SmartBarPrep

JULY 2026
FINAL EDITION

The Smart Guide to the MPT

A GUIDE TO MASTERING THE MULTISTATE PERFORMANCE TEST (MPT)

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.

Maximize your MPT score
by preparing the *right* way.

The MPT, in most jurisdictions, is worth 20% of your total score… a mere 10% less than the formidable essay section. Yet, most examinees ignore or spend very little time on the MPT since no law needs to be memorized.

To say this is an error of judgment is an understatement… because even though you don't have to memorize any legal rules, **you NEED to learn how to tackle an MPT question *effectively* and draft your answer in only 90-minutes**.

As with every section of the exam, there is a right way and wrong way to prepare, so having a successful, pre-determined strategy is essential. In this guide, we give you that strategy (step-by-step) so you can crush this section and **maximize your MPT score!**

Everything in this guide is based upon our work with thousands of examinees and analysis of past MPT's, so you can have confidence that our methods allow you to prepare the smartest way possible.

What You'll Learn:

- Overview & Breakdown of the MPT – Format, Time Per Question, & Skills Tested
- MPT Testing Fundamentals… including an overview of the File & Library
- Types of MPT Assignments (aka Tasks), plus how often each Task has been tested
- Our Step-by-Step Approach on How to Read, Organize, & Draft Your Answer to an MPT Question
- Tips & Best Practices on How to Write a High Scoring MPT Answer
- MPT Templates: How to Format an Objective Memorandum, Persuasive Brief, etc.
- How to Study & Prepare for the MPT – Our 3-Step Approach (with Tips & Best Practices)
- 10 MPT Studying Tips to Increase Your Score
- Where to Find Past MPT's … including Free MPT Questions, Answers, & Point Sheets
- MPT Grading & Scoring – How your MPT score is calculated

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Ready to start?

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What's Next?

Chapter 01

MPT JURISDICTIONS

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

Alabama
Alaska
Arizona
Arkansas
Colorado
Delaware
D.C. - District of Columbia
Georgia
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

All MPT jurisdictions use 2 MPT questions per exam, *except* for the jurisdictions noted below.

Notes:

- **Mississippi** uses only 1 MPT question per exam.

Important Note for July 2026 Exam:

* 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 MPT

What You'll Learn:

- The MPT Format – Number of Questions & Time per Drafting Assignment
- Purpose of the MPT & the Skills Tested
- The Total Weight of an MPT Score – The percentage it counts toward your total bar exam score

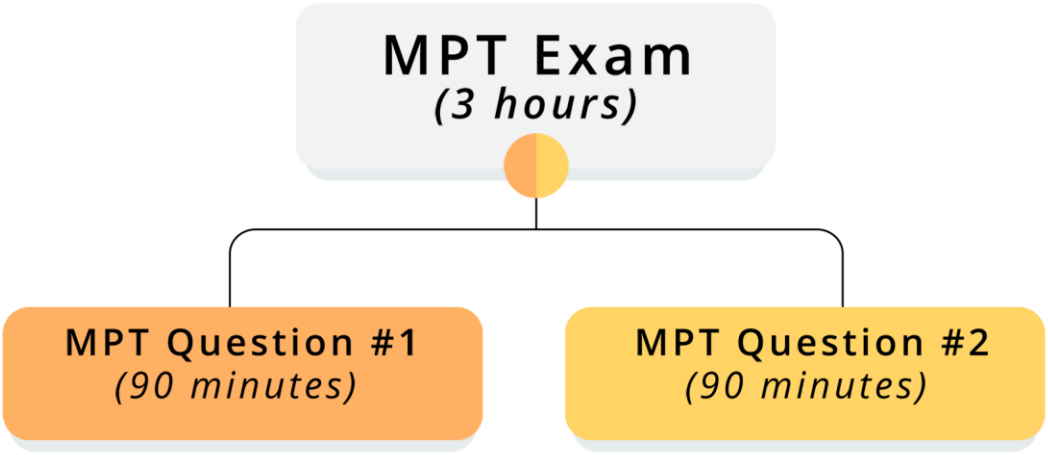
MPT Test Format

The MPT consists of **two 90-minute questions**.*

* Some jurisdictions use *only* 1 MPT question per exam. In Chapter 1 of this guide, we have noted those jurisdictions.

For most jurisdictions, the 2 MPT's are given in **one 3-hour session**. We say 90-minutes per question for in-person exams because you have 3 hours to answer 2 MPT questions, although the individual questions are not timed.

You MUST practice answering each MPT question *within* the 90-minute period. Otherwise, you will not have adequate time to finish both MPT's on exam day (or the other written components, if your exam uses only 1 MPT).



The MPT is a skills test with **each MPT question containing a drafting assignment**. For example, examinees may be asked to draft a legal memorandum, brief, letter, contract provision, or any other "lawyerly task." The specific assignment *varies* per MPT question.

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

Purpose of the MPT – What Skills are Tested?

The purpose of the MPT is "**to test an examinee's ability to use *fundamental lawyering skills*** in a realistic situation and complete a task that a beginning lawyer should be able to accomplish."[1]

Essentially, it's a practical writing assignment a new lawyer would typically be asked to draft by a partner or supervising attorney.

According to the NCBE (the drafters of the exam), **the MPT is designed to test six fundamental skills**:

1. ***Problem Solving*** – apply the relevant law to the relevant facts in a manner likely to resolve a client's problem.

2. ***Legal Analysis & Reasoning*** – analyze statutory, case, and administrative materials for applicable principles of law.

3. ***Factual Analysis*** – sort detailed factual materials and separate relevant from irrelevant facts.

[1] See, "Description of the MPT" section in older released MPTs & Point Sheets booklets (e.g. February 2018 MPT & Point Sheets PDF booklet).

4. ***Communication*** – communicate effectively in writing.

5. ***Organization & Management of a Legal Task*** – complete a lawyering task within time constraints.

6. ***Recognizing & Resolving Ethical Dilemmas*** – identify and resolve ethical dilemmas, when present.[2]

These six skills are tested by requiring examinees to complete one or more lawyerly tasks.

Total Weight of MPT Score

The MPT is **worth 20% of your total exam score in most states** – including all UBE jurisdictions, such as New York.

In other jurisdictions, the MPT is normally worth between **10% and 20%**. Some jurisdictions have additional written components and/or have a minimum passing score for the MPT/written component.

In Chapter 9 of this guide on Grading & Scoring, we have included a chart showing how much the MPT is worth in each jurisdiction.

Subject Areas Regularly Tested on the MPT

The bar examiners have stated that **Family Law** and **Trusts & Estates** will now be *tested regularly* on the MPT from July 2026 through February 2028.[3]

However, ***no law needs to be memorized*** for those subjects, as the MPT provides all necessary legal sources.

[2] See, "MPT Skills Tested" PDF published by the NCBE.
[3] See, "MEE Subject Matter Outline" PDF published by the NCBE, wherein the NCBE stated: "From July 2026 through February 2028, both Family Law and Trusts and Estates will be tested regularly through the Multistate Performance Test."

Chapter 03

MPT FUNDAMENTALS

What You'll Learn:

- Overview of the MPT Directions
- The Fictitious Jurisdiction Where the MPT Problem Occurs
- Description of the File & Library – Explanation of the materials provided to draft the assignment & the types of documents typically included
- That No Outside Materials or Knowledge of Legal Rules is Required
- To Not Include Your Name Anywhere on the Assignment
- What You'll Generally be Graded On

The Official MPT Directions

On the back of each test booklet are the *general* MPT Directions.

The **MPT Directions** can be found here or here.

We call these the "general" MPT Directions because they are the same for every MPT question and task type (objective memorandum, persuasive brief, etc.).

Since they are the same for every MPT, ***review and become familiar with them in advance so you don't waste valuable time on exam day***.

These directions describe the *fundamental rules* of the MPT, and include:

- The fictitious jurisdiction the case is set in.
- A description of the File and Library… and the kinds of materials typically included in each.
- Instructions that only the materials in the File & Library should be used to complete the assignment.
- To not include your name anywhere on the assignment.
- What you'll be generally graded on.

These MPT fundamentals are each discussed below.

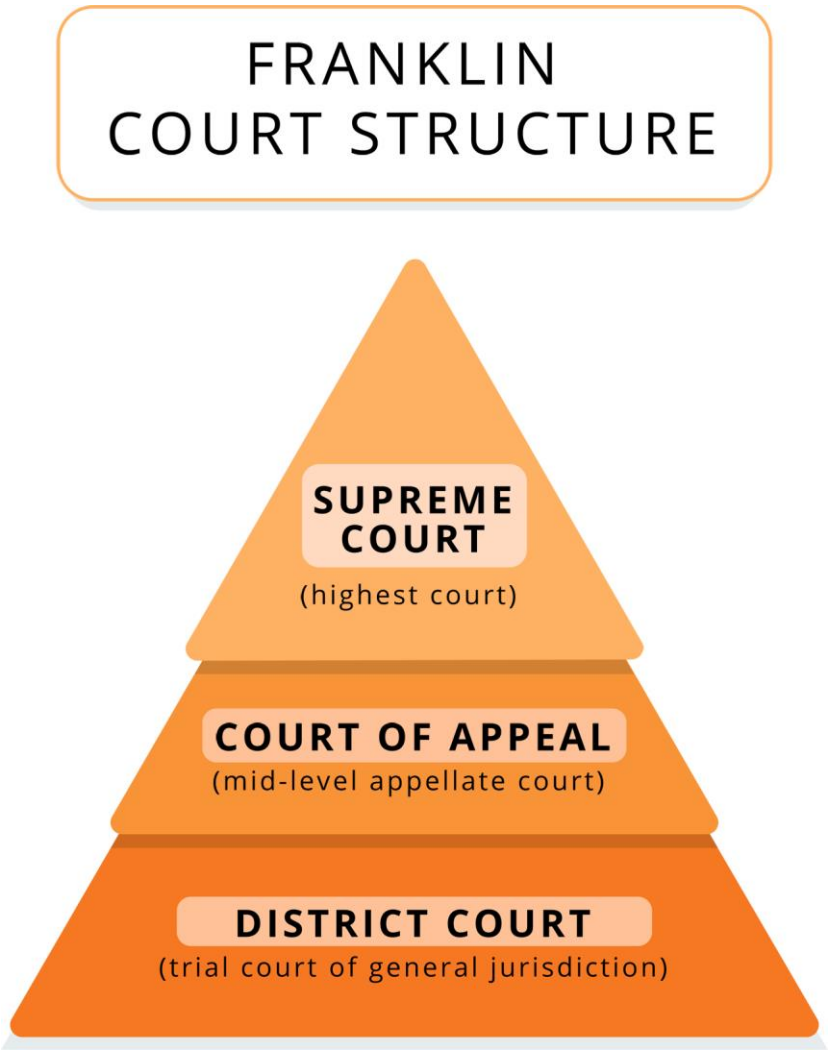
The Fictitious Jurisdiction (of Franklin)

The problem is *always* set in the **fictitious jurisdiction of Franklin** (a State located in the fictitious 15th Circuit of the United States).

The examiners also provide the court hierarchy for the State of Franklin, which includes 3 different courts.

Franklin Courts – 3 Levels:

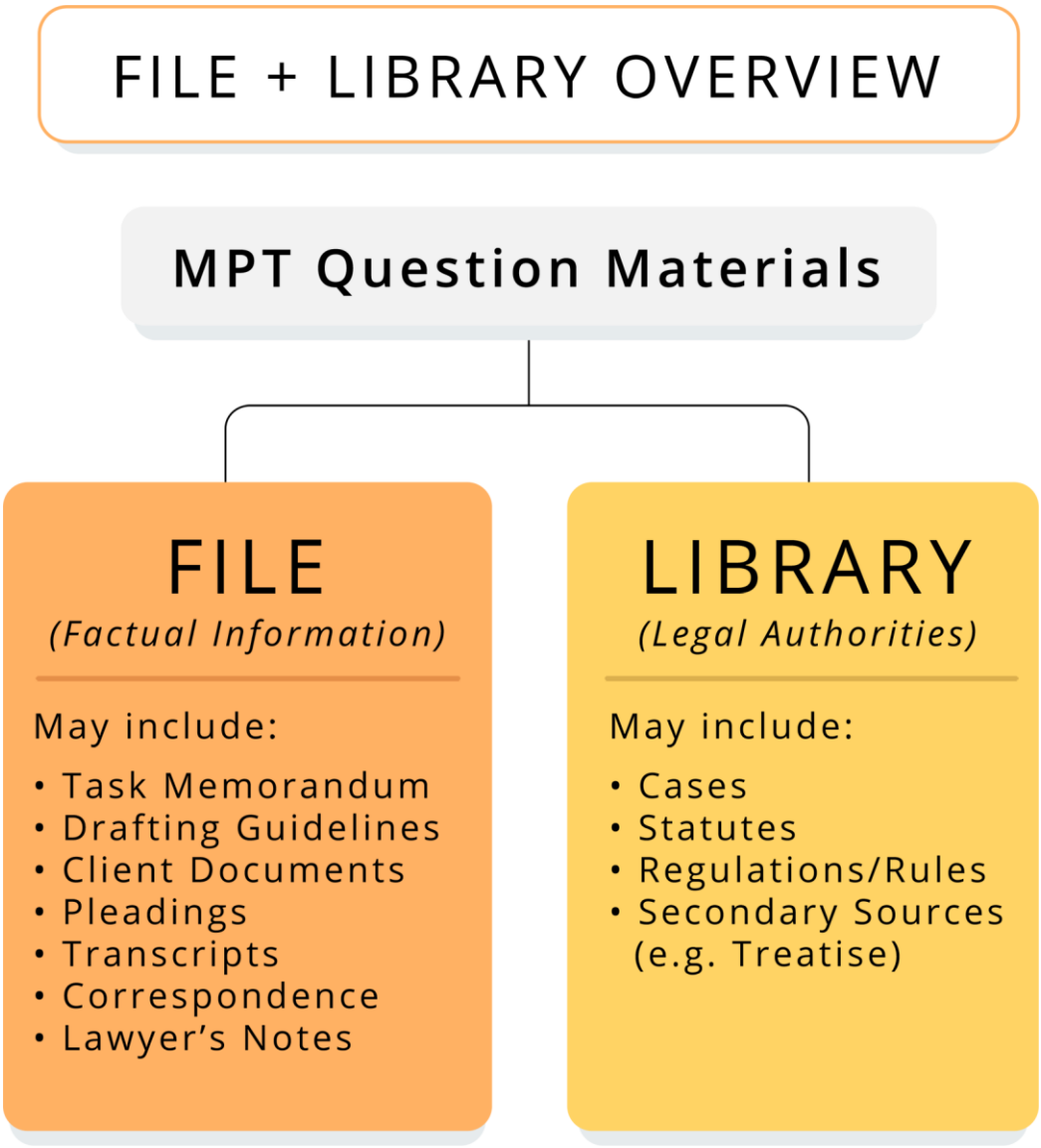
- ***Supreme Court*** = highest court
- ***Court of Appeal*** = intermediate appellate court
- ***District Court*** = trial court of general jurisdiction



Columbia and **Olympia** are both *nearby* fictitious States in the 15th Circuit.

The File & Library – Explanation of the Materials Provided to Complete the Assignment

For each MPT, you are given two kinds of materials: a File and a Library.



1. The File – These are documents that contain *factual information* about the assignment.

Task Memorandum

The first document in the File is the memorandum containing the instructions for the task (the "Task Memorandum"). This is the most important document in the File because it contains the task specific instructions for the drafting assignment.

You must **read and follow the Task Memorandum instructions *very carefully***, as you "will be graded on your responsiveness to the instructions regarding the task you are to complete…"[4]

The Task Memorandum instructions are different for each MPT question, so never assume that the assignment will be exactly the same as past MPT's.

Drafting Guidelines Memorandum *(sometimes included)*

The File sometimes contains a *separate* memorandum with drafting guidelines and instructions for the assignment (the "Drafting Guidelines Memo"). This memo may specify what sections to include, formatting instructions, and other guidelines for the type of assignment (e.g. how to draft headings for a persuasive brief).

Typically, a Drafting Guidelines Memo is provided for Persuasive Briefs and lesser tested MPT Tasks (e.g. drafting interrogatories or will provisions). However, it's almost never provided for an Objective Memorandum assignment.

Don't worry if a separate Drafting Guidelines Memo isn't provided. In that case, the Task Memorandum will contain all the instructions needed to complete the task (including what sections to include or not include).

Documents with Factual Information

The File will also contain documents with factual information, such as: pleadings, correspondence, client documents, contracts, newspaper articles, medical records, police reports, lawyer's notes, and transcripts of interviews, depositions, hearings, or trials.

The exact documents included vary per MPT question.

[4] MPT Directions, at ¶ 8.

Both relevant *and* irrelevant facts are included… and sometimes facts are ambiguous, incomplete, or even conflicting. This is to simulate real world practice as a lawyer, as a supervising lawyer's version of events may be incomplete or unreliable.

According to the NCBE, "Examinees are expected to recognize when facts are inconsistent or missing and are expected to identify potential sources of additional facts."[5]

2. **The Library** – These are the *legal authorities* needed to complete the task.

The Library will ***contain all of the legal authorities needed to draft the assigned task***. It may contain cases, statutes, regulations, rules, or secondary sources (e.g. treatise).

For court cases, keep in mind that:

> Any cases may be real, modified, or written solely for the purpose of this examination. If the cases appear familiar to you, do not assume that they are precisely the same as you have read before. Read them thoroughly, as if they all were new to you. You should assume that the cases were decided in the jurisdictions and on the dates shown.[6]

Some of the sources included in the Library **may *not* be relevant**. As such, be prepared to extract the legal principles necessary to analyze the problem and complete the task assigned.

No Outside Materials or Knowledge of the Law is Required

The File & Library will provide *everything* you need to complete the assignment. No outside materials are needed, as the Library will provide all of the legal principles needed to analyze the problem.

Thus, there is **no law or legal rules to memorize for the MPT**. Instead, you must rely solely on the materials provided to draft your answer.

The examiners have even stated: "The MPT is *not* a test of substantive law; the Library materials provide sufficient substantive information to complete the task."[7]

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[5] See, "Description of MPT," MPT Question & Point Sheet booklets, at ¶ 2.
[6] MPT Directions, at ¶ 4.
[7] See, "Description of the MPT," MPT Question & Point Sheet booklets, at ¶ 3 (emphasis added).

Do Not Include Your *Real* Name

The MPT Directions instruct to NOT include "your *actual name* anywhere in the work product required by the task memorandum."[8]

Normally, you should **write your name as "Examinee" or "Applicant" on the assignment**.

For example, here's how that would look for a legal memorandum:

Examinee Name Example
(for July 2019 MPT-1)

MEMORANDUM

To: Alexandra Carlton
From: Examinee
Date: July 30, 2019
Re: American Electric v. Wuhan Precision Parts Ltd.

Alternatively, you could write the title of your position at the firm or legal job (e.g. Associate, Staff Attorney).

Just make sure to follow any particular instructions in the Task Memorandum. For example, a supervising attorney may ask you to draft a letter for their signature… in that instance you would write the supervising attorney's name at the end of the letter.[9]

What You'll Generally Be Graded On

Generally, each MPT question will be graded on:

1. your *responsiveness to the instructions* regarding the task you are to complete; and
2. the *content*, *thoroughness*, and *organization* of your response.[10]

In Chapter 9 of this guide, we discuss grading and scoring in detail… including specific MPT Grading Standards.

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[8] MPT Directions, at ¶ 7 (emphasis added). This direction became effective on the February 2016 exam.
[9] See e.g., February 2016 MPT-2 (*Miller v. Trapp*), Task Memorandum, at ¶ 3 ("Please draft… A demand letter addressed to Attorney Leffler, written for my signature.").
[10] MPT Directions, at ¶ 8.

Chapter 04

TYPES OF MPT QUESTIONS & TASKS

What You'll Learn:

- Types of MPT Questions & Tasks
- How often each MPT Task has been tested... with MPT Frequency Chart

Types of MPT Questions & Tasks

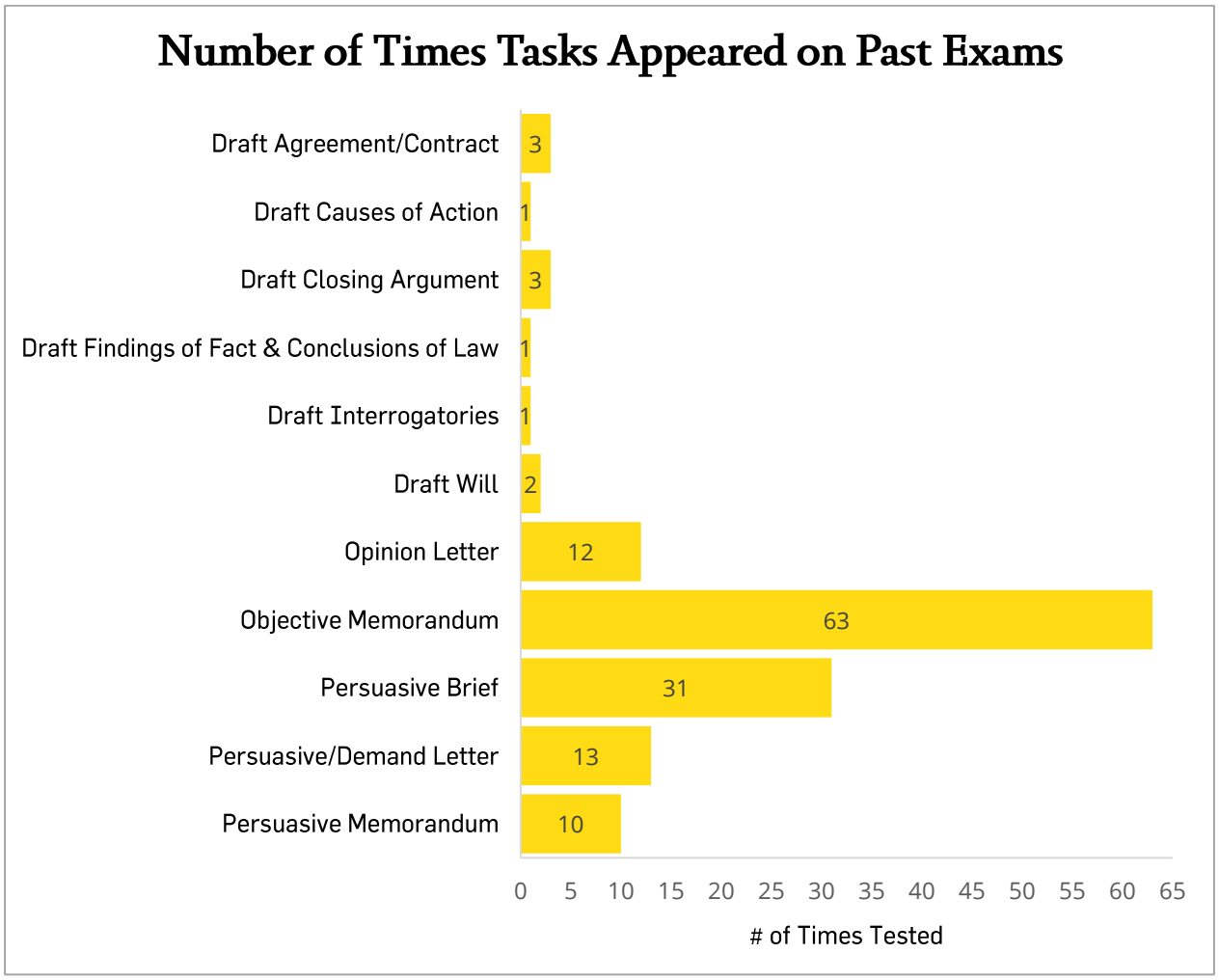
Each MPT question contains a drafting assignment... also called a "Task". For example, examinees may be asked to draft a memorandum, brief, or any other "lawyerly task."

The Task assigned *varies* per MPT question. To date, 11 different types of Tasks have been tested.

Past MPT Tasks	
Objective Memorandum	Objective Writing Tasks
Opinion Letter	
Persuasive Brief	Persuasive Writing Tasks
Persuasive/Demand Letter	
Persuasive Memorandum	
Draft Agreement/Contract	Other "Uncommon" Writing Tasks
Draft Causes of Action	
Draft Closing Argument	
Draft Findings of Fact & Conclusions of Law	
Draft Interrogatories	
Draft Will	

MPT Frequency Chart

The chart below shows just how often each Task was tested.



As you can see, certain Tasks have been tested much more often than others. For example, examinees were asked to draft an Objective Memorandum on 60+ MPT questions... that's almost *half* of the total MPT questions administered!

Even though you must practice each type of Task, you should ***prioritize*** **the MPT Tasks tested most often** by the bar examiners. You can use the MPT Frequency Chart above to focus your studying.

Chapter 05

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

What You'll Learn:

- How to Allocate Your Time Per MPT Question
- Our 7-Step Approach on How to Read the MPT Question Materials & Draft Your Answer
- Tips on How to Best Review the File & Library
- How to Outline the File & Library Materials
- How to Format an MPT Answer

Managing your time **is the key to doing well on the MPT**.

To do that properly, it's best to have a **pre-determined approach** on how to tackle an MPT question… specifically how you will review the File & Library and draft your answer all *within* 90-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.

MPT Timing – How to Effectively Allocate Your Time

Since you have 90-minutes per MPT question, you should allocate your time as follows:

45 minutes: Reading the MPT File & Library + Organizing your answer.

45 minutes: Drafting your answer.

The NCBE (the drafters of the exam) even recommend this time allocation in the MPT Directions.[11]

You should keep yourself on track, and NOT spend more than 90-minutes per MPT question. Otherwise, you'll never finish this section of the exam.

We will further breakdown how to manage your time in the steps below.

MPT Step-by-Step Approach – How to Review the File & Library, Outline the Assignment, and Draft Your Answer

Here is our recommended step-by-step approach to tackle an MPT question within 90-minutes.

Step # 1: Read the Task Memorandum & Drafting Instructions – (3 minutes).
Step # 2: Skim the File – (2 minutes).
Step # 3: Read the Library & Outline the Law – (20 minutes).
Step # 4: Read the File & Outline the Facts – (15 minutes).
Step # 5: Read the Task Memorandum AGAIN – (2 minutes).
Step # 6: Organize Your Answer QUICKLY – (3 minutes).
Step # 7: Draft Your Answer – (45 minutes).

We recommend that you use this as a checklist when you start practicing past MPT's. Below is a detailed overview of each step.

Step # 1: Read the Task Memorandum & Drafting Instructions – (3 minutes).

Read the Task Memorandum

The "Task Memorandum" is the first document in the File, and it **explains the assignment you are to complete**.

While reading the Task Memorandum, identify the writing assignment (by underlining or circling the assigned task). This way you will know exactly what to look for when reading the materials in the File & Library.

[11] MPT Directions, at ¶ 6 ("Although there are no restrictions on how you apportion your time, you should *allocate approximately half your time* to reading and digesting the materials and to organizing your answer before you begin writing it.")(emphasis added).

You will be graded on your responsiveness to these instructions, so read them carefully. You may even want to make notes in the margins so important items can be easily referenced.

The Task Memorandum instructions provide key information about the assignment, including:

- ***Task assigned*** – the writing assignment to complete.
- ***Tone*** – whether to use an objective or persuasive tone.
- ***Audience*** – who you are writing the document for (e.g. client, court, adversary, etc.).
- ***Formatting instructions*** – specific formatting instructions & what sections to include. The Task Memorandum may even provide (or point to) a sample or guidelines typically used by the law firm.
- ***Materials included to complete the task*** – a quick overview of some or all the materials provided in File & Library.
- ***Other specific instructions*** – any other specific instructions related to the assignment (e.g. legal issues to *not* discuss).

Read the Drafting Guidelines Memo (if provided)

Sometimes a *separate* memorandum is provided with drafting guidelines and instructions.[12] This memo may specify what sections to include, formatting instructions, and other guidelines for the type of assignment (e.g. how to draft headings for a persuasive brief).

If included, read this Drafting Guidelines Memo directly after the Task Memorandum.

Don't worry if a separate Drafting Guidelines Memo isn't provided. In that case, the Task Memorandum will contain all the directions needed to complete the task (including what sections to include or not include).

[12] Typically, a Drafting Guidelines Memo is provided for Persuasive Briefs and lesser tested MPT Tasks (e.g. drafting interrogatories or will provisions). However, it's almost never provided for an Objective Memorandum assignment.

Step # 2: **Skim the File** – (2 minutes).

Next, *quickly* skim through the remaining documents in the File.

Skimming through the File will give you a good sense of the *factual information* for the assignment. Even more importantly, it will shift your focus to the key rules of law needed for the assignment when reading the Library (which tends to contain irrelevant legal authority).

Keep in mind to only skim the File right now, as you will review the factual information in detail *after* reading the Library.

Step # 3: **Read the Library & Outline the Law** – (20 minutes).

Next, carefully read the Library and outline the rule(s) of Law.

Fully reading the Library after skimming the File is a great approach because you will know the applicable legal standards before fully reviewing the factual information. This will make it *easier to determine the important facts*, as well as filter relevant facts from irrelevant ones.

Reading the Library

The legal authorities provided are different for each MPT question. Typical items included are cases, statutes, regulations, treatises, and/or code provisions.

As we mentioned earlier, some of the information in the Library may *not* be relevant. Be prepared to extract the legal principles necessary to analyze the problem and complete the task assigned. Again, these should be readily apparent after skimming the File.

While **reading all of the legal authorities carefully**, it's encouraged to note key items (e.g. key elements to a statute, legal rules in cases, etc.) in the margins or by marking up the documents.

To help streamline your review of the Library, below are our tips and best practices.

Reviewing the Library – Tips & Best Practices

Statutes, Regulations, or Codes

- **Read statutes, regulations, and code provisions *first***. When statutes, regulations, or codes are included, read them *first before other items* in the Library. Why?...

Because they provide the basic elements for the rules of law at issue, and usually cases in the Library will apply the statute/regulation/code to the facts of that case. It's better to first know the applicable law, and then see how a court analyzes or builds upon it (e.g. a court may introduce a two-part test to determine if the statute applies).

- **Pay careful attention to Official Comments**. Official comments may be included for a statute, regulation, or code provision. If included, pay attention to them, as they may provide *guidance or clarification* of the law (or even provide an *example*), which can be great to use in your legal analysis or to bolster a legal argument.

Cases

- **Read cases from oldest to newest**. If multiple cases are included, it's best to read cases in chronological order (oldest to newest). Newer cases typically will expand, narrow, overrule, or clarify earlier cases. Using this reading order will make any changes easier to follow and will save you time going back and forth between cases.

- **Pay attention to the Court**. For each case, the first thing you should note is whether it is binding or persuasive. The court rendering the decision is important and determines how much weight the case must be given.

    - The **State of Franklin** includes 3 different courts: Supreme Court (highest court); Court of Appeal (intermediate appellate court); District Court (trial court). Understanding this hierarchy is critical because ***cases of a higher court are controlling and must be followed by a lower court*** (unless the facts can be distinguished).

    - For **Columbia & Olympia** cases, ***Franklin courts are NOT bound by their case law since it's from a different state***. However, these cases can be used as *advisory authority* – to argue that a Franklin court should take a similar view. For an overview of the different courts, see Chapter 3 of this guide.

- **Determine the *purpose* and *use* of each case**. One article summarized this point perfectly: "[R]emember that the bar examiners have carefully crafted or selected each case. This means that each one has something specific to tell you and is designed to be of use in your particular task. A case may give you the rule, provide an exception to the rule, or furnish you with a factual distinction from your problem. While being cognizant of your issue from the [task] memo, and, therefore, of the

type of argument you will need to make, ask yourself these questions as you read each case: 1) 'Why is this case in my library?' and 2) 'How do I use this case?'"[13]

- **Don't ignore footnotes**. Everything in the Library is carefully constructed by the bar examiners. As such, pay careful attention to footnotes because they were *intentionally included* and may contain key items for the assignment.

- **Look for case citations and quotes, especially to other cases in the Library**. A quote or citation within a case will often be to another case in the Library, which is why we suggest reading cases in chronological order. Noticing these connections is important to understanding how the law is analyzed by other cases in the Library. Additionally, if a case quotes another case *not* in the Library, you can still use that quote in your legal analysis or argument.

Outline the Rule(s) of Law

For an assignment with legal analysis or argument, you should **quickly outline the applicable legal rule(s) *before* reading the File**. Your job is to find the relevant rule(s) of law in the Library, and then outline the components or elements of each.

Outlining the Library – Tips & Best Practices

- **Organize your outline by how you plan to draft your answer**. Typically, the organizational structure is provided (or can be inferred) from the Task Memorandum instructions. Use that organization when outlining the rules of law.

- **To outline the rules efficiently, *go through one legal authority at a time***.

- **Start your outline with the "key" legal source**. Usually one legal source provides the framework for discussing the rules of law (this is the "key" legal source), and the other sources in the Library build on this foundation. If the Library contains a statute, start there. If the Library contains only cases, then pull the elements of the rule from the case that articulates the rule most clearly (or is the primary case cited to by other cases in Library)… usually this is the oldest case or the case from the highest court. It should be somewhat obvious what the key legal source is after reading the Library.

- **Include the court's reasoning**. When outlining, don't just include the rules of law… you should also include the court's reasoning (the facts that support the holding).

[13] *Incorporating Bar Pass Strategies into Routine Teaching Practices*, by Suzanne Darrow-Kleinhaus, 37 Gonz. L. Rev. 17 (2001), at pg. 30.

The court's reasoning is important for your legal analysis when distinguishing or noting similarities to the client's factual situation.

- **Connect the legal sources**. The goal is to connect the legal sources to create a complete outline of each rule, along with each court's reasoning (the facts that support the holding). Making this outline will make your subsequent review of the File much more productive because you'll have a good idea of the facts to look for.

There are multiple ways to outline the File & Library, so use a way that you're efficient and comfortable with (our suggested method can be found below).

Remember, your time is precious so don't waste *too much time* outlining. We recommend *hand writing* this outline on scrap paper. 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).

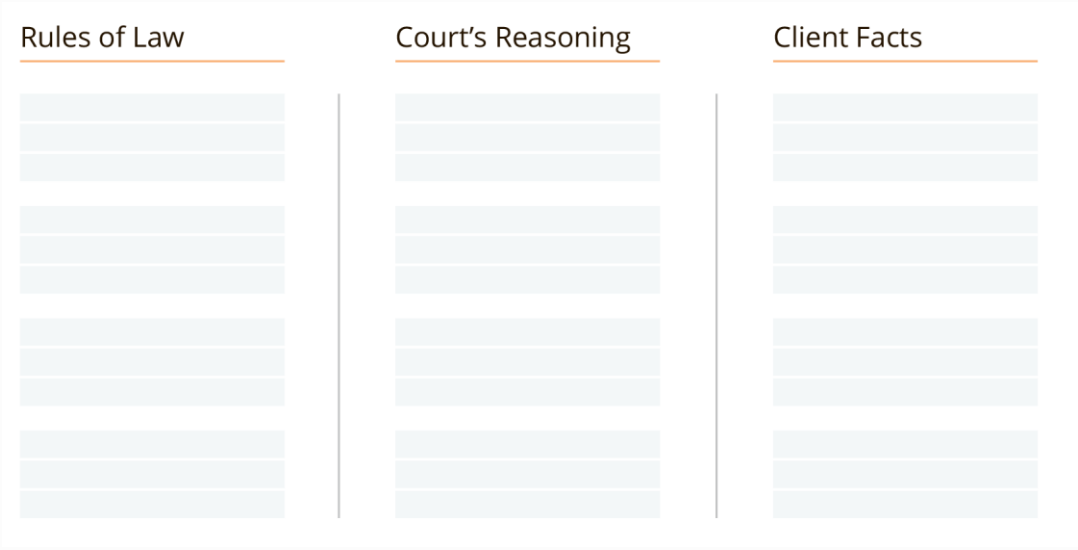
MPT TIP

How to Create an Outline of the Law and Facts (from the File & Library)

Here is our recommended approach to outline the law and facts (from the File & Library) efficiently.

1. **Create 3 Columns**. On a piece of scrap paper, draw lines on the page to separate it into three columns.
2. **In Column 1, outline each legal rule**. In column 1, outline the relevant legal rules (and their elements) from the legal authorities in the Library.
3. **In Column 2, outline the court's reasoning**. For each case (or legal authority) in the Library, outline the court's reasoning in column 2. Specifically, write the facts that support the holding next to the corresponding rule/element along with a quick note of the source (e.g. case name).
4. **In Column 3, add important facts from the File**. In Column 3 of your outline, you should add important facts from the File that correspond to the elements of each rule of law.

To illustrate this process, here is the format:



When drafting your answer, you should use your outline as follows:

- Use Column 1 for reciting the rules of law.
- Use Columns 2 & 3 for legal analysis.

Step # 4: **Read the File & Outline the Facts** – (15 minutes).

Next, read the documents in the File.

While reading the File, you should look for facts to use in your legal analysis. To do this, you should be asking yourself "How can the facts in this document be used for the assignment?" and "How does this particular fact impact the legal analysis or argument?".

While reading you should mark up the File to note *key items* (e.g. facts, issues, dates, names of parties, legal relationships). Marking up the documents in the File will make the important items easy to reference later on when drafting your answer.

Then, add any important facts from the File to your outline, especially those facts that correspond to the legal rules previously outlined.

MPT TIP

Alternative Method *Instead of* Creating an Outline (of the Law & Facts)

If you find outlining too time-consuming or cumbersome, then here's an alternative method.

1. Assign each point (*issue* or *rule element*) to be discussed a reference number. Specifically, assign a separate number for each *rule*, and a different letter for each *sub-rule / rule element* (e.g. 1(a), 1(b), 2, 3(a), 3(b), 3(c), etc.).
2. When reading the Library, place the corresponding number next to each point for that respective issue/element.
3. Repeat when reading the File.

Now when drafting each point of your answer, you'll easily be able to find the corresponding facts or law in the File & Library.

Some examinees find this method easier and more streamlined… especially when they have trouble reviewing + outlining the File & Library in 45-minutes. We suggest that you test this alternative method if you *still cannot finish within 45-minutes* after some practice.

Step # 5: Read the Task Memorandum AGAIN – (2 minutes).

Reading the Task Memorandum a second time will make sure you are doing the required task and understand the issues the bar examiners want you to discuss. It will also confirm that you didn't overlook anything.

If a separate Drafting Guidelines Memo is provided, you should also review that again quickly.

Step # 6: Organize Your Answer QUICKLY – (3 minutes).

The goal here is to make a short of list the topics/issues that you'll be able to reference when drafting (and so you don't forget to hit anything).

It's best to organize your answer by making a *very short* list (or checklist) of the items you will discuss & the general order.

How to Organize Your MPT Answer

First, check if the Task Memorandum provides the organizational structure for your answer. If it does, then follow that structure. It depends on the assignment, but the Task Memorandum usually will provide the structure to use when drafting.

MPT EXAMPLE

Organizational Structure Provided in the Task Memorandum (from July 2017 MPT-2)

"Please prepare an objective memorandum for me analyzing these questions:

1. Is the Zimmers' bird rescue operation permitted under the county zoning ordinance?
2. Are the Zimmers' festivals permitted under the county zoning ordinance?
3. How, if at all, does FRFA affect the county's ability to enforce its zoning ordinance with respect to the bird rescue operation and the festivals?"

NOTE: In the example above, you should organize your answer into three main points based on the three questions. Sub-points should also be added if there are sub-issues within each question.

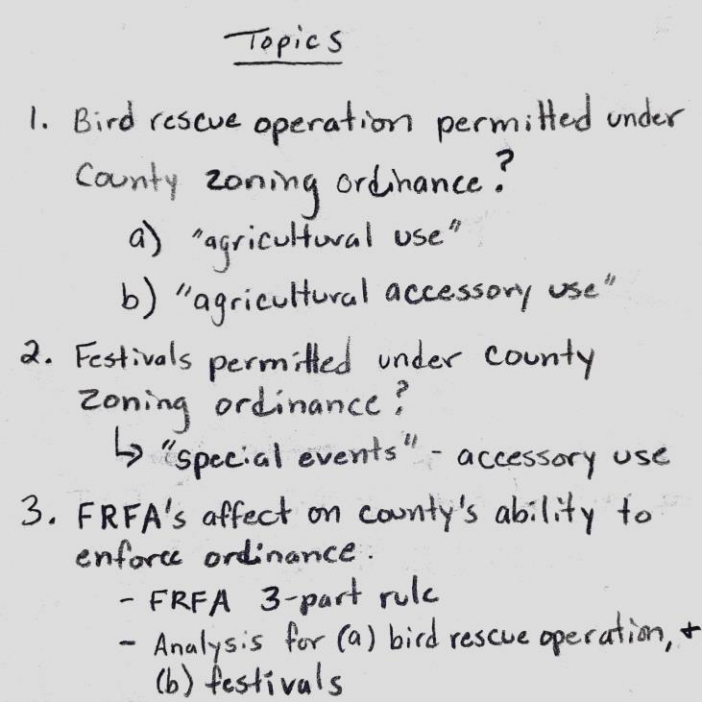
Alternatively, if no organizational format is specified (or can be inferred) from the Task Memorandum, then you "should follow some clear pattern in analyzing the issues."[14]

- → **When discussing *legal principles***, your writing should typically be organized according to those legal principles or rule elements.

- → **For *other types* of drafting assignments** (such as drafting a contract or interrogatories), it's typically best to organize your writing by the different *items* discussed in the Task Memorandum. For example, a contract drafting assignment will usually ask you to draft certain contractual provisions… in that case you should organize your answer by the different contract provisions. For interrogatories (written questions to an opposing party), each question will typically be a separate item.

Remember your topics list should be short… and MUST be done *quickly*. We recommend *hand writing* this list on scrap paper, ideally on the same page as your outline.

Below is an example for the July 2017 MPT-2.[15]


Topics

1. Bird rescue operation permitted under County zoning ordinance?
   a) "agricultural use"
   b) "agricultural accessory use"
2. Festivals permitted under county zoning ordinance?
   ↳ "special events" - accessory use
3. FRFA's affect on county's ability to enforce ordinance.
   - FRFA 3-part rule
   - Analysis for (a) bird rescue operation, + (b) festivals

[14] See, February 2013 MPT-2 (*In re Guardianship of Will Fox*), Point Sheet, at § II.
[15] See, July 2017 MPT-2 (*In re Zimmer Farm*).

Step # 7: Draft Your Answer – (45 minutes).

Last, start drafting your answer using your outline and topics list as a guide.

This is the step where you'll spend the most time… *at least* 45 minutes! Ideally, if you can finish the other steps quicker and spend 50 minutes that would be even better, especially if you're a slow writer.

Drafting an MPT assignment (e.g. memo, brief, letter) is similar to what you learned in your law school legal writing class. You'll need to draw upon those skills to draft a high-scoring (lawyerly type) answer.

However, there is one slight distinction… the MPT answer format. Please see below to see what the MPT requires in that area.

How to Format an MPT Answer

Many examinees ask: "What is the correct format to use on the MPT?" We always say that "it depends"… on both on the *Task assigned* and any *specific instructions*. Below is a general overview.

MPT Answer – General Format

1. **Top Formatting (*if applicable*)** – The formatting at the top of your document for the type of assignment (e.g. a memo heading, case caption, letter heading, etc.).
2. **Introduction** – The introductory paragraph of your answer (e.g. general intro paragraph, statement of the case, statement of issues, purpose of a letter, etc.).
3. **Statement of Facts *(only include when instructed)*** – A short statement of the relevant facts.
4. **Discussion (*with headings*)** – The legal analysis or argument with point headings.
5. **Conclusion** – A short conclusion.
6. **Bottom Formatting (*if applicable*)** – The formatting at the bottom of your document for the type of assignment (e.g. signature line of a letter).

When using the format above, you MUST always keep two principles in mind:

- First, and most importantly, ***always* follow any specific formatting and drafting instructions** on your exam. These instructions are found in Task Memorandum and Drafting Guidelines Memo… and you MUST follow them exactly. Your instructions could always be different from past exams, so you may have to adjust the formatting or structure to comply with the instructions.

- Second, **each Task has its own specific formatting rules you should follow** (*unless otherwise instructed*).

Since writing an answer for each Task is slightly different, we will cover drafting an MPT answer in more detail in the following chapters:

- How to Write a High Scoring MPT Answer: Tips & Best Practices (see **Chapter 10**).
- MPT Template: Objective Memorandum (see **Chapter 11**).
- MPT Template: Persuasive Brief / Memorandum (see **Chapter 12**).
- MPT Template: Opinion Letter (see **Chapter 13**).
- MPT Template: Persuasive / Demand Letters (see **Chapter 14**).
- How to Format the Other "Uncommon" MPT Tasks (see **Chapter 15**).

This way you'll have a plan of action for any MPT assignment thrown at you on exam day.

Chapter 06

HOW TO STUDY & PREPARE FOR THE MPT

What You'll Learn:

- Our 3-Step Study Approach for the MPT
- How to Practice for the MPT
- What Materials to Use for MPT Practice
- How to use MPT Sample Answers when Studying
- How to use MPT Point Sheets to Grade Yourself
- When to Review MPT Summaries

Studying for the MPT is very different than studying for other sections of the bar exam. Even though there is no law to memorize, the MPT requires an *effective study plan* to cover all the possibilities of what tasks could be tested… and that means A LOT of practice.

So, what's the best way to prepare for the MPT without getting overwhelmed?

We believe that examinees should follow this **simple 3-step strategy**:

Step # 1: Learn How the MPT Works

Step # 2: Review a few MPT Questions… to Make Sense of the Materials

Step # 3: Practice, Practice, Practice… Review & Writing MPT's under Exam-Type Conditions

Step # 1: Set the Foundation – Learn How the MPT Works.

Teaching you how the MPT works is the purpose of this guide! It was created it to give you a thorough understanding of the MPT, how you will be tested, and what is required to do well.

To set that foundation, read this guide in its entirety… it will provide the knowledge you will build on in Steps 2 and 3 of our strategy.

<u>Step # 2</u>: Review a few MPT Questions… to Make Sense of the Materials.

Learning about the MPT is not enough. You need to take it further and start working with real MPT questions. That is why the next step is to review a few MPT's to get a good sense of the materials typically contained in the File & Library.

The top three MPT question types are:

- Objective Memorandum
- Persuasive Brief
- Persuasive/Demand Letter

Reviewing 1 MPT question for each of the Task types above is a good place to start your MPT review. It will show you what to expect for most MPT questions, but without the stress of jumping in and having to compose full answers immediately (it's more of a passive exercise to get your feet wet).

To start, read through the following questions on your first 1 to 2 days of MPT review.

MPT Task	Exam Question to Review	MPT Name
Objective Memorandum	Feb. 2014 (MPT-2)	*In re Peterson Engineering Consultants*
Persuasive Brief	July 2013 (MPT-1)	*Monroe v. Franklin Flags Amusement Park*
Persuasive/Demand Letter	July 2014 (MPT-2)	*In re Linda Duram*
These MPT's are included in our MPT Practice Materials, or can also be downloaded for free on the NCBE website (see the download links in Chapter 8 of this guide).		

For each, you should read the MPT Question (File & Library), Point Sheet, and Sample Answer.

At this stage, timing yourself and writing out a full answer is *not* recommended. For right now, the goal is to become familiar with how typical MPT questions are structured, getting comfortable reviewing the File & Library, and seeing what types of documents you'll be given to complete the assignment.

<u>Step # 3</u>: Practice, Practice, Practice! – Review & Writing MPT's.

After gaining some familiarity with MPT questions, now your MPT Practice really starts!

To begin this step, we have provided an overview of the MPT practice materials to use. Then, below we breakdown exactly how to practice for the MPT.

The MPT Practice Materials to Use

There are four primary items to use for MPT practice:

- **MPT Questions** – Questions from MPT past exams, which will be the cornerstone of your practice.

- **Sample MPT Answers** – You can use either Released Examinee Answers or Model Answers for practice. ***Released Examinee Answers*** are *actual* MPT answers written by examinees that received a high or above average score. These answers are released by some MPT jurisdictions (see Chapter 8 on where to find these). ***Model Answers*** are *perfect* MPT answers, normally written by commercial bar review companies or tutors.

- **MPT Point Sheets** – Point Sheets describe the factual and legal points for each MPT question, and outline the possible issues and points that might be addressed by an examinee. MPT Point Sheets are released by the NCBE, and are provided to the user jurisdictions to assist in grading the examination.[16]

- **MPT Summaries** – The NCBE also releases one-paragraph summaries of recent MPT's, which include a brief description of the MPT task, context, and contents of the File & Library for each MPT question.

In the next section, we will explain how to use each to prepare for the exam.

[16] See, February 2019 MPTs & Point Sheets booklet (released by the NCBE), Preface, at ¶ 2. Unfortunately, the MPT Point Sheets *do not* tell you the number of points (or score) each part of the MPT assignment is worth… as grading is within the discretion of MPT user jurisdictions.

MPT Practice Breakdown

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

1. Write Full MPT Answers, and
2. Perform MPT Outlining Exercises.

Both are essential for learning how to review the File & Library efficiently, organize your outline, and draft a passing MPT answer.

It goes without saying that the more time you set aside for review and practice, the more prepared you will be on exam day.

1. MPT Writing Practice

You MUST practice writing full answers to do well on the MPT.

We know it's painful and most don't want to do it, but try to set aside time to **write *at least* 1 MPT per Task area** (objective memo, persuasive brief, etc.). Ideally, you should write even more than that, especially if you're struggling.

When choosing which MPT's to write full answers, you should **use the *most recent* MPT questions for each Task area**.

For each practice MPT question, follow the approach below.

***MPT Writing Practice Approach*:**

1. Read the MPT question & draft your answer (*complete within 90-minutes*).
2. Review the corresponding Sample MPT Answer, and compare it to your answer.
3. Review the corresponding MPT Point Sheet, and grade your answer.

Complete each practice MPT question *under timed "test like" conditions*. This will help prepare you for the time pressures of the actual exam. In the beginning, don't worry if you can't finish an MPT in 90-minitues... that's completely normal. In the beginning, focus on completing the MPT. Then, with more practice, try to bring your time down.

Make the best of your MPT practice, and don't cut corners. You should always take the time to properly review and grade each answer you write. Quality over quantity is paramount here.

MPT PRACTICE TIP

How to Use Sample MPT Answers

Sample MPT Answers should be used to see:

- The *level of detail & analysis needed* in your answer;
- the *structure and organization* of a typical examinee answer; and
- *what a well-written MPT answer looks like*.

For Sample MPT Answers, you can use *either*: (a) Released Examinee Answers; or (b) Model Answers.

Using Released Examinee Answers are perfectly fine to use, especially since they will show you what an examinee is typically expected to write (and you'll be using the Point Sheets to grade yourself anyway).

Reviewing model MPT answers are good for many reasons, but can add a certain level of stress for examinees because they think being "perfect" is the goal. That's why Examinee Answers are a great tool to dispel the unrealistic idea of a "perfect answer," and will remind you of what's really required to pass.

MPT PRACTICE TIP

How to Use MPT Point Sheets… to Grade Yourself

You should grade every MPT question you practice. It very important that you *do not* skip this step when preparing for the MPT.

MPT Point Sheets are a great tool for self-grading because they contain all of the possible issues and points that might be addressed in an *excellent answer*.

When self-grading your MPT answer against the MPT Point Sheet, pay attention to what items you spotted and what you missed.

Specifically, you should see if your answer:

- Completed the task assigned.
- Followed *all* of the instructions.
- Used the correct *format* (e.g. brief, memo, letter).
- Used the correct *tone* (e.g. persuasive, objective).
- Used language appropriate for the *recipient* (e.g. lawyer vs. non-lawyer).
- Included all required sections.
- Adequately analyzed or addressed each issue and/or point.
- Included proper headings (when required).
- Correctly stated the law.
- Contained a thorough & accurate analysis of the facts to the law.
- Included a well-supported conclusion.
- Included (or was missing) any other assignment specifics.

When looking at the items above, you should objectively score your answer on the 6-point scale following the MPT Grading Key (see Chapter 9 of this guide).

Note: Keep In mind that the MPT Point Sheets are drafted by lawyers with an unlimited amount of time. *Hitting every item is <u>not</u> realistic* of what most examinees write to pass the exam… so don't be overly critical of yourself thinking you need to include and answer everything perfectly. The NCBE has even stated that Point Sheets are "more detailed than examinee responses were expected to be." (See, July 2019 MPT-1, Point Sheet, at cover page).

Remember, writing full MPT's is *in addition to* other practice exercises (see below). This may seem like overkill, but we commonly hear examinees fail because they didn't write enough practice MPT's in exam-type conditions.

2. MPT Outlining Practice

Outlining past MPT questions is a quick and effective way to practice.

In an ideal world, it makes sense to write as many past MPT's as possible. With that practice, you would become adept at identifying what the bar examiners are testing and looking for in an answer, and quicker at drafting the assignment in the allotted time. However, writing full answers to countless MPT's is just not possible given the limited time you have to study (especially while preparing for the MBE & essay sections).

To streamline the review process, it's smart to *outline MPT answers* (instead of a writing a full answer). This way you can go through many more MPT's, and achieve a similar result.

***MPT Outline Practice Approach*:**

1. Read the MPT question, plus make a short Outline of items that you would include in your answer (*try to complete within 45-minutes*).
2. Review the corresponding Sample MPT Answer, and compare it to your answer.
3. Review the corresponding MPT Point Sheet, and grade your answer.

*Your outline should include the points/issues, rules of law, relevant facts, legal analysis, and headings (if applicable).

For this exercise, **set a timer for *45-minutes*** specifically for reading the File & Library and outlining your answer (to simulate "exam type" conditions). If you need slightly more time, that's okay because your outline in this case should be more detailed than the one you would create when writing a full answer… but try to stay as close to 45-minutes as you can.

We recommend working through past MPT questions in reverse chronological order (newest to oldest). Reviewing per Task area starting with the most recent performance tests allows you to stay current with what the bar examiners are looking for in an answer (as this has the potential to change over time).

Using this outline approach allows you to efficiently work through many more MPT's.

Always remember, that MPT Outlining Practice is in *addition* to writing full MPT answers. Thus, leave a few MPT's per Task type (the most recent ones) that you'll write full answers for, and then outline as many of the remaining MPT questions as possible to avoid overlap.

3. Review MPT Summaries – Extra BONUS Review!

Reading MPT summaries is another way to *quickly* become familiar with MPT questions, the tasks assigned in the past, and to learn what materials were provided in the File & Library.

Keep in mind, that reading summaries is NOT a replacement for writing or outlining MPT questions. We consider it an "extra bonus" way to prepare for the MPT, and should only be used *after* your writing and outlining practice is finished.

It may be a good idea, a few days before the exam, to **read the MPT Summaries for any past MPT that you *did not practice*** to keep yourself fresh. If you feel up to it, you could even read the summaries for MPT's that you previously practiced for even more "extra bonus" review!

MPT PRACTICE TIP

Tasks Tested on Past MPT's – Where to Find a List

Want to see the Tasks tested on each MPT question? Of course you do… that's why we created our MPT Frequency Analysis.

The MPT Frequency Analysis was too long to include in this guide, but it can be downloaded for FREE on our website using the link below.

MPT Frequency Analysis – Download Link

It includes a list of the Tasks tested on every MPT question since 1997 (covering 100+ MPT questions).

This list makes it easy to find MPT questions for a particular Task type to practice. For example, if you want to review the lesser tested "Draft Closing Argument" task, you can easily scan the chart to find those types of MPT questions… in the Feb. 2020 (MPT-2), Feb. 2011 (MPT-1), and Feb. 2002 (MPT-3) exams.

Chapter 07

10 MPT STUDYING TIPS TO INCREASE YOUR SCORE

We are constantly asked by examinees on how they can increase their MPT score. To help, we have compiled our top practice and studying tips to do well on the MPT!

1. **Read the general MPT Directions *prior to* taking the exam**.

   Even though the general MPT Directions are contained on the back cover of your test booklet, you NEVER want to waste time reading these directions on test day.

   The MPT Directions are freely available on the NCBE website, so make sure you review them prior to the exam. The current MPT Directions (also called "Instructions for Taking the MPT") can be found here or here.

2. **Practice Smarter… Prioritize your Studying by Focusing on the Highly Tested MPT Question Types (aka Tasks)**.

   Optimize your MPT performance by practicing the HIGHLY tested MPT Tasks *more often* than the lesser tested Tasks. Remember that certain MPT Tasks are tested in a *higher percentage* than others, so it's better to spend more time practicing those questions… just don't completely ignore the lesser tested Tasks.

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

3. **Have an Efficient Strategy for Reviewing the File & Library**.

   The key to doing well on the MPT is knowing how to properly manage your time. To do that, we strongly recommend that you have a pre-determined approach on how you will tackle an MPT question on exam day – meaning how you will review the File & Library and draft your answer all within 90-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.

For a detailed overview of how to efficiently review the File & Library, including a detailed time allocation, see Chapter 5 of this guide.

4. **Know how to format the *commonly tested* MPT tasks**.

   Knowing how to structure the commonly tested MPT assignments helps you streamline the process on exam day. This will not only save you time, but also take the stress out of the MPT.

   To help with this, we put together MPT Templates that can be found in Chapters 11 through 14 of this guide.

5. **Review all of the "*uncommon*" MPT Tasks from past exams**.

   Every so often, the MPT has asked examinees to draft what we call an "uncommon" task. These are new or rarely tested tasks, but there's no reason to worry about them. Anytime an "uncommon" Task was tested, it always included clear formatting and drafting instructions (including templates or samples).

   However, you do not want to be caught off guard if such a Task shows up on your exam, especially if it has been tested before. That's why we suggest reviewing the Task Memorandum and Drafting Guidelines Memo for every "uncommon" MPT Task tested to date.

   In Chapter 15 of this guide, there is chart listing all of the "uncommon" MPT assignments, so you'll know exactly what MPT's to review.

6. **Note important items in the File & Library… making them *easy to find* when drafting**.

   Always note key items while reading the File and Library. Marking up the documents in the File and Library will make important items easy to reference later on when organizing and drafting your answer.

   For example, you can make notes in the margins, circle, or underline anything that is important (e.g. names of parties, dates, important facts, statutory elements, legal rules in cases, etc.).

7. **Grade Your Practice MPT's**.

   Grading your practice MPT answers against the MPT Point Sheets or Sample Answers keeps you accountable, and can help you spot your problem areas.

   You may even want to have others grade your practice MPT's, 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.

8. **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 MPT 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 the exam).

   For timing, remember you must keep a pace of 90-minutes per MPT question. Practicing while timed may be uncomfortable at first, but it will condition you for the actual exam setting, which is key.

9. **Learn to manage your time properly… and track your time for practice MPT's**.

   For a 90-minute MPT question, you should allocate your time as follows:

   45 minutes: Reading the File & Library + Organizing your answer.
   45 minutes: Drafting your answer.

   It is recommended that you **use a timer** and keep track of your progress while practicing past MPT's. On the exam, you should also use a timer… 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.

   Using a spreadsheet is another way to track your time per practice MPT question. Recording times keeps you accountable and will allow you to see if your time per question is trending in the right direction… or if completing an MPT within 90-miniutes is a problem area you should focus on.

10. Have and practice a *pre-determined* approach for writing your MPT answer.

Having a pre-determined approach will streamline the writing process on the exam. Testing and practicing your approach helps both (i) automate writing your answer, and (ii) will make the MPT less stressful.

For most MPT assignments (memos, briefs, & letters), we recommend this **drafting order when writing your answer**:

- ***Formatting sections*** (*if applicable*) – Draft any applicable top and bottom formatting sections (e.g. header, caption, salutation, signature). These sections are straightforward, and completing them first will get you into the writing mode.
- ***Introduction & Conclusion*** – Quickly draft any required introduction and conclusion sections. Drafting these sections now makes your answer looks complete and more polished, even if you run out of time. Don't worry if they're not perfect at this point.
- ***Topic/Point Headings*** – Draft the main topic or point headings for each issue you will discuss.
- ***Discussion section*** – Draft your legal analysis or argument. Working one issue at a time, insert the rules of law, include sub-headings (as needed), and then draft the analysis or argument for that issue.
- ***Statement of Facts*** (*if applicable*) – Draft a short statement of facts. Only include this section if the Task instructions require it.
- ***Revise Introduction & Conclusion sections*** – Revise each section as needed.

If another drafting order works better for you, then use that. Just make sure you adequately test any approach you plan to use during your MPT practice. They key is to have a pre-determined drafting approach that you can execute *efficiently*.

Chapter 08

WHERE TO FIND PAST MPT'S (INCLUDING FREE MPT QUESTIONS, ANSWERS, & POINT SHEETS)

What You'll Learn:

- Where to find Past MPT Questions, Answers, Point Sheets, & Summaries (including many FREE sources)

We have compiled a comprehensive list of where you can find past MPT materials that are available from the NCBE and MPT jurisdictions.

Past MPT Questions & Point Sheets (released by the NCBE)

A good source for past MPT's is the NCBE website (www.ncbex.org); it has some of the older MPT's for free. Also listed are MPT summaries for the recent MPT's. If you want the most recent MPT's & Point Sheets, they can be purchased from the NCBE store for $20 each.

Recent MPT Questions & Point Sheets:

MPT Questions and Drafters' Point Sheets from *recent exams* can be purchased from the NCBE store here.

FREE Sources of MPT Questions & Point Sheets:

MPT Questions and Point Sheets from *older exams* can be **downloaded for FREE** from the NCBE website (see links below).

Free MPT Questions & Point Sheets (*from the NCBE*)
July 2020 MPT & Point Sheets
Feb. 2020 MPT & Point Sheets
July 2019 MPT & Point Sheets
Feb. 2019 MPT & Point Sheets
July 2018 MPT & Point Sheets
Feb. 2018 MPT & Point Sheets
July 2017 MPT & Point Sheets
Feb. 2017 MPT & Point Sheets
July 2016 MPT & Point Sheets
Feb. 2016 MPT & Point Sheets
July 2015 MPT & Point Sheets
Feb. 2015 MPT & Point Sheets
July 2014 MPT & Point Sheets
Feb. 2014 MPT & Point Sheets
July 2013 MPT & Point Sheets
Feb. 2013 MPT & Point Sheets

MPT Summaries:

The NCBE also releases one-paragraph summaries of recent MPT's, which include a brief description of the MPT task, context, and contents of the File & Library for each MPT question. These can be **downloaded for FREE** from the NCBE website (see links below).

Free MPT Summaries (*from the NCBE*)
2026 MPT Summaries
2025 MPT Summaries
2024 MPT Summaries
2023 MPT Summaries
2022 MPT Summaries
2021 MPT Summaries
2020 MPT Summaries
2019 MPT Summaries
2018 MPT Summaries

MPT Questions & Sample Examinee Answers (released by MPT Jurisdictions)

Below you can find links to past MPT Questions and Sample Examinee Answers released by jurisdictions that use the MPT.

Note: Some jurisdictions release both MPT questions and answers, while others release only the answers.

We suggest that you use the Georgia and Maryland released Sample Examinee Answers because they have published the most MPT answers of any jurisdiction.

Georgia (***MPT Questions & Answers***)	
MPT Questions	**MPT Answers**
February 2026 – MPT Questions (MPT Questions start on pg. 13)	February 2026 – Sample Answers (MPT Answers start on pg. 33)
July 2025 – MPT Questions (MPT Questions start on pg. 14)	July 2025 – Sample Answers (MPT Answers start on pg. 41)
February 2025 – MPT Questions (MPT Questions start on pg. 13)	February 2025 – Sample Answers (MPT Answers start on pg. 37)
July 2024 – MPT Questions (MPT Questions start on pg. 14)	July 2024 – Sample Answers (MPT Answers start on pg. 39)
February 2024 – MPT Questions (MPT Questions start on pg. 14)	February 2024 – Sample Answers (MPT Answers start on pg. 40)
July 2023 – MPT Questions (MPT Questions start on pg. 14)	July 2023 – Sample Answers (MPT Answers start on pg. 36)
February 2023 – MPT Questions (MPT Questions start on pg. 16)	February 2023 – Sample Answers (MPT Answers start on pg. 38)

Georgia (*MPT Questions & Answers*)	
MPT Questions	**MPT Answers**
July 2022 – MPT Questions (MPT Questions start on pg. 9)	July 2022 – Sample Answers (MPT Answers start on pg. 33)
February 2022 – MPT Questions (MPT Questions start on pg. 9)	February 2022 – Sample Answers (MPT Answers start on pg. 32)
July 2021 – MPT Questions (MPT Questions start on pg. 9)	July 2021 – Sample Answers (MPT Answers start on pg. 32)
February 2021 – MPT Questions (MPT Questions start on pg. 9)	February 2021 – Sample Answers (MPT Answers start on pg. 25)
October 2020 – MPT Question (MPT Question starts on pg. 6) Note: Only 1 MPT question was used for the Oct. 2020 remote exam due to Covid-19	October 2020 – Sample Answers (MPT Answers start on pg. 23) Note: Only 1 MPT question was used for the Oct. 2020 remote exam due to Covid-19
February 2020 – MPT Questions (MPT Questions start on pg. 7)	February 2020 – Sample Answers (MPT Answers start on pg. 47)
July 2019 – MPT Questions (MPT Questions start on pg. 5)	July 2019 – Sample Answers (MPT Answers start on pg. 40)
February 2019 – MPT Questions (MPT Questions start on pg. 6)	February 2019 – Sample Answers (MPT Answers start on pg. 1)
July 2018 – MPT Questions (MPT Questions start on pg. 6)	July 2018 – Sample Answers (MPT Answers start on pg. 25)
February 2018 – MPT Questions (MPT Questions start on pg. 7)	February 2018 – Sample Answers (MPT Answers start on pg. 21)
July 2017 – MPT Questions (MPT Questions start on pg. 6)	July 2017 – Sample Answers (MPT Answers start on pg. 23)

Georgia (*MPT Questions & Answers*)	
MPT Questions	**MPT Answers**
February 2017 – MPT Questions (MPT Questions start on pg. 7)	February 2017 – Sample Answers (MPT Answers start on pg. 28)
July 2016 – MPT Questions (MPT Questions start on pg. 9)	July 2016 – Sample Answers (MPT Answers start on pg. 31)
February 2016 – MPT Questions (MPT Questions start on pg. 8)	February 2016 – Sample Answers (MPT Answers start on pg. 27)
July 2015 – MPT Questions (MPT Questions start on pg. 9)	July 2015 – Sample Answers (MPT Answers start on pg. 29)
February 2015 – MPT Questions (MPT Questions start on pg. 10)	February 2015 – Sample Answers (MPT Answers start on pg. 28)
July 2014 – MPT Questions (MPT Questions start on pg. 9)	July 2014 – Sample Answers (MPT Answers start on pg. 26)
February 2014 – MPT Questions (MPT Questions start on pg. 9)	February 2014 – Sample Answers (MPT Answers start on pg. 24)
July 2013 – MPT Questions (MPT Questions start on pg. 10)	July 2013 – Sample Answers (MPT Answers start on pg. 28)
February 2013 – MPT Questions (MPT Questions start on pg. 9)	February 2013 – Sample Answers (MPT Answers start on pg. 25)
July 2012 – MPT Questions (MPT Questions start on pg. 9)	July 2012 – Sample Answers (MPT Answers start on pg. 24)
February 2012 – MPT Questions (MPT Questions start on pg. 8)	February 2012 – Sample Answers (MPT Answers start on pg. 25)

Georgia (*MPT Questions & Answers*)	
MPT Questions	**MPT Answers**
July 2011 – MPT Questions (MPT Questions start on pg. 6)	July 2011 – Sample Answers (MPT Answers start on pg. 23)

Maryland (***MPT Answers & Recent MPT Questions***)
July 2025 – MPT Question 1 July 2025 – MPT Question 2 July 2025 (MPT-1 & MPT-2) Representative Good Answers
Feb. 2025 – MPT Question 1 Feb. 2025 – MPT Question 2 Feb. 2025 (MPT-1 & MPT-2) Representative Good Answers
July 2024 – MPT Question 1 July 2024 – MPT Question 2 July 2024 (MPT-1 & MPT-2) Representative Good Answers
Feb. 2024 – MPT Question 1 Feb. 2024 – MPT Question 2 Feb. 2024 (MPT-1 & MPT-2) Representative Good Answers
July 2023 – MPT Question 1 July 2023 – MPT Question 2 July 2023 (MPT-1 & MPT-2) Representative Good Answers
Feb. 2023 – MPT Question 1 Feb. 2023 – MPT Question 2 Feb. 2023 (MPT-1 & MPT-2) Representative Good Answers
July 2022 – MPT Question 1 July 2022 – MPT Question 2 July 2022 (MPT-1 & MPT-2) Representative Good Answers
Feb. 2022 – MPT Question 1 Feb. 2022 – MPT Question 2 Feb. 2022 (MPT-1 & MPT-2) Representative Good Answers

Maryland **(*MPT Answers & Recent MPT Questions*)**
July 2021 – MPT Question 1 July 2021 – MPT Question 2 July 2021 (MPT-1 & MPT-2) Representative Good Answers
Feb. 2021 – MPT Question 1 Feb. 2021 – MPT Question 2 Feb. 2021 (MPT-1 & MPT-2) Representative Good Answers (MPT Answers start on pg. 1 & 6 – note, the sample answer for MPT-1 is incorrectly titled "MEE 1" on pg. 1)
Oct. 2020 Remote Exam – MPT Question Oct. 2020 Remote Exam – MPT Representative Good Answers (MPT Answers start on pg. 11) Note: Only 1 MPT question was used for the Oct. 2020 remote exam due to Covid-19
Feb. 2020 – MPT Question 1 Feb. 2020 – MPT Question 2 Feb. 2020 (MPT-1 & MPT-2) Representative Good Answers (MPT Answers start on pg. 16)
July 2019 – MPT Question 1 July 2019 – MPT Question 2 July 2019 (MPT-1 & MPT-2) – Representative Good Answers (MPT Answers start on pg. 20)
Feb. 2019 (MPT-1) – Representative Good Answers (MPT Answers start on pg. 21)
July 2018 (MPT-1) – Representative Good Answers (MPT Answers start on pg. 26)

Maryland **(*MPT Answers & Recent MPT Questions*)**
Feb. 2018 (MPT-1) – Representative Good Answers (MPT Answers start on pg. 24)
July 2017 (MPT-2) – Representative Good Answers (MPT Answers start on pg. 26) Note: The Maryland bar examiners incorrectly labeled the above MPT Answers "February 2017", even though they are for the July 2017 bar exam.
Feb. 2017 (MPT-2) – Representative Good Answers (MPT Answers start on pg. 30)
July 2016 (MPT-1) – Representative Good Answers (MPT Answers start on pg. 29)
Feb. 2016 (MPT-1) – Representative Good Answers (MPT Answers start on pg. 28)
July 2015 (MPT-2) – Representative Good Answers (MPT Answers start on pg. 32)
Feb. 2015 (MPT-1) – Representative Good Answers (MPT Answers start on pg. 23)
July 2014 (MPT-2) – Representative Good Answers (MPT Answers start on pg. 24)
Feb. 2014 (MPT-1) – Representative Good Answers (MPT Answers start on pg. 2)
July 2013 (MPT-1) – Representative Good Answers (MPT Answers start on pg. 2)
Feb. 2013 (MPT-1) – Representative Good Answers (MPT Answers start on pg. 2)

Maryland **(*MPT Answers & Recent MPT Questions*)**
July 2012 (MPT-2) – Representative Good Answers (MPT Answers start on pg. 2)
Feb. 2012 (MPT-1) – Representative Good Answers (MPT Answers start on pg. 2)
July 2011 (MPT-1) – Representative Good Answers (MPT Answers start on pg. _2)
Feb. 2011 (MPT-2) – Representative Good Answers (MPT Answers start on pg. 2)
July 2010 (MPT-2) – Representative Good Answers (MPT Answers start on pg. 2)
Feb. 2010 (MPT-1) – Representative Good Answers (MPT Answers start on pg. 2)
July 2009 (MPT-1) – Representative Good Answers (MPT Answers start on pg. 2)
Feb. 2009 (MPT-2) – Representative Good Answers (MPT Answers start on pg. 2)
July 2008 (MPT-2) – Representative Good Answers (MPT Answers start on pg. 2)
Feb. 2008 (MPT-1) – Representative Good Answers (MPT Answers start on pg. 2)
July 2007 (MPT-1) – Representative Good Answers (MPT Answers start on pg. 2)
Feb. 2007 (MPT-2) – Representative Good Answers (MPT Answers start on pg. 29)

New York **(*MPT Answers & Recent MPT Questions*)**
Feb. 2026 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 72) [Includes MPT Questions on pg. 9]
July 2025 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 80) [Includes MPT Questions on pg. 12]
Feb. 2025 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 76) [Includes MPT Questions on pg. 11]
July 2024 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 73) [Includes MPT Questions on pg. 11]
Feb. 2024 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 78) [Includes MPT Questions on pg. 12]
July 2023 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 77) [Includes MPT Questions on pg. 13]
Feb. 2023 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 77) [Includes MPT Questions on pg. 11]
July 2022 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 40)
Feb. 2022 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 42)

New York **(*MPT Answers & Recent MPT Questions*)**
July 2021 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 37)
Feb. 2021 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 40)
Oct. 2020 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 25) Note: Only 1 MPT question was used for the Oct. 2020 remote exam due to Covid-19
Feb. 2020 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 40)
July 2019 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 40)
Feb. 2019 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 39)
July 2018 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 39)
Feb. 2018 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 36)
July 2017 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 42)
Feb. 2017 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 35)
July 2016 – MPT Sample Candidate Answers (note: MPT Answers start on pg. 38)

Arkansas **(*MPT Questions & Answers*)**
July 2025 – not released at time of publication
February 2025 – not released
July 2024 – not released
February 2024 – not released
July 2023 – not released
February 2023 – not released
July 2022 – not released
February 2022 – not released
July 2021 – MPT Question #1 & Best Answer July 2021 – MPT Question #2 & Best Answer
February 2021 – MPT Question #1 & Best Answer February 2021 – MPT Question #2 & Best Answer
Fall 2020 – not applicable
July 2020 – MPT Question #1 & Best Answer July 2020 – MPT Question #2 & Best Answer
February 2020 – not released
July 2019 – not released
February 2019 – MPT Question #1 & Best Answer February 2019 – MPT Question #2 & Best Answer

Arkansas **(*MPT Questions & Answers*)**
July 2018 – not released
February 2018 – MPT Questions & Best Answers
July 2017 – MPT Questions & Best Answers
February 2017 – MPT Questions & Best Answers
July 2016 – MPT Questions & Best Answers
February 2016 – MPT Questions & Best Answers
July 2015 – MPT Questions & Best Answers
February 2015 – MPT Questions & Best Answers
July 2014 – MPT Questions & Best Answers
February 2014 – MPT Questions & Best Answers
July 2013 – MPT Questions & Best Answers
February 2013 – MPT Questions & Best Answers
July 2012 – not released

South Dakota (***MPT Questions & Answers***)
July 2025 – MPT Questions & Representative Passing Answers
February 2025 – MPT Questions & Representative Passing Answers
July 2024 – MPT Questions & Representative Passing Answers
February 2024 – MPT Questions & Representative Passing Answers
July 2020 – MPT Questions & Representative Passing Answers
February 2020 – MPT Questions & Representative Passing Answers
July 2019 – MPT Questions & Representative Passing Answers
February 2019 – MPT Questions & Representative Passing Answers

Connecticut **(*MPT Questions only*)**
July 2025 – MPT Questions
February 2025 – MPT Questions
July 2024 – MPT Questions
February 2024 – MPT Questions
July 2023 – MPT Questions
February 2023 – MPT Questions
July 2022 – MPT Questions
February 2022 – MPT Questions
July 2021 – MPT Questions
February 2021 – MPT Questions
October 2020 – MPT Question Note: Only 1 MPT question was used for the Oct. 2020 remote exam due to Covid-19
February 2020 – MPT Questions
July 2019 – MPT Questions
February 2019 – MPT Questions
July 2018 – MPT Questions
February 2018 – MPT Questions
July 2017 – MPT Questions
February 2017 – MPT Questions
July 2016 – MPT Questions
February 2016 – MPT Questions

July 2015 – MPT Questions
February 2015 – MPT Questions
July 2014 – MPT Questions
February 2014 – MPT Questions

Chapter 09

MPT GRADING & SCORING

What You'll Learn:

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

What You REALLY Need to Know About MPT Grading and Scoring

Each jurisdiction grades MPT answers using their own set of grading standards. Each answer 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 MPT practice so you write an excellent answer on exam day.

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 MPT Score is Determined (Raw Scores → Scaled Scores)

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

- **Step # 1: Each MPT 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, 1-10). "Relative grading" (also called "rank ordering") means scoring and ranking each 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.[17]

- **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 exam.

    - For UBE Jurisdictions, an examinee's scores for the MPT and MEE 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 (20% for the MPT + 30% for the MEE).

*Note: South Dakota and Palau *do not* scale the written component to the MBE. Instead, each jurisdiction requires a separate minimum passing score for each component.

[17] 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 MPT Score

The MPT is **worth 20% of your total exam score in most states** – including all UBE jurisdictions, such as New York.

In other jurisdictions, the MPT is normally worth between **10% and 20%**. Some jurisdictions have additional state written components and/or have a minimum passing score for the MPT/written portion.

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

Jurisdiction	MPT %	Notes
Alabama	20%	
Alaska	20%	
Arizona	20%	
Arkansas	20%	
Colorado	20%	
Delaware	20%	
D.C. - District of Colombia	20%	
Georgia	21.4%	
Hawaii	see note	The 2 MPT tasks, 6 MEE questions, and 15 Hawaii ethics multiple choice questions are equally weighted to 50% of the exam score.
Illinois	20%	
Indiana	20%	
Iowa	20%	
Kansas	20%	
Kentucky	20%	
Maine	20%	
Massachusetts	20%	
Michigan	20%	
Minnesota	20%	
Mississippi	15%	Uses only 1 MPT question.
Montana	20%	
Nebraska	20%	
New Hampshire	20%	
New Jersey	20%	

Jurisdiction	MPT %	Notes
New Mexico	20%	
New York	20%	
North Carolina	20%	
North Dakota	20%	
Ohio	20%	
Oklahoma	20%	
Pennsylvania	20%	
Rhode Island	20%	
South Carolina	20%	
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	20%	
Texas	20%	
Utah	20%	
Vermont	20%	
West Virginia	20%	
Wisconsin	20%	
Wyoming	20%	

MPT Grading Standards

All MPT jurisdictions use "relative grading", which means scoring and ranking each MPT answer "relative" to other examinee answers in that jurisdiction. Under relative grading, each MPT 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 for Washington State.

Score	MPT Grading Key / Scale
6	A **6** answer is a **very good** answer. A **6** answer usually indicates that the applicant has a thorough comprehension of the practical and academic aspects of the task, understands and synthesizes the relevant factual and legal materials, and uses them to write a legally supported, well-written, responsive product in the time allotted.
5	A **5** answer is an **above average** answer. A **5** answer usually indicates that the applicant has a fairly complete understanding of the practical and academic aspects of the task, understands and synthesizes most of the relevant factual and legal materials, and uses them to write a legally supported, reasonably well-written, mostly responsive product in the time allotted.
4	A **4** answer demonstrates an **average answer**. A **4** answer usually indicates that the applicant has a fair understanding of the practical and academic aspects of the task and understands enough of the relevant factual and legal materials to incorporate them into a relatively satisfactory, albeit less than completely responsive, product in the time allotted.
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 a limited understanding of the practical and academic aspects of the task, does not understand or synthesize some of the key factual and legal materials, and thus is unable to incorporate them into a satisfactorily responsive product in the time allotted.

Score	MPT Grading Key / Scale
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 practical and academic aspects of the task, has failed to grasp and synthesize most of the relevant factual and legal materials, and thus has not produced a useful written product in the time allotted.
1	A **1** answer is **among the worst** answers. A **1** answer usually indicates a failure to understand the task or how to accomplish it, and an inability to understand and synthesize the factual and legal materials and incorporate them into a minimally acceptable written product.
0	A **0** answer indicates that there is no response to the question or that it is completely unresponsive to the question.

The MPT Grading Key above can be used in conjunction with MPT Point Sheets to self-grade your practice MPT answers.

As seen above, **the MPT has specific criteria for assessing the quality of an examinee's writing**. This is because: "MPT examinees are instructed on the proper tone for the assignment (e.g., persuasive, objective), the proper audience (e.g., court, client, opposing counsel), and sometimes the desired formatting (e.g., the use of headings, statement of facts, case citations). Thus, in general, it can be easier for graders to make distinctions on the quality of writing when grading MPTs."[18]

Additionally, **the *quality* of your writing matters!** New York has even explained how the quality of writing counts towards grading as follows:

> "The ability to effectively communicate is essential to competent legal practice. In grading, consideration is given to whether the answer is appropriately organized; whether the analysis is expressed with precision, clarity, logic and economy; whether relevant facts are cited and analyzed in support of a stated conclusion; whether appropriate legal terms are incorporated into the

[18] *Essay Grading Fundamentals* by Judith A. Gundersen, The Testing Column, The Bar Examiner, March 2015, at pg. 56.

analysis; and whether overall the answer reflects an ability to communicate in an effective manner."[19]

For other MPT jurisdictions, we have confirmed the following **raw MPT grading scales** (see chart below). **The NCBE recommends a six-point (0 to 6) raw grading scale**,[20] but jurisdictions can use another scale as seen below. If you know a grading scale that isn't listed, we would appreciate that you contact us so we may include it.

Jurisdiction	MPT Grading Scale (Raw Scale Per Question)
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

[19] *The MPT: Assessment Opportunities Beyond the Traditional Essay* by Diane F. Bosse, The Bar Examiner, December 2011, at pg. 21.
[20] 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.

Even if you are taking the bar exam in another jurisdiction that uses a slightly different raw grading scale, you can still use the Washington State example above as a guidepost for what is considered a high scoring MPT answer.

Additional Resources on MPT Grading & Scaling

If you're interested in more details on MPT 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. This article discusses both MPT and MEE grading fundamentals.
- *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.
- *The MPT: Assessment Opportunities Beyond the Traditional Essay* by Diane F. Bosse, The Bar Examiner, December 2011.
- *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 10

HOW TO WRITE A HIGH SCORING MPT ANSWER: 25 TIPS & BEST PRACTICES

A well written and organized answer is essential to doing well on the MPT. Below are our top tips and best practices to help you write a high scoring MPT answer.

Tips & Best Practices – For *All Tasks*

1. **Follow the Task Memorandum Instructions *very carefully***.

   The Task Memorandum provides the specific instructions for the legal assignment to be completed (e.g. task assigned, tone, audience, formatting).

   You MUST read these instructions very *carefully*… and follow them *exactly* to receive full credit. Straying from the assigned task or instructions will be reflected negatively in the grading of your MPT.

2. **Watch for "Exclusions" to the MPT assignment**.

   Almost every MPT tells you *not* to do something (an "exclusion"). These exclusions are intended to narrow the focus of the drafting assignment, and are found in the Task Memorandum or Drafting Guidelines Memo.

   An exclusion instruction may be to ***ignore a certain legal issue or topic***, such as "Do not address personal jurisdiction"[21] or "the client does not want a trust; do not address that topic."[22] It can also direct you to ***not include a specific section*** in your writing, such as "Do not include a separate statement of facts."[23]

[21] See, July 2019 MPT-1 (*American Electric v. Wuhan Precision Parts*), Task Memorandum, at ¶ 7.
[22] See, July 2019 MPT-2 (*Estate of Carl Rucker*), Task Memorandum, at ¶ 5.
[23] See, February 2019 MPT-2 (*In re Remick*), Task Memorandum, at ¶ 4.

Exclusions are intentionally inserted, so they MUST be followed. If not, you will waste valuable time writing something that will earn you zero points, or worse, have points deducted for your failure to follow the directions.

3. **Use the *proper* Tone for the assignment**.

   The tone of your writing is dictated by both (i) the task assigned, *and* (ii) the audience to whom the document will be submitted.

   Documents submitted to a *court* or *adversary* should typically be written in a ***persuasive tone***. In contrast, a *memorandum or letter to a client* should typically be written in an ***objective tone***.

   In some instances, the Task Memorandum instructions will explicitly tell you the tone to use. If you're *not* told, then you must match the tone of your writing to the assignment and audience.

   Keep in mind, the tone could vary for any MPT question, which is why you MUST always follow the Task Memorandum instructions.

   For example, typically a memorandum or brief submitted to a judge should be written in a persuasive tone. However, the Feb. 2010 MPT-2 Task Memorandum instructed examinees to "candidly discuss the strengths and weaknesses of [the] case" *even though* the memorandum was submitted to early dispute resolution judge.[24] In this instance, the memorandum should be written in an *objective tone* instead of a *persuasive tone*. This task illustrates just how important it is to follow the instructions and make no assumptions.

4. **Use language appropriate for the *recipient*... lawyer vs. non-lawyer**.

   If the writing will be **provided to a *non-lawyer*** (e.g. a client), the language used should be appropriate to the client's level of sophistication... so, generally you'll want to define any legal terms used. Additionally, you'll want "to write in a way that allows the client to follow your reasoning and the logic of your conclusions."[25]

   If the writing will be **provided to a *lawyer* or *judge/court***, then *common* legal terms may be used without having to define or explain each one.

   Remember, the *end recipient* of the assignment controls the language to use. Almost always, the assignment will be provided to a supervising lawyer first, BUT it's the

[24] See, February 2010 MPT-2 (*Logan v. Rios*), Task Memorandum, at ¶ 3.
[25] See, July 1997 MPT-1 (*In re Kiddie-Gym Systems, Inc.*), File, at Drafting Opinion Letters Memorandum.

person whom the supervising attorney will provide the assignment to that's the distinguishing factor.

5. **Write and Sound Like a Lawyer… Ready to Begin the Practice of Law**.

   Complete the MPT assignment per the instructions AND write like a lawyer. That means your writing must be clear, well organized, and in a tone consistent with the task assigned. Your writing should also be concise and to the point.

   Writing an answer this way will make it easy for the grader to read, and in turn get you a higher score. Remember to avoid verbose language… instead, get right to the point you're making!

6. **Make it easy for graders to review your MPT answer *and* give you points**.

   Each grader has limited time and may read through your MPT answer quickly. Your job is to make it easy to spot the different parts of your answer so you can be awarded the maximum number of points. You don't want to hide your legal analysis in convoluted, verbose language.

   This is why using proper headings (when necessary) and structuring your writing properly is key, so graders don't get lost or miss anything. By the end of your practice, you should be able to write an MPT answer (no matter the assignment) in a clear, organized fashion.

7. **Use headings.**

   Always use headings and sub-headings to organize your legal analysis or argument.

   For headings, you can use roman numerals, letters, and/or numbers (e.g. I., II., III, … A., B., C., … 1., 2., 3.…). Bold or underline your headings so they stand out and are clearly visible to bar exam graders.

   Each heading should be numbered appropriately to help the grader see if the heading is within the discussion of a larger issue, rule, or topic. If an issue has multiple parts, create sub-headings for each part.

   For objective tasks, write the heading in a neutral tone. In contrast, headings for persuasive tasks should be written in a persuasive tone.

8. **Synthesize the relevant facts and law to produce a clear, logical, and convincing analysis**.

For the MPT, you must ascertain what is (and is not) relevant in the File & Library… and then present a clear, logical, and convincing response to the task assigned thereby synthesizing facts with analysis. Quoting large passages is normally *not* effective because it doesn't show any filtering and synthesis.

In fact, the bar examiners have spoken negatively about examinees who regurgitate or parrot back large passages from the Library without using analysis and synthesis to produce a cogent analysis.[26] Plus, re-writing large parts of the File or Library wastes time that could be better spent on higher value items.

9. ***Summarize* cases effectively**.

On the MPT, you must be able to condense a case down to its core facts, holding, and reasoning. A well written case summary should succinctly state: (i) the important facts, (ii) holding, and (iii) reasoning of the court.

Here is an example of a well-written case summary:

> "In determining whether someone stands in loco parentis, the court may consider the child's age, degree of dependence, or the amount of support provided to her. For example, in *Phillips v. Franklin City Park District*, the court found that a grandfather stood in loco parentis to his grandson for whom the grandfather had provided a home from the age of four as well as financial support, attending school conferences and the like. This was sufficient even though the grandson's mother was alive and did not relinquish her parental rights."

You'll notice that the *essence of the case was captured in just a few sentences*… that's your goal when summarizing a case.

10. **Correctly use *Binding* vs. *Non-Binding Advisory* legal authority**.

The MPT is designed to test your understanding of the judicial system where the problem occurs (the fictitious 15th Circuit).[27]

The court rendering the decision is important and determines how much weight the case must be given (if it's binding or not binding in that court).

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[26] 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 1. See also, *The MPT: Assessment Opportunities Beyond the Traditional Essay* by Diane F. Bosse, The Bar Examiner, December 2011, at pg. 19.

[27] For an overview of the courts in the fictitious 15th Circuit, see Chapter 3 of this guide.

- For ***Franklin cases***, only cases from a *higher court* are controlling and must be followed. If the case is from an *equal or lower court* (than the court you are before), then the case is non-binding advisory legal authority.
    - → If the question doesn't say what court you're before, then you are likely before the Franklin District Court (the lowest trial court).

- For ***Columbia & Olympia cases***, Franklin courts are NOT bound by their case law since it's from a different state. However, non-binding cases can be used as advisory authority – to argue that a Franklin court should take a similar view.

- ***Secondary sources*** (e.g. a treatise) are also non-binding and advisory. Usually, secondary sources are included on the MPT to help you in some way (e.g. a treatise explaining how to draft a will).

MPT TIP

How to use Binding & Non-Binding Cases on the MPT

How to use Binding Cases (a.k.a. controlling authority):

- Objective Tasks: Explain how the case impacts the legal analysis.

- Persuasive Tasks: If a case HELPS your argument, then argue that the law must be followed. If a case DOES NOT help your argument, then distinguish the facts of the case.

How to use Non-Binding Advisory Cases:

- Objective Tasks: Explain how the court could adopt a similar approach… especially if it's a matter of first impression in Franklin for the legal issue.

- Persuasive Tasks: If a case HELPS your argument, then argue that the court should take a similar approach based on the law and/or facts. If a case DOES NOT help your argument, then suggest that the case be disregarded as it's not binding and is merely advisory. Additionally, you should distinguish the case to further bolster your argument.

Be mindful that a recent case may override an older case. You should also pay attention to how more recent cases in the Library dealt with an older case… it may give you clues on how to treat it in your analysis.

11. **DON'T include a separate Statement of Facts *unless* instructed**.

    You will be told whether or not to include *separate* Statement of Facts, so pay careful attention to whether it is required in your answer.

    Normally, a separate Statement of Facts section is *not required*. For example, the instructions usually say something like: "Do not draft a separate statement of facts, but be sure to integrate the relevant facts into your analysis"[28] or "Please draft the *argument* section of our brief."[29] In that case, you should integrate the facts into your analysis or argument.

    If a Statement of Facts *is required*, the instructions will be clear. For example, the July 2004 MPT-3 stated: "All briefs shall include a Statement of Facts."[30] When you are told to include a Statement of Facts, make it only a few short paragraphs.

12. **Include a short Introduction**.

    The Introduction section should be a short explanation of the assignment (or purpose) and the issues, points, items, or arguments discussed. It should summarize the legal issues, include key facts, and contain a short conclusion for each issue. The Introduction should be no longer than 1-paragraph.

13. **Use IRAC for legal analysis or argument**.

    The IRAC method should be used for each legal issue discussed. IRAC stands for: Issue, Rule, Analysis, Conclusion.

    When using IRAC: First, state the issue presented with a conclusion (for persuasive briefs, this will be your point headings). Second, state the relevant rules of law. Third, perform your legal analysis – apply the client's facts to the law. Fourth, state a conclusion.

    When using IRAC, make sure you answer all of the legal issues or questions posed in the Task Memorandum.

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[28] See, February 2017 MPT-1 (*In re Ace Chemical*), File, Task Memorandum, at ¶ 4.

[29] See, February 2018 MPT-1 (*State of Franklin v. Clegane*), File, Task Memorandum, at ¶ 4 (emphasis added).

[30] See, July 2004 MPT-3 (*Wells v. Wells*), File, Drafting Guidelines Memo for Drafting Persuasive Briefs, at ¶ 2.

14. **Make a conclusion for each issue**.

    Unless instructed otherwise, you MUST reach a conclusion for each issue.

    For objective tasks: If it's a close call, just pick the conclusion you think is best and don't worry if it's correct. Remember, the examiners are focused more on the level of legal analysis, and whether your conclusion is supported by the law and facts.

    For persuasive tasks: Align your conclusion with your legal arguments.

15. **Always Include legal citations… and know how cite properly.**

    Only *short* and *simple* legal citations are required. Following this will *save you time*.

    When citing to cases from the Library, "you may use abbreviations and omit page references."[31] For citations other than cases, keep them simple.

    This is because the MPT is not a test on Bluebook rules, so keep citations short while still making it obvious to the grader what source you're citing to. A good way to think about this is how you would refer to a case or document when speaking to another person.

    Let's use the July 2019 MPT-1 as an example, wherein you want to cite to this case in the Library: *Pennsylvania Coal Co. v. Bulgaria Trading & Transport Co., Ltd.*, United States District Court for the District of Olympia (2001).[32] For the citation, all you need to write is: *Pennsylvania Coal*. You DO NOT need to write the full case name, court, or include the page number.

    In some released examinee answers you'll see full citations, but that doesn't mean they were necessary. You'll never lose points for providing a full citation (because the instructions say "may"), but it's best spend your time on something that will get you more points (e.g. legal analysis).

16. **Create your own abbreviated *definitions* for items to save time when drafting**.

    Instead of writing long names, citations, or phrases multiple times, it's better to "define" the item by giving it a short name that will be used in the rest of your writing.

    For example, a document provided in the July 2019 MPT-2 File was titled: "Transcript of client interview: Carl Rucker." Instead of writing the full name over-and-over again, a

[31] MPT Directions, at ¶ 4.

[32] See, July 2019 MPT-1 (*American Electric v. Wuhan Precision Parts*), Library.

more efficient method is to *define the item the first time it's discussed* giving it an abbreviated name. For example, you should write: Transcript of Client Interview: Carl Rucker ("Transcript"). Then, when discussing the item later on, all you would need to write is the word: Transcript.

You can use this method for almost any item referenced in the File or Library. This method will save time, plus it will make your answer easier to read by the grader.

17. **Don't worry too much about typos and occasional bad grammar**.

Typos and occasional poor grammar are generally *not* a factor for grading.[33]

The only time it becomes a factor is "where a paper's typos and poor grammar will make it *impossible to discern* whether the examinee does comprehend the relevant legal principles, and in such cases, a lower grade is warranted."[34]

As such, don't obsess over the spelling of every word or getting the grammar of every phrase correct. Instead, focus on the quality of your legal analysis, having a logical and effective organization, and including the level of detail necessary for the assignment. Remember, finishing the assignment is more important than completing only half of it *even if* that half is written perfectly.

Tips & Best Practices – For *Objective Tasks*

18. **Write in an *objective* tone**.

Your answer should be written in an objective tone – with *neutral language* that objectively evaluates the facts and applicable law.

Your analysis should be impartial, and candidly discuss the strengths and weaknesses of the claims, issues, etc. Don't be afraid to highlight any *negative* law or facts along with their effect. Remember, you should be thorough and balanced in your analysis.

[33] 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 10 ("… typos and occasional poor grammar, in themselves, should generally not factor into the grading decisions for most papers… because it is unreasonable to expect perfection in typing skills given the time pressure of the exam.").
[34] See, *Id.* (emphasis added).

Tips & Best Practices – For *Persuasive Tasks*

19. **Write in a *persuasive* tone**.

    Your answer should be written in a persuasive tone, in which you must advocate and make the strongest arguments for your client. Your job is to persuade, *not* to objectively analyze or assess.

20. **DON'T just use fancy adjectives when writing in a persuasive tone**.

    For MPT tasks that require a persuasive tone, *do not* just use fancy adjectives or merely state that a position is "clear." That type of writing will not get you far when dealing with a court or an adversary… and it won't get you far with bar exam graders.

    Instead, you must ***present well-reasoned arguments that are supported by the facts and applicable law***.[35]

    Similarly, "be mindful that courts are *not* persuaded by exaggerated or unsupported arguments."[36]

21. **Present facts in the *best possible light* for the client… and DON'T ignore negative facts**.

    When writing in a persuasive tone, you want to present the facts in the *best possible light* for the client. You must integrate the facts into the legal argument to make the strongest case for the client. However, you *cannot* ignore negative or unfavorable facts… but you can include them mid-paragraph, so they aren't highlighted.

22. **Write *persuasive*, *compelling*, and *carefully crafted* point headings**.

    Make sure your headings are *persuasive*, *compelling*, and *carefully crafted* for each argument.

    The point headings should succinctly summarize the reasons the court should take the position you are advocating. Break the argument into major components, and write headings summarizing the arguments in each component.[37]

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[35] See, *The MPT: Assessment Opportunities Beyond the Traditional Essay* by Diane F. Bosse, The Bar Examiner, December 2011, at pg. 20-21.

[36] February 2019 MPT-1 (*State of Franklin Depart. of Children & Families v. Little Tots Child Care Center*), Point Sheet, at § I. (emphasis added).

[37] See, July 2016 MPT-2 (*Nash v. Franklin Department of Revenue*), Point Sheet, at § I.; July 2012 MPT-2

Headings should be persuasive using a specific application of the law to the facts, and *not* a bare legal/factual conclusion or statement of abstract principle.[38] Each heading must state a legal conclusion with the supporting facts. Here's how to think about this: "The key to writing an effective point heading is simple: state the legal conclusion you want the court to read and the factual basis on which it can do so."[39]

Below are examples of good and bad headings.[40]

MPT TIP

POINT HEADINGS

Examples of Good vs. Bad Headings

Example 1

Bad Heading → It is not in the child's best interests to be placed in the mother's custody.

Good Heading → Evidence that the mother has been convicted of child abuse is sufficient to establish that it is not in the child's best interests to be placed in the mother's custody.

Example 2

Bad Heading → The motion to suppress should be denied.

Good Heading → The motion to suppress should be denied because the officer read the defendant his rights under Miranda v. Arizona and the defendant signed a statement waiving those rights.

(*Ashton v. Indigo Construction Co.*), Point Sheet, at § I.

[38] See, July 2013 MPT-1 (*Monroe v. Franklin Flags Amusement Park*), Point Sheet, at § II(B) (emphasis added).

[39] *Incorporating Bar Pass Strategies into Routine Teaching Practices*, by Suzanne Darrow-Kleinhaus, 37 Gonz. L. Rev. 17 (2001), at pg. 35.

[40] See, February 2013 MPT-2 (*In re Guardianship of Will Fox*), File, Memo re Persuasive Briefs; July 2018 MPT-1 (*State of Franklin v. Hale*), File, "Guidelines for drafting persuasive briefs."

23. DON'T make conclusory statements as arguments.

Do not make conclusory statements for your arguments. Instead, "[t]he body of each argument should analyze applicable legal authority and persuasively argue how both the facts and the law support the client's position."[41]

24. Discuss both *supporting* and *unfavorable* legal authority.

Supporting legal authority should be emphasized, but unfavorable authority should generally be cited and *explained* or *distinguished*.[42]

Specifically, you should use ***supporting cases*** to argue by analogy – that the facts in the case are the same/similar to the client's situation, and that the court should reach the same result.

For ***unfavorable cases***, you must distinguish them – argue or explain that the facts of the case are different to the client's situation. Make sure to: "Anticipate and accommodate any weaknesses in your case in the body of your argument, and if necessary, make concessions, but only on non-essential points."[43]

25. Properly analyze *conflicting cases* for persuasive tasks.

Analyzing conflicting cases is an important skill to master when drafting persuasive Tasks (e.g. persuasive brief, memo, or letter).

When cases in the Library reach conflicting results, you "should *emphasize the favorable parts* [of cases] and *distinguish the aspects of those cases that do not favor* the [client].[44]

It's also important to determine if a recent case overruled an older unfavorable case. In that situation, you can simply state that the recent case is controlling. If the older case is still controlling (e.g. it's from a higher court), then distinguish the facts.

Following these guidelines will help you make the strongest argument for the client.

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[41] February 2019 MPT-1 (*State of Franklin Depart. of Children & Families v. Little Tots Child Care Center*), Point Sheet, at § I.

[42] See, February 2019 MPT-1 (*State of Franklin Depart. of Children & Families v. Little Tots Child Care Center*), Point Sheet, at § I.

[43] See, July 2016 MPT-2 (*Nash v. Franklin Department of Revenue*), Point Sheet, at I.; July 2012 MPT-2 (*Ashton v. Indigo Construction Co.*), Point Sheet, at § I.

[44] See, February 2018 MPT-1 (*State of Franklin v. Clegane*), Point Sheet, at § II.A.(1) (emphasis added).

SUMMARY
25 Tips & Best Practices to Write a High Scoring MPT Answer

Here is a summary checklist of our Tips & Best Practices to write a high scoring MPT answer… Print this page out and keep it with you when studying for the MPT.

Tips & Best Practices – For *All Tasks*

1. Follow the Task Memorandum Instructions *very carefully*.
2. Watch for "Exclusions" to the MPT assignment.
3. Use the *proper* Tone for the assignment.
4. Use language appropriate for the *recipient*… lawyer vs. non-lawyer.
5. Write and Sound Like a Lawyer… Ready to Begin the Practice of Law.
6. Make it easy for graders to review your MPT answer *and* give you points.
7. Use headings.
8. Synthesize the relevant facts and law to produce a clear, logical, and convincing analysis.
9. *Summarize* cases effectively.
10. Correctly use *Binding* vs. *Non-Binding Advisory* legal authority.
11. DON'T include a separate Statement of Facts *unless* instructed.
12. Include a short Introduction.
13. Use IRAC for legal analysis or argument.
14. Make a conclusion for each issue.
15. Always Include legal citations… and know how cite properly.
16. Create your own abbreviated *definitions* for items to save time when drafting.
17. Don't worry too much about typos and occasional bad grammar.

Tips & Best Practices – For *Objective Tasks*

18. Write in an *objective* tone.

Tips & Best Practices – For *Persuasive Tasks*

19. Write in a *persuasive* tone.
20. DON'T just use fancy adjectives when writing in a persuasive tone.
21. Present facts in the *best possible light* for the client… and DON'T ignore negative facts.
22. Write *persuasive*, *compelling*, and *carefully crafted* point headings.
23. DON'T make conclusory statements as arguments.
24. Discuss both *supporting* and *unfavorable* legal authority.
25. Properly analyze *conflicting cases* for persuasive tasks.

Chapter 11

MPT TEMPLATE: HOW TO FORMAT AN OBJECTIVE MEMORANDUM

What You'll Learn:

- Format & Structure of an Objective Memorandum… with MPT Template
- Tips for Drafting an Objective Memorandum
- Sample Sections of an Objective Memorandum MPT Assignment

Structure of an Objective Memorandum

On the MPT, an Objective Memorandum typically has the following structure:

1. **Memo Caption** – For the top formatting, use a ***Memo Caption format*** (e.g. Title, To, From, Date, and Subject).
2. **Introduction** – A short explanation of the assigned problem and the issues to be discussed.
3. **Statement of Facts** ***(only include when instructed)*** – A short statement of the relevant facts.
4. **Discussion (*with headings*)** – The legal analysis, with headings for each issue and sub-issue.
5. **Conclusion** – A short conclusion that resolves (or gives advice) on the legal issues for the problem assigned.

How to Format an Objective Memorandum

Below is a template of the Objective Memorandum format.

Objective Memo Format

MEMORANDUM

To:
From: Examinee
Date:
Re:

Memo Caption

INTRODUCTION

Short Introduction

STATEMENT OF FACTS

Statement of Facts *(only include when instructed)*

DISCUSSION

I. Heading

A. Sub-Heading

B. Sub-Heading

II. Heading

III. Heading

Legal Analysis with Topic Headings *(include sub-headings as needed)*

CONCLUSION

Short Conclusion

NOTE: Remember to ALWAYS follow the Task Memorandum & Drafting Instructions and carefully check what sections to *include* or *omit*. The bar examiners could change a typical MPT format at their discretion, so be careful not to make any assumptions.

MPT TIP

Tips for Drafting an Objective Memorandum

Here is a quick checklist of tips to keep in mind when drafting an Objective Memorandum:

- Write in an *objective* tone.
- Include a short Introduction.
- DO NOT include a separate Statement of Facts *unless* instructed.
- Use headings and sub-headings in the Discussion section… and write them in a neutral tone.
- Use IRAC for your legal analysis.
- Make a conclusion for each issue.

For a more detailed explanation of the tips above, see Chapter 10 of this guide.

Sample Sections – Objective Memorandum

Memo Caption EXAMPLE:
[For the top formatting, use a *Memo Caption format* (e.g. Title, To, From, Date, and Subject).]

MEMORANDUM

To: Alexandra Carlton
From: Examinee
Date: July 30, 2019
Re: American Electric v. Wuhan Precision Parts Ltd.

Introduction EXAMPLE:
[A short explanation of the assigned problem and the issues to be discussed.]

INTRODUCTION

This memorandum explores whether our client Wuhan Precision Parts Ltd. ("WPP") will be held liable for a default judgment entered against it by the United States District Court for the District of Franklin in favor of American Electric Distribution Inc. ("AE") pursuant to an arbitration award. First, this memorandum looks at whether the default judgment may be vacated due to insufficient service of process. Second, this memorandum analyzes whether there are any grounds to challenge the attorneys' fee award issued by the District Court.

Discussion EXAMPLE:
[The legal analysis, with headings for each issue and sub-issue.]

DISCUSSION

1. Will WPP succeed in vacating the default judgment due to improper service under the Federal Rules of Civil Procedure and the Hague Convention?

As you know, this is an issue of first impression in Franklin. However, courts in both Olympia and Columbia have found that formal Hague Procedures do not need to be followed to enforce all arbitration agreements. However, they disagree on the standard that should be used. Below is a summary of the Olympia and Columbia tests, as well as an analysis of how each test would impact our client.

a) Olympia Court Test: Fairness Standard

In *Auto Dealers Ass'n v. Peason*, the court held that...

b) Columbia Court Test: Deemed Waiver

Columbia was next to decide this issue. When making its determination on similar facts to *Penn Coal*, the court ...

2. Are there any grounds to challenge the attorney's fee award?

Although the first issue was split, both Olympia and Columbia agreed on how to handle additional attorney's fee awards in cases where the court is asked to issue a civil judgment for a previous arbitration award. Here, ...

Conclusion EXAMPLE:

[A short conclusion that resolves (or gives advice) on the legal issues for the problem assigned.]

CONCLUSION

Ultimately, it is unclear which test Franklin will adopt, as all authority discussed above is advisory (coming from Olympia and Columbia courts), and is not binding upon a Franklin court. However, under either the Fairness or Waiver tests, it is unlikely that WPP will be able to vacate the judgment. Under either approach, however, it is likely that the additional attorney's fees award will be vacated.

Chapter 12

MPT TEMPLATE: HOW TO FORMAT A PERSUASIVE BRIEF / MEMORANDUM

What You'll Learn:

- Format & Structure of a Persuasive Brief… with MPT Template
- Tips for Drafting a Persuasive Brief
- Sample Sections of a Persuasive Brief MPT Assignment
- Format & Structure of a Persuasive Memorandum… with MPT Template

Structure of a Persuasive Brief

On the MPT, a Persuasive Brief typically has the following structure:

1. **Case Caption** ***(you are typically instructed to omit this)*** – For the top formatting, use a ***Case Caption format*** (e.g. Court, Names of Parties).
2. **Document Title** – The title of your Brief (e.g. Defendant's Brief in Support of Motion to Transfer).
3. **Statement of the Case** ***(you are typically instructed to omit this)*** – Instead of a typical introduction, you are sometimes asked to include a Statement of the Case. This is a short one-paragraph statement of the: (i) parties, (ii) nature of the case, (iii) matter or issue in dispute, (iv) case posture, and (v) relief requested.
4. **Statement of Facts** ***(do not include unless instructed)*** – A short statement of the relevant facts presented in the best light for the client.
5. **Legal Argument** – The persuasive arguments on how the law and facts support the client's position.
6. **Conclusion** – A short conclusion of (i) your argument for each legal issue, and (ii) the requested relief.

How to Format a Persuasive Brief

Below is a template of the Persuasive Brief format.

Persuasive Brief Format

State of Franklin
District Court of _____

v.

Names of Parties

Case Caption *(only include when instructed)*

TITLE OF DOCUMENT
(e.g. Defendant's Brief in Support of Motion to Transfer)

Title of Brief

STATEMENT OF THE CASE

Statement of the Case *(only include when instructed)*

STATEMENT OF FACTS

Statement of Facts *(only include when instructed)*

ARGUMENT

I. Point Heading

II. Point Heading

Legal Argument with persuasive Point Headings *(include sub-headings as needed)*

CONCLUSION

Short Conclusion

NOTE: Remember to ALWAYS follow the Task Memorandum & Drafting Instructions… and carefully check what sections to *include* or *omit*. As an example, the instructions will often tell you to "draft the argument section of the brief." In that case, you would only draft the Legal Argument and Conclusion sections (*not* the Case Caption, Statement of the Case, and Statement of Facts sections). Don't make any assumptions about the instructions, as you don't waste time drafting an "omitted" section or conversely not include a required section.

MPT TIP

Tips for Drafting a Persuasive Brief

Here is a quick checklist of tips to keep in mind when drafting a Persuasive Brief:

- Write in a *persuasive* tone.
- Present facts in the *best possible light* for the client… and DON'T ignore negative facts.
- Follow the instructions on what sections to *include* or *omit*.
- Write *persuasive*, *compelling*, and *carefully crafted* point headings.
- Don't make conclusory statements as arguments… instead each argument should analyze applicable legal authority and persuasively argue how both the facts and the law support the client's position.
- DON'T prepare a table of contents, a table of cases, or an index (*unless* instructed otherwise).
- Emphasize *supporting* legal authority, and distinguish *unfavorable* legal authority.

For a more detailed explanation of the tips above, see Chapter 10 of this guide.

Sample Sections – Persuasive Brief

Case Caption EXAMPLE:

[For the top formatting, use a *Case Caption format* (e.g. Court, Names of Parties).]

State of Franklin
District Court of Oak County

In the Matter of the Petition of
Don and Frances Loden
For Guardianship and Temporary Custody of
Will Fox, a minor (DOB 1/3/03)

Document Title EXAMPLE:

[The title of your Brief (e.g. Defendant's Brief in Support of Motion to Transfer).]

Brief in Support of the Motion to Transfer Case to Blackhawk Tribal Court

Statement of the Case EXAMPLE:

[A short one-paragraph statement of the: (i) parties, (ii) nature of the case, (iii) matter or issue in dispute, (iv) case posture, and (v) relief requested.]

STATEMENT OF THE CASE

The Petitioners, Don and Frances Loden (the "Lodens"), have filed a Petition for Guardianship and Temporary Placement of Will Fox ("WF"), a minor Indian child, due to the incapacity of WF's only living parent, his father. The Movant, Betty Fox ("Fox"), has filed a motion to transfer the petition to the Blackhawk Tribal Court, under the Indian Child Welfare Act ("ICWA") to determine guardianship and placement, and has filed her own Petition for Guardianship in the Tribal Court. The Lodens object to the transfer, and ask the Court to deny Fox's motion.

MPT DRAFTING TIP

How to Draft a Statement of the Case.

Generally, when told to include a Statement of the Case, you should write a short one paragraph statement of:

1. the ***parties***,
2. the ***nature of the case*** (e.g. complaint for declaratory relief),
3. the ***matter or issue in dispute*** (e.g. lack of jurisdiction),
4. the ***posture of the case***, when needed (e.g. discovery is completed), *and*
5. the client's ***requested relief*** (e.g. grant the motion to dismiss).

(See, February 2013 MPT-2 [*In re Guardianship of Will Fox*], File, Guidelines for Drafting Persuasive Briefs, at ¶ 2).

Note: ALWAYS follow the instructions on *your* MPT, as they may differ for any exam.

Legal Argument EXAMPLE:

[The persuasive arguments on how the law and facts support the client's position.]

ARGUMENT

I. ICWA applies to Ms. Fox's Motion to Transfer because WF is an "Indian Child", Ms. Fox is an "Indian custodian," and because the Lodens seek a "foster care placement" under the statutory definitions.

Under ICWA, a State court proceeding for the "foster care placement" of an "Indian child" not currently residing or domiciled within the reservation of the child's tribe shall be transferred to the jurisdiction of the Tribe upon petition of the "Indian custodian" and absent objection of either parent, or "good cause" against such transfer, in a "foster care placement" case.

A. "Indian Child" and "Indian Custodian" Defined

ICWA defines an "Indian child" as any minor person who is, as is relevant here, a member of an Indian tribe. The letter from the ICWA Director states that WF is a member of the tribe, and he is 10 years old. Accordingly, WF is an "Indian child" covered under ICWA.

....

II. The Lodens cannot show good cause against transfer because the distance between the Blackhawk Reservation and Melville is not so great as to cause undue hardship to the parties and witnesses.

The law creates a presumption that an action for foster care placement of an Indian child shall be transferred in the absence of good cause to the contrary, and absent the objection of either parent, on the petition of the parent of the Indian custodian or the Indian child's tribe (Section 1911). The burden to show good cause not to transfer is on the party opposing the transfer (Guidelines). In this case, WF is an "Indian child," Ms. Fox is his "Indian custodian," and the Lodens have filed a "foster care placement" action, and so the presumption applies here.

WF's father is incapacitated, and WF's mother is deceased, and so they cannot object to the transfer.

....

Conclusion EXAMPLE:

[A short conclusion of (i) your argument for each legal issue, and (ii) the requested relief.]

CONCLUSION

For the reasons stated above, the District Court of Oak County should order removal of the Petition For Guardianship and Temporary Custody of Will Fox to the Blackhawk Tribal Court as proper pursuant to ICWA requirements.

How to Format a Persuasive Memorandum

On the MPT, a Persuasive Memorandum is similar to a Persuasive Brief... ***except*** you need to:

1. use a ***Memo Caption*** for the top formatting (*instead of* a case caption); and
2. include an ***Introduction*** (*instead of* a Statement of the Case).

Below is a template of the typical Persuasive Memorandum format.

Persuasive Memo Format

MEMORANDUM

To:
From: Examinee
Date:
Re:

Memo Caption

INTRODUCTION

Short Introduction

STATEMENT OF FACTS

Statement of Facts *(only include when instructed)*

DISCUSSION

I. Point Heading

A. Sub-Heading

B. Sub-Heading

II. Point Heading

III. Point Heading

Legal Argument with persuasive Point Headings *(include sub-headings as needed)*

CONCLUSION

Short Conclusion

For a Persuasive Memorandum, apply the same Tips as a Persuasive Brief (see above).

NOTE: Sometimes you will be asked to draft a Persuasive Memorandum or Brief in a "letter" format.[45] For those MPT's, draft the assignment the same way you would for a typical Persuasive Brief or Memorandum assignment, except use top & bottom formatting for a letter (see Chapters 13 & 14 of this guide).

[45] See, July 2005 MPT-2 (*In re Brigham*), Task Memorandum, at ¶ 2-3. See also, July 2000 MPT-1 (*March v. Betts*), Task Memorandum, at ¶ 2-3.

Chapter 13

MPT TEMPLATE: HOW TO FORMAT AN OPINION LETTER

What You'll Learn:

- Format & Structure of an Opinion Letter… with MPT Template
- Tips for Drafting an Opinion Letter
- Sample Sections of an Opinion Letter MPT Assignment

Structure of an Opinion Letter

On the MPT, an Opinion Letter typically has the following structure:

1. **Heading *(only include when instructed)*** – For the top formatting, use a typical business letter Heading format (e.g. sender contact info, recipient contact info, date, and subject line).
2. **Salutation** – The greeting with the recipient's name (e.g. Dear Ms. Smith).
3. **Introduction** – A short one-paragraph statement of the *purpose* of the letter.
4. **Statement of Facts *(only include when instructed)*** – A short statement of the relevant facts.
5. **Body (*Heading, Question, Short Answer, & Legal Analysis… for each issue*)** – For *each issue* include a heading, state the question or issue, provide a short answer to the question stating your opinion, and then perform the detailed legal analysis.
6. **Conclusion** – A short conclusion that gives an opinion or recommendation concerning the legal issues for the problem assigned.
7. **Signature Block** – For the bottom formatting, use a typical business letter *Signature Block format*: (i) a closing (e.g. "Sincerely" or "Very truly yours"), and (ii) the sender's name.

NOTE: The content of an Opinion Letter is very similar to an Objective Memorandum, except in this case you will need to use a business letter format.

How to Format an Opinion Letter

Below is a template of the Opinion Letter format.

Opinion Letter Format

Firm Name
Address Line 1
Address Line 2

Sender

Date

Name
Person's Title *(if applicable)*
Company / Firm Name
Address Line 1
Address Line 2

Recipient

Letter Heading

Re: *Subject of Letter*

Dear *(Mr. or Mrs. Smith)* :

Salutation

Introduction

Statement of Facts

Short Statement of Facts *(only include when instructed)*

Heading

Heading

Heading

Body of Letter *(legal analysis with headings)*

Conclusion

Short Conclusion

Sincerely,
Name of Attorney

Signature Block

NOTE: Remember to ALWAYS follow the Task Memorandum & Drafting Instructions and carefully check what sections to *include* or *omit*. The bar examiners could change a typical MPT format at their discretion, so be careful not to make any assumptions.

MPT TIP

Tips for Drafting an Opinion Letter

Here is a quick checklist of tips to keep in mind when drafting an Opinion Letter:

- Write in an *objective* tone.
- Include a short Introduction.
- DO NOT include a separate Statement of Facts *unless instructed*. Opinion Letter MPT assignments have differed on whether a separate facts section was required. Most have *not* asked for a separate facts section. (See, e.g., July 2015 MPT-2, "Do not separately state the facts, but include the relevant facts in support of your legal analysis…"). However, some MPT's have asked for only a brief or short statement of facts. (See, e.g., July 2005 MPT-1, "Write a brief statement of the facts relevant to the question.").
- Unless instructed otherwise, for *each issue* include: (i) a heading, (ii) state the question or issue, (iii) provide a short answer to the question stating your opinion, and (iv) then perform the detailed legal analysis.
- Use headings and sub-headings in the Body section… and write them in a neutral tone. Headings *do not* need to be a complete sentence.
- Include *citations* to legal authorities.
- Make a conclusion for each question or issue.
- Write in a way that a *non-lawyer* can understand by using language appropriate to the client's level of sophistication, defining any legal terms used, and writing in a way that allows the client to follow your reasoning and the logic of your conclusions.
- For the Letter Heading, Salutation, & Signature Block… information should be found in the File for each item. The client's name will be in the Task Memorandum. The client's address is sometimes provided in the File. If it's not provided, then leave that portion blank. For the Signature Block, the firm and supervising lawyer's name/title is usually found in the Task Memorandum.

For a more detailed explanation of the tips above, see Chapter 10 of this guide.

Sample Sections – Opinion Letter

Heading EXAMPLE:
[For the top formatting, use a typical business letter Heading format (e.g. sender contact info, recipient contact info, date, and subject line).]

Anders, Davis & Waters
Attorneys at Law
6241 Lowell Street
Franklin City, Franklin 33205

July 28, 2015

Bryan Carr
6226 Lake Drive
Franklin City, FR 33244

Re: Credit Card Purchase Liabilities

***Salutation EXAMPLE*:**
[The greeting with the recipient's name (e.g. Dear Ms. Smith).]

Dear Bryan:

Introduction EXAMPLE:
[A short one-paragraph statement of the *purpose* of the letter.]

We spoke on July 24, 2015 regarding charges on your Acme Bank credit card made by your father, Henry, both with and without your authorization. You asked me to determine whether Acme Bank can hold you responsible for all of the charges your father made to your card. After reviewing the applicable law concerning unauthorized credit card charges, I have concluded that you will probably be responsible for paying the charges from March, April, and May (as discussed in more detail below). However, we will likely be able to establish that you are not responsible for all but $50 of the $1,200 your father charged to your card in June.

Body EXAMPLE:
[For *each issue* include a heading, state the question or issue, provide a short answer to the question stating your opinion, and then perform the detailed legal analysis.]

1) Are you required to pay the $1,850 charged to your credit card in March?

Yes, you will likely be responsible for the $1,850 your father charged to your Acme card in March.

Under the Federal Truth in Lending Act, a cardholder can only be excused from a charge to the cardholder's card if (1) the charge exceeds $50, and (2) is "unauthorized," meaning that the person using the card has no authority from the cardholder to use the card. 15 U.S.C. §§ 1602(o), 1643(a)(1), (d).

Authority comes in a variety of flavors. Relevant to the March charges is what is called "actual authority." A person, acting as an "agent," has "actual authority" to take an act on behalf of another, serving as the "principal" over the "agent," if the agent reasonably believes that the principal wants the agent to take that act. Restatement (Third) of Agency § 2.01. The Franklin Court of Appeal has explained that a principal creates "actual authority" for another to act in his place by expressing to the agent that you consent to the "particular transactions" in question. *BAK Aviation Systems, Inc.* (2007) (citing Restatement (Third) of Agency §3.01).

In other words, your father had "actual authority" to charge $1,850 to your Acme card in March because you specifically authorized your father to use your card to pay for those repairs and you set no limit on the amount you would pay towards those repairs (even though you thought they would only total $1,500). Because you told your father to use your card to pay "whatever it cost," as you said to me on the phone last week, he could reasonably believe that you authorized him to pay the bill no matter the amount. Therefore, under the Federal Truth in Lending Act, the March charge was not "unauthorized," as you told your father he could make it. For these reasons Acme will be able to hold you responsible for these charges.

MPT DRAFTING TIP

How to Draft the Body of an Opinion Letter.

Most MPT's have instructed examinees to draft the body of an opinion letter as follows:

1. ***Question*** – state the question or issue,
2. ***Short Answer*** – provide a short answer to the question stating your opinion, and
3. ***Legal Analysis*** – a detailed analysis of the legal issues, including how the applicable law and relevant facts lead to your answer.

Each issue should be discussed *separately* using the above format. Make sure to use headings to separate each issue.

Note: ALWAYS follow the instructions on your MPT, as they may differ on your exam.

Conclusion EXAMPLE:

[A short conclusion that gives an opinion or recommendation concerning the legal issues for the problem assigned.]

In summary, I believe that you will be able to claim protection under the Truth in Lending Act for the purchase of the power tools. You will be liable for the minimum amount of $50. However, you will not receive protection for the purchases made by your father at the bookstore, grocery store, or gas station, as he had authority (or at least apparent authority) to make those purchases. If you have any further questions, please feel free to contact me.

Signature Block EXAMPLE:

[For the bottom formatting, use a typical business letter *Signature Block format*: (i) a closing (e.g. "Sincerely" or "Very truly yours"), and (ii) the sender's name.]

Sincerely,

Miles Anders

Chapter 14

MPT TEMPLATE: HOW TO FORMAT A PERSUASIVE / DEMAND LETTER

What You'll Learn:

- Structure of a Persuasive Letter
- Structure of a Demand Letter
- Format of a Persuasive / Demand Letter… with MPT Template
- Tips for Drafting Persuasive & Demand Letters
- Sample Sections of a Persuasive / Demand Letter MPT Assignment

Structure of a Persuasive Letter

On the MPT, a Persuasive Letter typically has the following structure:

1. **Heading *(only include when instructed)*** – For the top formatting, use a typical business letter Heading format (e.g. sender contact info, recipient contact info, date, and subject line).
2. **Salutation** – The greeting with the recipient's name (e.g. Dear Ms. Smith).
3. **Introduction** – A short one-paragraph statement indicating (i) that the *lawyer represents the client* in the present matter, and (ii) the *purpose* of the letter.
4. **Statement of Facts *(only include when instructed)*** – A short persuasive statement of facts.
5. **Body (*with headings*)** – A thorough legal analysis of the bases for the client's claims (in a persuasive tone with headings for each issue and sub-issue).
6. **Conclusion, *plus* a Specific Request** – A short conclusion of your argument, plus the specific request.
7. **Signature Block** – For the bottom formatting, use a typical business letter *Signature Block format*: (i) a closing (e.g. "Sincerely" or "Very truly yours"), and (ii) the sender's name.

Structure of a Demand Letter

A Demand Letter is very similar to a Persuasive Letter… *except* that you'll be making a ***specific settlement demand*** at the end of the letter.

This demand should be included in the Conclusion paragraph.

Unless otherwise instructed, the **demand paragraph** should include:

- A specific ***settlement demand or amount*** (instructions are usually provided for how derive at an amount or you will be told to leave it blank);
- A ***deadline*** by which the other party must comply (usually one or two weeks); *and*
- The ***consequences for failing to comply*** by the deadline, including the risks of litigation for the opposing party.[46]

How to Format a Persuasive / Demand Letter

Below is a template of the typical Persuasive/Demand Letter format.

[46] See, February 2016 MPT-2 (*Miller v. Trapp*), Point Sheet, at § I(A).

Persuasive/Demand Letter Format

Firm Name
Address Line 1
Address Line 2

Sender

Date

Name
Person's Title *(if applicable)*
Company / Firm Name
Address Line 1
Address Line 2

Recipient

Re: *Subject of Letter*

Letter Heading

Dear *(Mr. or Mrs. Smith)* :

Salutation

Introduction *(that lawyer represents client + purpose of letter)*

Statement of Facts

Short Statement of Facts *(only include when instructed)*

Heading

Heading

Heading

Body of Letter *(legal argument with headings)*

Conclusion

Short Conclusion + Specific Request *or* Settlement Demand

Sincerely,
Name of Attorney

Signature Block

NOTE: Remember to ALWAYS follow the Task Memorandum & Drafting Instructions and carefully check what sections to *include* or *omit*. The bar examiners could change a typical MPT format at their discretion, so be careful not to make any assumptions.

MPT TIP

Tips for Drafting a Persuasive Letter

Here is a quick checklist of tips to keep in mind when drafting a Persuasive Letter:

- Write in a *persuasive* tone.
- Present facts in the *best possible light* for the client… and DON'T ignore negative facts.
- Follow the instructions on what sections to *include* or *omit*.
- Include a short Introduction.
- DO NOT include a separate Statement of Facts *unless* instructed.
- Use headings and sub-headings in the Body section… and write them in a persuasive tone. Headings *do not* need to be a complete sentence.
- Use IRAC in the Body section… and include citations to legal authorities.
- Don't make conclusory statements as arguments… instead each argument should analyze applicable legal authority and persuasively argue how both the facts and the law support the client's position.
- Emphasize *supporting* legal authority, and distinguish *unfavorable* legal authority.
- If the recipient is a *non-lawyer*, write in a way that a non-lawyer can understand – use language appropriate to the recipient's level of sophistication, define any legal terms used, and write in a way that allows the recipient to follow your reasoning and the logic of your conclusions.
- For the Letter Heading, Salutation, & Signature Block… information should be found in the File for each item.

For a more detailed explanation of the tips above, see Chapter 10 of this guide.

MPT TIP

Additional Tips for Drafting a Demand Letter

For a Demand Letter MPT, the same tips as a Persuasive Letter apply. However, below are some additional tips applicable only to Demand Letters.

When drafting a Demand Letter, you should:

- **Leave room to negotiate the demand amount, but don't make it outrageous**. When asked to include the demand amount (especially for an opening demand): Make sure it's *not* so high as to be outrageous, but it should be high enough so that it leaves room to negotiate. It must also be based on a rational construct, justified by the law and the facts of the case. (See, July 1999 MPT-2 [*Kantor v. Bellows*], Point Sheet, at § "4. The Demand.").

- **Avoid inflammatory and combative language**. If the goal of the Demand Letter is to reach settlement, then avoid inflammatory, combative language. "The letter should suggest a willingness to negotiate and expressly invite a response." You want to be persuasive, not confrontational. (See, February 2002 MPT-2 [*In re Madert*], Point Sheet, at § I.; see also, July 1999 MPT-2 [*Kantor v. Bellows*], Point Sheet, at § "4. The Demand.").

- **Make the demand *specific***. The demand on the other party must be specific. The Task Memorandum usually tells you the precise demand or request of the recipient (e.g. settlement amount, refrain from acting in a specific way).

Sample Sections – Persuasive / Demand Letters

Heading EXAMPLE:
[For the top formatting, use a typical business letter Heading format (e.g. sender contact info, recipient contact info, date, and subject line).]

BURTON AND FINES LLC
Attorneys at Law
963 N. Oak Street
Swansea, Franklin 33594

July 31, 2014

Mr. Steven Glenn
Vice President, Human Resources
Signs Inc.

Re: Linda Duram FMLA Matter

Salutation EXAMPLE:
[The greeting with the recipient's name (e.g. Dear Ms. Smith).]

Dear Mr. Glenn:

Introduction EXAMPLE:
[A short one-paragraph statement indicating (i) that the *lawyer represents the client* in the present matter, and (ii) the *purpose* of the letter.]

Our office has been retained by Ms. Linda Duram, on whose behalf I write to you today. I am writing to request that Signs Inc. reverse its decision denying Ms. Duram leave under the Family and Medical Leave Act ("FMLA") and retract its decision to place Ms. Duram on probation and the threat of termination. I am confident that this letter will persuade you that Ms. Duram was entitled to FMLA leave because her grandmother qualifies as a parent with a serious medical condition, Ms. Duram actually cared for her during the 5-day trip, and she provided the requisite notice to Signs Inc.

Statement of Facts EXAMPLE:
[A short persuasive statement of facts.]

Congress enacted the FMLA in order to balance the demands of the workplace with the needs of families by creating a right for employees to take unpaid leave to care for a parent who has a serious health condition. Ms. Duram is a full-time employee at Signs. Inc. thereby making her a covered employee under the FMLA. As you know, Ms. Duram requested leave on July 7, 2014 in order to care for her grandmother while traveling to her sister's funeral. Ms. Duram notified you immediately upon learning that she would require a 5-day leave, which was necessary because Ms. Duram cares for her grandmother who is too ill to care for herself. Ms. Duram had no choice but to take the 5-day leave despite Signs Inc.'s improper denial on July 7, 2014.

Body EXAMPLE:
[A thorough legal analysis of the bases for the client's claims (in a persuasive tone with headings for each issue and sub-issue).]

1. The FMLA applies as Ms. Duram's grandmother stood "in loco parentis"

The FMLA applies to Ms. Duram's grandmother in this situation because her grandmother stood in loco parentis to Ms. Duram. (29 U.S.C. § 2611). Although the FMLA does not define the term "in loco parentis," pursuant to the laws of the State of Franklin, the term refers to a person who holds himself out as a lawful parent by assuming typical parental obligations with respect to the child, but does not formalize the relationship through legal proceedings such as adoption or custody. *Carson v. Houser Manufacturing, Inc.* (15th Cir. 2013). In determining whether someone stands in loco parentis, the court may consider the child's age, degree of dependence, or the amount of support provided to her. For example, in *Phillips v. Franklin City Park District* (Fr. Ct. App. 2006), the court found that a grandfather stood in loco parentis to his grandson for whom the grandfather had provided a home from the age of four as well as financial support, attending school conferences and the like. This was sufficient even though the grandson's mother was alive and did not relinquish her parental rights.

At the outset, the situation at bar is unlike the case of *Carson v. Houser Manufacturing, Inc.* where the grandson never lived with the grandfather and the grandfather's support amounted to merely that of a typical grandparent – attending graduation and providing moral support and financial support during college.

Here, Ms. Duram's grandmother, Emma Batson, along with her husband, raised Ms. Duram and her brother since the age of six due to their parents' substance abuse problem. Ms. Duram's parents were in and out of jail and rehab during which time she and her brother lived with the Batsons. When Ms. Duram's parents were present, they lived with

Ms. Duram and her brother in the Batson's home and the Batsons were the primary caregivers. The Batsons provided Ms. Duram with food, clothing, shelter, drove her to doctor appointments, helped her with her homework after school, attended after school activities, and loaned her money for a car to travel to and from college. Emma Batson was more than a grandmother; she took on the role of a mother and therefore qualifies as a parent even though she not did formalize the relationship through adoption of custody proceedings.

Therefore, Emma Batson is Ms. Duram's "Parent" for purposes of the FMLA.

Conclusion, plus a Specific Request (for a Persuasive Letter) EXAMPLE:

[For a general Persuasive Letter, include a short conclusion of your argument, plus the specific request.]

In light of the foregoing, we respectfully request that Signs Inc. immediately reverse its decision denying Ms. Duram FMLA leave and retract its decision to place Ms. Duram on probation with the threat of termination.

Conclusion, plus a Settlement Demand (for a Demand Letter) EXAMPLE:

[For Demand Letters, include a short conclusion of your argument, plus a settlement demand.]

As discussed above, your client faces significant liability. As such, we hereby demand that Mr. Trapp pay $50,000 in damages no later than March 1, 2016. If Mr. Trapp fails to comply with this demand by such date, Ms. Miller is prepared to exercise all legal remedies available to her, including litigation against Mr. Trapp.

Signature Block EXAMPLE:

[For the bottom formatting, use a typical business letter *Signature Block format*: (i) a closing (e.g. “Sincerely” or “Very truly yours”), and (ii) the sender’s name.]

Sincerely,

Henry Fines

Chapter 15

HOW TO FORMAT THE OTHER "UNCOMMON" MPT TASKS

What You'll Learn:

- How to Format the Other "Uncommon" MPT Tasks
- The Uncommon MPT Assignments tested to date… with easy reference chart

How to Format the Other *Uncommon* MPT Drafting Tasks

Every once in a while, the MPT has asked examinees to draft what we call an "uncommon" task. Although, these are *new* or *rarely tested* tasks, there's no reason to worry about them.

In the past, **anytime an "uncommon" Task was tested, it ALWAYS included *clear formatting and drafting instructions* (including templates or samples)**.[47] This is so all examinees will be on a level playing field for the exam.

However, you do not want to be caught off guard if such a Task shows up on your exam, especially if it has been tested before.

That's why we suggest **reviewing the Task Memorandum and Drafting Guidelines Memo for *every* "uncommon" MPT Task tested to date**. Each will provide you with the past formatting, so you'll be more prepared and can get comfortable working with different types of assignments.

Below you will find a chart of the "uncommon" MPT assignments:

[47] For example, on the February 2017 MPT-2, examinees were asked to draft "Findings of Fact & Conclusions of Law" for the first time. In the File, the examiners provided a separate two-page memo with the law firm's "guidelines on drafting proposed Findings of Fact and Conclusions of Law." This document included clear drafting instructions, and even good and bad examples on how draft the assignment. See, February 2017 MPT-2 (*In re Guardianship of Henry King*), Office Memorandum re: "Preparation of proposed Findings of Fact and Conclusions of Law."

"Uncommon" MPT Task	MPT Exam	MPT Name
Draft Agreement/Contract[48]	July 2018 (MPT-2)	*Rugby Owners & Players Association*
Draft Agreement/Contract[49]	July 2013 (MPT-2)	*Palindrome Recording Contract*
Draft Agreement/Contract[50]	July 2011 (MPT-1)	*In re Field Hogs, Inc.*
Draft Causes of Action[51]	July 2008 (MPT-2)	*Williams v. A-1 Automotive Center*
Draft Closing Argument[52]	Feb. 2020 (MPT-2)	*In re Eli Doran*
Draft Closing Argument[53]	Feb. 2011 (MPT-1)	*Butler v. Hill*
Draft Closing Argument[54]	Feb. 2002 (MPT-3)	*Whitford v. Newberry Middle School District*
Draft Findings of Fact & Conclusions of Law[55]	Feb. 2017 (MPT-2)	*In re Guardianship of King*
Draft Interrogatories[56]	July 2000 (MPT-2)	*Pauling v. Del-Rey Wood Products Co.*
Draft Will[57]	July 2002 (MPT-2)	*In re Al Merton*
Draft Will[58]	July 1999 (MPT-3)	*In re Emily Dunn*
Early Dispute Resolution (EDR) Statement[59]	Feb. 2010 (MPT-2)	*Logan v. Rios*

[48] July 2018 (MPT-2): Re-draft Articles of Association for Joint Venture + Explain Reasoning.
[49] July 2013 (MPT-2): Re-draft Provisions of a Rock Band's Recording Contract + Explain Reasoning/Complications.
[50] July 2011 (MPT-1): Re-draft Arbitration Clause + Draft Objective Memorandum.
[51] July 2008 (MPT-2): Draft Causes of Action for Fraud + Draft Objective Memorandum.
[52] Feb. 2020 (MPT-2): Draft "Written" Closing Argument to the Court (persuasive assignment).
[53] Feb. 2011 (MPT-1): Persuasive Closing Argument + Draft Objective Memorandum.
[54] Feb. 2002 (MPT-3): Draft Closing Argument to the Court with a Persuasive & Compelling Presentation.
[55] Feb. 2017 (MPT-2): Instructions state to draft assignment in a persuasive way, but without being explicitly argumentative.
[56] July 2000 (MPT-2): Draft Interrogatories + Short Explanation of How Each Will Serve Intended Purpose.
[57] July 2002 (MPT-2): Draft Will Provisions + Explain Reasoning.
[58] July 1999 (MPT-3): Draft Will Provisions + Explain Reasoning.
[59] Feb. 2010 (MPT-2): Early Dispute Resolution (EDR) Statement to EDR Judge. Instructions stated to candidly discuss the strengths & weaknesses of the case. This MPT is included in the "Objective Memorandum" category.

"Uncommon" MPT Task	MPT Exam	MPT Name
Objective "Bench Memorandum"[60]	July 2012 (MPT-1)	*State of Franklin v. Soper*
Persuasive "Leave Behind" Memorandum[61]	Feb. 2012 (MPT-1)	*Franklin Resale Royalties Legislation*
Persuasive "Mediation Statement" in a Letter Format[62]	July 2000 (MPT-1)	*March v. Betts*

All of the MPT's listed above are included in our MPT Practice Materials. Some of the above MPT's can also be downloaded for free on the NCBE website (see the download links in Chapter 8 of this guide).

Once downloaded, you will find instructions with samples and templates to use as your guide for formatting the uncommon tasks.

Again, we recommend simply reviewing the MPT's above to get familiar with the formatting so as not to get rattled on the test day (if you happen to receive one on your MPT).

[60] July 2012 (MPT-1): Objective Bench Memorandum. This MPT is included in the "Objective Memorandum" category.
[61] Feb. 2012 (MPT-1): Persuasive "Leave-Behind" Document. This MPT is included in the "Persuasive Memorandum" category.
[62] July 2000 (MPT-1): Persuasive "Mediation Statement" in a letter format. This MPT is included in the "Persuasive Letter" category.

Chapter 16

WHAT'S NEXT?

Congratulations! You've completed The Smart Guide to the MPT, which means you now really understand how the MPT works, how to review the File & Library, and most importantly how to tackle an MPT question effectively to maximize your 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 ***practice***... both reviewing past MPT's and drafting practice answers. That's it!

We hope you found this guide useful. If you have any questions or have your own MPT tips to share, please reach out to us.

Best of luck on the upcoming bar exam!

Cheers,

Matthew Bates
Creator, SmartBarPrep

"If you don't practice, you don't deserve to win."
– Andre Agassi (Professional Tennis Player, born April 29, 1970)

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

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FOR EVERY STAGE OF BAR PREP

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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.

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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

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08 | EVIDENCE

Smart Blocks Sample Page

SmartBarPrep

DEFINITIONS

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

A. Probative Value

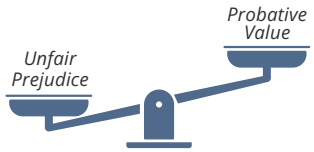
Is the evidence relevant?
Should it be excluded under Rule 403?

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