

Montana Board of Bar Examiners

Guidelines for Acceptable Essay Answers

- **Analysis of the Problem:** The answer should demonstrate your ability to analyze the question and correctly identify the issues of law presented. The answer should demonstrate your ability to articulate, classify and answer the problem presented. A broad general statement of law indicates an inability to single out a legal issue and apply the law to its solution.
- **Knowledge of the Law:** The answer should demonstrate your knowledge of legal rules and principles and your ability to state them accurately on the examination as they relate to the issue presented by the question. The legal principles and rules governing the issues presented by the question should be stated concisely and succinctly without undue elaboration.
- **Application and Reasoning:** The answer should demonstrate your capacity to reason logically by applying the appropriate rule or principle of law to the facts of the question as a step in reaching a conclusion. This involves making a correct preliminary determination as to which of the facts given in the question are legally important and which, if any, are legally irrelevant insofar as the applicable rule or principle is concerned. The line of reasoning adopted by you should be clear and consistent, without gaps or digressions.
- **Style:** The answer should be written in a clear, concise expository style with attention to organization and conformity with grammatical rules.
- **Conclusion:** If the question calls for a specific conclusion or result, the conclusion should clearly appear at the end of the answer, stated concisely without undue elaboration or equivocation. An answer, which consists entirely of conclusions, unsupported by statements or discussion of the rules, or reasoning on which they are based, is entitled to little credit.
- **Suggestions:**
 - ✓ Do not anticipate trick questions or attempt to read in hidden meanings or facts not clearly expressed by the questions.
 - ✓ Read and analyze the question carefully before commencing your answer.
 - ✓ Think through to your conclusion before writing your opinion.
 - ✓ Avoid answers setting forth extensive discussions of the law involved or the historical basis for the law.
 - ✓ When the question is sufficiently answered, stop.
 - ✓ Avoid attempts at humor. The bar exam is a serious undertaking. It will be used to determine whether the examinee should be allowed to practice law in Montana. Even if intended to be in jest, essay answers should never include suggestions of illegal or unethical conduct such as killing or injuring a person, misrepresenting facts or misleading someone to their detriment. Such answers are always wrong and will be downgraded accordingly. The best course is to maintain a business-like approach and tone at all times.