

Some Strategies & Tactics for MBE

1. Analyzing Questions

A. Read Carefully. K question: “James, a 10 year old, was...”

--Few red herrings, some obvious ones.

B. Don't assume facts, they have all been given.

--P walking on sidewalk, struck by D's automobile.

C. Watch out for change in facts in Answer

--D liable (above) unless D can show a different cause for accident

D. Particular triggers:

Statutes: Because of conflicting common law rules.

E. Various Modifiers: “D guilty unless can show no causation.”

2. Call of the Question

A. “Most Likely Outcome” = What is result, and why?

B. “Most Likely Claim to succeed” = Only claim that can succeed, given these facts

C. “D's best defense” = Only defense which succeeds on facts

D. “Party Z loses, most likely basis is...” = Party Z loses because...

3. Think of the basic requirements for topic (keep it simple).

A. D is guilty of Burglary because.... [elements of burglary}

B. Court will rule, on this = Protection Question, that...
[Requirements of = Protection]

C. Answer: Inadmissible because it is hearsay. True, but not far enough.

D. X can reject the delivery of goods if: [Requirements for rejection]

4. Process of Elimination (write in book)

A. Wrong on Law. "Res Ipsa Loquitur requires only that D is the person with control of the item."

B. Wrong on application of Law to Facts: "Identification admissible as a prior identification" –but witness is not available.

C. Guess only after eliminate.

D. Don't get bogged down in questions you don't know.

4. The test itself.

A. Don't skip around. Answer the question, mark it in book if decide to come back.

B. Practice (full test, different times). It's exhausting, be aware of your personal limitations.

C. Questions often related (K questions, often).