

PRACTICE EXAM 7: CALIFORNIA ESSAY EXAM SIMULATION (50 QUESTIONS)

1. What is the standard time allotment for each task on the California Bar Performance Test?
 - A. Sixty minutes allotted for each Performance Test task
 - B. Two hours allotted for each Performance Test task
 - C. Ninety minutes allotted for each Performance Test task
 - D. Three hours allotted for the entire Performance Test

2. Which of the following subjects is tested on the California Bar Exam but not on the Multistate Essay Examination?
 - A. California community property concepts and division rules
 - B. Federal civil procedure under the Federal Rules of Civil Procedure
 - C. Common law contract formation principles tested nationally
 - D. Federal evidence under the Federal Rules of Evidence provisions

3. A "Discuss" instruction in the call of a California Bar essay signals that the examinee should:
 - A. Provide only a one-sentence statement of the likely outcome
 - B. List the controlling statutes by section number alone
 - C. Argue only the position that favors the plaintiff's claims
 - D. Identify, analyze, and resolve all relevant issues raised

4. When a fact pattern describes the defendant's conduct but does not state the defendant's specific intent, the examinee should:

- A. Assume general intent applies without further mens rea discussion
- B. Analyze the mental state required by each applicable crime
- C. Skip the mens rea analysis entirely to save essay writing time
- D. Conclude the defendant lacked the required mental state element

5. What is the best approach when a fact pattern provides a date that triggers a statute of limitations question?

- A. Calculate the limitations period and analyze timeliness of the claim
- B. Ignore the date because limitations defenses are rarely tested
- C. Assume the statute has already run without computing the dates
- D. Conclude the claim is timely without performing any calculation

6. A California essay involving a sale of goods between two merchants is governed by:

- A. The general common law of contracts as applied in California
- B. The Restatement (Second) of Contracts provisions only
- C. UCC Article 2 as adopted in the California Commercial Code
- D. The Uniform Sales Act, which was superseded by the UCC

7. When the call asks for "the strongest argument" a party can make, the examinee should:

- A. List every conceivable argument without any analytical depth
- B. Provide both sides' arguments equally and decline to conclude
- C. Decline to recommend a strategic position for the client
- D. Identify the most legally sound argument and support it

8. Which of the following best describes the structure of California Bar essay grading?
- A. Pass/fail with no partial credit awarded for individual issues
 - B. A scaled raw score with points awarded by issue and analysis
 - C. Letter grades from A through F assigned to each essay submitted
 - D. A binary scoring system based on overall impression alone
9. When a California essay raises an issue under both the Federal Constitution and the California Constitution, the examinee should:
- A. Apply only the Federal Constitution and ignore the state law
 - B. Analyze both constitutions and note any broader state protections
 - C. Apply only the California Constitution as the controlling authority
 - D. Decline to address constitutional issues without explicit instruction
10. What is the proper approach to citing case law in a California Bar essay?
- A. Provide full case citations with reporter, volume, and year
 - B. Cite at least three appellate cases per issue analyzed in detail
 - C. Reproduce direct quotations from leading appellate decisions
 - D. Reference case names only when essential to the legal analysis
11. When a fact pattern indicates a contract was made orally for the sale of land, the examinee should immediately consider:
- A. Whether the parties had the legal capacity to contract
 - B. Whether the consideration was adequate to support the deal
 - C. Whether the Statute of Frauds requires a signed writing
 - D. Whether the parties intended to be legally bound by terms

12. In a Wills essay involving a holographic will, the examinee should analyze:

- A. Whether the will was witnessed by two competent disinterested persons
- B. Whether the material provisions are in the testator's own handwriting
- C. Whether the will was notarized by a duly licensed notary public
- D. Whether the will was filed with the probate court within thirty days

13. What is the recommended approach to facts that are mentioned but clearly not in dispute?

- A. Analyze every fact regardless of whether disputed by the parties
- B. Ignore the fact entirely to save essay writing time and space
- C. State a conclusion without any supporting analysis whatsoever
- D. Briefly note the issue and move on to genuinely disputed matters

14. A California essay on agency law tests primarily which of the following relationships?

- A. The principal-agent relationship and its scope of authority
- B. The partnership relationship between joint venturers in business
- C. The corporate relationship between officers and the shareholders
- D. The trust relationship between a trustee and the named beneficiary

15. When an essay involves a negligence claim, the analysis should begin by establishing:

- A. The defendant's financial ability to pay any judgment damages
- B. The plaintiff's emotional distress from the underlying incident
- C. The duty of care owed by the defendant to the plaintiff
- D. The total amount of damages claimed by the plaintiff at trial

16. What is the appropriate response when a fact pattern is silent on a material element?

- A. Assume the element is satisfied without any further discussion
- B. Argue both interpretations and reach a reasoned conclusion
- C. Skip the analysis until the bar examiners provide clarification
- D. Conclude the claim fails for lack of that particular element

17. A California essay involving a marital dissolution and asset division applies:

- A. California community property statutes and applicable presumptions
- B. The Uniform Marriage and Divorce Act provisions nationally
- C. Federal common law principles on marital property division
- D. The Restatement of Family Law principles as primary authority

18. The Multistate Bar Examination and the California essay portion together compose:

- A. The entire California Bar Examination from beginning to end
- B. The morning sessions of both testing days for all examinees
- C. The only portions scored for admission to the California Bar
- D. Part of the two-day California Bar Exam alongside the Performance Test

19. When a Real Property essay involves a recording statute issue, the examinee should:

- A. Apply only the common law of real property without statutes
- B. Apply the federal recording statute as the primary authority
- C. Identify the type of recording statute and apply its rules
- D. Skip recording analysis when title is not directly in dispute

20. In a Contracts essay, the analysis of remedies should consider:

- A. Only the doctrine of efficient breach as a contractual remedy
- B. Expectation, reliance, and restitution damages as applicable
- C. Only punitive damages and never compensatory damages awarded
- D. Only equitable relief and not legal damages of any kind

21. What is the most effective way to handle a multi-part call that asks several distinct questions?

- A. Answer only the first question to ensure analytical depth
- B. Combine all parts into one continuous narrative analysis
- C. Answer the questions in reverse order for analytical variety
- D. Answer each part separately and clearly labeled by question

22. When a Professional Responsibility essay involves a conflict of interest, the examinee should:

- A. Identify the type of conflict and apply the applicable rules
- B. Conclude the lawyer must withdraw without further analysis
- C. Conclude no conflict exists if consent is mentioned in facts
- D. Apply only the ABA Model Rules without California specific rules

23. A California essay on the Fourth Amendment search and seizure tests:

- A. Only federal Fourth Amendment doctrine without state law analysis
- B. Only the California Constitution Article I, Section 13 protections
- C. Federal Fourth Amendment standards with California distinctions noted
- D. Only state statutory provisions on searches and seizures alone

24. What is the proper approach to writing an essay conclusion when the analysis is genuinely uncertain?

- A. State a confident conclusion despite the underlying uncertainty
- B. Refuse to offer any conclusion on the issue presented in facts
- C. Conclude in favor of the plaintiff by default in close cases
- D. State a reasoned conclusion acknowledging the existing uncertainty

25. In a Civil Procedure essay raising personal jurisdiction, the examinee should analyze:

- A. Only specific jurisdiction without addressing general jurisdiction
- B. Both general and specific jurisdiction under minimum contacts
- C. Only the long-arm statute without any constitutional analysis
- D. Only subject matter jurisdiction principles instead of personal

26. When a fact pattern presents a question of first impression, the examinee should:

- A. Apply analogous rules and policy reasoning to the facts
- B. Decline to analyze the issue without any controlling authority
- C. Assume the issue is governed by the prevailing majority rule
- D. Conclude the claim fails for lack of established precedent

27. The California Bar Examiners publish selected answers from prior exams to:

- A. Illustrate the analysis and organization expected of passing essays
- B. Provide a definitive answer key for future essay questions
- C. List every issue that will be tested on upcoming examinations
- D. Replace the need for examinee preparation in each subject

28. When a Trusts essay involves a settlor's revocation of a revocable trust, the examinee should:

- A. Conclude the revocation is invalid without any element analysis
- B. Apply the method of revocation specified in the trust or statute
- C. Apply the rules governing irrevocable trusts to the analysis
- D. Conclude that revocation requires court approval in every case

29. What is the recommended approach to writing rule statements in a bar essay?

- A. Recite rules verbatim from memorized commercial outline language
- B. Paraphrase rules loosely in colloquial conversational language
- C. State only the conclusion without articulating any underlying rule
- D. State rules accurately in the examinee's own clear language

30. In an Evidence essay raising a question of character evidence, the examinee should:

- A. Determine whether the evidence is offered for a permitted purpose
- B. Conclude that all character evidence is admissible in civil cases
- C. Conclude that all character evidence is inadmissible in criminal cases
- D. Apply only the federal rules without any California distinctions

31. A California essay on Business Associations involving an LLC tests primarily:

- A. The federal common law principles governing limited liability companies
- B. The Uniform Limited Liability Company Act as adopted nationally
- C. The California Revised Uniform Limited Liability Company Act
- D. The Restatement of Business Associations principles as authority

32. What is the recommended approach when an essay raises a defense that does not apply to the facts?

- A. Discuss the defense in full detail to demonstrate doctrinal knowledge
- B. Briefly note why the defense is inapplicable to the facts
- C. Apply the defense regardless of any factual misfit shown by facts
- D. Ignore the defense entirely without any mention in the answer

33. In a Constitutional Law essay involving equal protection, the examinee should determine:

- A. Whether the plaintiff has any realistic chance of prevailing eventually
- B. Whether the case involves a tort claim under state common law
- C. Whether the parties are diverse for federal jurisdictional purposes
- D. Which level of scrutiny applies based on the challenged classification

34. What is the proper approach to organizing a bar essay involving multiple plaintiffs and defendants?

- A. Address each party's claims and defenses under clear headings
- B. Combine all parties into a single continuous narrative analysis
- C. Address only the lead plaintiff's claims for analytical efficiency
- D. Address claims chronologically by the order of events occurring

35. A California essay involving a felony murder issue requires the examinee to apply:

- A. The federal felony murder rule from the United States Code
- B. The California version of the felony murder rule
- C. Only common law felony murder without California modifications
- D. The Model Penal Code felony murder provisions as written

36. When a Remedies essay involves an injunction request, the examinee should analyze:

- A. Whether monetary damages alone would adequately compensate the plaintiff
- B. The defendant's financial ability to pay any future damage awards
- C. The inadequacy of legal remedies and the other equitable factors
- D. The plaintiff's emotional preference for an injunction over damages

37. The "facts in dispute" within a bar essay fact pattern should be:

- A. Identified, analyzed, and resolved through application of law
- B. Ignored because disputed facts are not testable in essay format
- C. Conclusively presumed in favor of the plaintiff in every case
- D. Conclusively presumed in favor of the defendant in every case

38. What is the appropriate use of bullet points in a California Bar essay?

- A. Replace all complete sentences with concise bullet point lists
- B. Use bullets for every rule statement throughout the entire essay
- C. Use bullets for the analysis section to save writing time
- D. Generally avoid bullets in favor of complete prose analysis

39. A California essay on Wills involving an attestation clause tests:

- A. Whether the testator signed the will in legible cursive script
- B. Whether the formal execution requirements were satisfied properly
- C. Whether the will was filed with the probate court within thirty days
- D. Whether the will was notarized by a duly licensed notary public

40. When an essay question presents an ambiguous contract term, the examinee should:

- A. Conclude the contract is void for indefiniteness without analysis
- B. Apply only the plain meaning rule without any further analysis
- C. Apply rules of interpretation including parol evidence considerations
- D. Conclude the ambiguity favors the drafting party by default rule

41. What is the proper approach to handling a witness credibility issue in an Evidence essay?

- A. Conclude the witness's credibility is irrelevant to the admissibility question
- B. Apply only privilege rules to the credibility analysis presented
- C. Conclude all impeachment evidence is admissible at trial without limits
- D. Analyze the specific impeachment methods and their requirements

42. In a Real Property essay involving adverse possession, the examinee should analyze:

- A. Each element including continuity, exclusivity, and hostility
- B. Only the duration of possession without addressing other elements
- C. Only the boundary description without any possession analysis
- D. Only the recording of title without any possession analysis

43. The California Bar Exam essay portion is currently administered:

- A. Over a single day with all essays in one continuous session
- B. Over three days with essays spread across each testing day
- C. Across two days with multiple essay sessions scheduled across both
- D. Through a take-home format with extended time limits given

44. When a fact pattern includes evidence obtained without a warrant, the examinee should:

- A. Conclude the evidence is automatically inadmissible at trial
- B. Analyze whether a warrant exception applies to the search
- C. Conclude the evidence is automatically admissible at trial
- D. Skip the Fourth Amendment analysis when no objection is raised

45. What is the recommended approach to writing under bar exam time pressure?

- A. Outline briefly then write efficiently with focused legal analysis
- B. Write without any outlining to maximize the writing time available
- C. Outline extensively without leaving time for the written analysis
- D. Write only the conclusion when time is running short on essays

46. A California essay involving a partnership dissolution applies:

- A. The common law of partnership dissolution as developed nationally
- B. The federal partnership dissolution provisions in the U.S. Code
- C. The Uniform Partnership Act of 1914 without any revisions
- D. The California Revised Uniform Partnership Act provisions

47. When an essay raises a third-party beneficiary issue, the examinee should determine:

- A. Whether the third party paid consideration directly to the promisor
- B. Whether the third party signed the contract as a named party
- C. Whether the third party is an intended or incidental beneficiary
- D. Whether the third party has filed suit within the limitations period

48. What is the proper approach to handling a "false issue" raised by the facts?

- A. Analyze the false issue in the same depth as the real issues raised
- B. Briefly note why the issue is not actually presented by these facts
- C. Conclude the issue without providing any explanation in writing
- D. Ignore the issue entirely without making any mention at all

49. In a California essay on Criminal Procedure involving a Miranda warning, the examinee should analyze:

- A. Only whether the warning was read verbatim from a printed card
- B. Only whether the suspect was placed under arrest at the scene
- C. Only whether the suspect requested the presence of an attorney
- D. Whether custody and interrogation triggered the Miranda requirements

50. The most effective preparation for the California Bar essay portion involves:

- A. Memorizing past essay answers word for word from released materials
- B. Studying only the subject the examinee finds most personally interesting
- C. Practicing timed essays across all tested subjects regularly
- D. Focusing exclusively on the subjects also tested on the MBE portion

PRACTICE EXAM 7: CALIFORNIA ESSAY EXAM SIMULATION – ANSWER KEY

- 1. C** — Ninety minutes is allotted per Performance Test task. The California PT requires the examinee to complete a discrete lawyering task using only the provided file (facts) and library (law) within ninety minutes. This time constraint demands efficient reading, organization, and drafting, since both file and library must be processed within the same window.
- 2. A** — Community property is tested on the California Bar but not the Multistate Essay Examination. California is a community property state with its own statutory framework on characterization, management, and division, while the MEE tests common-law marital property concepts. Examinees must master California's community property presumptions, tracing rules, and Family Code provisions specifically for the state exam.
- 3. D** — A "Discuss" call requires comprehensive identification and analysis of every relevant issue. Graders' rubrics for "Discuss" essays include every issue raised by the facts, and unraised issues earn zero points regardless of the depth given to others. The instruction signals a wide-open call, requiring full IRAC treatment across all issues rather than focusing on a single question.
- 4. B** — Each crime has its own mens rea requirement that must be analyzed separately. General intent, specific intent, knowledge, recklessness, negligence, and strict liability each impose different burdens, and the analysis must match the standard applicable to each charge. Assuming a uniform mental state misses the doctrinal distinctions graders specifically test in criminal law essays.
- 5. A** — Dates in fact patterns regularly trigger statute of limitations issues, and graders award points for computing the period. The analysis should identify the accrual date, apply the limitations period, and address tolling or discovery rule exceptions where applicable. Ignoring dates forfeits points on an issue the examiners deliberately embedded in the facts.
- 6. C** — The California Commercial Code adopts UCC Article 2 for sales of goods. When merchants contract for the sale of goods, Article 2 controls (including its merchant-specific provisions on confirmations, warranties, and the battle of the forms). Applying common-law contract rules to a goods transaction misstates the governing body of law and cascades errors through the analysis.
- 7. D** — A "strongest argument" call asks for advocacy, requiring the examinee to identify and develop the most legally defensible position. Graders expect the examinee to commit to a position and support it with rule, application, and policy, rather than presenting a neutral both-sides analysis. This call type rewards strategic judgment, not exhaustive cataloging.
- 8. B** — California Bar essays are scored with a scaled raw score where points are awarded by issue and analysis. Each essay is graded against a rubric that allocates points to issue identification, rule statement, application, and conclusion, with raw scores converted to a scaled equivalent. Understanding the rubric helps examinees prioritize structural moves that maximize point capture.

9. B — California courts often interpret the California Constitution to provide protections beyond the federal floor under the independent and adequate state grounds doctrine. When both constitutions are implicated, the examinee should analyze the federal standard and then address any broader state protections (for example, search and seizure, due process, or equal protection). Skipping the state constitutional analysis misses California-specific points.

10. D — Case names should be referenced only when essential to the legal analysis. Bar essays do not require full citations, and gratuitous case-naming wastes time without earning points; landmark cases (Erie, Miranda, Pennoyer) may be named when doctrinally central. Graders reward rule accuracy and application, not citation density.

11. C — An oral contract for the sale of land falls squarely within the Statute of Frauds. California requires contracts for the sale of an interest in real property to be in writing and signed by the party to be charged, so the threshold issue is enforceability under the Statute of Frauds. Without addressing the Statute of Frauds, the analysis cannot resolve whether the contract is enforceable.

12. B — California Probate Code §6111 validates a holographic will when the signature and material provisions are in the testator's own handwriting. Holographic wills require no witnesses or notarization, but the material dispositive provisions must be entirely in the testator's hand. Confusing holographic requirements with attested will requirements is a recurring high-point error.

13. D — Undisputed facts should be acknowledged briefly so the grader knows the issue was recognized, but the analytical weight belongs on disputed matters. Briefly noting that an element is clearly satisfied earns issue-spotting credit without consuming time better spent on contested issues. This triage approach maximizes point capture under time pressure.

14. A — Agency essays test the principal-agent relationship and its scope of authority. The core doctrines include formation of the agency relationship, types of authority (actual express, actual implied, apparent, ratification), and the principal's liability for the agent's acts within scope. Other business relationships (partnership, corporate, trust) are governed by distinct doctrines outside agency law.

15. C — Negligence analysis follows the fixed sequence of duty, breach, causation, and damages. The threshold question is whether the defendant owed a duty of care to the plaintiff, which depends on foreseeability and the relationship between the parties. Beginning anywhere other than duty disrupts the doctrinal sequence graders expect.

16. B — When facts are silent on a material element, the examinee should argue both interpretations and reach a reasoned conclusion. Bar examiners deliberately leave gaps to test the examinee's ability to argue in the alternative, and graders award points for recognizing the ambiguity and resolving it. Assuming a fact in either direction without analysis forfeits the alternative-argument points.

17. A — California marital dissolution is governed by the Family Code's community property statutes and presumptions. The general community property presumption (Family Code §760), tracing rules, and the equal division requirement at dissolution structure every California marital property essay. Applying the Uniform Marriage and Divorce Act or federal common law misses the California framework being tested.

18. D — The MBE and essay portion are administered alongside the Performance Test as part of the two-day California Bar Exam. The current format combines all three components across two days, with the MBE on one day and essays plus the PT on the other. Examinees who miscount the structure may misprepare for the relative weight of each component.

19. C — California is a race-notice jurisdiction, and recording statutes fall into race, notice, and race-notice categories with different priority rules. Identifying the statute's type is the first step, followed by applying its priority rule to the chain of conveyances. Skipping classification produces generic priority analysis that misses the statute-specific point allocation.

20. B — Contract remedies analysis covers expectation, reliance, and restitution measures, plus equitable relief where damages are inadequate. Expectation puts the nonbreaching party in the position of full performance; reliance compensates out-of-pocket costs; restitution disgorges benefits conferred. Limiting the analysis to one measure forfeits points on the alternative remedies tested.

21. D — Multi-part calls are graded part by part, so each response should be answered separately and clearly labeled. Labeling responses to match the call's structure (1(a), 1(b), 1(c)) lets the grader track the answer against the rubric efficiently. Combining parts obscures the analysis and risks losing credit for parts that were actually addressed.

22. A — Conflicts analysis requires categorizing the conflict (concurrent, former client, personal interest, imputed) and applying the relevant rules. Each conflict type has its own disqualification and informed-consent requirements under both ABA Model Rules and the California Rules of Professional Conduct. Treating all conflicts identically misses the doctrinal distinctions that drive the grading rubric.

23. C — California's Article I, Section 13 was substantially conformed to federal Fourth Amendment standards after Proposition 8's "Truth in Evidence" provision. As a result, federal Fourth Amendment doctrine generally controls in California criminal cases, with limited state-specific distinctions to flag. Applying only state or only federal law without acknowledging the overlap misses the doctrinal posture.

24. D — Bar graders expect a conclusion on every issue, even when the analysis is genuinely uncertain. A strong examinee acknowledges the close call, identifies the controlling consideration, and concludes based on the more persuasive argument. Refusing to conclude or stating false confidence both forfeit points the grader reserves for reasoned resolution.

25. B — Personal jurisdiction analysis covers both general and specific jurisdiction under the minimum contacts test. General jurisdiction requires continuous and systematic contacts (essentially "at home"), while specific jurisdiction requires claim-related contacts plus fairness. Both branches must be addressed when the call raises personal jurisdiction.

26. A — Questions of first impression require the examinee to apply analogous rules and policy reasoning to the facts. Graders award points for identifying the gap in controlling authority, reasoning by analogy from related doctrine, and supporting the chosen rule with policy considerations. Declining to analyze the issue forfeits the entire issue's point allocation.

27. A — The California Bar Examiners publish selected answers to illustrate the analysis and organization expected of passing essays. These models demonstrate effective IRAC structure, issue coverage, and use of headings, providing a benchmark for examinee preparation. They are not answer keys but examples of the approach and depth that earned passing scores.

28. B — Revocable trust revocation follows the method specified in the trust instrument or, if none, the statutory default. California Probate Code §15401 allows revocation by any method specified in the trust or, absent a specified method, by writing signed by the settlor and delivered to the trustee. Applying irrevocable trust rules or assuming court approval is required misstates the doctrine.

29. D — Rule statements should be accurate but stated in the examinee's own clear language. Bar graders do not require verbatim recitation from commercial outlines; they require accurate articulation of the rule's elements in clear prose. Loose paraphrasing that drops elements is penalized, but precise restatement in original language earns full credit.

30. A — Character evidence is generally inadmissible to prove conduct in conformity but may be admissible for non-character purposes. The threshold determination is whether the evidence is offered for a permitted purpose (motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake) under FRE 404(b) and California Evidence Code §1101(b). Without this gateway analysis, the admissibility question cannot be resolved.

31. C — California adopted its own version of the LLC act, the California Revised Uniform Limited Liability Company Act, in 2014. RULLCA (Corporations Code §17701.01 et seq.) governs LLC formation, member rights, fiduciary duties, and dissolution in California. Applying the generic Uniform LLC Act or common-law business association rules misses the California statutory framework being tested.

32. B — A defense that does not apply still earns issue-spotting credit if briefly raised and dismissed. The examinee demonstrates analytical discipline by recognizing the potential defense, applying it to the facts, and explaining why it fails. This brief treatment captures the issue-spotting points without consuming time on a non-issue.

33. D — Equal protection analysis turns on the level of scrutiny, which depends on the challenged classification. Strict scrutiny applies to race, national origin, alienage, and fundamental rights; intermediate scrutiny applies to gender and illegitimacy; rational basis applies to everything else. Identifying the classification and selecting the correct scrutiny level is the threshold analytical move.

34. A — Multi-party essays should be organized with clear headings for each party's claims and defenses. Graders rubric each party separately, so structuring the answer by party (and by claim within party) tracks the grading directly. Combining parties into one narrative obscures the analysis and forfeits points the examinee actually earned.

35. B — California has its own felony murder statute under Penal Code §189, recently narrowed by SB 1437. The California rule differs from both the common-law formulation and the Model Penal Code's depraved-heart analog, particularly after the 2019 reforms that restrict liability to actual killers,

accomplices with intent to kill, or major participants acting with reckless indifference. Applying federal, common-law, or MPC rules misses the California-specific framework.

36. C — Injunction analysis requires showing the inadequacy of legal remedies and balancing the equitable factors. The traditional requirements are inadequate remedy at law, irreparable harm, balance of hardships in plaintiff's favor, feasibility of enforcement, and (for permanent injunctions) success on the merits. Without addressing the inadequacy of damages, the equitable analysis is incomplete.

37. A — Disputed facts are the heart of bar essay analysis and should be identified, analyzed, and resolved through application of law. The examinee identifies the dispute, applies the rule to both interpretations, and concludes based on the more persuasive reading. Ignoring or presuming disputed facts forfeits the points that turn on contested application.

38. D — Bar essays are graded as professional legal writing and should generally use complete prose rather than bullets. Full IRAC analysis in prose demonstrates legal reasoning, while bullet lists can read as outlines that fail to connect rules to facts. Bullets are appropriate only for genuine list contexts, such as the elements within a rule statement.

39. B — An attestation clause is the formal recital that witnesses observed the testator's signing or acknowledgment, addressing California Probate Code §6110 execution formalities. The clause does not by itself validate the will but provides evidence that the statutory formalities (testator's signature, witness presence, witness signatures) were satisfied. Analysis focuses on whether the recited conduct meets the statutory requirements.

40. C — Ambiguous contract terms invoke rules of interpretation, including plain meaning, course of dealing, usage of trade, and parol evidence for ambiguity. Where a term is ambiguous, extrinsic evidence is admissible to clarify meaning, and the interpretive rules guide the court to the most reasonable reading. Concluding the contract is void or applying only plain meaning ignores the interpretive framework graders expect.

41. D — Witness credibility involves distinct impeachment methods, each with its own foundational requirements. Bias, prior inconsistent statement, character for truthfulness, prior felony or *crimen falsi* convictions, and contradiction each have different rules and foundations under FRE and California Evidence Code. Analysis must identify the method and apply its specific requirements rather than treat impeachment generically.

42. A — Adverse possession requires analysis of each element, including continuity, exclusivity, and hostility, along with open and notorious, actual, and the statutory period. California adds a tax-payment requirement under Code of Civil Procedure §325. Skipping any element produces incomplete analysis that misses the corresponding rubric points.

43. C — The California Bar Exam is administered across two days with multiple essay sessions scheduled. The current structure spreads essays across both days alongside the MBE and Performance Test, totaling five one-hour essays. Knowing the day-by-day structure helps examinees plan stamina and pacing across the full administration.

44. B — A warrantless search is presumptively unreasonable, so the analysis must address whether a recognized warrant exception applies. Consent, plain view, search incident to lawful arrest, exigent circumstances, automobile exception, stop and frisk, and inventory searches each have their own elements. Concluding admissibility or inadmissibility without exception analysis skips the controlling doctrine.

45. A — The recommended approach under time pressure is to outline briefly and then write efficiently with focused analysis. The standard allocation is roughly 10–15 minutes outlining and 45–50 minutes writing, leaving margin for a quick proof. Skipping the outline produces disorganized answers; over-outlining leaves insufficient time to write the analysis that scores the points.

46. D — California adopted the California Revised Uniform Partnership Act in 1999, codified at Corporations Code §16100 et seq. RUPA governs partnership formation, fiduciary duties, dissociation, dissolution, and winding up in California. Applying the 1914 UPA or common-law partnership rules misses the statutory framework that controls modern California partnership analysis.

47. C — Only intended beneficiaries can enforce a third-party beneficiary contract; incidental beneficiaries cannot. Classification turns on the contracting parties' intent to benefit the third party directly, evidenced by factors such as naming the beneficiary, performance running to the third party, and the contract's purpose. Without this threshold classification, the standing-to-enforce analysis cannot proceed.

48. B — A false issue should be briefly noted and dismissed, explaining why the doctrine does not apply to the facts. Identifying and rejecting a false issue earns issue-spotting credit and demonstrates analytical discipline, while ignoring it leaves the grader uncertain whether the examinee saw the issue. The brief treatment captures the points without wasting time on full analysis.

49. D — Miranda warnings are required only when a suspect is both in custody and subject to interrogation. The analysis must address both prongs — custody (objective restraint equivalent to formal arrest) and interrogation (express questioning or its functional equivalent) — before any waiver, invocation, or exception is considered. Skipping either prong produces incomplete Miranda analysis.

50. C — The most effective preparation involves practicing timed essays across all tested subjects regularly. Timed practice builds both substantive recall and the pacing discipline required to complete five one-hour essays under exam conditions. Memorizing released answers or studying only favored subjects produces uneven preparation that fails to reflect the breadth of subjects tested.