SmartBarPrep

JULY 2026
FINAL EDITION

The Smart Guide to the MEE

A GUIDE TO MASTERING THE MULTISTATE ESSAY EXAM (MEE)

SmartBarPrep

STUDY SMARTER

OPTIMIZE YOUR BAR PREP

Bar prep doesn't have to be overwhelming. Our Study Smart System is built on three core principles designed to help you focus on what matters most, learn faster, and practice smarter.

Our Proven 3-Step Method

01 Prioritized Learning
We prioritize the bar exam for you.

Not all topics are equal — our system ranks them by importance and frequency, helping you focus strategically and spend time where it matters most.

02 Optimized Study Tools
Learn Faster with Smart Study Tools.

Study smarter with tools built on cognitive science. Smart flashcards, visual outlines, charts, and memory aids simplify complex rules, boost retention, and keep you motivated throughout bar prep.

03 Practice Smarter
Simulate the actual exam with real questions.

Simulate the real exam with authentic, licensed questions that mirror the actual test experience. Practice strategically with targeted review tools to strengthen weak areas and walk into the exam confident and fully prepared.

Our goal at SmartBarPrep is to
simplify your studying process.

The MEE is a stressful aspect of the bar exam, despite the fact that it's worth only 30% of your score in most jurisdictions. Bar exam courses can add to this stress level by making examinees feel overwhelmed with the sheer amount of information they are expected to memorize and regurgitate on test day.

Our goal at SmartBarPrep is to **simplify this studying process** ... so we created this guide breaking down the MEE into simple parts with our personal **strategies and tips** to master this section of the exam.

Everything in this guide is based upon our work with thousands of examinees, analysis of past MEE's, and **what we found *really* works to achieve a high MEE score**!

What You'll Learn

We will cover key aspects of how the MEE works and how to maximize your essay score, including:

- Overview & Breakdown of the MEE – Format, Time Per Essay, Subjects & Law Tested
- Our Step-by-Step Approach on How to Read, Organize, & Draft Your Essay Answer... including the Format to Use
- 15 MEE Tips to Increase Your MEE Score
- How to Study & Prepare for the MEE – Our 5-Step Approach with Tips & Best Practices
- How to Effectively use Model Essay Answers vs. Released Examinee Answers
- Where to Find Past MEE's ... including Free Essay Questions and Answers
- Essay Grading & Scoring – How your MEE score is calculated

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Ready to start?

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Chapter 01

MEE JURISDICTIONS

These states and jurisdictions currently use the MEE as part of their bar exam:

Alabama
Alaska
Arizona
Arkansas
Colorado
D.C. - District of Columbia
Hawaii
Illinois
Indiana
Iowa
Kansas
Kentucky
Maine
Massachusetts
Michigan
Minnesota
Mississippi
Montana
Nebraska
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
West Virginia
Wisconsin
Wyoming

Notes:

* Starting with the **JULY 2026 BAR EXAM**, the following jurisdictions will transition to the new **NextGen Uniform Bar Examination (NextGen UBE)** format and will ***no longer use the*** **MBE, MEE, or MPT** sections as part of its bar exam:

  - Connecticut
  - Idaho
  - Maryland
  - Missouri
  - Oregon
  - Washington
  - Guam
  - Northern Mariana Islands
  - Palau
  - Virgin Islands

Please see our study guides for the NextGen UBE if you are taking the July 2026 or February 2027 bar exam in one of the jurisdictions noted above.

Chapter 02

FORMAT & OVERVIEW OF THE MEE

What You'll Learn:

- The MEE Format – number of questions; time per essay question
- Purpose of the MEE – what skills are tested
- The MEE's Scope of Coverage – what subjects and topics are tested
- A breakdown of the 10 Subjects Tested on the MEE
- The Total Weight of an MEE Score – the percentage it counts toward your total bar exam score

MEE Test Format

The MEE consists of **six 30-minute essay questions**. For most jurisdictions, the 6 essays are given in **one 3-hour session**.

We say 30-minutes per essay because that's the maximum amount of time you can spend on each essay question in order to complete all questions within each session (although the individual questions are not timed). You MUST practice answering each question *within* the 30-minute period. Otherwise, you will not have time to finish all the essays.

The MEE is given on the written test day of the bar exam (usually the first day of the exam).

Purpose of the MEE – What is it Testing?

The purpose of the MEE is to **demonstrate an ability to communicate effectively in writing**, which is the primary distinction between the MEE and MBE. This means showing an understanding of the law, how to apply it to the facts of a problem, and showing the reasoning on how you arrived at your conclusions.

According to the NCBE (the drafters of the exam), the MEE tests the following skills:

- **Identify legal issues** raised by a hypothetical factual situation;

- **Separate material which is relevant** from that which is not;
- **Present a reasoned analysis** of the relevant issues in a *clear, concise*, and *well-organized* composition; and
- **Demonstrate an understanding of the fundamental legal principles** relevant to the probable solution of the issues raised by the factual situation.

MEE Scope – The *Official* MEE Subject Matter Outline

The MEE Subject Matter Outline **presents the MEE's scope of coverage**, and is prepared by the National Conference of Bar Examiners ("NCBE").

The 2026 MEE Subject Matter Outline can be found here or here.

Take the time to familiarize yourself with this document. **It outlines the scope of topics tested for *each* Subject Area**.

Subjects Tested on the MEE

There are 10 Subjects Tested on the MEE:

- Agency
- Partnerships
- Corporations & Limited Liability Companies
- Civil Procedure
- Constitutional Law
- Contracts (including UCC Article 2)
- Criminal Law & Procedure
- Evidence
- Real Property
- Torts

Any combination of the subjects above may be tested on the MEE (it varies from exam to exam). Some questions may contain more than one area of law.

Important Subject Area Note – For July 2026 Exam

Effective with the **JULY 2026 BAR EXAM**, the following Subject Areas ***will no longer be tested*** **on the MEE**:

- **Conflict of Laws**,
- **Family Law**,
- **Secured Transactions**,
- **Trusts & Future Interests**, and
- **Wills & Estates**.

As such, you ***do not*** need to study these Subject areas for the MEE section, and you should *ignore these questions* in older MEE Questions & Analyses released by the bar examiners.

Other Items of Note:

- From July 2026 through February 2028, **Family Law** and **Trusts & Estates** *will be regularly tested* on the **Multistate Performance Test (MPT)**. HOWEVER, **memorization of the law for these subjects is *not required*** starting in July 2026, as the examiners will provide the relevant case law and/or statutes in the MPT materials.

- **Negotiable Instruments/Commercial Paper (UCC Articles 3 & 4)** was *removed* from the MEE as of the February 2015 exam. Thus, *ignore these questions* in older MEE Questions & Analyses released by the bar examiners.

- **Agency, Partnerships, and Corporations & LLC's** are listed as one subject in the MEE Subject Matter Outline as *Business Associations*. We have listed them separately since examinees usually study these subjects individually.

Total Weight of MEE Score

The MEE is **worth 30% of your total exam score in most states** – including all UBE jurisdictions, such as New York and New Jersey.

In other jurisdictions, the MEE/essays is normally worth between **30% and 45%**. Some jurisdictions have additional state essays and/or have a minimum passing score for the MEE/essay portion.

In Chapter 8 of this guide on Grading & Scoring, we have included a chart showing how much the MEE is worth in each jurisdiction.

Chapter 03

A STEP-BY-STEP APPROACH ON HOW TO READ, ORGANIZE, & DRAFT YOUR ANSWER TO AN MEE ESSAY QUESTION

What You'll Learn:

- How to Allocate Your Time Per MEE Question
- Our 5-Step Approach on How to Read an Essay Question & Draft Your Answer
- How to Structure and Draft Your Essay Answer using the IRAC Method

We strongly recommend that you have a **pre-determined approach** on how you will tackle an MEE question on exam day – meaning how you will review the essay question and draft your answer all within 30 minutes.

Having an approach will make the exam much less stressful, and you can practice it prior to the exam so it will be second nature when taking the actual test.

MEE Timing – How to Effectively Allocate Your Time

Since you have 30-minutes per MEE question, you should allocate your time as follows:

10-15 minutes: Reading the essay question and Organizing your answer (ideally no more than 10 minutes).

15-20 minutes: Drafting your answer.

You must keep yourself on track, and NOT spend more than 30-minutes per essay question. Otherwise, you'll never finish all six essays.

MEE Step-by-Step Approach – How to Read, Organize, and Draft Your Answer

Here is our recommended step-by-step approach to tackle an MEE question within 30-minutes.

Step # 1: Read the Call of Question First – (1 minute).

The call is the question prompt(s) at the end of the fact pattern, which asks you to discuss certain issues. Reading the call first helps you identify the subject matter and issues being tested, so you know exactly what to look for when reading the fact pattern.

Step # 2: Read the Fact Pattern, and Mark It Up – (7-10 minutes).

Read the entire fact pattern carefully, and while doing so you should mark it up to note key items. For example, you can make notes in the margins or circle/underline anything that is important (e.g. facts, issues, dates, names of parties). Marking up the fact pattern will make the important items easy to reference later on when organizing and drafting your answer.

If you have time, you may want to read the fact pattern a second time to make sure you fully understand the facts.

Step # 3: Read the Call of the Question AGAIN – (1 minute).

Reading the call of the question a second time will make sure you understand the issues the bar examiners want you to discuss, and will confirm that you didn't overlook anything.

Step # 4: Organize Your Answer & Make a SHORT Outline of the Issues/Topics – (1-3 minutes).

It's best to organize your answer by making a *very short* outline (or checklist) of the issues and topics that you will discuss. Something short like "negligence – proximate cause" or "supplemental jurisdiction" should suffice. The goal here is to map out the topics/issues so you'll have a list to reference when drafting your answer (and so you don't forget hit anything).

Use the call – the question prompts – at the end of the essay question to organize your outline (and eventually your essay answer).

Often the call will tell you to discuss certain issues/points, which are numbered or lettered. It's best to organize your answer in the same order. Below is an example.

Example of Question Call with "Specific Prompts"
(from July 2017 MEE, Essay 2 – Constitutional Law)

1. Can the bank maintain a suit in federal court against State A for damages? Explain.
2. Can the bank maintain a suit in federal court against the state Superintendent of Banking to enjoin her from enforcing the State A statute? Explain.
3. Is the State A statute unconstitutional? Explain.

Sample Short Outline of the Issues/Topics
(for July 2017 MEE, Essay 2)

1) **11th Amend. – State Sovereign Immunity**
   - State cannot be sued for money damages
2) **11th Amend. – State Sovereign Immunity**
   - Exception for allowing suit for injunctive relief against a state official
3) **Negative Commerce Clause**
   - Discriminatory Regulations
   - Unduly Burdensome Regulations

Sometimes, an essay question will contain a "general call" where the question prompt is *not* broken out like the example above (this occurs often in Wills & Estates questions).

Example of "General Call" Question
(from July 2017 MEE, Essay 4)

To whom should Testator's estate be distributed? Explain.

In such instance, you will need to organize the answer yourself. **For "general call" questions, we suggest organizing your answer by either the Parties, Events, or Legal Issues**.

Remember your outline should only be a short list, and MUST be done *quickly*.

Your time is precious, so you don't want to waste much time on this step. Thus, we recommend *hand writing* this outline on scrap paper or somewhere on the essay question page (at the end of the page or in the margin). DON'T write this outline on the computer because most people have a tendency to write more than they would on paper, which is a waste of time. Writing your outline on paper forces you to keep it short and write it quickly.

Step # 5: Draft Your Answer using IRAC – (15-20 minutes).

Using the organization in your short outline, start drafting your essay answer using IRAC format.

IRAC is a method for organizing your legal analysis so the ***essay grader can easily review your answer***.

Issue	State the issue presented by the essay question.
Rule	State the applicable legal rule(s).
Analysis	Apply the legal rule(s) to the facts of the question. You must use the facts in the question to explain how the legal rule leads to the conclusion. DO NOT merely recite the facts; instead link the facts to the elements of the legal rule to justify the conclusion.
Conclusion	State a short conclusion – the result of the analysis. This should be a single sentence.

When using IRAC:

- **Use Headings!** You MUST make sure to include a heading for *each* IRAC analysis.
- Each item in IRAC should be in a *separate* paragraph.
- When there are multiple issues to address (there almost always are), then you must write a separate IRAC analysis for *each* issue.
- For bar exam essays **DO NOT discuss both sides** (unlike a law school exam).

The IRAC structure should be used for two reasons. First, the MEE Instructions state that IRAC should be used:

> "Demonstrate your ability to reason and analyze. Each of your answers should show an understanding of the facts, a recognition of the issues included [**Issue**], a knowledge of the applicable principles of law [**Rule**], and the reasoning [**Analysis**] by which you arrive at your conclusions [**Conclusion**]. The value of your answer depends not as much upon your conclusions as upon the presence and quality of the elements mentioned above."[1]

Second, most Sample Examinee Answers that have been released as exemplars follow the IRAC format.[2]

Below is a sample IRAC analysis of what your essay answer should look like.

[1] See, Instructions for Taking the MEE, which can be found here or here.
[2] See, Sample Examinee MEE Answers for New York and Arkansas.

SAMPLE IRAC ANALYSIS
(for July 2017 MEE, Essay 2, Point One)

1. Bank v. State A in federal court

The issue is whether this action is permitted under the 11th Amendment.

ISSUE

The 11th Amendment prohibits a party from suing a state or a state agency in federal court. There are certain exceptions to the 11th Amendment, such as when: (a) the state explicitly consents to waive its Eleventh Amendment protections; (b) the suit pertains to federal laws adopted under Section 5 of the 14th Amendment; (c) the suit seeks only injunctive relief against a state official for conduct that violates the Constitution or federal law; or (d) the suit seeks money damages from a state official.

RULE

Here, the bank is suing State A directly, along with the superintendent, seeking damages. There is no indication that the statute provides a waiver of the 11th Amendment, and there is no applicable Congressional statute so there is not congressional abrogation.

ANALYSIS

Therefore, the suit is not permitted under the 11th Amendment, and the bank cannot maintain the suit against State A in federal court.

CONCLUSION

Chapter 04

15 MEE TIPS TO INCREASE YOUR ESSAY SCORE

We are constantly asked by examinees on how they can increase their essay score. To help you out, we have compiled a list of our top tips and strategies we most recommend!

1. **Prioritize your Studying by Focusing on the Highly Tested MEE Subjects, Topics, and Rules**.

   Optimize your essay performance by memorizing the HIGHLY tested MEE topics and rules first before moving onto lesser tested areas. Remember the topic categories within each subject are NOT created equal as some are tested in a *higher percentage* than others.

   You can use our Free MEE Frequency Analysis to prioritize your studying – it shows how often and the percentage each subject and topic was tested. Our MEE Essay Priority Outline also contains High, Medium, Low priority designations for each rule, model rule statements, and a listing of the specific exams where each rule was tested.

2. **DON'T cite cases or statutes in your answer**.

   Never cite to specific cases or statute sections in your answer UNLESS they are provided in the essay question. The bar examiners DO NOT require that citations be included, so don't waste any time doing so.

3. **DON'T argue both sides.**

   For the bar exam, you need to pick one side that you think is correct, and make a conclusion accordingly. This is contrary to what you did on law school exams.

   When the issue can go either way, the bar examiners will normally award full credit for a conclusion that is well-reasoned. For example, on the July 2016 MEE concerning a contract assignability issue, the bar examiners stated: "Some examinees might argue against assignability of the contract because there are inevitable differences between

the paint jobs, such as the relative ease of dealing with the homeowners. *If well-reasoned, such analysis should receive credit*." (See July 2016 MEE, Essay 5, Point One).

So, don't worry if it's a close or undetermined issue – just pick a side, and plug-in your IRAC analysis for it.

4. **Make it easy for graders to review your essay *and* give you points**.

Each grader has limited time to go through your essay, as they have an endless amount to review and cannot spend too much time on any one essay answer. Because of this they may read through answers quickly. Your job is to make it so they can easily spot the different parts of your essay answer so you can be awarded the maximum number of points.

Using headings and structuring your essay using IRAC format is key, as you don't want graders to get lost or miss anything. By the end of your practice, you should be able to write essays in a clear, organized fashion. For more information on how to structure and draft your essay answer, please see Chapter 3 of this guide.

5. **Your writing should be clear, concise, and to the point!**

Writing a complete answer that is clear and concise will make it easy for the grader to read your essay, and in turn get you a higher score. You need to sound like a lawyer, but avoid being verbose. Get right to the point you're making!

6. **Draft a *complete* essay answer**.

Each portion of your answer is only worth a set amount of points, the more you hit, the more points you get. Thus, the more complete your answer is, the higher your score will be.

The end goal is to plug-in each of the parts of your IRAC analysis as quickly as possible to draft a complete answer that hits all of the issues tested. By taking more practice exams, will get you in the mode of writing essays quickly. It will also give you practice with structuring your answer in a complete succinct manner.

7. **DON'T volunteer irrelevant or immaterial information**.

You will *not* receive credit by providing irrelevant or unnecessary information in your answer. Instead, you will only be wasting precious time that you need to finish all 6 essay questions.

As such, you should follow these guidelines when drafting your answer:

- **Only address the issues in the fact pattern** that pertain to the question. The key for doing well on an essay is determining the exact issues the examiners want you to discuss. The majority of the time the call of the question – the question prompts at the end – specifically tell you what to discuss.
- Similarly, **only state the rule(s) of law that are applicable** to the analysis of the issues. For example, you will receive no points for stating an exception to a legal rule that is completely irrelevant to the fact pattern or issues.

8. **Make NO assumptions**.

   Never assume facts that aren't in the fact pattern of the question. Similarly, don't assume that each essay question only covers a single area of law. It's possible that some of the questions will contain more than one area of law that you are responsible to know.

9. **You CAN answer the questions in any order you wish**.

   Generally, you should answer the MEE essay questions in chronological order. But, if you are overwhelmed by a question, it may be beneficial to move on to another question which addresses a topic you are stronger in to gain some confidence going forward.

   If you do this, you must make sure you still spend only 30-minutes per question. Each jurisdiction controls the laptop software for the exam, so just make sure that you are able to easily skip to writing different essays during the exam.

10. **If you don't know a rule, make one up.**

    This way you still may get partial credit for spotting the issue, providing an analysis, and stating a conclusion.

    For example, on the July 2013 MEE (Essay 6), the rule for piercing the veil of an LLC was tested. This was the first time such rule was tested (for an LLC and not a corporation), and as such, almost no one knew the exact rule. In this instance, you could have used the rule for piercing a corporation (which is very similar). In the above-average examinee answers released by states, this is exactly what many examinees did.

    This is a perfect example of how you can move forward even when the exam throws you a curveball. It may not be the full points (as the rule statement will be wrong), but at least you may get some points for the issue, analysis, and conclusion – and more points equals a higher score.

11. **Have a clear idea of when you need to start *and* finish each MEE essay**.

    You *only* have 30 minutes to complete *each* MEE question. It is recommended that you **use a timer** to keep track of your progress while taking the exam. Just make sure the timer/watch complies with your state's bar exam guidelines for acceptable items in the exam room – some jurisdictions do not allow watches or timers, but will have a clock clearly visible in the exam room that you should take advantage of.

    For a 3-hour MEE session, you can use the following intervals as your guide:

Question # Completed	Time
MEE Question 1	30 minutes
MEE Question 2	1 hour
MEE Question 3	1 hour 30 minutes
MEE Question 4	2 hours
MEE Question 5	2 hours 30 minutes
MEE Question 6	3 hours

12. **Make sure to include ALL items you noted (when reading the essay question) into your answer**.

    In Chapter 3 (Step # 4), we recommend that you make a short outline of the issues after reading the essay question. Make sure you refer to this outline when drafting your answer.

    It's easy to forget or lose track of every item when drafting your answer. This outline will keep you on track, and guide you on the order in which to discuss the issues in your answer. This may seem like common sense, but we have repeatedly heard of examinees recalling after the exam was finished that they forgot to include issues they spotted.

13. **Read and Know the MEE Instructions *prior to* taking the exam**.

    Even though the MEE Instructions are contained on the back cover of your test booklet, you NEVER want to waste time reading these instructions on test day.

The MEE instructions are freely available on the NCBE website, so make sure you review them prior to the exam. The current "Instructions for Taking the MEE" can be found here or here.

14. **Have a mental checklist ready of rules and exceptions for major topic areas**.

    Having a mental checklist to review in your head for major topic areas can help you streamline your issue spotting and make sure you hit all the points necessary for a complete answer.

    To illustrate, whenever a specific issue comes up, you would run through the different concepts in your head and note down which to apply in your IRAC analyses. For example, when an Agency-Authority issue comes up, you would note the following: agency relationship, actual authority, apparent authority, inherent agency power.

    You can base these "mental checklists" off of your outlines or the topics listed in the MEE Subject Matter Outline released by NCBE found here or here.

15. **If a rule is tested more than once in a *single essay question*, DON'T re-write the rule each time**.

    Time is valuable on the MEE, so you want to use it wisely. To save time writing the same rule multiple times in a single essay, you can either: (a) refer the grader back to the first instance where you wrote the rule; or (b) copy-and-paste the rule statement – if you're using a computer to write your essays.

    The better option is to copy-and-paste the rule again into each part used, so that you make it as essay as possible for the reader to grade your essay. For examinees who handwrite the exam, we understand that this isn't possible, so you should just refer the grader back to the other part of your essay answer.

    The bar examiners have even endorsed both methods. Specifically, the NCBE has stated:

    > "*Some examinees may discuss the elements of enforceability of a possessory security interest in the answer to* [issue 1] *and refer back to that discussion in their answer to this* [issue]. *Such examinees should get credit for that analysis as part of their answer to* [issue 2]. *Examinees may organize their answers either way and receive full credit.*" (See, Feb. 2019 MEE Analysis, Essay 2, Point Two, note section).

    This time saving tip should only be used when writing a rule statement multiple times *within a single essay question*. NEVER refer to something contained in *another essay question* because you will not receive any points for the same.

Chapter 05

HOW TO STUDY & PREPARE FOR THE MEE (WITH TIPS & BEST PRACTICES)

What You'll Learn:

- Our 5-Step Approach to Effectively Prepare for the MEE
- Study Tips & Best Practices to Master the MEE

Now that you know how the MEE works, what's the best way to prepare for it without getting overwhelmed? Below you will find our step-by-step strategy to effectively study and prepare for the MEE section of the bar exam.

Step 1: Set the Foundation – Obtain a Good Working Knowledge of the Law for Each Subject.

You can do this by bar review courses, lectures, books, outlines, or anything else that will help you learn the law. You don't need to have everything memorized perfectly at this stage – **you just need a good working knowledge of the subject** (a.k.a. a good grasp of the law or reviewed the subject in some way). This is the foundation you will build on in later steps.

Step 2: Breakdown each subject into a *condensed* outline or document.

After learning the law for a subject, you should **condense that subject into something you can use for future review (outline, mini-outline, attack sheets, flashcards, etc.)**. This is essential for breaking down and committing the legal rules tested to memory, and will be your go-to document while studying. You can then add to this document later on as you continue your studying and reviewing MEE practice questions.

If you don't have time to create your own outline, **you can buy one or use a friend's outline** and then add your notes to it.

Step 3: Prioritize … then Memorize.

Studying efficiently *and* effectively is the key to doing well on the MEE. You will need to memorize a lot of material, but **prioritizing what you study is essential to passing**.

Very often the bar examiners test the same fundamental rules of law. This is because there are fundamental legal principles that every licensed attorney should know (e.g. contract formation, negligence elements), and is why certain legal concepts are tested more often than other obscure topics. Even when the obscure concepts are tested, they are usually not worth a large percentage of the essay question.

As such, you should **optimize your essay performance by focusing more time memorizing the HIGHLY tested MEE topics and rules**. Once you have the rules prioritized, focus on memorizing the High priority (most frequently tested) rules first and foremost, and then work your down through the rules tested less often.

STUDY TIP

Use our Frequency Chart to Know How Often Each MEE Topic & Rule has been Tested!

We have already done the hard work for you, and analyzed all of the released MEE essays (from 1995 to the present).

You can use our Free MEE Frequency Analysis to prioritize your studying – it shows how often and the percentage each subject and topic was tested.

– or –

Use our MEE Essay Priority Outline, which also contains High, Medium, Low priority designations for each rule, model rule statements, and a listing of the specific exams each rule was tested.

Step 4: Practice & Application – Issue Spotting and Writing Essays.

Practice makes perfect, and to really hone your essay skills you need to do two things:

1. Practice your issue spotting ability, and
2. Write practice essays under *timed* conditions.

Both are essential to create connections between the law tested, spotting issues in an essay fact pattern, and drafting a passing essay answer.

Issue Spotting Practice:

Going through past MEE essay questions and answers is the best way to practice your issue spotting skills. With practice, you will become better and quicker at identifying what the bar examiners are testing and looking for in an answer.

It makes sense to go through as many past essays as possible. However, for most examinees writing full answers to *hundreds* of essays is just not possible (especially while preparing for the MBE & MPT sections). To streamline the review process, you can use Issue Spotting to go through many more essays.

Here's our 3-step Issue Spotting process:

1. Read the essay question.
2. Make a quick outline of the issues and rules of law tested. Essentially, this is an outline of what you would discuss if you wrote out your full essay answer.
3. Compare your outline of the issues/law tested to a model MEE answer to see what issues you spotted and what you missed.

You can use MEE Questions and Model Analyses (Answers) released by the NCBE to practice.

We have also created a quick way to practice issue spotting with our MEE Smart Review & Issue Spotting guide:

- It contains past MEE essay questions, plus *summary answers* (from Feb. 2004 to present).
- Essays are organized by subject area in reverse chronological order (newest to oldest), and each essay shows *a list of the issues tested by point value*.

This way you can review essays per subject area starting with the most recent essays, and see what the bar examiners are looking for in an essay answer.

Remember, that Issue Spotting practice is in *addition* to writing full essay answers. Thus, you should leave a few essays per subject (the most recent ones) that you'll write full answers for, and then perform Issue Spotting on as many of the remaining essays as possible. That way there is no overlap.

Essay Writing Practice:

You MUST practice writing essays to do well on the MEE. We know it's painful and you don't want to do it, but set aside time to write *at least* 1-2 essays per subject area (ideally you should write even more than that).

Writing out practice essays *under timed conditions* is in addition to other essay review such as passively reading past exams or performing issue spotting exercises. This may seem like overkill, but we commonly hear examinees fail because they didn't practice writing essays in exam-type conditions.

STUDY TIP

Practice like it's the ACTUAL exam.

You want to simulate actual test day conditions as much as possible to minimize any surprise on exam day. As such, you should take MEE questions under ***timed conditions***. You should even try simulating the exam environment as much as possible (e.g. taking practice exams at a desk with the same laptop you will be using on exam day).

For timing, remember you must keep a pace of 30-minutes per MEE question. Practicing while timed may be uncomfortable at first, but it will condition you for the actual exam setting.

STUDY TIP

Grade Yourself

Grading your practice essays taken against the MEE Model Analyses keeps you accountable, and can help you spot your problem areas or if you have an issue finishing questions in the allotted time.

You may even want to have others grade your practice essays, either through a bar prep program, tutor, or an attorney friend. The goal here is get real honest feedback on what improvements can be made.

Step 5: Continue to Practice & Memorize the Law.

During the entire bar review period, you should be memorizing the law, practice writing essays, and honing your issue spotting ability. This way you are constantly building on your: (1) knowledge of the law – by memorizing rules of law; ***and*** (2) ability to read and write essays – by constant practice.

Chapter 06

MEE PRACTICE: HOW TO USE MODEL ESSAY ANSWERS & SAMPLE EXAMINEE ANSWERS EFFECTIVELY

What You'll Learn:

- The Difference Between Model Essay Answers vs. Released Examinee Answers
- The Best Way to Use Sample Examinee Answers (released by MEE jurisdictions)
- How to Use the Model MEE Analyses Released by the NCBE

There are two types of MEE answers you should use in your bar preparation:

1. **Model Answers/Analyses**, and
2. **Sample Examinee Answers**.

Model Essay Answers are *perfect* essay answers, normally written by the drafters of the bar exam (the NCBE) or bar review companies/tutors. The NCBE releases past MEE Questions and Analyses – these Analyses are model answers provided to jurisdictions to assist with grading essays.

Sample Examinee Answers are *actual* essay answers written by examinees that received a high or above average score. These answers are released by a few MEE jurisdictions.

We suggest that you use each in very specific ways to prepare for the exam.

How to Use the Sample Examinee Essay Answers

In our opinion, Sample Examinee Answers **should only be used in one way… to see what a good (passing) essay looks like**.

Specifically, you should review a few past examinee essays to see:

1. The **level of detail needed in your answer** – it is much less than shown in a Model MEE Analysis;

2. The **structure and organization** of a good essay; and
3. What a **well-written IRAC analysis looks like**.

Remember, **you *do not* need to be perfect to pass** the bar exam – almost all of the examinee answers do not include every possible issue, and some even have incorrect statements of law. **You only need to be *better than average* to do well on the MEE essay section**.

Reviewing model essays are good for many reasons (as discussed below), but can add a certain level of stress for examinees because they think writing a perfect essay is the goal. That's why **examinee answers are a great tool to dispel the unrealistic idea of a "perfect essay," and will remind you of what's really required to pass**.

Other than that, you should NOT use examinee answers for any other purpose. This includes learning the law because the answers often contain incorrect or outdated rule statements.

How to Use the Model MEE Analyses (Answers)

Many bar review companies provide model essay answers, but hands down the **best to use when studying are the *official* "MEE Questions & Analyses" released by the NCBE** – the drafters of the MEE essays.

Why are these the best to use? There are three primary reasons:

1. They are illustrative of the discussions that might appear in **excellent answers** to the questions.
2. They are **provided to the user jurisdictions to assist graders in grading the examination**. The grading percentages are also next to each essay topic "point" – e.g. "Point Two (35%)".
3. They **address all the legal and factual issues** the drafters intended to raise in the questions.

Essentially, you can see what the graders used to score past essays, and can see every issue raised in the essay question.

The model MEE Analyses are **ideal to grade yourself when writing practice essays** because they contain every issue, rule statement, analysis, and conclusion required for an IRAC analysis. They can also be **used for issue spotting practice**, as discussed in Chapter 5 (Step #4) of this guide.

Just keep in mind that the MEE Analyses are answers drafted by the examiners who have

unlimited time and access to law books, statutes, and cases when drafting. **What you see in the model answers/analyses is *not realistic* of what most examinees write to pass the exam**, so don't be overly critical that you need to answer everything perfectly on test day.

Important Things to Know when Using Past MEE Questions & Analyses

When reviewing the essay analyses released by the NCBE, it is important to keep a few things in mind:

- Starting with the **JULY 2026 BAR EXAM**, the following Subject Areas are ***no longer tested*** **on the MEE**:

    - **Conflict of Laws**,
    - **Family Law**,
    - **Secured Transactions**,
    - **Trusts & Future Interests**, and
    - **Wills & Estates**.

    As such, you ***do not*** need to study these Subject areas for the MEE section, and you should *ignore these questions* in older MEE Questions & Analyses released by the bar examiners.

- **Negotiable Instruments/Commercial Paper (UCC Articles 3 & 4) was *removed* from the MEE** as of the February 2015 exam. Thus, ignore these questions in older MEE Questions & Analyses.

- **Six of the current MEE subjects** (Constitutional Law, Contracts, Criminal Law & Procedure, Evidence, Real Property, and Torts) **have only been tested on the essays since July 2007**. Note, the subject of Sales (UCC Article 2) was tested on a few exams prior to July 2007.

- Now, all MEE and UBE jurisdictions use a common set of six (6) essay questions. However, previous exam years had a different number of MEE essays:
    - **Feb. 1995 to Feb. 2007** – MEE booklets each contain **seven (7) essay questions**; and
    - **July 2007 to July 2013** – MEE booklets each contain **nine (9) essay questions**.

- The MEE Analyses contain *separate* "Summary" and "Legal Problems" sections. DO NOT include such separate sections in your essay answers – these were provided for grader purposes. Please see Chapter 3 of this guide for how to properly structure your essay answer.

- On the actual test, the essay questions are simply numbered rather than being identified by area of law. Thus, the bar examiners will not tell you the subject(s) the question is testing on the exam – unlike what is shown in the past MEE Questions & Analyses released.

Chapter 07

WHERE TO FIND PAST MEE'S (INCLUDING FREE ESSAY QUESTIONS & ANSWERS)

What You'll Learn:

- Where to find Past MEE Questions & Answers (including FREE sources)

We have compiled the following lists of where you can find past MEE essay questions and answers that are available from the NCBE and UBE/MEE jurisdictions.

Past MEE Questions & Model Analyses (released by the NCBE)

Recent MEE Questions-Analyses:

- MEE Questions and Analyses from *recent exams* can be purchased from the NCBE store here.

FREE Sources of MEE Questions-Analyses:

- The six MEE questions (*without* analyses) from the most recent exam can be **downloaded for FREE** from the NCBE website here.
- MEE Questions and Analyses from *older* administrations can be **downloaded for FREE** from the NCBE website via the links below.

Free MEE Exams (*Essay Questions & Analyses*)
July 2020 MEE
Feb. 2020 MEE
July 2019 MEE
Feb. 2019 MEE
July 2018 MEE
Feb. 2018 MEE
July 2017 MEE
Feb. 2017 MEE
July 2016 MEE
Feb. 2016 MEE
July 2015 MEE
Feb. 2015 MEE
July 2014 MEE
Feb. 2014 MEE
July 2013 MEE
Feb. 2013 MEE

Sample Examinee Answers (released by UBE/MEE Jurisdictions)

Below you can find links to MEE Questions and Sample Examinee Essay Answers released by Arkansas, Maryland, New York, and South Dakota.

New York
Feb. 2026 – MEE Questions & Sample Candidate Answers
July 2025 – MEE Questions & Sample Candidate Answers
Feb. 2025 – MEE Questions & Sample Candidate Answers
July 2024 – MEE Questions & Sample Candidate Answers
Feb. 2024 – MEE Questions & Sample Candidate Answers
July 2023 – MEE Questions & Sample Candidate Answers
Feb. 2023 – MEE Questions & Sample Candidate Answers
July 2022 – MEE Questions & Sample Candidate Answers
Feb. 2022 – MEE Questions & Sample Candidate Answers
July 2021 – MEE Questions & Sample Candidate Answers
Feb. 2021 – MEE Questions & Sample Candidate Answers
Oct. 2020 – MEE Questions & Sample Candidate Answers (note: Only 3 MEE questions were used for the October 2020 remote bar exam due to Covid-19)
Feb. 2020 – MEE Questions & Sample Candidate Answers
July 2019 – MEE Questions & Sample Candidate Answers
Feb. 2019 – MEE Questions & Sample Candidate Answers
July 2018 – MEE Questions & Sample Candidate Answers
Feb. 2018 – MEE Questions & Sample Candidate Answers
July 2017 – MEE Questions & Sample Candidate Answers

Feb. 2017 – MEE Questions & Sample Candidate Answers
July 2016 – MEE Questions & Sample Candidate Answers

South Dakota	Maryland
July 2025 – MEE Questions & Representative Passing Answers (note: MEE's start on pg. 51)	July 2025 – MEE Questions July 2025 – MEE Representative Good Answers (note: MEE Answers start on pg. 14)
Feb. 2025 – MEE Questions & Representative Passing Answers (note: MEE's start on pg. 49)	Feb. 2025 – MEE Questions Feb. 2025 – MEE Representative Good Answers (note: MEE Answers start on pg. 12)
July 2024 – MEE Questions & Representative Passing Answers (note: MEE's start on pg. 46)	July 2024 – MEE Questions July 2024 – MEE Representative Good Answers (note: MEE Answers start on pg. 12)
Feb. 2024 – MEE Questions & Representative Passing Answers (note: MEE's start on pg. 52)	Feb. 2024 – MEE Questions Feb. 2024 – MEE Representative Good Answers (note: MEE Answers start on pg. 13)
July 2023 – not released	July 2023 – MEE Questions July 2023 – MEE Representative Good Answers (note: MEE Answers start on pg. 13)
February 2023 – not released	Feb. 2023 – MEE Questions Feb. 2023 – MEE Representative Good Answers (note: MEE Answers start on pg. 14)

July 2022 – not released	July 2022 – MEE Questions July 2022 – MEE Representative Good Answers (note: MEE Answers start on pg. 11)
February 2022 – not released	Feb. 2022 – MEE Questions Feb. 2022 – MEE Representative Good Answers (note: MEE Answers start on pg. 11)
July 2021 – not released	July 2021 – MEE Questions July 2021 – MEE Representative Good Answers (note: MEE Answers start on pg. 16)
Feb. 2021 – no longer available (note: MEE's start on pg. 45)	Feb. 2021 – MEE Questions Feb. 2021 – MEE Representative Good Answers
July 2020 – MEE Questions & Representative Passing Answers (note: MEE's start on pg. 46)	Oct. 2020 – Remote Exam MEE Questions Oct. 2020 – Remote Exam MEE Representative Good Answers (note: Only 3 MEE questions were used for the October 2020 remote exam)
Feb. 2020 – MEE Questions & Representative Passing Answers (note: MEE's start on pg. 48)	Feb. 2020 – MEE Questions Feb. 2020 – MEE Representative Good Answers
July 2019 – MEE Questions & Representative Passing Answers (note: MEE's start on pg. 46)	July 2019 – MEE Questions July 2019 – MEE Representative Good Answers
Feb. 2019 – MEE Questions & Representative Passing Answers (note: MEE's start on pg. 54)	Feb. 2019 – not applicable

Arkansas
July 2025 – not released at time of publication
Feb. 2025 – not released
July 2024 – not released
Feb. 2024 – not released
July 2023 – not released
Feb. 2023 – not released
July 2022 – not released
Feb. 2022 – not released
July 2021 – MEE Questions & Best Answers
Feb. 2021 – MEE Questions & Best Answers
Fall 2020 – not applicable
July 2020 – MEE Questions & Best Answers
Feb. 2020 – not released
July 2019 – not released
Feb. 2019 – MEE Questions & Best Answers
July 2018 – MEE Questions & Best Answers
February 2018 – MEE Questions & Best Answers
July 2017 – MEE Questions & Best Answers
February 2017 – MEE Questions & Best Answers

July 2016 – MEE Questions & Best Answers
February 2016 – MEE Questions & Best Answers
July 2015 – MEE Questions & Best Answers
February 2015 – MEE Questions & Best Answers (note: MEE's start on pg. 55)
July 2014 – MEE Questions & Best Answers (note: MEE's start on pg. 57)
February 2014 – MEE Questions & Best Answers (note: MEE's start on pg. 54)
July 2013 – MEE Questions & Best Answers (note: MEE's start on pg. 47)
February 2013 – MEE Questions & Best Answers (note: MEE's start on pg. 52)
July 2012 – not released

NOTE: Be careful when reviewing examinee answers for other years *not* listed above. We have intentionally omitted certain exam years because the MEE was not used in that jurisdiction at the time. For example, DO NOT use any New York bar exam released essay answers *prior to* July 2016 – when NY switched to the UBE format. These were omitted because New York administered different state specific essays prior to that exam – those examinee answers were based on New York specific law.

Chapter 08

MEE GRADING & SCORING

What You'll Learn:

- How the MEE is Graded & Scored
- MEE Grading Standards… with MEE Grading Key
- How an MEE Score is Determined – Raw Scores and Scaled Scores
- The Total Percentage Weight of an MEE Score (in each jurisdiction)

What You REALLY Need to Know About MEE Grading and Scoring

Each jurisdiction grades MEE essay answers using their own set of grading standards. Each essay is graded on a numbered scale based on the quality of the answer. The grading scale varies per jurisdiction (e.g. 0-6, 1-10).

All written scores are combined, and then scaled using a complex formula. For UBE jurisdictions, the written portions of the exam (MEE + MPT) are combined and scaled to a number between 1-200.

Other than that, you shouldn't really worry about the specifics of grading and scoring. Your main focus should be on studying the law, essay practice so you write an excellent essay answer, and comparing your practice essays to the MEE Analyses released by the NCBE.

We have included more grading specifics below if you're really interested, but feel free to skip the rest of this chapter, especially if you're short on time.

DISCLAIMER

The specifics on grading and scoring (reviewed below) get very detailed. **Feel free to skip the rest of this chapter if you're not interested or short on time**.

How an MEE Score is Determined (Raw Scores → Scaled Scores)

Outlined below is the entire process of how an examinee's MEE score is calculated:

- **Step # 1: Each essay answer is graded and given a "raw score" using relative grading**. The score given is based on the quality of the answer, and the grading scale varies per jurisdiction (e.g. 0-6, 1-5). "Relative grading" means scoring and ranking the essay answer "relative" to other examinee answers in that jurisdiction.

    - Graders use a process called ***Calibration*** to ensure fairness when grading and rank-ordering papers. Calibration is achieved by test-grading "calibration packets" of 30 student papers to see what the range of answers is, and then resolving any differences in grading among those graders and/or papers. This process ensures graders are using the same criteria so grading judgments are consistent for rank-ordering.[3]

- **Step # 2: The written raw scores are combined, and then scaled to the MBE**. **This is the examinee's "scaled score"**. Specifically, the combined "raw score" is scaled to the mean and standard deviation of the Scaled MBE Scores for that examination. Scaling adjusts for possible differences in average question difficulty and grader performance across different administrations of the examination.

    - For UBE Jurisdictions, an examinee's scores for the MEE and MPT are combined, which comprises the examinee's combined written "raw score" for the exam. This combined written "raw score" is then ***scaled*** **putting the written raw score on a 200-point scale**. Specifically, the combined "raw score" is scaled to the mean and standard deviation of the Scaled MBE Scores for all examinees of the examinee's respective jurisdiction (the state in which you take the bar exam). This means that an examinee's written portion is scaled "relative" to the other examinee answers in that jurisdiction.

- **Step # 3: The total written "scaled score" is weighted accordingly, depending on how much the written component is worth for that jurisdiction's bar exam**. For UBE jurisdictions, the total written "scaled score" is 50% of the total exam score (30% for the MEE + 20% for the MPT).

*Note: South Dakota *does not* scale the written component to the MBE. Instead, it requires a separate minimum passing score for each component.

[3] See, *13 Best Practices for Grading Essays and Performance Tests* by Sonja Olson, The Bar Examiner, Winter 2019-2020 (Vol. 88, No. 4), at Item 5.

Total Weight of MEE Score

The MEE is **worth 30% of your total exam score in most states** – including all UBE jurisdictions, such as New York and New Jersey.

In other jurisdictions, the MEE/essays is normally worth between **30% and 45%**. Some jurisdictions have additional state essays and/or have a minimum passing score for the MEE/essay portion.

Below is a chart showing how much the MEE is worth in each jurisdiction.

Jurisdiction	MEE / Essay %	Notes
Alabama	30%	
Alaska	30%	
Arizona	30%	
Arkansas	30%	
Colorado	30%	
D.C. - District of Colombia	30%	
Hawaii	see note	The 6 MEE questions, 2 MPT tasks, and 15 Hawaii ethics multiple choice questions are equally weighted to 50% of the exam score.
Illinois	30%	
Indiana	30%	
Iowa	30%	
Kansas	30%	
Kentucky	30%	
Maine	30%	
Massachusetts	30%	
Michigan	30%	
Minnesota	30%	
Mississippi	45%	Includes 6 MEE essays + 6 Mississippi Essay Questions.
Montana	30%	
Nebraska	30%	
New Hampshire	30%	
New Jersey	30%	
New Mexico	30%	
New York	30%	

Jurisdiction	MEE / Essay %	Notes
North Carolina	30%	
North Dakota	30%	
Ohio	30%	
Oklahoma	30%	
Pennsylvania	30%	
Rhode Island	30%	
South Carolina	30%	
South Dakota	see note	Avg. score of 75% required for written component. Written component includes 2 MPT's, 5 MEE essays, & 1 South Dakota essay.
Tennessee	30%	
Texas	30%	
Utah	30%	
Vermont	30%	
West Virginia	30%	
Wisconsin	30%	
Wyoming	30%	

MEE Grading Standards

All MEE jurisdictions use "relative grading", which means scoring and ranking the essay answer "relative" to other examinee answers in that jurisdiction. Under relative grading, each essay question is graded on a numbered scale based on the quality of the answer. The grading scale varies per jurisdiction (e.g. 0-6, 1-10).

Many jurisdictions *do not* release their grading standards or grading scale, but a few states do.

Here are the grading standards and scale released by one jurisdiction.

Score	MEE Grading Key / Scale
6	A **6** answer is a **very good** answer. A **6** answer usually indicates that the applicant has a thorough understanding of the facts, a recognition of the issues presented and the applicable principles of law, and the ability to reason to a conclusion in a well-written paper.
5	A **5** answer is an **above average** answer. A **5** answer usually indicates that the applicant has a fairly complete understanding of the facts, recognizes most of the issues and the applicable principles of law, and has the ability to reason fairly well to a conclusion in a relatively well-written paper.
4	A **4** answer demonstrates an **average answer**. A **4** answer usually indicates that the applicant understands the facts fairly well, recognizes most of the issues and the applicable principles of law, and has the ability to reason to a conclusion in a satisfactorily written paper.
3	A **3** answer demonstrates a **somewhat below average** answer. A **3** answer usually indicates that it is, on balance, inadequate. It shows that the applicant has only a limited understanding of the facts and issues and the applicable principles of law, and a limited ability to reason to a conclusion in a below average written paper.
2	A **2** answer demonstrates a **below average** answer. A **2** answer usually indicates that it is, on balance, significantly flawed. It shows that the applicant has only a rudimentary understanding of the facts and/or law, very limited ability to reason to a conclusion, and poor writing ability.
1	A **1** answer is **among the worst** answers. A **1** answer usually indicates a failure to understand the facts and the law. A **1** answer shows virtually no ability to identify issues, reason, or write in a cogent manner.
0	A **0** answer indicates that there is **no response** to the question or that it is completely unresponsive to the question.

For other MEE jurisdictions, we have confirmed the following **raw essay grading scales** (see chart below). **The NCBE recommends a six-point (0 to 6) raw grading scale**,[4] but jurisdictions can use another scale. If you know a grading scale that isn't listed, we would appreciate that you contact us so we may include it.

Jurisdiction	Essay Grading Scale (Raw Scale Per Essay)
Alabama	0 to 6 point scale
Arizona	1 to 6 point scale
Arkansas	1 to 6 point scale (Note: Prior to June 15, 2023, a scale of 65 to 85 was used)
Colorado	1 to 6 point scale
Hawaii	1 to 5 point scale (with 5 being an Excellent answer)
Illinois	0 to 6 point scale
Massachusetts	0 to 7 point scale
New Jersey	0 to 6 point scale
New York	0 to 10 point scale
Pennsylvania	0 to 20 point scale
Tennessee	1 to 6 assigned for each question, 0 for non-answers
Texas	0 to 6 point scale
Vermont	0 to 6 point scale

Even if you are taking the bar exam in another jurisdiction that uses a slightly different raw grading scale, you can still use the "MEE Grading Key / Scale" example above as a guidepost for what is considered a high scoring essay answer. The above grading standards can also be used to self-grade your practice essay answers.

[4] See, *13 Best Practices for Grading Essays and Performance Tests* by Sonja Olson, The Bar Examiner, Winter 2019-2020 (Vol. 88, No. 4), at Item 3.

Additional Resources on MEE Grading & Scaling

If you're interested in more details on MEE grading and scaling, please see the following articles:

- *13 Best Practices for Grading Essays and Performance Tests* by Sonja Olson, The Bar Examiner, Winter 2019-2020 (Vol. 88, No. 4).
- *Essay Grading Fundamentals* by Judith A. Gundersen, The Testing Column, The Bar Examiner, March 2015.
- *Q&A: NCBE Testing and Research Department Staff Members Answer Your Questions* by NCBE Testing and Research Department, The Testing Column, The Bar Examiner, Winter 2017-2018.
- *It's All Relative—MEE and MPT Grading, That Is* by Judith A. Gundersen, The Testing Column, The Bar Examiner, June 2016.
- *Procedure for Grading Essays and Performance Tests* by Susan M. Case, Ph.D., The Testing Column, The Bar Examiner, November 2010.
- *Scaling: It's Not Just for Fish or Mountains* by Mark A. Albanese, Ph.D., The Testing Column, The Bar Examiner, December 2014.
- *What Everyone Needs to Know About Testing, Whether They Like It or Not* by Susan M. Case, Ph.D., The Testing Column, The Bar Examiner, June 2012.
- *Quality Control for Developing and Grading Written Bar Exam Components* by Susan M. Case, Ph.D., The Testing Column, The Bar Examiner, June 2013.
- *Frequently Asked Questions About Scaling Written Test Scores to the MBE* by Susan M. Case, Ph.D., The Testing Column, The Bar Examiner, Nov. 2006.
- *Demystifying Scaling to the MBE: How'd You Do That?* by Susan M. Case, Ph.D., The Testing Column, The Bar Examiner, May 2005.

Chapter 09

WHAT'S NEXT?

Congratulations! You've completed The Smart Guide to the MEE, which means you now really understand how the MEE works, how to prepare for the exam, and most importantly how to maximize your essay score.

Simply by applying the lessons you've learned in this Guide, you'll have a huge advantage over other examinees.

So what's next?

You must start *applying* the lessons, strategies, and tips in this guide!

The most important of which is to prioritize your studying to focus on the highly tested rules, practice issue spotting, and draft practice essay answers. That's it!

We hope you found this guide useful. If you have any questions or have your own MEE tips to share, please don't hesitate to reach out to us.

Best of luck on the upcoming bar exam!

Cheers,

Matthew Bates
Creator, SmartBarPrep

"*You need to prioritize. If you can't get to everything or do everything, that's okay.*"
– Julie Chen (American Journalist, born Jan. 6, 1970)

SmartBarPrep

SMART STUDY TOOLS

FOR EVERY STAGE OF BAR PREP

SMART OUTLINES

Three different outlines that work whether you have 6+ months to study or just 1 week left.

Smart Blocks

Ultra-condensed visual outlines featuring streamlined rule statements designed for quick review during the final weeks and days before the exam.

Smart Sheets

Concise yet comprehensive outlines to help you focus on the law that matters most on each bar exam section.

Priority Outline

Long form outlines to streamline the mountain of information you need to know for the bar exam. Great for in-depth learning, and includes each rule's frequency, a list of exams tested, & model rule statements with important terms highlighted.

Every outline uses **color-coded Priority Ratings** to show you exactly which topics and rules to focus on for strategic studying.

SmartBarPrep

SMART STUDY TOOLS

FOR EVERY STAGE OF BAR PREP

Smart Flashcards

Smart digital flashcards that adapt to your strengths & weaknesses, while applying decades of cognitive science research to accelerate the learning experience. Designed to help you learn faster and master the legal rules with ease. Printable flashcards are also available.

Frequency Charts

Charts for each exam section that show the frequency of items tested, so you can easily see at a glance what's highly tested to prioritize your studying.

Smart Guides

No-nonsense guides that simplify & break down exactly how to prepare for the bar exam — including practical tips, clear strategies, and step-by-step approaches to maximize your score.

Practice Questions

Real, licensed bar exam questions that mirror the actual exam experience, so you can master each section, maximize performance, and walk in fully prepared & confident.

Plus More

Go to our website to select your exam State or Jurisdiction to see even more Study Guides for your specific bar exam!

08 | EVIDENCE

Smart Blocks Sample Page

SmartBarPrep

DEFINITIONS

FRE = Federal Rules of Evidence | P = Plaintiff | D = Defendant | V = Victim | W = Witness

A. Probative Value

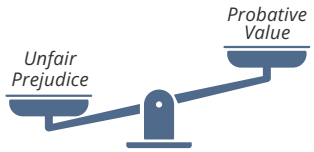
Is the evidence relevant?
Should it be excluded under Rule 403?

Relevance

1) Any tendency to make a fact ***more or less probable***; AND
2) Fact is ***of consequence***.

Relevant evidence is ADMISSIBLE *unless* a rule/exclusion provides otherwise.

HIGH



Rule 403 Exclusions

Court may EXCLUDE evidence if its ***probative value is substantially outweighed*** by:

a) Unfair Prejudice;
b) Confusion;
c) Misleading the Jury;
d) Undue Delay;
e) Wasting Time; **OR**
f) It's Cumulative.

HIGH

B. Policy Exclusions

Does a policy exclusion bar the evidence?

Subsequent Remedial Measures

NOT admissible to prove:

a) Negligence;
b) Culpable Conduct;
c) Product/Design Defect; **OR**
d) Warning/Instruction Needed.

BUT, is allowed for *other purposes*.

HIGH

Settlement Offers & Negotiations

NOT admissible to:

a) Prove or disprove a claim's **validity or amount**; **OR**
b) **Impeach**.

BUT, is allowed for *other purposes*.

MED

Plea & Plea Negotiations

NOT admissible in ***subsequent*** cases:

a) Statements during Plea Discussions;
b) Nolo Contendere Plea;
c) Withdrawn Guilty Plea; **OR**
d) Statements during Proceedings for (b) & (c) Above.

MED

Offer / Payment of Medical Expenses

NOT admissible to prove ***liability***.

- BUT, related statements or admissions *are allowed*.

MED

Liability Insurance

NOT admissible to prove ***fault***.

- BUT, is allowed for *other purposes*.

LOW

C. Physical & Documentary Evidence

Was the evidence properly authenticated?
Was the original item offered? If not, does an exception apply?

Authentication

All evidence MUST be *authenticated*.

Physical Evidence:
a) Witness testimony; **OR**
b) Substantially unbroken chain of custody.

Voice Recording:
a) Heard person speak; **AND**
b) Identified recorded person as speaker.

Video Recording:
1) Witness testimony,
2) That the video accurately depicts the scene/activity.

HIGH

Best Evidence Rule

Original *writing*, *recording*, or *photograph* is required UNLESS:

a) **Reliable duplicate**;
b) Original **lost / destroyed** & no bad faith;
c) Original **cannot be obtained by judicial process**;
d) **Not produced after proper notice** to a party in control & whom offered against; **OR**
e) **Not closely related to a controlling issue**.

MED

D. Character Evidence & Related Concepts

Is the character, other act, or habit evidence allowed?
Is the method of proof proper?

CHARACTER EVIDENCE

GENERAL RULE

HIGH

NOT admissible unless:

a) **Non-Propensity Purpose**;
b) **"Character in Issue"** (essential element or ultimate issue); **OR**
c) **FRE Allows It** (to prove propensity).

Follow arrows for specific rules when Character Evidence IS ALLOWED as circumstantial evidence to prove *propensity*.

CIVIL CASES

General Rule

NOT admissible to prove propensity.

Victim's Character (Sex-Offense Case)

V's ***sexual behavior or predisposition*** is allowed ONLY IF:

1) Probative value substantially outweighs,
2) Danger of:
   i) Harm to victims; AND
   ii) Unfair prejudice.

Opinion & Specific Acts proof is allowed. Reputation allowed ONLY IF victim placed it in controversy.

HIGH

Method of Proof for Character Evidence

- **Reputation** or **Opinion**: ALL instances
- **Specific Acts**: (a) Cross-Examination; **OR** (b) "Character in Issue"

[Note: Special rules apply in Sex-Offense cases.]

HIGH

CRIMINAL CASES

Defendant's Character

D MAY offer evidence of their own character trait.

- Prosecution CANNOT offer *unless* D opens the door.

Victim's Character (Non Sex-Offense Case)

D MAY offer evidence of V's character.

- If D presents evidence, Prosecution MAY offer:
  a) V's good character; **OR**
  b) D's bad character.

Victim's Character (Homicide Case)

Prosecution MAY offer V's peacefulness trait *only if* D claims V was first aggressor.

Victim's Character (Sex-Offense Case)

NOT admissible to prove V's ***sexual behavior or predisposition***.

EXCEPTIONS — **Specific Acts** proof is allowed:

a) Of V's sexual behavior to **prove D wasn't involved** in the crime;
b) Of D & V's of sexual relations (i) to prove **consent** (if offered by D), or (ii) for **any reason** (if offered by Prosecution); **OR**
c) If it **violates D's Constitutional rights**.

HIGH

HABIT / ROUTINE

Habit / Routine

ADMISSIBLE to show a person *acted in accordance* with a habit or routine practice.

- Habit = Regular response to a repeated situation.

HIGH

OTHER ACTS

Other Crimes, Wrongs, or Acts

NOT admissible to show ***propensity***.

- But, IS ADMISSIBLE for a **non-propensity purpose**.

Non-Propensity Examples:

- Motive,
- Identity,
- Mistake/Accident (*Absence of*),
- Intent,
- Common Plan or Scheme,
- Opportunity,
- Preparation, or
- Knowledge.

Sexual Assault / Child Molestation Exception

Prior similar Sexual-Assault or Child Molestation crimes ARE ADMISSIBLE to *prove propensity*.

HIGH