

Louisiana Bar Exam Questions And Answers



LOUISIANA FEBRUARY 2015 BAR EXAM MODEL ANSWERS

Code 1 Model Answer
February 2015 Exam

Question One

- 1.1 Yes, the contract the couple signed the morning of their wedding is an enforceable matrimonial agreement. A prenuptial matrimonial agreement is enforceable without requirement of court approval, and there is no requirement of execution a specified period in advance of the marriage ceremony. A contract signed any time in advance of the marriage ceremony will still be classified as a prenuptial matrimonial agreement. Such an agreement must be made by authentic act or act under private signature duly acknowledged. Here, Henry and Wendy signed the agreement before a notary and two witnesses. That the notary and witnesses were friends and family of one of the parties to the agreement is immaterial. There is no requirement that notaries and witnesses to an authentic act be "strangers" to the parties. Wendy may attempt to have the agreement declared a relative nullity, claiming duress, since she "reluctantly" signed it. She is not likely to succeed on this claim. The pressure one feels to sign an agreement due to a planned marriage ceremony has never been held to give rise to duress; rather, a court would need to find that Wendy's will was absolutely overcome such that she was forced to sign an agreement against her will. Those facts are not present here.

One portion of the agreement, however, will be null. Henry and Wendy attempted to waive both interim and final periodic support through this matrimonial agreement. Waivers of final periodic support, when executed in proper form, are perfectly permissible. But waivers of interim spousal support have been held by the Louisiana Supreme Court to violate public policy. As a result, the provision attempting to waive interim spousal support (and that provision only) will be unenforceable.

(It should be noted, for the purposes of answering the parts below, that the parties did not attempt to develop a separate property regime through this agreement, nor did they attempt to modify Louisiana's default community property regime in any way.)

- 1.2 The New Orleans family home will be Henry's separate property. Because the parties possessed the home during the course of their marriage, it will be presumed community property, but Henry can easily overcome that presumption. Wendy did not sign the act of sale, nor does her name appear on the title, but those facts are wholly irrelevant to classification of property in Louisiana. Rather, the home will be classified in accordance with the source of the funds used to acquire it. Here, the couple used \$10,000 of community property. The money given by Wendy's parents after the wedding is community property because it was given by joint donation. The intent of the donor is the controlling test. Wendy's parents may testify that they intended to give the money to their daughter alone, but a judge is not likely to be persuaded that this was their intent at the time of the donation. A gift given to the couple just after the wedding ceremony is likely intended as a joint gift.

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Louisiana bar exam questions and answers are crucial for aspiring attorneys in the state, representing a significant step in their journey to practice law. The bar exam is a rigorous assessment that evaluates candidates' knowledge and understanding of both state and federal laws, as well as their ability to apply legal principles to practical scenarios. This article will delve into the structure of the Louisiana bar exam, common questions, effective study strategies, and valuable resources, providing a comprehensive guide for those preparing for this pivotal examination.

Understanding the Louisiana Bar Exam

The Louisiana bar exam is unique compared to other states due to its incorporation of civil law principles, reflecting Louisiana's distinct legal heritage. The exam consists of two main components: the Louisiana-specific section and the Multistate Bar Examination (MBE).

Exam Structure

1. Multistate Bar Examination (MBE):

- The MBE is a standardized test consisting of 200 multiple-choice questions covering:
- Constitutional Law
- Contracts
- Criminal Law and Procedure
- Evidence
- Real Property

- Torts

2. Louisiana Civil Code Section:

- This portion focuses on the Louisiana Civil Code and includes essay questions that may cover:
- Obligations
- Property
- Torts
- Family Law
- Successions
- Commercial Law

3. Performance Test:

- An aspect of the exam that evaluates a candidate's practical skills through a legal writing exercise, requiring them to demonstrate their ability to apply law in a real-world context.

Scoring and Results

- The MBE and Louisiana-specific sections are weighted differently, with the MBE accounting for 50% of the total score.
- Each section is graded on a scale, and candidates must achieve a minimum passing score for both the MBE and the Louisiana-specific section.
- Results are typically released several weeks after the exam date, and successful candidates are sworn in as attorneys shortly thereafter.

Common Louisiana Bar Exam Questions

Preparing for the Louisiana bar exam often involves reviewing past exam questions and understanding the types of scenarios that may be presented. Below are some common question formats and examples.

Essay Question Examples

1. Torts:

- Scenario: A driver hits a pedestrian while texting on their phone. Discuss the potential liabilities involved.
- Answer Outline:
 - Identify the tort (negligence).
 - Discuss duty, breach, causation, and damages.
 - Analyze defenses (e.g., comparative fault).

2. Successions:

- Scenario: A deceased individual left behind a will that was not properly witnessed. Evaluate the enforceability of the will.
- Answer Outline:
 - Discuss requirements for a valid will under Louisiana law.

- Analyze potential for a holographic will.
- Consider implications of intestacy.

3. Family Law:

- Scenario: A couple with children seeks divorce and disputes custody. Outline the factors affecting custody decisions.
- Answer Outline:
- Discuss the best interest of the child standard.
- Analyze relevant statutory factors.
- Consider potential visitation arrangements.

Multiple Choice Question Examples

1. What is the primary purpose of the Louisiana Civil Code?

- A) To codify common law principles
- B) To provide a comprehensive set of laws for civil matters
- C) To govern criminal proceedings
- D) To serve as a guideline for federal laws
- Correct Answer: B

2. Under Louisiana law, which of the following is NOT a requirement for a valid contract?

- A) Consent
- B) Capacity
- C) Lawful object
- D) Written form
- Correct Answer: D (Contracts can be valid without being in writing unless specified by law).

Effective Study Strategies

Preparing for the Louisiana bar exam requires a strategic approach to studying. Here are some effective strategies to consider:

1. Create a Study Schedule

- Develop a structured study plan that allocates time for each subject area.
- Include regular breaks and review sessions to reinforce learning.

2. Utilize Bar Prep Courses

- Consider enrolling in a bar review course specifically tailored for the Louisiana bar exam.
- Popular courses include:
- Barbri
- Kaplan

- Themis

3. Practice with Past Exams

- Obtain past Louisiana bar exam questions and practice answering them under timed conditions.
- Analyze model answers to understand the level of detail and organization expected.

4. Join Study Groups

- Collaborate with fellow examinees to discuss complex topics and quiz each other.
- Sharing insights can enhance understanding and retention of material.

5. Focus on Louisiana Law

- Pay particular attention to Louisiana's unique legal principles, as they differ significantly from common law traditions.
- Familiarize yourself with the Louisiana Civil Code and relevant statutes.

Valuable Resources for Bar Exam Preparation

Several resources can aid in preparing for the Louisiana bar exam:

1. Official Louisiana State Bar Association Resources

- The Louisiana State Bar Association (LSBA) website provides essential information about the exam, including eligibility requirements and application procedures.

2. Study Guides and Outlines

- Utilize study guides specific to Louisiana law, which can provide concise summaries of key concepts.
- Examples include:
 - Louisiana Civil Law Treatises
 - Bar review textbooks

3. Online Forums and Communities

- Join online forums such as Bar Exam Toolbox or Reddit's r/barexam where you can connect with others preparing for the exam.
- These platforms often have discussions on strategies and shared experiences.

4. Flashcards and Practice Questions

- Create flashcards for key legal terms and principles to aid in memorization.
- Use online question banks to practice answering multiple-choice questions.

Conclusion

The Louisiana bar exam questions and answers serve as a vital resource for candidates aiming to successfully navigate this challenging examination. Understanding the exam structure, practicing with common questions, and employing effective study strategies can significantly enhance a candidate's chances of success. By utilizing available resources and maintaining a disciplined study regimen, aspiring attorneys can approach the bar exam with confidence, ready to embark on their legal careers in Louisiana.

Frequently Asked Questions

What subjects are covered on the Louisiana Bar Exam?

The Louisiana Bar Exam typically covers subjects such as Civil Law, Criminal Law, Constitutional Law, Business Organizations, and Evidence, among others.

How is the Louisiana Bar Exam structured?

The Louisiana Bar Exam consists of two parts: the written portion, which includes essays and multiple-choice questions, and the performance test.

What is the passing score for the Louisiana Bar Exam?

To pass the Louisiana Bar Exam, candidates generally need a score of at least 70 out of 100 points on the written portion.

How long is the Louisiana Bar Exam?

The Louisiana Bar Exam is typically held over two days, with the written portion on the first day and the performance test on the second day.

Are there any specific Louisiana laws that bar exam takers should focus on?

Yes, candidates should pay particular attention to the Louisiana Civil Code, which governs many areas of law in the state, as well as unique local statutes and case law.

What resources are recommended for studying for the Louisiana Bar Exam?

Recommended resources include bar review courses, practice exams, study guides, and outlines specific to Louisiana law.

How often is the Louisiana Bar Exam administered?

The Louisiana Bar Exam is administered twice a year, typically in February and July.

What are common mistakes to avoid when preparing for the Louisiana Bar Exam?

Common mistakes include underestimating the importance of Louisiana-specific laws, neglecting the performance test, and not practicing enough with past exam questions.

Can I take the Louisiana Bar Exam if I graduated from a law school outside of Louisiana?

Yes, graduates from non-Louisiana law schools can take the Louisiana Bar Exam, but they must meet certain educational requirements set by the Louisiana Supreme Court.

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[About Louisiana - The official website of Louisiana](#)

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The Louisiana capitol is in Baton Rouge, and the largest city is New Orleans. Other large cities include Shreveport, Lafayette, Lake Charles, Monroe, Alexandria, Bossier City, Houma and ...

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Blank Outline Maps: Find printable blank map of the State of Louisiana , without names, so you can quiz yourself on important locations, abbreviations, or state capital.

Louisiana - Wikitravel

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