

Dear Law Office Study Registrant:

Re: Recommendations from Vermont Board of Bar Examiners

The Vermont Board of Bar Examiners has been reviewing the Law Office Study Program (LOS) in an effort to improve the effectiveness of the program as measured by the pass rate on the Uniform Bar Exam (UBE). Historically, LOS registrants have passed the Vermont Bar Examination at a significantly lower rate than law school graduates. This is of great concern to the Board and the Vermont Judiciary. In addition to our independent research, we have surveyed past and current participants in the program. The purpose of this letter is to make specific recommendations to you which we hope will increase your likelihood of achieving a passing score on the UBE. Below are our recommendations.

1. Standardized Testing. We have found some correlation between results on graduate level standardized tests and bar exam passage. These tests include the LSAT and GRE. We encourage you to take one of these tests prior to or shortly after commencing the LOS. To a large extent, these examinations test the same analytical skills needed to pass the UBE. These exams will provide some guidance as to your aptitude in this area. We are not recommending that any particular score be obtained on these tests. You should, however, have an understanding of the strength or weakness of your analytical skills. This will allow you to address any areas of weakness during the pendency of the LOS. In addition, these tests will provide you with some exposure to the stress associated with a multi-hour rigorous test under strictly regulated and timed conditions.

2. Course of Study. Areas of law that may be covered on the essay portion of the UBE include: Business Associations, Civil Procedure, Conflict of Laws, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Family Law, Real Property, Torts, Trusts and Estates, and Article 9 of the Uniform Commercial Code. (Please note that the UBE will not ask stand-alone questions on Conflicts of Laws but these principals may be incorporated into other questions.) We recommend that your substantive study during the LOS be focused on these areas. We understand that other areas of the law may be of interest to you and may naturally arise in your work environment. These other areas of law should be considered elective. Substantial portions of your LOS time should be devoted to such electives only after you have achieved mastery of the core subject areas. Attached to this letter, please find a more detailed outline of the topics included in the core subject areas. At a minimum, you should have a thorough understanding of each of these topics before concluding your study of each of the core subject areas.

3. Legal Writing. The essay portion of the UBE will require you analyze multiple fact patterns in order to identify the legal issues presented. Your answer will be in a narrative format. In addition to analytical ability, you will need adequate writing skills in order to be successful. We encourage you to regularly work on your legal writing throughout your study in the Program. In addition, we strongly encourage that over the course of your LOS, you submit three pieces of formal legal writing. If submitted, these formal writing samples will be reviewed by a member of

the Board of Bar Examiners and substantive feedback will be provided. We suggest the following submission schedule:

a. **Case analysis, submitted with third report.** We recommend the submission of a case analysis of a recent Vermont Supreme Court decision with your third LOS report. This analysis should identify the relevant facts of the case along with the legal principles raised by the fact pattern. In addition, your analysis should discuss how the Court these legal principles in the case. As with all legal writing, your analysis should be thorough but no more wordy than necessary.

b. **Legal writing, submitted with fifth Report.** We recommend the submission of a finalized piece of legal writing with your fifth LOS Report. This can be in the form of a brief, memo or other submission of legal writing. It may be produced in conjunction with your employment (with all confidential client information redacted) or done specifically for submission with your LOS report. The purpose of this submission is to evaluate your analytical and writing abilities. Accordingly, this should be your work and your work alone.

c. **Practice essay exam, submitted with seventh report.** We recommend that you take a practice bar exam under timed test conditions and submit your essay answers with your seventh LOS report. Prior Exams are available on the National Conference of Bar Examiners (NCBE) website, <http://www.ncbex.org/exams/mee/preparing/>. We recommend that you answer at least two essay questions with your practice exam. It is hoped that by this point in your study you will have achieved the skills needed to prepare passing answers to your practice essay questions. At the same time, there will be some time remaining to addresses any deficiencies which are identified.

We hope this information will be helpful to you in successfully completing the LOS and passing Vermont's administration of the UBE.

Thank you.

cc: Supervising Attorney