INTRODUCTION

Three years of law school. Months of studying. Two days of testing. The North Carolina Bar Examination is completed and, now, the waiting begins. What you are waiting for is the “OK” to begin practicing law. Finally, the bar application process is behind you, and the road ahead to a career in the legal profession appears smooth and endless. Suddenly, you hit a bump in the road: there is a letter in your mailbox from the North Carolina Board of Law Examiners, but it is not the letter you expected. This letter causes you to live every bar applicant’s worst nightmare — the Board has informed you that you have not passed the North Carolina Bar Examination. Now what?

The good news is that all is not lost. Not passing the Bar Exam is certainly unpleasant; you may be upset, and this is a normal reaction. You may also experience an array of other mixed feelings. However, please remember: you are not alone. The recent trend shows a steadily declining passage rate. That may not make it easier to accept, but most people, including legal professionals and especially lawyers, will understand and can empathize because of their awareness of the Bar Exam’s difficulty. It is also important to remember that an unsuccessful attempt does not end your aspirations of a legal career. It is only a minor setback. You can get beyond this bump in the road and move on to a successful legal career.

This booklet is intended not only to help you learn more about both the procedural and practical aspects of taking the Bar Exam again, but also to share with you certain tips that will hopefully make your Bar Exam process go more smoothly the next time. Our goal is to provide you with information and advice that will help you better prepare for the Bar Exam and help you avoid common pitfalls and mistakes.
I. REVIEWING YOUR PREVIOUS BAR EXAM

After recovering from the initial shock of not passing the Bar Exam, we suggest that you make an appointment with the North Carolina Board of Law Examiners to review your answers to the essay portion of the Bar Exam. Upon written request, the Board will provide you with your test scores and give you an opportunity to review your essay examination. Reviewing the essay examination is only permitted for unsuccessful applicants. You are allotted three hours during which you may review and compare your essay answers to the selected model answers. You are also allowed to have someone accompany you to this review. We suggest contacting a party whose experience may assist you with analyzing your answers. The Bar Exam Committee of the North Carolina Bar Association, Young Lawyers Division offers a tutorial program that will provide a lawyer who may accompany you to this review. Please contact the North Carolina Bar Association for more information about this program, or go to http://www.ncble.org.

There is no provision for reviewing your answers to the Multistate Bar Examination (MBE). However, for a nominal fee, unsuccessful applicants can request to have the Multistate Bar Examination hand-graded. Please contact the North Carolina Board of Law Examiners for more information.

II. APPLYING TO RETAKE THE BAR EXAM

If possible, go ahead and submit another application, along with the applicable fees, to the North Carolina Board of Law Examiners to sit for the following examination. You must file a Supplemental Application if you are planning to take the next Bar Exam. The Supplemental Application will update the information you previously submitted to the Board. The filing fee for the Supplemental Application is typically less than the fee you paid to file your original General Application. If you do not apply to sit for the next examination, you must file a new General Application when you do sit to take it again.

When filing your application to sit for the examination, read and follow the rules and instructions carefully. The Board of Law Examiners will generally reject an application that does not conform to the rules, which then may require reapplication and, thus, delay you taking the Bar Exam. Also, remember that applications must be timely filed in order to avoid late fees. For the July Bar Exam, General Applications must be filed and received by the Board on or before the first Tuesday in January immediately preceding the July exam. For the February Bar Exam, the General Application must be filed on or before the first Tuesday in October immediately preceding the February exam. Any applicant who has properly filed an application to sit for the February Bar Exam may make an application to take the immediately following July Bar Exam by filing a Supplemental Application with the Board on or before the first Tuesday in May immediately preceding the July Bar Exam.

Although the Supplemental Application is shorter than the General Application, the application may still require significant time to complete properly. Accordingly, you should prepare your application well in advance of the deadline in order to avoid late filing fees. We recommend that you begin the application process at least one month prior to the filing deadline, if at all possible.

We also remind you it is absolutely critical that you be completely honest and forthcoming when applying to sit for the Bar Exam. The North Carolina Board of Law Examiners thoroughly investigates each applicant’s background and will discover omitted, incomplete, or inaccurate information. Falsifying or omitting information is a reflection on your character and integrity and can be considered a much worse offense than revealing a potentially damaging background. Remember that one requirement for admission to the North Carolina State Bar involves an applicant’s character and fitness to practice law, and, thus, honesty and integrity are of the utmost importance.

Finally, please do not forget to verify your Multistate Professional Responsibility Exam (MPRE) scores. If you previously took the MPRE, your score is only valid for two years; therefore, you may need to retake the MPRE to satisfy the requirements for admission to the North Carolina State Bar.

III. PREPARING TO RETAKE THE BAR EXAM

Your application to retake the Bar Exam has been completed.
Now, all you have to do is pass the exam. Although preparing for another Bar Exam may seem like a daunting task, you may be surprised with your retention and recall of the substantive material, particularly if you are sitting for the next exam. However, we cannot overemphasize the importance of proper and adequate preparation. Thus, when you decide to retake the Bar Exam, we suggest that you consider enrolling in a review course, even if you did so the first time. While you may have previously attended these lectures, the review courses provide necessary structure and guidance in preparing for the Bar Exam.

Below is some information to assist you in your research of what products and/or services are available as you decide which review courses you may want to enroll in or what type of preparation will work best for you. This is not intended to be an endorsement for any of the following products or services, but is merely included for your convenience.

In North Carolina, Bar Exam preparation courses are offered by:

BAR/BRI of North Carolina
6011 Fayetteville Road, Suite 104-C
Durham, NC 27713
1-800-300-1822
E-mail: ncbarr@barbrigroup.com
(Comprehensive courses with written materials designed to help you prepare for both the essay and multistate components of the Bar Exam)

North Carolina Bar Association
Minorities in the Profession Committee
PO Box 3688, Cary, NC 27519-3688
Phone: (919) 677-0561
Fax: (919) 677-0761
E-mail: ncb@ncbar.org
(One-day seminar on essay writing techniques)

Efficient study habits are crucial. If at all possible, you should treat Bar Exam preparation like a job, even if you are already working. Setting start and finish times for each day adds structure to your preparation schedule. At the same time, since your stress level may already be high because you are preparing to take the Bar Exam, it is extremely important to take time each day to relax. Avoiding “burnout” and mental fatigue is critical. A well-rested mind and body make preparation more efficient.
Your review of your previous Bar Exam may provide you with some important clues concerning where you want to focus your studying as you prepare to tackle the Bar Exam again. If, for instance, when you review your essay answers, you realize that you failed to accumulate points by not identifying North Carolina’s legal distinctions from the common law, you may want to focus more on recognizing and applying such distinctions as you prepare to take the Bar Exam again. The essay questions usually test many of these distinctions in whole or in part. For example, North Carolina adheres to the older tort principle of contributory negligence, while the current trend among the states is comparative negligence. Perhaps your review will reveal that you were unfamiliar with a particular area of the law tested in the question and that you need to focus more on the areas of the law which are likely to be tested. Alternatively, your review may reveal that you missed points by not answering a question because you ran out of time. Regardless, within the allotted daily preparation time, you should review substantive material for all areas likely to be tested on the Bar Exam, and you should also practice both essay writing and multi-state problems. Familiarizing yourself with the questions and practicing responses help build confidence and comfort on the essay portion of the examination. Do not assume that because one area of the law was tested on the previous exam that it will not be tested again. The MBE questions also have their own style, and you will likely find that your score improves the more you practice the MBE.

At this point, it is important to remind you that the Bar Exam has a weighted emphasis (60%) on the essay portion of the examination. You will do well to focus your attention on the essay questions without neglecting the MBE questions. If your review of your prior exam reveals that you were surprised by a question concerning an area of the law you did not expect to see, do not assume the Board will not test on that area of the law again. The MBE questions also have their own style, and you will likely find that your score improves the more you practice the MBE.

One of the best ways to prepare for the Bar Exam is to practice — practice reading fact patterns and answering essay and multiple-choice questions. When practicing for the essay portion of the exam, it is important to read carefully both the essay facts and the question(s). When reading the essay facts, be wary of “red herrings,” but do not assume that the facts will contain distractions. You should carefully consider all of the facts provided. Typically, the essay questions are written such that each fact is significant in some manner or to some degree to the analysis of the question. For example, a date may signify a statute of limitations issue, which may change the entire direction of the analysis or, at the least, be worthy of a brief discussion.

One of the fundamental points of answering an essay question is to always answer the question asked. Be specific and thorough, but be concise. A well-answered essay question may contain only several sentences. Structure an answer with a logical argument based on valid law that you believe may apply to the question asked. Avoid blanket answers, which contain every relevant legal concept, term, or theory that the examinee can recall. However, if you have no idea what the answer may be, a general or poor answer may be awarded some points, no credit is given for a blank answer.

Time management is a critical skill to ensure that you adequately answer every question on the exam. For each essay, you have 30 minutes on average to read, formulate an answer, and write your answer. You should limit yourself to 30 minutes per essay question, and you should structure your preparation to limit practice essay writing to 30 minutes per essay. Making up lost time on the examination can be extremely difficult. For example, you should not count on being able to spend 45 minutes to answer one essay and expect to leave only 15 minutes to answer another essay.

While working with sample essays can be helpful, writing answers to actual North Carolina essay questions is the best way to prepare. Copies of old North Carolina Bar Exam essay questions are available from the North Carolina Supreme Court Library or from one of the North Carolina law schools. You will need to make copies at your own expense. For a nominal fee, the North Carolina Board of Law Examiners will provide a copy of the essay questions appearing on the most recent Bar Exam.

Applicants have the option of handwriting or typing their essay responses. The default option is to handwrite the answers. However, please note that if you have illegible handwriting, choosing to
handwrite your answers may work against you. The examiners grade hundreds of examinations in a very short period of time. If they cannot read your answers due to poor penmanship, they may not be able to credit you with as many points as you deserve. If you have poor handwriting or type faster than you write, typing the essay portion of the examination may be a good idea.

Regardless of the instrument used to type the essay responses, should you choose to type your essay responses, please contact the North Carolina Board of Law Examiners with your request and review the rules that govern the use of typewriters or laptops. Please note that the Board will not provide typewriters or laptops for examinees to type the Bar Exam, so if you do not own a typewriter or laptop, determine in advance where you can rent, borrow, or purchase one. The typewriter or laptop option is only available for the essay portion of the Bar Exam.

The second day of the Bar Exam is the national Multistate Bar Examination day. Since the North Carolina Board of Law Examiners affords only 40 percent weight to the MBE, you should not depend on the MBE to compensate for a poor effort on the essay portion of the Bar Exam. The best way to prepare for the MBE is practice and repetition. Practice and repetition tend to highlight testing patterns and are likely to increase your proficiency on the MBE. (See Drafting a Bar Exam Essay Answer for more information.)

Finally, as you prepare for the exam, remain true to yourself. You have forged study habits and test-preparation skills over the years that have served you well through college and law school. Do not change the way you prepare for this examination because of the way other applicants prepare. What has worked for you in the past should prepare you for this examination. Patience and diligence in your preparation will pay dividends.

IV. RETAKING THE BAR EXAM

First, try to relax, at least for the day before the Bar Exam. Do something to unwind and to take your mind off of the law for a while. Put the books and notes away, and do not attempt last-minute “cramming.” Following years of law school and weeks of intensive preparation, you will either know the law or not. Overloading your brain on the last days will add to your anxiety level and create unnecessary stress, while only minimally increasing you retention at best. Get plenty of sleep the Monday night prior to the Bar Exam. On the Tuesday of the Bar Exam, the motto should be “less stress, better test.”

While taking the Bar Exam, it is important to remain calm and clear-minded — do not panic! It is not unusual that, at some point during the two-day exam, you will encounter an unexpected or unknown question. If this happens, remember that the exam is graded on a “pseudo-curve.” If an essay question tests an obscure area of the law, it is likely that many examinees will answer the question poorly, which tends to reduce its negative impact on each examinee’s overall score.

During the MBE portion, concentrate and pace yourself. Because the MBE questions are arranged in different orders depending on the booklet, you may sit near someone who answers several questions in the time it takes you to answer one; however, the roles will eventually reverse when you encounter shorter or easier questions. Try to ignore the actions and distracting mannerisms of other test-takers and do not panic. (See the Bar Exam Survival Guide for more information.)

V. LIFE AFTER THE BAR EXAM

Three years of law school. Months of studying. Two days of testing. Another Bar Exam is completed. And now, the waiting begins, again. You may be asking, “Will this ever be over?” The answer is “Yes!” However, for now, it is time to give your mind and body some much needed rest. You have worked hard and deserve some time away from this process. Hopefully, the next letter you receive from the North Carolina Board of Law Examiners will bring brighter news.

Yet, even if you run into another “bump in the road,” you should not be ashamed. Many successful lawyers and judges needed more than one attempt to pass the bar. Some needed several attempts. However, if you are having trouble coping with an unsuccessful attempt, several assistance programs are available. Additionally, if family and friends offer support, take it. You may also find it helpful to discuss your situation with others who initially stumbled on the Bar
Exam before passing. A final suggestion is to contact the North Carolina Bar Association for private professional and confidential resources.

Most importantly, remember that you are a law school graduate, which is an accomplishment in and of itself. You have the necessary knowledge and training required to pass the Bar Exam. Do not give up! You can and will pass the North Carolina Bar Exam. By refusing to give up, when you do pass the Bar Exam, you will gain a tremendous sense of accomplishment.

We hope that you will find this booklet to be a useful tool as you prepare for the North Carolina Bar Examination again. Remember to remain focused, patient, and positive. Through diligent study and preparation, we believe that you can successfully pass the Bar Exam. On behalf of the Bar Exam Committee of the North Carolina Bar Association’s Young Lawyers Division, we wish you the best not only on the Bar Exam but also for a rewarding and successful career in law.

Good luck!