

Speaker 2: Welcome to the Extra Mile podcast for Bar Exam takers. There are no traffic jams along the Extra Mile when you're studying for your Bar Exam. Now, your host, Jackson Mumey. Owner of the Celebration Bar Review.

Jackson Mumey: Well, hey everybody. Welcome to the Extra Mile podcast for bar exam takers. This is episode 49 and I'm your host, Jackson Mumey, and I'm really glad to have this time with you. As this episode is coming out, we're getting close to Christmas. Of course Christmas presents, and the holidays generally present, all kinds of interesting challenges for everyone, including bar takers, but also really represent an interesting time to take a step back. Think about how your bar exam studies are shaping up and what you're doing. Particularly if you're planning on taking the February 2016 exam.

If you're listening to this at a later point in time, it's still a pretty good episode for you to focus on because today's message is about what I call the binge and purge model of studying. Now I do want to warn, those of you that are sensitive to food related issues, that this is probably not a good episode for you to listen to. I apologize for that, but it's actually the best way to describe a particular study method in which people try to cram a lot of information into their brains. Then they try to spit up all that information on the bar exam. I can't think of a better, more descriptive term than binge and purge, but I am by no means ... I certainly want to make sure that everyone understands I am not advocating any kind of bad food behaviors, but I'm also not advocating bad study behaviors.

That's what we're going to look at today, because I think an awful lot of people, particularly those of you are studying and about to start with the big box bar exams. You'll actually start your classes probably this week, you have my sympathies, but you're about to get a boat load of information dropped on you. You're not going to know what to do with it. I wanted to offer this message about how to study effectively and what's being tested on the exam and how you want to respond to that in a way that's more productive.

As bar results are going down, and I mean they're getting worse and worse and worse across the board. I think, and I've said it elsewhere in other episodes, particularly the ones I've just done. Episode 46 on the California bar, for example, but the big box bar review emperors have no clothes. It's becoming pretty obvious that they simple cannot teach effectively and this notion of everyone taking their course and everyone passing, it doesn't hold true. The reality is that very few people are passing using those courses. Part of the reason is because of this model of studying that they use. In today's lesson I'm going to really dig into that model, where it came from, why it doesn't work, and what we would suggest in its place.

I hope that that's a useful message for you as you're getting under way, if that's your particular situation. Now, if you've not yet been with us for long and you're

wondering about this podcast, I would love to have you be a regular subscriber. We produce these episodes twice a week and you can subscribe for free on Itunes or by going to our website and just click on podcast. You'll also find the show notes for all of the episodes, as well as the prior episodes. Love to have you check those out, obviously about to hit a milestone here with episode number 50 coming up.

I also want to invite all of you to join us this Thursday for our live master class. It's called How to Make the Next Bar Exam your last bar exam. It's the four steps that passing bar exam takers know. This is a 90 minute live presentation which I go through what I've learned over 25 years of teaching the bar exam. The things that distinguish successful bar takers from those that fail their exams. It's free and we'd love to have you join us. You just need to register and claim your seat. You can do that one of two ways. You can text the phrase, "NEXTBAREXAM," to 33444. Or, you can go online to [celebrationbarreview.com/webinar](http://celebrationbarreview.com/webinar) and reserve your seat that way. Those links are in the show notes as well, but invite you to jump on. The webinar will be at 3 pm Eastern 12 noon Pacific time. We've done this master class for a number of people and it's gotten tremendous response. Whether you're in our course or not, I would really invite you and encourage you to be part of that.

Well, having said all that, I think it's time now to take a deeper dive and to look at this idea of studying and cramming for the bar exam. To really think about whether or not that's the most effective way to do your studies. Listen with an open mind and thanks for being with us and we'll jump into the message now.

Hi, and welcome to Celebration Bar review. In today's message, I want to talk about something that's really very important and serious in the concept of how we teach students to prepare for the bar exam, but it also has application, I think, in broader context. If you're watching and taking another kind of a test or thinking about studying, this may be helpful for you as well. I've titled this message, at least tentatively, the binge and purge learning method versus spaced education. Now you might think, "Wow, that's a little tasteless. Binge and purge. Are we talking about bulimia and anorexia?" The answer is no and I'm not trying to minimize those concerns at all.

What I am describing here is a traditional learning style that really has been in vogue for many, many years. Many of you who are taking the bar exam, if you're over the age of probably 30 or definitely if you're over the age of 40, you were almost certainly trained in the United States in your K-12 education, probably in your college education, likely also in your law school education, under this idea of binge and purge. Let me describe it first and then explain why I don't think it works and what we try to do differently.

It's really as it sounds. Binge and purge. Essentially what happens is that in this methodology, the student is told to binge on as much information as they can. Take as much information from whatever source, whether it's the professor or

the teacher, the reading, the lectures, the outside study. Whatever it might be. Gather that information, and in law school that was often gather the information about the rules or the elements or whatever it might be. Store up all of that information and then, on test day, which usually came at mid term or at the end of the semester, you would purge whatever you had learned. Another words, you just ... Some people even talk about vomiting on the paper, throwing up on the paper, throwing a lot of stuff out on the assignment that they're writing.

Today, when people are able to type answers and have enormous speed in their word processing skills, you can put a lot of information out in a timed exam. If you've got a take home test or an untimed exam, you could go crazy. Where did this method or system come about? Well, essentially, it's a throwback to the industrial age. When we wanted students to learn how to fit into an industrial model, a work on the assembly line model, it was not at all unusual to suggest that what they had to do was get in information and then give back out output. You had inputs and outputs and they should essentially meet each other. It was an efficient way to teach a large number of people when they were working, essentially, in a fixed from here to here kind of job and that's what they were doing.

Now, obviously, as our economy and as the world has changed and we've got to a more information based collaborative economy, collaborative world, the opportunity for someone to work in isolation and to just do their small task is probably become much less important. Now, how does that effect a lawyer or a law student? Well, in the days in which a lawyer simply memorized rules and then purged them out on the exam, that probably was an efficient way to learn and an efficient way to show what you had learned. Certainly on a bar exam or a law school test, because out in the real world that you were going to be going into, it was important to know the rules and to be able to apply them and put them out there. You didn't have resources like Google, Lexus Nexus, Next Law, whatever.

It's out there and it makes it possible today to access almost any piece of information virtually instantly. As a result, the binge and purge methodology becomes somewhat antiquated and outdated, certainly for our use. Now, in the broader educational context, this also has meaning because as scientists began to study this and teachers began to study and work with scientists and brain researchers, we started seeing people like Howard Gardner at Harvard, who you've heard me mention before, with Project Zero, which was multiple intelligences and a way of thinking about learning. There was information even on the other end of the political spectrum from Clyde [Christianson 00:09:51] talking about disruptive educational theories in schools.

You started to see a backlash to the idea that was very much in vogue that there 500 facts that you needed to know. If you knew those 500 facts, you could get all the way through life or all the way through school. In many ways what we've

done is to return to a more primitive society, if you will. A Socratic world in which we have a dialogue, in which the learner actually engages with the teacher or professor and begins to discover truth for themselves. That Socratic, from Socrates and Plato. We've got these competing theories of how to learn that are out there.

One of the things that's come along in the last 15 years or so, but certainly in the last 5, is that we now have this functional magnetic resonance or MRI, a functional MRI. Functional MRIs are being used in a lot of psychology and brain experiments to help pinpoint parts of the brain that are operating at different times. From that, there are some interesting hypotheses about what the brain is doing or not doing.

Now, I want to be clear, this is not pop science. This is still developing information. It's still developing methodology, but there is a growing body of literature among those that do this work that confirms what teachers in classrooms have said for decades, eons really. That is that that when you ask a student to essentially binge on information and then purge it back, there's very little retained learning. I think that you could think about in your own life and probably see where that comes in, that you studied or crammed for a test at whatever level and took the test and then you were done. You don't remember the information, you don't recall the information, you've got it out of your system. Just like a bad cold and it's gone and you never want to see it again.

Now, the difference between that and a realistic or authentic evaluation is that authentic evaluations tends to stick with you. It's based in the real world, tends to be more collaborative, more group oriented, more project based. Drawing on a variety of skills, not just the rules or the law or the material that you've memorized, but really drawing on your common sense, your practical experience, your ability to relate to others. Your ability to draw from disparate disciplines and put all of that together.

I think if you ask someone to describe the work that a lawyer does today, they would be more inclined to tell you that it's like that second model. It's really bringing together a variety of skills. Communication skills, mediation skills, management skills, drawing on experts in certain areas where perhaps the lawyer doesn't have particular expertise. Managing the client, communicating to other parties, persuading a judge or a jury, but really not so much in terms of just learning the rules and spitting them back.

All right, so what does that mean for the bar exam? Well, when we sat down to create the bar review, twenty some years ago and it was really built on theories that started even earlier than that at Harvard Law School, the theory was very much built on this idea of binge and purge. Put as much information into the student's brain as you could, get them to spit it back out and see what result you ended up with. Over time, as I began to become more involved in bar review, I took the lessons I had learned in the K-12 environment, doing the work

at Celebration School, working with Harvard and Johns Hopkins, Stetson University, Auburn, the Walt Disney company, a private company that was very good at how they taught and the public school system.

What I discovered was that the kinds of results that we were seeing from our K-12 students using not binge and purge ... I can't even say it right, but spaced education. Learning in smaller chunks in a Socratic dialogue over time, with feedback and collaborative learning and some of these other skills seemed to be working. Our students were doing well. Well, one of the beauties of getting old, or older, is that many of those little kids, students, are now in their professions. They've actually not only graduated high school, they've graduated college and graduate school. Many are working as lawyers, many are working as educators. There are some doctors, there are some rocket scientists, there are people engaged in all sorts of activities. Lots of moms and dads and people doing wonderful things.

When I went back and tracked some of the activities and behaviors of these students that we worked with, though it's not a formal longitudinal study, I can tell that you that these students seemed to have done very, very well in life and in the professions and careers they chose, regardless of what that career was. Whether it was very scientific in math and science or it was in the humanities or liberal arts. In religion, theology, teaching, whatever it turned out to be, they were incredibly successful. I think one of the reasons for that success is that they were learning a different style of education. We were giving them something other than the traditional assembly line education.

All right, so when we move into the bar exam, what I think begins to happen is that we have, over the last five to ten years started to really reexamine how we do bar review. In this course, if you're taking our course, what you're going to discover is that we use this idea of spaced education and neurolinguistic programming, which is essentially getting you involved on a visceral, emotional, physical level with your studies. Not just a mental, dispassionate, set apart way. We do that by having you do a very quick reading of basic material on the subject and we do that just to get that information into your pre conscious brain. It's not a detailed read, it's not there to help you learn all the rules and the law.

Then I activate that material with a very specifically designed lecture that is built on a neuro linguistic programming basis to help activate or bring that material into the forefront of your mind. The lecture is designed to take what you quickly skimmed and give it more body and life. We do through that context, through stories and examples, through ways of bringing the material into a more real perspective than just abstraction or pure knowledge. Then, importantly, we go to the third step which is to further activate the material through the use of practice questions and feedback.

Now, if it's a multiple choice exam, like the MBE, you're going to be doing practice MBE questions, but unlike a course in which you do a whole lot of questions and then look at the answers when you're done, we have you do a question. Stop. Review the answer choices and the explanation and then go to the next question. Those questions are built, one on top of each other, to help you with that spaced learning. If you're doing essay writing, the goal is to have you write in those subjects and then review your work. Create a schematic of that work if you will or a mind map, or what I call a four column exercise to help reactive the material again.

Then we compress that learning over time. You go back to those subjects. Again, let's say the first you touch a subject like evidence, you'll come back to it again in four weeks. You'll do the same kind of work with new material and evidence and then you'll wait about two weeks and you'll do more material and evidence and then you'll wait about six days and then you'll do more. Then you'll wait another couple of days and do more. We're compressing the touches, and it's called spaced learning or spaced education.

Now, this approach to education builds on context much more than it builds on memorization and because of that it can be very uncomfortable when you start out. It can be very unsettling because you're not just absorbing and gulping in lots of information and hoping to hold it in your mind until the exam. In fact, we're telling you specifically don't memorize. Simply get acquainted with the material, jump in, use it. Use it in context, begin to activate it and as you get to the exam, when you see questions or problems in these areas, you will be activating those same neural pathways. Those same functional MRIs or showing us the Christmas tree that lights up in your brain. You're able to start using this material more effectively.

Now, there's a lot that's been written about spaced education and about binge and purge. One of the best articles, in my mind, is written by Craig Lambert in the Harvard Magazine. You can Google it and take a look at it. It's a very useful article on this idea. There's a lot of research going on and that's what makes it exciting. It's a different way of learning than what most people learned. When you come into a course like ours, I will tell you, it might be a bit unsettling at first because it's not the way you're used to learning, but it is an extraordinarily successful way to learn and for us to show you this material.

How does it translate when it comes to the bar exam? Well, we continue to have better than average results with a student body, a population if you will, that should have much worse than average. While we have a share of first time bar takers, I will say over the last five years, we've become more known for our ability to take people who failed the bar exam somewhere else and help them get through the test. Working with a disadvantaged population, we have better than state percentages in every jurisdiction that we teach.

I really encourage to look into this, check it out and research it. Think about it. I'd love to get your comments and thoughts. If you sign up for one of free learning assessments, we'll be glad to explain that a little bit further to you in that assessment and to show you how that spaced education idea might work for you. I hope that's helpful and I appreciate you watching and we wish you the best as you study for your bar exam or whatever test is coming up.

Well, that wraps up today's episode. Thanks so much for listening. If you'd like to be part of our Extra Mile for Bar Exam Takers private Facebook group, just check the show notes. You'll find a link in which you can request an invitation and we'll see you along the Extra Mile.

Speaker 2: Thanks for listening to the Extra Mile podcast for bar exam takers! At [www.celebrationbarreview.com](http://www.celebrationbarreview.com).

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