

MULTISTATE PERFORMANCE TEST (MPT)



**Everything you need to know to prepare for and
conquer the MPT portion of the bar exam!**



JD ADVISING

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do not know how to approach an MPT. As a result, many students wait until the last minute to start practicing MPTs. Unfortunately, some students do not practice MPTs at all before the bar exam.

We understand all these feelings about the MPT! The goal of our MPT Guide is to give you the confidence to begin and complete a satisfactory MPT within 90 minutes. It can be done! We will show you how.

Chapter 1: What Is the MPT?

The Multistate Performance Test (MPT) is one of the three components of the Uniform Bar Exam (UBE).

- The MPT makes up **20%** of the total score on the UBE.
- The Multistate Bar Exam (MBE) makes up **50%** of the total score on the UBE.
- The Multistate Essay Exam (MEE) makes up **30%** of the total score on the UBE.

A Breakdown of the Uniform Bar Exam (UBE)

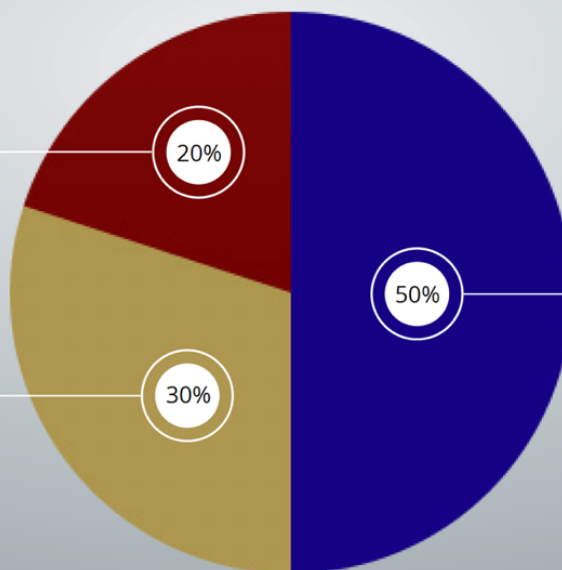


Multistate Performance Test (MPT): 20%

Each of the two MPTs are worth 10% of your score.

Multistate Essay Exam (MEE): 30%

Each of the six MEEs are worth 5% of your score.



Multistate Bar Exam (MBE) 50%

175 MBE questions are worth 50% of your score.



As you can see, each type of MPT task has a caption on the upper left-hand side, and for the persuasive brief, across the top as well.

At this point in writing your MPT, after you have read the Task Memo but before you do anything else, stop and create the caption for the MPT task. You already know what the task is from reading the Task Memo.

To memorize the MPT One-Sheet above, we recommend using the fillable MPT One-Sheets provided at the very end of this Guide. Use the fillable one-sheets to rewrite the formats until you know them cold. (You can also type the formats, but most examinees find they remember better by handwriting.)

Objective memo

If the Task Memo directs you to “Prepare an **objective memorandum**,” create a caption that looks like this:

TO: [Recipient] (this is usually the person who wrote the Task Memo)
FROM: Examinee (never write your name!)
Date: [Date you are writing the MPT]
RE: [Name of case or client]

To find the information to be inserted into the caption, **look at the Task Memo’s caption**. For example, using the Task Memo’s caption from the February 2018 MPT, *In re Hastings*:

TO: Examinee¹⁷
FROM: Emily Swan
DATE: February 27, 2018
RE: Danielle Hastings inquiry

Your caption for this objective memorandum MPT should look like this:

TO: Emily Swan¹⁸
FROM: Examinee
DATE: [today’s date]
RE: Danielle Hastings inquiry

¹⁷ Purple font represents information copied from previous MPTs!

¹⁸ Blue font is our answer to the MPT.

Some students also like to include the word “Memorandum” at the top. We think this is a great idea because it makes it clear to the grader that you are following the directions in the Task Memo by completing the assigned task!

Persuasive brief

If the Task Memo directs you to “Please draft the argument section of our brief” (**persuasive brief**), create a caption that looks like this:

STATE OF [insert]
[insert] COURT FOR THE CITY OF [insert]
[insert] PLAINTIFF
v.
[insert] DEFENDANT
Brief in Support of [insert]

However, if the Task Memo or the guidelines for writing persuasive briefs **direct you to omit the caption**, begin with the Legal Argument section and **do not include a caption**. You will be directed to omit the caption in one of several ways, the most common of which is that the guidelines for writing the persuasive brief will include a section that looks something like this example from the guideline memorandum in the February 2021 MPT, *State v. Kilross*.

The following guidelines apply to briefs filed in support of motions in trial courts.

I. Captions

[omitted]

II. Statement of Facts

[omitted]

III. Legal Argument

If the Task Memo or guidelines direct you to omit the caption, the beginning of your persuasive brief should look something like this:

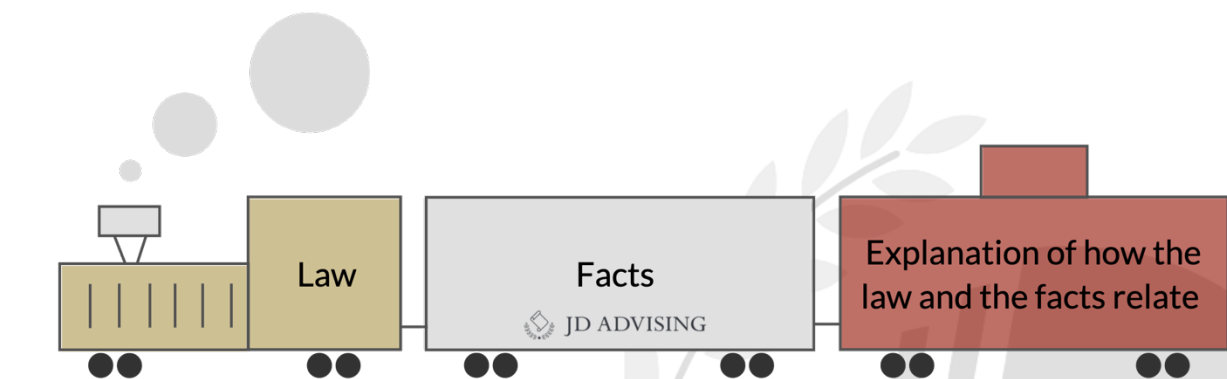
I. Captions [omitted]

person who is attempting to drive a vehicle,” the *Boxer* court said that a person’s mere act of consuming alcohol does necessarily render that person “helpless.” Additionally, the Comment to Restatement section 44’s language does not require intoxication but merely includes intoxication as an example of helplessness rendered by one’s own conduct, a court could likely find that Remick’s ankle injury that prevented him standing and caused him extreme pain rendered Remick “helpless.”



MPT TIP: Use the “choo choo train” method for linking the facts to the law. A choo choo train starts with an engine, has some railway cars, and ends with has a caboose. The train needs all three parts to function as a train. If the train was made of just engines, the train would be useless because the purpose of a train is to pull the cars. Similarly, if the train just had cars, the train would not be able to go anywhere without the power of the engine. Finally, a caboose brings up the rear of the train and makes the end of the train. Like the train, try to create each sentence in your analysis by using the law (engine), some facts (railway cars), and an explanation of how the law and the facts relate to each other (caboose). If you find that your analysis contains several sentences with just law or just facts, think about the train and link them together in the same sentence, thus creating an effective analytical sentence. Note: You can also use the choo choo train method in the analysis section on the Multistate Essay Exam (MEE)!

The “Choo Choo Train” Method for Linking the Facts to the Law



of the most important things on the MPT is to make sure you complete the task. Additionally, having unrealistically high standards on the MPT can lead to frustration and anxiety when preparing for the MPT. If you prepare for the MPT with the idea that you should create a perfect and thorough legal document, you will not be able to learn how to effectively approach an MPT (see Chapter 5, How to Approach an MPT, pg. 35).

Also, having unrealistically high standards on the MPT can be mentally paralyzing. Some students are so intimidated by the MPT that they do not even prepare for it. None of these things are helpful to success on the MPT! Keeping your standards realistic on the MPT will help you to succeed!

Chapter 7: MPT Task-Specific Tips

As we discussed in Chapter 5, How to Approach an MPT, pg. 35, there is a common and systematic method of approaching all MPTs. However, there are additional things to keep in mind when approaching an MPT, depending on the assigned task.

In this chapter, we will discuss tips that are specific for each of the most highly tested MPT tasks: the objective memorandum, the persuasive brief, the demand letter, the opinion letter, and the wildcard task.

Objective Memorandum Tips

The objective memorandum is the most frequently tested MPT task. It is also generally the most straightforward MPT task to write. However, there are some important things to keep in mind when writing an objective memorandum on the MPT.

1. Use the objective memorandum caption and format

When writing an objective memorandum, remember to include the objective memorandum caption and use the objective memorandum format illustrated below.



TO: [Recipient]
FROM: Examinee
DATE:
RE: [MPT name]

I. Introduction

(Explain the purpose of the memo and conclude the issue.)

II. Discussion

Heading 1: (Use objective **bolded** or underlined headings that address the issues. Use IRAC: Issue, Rule, Analysis, Conclusion.)

Heading 2:

III. Conclusion

(Restate the conclusion from the Introduction.)

Not only does this signal to your grader that you are following the instructions in the Task Memo, but it also provides a good starting point and framework as you begin to write your objective memorandum.

2. Use objective headings

Because the objective memorandum is an objective task, it is important to use objective headings rather than persuasive headings. Students sometimes make the mistake of writing headings that seem to advocate for one position over another. Although it is appropriate to support one conclusion over another in an objective memorandum, the purpose is to provide the results of an unbiased, objective, legal research and analysis.

Writing objective headings is usually more straightforward than writing persuasive headings. Often, all that is necessary is to state the issue or question asked. Because the goal of an objective memorandum is not to convince anyone of anything (other than the fact that you have done your research and analysis well!), you do not need to start your IRAC with a persuasive argument.