



MEE Frequency Analysis

For the UBE/MEE

July 2026 Pre-Release Edition

STUDY SMARTER

— OPTIMIZE YOUR BAR PREP —



Smart study tools that simplify and optimize your bar exam prep by helping you learn faster, practice more effectively, and prioritize the highly tested topics & rules.

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We would love to hear from you.

**If you have any questions, comments, or suggestions
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MEE ANALYSIS

Subjects Appearing on Past MEE's (Feb. 1995 to July 2025)

MEE Subject Frequency – Past 64 Exams

Subject	Number of Times Subject Appeared on Past Exams	Percentage (%) Subject Appeared on Past Exams
Agency	48 out of 64 exams	75%
Partnerships	38 out of 64 exams	59%
Corporations & LLC's	43 out of 64 exams	67%
Civil Procedure	57 out of 64 exams	89%
Constitutional Law*	18 out of 39 exams	46%
Contracts*†	23 out of 39 exams	59%
Criminal Law & Procedure*	22 out of 39 exams	56%
Evidence*	19 out of 39 exams	49%
Real Property*	22 out of 39 exams	56%
Torts*	16 out of 39 exams	41%

* These six subjects were not tested on the Multistate Essay Exam (MEE) until July 2007.

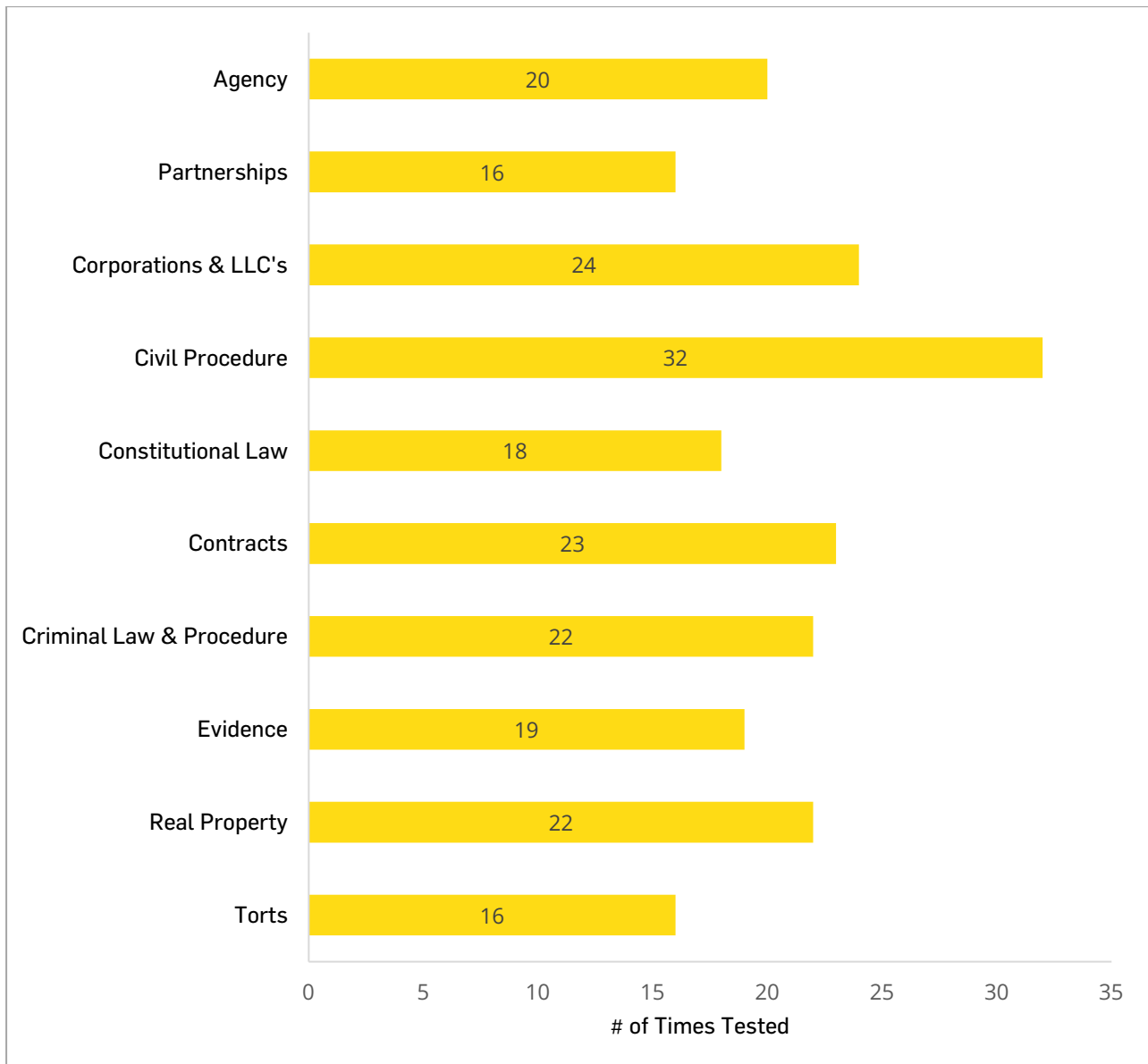
** Starting with the July 2026 exam, these subjects are *no longer tested* on the MEE section: Conflict of Laws, Family Law, Secured Transactions, Trusts & Future Interests, and Wills & Estates. As such, we removed those subjects from the testing statistics.

† The subject of Sales (UCC Article 2) was tested on a few exams prior to July 2007; those exams were not included in this subject frequency chart because it would artificially inflate the testing percentage. However, the rules tested from those exams are included in the SmartBarPrep Priority Outlines.

MEE FREQUENCY CHART

Subjects Appearing on Past MEE's (July 2007 to July 2025)

MEE Subject Frequency Chart – Past 39 Exams



MEE ANALYSIS

Subjects Appearing on Past MEE's (July 2007 to July 2025)

MEE Subject Frequency – Past 39 Exams

Subject	Number of Times Subject Appeared on Past Exams	Percentage (%) Subject Appeared on Past Exams
Agency	20 out of 39 exams	51%
Partnerships	16 out of 39 exams	41%
Corporations & LLC's	24 out of 39 exams	62%
Civil Procedure	32 out of 39 exams	82%
Constitutional Law	18 out of 39 exams	46%
Contracts	23 out of 39 exams	59%
Criminal Law & Procedure	22 out of 39 exams	56%
Evidence	19 out of 39 exams	49%
Real Property	22 out of 39 exams	56%
Torts	16 out of 39 exams	41%

** Starting with the July 2026 exam, these subjects are *no longer tested* on the MEE section: Conflict of Laws, Family Law, Secured Transactions, Trusts & Future Interests, and Wills & Estates. As such, we removed those subjects from the testing statistics.

MEE FREQUENCY ANALYSIS

Rules Appearing on Past UBE/MEE Essays

MEE Rule Frequency

Total Bar Exams Analyzed	64
Total # of Essays	448
Total # of Rules Analyzed	415

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Agency	Creation of Agency Relationship	7	10.9%
Agency	Types of Agency Relationships	2	3.1%
Agency	Termination of Agency Relationship	3	4.7%
Agency	Actual Authority	16	25.0%
Agency	Apparent Authority	16	25.0%
Agency	Inherent Agency Power	3	4.7%
Agency	Ratification of Agent's Contracts	4	6.3%
Agency	Agent's Contractual Liability	7	10.9%
Agency	Employee vs. Independent Contractor	8	12.5%
Agency	Vicarious Liability of Employer: Doctrine of Respondeat Superior	7	10.9%
Agency	Vicarious Liability: Liability Where Respondeat Superior Doctrine Inapplicable	4	6.3%
Agency	Vicarious Liability for Acts of Independent Contractors	5	7.8%
Agency	Knowledge of Agent Imputed to Principal	1	1.6%
Agency	Fiduciary Duties Owed by the Agent to the Principal	4	6.3%

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Partnerships	Creation of a General Partnership	10	15.6%
Partnerships	Formation of a Limited Partnership (LP)	2	3.1%
Partnerships	Formation of a Limited Liability Partnership (LLP)	2	3.1%
Partnerships	Authority to Bind the Partnership	10	15.6%
Partnerships	Authority to Bind a Partnership After Dissolution	3	4.7%
Partnerships	Personal Liability of General Partners & Judgment Enforcement	11	17.2%
Partnerships	Personal Liability of Limited Partners	3	4.7%
Partnerships	Personal Liability of Limited Liability Partners	3	4.7%
Partnerships	Partnership Liability for Wrongful Act of Partner	1	1.6%
Partnerships	Sharing of Profits and Losses	1	1.6%
Partnerships	Right to Management & Control	2	3.1%
Partnerships	Transfer of Ownership Interest in a Partnership	4	6.3%
Partnerships	Right to Partnership Property	4	6.3%
Partnerships	Remuneration (Payment for Partner's Services)	2	3.1%
Partnerships	Partnership Ownership of Inventions	1	1.6%
Partnerships	Advance of Funds to the Partnership & Reimbursement	2	3.1%
Partnerships	Management & Control in a Limited Partnership	2	3.1%
Partnerships	Limited Partner's Right to Inspect Records	2	3.1%
Partnerships	Duty of Care	4	6.3%
Partnerships	Duty of Loyalty	6	9.4%
Partnerships	Duty to Provide Full Information	3	4.7%
Partnerships	Action Against a Partner for Misconduct	1	1.6%
Partnerships	Dissociation (Withdrawal of a Partner)	4	6.3%
Partnerships	Dissolution of a General Partnership	8	12.5%
Partnerships	Dissolution of a Limited Partnership	1	1.6%
Partnerships	Winding Up & Termination of the Partnership	2	3.1%
Corporations & LLC's	Formation of a Corporation (Articles of Incorporation)	2	3.1%
Corporations & LLC's	Bylaws	2	3.1%
Corporations & LLC's	Amending the Bylaws	1	1.6%
Corporations & LLC's	Powers of a Corporation	2	3.1%
Corporations & LLC's	Foreign Corporation	1	1.6%
Corporations & LLC's	Formation of an LLC	2	3.1%
Corporations & LLC's	Liability of Promoter for Pre-Incorporation Contracts	3	4.7%

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Corporations & LLC's	Liability of Corporation for Pre-Incorporation Contracts	2	3.1%
Corporations & LLC's	Defective Incorporation & Owner Liability	1	1.6%
Corporations & LLC's	Personal Liability & Piercing the Veil	6	9.4%
Corporations & LLC's	Common & Preferred Shares	1	1.6%
Corporations & LLC's	Authorized, Outstanding, & Reacquired Shares	2	3.1%
Corporations & LLC's	Consideration in Exchange for Shares	1	1.6%
Corporations & LLC's	Dividends & Distributions to Shareholders	4	6.3%
Corporations & LLC's	Shareholder Meetings: Right to Vote & Record Date	2	3.1%
Corporations & LLC's	Shareholder Meetings: Proxy Voting & Revocation of a Proxy	4	6.3%
Corporations & LLC's	Shareholder Meetings: Annual Meetings, Special Meetings, & Notice	1	1.6%
Corporations & LLC's	Shareholder Meetings: Quorum & Voting	2	3.1%
Corporations & LLC's	Shareholder Meetings: Election of Directors	1	1.6%
Corporations & LLC's	Shareholder's Right to Inspect Books and Records	4	6.3%
Corporations & LLC's	Shareholder Voting Agreements & Trusts	1	1.6%
Corporations & LLC's	Shareholder Management Agreements	0	0.0%
Corporations & LLC's	Shareholder Right of Expression & Submitting Proposed Resolutions	1	1.6%
Corporations & LLC's	Board of Directors Shall Exercise All Corporate Powers	3	4.7%
Corporations & LLC's	Board of Directors Meeting: Quorum	3	4.7%
Corporations & LLC's	Board of Directors Meeting: Voting & Objection to Actions	2	3.1%
Corporations & LLC's	Board of Directors Meeting: Notice & Waiver	2	3.1%
Corporations & LLC's	Board Action by Written Consent	1	1.6%
Corporations & LLC's	Removal of Directors	1	1.6%
Corporations & LLC's	Authority of Officers	3	4.7%
Corporations & LLC's	Removal of Officers	1	1.6%
Corporations & LLC's	Management of an LLC	3	4.7%
Corporations & LLC's	Authority of Members and Managers of an LLC	4	6.3%
Corporations & LLC's	Preemptive Rights	1	1.6%
Corporations & LLC's	Restrictions on Share Transfers	1	1.6%
Corporations & LLC's	Fiduciary Duties of Directors: Duty of Care	10	15.6%
Corporations & LLC's	Fiduciary Duties of Directors: Duty of Loyalty – Conflicting Interest Transaction	9	14.1%
Corporations & LLC's	Fiduciary Duties of Directors: Duty of Loyalty – Usurping a Corporate Opportunity	1	1.6%

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Corporations & LLC's	Fiduciary Duties of Shareholders	3	4.7%
Corporations & LLC's	Restricting/Eliminating Fiduciary Duties in a Corporation	1	1.6%
Corporations & LLC's	Fiduciary Duties Owed by Members/Managers of an LLC	3	4.7%
Corporations & LLC's	Restricting/Eliminating Fiduciary Duties in an LLC	1	1.6%
Corporations & LLC's	Direct & Derivative Actions	8	12.5%
Corporations & LLC's	Derivative Actions: Dismissal by the Board of Directors	1	1.6%
Corporations & LLC's	Federal Securities Law – Rule 10b-5	1	1.6%
Corporations & LLC's	Amending the Articles of Incorporation	2	3.1%
Corporations & LLC's	Mergers and Share Exchanges	2	3.1%
Corporations & LLC's	Sale of All or Substantially All of Corporate Assets	3	4.7%
Corporations & LLC's	Dissenter's Appraisal Rights for Fundamental Changes	4	6.3%
Corporations & LLC's	Judicial Dissolution of a Corporation	2	3.1%
Corporations & LLC's	Voluntary Dissolution of a Corporation	2	3.1%
Corporations & LLC's	Dissociation of a Member from an LLC	2	3.1%
Corporations & LLC's	Dissolution & Winding Up of an LLC	4	6.3%
Civil Procedure	Subject Matter Jurisdiction: Federal Question	12	18.8%
Civil Procedure	Subject Matter Jurisdiction: Diversity of Citizenship	23	35.9%
Civil Procedure	Subject Matter Jurisdiction: Supplemental Jurisdiction	10	15.6%
Civil Procedure	Subject Matter Jurisdiction: Domestic Relations Exception	1	1.6%
Civil Procedure	Subject Matter Jurisdiction: Diversity Jurisdiction of a Large Class Action	1	1.6%
Civil Procedure	Removal	5	7.8%
Civil Procedure	Abstention Doctrines	2	3.1%
Civil Procedure	Personal Jurisdiction	12	18.8%
Civil Procedure	Service of Process and Notice	4	6.3%
Civil Procedure	Venue (Proper Venue & Transfer of Venue)	11	17.2%
Civil Procedure	Law Applied by Federal Courts: Erie Doctrine, Substance vs. Procedure, & Supremacy Clause	9	14.1%
Civil Procedure	Preliminary Injunction	2	3.1%
Civil Procedure	Temporary Restraining Order (TRO)	3	4.7%
Civil Procedure	Permanent Injunction	1	1.6%
Civil Procedure	Federal Court Pleading Rules: Claim for Relief	1	1.6%
Civil Procedure	Federal Court Pleading Rules: Responding to a Pleading	2	3.1%
Civil Procedure	Amendments to Pleadings & Relation Back Doctrine	3	4.7%
Civil Procedure	Counterclaims	3	4.7%

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Civil Procedure	Cross-Claims	1	1.6%
Civil Procedure	Rule 11 – Representations to the Court	2	3.1%
Civil Procedure	Rule 11 – Sanctions Imposed	2	3.1%
Civil Procedure	Rule 11 – Procedure for Filing a Sanctions Motion	1	1.6%
Civil Procedure	Permissive Joinder of Parties	5	7.8%
Civil Procedure	Required Joinder of Parties	3	4.7%
Civil Procedure	Intervention as of Right & Permissive Intervention	1	1.6%
Civil Procedure	Impleader (Third-Party Actions)	3	4.7%
Civil Procedure	Class Action Requirements & Certification	2	3.1%
Civil Procedure	Discoverable Information (Relevant & Proportional Standard)	2	3.1%
Civil Procedure	Depositions	2	3.1%
Civil Procedure	Electronically Stored Information & Spoliation Sanctions	2	3.1%
Civil Procedure	Rule 26(g) – Signing Disclosures & Sanctions for Improper Certification	1	1.6%
Civil Procedure	Rule 26(a) Initial Disclosures	2	3.1%
Civil Procedure	Attorney Work Product Doctrine	3	4.7%
Civil Procedure	Pretrial Conference and Order	3	4.7%
Civil Procedure	Motion to Dismiss & Motion for Judgment on the Pleadings	4	6.3%
Civil Procedure	Motion for Summary Judgment	7	10.9%
Civil Procedure	Motion for Judgment as a Matter of Law	4	6.3%
Civil Procedure	Motion for a New Trial	1	1.6%
Civil Procedure	Preclusive Effect of a Default Judgment	1	1.6%
Civil Procedure	Claim Preclusion (Res Judicata)	2	3.1%
Civil Procedure	Issue Preclusion (Collateral Estoppel)	4	6.3%
Civil Procedure	Appeals: Final Judgment Rule & Exceptions	5	7.8%
Constitutional Law	State Sovereign Immunity (11th Amendment)	3	7.7%
Constitutional Law	Standing	1	2.6%
Constitutional Law	Advisory Opinions, Ripeness, & Mootness	0	0.0%
Constitutional Law	Commerce Clause	2	5.1%
Constitutional Law	Power to Enforce the 13th, 14th, and 15th Amendments	1	2.6%
Constitutional Law	Taxing Power	0	0.0%
Constitutional Law	Spending Power	1	2.6%
Constitutional Law	Executive Powers: Domestic Powers	0	0.0%
Constitutional Law	Executive Powers: Treaty and Foreign Affairs Powers	0	0.0%

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Constitutional Law	Delegation of Congressional Powers & Non-Delegation Doctrine	0	0.0%
Constitutional Law	State Immunity from Federal Law (10th Amendment)	3	7.7%
Constitutional Law	Negative Commerce Clause	2	5.1%
Constitutional Law	Supremacy Clause & Preemption	0	0.0%
Constitutional Law	Governmental Action ("State Action")	3	7.7%
Constitutional Law	Substantive Due Process	1	2.6%
Constitutional Law	Procedural Due Process	0	0.0%
Constitutional Law	Equal Protection Analysis	3	7.7%
Constitutional Law	Takings (5th Amendment)	2	5.1%
Constitutional Law	Privileges and Immunities Clause	0	0.0%
Constitutional Law	Contracts Clause	1	2.6%
Constitutional Law	Freedom of Religion: Establishment Clause	0	0.0%
Constitutional Law	Freedom of Religion: Free Exercise Clause	0	0.0%
Constitutional Law	Freedom of Speech: Content-Based vs. Content-Neutral Restrictions	2	5.1%
Constitutional Law	Freedom of Speech: Public Forum, Limited Public Forum, & Non-Public Forum	3	7.7%
Constitutional Law	Unprotected Speech: Fighting Words	1	2.6%
Constitutional Law	Unprotected Speech: Incitement of Imminent Lawless Action	1	2.6%
Constitutional Law	Unprotected Speech: Obscenity	0	0.0%
Constitutional Law	Freedom of Speech: Regulation of Commercial Speech	0	0.0%
Constitutional Law	Freedom of Speech: Public School Students	1	2.6%
Constitutional Law	Freedom of Speech: Government Employees	0	0.0%
Constitutional Law	Freedom of Speech: Regulation of Expressive Conduct	0	0.0%
Constitutional Law	Freedom of Speech: Prior Restraint	0	0.0%
Constitutional Law	Freedom of Speech: Vague & Overbroad Laws	1	2.6%
Constitutional Law	Freedom of Speech: Corporate & Union Political Expenditures	1	2.6%
Constitutional Law	Freedom of the Press: Defamation & Actual Malice Standard	1	2.6%
Constitutional Law	Freedom of the Press: Disclosure of Private Facts & Generally Applicable Laws	1	2.6%
Constitutional Law	Freedom of Association	0	0.0%
Contracts	UCC Article 2 Governs Contracts for the Sale of Goods	12	30.8%
Contracts	Applicable Law: UCC Article 2 vs. Common Law	2	5.1%

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Contracts	Mutual Assent: Offer & Acceptance	5	12.8%
Contracts	Mutual Assent: Timing of Acceptance/Revocation & the Mailbox Rule	2	5.1%
Contracts	Mutual Assent: Battle of the Forms (Mirror Image Rule and UCC Exception)	1	2.6%
Contracts	Mutual Assent: Implied-in-Fact Contracts	0	0.0%
Contracts	Indefiniteness or Absence of Terms	1	2.6%
Contracts	Consideration: Bargained for Exchange & Substitutes	3	7.7%
Contracts	Consideration: Settlement/Release of Legal Claims	0	0.0%
Contracts	Modification of Contracts: Pre-Existing Duty Rule & Exceptions	4	10.3%
Contracts	Incapacity	0	0.0%
Contracts	Duress	1	2.6%
Contracts	Undue Influence	0	0.0%
Contracts	Mutual Mistake & Unilateral Mistake	1	2.6%
Contracts	Misrepresentation	1	2.6%
Contracts	Illegality	0	0.0%
Contracts	Public Policy & Restraint of Trade	1	2.6%
Contracts	Unconscionability	0	0.0%
Contracts	Statute of Frauds: Contracts Requiring a Signed Writing	6	15.4%
Contracts	Parol Evidence Rule	2	5.1%
Contracts	UCC Delivery & Risk of Loss	0	0.0%
Contracts	Condition Precedent	1	2.6%
Contracts	Implied Obligation of Good Faith and Fair Dealing	0	0.0%
Contracts	Impossibility, Impracticability, & Frustration of Purpose	0	0.0%
Contracts	Minor Breach (Substantial Performance Doctrine) vs. Material Breach	2	5.1%
Contracts	Divisible Performance (Part Performances as Agreed Equivalents)	1	2.6%
Contracts	UCC Perfect Tender Rule & Exceptions	0	0.0%
Contracts	UCC Acceptance of Goods & Revocation of Acceptance	3	7.7%
Contracts	Anticipatory Repudiation & Adequate Assurances	2	5.1%
Contracts	Accord and Satisfaction	0	0.0%
Contracts	Express Warranty	2	5.1%
Contracts	Implied Warranty of Merchantability	0	0.0%
Contracts	Implied Warranty of Fitness for a Particular Purpose	1	2.6%

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Contracts	Warranty of Title	2	5.1%
Contracts	Limiting Damages for Breach of Warranty	0	0.0%
Contracts	Third-Party Beneficiaries & Enforcement of Rights	1	2.6%
Contracts	Assignment of Rights	1	2.6%
Contracts	Delegation of Duties	2	5.1%
Contracts	Common Law Expectation Damages	4	10.3%
Contracts	Consequential Damages	2	5.1%
Contracts	Reliance Damages	1	2.6%
Contracts	Punitive Damages	1	2.6%
Contracts	Specific Performance	0	0.0%
Contracts	UCC Seller's Remedies & Damages	2	5.1%
Contracts	UCC Buyer's Remedies & Damages	4	10.3%
Contracts	Waste Doctrine & Diminution in Value Damages	2	5.1%
Contracts	Restitution (Unjust Enrichment)	2	5.1%
Contracts	Rescission	1	2.6%
Contracts	Mitigation of Damages	2	5.1%
Criminal Law & Procedure	Elements of a Crime: Acts and Omissions	0	0.0%
Criminal Law & Procedure	Elements of a Crime: Causation	2	5.1%
Criminal Law & Procedure	Elements of a Crime: Mental States	3	7.7%
Criminal Law & Procedure	Murder	3	7.7%
Criminal Law & Procedure	Manslaughter	3	7.7%
Criminal Law & Procedure	Theft Crimes & Receiving Stolen Property	4	10.3%
Criminal Law & Procedure	Robbery	2	5.1%
Criminal Law & Procedure	Burglary	2	5.1%
Criminal Law & Procedure	Rape & Statutory Rape	0	0.0%
Criminal Law & Procedure	Assault and Battery	0	0.0%
Criminal Law & Procedure	Kidnapping & False Imprisonment	0	0.0%

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Criminal Law & Procedure	Arson	0	0.0%
Criminal Law & Procedure	Criminal Possession Offenses	0	0.0%
Criminal Law & Procedure	Attempt	1	2.6%
Criminal Law & Procedure	Conspiracy	0	0.0%
Criminal Law & Procedure	Solicitation	0	0.0%
Criminal Law & Procedure	Accomplice Liability	1	2.6%
Criminal Law & Procedure	Duress	1	2.6%
Criminal Law & Procedure	Insanity	2	5.1%
Criminal Law & Procedure	Justification: Self-Defense & Defense of Others	2	5.1%
Criminal Law & Procedure	Intoxication	0	0.0%
Criminal Law & Procedure	Mistake of Fact or Law	0	0.0%
Criminal Law & Procedure	Fourth Amendment Right – Government Action & Standing	3	7.7%
Criminal Law & Procedure	Fourth Amendment Right – Public School Students	1	2.6%
Criminal Law & Procedure	Arrests	2	5.1%
Criminal Law & Procedure	Request for Information, Stop and Inquire, & Stop and Frisk	3	7.7%
Criminal Law & Procedure	Warrant Requirement for All Searches, Unless an Exception Applies	5	12.8%
Criminal Law & Procedure	Exception to Warrant Requirement: Plain View Doctrine	3	7.7%
Criminal Law & Procedure	Exception to Warrant Requirement: Exigent Circumstances	2	5.1%
Criminal Law & Procedure	Exception to Warrant Requirement: Automobile Exception	1	2.6%
Criminal Law & Procedure	Exception to Warrant Requirement: Search Incident to Arrest	1	2.6%
Criminal Law & Procedure	Exception to Warrant Requirement: Consent	0	0.0%

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Criminal Law & Procedure	Exception to Warrant Requirement: Inventory Search	0	0.0%
Criminal Law & Procedure	Execution of a Warrant – Knock & Announce Rule	1	2.6%
Criminal Law & Procedure	Confessions: 14th Amendment Due Process Clause	1	2.6%
Criminal Law & Procedure	Confessions: 5th Amendment Privilege Against Self-Incrimination & Miranda Rights	7	17.9%
Criminal Law & Procedure	Confessions: 6th Amendment Right to Counsel	1	2.6%
Criminal Law & Procedure	Right to Counsel & Effective Assistance of Counsel at Trial	0	0.0%
Criminal Law & Procedure	Line-Ups & Police-Arranged Identification Procedures	1	2.6%
Criminal Law & Procedure	Exclusionary Rule & the Fruit of the Poisonous Tree Doctrine	3	7.7%
Criminal Law & Procedure	Right to a Jury Trial	1	2.6%
Criminal Law & Procedure	Competence to Stand Trial	1	2.6%
Criminal Law & Procedure	Double Jeopardy	2	5.1%
Criminal Law & Procedure	Burden of Proof, Presumptions, & Sufficiency of Evidence	2	5.1%
Criminal Law & Procedure	Harmless Error Rule	0	0.0%
Evidence	Probative Value: Relevancy & Rule 403 Exclusions	11	28.2%
Evidence	Subsequent Remedial Measures	2	5.1%
Evidence	Compromise/Settlement Offers & Negotiations	1	2.6%
Evidence	Pleas & Plea Negotiations	1	2.6%
Evidence	Offers to Pay Medical Expenses	1	2.6%
Evidence	Liability Insurance	0	0.0%
Evidence	Authentication of Evidence	2	5.1%
Evidence	Best Evidence Rule	1	2.6%
Evidence	Character Evidence	7	17.9%
Evidence	Prior Bad Acts	5	12.8%
Evidence	Habit or Routine Practice	2	5.1%
Evidence	Impeachment: Prior Inconsistent Statements	1	2.6%
Evidence	Impeachment: Prior Convictions	2	5.1%

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Evidence	Impeachment: Specific Instances of Conduct	3	7.7%
Evidence	Impeachment: Character for Truthfulness	0	0.0%
Evidence	Impeachment: Ability to Observe, Remember, or Relate Accurately	1	2.6%
Evidence	Impeachment: Bias	1	2.6%
Evidence	Impeachment: Hearsay Declarants	1	2.6%
Evidence	Refreshing Recollection	3	7.7%
Evidence	Judicial Notice	1	2.6%
Evidence	Lay Witness Testimony & Opinions	3	7.7%
Evidence	Expert Witness Testimony	2	5.1%
Evidence	Hearsay, Multiple Hearsay, & Non-Hearsay	13	33.3%
Evidence	Hearsay Exclusion: Statements by a Party Opponent	6	15.4%
Evidence	Hearsay Exclusion: Prior Statements by a Witness	2	5.1%
Evidence	Hearsay Exclusion: Co-Conspirator Admissions	1	2.6%
Evidence	Hearsay Exception: Present Sense Impression	5	12.8%
Evidence	Hearsay Exception: Excited Utterance	4	10.3%
Evidence	Hearsay Exception: Business Records	3	7.7%
Evidence	Hearsay Exception: Statements Made for Medical Diagnosis/Treatment	3	7.7%
Evidence	Hearsay Exception: Statements of Mental, Emotional, or Physical Condition	2	5.1%
Evidence	Hearsay Exception: Dying Declaration	0	0.0%
Evidence	Hearsay Exception: Statement Against Interest	2	5.1%
Evidence	Hearsay Exception: Public Records	1	2.6%
Evidence	Hearsay Exception: Past Recollection Recorded	2	5.1%
Evidence	Hearsay Exception: Former Testimony	1	2.6%
Evidence	Hearsay Exception: Learned Treatises, Periodicals, or Pamphlets	0	0.0%
Evidence	Hearsay Exception: Ancient Documents	0	0.0%
Evidence	Hearsay Exception: Residual Exception	0	0.0%
Evidence	Sixth Amendment Right to Confront Witnesses	3	7.7%
Evidence	Spousal Privileges: Spousal Immunity & Confidential Marital Communications	1	2.6%
Evidence	Attorney-Client Privilege	0	0.0%
Evidence	Attorney Work Product Doctrine	0	0.0%
Evidence	Physician-Patient Privilege	2	5.1%

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Evidence	Psychotherapist-Patient Privilege	0	0.0%
Real Property	Present Estates: Fee Simple Absolute & Fee Tail	0	0.0%
Real Property	Present Estates: Defeasible Fees	2	5.1%
Real Property	Present Estates: Life Estate	1	2.6%
Real Property	Present Estates: Statute of Limitations	1	2.6%
Real Property	Future Estates: Reverter & the Right of Re-Entry	2	5.1%
Real Property	Future Estates: Vested and Contingent Remainders	2	5.1%
Real Property	Tenancy in Common	1	2.6%
Real Property	Joint Tenancy: Formation	1	2.6%
Real Property	Joint Tenancy: Severance	2	5.1%
Real Property	Joint Tenancy: Lease by One Joint Tenant	1	2.6%
Real Property	Co-Tenant's Entitlement to Rent or Reimbursement for Repairs/Improvements	1	2.6%
Real Property	Types of Leasehold Interests	3	7.7%
Real Property	Tenant Duties: Duty to Pay Rent	0	0.0%
Real Property	Landlord's Rights and Liabilities Concerning a Hold-Over Tenant	1	2.6%
Real Property	Landlord Duties: Duty to Provide Possession of Leased Premises	1	2.6%
Real Property	Landlord Duties: Implied Warranty of Habitability	1	2.6%
Real Property	Landlord Duties: Constructive Eviction	2	5.1%
Real Property	Landlord Duties: Duty to Mitigate Damages	2	5.1%
Real Property	Assignment of a Lease	4	10.3%
Real Property	Subleases	0	0.0%
Real Property	Termination of Leases: Surrender	3	7.7%
Real Property	Landlord's Options if Tenant Abandons Premises	1	2.6%
Real Property	Real Covenants	0	0.0%
Real Property	Equitable Servitudes	0	0.0%
Real Property	Common Scheme or Plan Doctrine (Reciprocal Negative Servitude)	0	0.0%
Real Property	Restrictive Covenants: Common Interest Ownership Communities & Property Owner Associations	0	0.0%
Real Property	Easements by Grant, Prescription, Implication, & Necessity	4	10.3%
Real Property	Scope of an Easement	0	0.0%
Real Property	Termination of an Easement	2	5.1%
Real Property	Licenses	0	0.0%

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Real Property	Fixtures	2	5.1%
Real Property	Adverse Possession	3	7.7%
Real Property	Requirements for a Valid Land Sale Contract	0	0.0%
Real Property	Warranty of Marketable Title	1	2.6%
Real Property	Warranty of Marketable Title: Damages Recoverable	1	2.6%
Real Property	Doctrine of Equitable Conversion & Risk of Loss	1	2.6%
Real Property	Time of Performance for Real Estate Contracts	0	0.0%
Real Property	Action for Specific Performance of Real Property	0	0.0%
Real Property	Home Builder's Implied Warranty	3	7.7%
Real Property	Deed Requirements	1	2.6%
Real Property	General Warranty Deed, Special Warranty Deed, & Quitclaim Deed	5	12.8%
Real Property	Estoppel by Deed	0	0.0%
Real Property	Chain of Title and Wild Land Records	4	10.3%
Real Property	Recording Statutes & Notice	1	2.6%
Real Property	Bona Fide Purchasers & The Shelter Rule	4	10.3%
Real Property	Owner by Adverse Possession vs. Subsequent Bona Fide Purchasers	1	2.6%
Real Property	Deeds: Drafting, Review, and Negotiation of Closing Documents	0	0.0%
Real Property	Deeds: Persons Authorized to Execute Real Estate Documents	0	0.0%
Real Property	Mortgages & Requirements for a Valid Mortgage	0	0.0%
Real Property	Purchase Money Mortgage	0	0.0%
Real Property	Future-Advance Mortgage	2	5.1%
Real Property	Deed of Trust	0	0.0%
Real Property	Assumption & Transfer Subject to a Mortgage	1	2.6%
Real Property	Mortgages: Foreclosure, Order of Preference, and Deficiency Judgments	1	2.6%
Real Property	Transfer of a Mortgage Note	0	0.0%
Real Property	Zoning Ordinances	0	0.0%
Real Property	Zoning Ordinances: Variances	0	0.0%
Real Property	Zoning Ordinances: Previous Non-Conforming Use	1	2.6%
Real Property	Choice of Law Rules: Real Property Cases	1	2.6%
Real Property	Discrimination: Fair Housing Act	1	2.6%
Real Property	Rule Against Perpetuities	0	0.0%

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Torts	Battery	2	5.1%
Torts	Assault	0	0.0%
Torts	False Imprisonment	2	5.1%
Torts	Intentional Infliction of Emotional Distress	0	0.0%
Torts	Trespass to Land	1	2.6%
Torts	Trespass to Chattels & Conversion	0	0.0%
Torts	Doctrine of Transferred Intent	0	0.0%
Torts	Intentional Tort Defenses: Consent	2	5.1%
Torts	Intentional Tort Defenses: Privileges	2	5.1%
Torts	Prima Facie Case of Negligence	9	23.1%
Torts	Affirmative Duty to Act & Rendering Aid	3	7.7%
Torts	Standard of Care: Reasonable Person Standard	6	15.4%
Torts	Standard of Care: Children	3	7.7%
Torts	Standard of Care: Professionals	2	5.1%
Torts	Standard of Care: Land Owner/Possessor's Duty to Entrants	3	7.7%
Torts	Standard of Care: Landlord's Duty to Tenants	1	2.6%
Torts	Negligence Per Se	4	10.3%
Torts	Res Ipsa Loquitur	2	5.1%
Torts	Causation: Actual and Proximate Cause	9	23.1%
Torts	Proximate Cause: Intervening Causes	7	17.9%
Torts	Causation: Eggshell Plaintiff Rule, Unusually Costly Property Damage, & Emotional Distress Stemming from Physical Injury	4	10.3%
Torts	Causation: Toxic Substances	1	2.6%
Torts	Comparative Negligence & Contributory Negligence	2	5.1%
Torts	Assumption of Risk	0	0.0%
Torts	Negligent Infliction of Emotional Distress	3	7.7%
Torts	Vicarious Liability of Employer: Doctrine of Respondeat Superior	7	10.9%
Torts	Vicarious Liability: Liability Where Respondeat Superior Doctrine is Inapplicable	4	6.3%
Torts	Employee vs. Independent Contractor	8	12.5%
Torts	Vicarious Liability for Acts of Independent Contractors	5	7.8%
Torts	Joint and Several Liability	2	5.1%
Torts	Indemnification	1	2.6%

Subject	Rule	# of Times Rule Appeared on Past Exams	% out of Exams Tested
Torts	Contribution	0	0.0%
Torts	Doctrines of Alternative Liability, Joint Enterprise, & Market Share Liability	2	5.1%
Torts	Defamation	0	0.0%
Torts	Invasion of Privacy Torts	0	0.0%
Torts	Intentional Interference with Business Relations	0	0.0%
Torts	Intentional & Negligence Misrepresentation	0	0.0%
Torts	Public and Private Nuisance	0	0.0%
Torts	Strict Liability: Wild & Domestic Animals	0	0.0%
Torts	Strict Liability: Abnormally Dangerous Activity	1	2.6%
Torts	Strict Products Liability: Liability for Manufacturing Defect, Design Defect, & Failure to Warn	3	7.7%
Torts	Products Liability: Liability for Negligence	1	2.6%
Torts	Products Liability: Liability for Breach of Warranty	1	2.6%



MEE ANALYSIS NOTES

Subjects/Rules No Longer Tested

Starting with the July 2026 exam, these subjects are *no longer tested* on the MEE section:

- Conflict of Laws,
- Family Law,
- Secured Transactions,
- Trusts & Future Interests, and
- Wills & Estates.

As such, we removed those subjects & rules from the testing statistics.

Subjects

Civil Procedure / Torts: The Feb. 2025 MEE (Essay 3) tested the Civil Procedure rule of "Summary Judgment", but since it was tested in a Torts fact pattern we designated this essay in the "Torts" subject only. Additionally, the examiners titled this question as a "Torts" essay.

Agency / Partnerships: The Feb. 2024 MEE (Essay 1) tested only the subject of Partnerships, even though the examiners titled the essay as "Agency & Partnership".

Civil Procedure / Torts: The July 2023 MEE (Essay 1) tested the Civil Procedure rule of "Permanent Injunction", but since it was tested in a Torts fact pattern we designated this essay in the "Torts" subject only. Additionally, the examiners titled this question as a "Torts" essay.

Agency / Partnerships / Corporations & LLC's: The July 2023 MEE (Essay 2) tested the subjects of Agency, Partnerships, and LLC's, even though the examiners titled the subject areas as "Corporations & LLC's / Agency".

Agency / Partnerships: The Oct. 2020 MEE (Essay 4) tested the subject of Partnerships, even though the examiners titled the essay as "Agency & Partnerships".

Civil Procedure: The July 2020 MEE (Essay 4) was labeled as "Family Law" by the examiners. However, Civil Procedure topics were also tested (such as Domicile and Long-Arm Jurisdiction / Minimum Contacts), and because of this we listed the essay as testing both the subjects of Family

Law and Civil Procedure.

Partnerships / Corporations & LLC's: The Feb. 2019 MEE (Essay 3) tested the subjects of Partnerships and LLC's, even though the examiners titled the essay as "Agency & Partnerships".

Agency / Partnerships: The Feb. 2018 MEE (Essay 6) tested the subject of Partnerships, even though the examiners titled the essay as "Agency".

Contracts: The subject of Sales (UCC Article 2) was tested on a few exams prior to July 2007; these rules have been included in the Contracts subject.

Rules

Remand: The February 2025 MEE (Essay 4) mentioned remand, but it was not a tested rule.

Adverse Possession: The July 2024 MEE (Essay 1) mentioned adverse possession, but it was not a tested issue.

Assault & Battery: The Feb. 2024 MEE (Essay 5) involved Assault & Hate-Crimes, but the statutes were provided in the essay question and only the rule for "Double Jeopardy" was tested.

Hearsay: The Public Records Exception to Hearsay was mentioned in the "Note" section of the July 2016 MEE (Essay 2, Point Three), but was not a tested issue because it was inapplicable to the fact pattern.

Implied Warranty of Merchantability: The Implied Warranty of Merchantability was tested in a Torts essay on the July 2016 MEE (Essay 3, Point Two[a]) in the products liability context, and said rule is included in the Torts portion of the outline.

Contribution: Although this rule has not been tested to date on a Torts essay, the concept of Contribution was discussed in the "Note" section of the Feb 2015 MEE (Essay 1, Point Four).

Parol Evidence Rule: The July 2010 MEE (Essay 2, Point One) mentioned the UCC rule regarding partial integrations in the "Note" section, but it was not a tested issue.

Robbery: The crime of armed robbery was mentioned in the July 2009 MEE (Essay 7, Point Two), but it was not a tested issue. The rule for Attempt was the actual issue tested.

Defamation: A Constitutional Law question concerning defamation was tested on the July 2008 MEE (Essay 2, Point One), but Torts was not tested. Even though the question involved the tort of defamation, the rules tested were solely the free speech limits on defamation. Additionally, the bar examiners noted the subject area for the essay as "Constitutional Law".

OUR STUDY TOOLS

— OPTIMIZE YOUR BAR PREP —

Priority Outlines

Color-coded outlines to streamline the mountain of information you need to know for the bar exam. Includes priority ratings, each rule's frequency, list of exams tested, & model rule statements.



Smart Sheets

Concise breakdowns of the law tested (2-9 pages per subject) – with a color coded priority rating (high/med/low) – to focus on the highly tested MBE & MEE rules.



Smart Flashcards

Smart flashcards that use cognitive science & adaptive learning to accelerate the learning experience. Printable flashcards are also available.



Frequency Charts

Charts that show the frequency of items tested on the MBE, MEE, and MPT sections – so you can see what's highly tested and prioritize your studying.



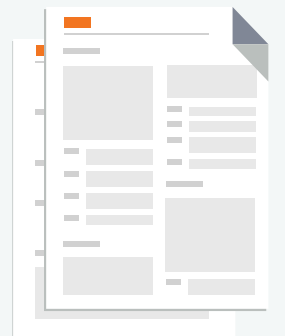
Smart Guides

Guides that simplify and explain how to prepare for the bar exam, with tips, strategies, & step-by-step approaches to maximize your score.



Real Practice Questions

Real questions licensed from the bar examiners along with our smart strategy to practice more effectively for the MBE, MEE, and MPT.



DEFINITIONS FRE = Federal Rules of Evidence P = Plaintiff D = Defendant V = Victim W = Witness

A. Probative Value

Is the evidence relevant? Should it be excluded under Rule 403?

<p>Relevance</p> <p>1) Any tendency to make a fact <i>more or less probable</i>; AND</p> <p>2) Fact is <i>of consequence</i>.</p> <p>Relevant evidence is ADMISSIBLE unless a rule/exclusion provides otherwise.</p>	<p>Rule 403 Exclusions</p> <p>Court may EXCLUDE evidence if its <i>probative value is substantially outweighed</i> by:</p> <ol style="list-style-type: none"> Unfair Prejudice; Confusion; Misleading the Jury; Undue Delay; Wasting Time; OR It's Cumulative.
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HIGH

B. Policy Exclusions

Does a policy exclusion bar the evidence?

<p>Subsequent Remedial Measures</p> <p>NOT admissible to prove:</p> <ol style="list-style-type: none"> Negligence; Culpable Conduct; Product/Design Defect; OR Warning/Instruction Needed. <p>BUT, is allowed for <i>other purposes</i>.</p>	<p>Settlement Offers & Negotiations</p> <p>NOT admissible to:</p> <ol style="list-style-type: none"> Prove or disprove a claim's validity or amount; OR Impeach. <p>BUT, is allowed for <i>other purposes</i>.</p>
<p>Plea & Plea Negotiations</p> <p>NOT admissible in <i>subsequent</i> cases:</p> <ol style="list-style-type: none"> Statements during Plea Discussions; Nolo Contendere Plea; Withdrawn Guilty Plea; OR Statements during Proceedings for (b) & (c) Above. 	<p>Offer / Payment of Medical Expenses</p> <p>NOT admissible to prove <i>liability</i>.</p> <ul style="list-style-type: none"> BUT, related statements or admissions <i>are allowed</i>.
	<p>Liability Insurance</p> <p>NOT admissible to prove <i>fault</i>.</p> <ul style="list-style-type: none"> BUT, is allowed for <i>other purposes</i>.

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C. Physical & Documentary Evidence

Was the evidence properly authenticated? Was the original item offered? If not, does an exception apply?

<p>Authentication</p> <p>All evidence MUST be <i>authenticated</i>.</p> <p>Physical Evidence:</p> <ol style="list-style-type: none"> Witness testimony; OR Substantially unbroken chain of custody. <p>Voice Recording:</p> <ol style="list-style-type: none"> Heard person speak; AND Identified recorded person as speaker. <p>Video Recording:</p> <ol style="list-style-type: none"> Witness testimony, That the video accurately depicts the scene/activity. 	<p>Best Evidence Rule</p> <p>Original <i>writing, recording, or photograph</i> is required UNLESS:</p> <ol style="list-style-type: none"> Reliable duplicate; Original lost / destroyed & no bad faith; Original cannot be obtained by judicial process; Not produced after proper notice to a party in control & whom offered against; OR Not closely related to a controlling issue.
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HIGH

D. Character Evidence & Related Concepts

Is the character, prior bad act, or habit evidence allowed? Is the method of proof proper?

CHARACTER EVIDENCE

<p>GENERAL RULE</p> <p>NOT admissible <u>unless</u>:</p> <ol style="list-style-type: none"> Non-Propensity Purpose; "Character in Issue" (essential element or ultimate issue); OR FRE Allows It (to prove propensity). <p>Follow arrows for specific rules when Character Evidence IS ALLOWED as circumstantial evidence to prove <i>propensity</i>.</p>	<p>CRIMINAL CASES</p> <p>Defendant's Character</p> <p>D MAY offer evidence of their own character trait.</p> <ul style="list-style-type: none"> Prosecution CANNOT offer <u>unless</u> D opens the door. <p>Victim's Character (Non Sex-Offense Case)</p> <p>D MAY offer evidence of V's character.</p> <ul style="list-style-type: none"> If D presents evidence, Prosecution MAY offer: <ol style="list-style-type: none"> V's good character; OR D's bad character. <p>Victim's Character (Homicide Case)</p> <p>Prosecution MAY offer V's peacefulness trait <u>only if</u> D claims V was first aggressor.</p> <p>Victim's Character (Sex-Offense Case)</p> <p>NOT admissible to prove V's <i>sexual behavior or predisposition</i>.</p> <p>EXCEPTIONS — Specific Acts proof is allowed:</p> <ol style="list-style-type: none"> Of V's sexual behavior to prove D wasn't involved in the crime; Of D & V's of sexual relations (i) to prove consent (if offered by D), or (ii) for any reason (if offered by Prosecution); OR If it violates D's Constitutional rights.
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CIVIL CASES

General Rule

NOT admissible to prove propensity.

Victim's Character (Sex-Offense Case)

V's *sexual behavior or predisposition* is allowed **ONLY IF**:

- Probative value substantially outweighs,
- Danger of:
 - Harm to victims; **AND**
 - Unfair prejudice.

Opinion & Specific Acts proof is allowed. *Reputation* allowed **ONLY IF** victim placed it in controversy.

Method of Proof for Character Evidence

- Reputation or Opinion: ALL instances
- Specific Acts: (a) Cross-Examination; **OR** (b) "Character in Issue"

[Note: Special rules apply in Sex-Offense cases.]

HABIT / ROUTINE

Habit / Routine

ADMISSIBLE to show a person *acted in accordance* with a habit or routine practice.

- Habit = Regular response to a repeated situation.