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GET YOUR HEAD IN THE GAME: GAMIFYING THE BAR EXAMINATION

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GET YOUR HEAD IN THE GAME: GAMIFYING THE BAR EXAMINATION

*By Donald E. Campbell**

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I. INTRODUCTION

During a recent administration of the bar examination, I observed the following: a student who had a child ten days before the exam passed; a student on law review failed; a student whose predictors indicated he should fail the bar exam passed; two students who were in the library every day studying failed. Even though these folks were all taking the same exam, their outcomes varied dramatically, and there did not seem to be a common variable that predicted whether they would pass or fail. My first inclination was to throw up my hands in frustration and chalk it up to the fact that every student's situation is unique.

I was satisfied to shrug and mutter, "what can you do?," until I came across a podcast on Coach Nick Saban.¹ Saban is a successful college football coach at the University of Alabama.² As I listened to the podcast, I realized that the bar exam experience is very similar to a football team's preparation for a championship game. The stakes are high, the preparation is intense and condensed, each individual bar taker will either win (pass) or lose (fail), and there are points assigned based on how well the performer does.

I wondered whether the tools that assist championship teams could also assist bar takers in their quest to pass the bar examination. Thinking back to the students who passed the bar exam when statistics or circumstances predicted they would not and to those who failed even though all outside indicators pointed to them passing, I realized there *was* something that the passers and the failers (unfortunately) had in common, but it was not predictors or grades. The passers dedicated themselves to a process to pass the bar. They not only studied, they studied the right way. For those who failed the bar exam, there was inevitably something missing—it could have been time spent on the bar exam or it might have been the failure to be in the right state of mind as they were studying.

My goal in this article is to draw from sports psychology and Coach Saban's idea of "The Process" to help those taking (or retaking) the bar exam reach their full potential and pass. Success on the bar exam requires dedication and the right state of mind. I hope this article helps bar takers get in the passing mindset by giving some concrete steps to enhance study habits. To do this, Part I discusses how sports psychology

¹ See James Andrew Miller, *Origins: House of Saban*, STITCHER (Aug. 7, 2018), <https://www.stitcher.com/podcast/cadence13/origins-with-james-andrew-miller/e/55687004>.

² Saban has won five national championship titles in college football: 2003 (Louisiana State University); 2009, 2011, 2012, and 2016.

is relevant to bar exam prep. Part II, the central portion of the article, describes the elements of the Process and how they relate to bar prep. Part III discusses how college athletes are different from those taking a bar examination and how developing self-discipline is crucial to bar exam success. Part IV emphasizes the importance of keeping life in balance while committing to the Process.

II. MENTAL TRAINING FOR THE BAR EXAMINATION

Before setting out the Process itself, it is worth taking a minute to think about the end result. If you follow the steps set out below, you are engaged in a two-and-a-half month intense mental training session. If you engaged in a physical training session lasting that long, what would you expect to see? If you are committed, you would expect to see increased muscle mass and/or weight loss depending on the goal: in short, you would expect noticeable improvements. The reality is different for those studying for the bar exam. Bar exam preparation is mental training. The problem is that exercising the brain does not show the observable positive results that physical exertion does. It is undeniable, however, that exercising the brain increases mental faculties and helps process information faster and more reliably.³

To demonstrate how the brain can change with mental training, consider the classic study of cab drivers in London, England. London streets are notoriously difficult to navigate with nearly 25,000 streets within the tested area, and the exam to become a cab driver in London is considered one of the most difficult in the world. A neuroscientist at University College London performed a series of tests on the brains of cab drivers that passed the test. The results were astonishing: the size of the posterior hippocampus in the brains of the taxi drivers was significantly larger than in those that had not taken the test.⁴ Studies like this demonstrate that the human brain (just like other parts of the anatomy) change in response to intense training:

You can think about the posterior hippocampi of a London taxi driver as the neural equivalent of the massively developed arms and shoulders of a male gymnast. Years of work on the rings and pommel horse and parallel bars and floor exercises have built muscles that are exquisitely suited

³ ANDERS ERICSSON & ROBERT POOL, PEAK: SECRETS FROM THE NEW SCIENCE OF EXPERTISE 27 (2016).

⁴ *Id.* at 27-33.

for the sorts of movements he performs on those different pieces of apparatus – and, indeed, that make it possible for him to do all sorts of gymnastics moves that were simply not within his reach when he began training. The posterior hippocampi of the taxi drivers are equally “bulked up,” but with brain tissue, not muscle fiber.⁵

Throughout preparation for the bar exam, exam takers are “bulking up” the brain so that on competition day they are prepared to perform their best. Through practice that pushes and exercises, “the brain adapts to these challenges by rewiring itself in ways that increase its ability to carry out the functions required by the challenges.”⁶

In conclusion, you should keep this in mind as you study: the goal is to bulk up the mental tissue even if you cannot tell that it is happening. As long as you engage in dedicated study, you are getting mentally stronger. If you do the heavy work leading up to the exam, you can be confident that on test day you will be able to execute at a high level.

III. THE PROCESS

According to Coach Saban, he developed the “Process” during his tenure as the head coach at Michigan State, specifically when Michigan State came from behind and beat a heavily favored Ohio State team.⁷ From that point on, Saban’s success has been based on a laser-focused dedication to the Process. Since those early days, Saban has refined the Process and has rooted it in sports psychology and cognitive therapy (developed in consultation with a psychiatry professor). Here is how Saban defines the core concepts of the Process:

The Process is really what you have to do day in and day out to be successful. We try to define the standard that we want everybody to sort of work toward, adhere to, and do it on a consistent basis. And the things that I talked about before, being responsible for your own self-determination, having a

⁵ *Id.* at 32-33.

⁶ *Id.* at 45.

⁷ Doug Samuels, *Nick Saban Breaks Down What “The Process” really is, and where his belief in it began*, FOOTBALL SCOOP (Jan. 31, 2018), <https://football.scoop.com/news/nick-saban-breaks-process-really-belief-began/> (“There’s probably one really memorable game that sort of almost changed the whole dynamics that changed the psychological approach that we use to motivate teams, and it happened when we played Ohio State in 1998.”).

positive attitude, having a great work ethic, having discipline to be able to execute on a consistent basis. Whatever it is you're trying to do, those are the things that we try to focus on, and we don't try to focus as much on the outcomes as we do on being all that you can be.⁸

Though the Process has a proven track record of success, there is some bad news. Doing what it takes to follow the Process is hard work and requires sacrifice. It is not always fun. Further, and more importantly, it goes against human nature. Humans tend to be satisfied with complacency—doing just what has to be done to get by and relaxing after even the smallest bit of success.⁹ The key to the Process is developing the tools necessary to overcome this state and find the motivation and discipline to do what it takes to find success—including passing the bar exam.

To move the discussion from sports to the bar exam, the thesis of this article is as follows: bar exam takers who dedicate themselves to the core concepts of the Process can greatly improve their chances of passing. If the bad news is that the Process is hard work, the good news is that those who commit to it for approximately seventy-five days will have put themselves in the best position possible to pass.

The Process can be distilled into seven core principles:

A. Have a Vision for the Goals You Want to Achieve

In a sense, this principle is the easiest to satisfy. The ultimate goal is to pass the bar examination and obtain a law license. All actions that you take will be directed toward this goal. You should also be strategic in the way that you approach the bar exam. The goal is to get enough points to pass. Familiarize yourself with how many points are assigned to each section of the bar exam. Understand what sections are given more weight than others. Keep those statistics in mind as you prepare. Having an understanding of how the test is graded does not mean that you are going to study less in those areas, but it does mean that you are going into preparation with a full understanding of where the points are that you need to pass.

⁸ Patrick Zeis, *Nick Saban's Process: A Methodical Grind Towards Greatness*, BALANCED ACHIEVEMENT (Jan. 19, 2018), <https://www.balancedachievement.com/psychology/nick-sabans-process/>.

⁹ *Nick Saban Speech: 2016 Car Biz Today Keynote Speaker*, YOUTUBE (Feb. 2016), https://www.youtube.com/watch?v=fHiT_oGjXoo.

B. Have a Defined Process for Achieving the Goal

There must be a defined set of objectives you need to satisfy to achieve success. For the bar exam, you first need to know exactly what sections the test consists of. For example, in Uniform Bar Examination (UBE) jurisdictions, the primary sections are: the Multistate Performance Test (MPT), the Multistate Essay Examination (MEE), and the Multistate Bar Examination (MBE). Non-UBE states have their own requirements, and some UBE states have a state-specific section in addition to the multistate sections.

There are several bar-preparation companies that have developed plans for bar preparation. These companies have studied bar exams for many years and provide several advantages to a bar exam taker: (1) they have studied the content of the bar exam over a number of years and can focus study on the most tested areas; (2) they have developed practice questions that can prepare you for what the bar exam will actually look like; and (3) they have study schedules that are geared toward making sure that you cover all of the material before the date of the bar exam. There is no doubt in my mind that someone taking the bar exam should sign up for one of these courses; they give you an established and tested structure for completing study within the condensed time that you have and are essential to any bar taker's success.

C. Have the Discipline to Execute Every Day

Discipline is the most crucial and most difficult element of the Process. You do not succeed on the bar exam the day of the test—your success comes during the preparation period.¹⁰ What does it mean to have discipline? I am sure that all law students believe they have the necessary discipline—after all, everyone taking the bar exam has completed three years of law school. However, discipline (or self-discipline) has a very specific meaning here. When it comes time to make a decision, you must choose between something that you know you are *supposed* to do (but do not want to do) and something you *want* to do (but are not supposed to do). Choosing the thing that you are *supposed* to do is discipline.

The importance of discipline is not theoretical. Barbri, one of the

¹⁰ NICK SABAN, HOW GOOD DO YOU WANT TO BE?: A CHAMPION'S TIPS ON HOW TO LEAD AND SUCCEED AT WORK AND IN LIFE 5-6 (2007). Saban makes this point about the 2003 BCS championship LSU team. He says that the championship game was not won the night of the game, but a year earlier when the team made a commitment to improving.

oldest bar-prep companies, collects data based on those who pass and those who fail the bar exam using the Barbri course. Consider the data from those who took the bar exam in Summer 2018.¹¹ On day one of the program, everyone who signed up had the same number of days to prepare and was given similar assignments over the course of the program. By day seven of the program, those who would go on to pass had spent forty-six minutes more per day in preparation than those who would fail, and the failers had already fallen behind by an accumulated seven hours and forty-five minutes of study time. By day twenty-one (three weeks in), the passers had spent one hour and eight minutes more per day than those who ultimately did not pass, and the failers had fallen behind an accumulated twenty-two hours and forty-eight minutes. Over the course of the program, the difference between those who passed and those who failed was clear: a difference of one hour and sixteen minutes per day in the amount of study time with an accumulated difference of eighty-five hours and twenty-five minutes (or right at three additional days of study).

I am sure everyone who signed up for the bar exam began with the goal of “doing what it takes” to pass. But what had happened by the seventh day of the prep course that led so many of them to ultimately fail the bar? While it is true that everyone who failed is unique, the data does not lie. These individuals did not execute the discipline every day that was necessary for success. The bar exam is hard—it is the equivalent of the national championship in college, the World Series in baseball, and the Super Bowl in football. The only way to be a champion is to maintain discipline every day until you reach your goal.

Certainly, discipline requires that when you get up in the morning, you choose to study for the bar exam rather than play video games or surf the internet; but discipline is more than that. It is a constantly focused state of mind. For every lecture you listen to or every question you answer, you must ask yourself: do you make the choice to engage in deliberate study or are you content to just go through the motions so you can say you completed that section of the review? The answer to this question is critical. Discipline is not just the decision to “study”; it is the conscious decision to study the right way.

The key takeaway is this: it does not matter what you feel like doing. It does not matter that on a particular day you do not feel like studying. Discipline requires that you ask yourself whether the choices

¹¹ The figures referenced in this section represent a national average of percent of completion of an estimation (in hours) of assigned activities during the bar review course for 19,105 first-time J.D. graduates who took the bar in the summer of 2018 in states that release “pass lists.” Used with permission of Barbri.

you make are contributing to what you ultimately want to accomplish. You must be willing to sacrifice your “wants” or “feelings” and do what you know you are supposed to do to accomplish the goal of passing the bar exam.

D. Commitment and Motivation

When I want to lose weight, the first week is easy; I am disciplined and eat only what is allowed on the diet. In the second week, however, I start to lose my commitment: “what will one extra dessert hurt”; “I’ve done so well I can reward myself”; “I’ve got a lunch meeting and it’s hard to eat right—I’ll get back on the diet tonight.” At each of these points, I was at a crossroads: on one hand was the option to be disciplined and stick with the diet, and on the other was the option to do what I wanted. Undergirding whether I stayed disciplined or gave in was the need for commitment.

Commitment is “dedication to your task . . . an unwavering display of loyalty to the [P]rocess and to achieving the desired result.”¹² The more options you give yourself on a day-to-day basis, the easier it is to break a commitment.¹³ Motivation is the reason you are committed—the purpose behind your sacrifice.¹⁴ It makes commitment a *must* instead of a *should*. What is your motivation? The reason I could not stick with my diet by day five is I was not able to maintain my motivation.

What pushes you to go forward and put in that extra hour of study time even when you do not want to? Is it family, job, pride, money? Identify that conviction before bar prep starts, and draw on it every time you come to a crossroads where you have to decide what to do. Notice that, based on the Barbri statistics, those who ultimately failed the bar exam did not stop studying altogether; they just studied less. Motivation and commitment—and being held accountable—can help you to avoid distraction creep and stay focused on the task at hand.

What distractions are likely to try to drain your motivation and commitment and tempt you to study less than you should? Is it television, phone, computer, video games? Work to create an environment where you can eliminate those distractions. Distractions during your dedicated practice time can be devastating to deliberative practice. Studies have found that it can take up to twenty-three minutes to get fully back on track

¹² SABAN, *supra* note 10, at 33.

¹³ *Id.*

¹⁴ *Id.* at 160 (“Motivation gives you a reason and a passion to do the things you love to do and to push through the things you hate to do.”).

once you are distracted, and disruptions cause the time that you are studying to be more stressful and prone to mistakes.¹⁵ Get in the zone and stay there.

E. Focus Only on the Moment and Let the Outcome Take Care of Itself

It may sound counterintuitive, but the Process requires that you not worry about whether you are going to pass the bar exam. Instead, you should focus on what you are responsible for doing each day. As Nick Saban puts it: “Be where your feet are now.”¹⁶ This means that you should put all of your effort into engaging in deliberate study of the material that you are covering each day. Your goal on a day-by-day basis is to conquer the lecture or questions for that day. Ultimately, the Process takes care of the results—the results do not dictate the Process. This is important, because focusing on the outcome causes you to lose sight of what is really important: mastering the material that you are responsible for in the current moment.

F. Trust the Process

I am convinced that one of the reasons students preparing for the bar exam have such a hard time focusing and engaging in deliberate study is that most have never taken a bar exam before. This is one area that is different from preparing for a sporting event—those players know what game day looks like. The players can understand why they are watching film of the opponent or doing a walkthrough of the game plan. For those who have not taken a bar exam before and do not know what to expect, there can be a sense of “doing enough.” In other words, exam takers may recognize that they could spend more time and effort in studying, but believe it is unnecessary because they are “getting it” well enough. This is a dangerous trap.

It is critical that exam takers approach the bar exam as they approached their first semester of law school: with a sense of wonder and

¹⁵ Brigid Schulte, *Work Interruptions can cost you 6 hours a day. An efficiency expert explains how to avoid them*, WASHINGTON POST (June 1, 2015), <https://www.washingtonpost.com/news/inspired-life/wp/2015/06/01/interruptions-at-work-can-cost-you-up-to-6-hours-a-day-heres-how-to-avoid-them/>; GLORIA MARK, DANIELA GUDITH & ULRICH KLOCKE, *The Cost of Interrupted Work: More Speed and Stress*, PROCEEDINGS OF THE SIGCHI CONFERENCE ON HUMAN FACTORS IN COMPUTING SYSTEMS 107-10 (2008).

¹⁶ Molly Fletcher, *Six Unforgettable Takeaways from Leadercast 2016*, THE MOLLY FLETCHER COMPANY, <https://mollyfletcher.com/takeaways-from-leadercast/>.

humility. Graduating from law school got you to this point, but it is going to take a focused commitment to the exam-prep process to reach the ultimate goal of bar passage. When you get the calendar from the bar prep course that you are using, look at it. What life events do you have going on during that time frame? You should get those moved, cancelled, or addressed before bar prep starts. For those who do not understand why you cannot attend the wedding/shower/birthday, tell them that you are starting bar prep and it is like you are preparing for the championship game in (pick a relevant sport). Your coach (bar prep course) has told you that you have to focus on preparing during that time and you are not available. Those folks who do not understand why you have to “study” so much may have more sympathy when you change the frame to sports.

To reinforce the importance of dedicating yourself to completing your bar prep program, consider some statistics that Barbri has collected over a four-year period. These statistics indicate that approximately ninety-percent of those who complete the Barbri program (and the number is similar for other bar-exam preps studied) passed the bar exam.¹⁷ Barbri correctly cautions that this high number has nothing to do with whether any individual will pass the bar exam. After reading this article, you should see why; those who just spend time going through the motions of preparation are not going to see the results of those who do the work to invest in preparation. Knowing these statistics can give you confidence that even when you do not understand why you are doing certain exercises throughout the course, you are being prepared for the bar exam. In short, you should trust the Process.

G. Have a Plan to Accomplish Your Goal and the Discipline to Follow Through

You know exactly when the bar exam is going to be. If you use a commercial bar-prep course, you know exactly what you are going to be doing every day. Your job is to put that plan into action in a deliberate and disciplined manner. However, your plan needs to include more than just bar prep. You also need to plan for how you are going to maintain discipline on a daily basis. What are you going to eat for lunch? Will you pack your lunch and bring it with you to where you study? Wasted time is not acceptable.¹⁸ Taking a two-hour lunch or spending mental energy every day to determine what you are going to eat is wasting precious time.

¹⁷ *9/10 BARBRI students pass the bar, but we don't care about bar exam pass rates. Here's why.*, BARBRI (Jan. 31, 2021), <https://www.barbri.com/pass-rates/>.

¹⁸ Saban calls this eliminated “clutter.” SABAN, *supra* note 10, at 16.

Nick Saban eats the same thing every day: two Little Debbie Oatmeal Creme Pies for breakfast and a lettuce, turkey, and tomato salad for lunch. He does this to “save the time of deciding what to eat each day.”¹⁹ I am certainly not recommending that menu (especially the Little Debbie’s), but the principle is worth noting: anything that creates a distraction in your preparation or causes you to waste time when you should be studying must be recognized and dealt with early on. You must be able to focus on what is required every day and work to eliminate distractions.²⁰

Here is another point: be willing to change if your initial approach is not working. I am thinking particularly here of study groups. Working together as a group to review material and make sure that everyone in the group understands the material can be a very powerful learning tool. However, it seems that study groups often serve as a justification for not studying or a rationalization for studying less than you should. It is easy to see how groups that spend more time socializing than preparing can have a negative impact, but I want to take it further than that. Groups that spend more time *studying* than *investing time studying* are perhaps even more insidious. Members of these groups have great confidence because they are going through the material. However, group members are not learning the material—they are just reviewing it. As the preparation moves on, members of the group begin to engage in group think, convincing themselves that they either know the material or that it is simply too hard to know and worth skipping because no one else in the group gets it.

Evaluate early on if you are participating in a study group. What are you learning? Is the group focused to the same extent you are? Are you coming away from the group meeting with a deeper understanding of the material (or are you more confused)? If the group is not working, then you owe it to yourself to leave that group. This can be difficult because often times the group will be made up of friends, but your focus and dedication to study requires that you be willing to make a change. If everyone in the group is not focused to the same extent that you are, you should be willing to walk away.²¹

In addition to things you can plan for during your study time, there

¹⁹ Warren St. John, *Nick Saban: Sympathy for the Devil*, G.Q. (Aug. 25, 2013), <https://www.gq.com/story/coach-nick-saban-alabama-maniac>.

²⁰ SABAN, *supra* note 10, at 60.

²¹ *Id.* at 105. Coach Saban compares a group that is not working to a Christmas tree with flickering lights: “When all the lights shine brightly, things can be beautiful... [on a Christmas tree] one flickering light can take away from the beauty of the entire tree. . . . A leader must make sure that all of the lights shine bright, and it is his or her responsibility to take action when one begins to flicker.”

will be things that come up that you did not anticipate. Plan for the unknown. Having a plan to get yourself mentally back on track when adversity arises can be the difference between overcoming adversity and succumbing to failure.

H. Only Worry about the Things that You Can Control

There are things outside of your control in preparing for the bar exam. The amount of material can seem overwhelming, or the length of time that you need to study can seem exhausting. These are distractions. Spend time thinking about what you *can* control: your actions and your emotions.²²

IV. THE PROBLEM OF FREE AGENCY AND THE NEED FOR ACCOUNTABILITY AND SELF-DISCIPLINE

There is one significant difference between the college football players that Nick Saban coaches and students taking the bar exam: opportunities for discipline and accountability. Nick Saban has the ability to hold players accountable for lack of discipline or lack of commitment to the Process. He can counsel the players about falling short of what is expected and motivate players to live up to their potential by withholding playing time or even dismissing a player from the team.

Law professors and those interested in ensuring that our former students pass the bar exam do not have similar methods available to encourage course corrections when we see students failing to follow the Process. We are in the position that Nick Saban was in when he left college to coach the Miami Dolphins at the professional level. Saban's stint in Miami was mediocre, with a record of fifteen wins and seventeen losses, including his first losing season. One of the problems Saban experienced was that professional players were not willing to commit to the Process.²³ With the nature of the professional game, there was very little that Saban could do to incentivize the players to buy in. Saban had to rely on the players themselves to take the effort to buy into the Process, and most were unwilling to do so.

Law students taking the bar exam are more similar to independent

²² *Id.* at 59.

²³ MONTE BURKE, SABAN: THE MAKING OF A COACH 192, 197-98 (2015). Burke tells the story of a practice in which Saban was having all the team do sprints and one of the players refused to do it because he had a clause in his contract that he did not have to do conditioning drills.

professional players than college players. Ultimately, the motivation to do what it takes to pass the bar exam must come from within the exam taker. There are no grades that can be withheld or penalties that can be imposed. I often tell students that the worst thing that we do is allow them to graduate without having passed the bar exam. It is easy to sympathize with the student who has just finished three years of rigorous training, reached the major milestone of graduation, and wants to be able to say, “I’ve earned a break.” It is understandable that a person in that situation could have difficulty forcing themselves to have the intense focus required by the bar exam.

The simple reality is that successful exam takers take on the challenge and maintain focus. If you find it difficult to engage in self-motivation to keep yourself on track, find someone to keep you accountable.²⁴ A few years ago, I had a student who passed the bar exam when all of the predictors indicated that he would struggle. I asked him his secret to success. Without hesitation he said, “my girlfriend.” This student’s girlfriend stood in as an understanding and motivating force for him. She pressed him to make sure that he completed the assignments for the day. When he would want to do something other than study, looking to her for validation, she would redirect his focus back to the bar exam.

Identify someone who is willing to contact you (in person or by email) and make sure you are still on track. This should be someone you respect—someone you will not want to let down. Ask them to periodically email you both to encourage you and to ask for an update. Be honest with them. If you are behind, say so, and give a plan for how you intend to catch up.

²⁴ See Denitsa R. Mavronva Heinrich, *Cultivating Grit in Law Students: Grit, Deliberate Practice, and the First-Year Law School Curriculum*, 47 CAPITAL UNIV. L. REV. 341, 350 (2019) (“Coaches, mentors, or anyone else, who encourage others to set high goals and then provide the guidance and support needed to reach these goals, can help cultivate grit from the outside in as well.”). Grit in this context is doing what it takes to establish the dedication needed to accomplish a goal.

V. DEMANDING DAILY PERFECTION

*Every battle is won before it is fought.*²⁵

To give yourself the best chance for success on the bar exam, it is important that you approach each task with purpose. Let me give an example: one thing that bar-prep courses usually ask you to do is to read through a subject matter outline. What is the purpose of asking you to read through the outline? If you are just reading through the outline to say you did it and to check a box, you are not engaging in deliberate study and are doing little more than spending (not investing) your time.²⁶ The question is: how do you make the most effective use of the precious time you have?

My answer is to view the outlines like a playbook in sports. The playbook has all of the information that a player needs to execute. A player can flip through the playbook, but to get the most out of it requires active (deliberate) practice. It requires an ingrained understanding of the plays so that the player can respond instinctually in a game-day setting.

To give an example, in 2014 the New England Patriots were playing the Seattle Seahawks in the Super Bowl. In the fourth quarter, the Seahawks had the ball on the Patriots one-yard line with twenty-six seconds left in the game. The Seahawks attempted to throw the ball; it was intercepted by the Patriots, leading to a Patriot victory. If you watch the play in full-speed, it looks like organized chaos with a “lucky” catch by the Patriot defender. However, in *Do Your Job*, a documentary on that Patriot season, it becomes evident that the Patriots had *practiced* for that exact situation; they anticipated what was coming. Because they had practiced and recognized the play when it was called, execution was simple.²⁷ Here is a quote from one of the Patriots coaches:

²⁵ SUN TZU, *THE ART OF WAR* (2005). This is a sign that Coach Bill Belichick has in the New England Patriots’ facilities. The point: “It’s all about preparation. You know what you’re doing and you have an idea what the opponent’s going to do, what their strengths and weaknesses are, then once you get into the game then those adjustments will be . . . more manageable.” CNBC, *Bill Belichick On Leadership, Winning, Tom Brady Not A “Great Natural Athlete” (Exclusive)*, YOUTUBE (Apr. 13, 2017), <https://www.youtube.com/watch?v=N2qhLmdpWBI>.

²⁶ Louis N. Schulze, Jr., *The Science of Learning Law: Academic Support Measures at Florida International University College of Law*, 88 *THE BAR EXAMINER* 2, 10 (May 15, 2019).

²⁷ Anthony Jaouen, *NFL Films Do Your Job Bill Belichick and the 2014 New England Patriots (Full)*, YOUTUBE (Sept. 19, 2015), <https://www.youtube.com/watch?v=JdnWmKnUcWg>.

You are going to win or lose games in practice, I mean there is no such thing as being a game day player. You see situations come up on the practice field, you've worked on it, you know what it takes when it comes up in the game, because you're trained... you've seen it, you react and make the play.²⁸

You should think of the bar prep outline review as a playbook that has all of the information you need; simply reading through the material is not going to be enough to make sure you are prepared for the bar exam. You cannot passively read and hope to react instinctively when asked a question. The goal is to begin to internalize the legal doctrine so that when you see the issues come up in practice questions (and ultimately on the bar exam), you can execute. Recognize what topic is being tested, instantly recall it, and have confidence you know the correct answer.

This raises the question of how you should approach preparation. “[T]hinking about thinking”²⁹ is the definition of metacognition. Metacognition is an awareness of how you study. Think back to when you were in law school. When you were studying for an exam, did you recognize the concepts that gave you difficulty? If the answer is yes, then you have achieved the first step in an efficient method of study. The question then becomes: what did you do when you came upon one of those difficult concepts? Did you just read over it again and again in your outline hoping that repeated reading would help it make sense? Or did you take steps—perhaps by consulting different sources or getting outside help—to get a grasp of the material? An awareness of the material you do not understand and the ability to overcome that lack of understanding is called self-regulated learning, and it is at the core of metacognition.³⁰ One author has described metacognition as:

[T]he internal voice people hear when they are engaged in the learning process—the voice that will tell them what they have to do to accomplish a task, what they already know, what they do not know, how to match their previous learning

²⁸ *Id.* (quoting Ernie Adams at 36:20).

²⁹ Robin A. Boyle, *Employing Active-Learning Techniques and Metacognition in Law School: Shifting Energy from Professor to Student*, 81 U. DET. MERCY L. REV. 1, 13 (2003).

³⁰ *Id.* (quoting Peter Dewitz, *Legal Education: A Problem of Learning from Text*, 23 N.Y.U. REV. L. & SOC. CHANGE 225, 229 (1997)) (“This twofold nature of self-regulation, monitoring of comprehension and repair of comprehension breakdown, is called metacognition.”).

to the new situation, when they do not understand what they are reading or learning, and how to evaluate their learning. It is this internal reflection and conscious control of the learning process that goes to the heart of metacognition.³¹

The goal of this section is not to delve into the psychology of learning, but the fact is, law schools traditionally have done a poor job of teaching students how to learn.³² Lacking these skills can be fatal during bar exam preparation where the entire process relies on self-regulated learning. The good news is that it is not difficult to incorporate learning methods into your bar preparation.

The first thing you need to know is that simply reading or re-reading an outline is an extremely inefficient way to encode information for recall later.³³ It is a form of passive learning.³⁴ A better use of your time is to engage in active learning. You can do this by producing your own study material. The pre-prepared outlines can be your starting point, but you need to actively engage with the material in those outlines so you can remember it later.

Before giving an example of how you can do this, let me give a short explanation of why active learning is more effective than passive learning. There are two primary reasons that are applicable for the bar exam. The first is that active learning simply helps you retain more information. This should not be a surprise. On any project, if you do the work yourself, you have a deeper understanding of what is going on than if you just sit back and watch someone else do the work. Second, however, and critical for bar review, is the fact that active studying creates a deeper understanding of the material, ensuring that you can recall it more quickly

³¹ Anthony Niedwiekcki, *Teaching for Lifelong Learning: Improving the Metacognitive Skills of Law Students through More Effective Formative Assessment Techniques*, 40 CAP. U. L. REV. 149, 156-57 (2012).

³² *Id.* at 158. (“Law schools do not focus enough on teaching metacognitive skills because the focus is on teaching doctrine and specific cognitive skills without enough emphasis on ensuring that students have the ability to transfer these skills and knowledge.”).

³³ Louis N. Schulze Jr., *Using Science to Build Better Learners: One School’s Successful Efforts to Raise its Bar Passage Rates in an Era of Decline*, 68 J. LEGAL EDUC. 230, 231 (2019).

³⁴ Jennifer E. Spreng, *Spirals and Schemas: How Integrated Courses in Law Schools Create Higher-Order Thinkers and Problem Solvers*, 37 U. LA VERNE L. REV. 37, 46 (2015) (“Passive learning behaviors, however, are hard wired into many modern law students. Students adopt them in high school; undergraduate schools do little to change them.”).

and accurately later.³⁵ In psychological terms, active learning builds and strengthens mental maps (or schema) around the material (discussed more below).³⁶ Having these deeper connections will enable you to avoid becoming trapped by distractor answer choices and avoid freezing up when you see a difficult essay question.

With theory out of the way, the next step is to incorporate these lessons into your study in a practical way. Remember, the goal at this point is to make sure that you are effectively and efficiently studying to take multiple choice and essay practice questions. Here is a concrete example. Let's say you are reviewing the Property outline. You come to Adverse Possession. What if instead of just reading the outline, you drafted a flow chart that looks something like this:

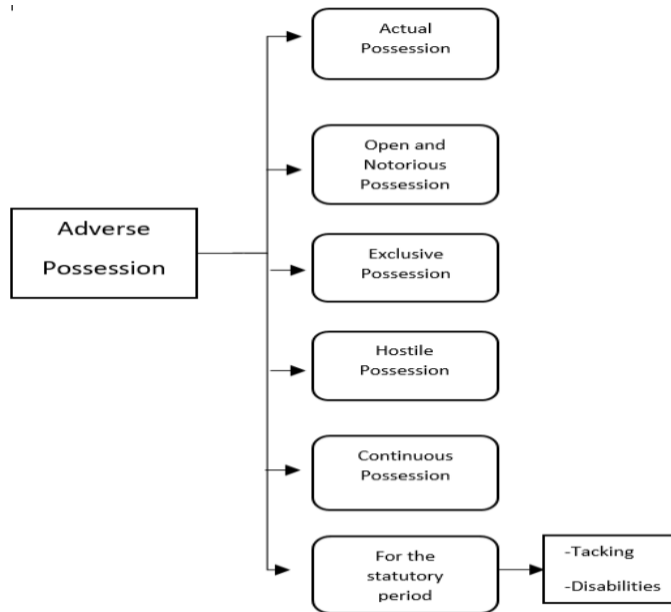


Image 1

Notice how the chart builds from a broad overview of the topic (adverse possession) before proceeding to the elements. The next step would be to add the definitions or nuances that you will need to recognize as you begin to do practice questions and essays. What is the definition of “actual

³⁵ This is the difference between “deep learning” and “surface learning.” *See id.* at 47.

³⁶ *Id.* at 50-51.

possession?” What does “tacking” mean? Remember the goal: to know the material well enough so that you can spot the topic and the issue being tested and immediately have a sense of the right answer. It is precisely like players in a sporting event—they have seen the scenario beforehand, so they are able to react. You are creating your bar exam playbook.

As a practical matter, this approach allows you to take control of the learning process. The bar prep outlines can be intimidating, both in detail and in length. Creating your own bar exam playbook (outline) allows you to start from a blank piece of paper and to build in nuance (definitions and exceptions). It is a much less overwhelming process than picking up a bar prep outline and seeing page after page of detail. It not only is a better way to learn, but it also allows you to take control of your learning process.

I can imagine that some will argue that they do not have time to construct their own outlines. The bar prep material is dense, and preparing a new outline will cause you to fall behind. I would make two points to counter this objection. The first is the fact that you need to understand the material to be able to answer questions about it. Just because reviewing pre-packaged outlines may be easier, that does not mean it accomplishes the goal of ensuring that you understand the material. Second, and to address the objection directly, I do not believe that preparing your own study playbook will take much more time than just reading and rereading the outline. Done properly, you should be able to create an outline like the one above and then refer back to the pre-packaged outline as you review. Ideally, you would create your own notecards for each of these elements with an explanation of each of the elements written on the cards to make it easier to quiz yourself on the topics.³⁷ However, anything that moves away from the mere reading of outlines is an improvement.

As mentioned above, you are not preparing your bar exam playbook just so you can have a nice outline at the end of the day. The purpose of the playbook is to build and strengthen your mental representations of the material. Ericsson and Pool, in their book *Peak*, define “mental representations” as: “a mental structure that corresponds to an object, an idea, a collection of information, or anything else, concrete or abstract, that the brain is thinking about.”³⁸ The goal of practice is to “[develop] ever more efficient mental representations that you can use in whatever activity you are practicing.”³⁹ The benefit of mental

³⁷ Schulze has an excellent discussion of precisely this use of notecards. See Schulze, *supra* note 33, at 254.

³⁸ ERICSSON & POOL, *supra* note 3, at 58.

³⁹ *Id.*

representations is that they “make it possible to process large amounts of information quickly, despite the limitations of short-term memory.”⁴⁰

What experts in a given area can do is “see patterns in a collection of things that would seem random or confusing to people with less well-developed mental representations.”⁴¹ For example, when individuals were asked to read an article about a sporting event, those who knew about the sport prior to reading the article were able to make sense of it and remember what they read. But to those who did not have a strong pre-existing understanding of the sport, the article was merely a series of connected words without meaning.⁴²

How does this relate to bar exam preparation? What you are doing when you study for the bar exam is creating mental representations of the subjects that you study. You then take those mental representations into the exam. When you see a multiple choice or essay question on a particular topic, the stronger your mental representation of that area of law, the more likely you are going to be able to correctly answer the question. A weak mental representation can lead you to be distracted by extraneous facts or attractive incorrect answer choices. Strong mental representations allow you to recognize what is being tested and focus in on what is important, instead of being led astray by distractors.

You build strong mental representations through practice. Start with the fundamentals that you learn through active study of the subject matter outlines and videos. This provides you with the basic skills and knowledge of the material. Once you have that foundation, start to strengthen it by doing multiple choice problems or practice essays. This is where you move from having knowledge to gaining skill.⁴³ View the multiple choice problems like practice in a sport. The goal is to practice until your mental representations are strong enough that you can recognize what is being tested and are able to recall and apply the rule. For every multiple choice or essay question that you answer, you should be able to recognize the subtleties that the question is testing and incorporate it into both a physical outline and your mental representation.

As part of your practice, it is important that you reject the most common “myth” around bar exam preparation: if you do something long enough you will get better. This is simply not true. Your practice must be deliberate to be effective. Each question—whether you get it right or wrong—should be used to strengthen your mental representations of the

⁴⁰ *Id.* at 61.

⁴¹ *Id.* at 63.

⁴² *Id.* at 67.

⁴³ *Id.* at 131.

subject area.⁴⁴ Every year, I see test takers who spent the entire summer in the library but still fail. It is not that these folks are not smart enough to pass; the problem is that they were not deliberately studying. They were viewing the assigned tasks as something to get through and not as a learning experience.⁴⁵

I will conclude this section with an axiom that Coach Saban uses: you don't practice until you get it right; you practice until you can't get it wrong. That quote perfectly captures both what those preparing for the bar exam misunderstand about studying and the proper goal of study. Those who stop studying because they "understand" the material often find that they have not been as successful as they could have been because their knowledge of the material is shallow, and when they are tested again on the same material, they forget or fall for the distractors. On the other hand, those who engage in deliberate study and build strong mental roadmaps will be able to simply react during the bar exam because they have a deeper understanding of the material.

VI. FAILING IS NOT YOUR ENEMY

*"The lesson is simple: Don't ever give up. Be persistent, be committed, be positive, and learn from every failing. Your perseverance will reward you some day."*⁴⁶

Law students are, by nature, high achievers and very competitive. Law school feeds into the need to be first and the desire to always be right. Final exams at the end of the semester often determine the grade in a course. Performing poorly on a law school exam will impact class rank and potentially job opportunities. That is a lot of pressure to get things right the first time. In this context, it is natural to believe that failure is the enemy. It can be hard to overcome the belief that failure is a sign of lack of ability or inferiority, but that is not true.

Even if you are totally committed to the Process and demand perfection from yourself in every task assigned, the simple reality is that you will get things wrong. You will miss that MBE question or do poorly on an essay question. In fact, there may be situations where you miss the same concept more than once. Failure, however, is what you make of it.

⁴⁴ *Id.* at 121-22.

⁴⁵ *Id.* at 122 ("The deliberate practice mindset offers a very different view—anyone can improve, but it requires the right approach. If you are not improving, it's not because you lack innate talent, it's because you're not practicing the right way.")

⁴⁶ SABAN, *supra* note 10, at 46.

There is an amazing Nike commercial featuring Michael Jordan titled “Failure.”⁴⁷ Jordan is one of the greatest professional basketball players of all time. Here is what Jordan says in the commercial:

I’ve missed more than 9000 shots in my career. I’ve lost almost 300 games. Twenty-six times, I’ve been trusted to take the game winning shot and missed. I’ve failed over and over and over again in my life. And that is why I succeed.⁴⁸

Coach Saban puts it this way: “Don’t waste a failure.” What do Jordan and Saban mean by equating failure with success and arguing that failure should not be “wasted”? Failure is a tool to deeper learning and understanding. The problem is that we are accustomed to not taking failure very well (“I’ll never get this”; “This is too hard”). The key is to train yourself to move beyond these emotional responses and view the situation objectively (Coach Saban says view failure “technically”) so that the failure can be used to have success the next time you see the same issue.⁴⁹ The reality is that if failure allows you to lose confidence in yourself, you have gained nothing. However, if you use these mini-failures as a training ground to motivate you to study and understand the concept so you do not miss the same issue next time, failure can be the reason you ultimately succeed on the bar exam.

Let me give a concrete example. If you are constantly missing hearsay rules in evidence or questions related to mortgages in property, ask yourself: how am I responding to failure? Let’s say that you missed these same types of questions more than once. A common reaction is to view these misses as a reflection on your inability to learn the material. That becomes a self-fulfilling prophecy. Every time you see one of these questions again, you tense up or roll your eyes and say, “here’s another one I’m going to miss.” You mentally set yourself up to miss the question. In that way, you waste your failures.⁵⁰

Train yourself to view “failures as opportunities and mistakes as

⁴⁷ Scott Cole, *Michael Jordan “Failure” Commercial HD 1080p*, YOUTUBE (Dec. 8, 2012), <https://www.youtube.com/watch?v=JA7G7AV-LT8>.

⁴⁸ *Id.*

⁴⁹ Origins with James Andrew Miller, *When Failure Contributes to Success*, CADENCE 13 (Aug. 12, 2018) <https://www.originsthepodcast.com/chapter-3-nick-saban>.

⁵⁰ GEORGE MUMFORD, *THE MINDFUL ATHLETE: SECRETS TO PURE PERFORMANCE* 173 (2016) (“[Some] people relate to mistake and failure as if they were a reflection of themselves. They identify with the mistake, internalize it, see it as a validation of whatever negative self-talk or belief systems have been part of their emotional blueprint.”).

feedback for learning.”⁵¹ Approached properly, a missed question gives you an opportunity to internalize a tricky concept and to make your mental representations stronger. One author recommends that you train yourself to approach failure with a mindset of wonder (or curiosity).⁵² See every missed MBE question or missed issue on an essay as a way to correct errors and as a method to gain more knowledge.⁵³ You should leave every missed question saying, “oh, I see what I did wrong there.”

For example, when you miss a question related to a purchaser taking property “subject to” a mortgage, use that opportunity to go back over your mental map related to mortgages. Focus on what it means to take property “subject to” a mortgage and examine where it falls within the broader topic area. After a game, coaches watch game tape and identify for each play where players executed properly or poorly—turning every play into a learning experience. The same is true for review questions on the bar exam. For every question you get right, review it to internalize why you got it right. For every question you miss, do not think of it as validation that you do not know the material but as an opportunity to internalize that concept so you do not miss it again.⁵⁴ Review and internalization is how you do not “waste a failure” and how you ensure you are always “failing up.”⁵⁵

This is more than just “coach speak.” Studies have found that getting questions wrong is a “learning event” (a method to learn and retain knowledge).⁵⁶ In fact, it is easier to retain information over the longterm when the learning process occurs after missing a question than

⁵¹ *Id.* at 174.

⁵² *Id.* at 179.

⁵³ *Id.*

⁵⁴ SABAN, *supra* note 10, at 46 (“We face obstacles every day, and I guarantee you that more are just around the corner. Your commitment to a goal or purpose will grant you the attitude that will help you keep a positive approach to learning and growing when things get difficult.”).

⁵⁵ MUMFORD, *supra* note 50, at 174. Professor Schulze at Florida International University College of Law, whose program has had an impressive bar passage rate success also emphasizes the importance of learning from failures. He notes that when students receive a score of 45% on their first set of multiple choice questions, the typical response is to see the score as what they know (and what they do not know)—and “miss out not only on retrieval practice but also on a crucial metacognitive process of self-assessment that would induce gradual improvement by improving and eliminating doctrinal weaknesses.” Professor Schulze then goes on to say: “[W]e train our students to understand that an early 45% score is normal, and that getting questions wrong is an opportunity to see blind spots. With those blind spots identified, students can mend their weaknesses and gradually see those scores rise.” Schulze, *supra* note 26, at 10.

⁵⁶ Lindsey E. Richland et al., *The Pretesting Effect: Do Unsuccessful Retrieval Attempts Enhance Learning?*, 15 J. EXPERIMENTAL PSYCHOL.: APPLIED 243, 243 (2009).

if you had just studied the material.⁵⁷

If the concept of learning through getting the wrong answer seems counterintuitive, it is probably because until relatively recently the “errorless-learning doctrine” was the accepted method of teaching and learning in schools. This approach emphasizes study followed by an exam where the student demonstrates knowledge by getting questions right. The belief was that getting an answer wrong made it more likely that the student would get the question wrong again in the future by creating “memory distortions.”⁵⁸

Recent studies, however, have largely debunked the errorless-learning doctrine. These studies, based in neurological science, have found that providing incorrect answers, under the right circumstances, actually aids in learning. There are several theories as to why this is. First, the attempt to answer a question activates related pathways in the brain, and when the correct answer is ultimately provided, it strengthens the neural pathways to the correct answer.⁵⁹ Second, the act of searching for the answer, even if the ultimate answer is incorrect, essentially provides the same benefit as deep study of the material, and, subsequently, it is easier to encode the correct answer.⁶⁰ Finally, the process of getting a question incorrect can be a “mediator” between the wrong answer and the right answer.

This probably comes as a surprise to students who want to learn by just reviewing an outline. The problem with this type of “massed study” is that while it may lead to short-term retention, it is not the best method for long-term retention. In fact, massed study alone can give an inflated sense of how well you know the information. Because the information is in the short-term memory, there may be a belief that the information is

⁵⁷ *Id.*; Henry L. Roediger et al., *Test Enhanced Learning: Taking Memory Tests Improves Long-Term Retention*, 17 PSYCHOL. SCI. 249, 253 (2009) (repeated testing is better than repeated study to learn material).

⁵⁸ Richland et al., *supra* note 56, at 244 (“[T]esting has the potential to distort knowledge, particularly for any items not recalled correctly.”).

⁵⁹ *Id.* at 252. This theory runs directly counter to the errorless learning doctrine. While errorless learning anticipated that incorrect answers would increase the chances of getting the answer incorrect in the future by strengthening the incorrect neural pathways. See Kornell et al., *Unsuccessful Retrieval Attempts Enhance Subsequent Learning*, 35 J. EXPERIMENTAL PSYCHOL.: LEARNING, MEMORY, AND COGNITION 989, 989-90 (2009) (“Unsuccessful tests may be even better than successful test at culling inappropriate retrieval routes, making future recall easier. The fact that unsuccessful tests enhance learning can be seen as support of the proposal that suppression of errors is an important mechanism underlying the benefit of tests.”).

⁶⁰ *Id.* at 243.

“known,” which is not necessarily the case.⁶¹ This false sense of confidence can have a significant impact on the mental approach to the bar exam. After studying an outline for hours and “learning” the material, a person may naturally feel deflated if, subsequently, she misses numerous questions on the material that was studied.⁶²

While failure can be a learning experience, learning does not come by just getting the question wrong. There are a couple of conditions that need to be satisfied so that wrong answers ultimately lead to right answers when it matters.

The first condition is that there needs to be a foundation of knowledge in the area before attempting the questions. Studies show if there are no prior mental connections between the question and the right answer, getting the answer wrong does not help to create neurological connections to the correct answer.⁶³ This is why studying the information (creating the playbook discussed above) before taking multiple choice or essay questions on a subject is important. Mental pathways need to be created to connect the tested concepts. The best way to build the foundation is to create your own outline, flow chart, or flash cards.⁶⁴ Review it and get a *sense* of the material. Remember, you are not trying to *learn* the material at this point; you are trying to build neurological bridges that can be strengthened and reinforced by subsequent testing.

The second condition is the need to immediately review the question to determine the correct answer. The more time between answering the question and receiving feedback, the less useful in building the neural map for the correct answer for the future.⁶⁵ For MBE questions, this means that you need to do a few questions and then review the answers. Reviewing the answers immediately after taking them—even if

⁶¹ Roediger et al., *supra* note 57, at 254.

⁶² *Id.* at 252 (“Students may prefer repeated studying because it provides short-term benefits, and students often use ineffective learning strategies because they base their predictions of future performance on what produces rapid short-term gains.”).

⁶³ Andree-Ann Cyr, Nicole D. Anderson, *Learning from Your Mistakes: Does it Matter if You’re Out in Left Foot, I Mean Field?*, 26 *MEMORY* 1281, 1286-87 (2018).

⁶⁴ For an excellent discussion of the science of learning and how it relates to bar exam preparation, see Schulze, *supra* note 34, at 230-31. In addition to the concepts discussed here, Dean Schulze also discusses the value of implementing spaced repetition into bar exam study.

⁶⁵ Matthew Hays et al., *When and Why a Failed Test Potentiates the Effectiveness of Subsequent Study*, 39 *J. EXPERIMENTAL PSYCHOL.: LEARNING, MEMORY, AND COGNITION* 290, 294 (2013); Richland et al., *supra* note 56, at 254 (“The current research suggests that tests can be valuable learning events, even if learners cannot answer test questions correctly, as long as the tested material has educational value and is followed by instruction that provides answers to the tested questions.”).

you get the answer wrong—builds stronger and stronger connections in your mind and enhances retrieval in the future. This is key for long-term retrieval.

VII. NOT ALL PREPARATION IS THE SAME

A. The Importance of Work Ethic and Investing Your Time

I am always amazed when I see students spend the entire summer in the library and then fail the bar exam. What I have found is that often these individuals are *spending* time studying but not *investing* time studying.⁶⁶ Spending time studying is the act of going through the motions of studying, reading the material to get through it, and not using the exercise to hone their preparation for the bar exam.⁶⁷ The simple reality is if you are not spending quality time studying for the bar, merely increasing the quantity of time is not going to get you the results you want.

Let me give an example from my teaching experience. I teach Property Law in the first year. Every year, I post all of my old exams along with explanatory memos. I encourage students to use the exams in preparing for the final. A couple of semesters ago, I had two students come and talk with me about their exams. The first made the highest grade in the class. The second was about in the middle of the class. I always ask students how they prepared for my exam. The student who made the best grade in the class said that she took about eight of my old exams, wrote out answers under timed conditions, and then graded the exam against the memo. The student who ended up in the middle of the class said that she read through about ten old exams, did some issue spotting, and then read the memos to see if she understood what was being tested. These two students demonstrate the difference between investing time and spending time. The first student went through the effort of actually taking old exams—an investment that really paid off on the final. The second student certainly spent time studying but did not commit to taking steps to make sure she really knew the material.

One last point: Coach Saban says, “You don’t always get what you want, but you always get what you deserve.”⁶⁸ With regard to the two students discussed above, the student who ended up having the best grade in the class was not guaranteed to get an “A” through her effort (all of my exams are unique), but she put in the effort and invested her time studying

⁶⁶ SABAN, *supra* note 10, at 40.

⁶⁷ This is also called “naive practice.” ERICSSON & POOL, *supra* note 3, at 14.

⁶⁸ SABAN, *supra* note 10, at 41.

to put herself in a position for success.⁶⁹ And ultimately, through hard work, she got the grade that she deserved. The same is true of the bar examination.

B. Take Care of Yourself

Dedicating yourself to preparing for the bar exam is going to consume a great deal of time. Of the students who took the 2018 Summer exam, those who passed spent an average of six hours per day studying. That number includes weekends. Dedication is required throughout the Process. There is no doubt that the Process will be stressful and that stress can make you less efficient during the time that you are preparing. The key to handling stress is to anticipate and handle it so that you can minimize the negative side effects as much as possible—what one author calls “neural self-hacking.”⁷⁰ These neural hacks include: exercise, sleep, contemplative practices, and healthy eating. The key is planning ahead. Build time for these activities into your study schedule. Make mental and physical health a part of your process.

C. Exercise

Exercise can restore cognitive function. Here is a list of a few of the physiological impacts that exercise has on your body: (1) enhances oxygen and blood flow; (2) stimulates the production of brain cell building blocks; (3) improves blood flow deeper into body tissue; and (4) increases beneficial neurotransmitters (serotonin, norepinephrine, and dopamine, among others).⁷¹ The recommendation is at least thirty minutes of aerobic exercise two or three times per week.

D. Sleep

The recommendation is that a student get at least eight hours of sleep a night. Adequate sleep is crucial for learning and remembering material. This is because memory consolidation occurs during sleep. It is amazing, but research shows that communication between neurons in the

⁶⁹ *Id.* (“[D]oing things correctly will only put you in the best position for success, relative to the competition.”).

⁷⁰ D.S. Austin, *Killing Them Softly: Neuroscience Reveals how Brain Cells Die from Law School Stress and How Neural Self-Hacking Can Optimize Cognitive Performance*, 59 LOY. L. REV. 791, 798 (2013).

⁷¹ *Id.* at 828-34.

brain while you sleep is equal to or higher than when the brain is awake. Lack of sleep causes you to have the cognitive ability of a much older person. In one study, thirty-year-olds were only allowed four hours of sleep for six nights, and their internal structures were reduced to the function of a sixty-year-old.

It is also important to know yourself and when you do your best work and to plan your study and sleep around your internal clock. About ten-percent of folks are early birds who do their best work early in the day and want to go to bed early. About twenty-percent are night owls who do their best work at night and want to go to bed late in the evening (or early in the morning). Most people—seventy-percent—are somewhere between these two extremes. It is important to be aware when you are most productive and try to make sure you get sufficient sleep outside of those hours. Also, naps can be very beneficial. In one study, a twenty-six minute nap improved the cognition function of NASA pilots for at least six hours.⁷²

E. Eat Well

You are what you eat, and in the stress of the bar exam, what you are eating may not be ideal. It is important to be aware of what you are eating and its impact on your body (including your cognitive health). Here are five things that you can do to start healthy eating: (1) eat breakfast; (2) eat smaller meals and snacks; (3) eat a salad every day; (4) drink coffee, tea, and water; and (5) snack on about one-fourth a cup of a variety of nuts. This is meant to be a way to start simple and make small steps to change your diet. There is a very interesting article in the Oregon Law Review that discusses the science behind the need for a healthy diet and also lists a number of “super foods” that can help keep you healthy.⁷³

F. Contemplative Practices

Contemplative practices include mindfulness, meditation, yoga, and relaxation. Once again, these practices increase cognition and brain function and allow you to handle distractions and improve decision-making. The key is to gain control over your thoughts and emotions. The action of contemplation actually trains the brain to operate in a controlled manner and to reduce anxiety and stress. The key here is relaxation and focus. You can take classes, download apps (just Google “mindfulness” or

⁷² *Id.* at 834-37.

⁷³ Debra Austin, *Food for Thought: The Neuroscience of Nutrition to Fuel Cognitive Performance*, 95 OR. L. REV. 425, 507-14 (2017).

“meditation” apps), or read about the practice.⁷⁴

VIII. CONCLUSION: DO YOUR JOB

“If you are going to lose, do it with your best stuff. Know your strengths, play to them, and make the opponent beat you doing it.”⁷⁵

The mantra of Bill Belichick, successful coach of the New England Patriots, is this: do your job. That three word phrase perfectly sums up what is necessary to pass the bar exam. I strongly encourage you to make a copy of this phrase and put it somewhere that you will see it every day before you start studying. It should be a constant reminder that success on the bar exam is not an accident and is not based on innate ability. It is based on hard work and dedication to the process.

The purpose of this article is to provide a clear, no-nonsense path for those taking the bar exam. You have fulfilled the requirements that qualify you to sit for the bar exam. Now the goal is to exercise the discipline necessary for you to give your best effort. Coach Saban points out that there is no “i” in teamwork, but there is an “i” in win, and it stands for individual responsibility.⁷⁶ Now is the time to commit yourself to recognizing the dedication and personal responsibility on a day-by-day basis that is required to pass the bar examination (the Process). Good luck!

⁷⁴ For an article directed specifically at law students, *see generally* Teresa K. Brostoff, *Meditation for Law Students: Mindfulness Practice as Experiential Learning*, 41 *LAW & PSY. REV.* 159 (2017); regarding apps for mindfulness, *see also* Katie Kindelan, 8 *APPS TO SUPPORT YOUR MENTAL HEALTH DURING THE CORONAVIRUS PANDEMIC*, <https://abcnews.go.com/GMA/Wellness/apps-support-mental-health-mindfulness/story?id=55890971> (last visited October 11, 2021); *see also* FREE GUIDED MEDITATIONS, <http://marc.ucla.edu/mindful-meditations> (last visited October 11, 2021).

⁷⁵ SABAN, *supra* note 10, at 84.

⁷⁶ *Id.* at 101.