts, most of the facts presented will be relevant to some aspect of a correct and complete analysis.

<https://www.gabaradmissions.org/message-on-preparing-for-the-ga-bar-exam>

Method Matters

- 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.**
- 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.

Outlining

- The applicant should spend more time on **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.
 - For October 2020 Georgia bar, you can use scratch paper, or you can outline in your digital answer space. Use whichever approach allows you to answer quickly, completely, and logically.
- 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.
 - A good use of scratch paper in October 2020 may be to jot down key facts on paper, making sure you understand them, then cross them off as you use/address them in your typed answer.

Writing Your Answer

- 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.
 - Review your answer and re-order what you wrote if necessary to emphasize the most important principles.

Writing Your Answer

- Essential to the presentation of a clear and concise answer is the proper use of the English language, including punctuation and paragraphing.
- 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.
 - Readers/graders are members of the Georgia Board of Bar Examiners, some of the most senior and distinguished lawyers in Georgia, assisted by attorneys who are also members of the State Bar of Georgia and officers of the court. Answer as if you were writing to a judge.

<https://www.gabaradmissions.org/message-on-preparing-for-the-ga-bar-exam>

Writing Your Answer

- 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.**
 - It is your job to make it easy for the Examiner to give you points.
- 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.

The MPT

- 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 MPT

- These skills will be tested by requiring applicants to perform one of a variety of lawyering tasks.
- Not feasible to list all possibilities, but 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.
- 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.

Tips for Outlining Using Virtual Scratch Paper on the MPT

- Since Georgia is providing “virtual” scratch paper, use this area to jot down notes, organize your thoughts, and begin to structure your answer.
- If you decide to outline directly in the answer box, make sure to delete anything that you do not want the grader to read (or grade)! You will want to be sure that you go back and fully flesh out any notes you jotted down and don't accidentally leave any portion of your MPT in an outline format.
 - This includes any notes you made for yourself, any information that you later decided was irrelevant, etc. It is critical that your answer is in the proper format and looks like a well drafted answer.
- When outlining virtually you will want to include page numbers and paragraph numbers so you can easily go back and reference when fleshing out your answer. This will save you time, as it can be difficult (and time consuming!) to scroll through a PDF over and over looking for specific rules of law/facts in the long file and library. This will also save you time when you are citing. You will already have the page numbers and other relevant information you need to cite all your rules/facts.

(Adapted from guidance provided by Kaplan).

Do MPT Practice Questions under Test Conditions

- Because your MPT will be online, it is crucial that you begin (or continue) to **practice your MPTs** under these new exam-like conditions.
 - Practice writing out entire answers to some MPT practice questions. Bar-takers lose points they could gain on the MPT by not being familiar with the most common formats and knowing already how to produce the right kind of answer quickly. Real MPT questions and sample answers are online at www.gabaradmissions.org.
- Do not print your library and file.
- You can “simulate” this new format by having open your file/library PDF on one side of your screen, while having open either a Word file or your PT Bank textbox on the other side of your screen.

Tips from the Georgia Bar Examiners

- Review the **Rules Governing Admission to the Practice of Law** which have been provided to each applicant by the Office of Bar Admissions 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.
- Read former 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. Do this with some MPT questions as well as essay questions.
 - We recommend doing this! Then compare your answer to the ones also published by the bar.
- The Office of Bar Admissions has also published sample 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.
 - These are “sample” answers, not “model” or perfect answers.

Action checklist for the two weeks before October 5

- Confirm your plan as to where you will take the exam and any logistics like parking
- If you will stay in a hotel, confirm reservations.
- Pack a bag for what you need to take 1) to hotel; and 2) for exam use.
- Plan for snacks, meals, bathroom breaks, complying with exam rules.
- Pack clothing layers to stay comfortable in test space.
- Test your memory of all subjects and re-study areas of poor recall
- Do about 34 practice MBE questions daily, in mixed subjects.
- Do two practice essay questions each week.
- Do one practice MPT question each week.
- Take care of yourself: take breaks, eat right, adjust sleep, manage stress
- Study during same hours as exam; wake up at same time as exam.

– (adapted from: *Pass the Bar!* by Riebe & Schwartz)

Options for Emory Law graduates

- The law school received 36 responses to our inquiry regarding who would like to take the exam at Emory. If you have not expressed your interest, please do so immediately by clicking the link provided in the email.
- The law school will send an update tomorrow that confirms the **Emory Conference Center** as the test location. That will be followed the week of September 21 with final details, including instructions and waiver. Only those who confirm their plan to take the test at ECC and return that form in advance will be allowed into the Emory Conference Center. Masks will be required the whole time test-takers are anywhere at Emory. Straws also required.
- For any who prefer a private testing location outside their homes, Emory Law has negotiated a preferred rate at the Decatur Marriott that includes early check-in, late checkout, high-speed internet, and reduced parking.
- Check your email tomorrow for the details.