

Multistate Bar Examination (MBE) Practice Exam (Sample)

Study Guide



Everything you need from our exam experts!

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Introduction

Preparing for a certification exam can feel overwhelming, but with the right tools, it becomes an opportunity to build confidence, sharpen your skills, and move one step closer to your goals. At Examzify, we believe that effective exam preparation isn't just about memorization, it's about understanding the material, identifying knowledge gaps, and building the test-taking strategies that lead to success.

This guide was designed to help you do exactly that.

Whether you're preparing for a licensing exam, professional certification, or entry-level qualification, this book offers structured practice to reinforce key concepts. You'll find a wide range of multiple-choice questions, each followed by clear explanations to help you understand not just the right answer, but why it's correct.

The content in this guide is based on real-world exam objectives and aligned with the types of questions and topics commonly found on official tests. It's ideal for learners who want to:

- Practice answering questions under realistic conditions,
- Improve accuracy and speed,
- Review explanations to strengthen weak areas, and
- Approach the exam with greater confidence.

We recommend using this book not as a stand-alone study tool, but alongside other resources like flashcards, textbooks, or hands-on training. For best results, we recommend working through each question, reflecting on the explanation provided, and revisiting the topics that challenge you most.

Remember: successful test preparation isn't about getting every question right the first time, it's about learning from your mistakes and improving over time. Stay focused, trust the process, and know that every page you turn brings you closer to success.

Let's begin.

How to Use This Guide

This guide is designed to help you study more effectively and approach your exam with confidence. Whether you're reviewing for the first time or doing a final refresh, here's how to get the most out of your Examzify study guide:

1. Start with a Diagnostic Review

Skim through the questions to get a sense of what you know and what you need to focus on. Your goal is to identify knowledge gaps early.

2. Study in Short, Focused Sessions

Break your study time into manageable blocks (e.g. 30 - 45 minutes). Review a handful of questions, reflect on the explanations.

3. Learn from the Explanations

After answering a question, always read the explanation, even if you got it right. It reinforces key points, corrects misunderstandings, and teaches subtle distinctions between similar answers.

4. Track Your Progress

Use bookmarks or notes (if reading digitally) to mark difficult questions. Revisit these regularly and track improvements over time.

5. Simulate the Real Exam

Once you're comfortable, try taking a full set of questions without pausing. Set a timer and simulate test-day conditions to build confidence and time management skills.

6. Repeat and Review

Don't just study once, repetition builds retention. Re-attempt questions after a few days and revisit explanations to reinforce learning. Pair this guide with other Examzify tools like flashcards, and digital practice tests to strengthen your preparation across formats.

There's no single right way to study, but consistent, thoughtful effort always wins. Use this guide flexibly, adapt the tips above to fit your pace and learning style. You've got this!

Questions

- 1. In the context of the Rule Against Perpetuities (RAP), what must one determine regarding the measuring person?**
 - A. Whether they are deceased before any interest vests**
 - B. Their relationship to the property in question**
 - C. Their ability to make decisions regarding the property**
 - D. Their role in the contract's formation**
- 2. In the event a judge dismisses a murder charge after a defendant pleads guilty to manslaughter, what should the outcome be according to the trial court?**
 - A. The trial court should be upheld**
 - B. The trial court should be reversed**
 - C. The manslaughter charge should be dismissed**
 - D. The murder charge should be dropped permanently**
- 3. If a defendant testifies, can they bring in a witness to support their truthfulness?**
 - A. Yes, always**
 - B. No, unless their truthfulness is challenged first**
 - C. Yes, at any time during the trial**
 - D. No, the law prohibits it entirely**
- 4. What is an exception to the awareness requirement of kidnapping?**
 - A. Harm caused by the abduction**
 - B. The age of the child being taken**
 - C. Presence of witnesses during the abduction**
 - D. Presence of a legal guardian**
- 5. If a statute specifies a remedy for violation, what cannot occur without due process?**
 - A. A deprivation of that remedy**
 - B. A modification of the statute**
 - C. A repeal of the statute**
 - D. An interpretation of the remedy**

- 6. What has the Supreme Court determined about ordinances requiring permits for charitable solicitation?**
- A. They are always valid regardless of context**
 - B. They may infringe upon free speech**
 - C. They can only apply to large organizations**
 - D. They are conditional based on state law**
- 7. According to common law, what is the liability of automobile owners for torts committed by others driving their vehicle?**
- A. Liable for all torts**
 - B. Not liable for torts**
 - C. Liable if negligence is proven**
 - D. Liable only in criminal cases**
- 8. Does Congress have the power to impose a sales tax on goods?**
- A. No, only states can impose sales taxes**
 - B. Yes, Congress can impose sales taxes**
 - C. Only if authorized by state law**
 - D. No, it is unconstitutional**
- 9. What defines the inherent danger in reckless disregard within the context of arson?**
- A. Ignorance of potential fire risks**
 - B. Active efforts to start a fire without care for spreading**
 - C. Deliberate action that leads to potential harm**
 - D. Failing to notice fire safety measures**
- 10. Under negligence standard in defamation cases involving private figures, a plaintiff must show what?**
- A. Actual malice**
 - B. Recklessness**
 - C. Negligence**
 - D. Intent**

Answers

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1. A
2. B
3. B
4. A
5. A
6. B
7. B
8. B
9. B
10. C

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Explanations

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1. In the context of the Rule Against Perpetuities (RAP), what must one determine regarding the measuring person?

A. Whether they are deceased before any interest vests

B. Their relationship to the property in question

C. Their ability to make decisions regarding the property

D. Their role in the contract's formation

In the context of the Rule Against Perpetuities, it is essential to determine whether the measuring person is deceased before any interest vests. The Rule Against Perpetuities aims to prevent interests in property from being tied up indefinitely, and it specifically addresses future interests that may not vest within a certain timeframe. Under the rule, an interest is valid only if it is certain to vest or fail within the lifetime of a person who is identifiable at the time the interest is created, plus 21 years. This identifiable person, often referred to as the "measuring life," must be alive when the interest is created for it to be valid. Therefore, establishing the status of this person—whether they are still alive or have passed away—is crucial in determining the validity of the property interest in question. The other options, while they might touch on relevant aspects of property law or interests, do not directly relate to the critical requirement of the Rule Against Perpetuities concerning the vesting of interests and the timing centered around the measuring person's lifespan.

2. In the event a judge dismisses a murder charge after a defendant pleads guilty to manslaughter, what should the outcome be according to the trial court?

A. The trial court should be upheld

B. The trial court should be reversed

C. The manslaughter charge should be dismissed

D. The murder charge should be dropped permanently

When a defendant pleads guilty to a lesser charge, like manslaughter, in exchange for the dismissal of a more serious charge, such as murder, the proper legal procedure usually involves the trial court entering a judgment on the plea. If the judge dismisses the murder charge without proper legal justification or outside the parameters of a plea agreement, this can lead to an appeal. In this context, if a judge dismisses the murder charge after a defendant's plea to manslaughter, it is crucial to analyze whether this dismissal was consistent with legal standards and the terms of the plea deal. If it appears that the judge did not follow the appropriate process or that the plea was not entered into correctly, an appellate court would likely reverse the trial court's decision. This means that the appellate court can find that such a dismissal is not valid, maintaining the integrity of the judicial process and ensuring that proper legal procedures are followed. Thus, if the scenario indicates that the trial court acted improperly in dismissing the murder charge while accepting a manslaughter plea, signaling the need for adherence to legal protocols, the reversal of the trial court's decision is the outcome that aligns with established legal principles.

3. If a defendant testifies, can they bring in a witness to support their truthfulness?

A. Yes, always

B. No, unless their truthfulness is challenged first

C. Yes, at any time during the trial

D. No, the law prohibits it entirely

When a defendant testifies in court, they have the right to present evidence that supports their credibility or truthfulness as a witness. However, they cannot simply introduce character witnesses to bolster their truthfulness without first having their credibility challenged. In most jurisdictions, the law recognizes that the defendant's testimony may be scrutinized, and if their honesty or truthfulness comes into question during the trial (for example, through cross-examination or opposing evidence), that is when the defendant may then introduce supporting witnesses to affirm their character for truthfulness. This approach preserves the integrity of the trial process by ensuring that character evidence is only brought in to counteract specific allegations about dishonesty that have been raised, rather than allowing it to serve as a blanket endorsement of the defendant's credibility without basis. Thus, the requirement that a defendant's truthfulness must first be questioned before they can bring in character witnesses to support their credibility is crucial for maintaining the due process rights of both the defendant and the integrity of the judicial system.

4. What is an exception to the awareness requirement of kidnapping?

A. Harm caused by the abduction

B. The age of the child being taken

C. Presence of witnesses during the abduction

D. Presence of a legal guardian

In the context of kidnapping laws, the awareness requirement typically implies that the perpetrator must have knowledge of the relevant circumstances surrounding the abduction. However, certain exceptions can occur, one of which relates to the harm caused by the abduction. When assessing the various factors involved in kidnapping, the law recognizes that the fact of harm caused to the victim can serve as a significant factor that bypasses the necessity for the perpetrator's awareness of that harm at the time of the act. This means that even if the abductor did not have a conscious awareness of the potential harm, the actual impact of the abduction itself can have legal ramifications. In contrast, considerations like the age of the child, the presence of witnesses, or the involvement of a legal guardian may relate to the circumstances of the abduction but do not directly constitute exceptions to the awareness requirement in the same manner. These factors often serve to classify the severity of the offense or the culpability of the actor but do not inherently remove the requirement of awareness in the context of kidnapping laws. Overall, an actual causation of harm can be seen as a more direct and impactful exception to the awareness requirement.

5. If a statute specifies a remedy for violation, what cannot occur without due process?

- A. A deprivation of that remedy**
- B. A modification of the statute**
- C. A repeal of the statute**
- D. An interpretation of the remedy**

The answer is based on the principle that due process protects individuals from being deprived of their rights, including statutory remedies, without fair procedures. When a statute provides a specific remedy for violations, individuals have a vested interest in that remedy. If a government entity or agency were to deprive an individual of that remedy unilaterally or without due process, it would violate the constitutional protections afforded to that individual. Due process requires that if the government seeks to take something away—such as a legal remedy—it must provide notice and an opportunity for the affected party to be heard. This ensures fairness in legal proceedings and protects individuals from arbitrary actions by the state. The other options pertain to actions that do not require due process in the same way. For example, modifying or repealing a statute is within the legislative authority and does not necessarily have to adhere to the same due process requirements, as it involves legislative action rather than a direct deprivation of an individual's established rights or remedies. Interpretation of the remedy can often occur through judicial means without constituting a deprivation of it. This highlights the critical role that due process plays in protecting established rights against arbitrary deprivation.

6. What has the Supreme Court determined about ordinances requiring permits for charitable solicitation?

- A. They are always valid regardless of context**
- B. They may infringe upon free speech**
- C. They can only apply to large organizations**
- D. They are conditional based on state law**

The Supreme Court has consistently ruled that laws and ordinances requiring permits for charitable solicitation may infringe upon free speech protected by the First Amendment. Charitable solicitation is considered a form of speech because it involves the communication of information about the organization's purpose and the solicitation of funds to support that purpose. In cases such as *Village of Schaumburg v. Citizens for a Better Environment**, the Court recognized that restrictions on the ability to solicit donations can have a chilling effect on the exercise of free speech. While the government may have legitimate interests in regulating such solicitations (for instance, to prevent fraud or to promote traffic safety), any restrictions must not be overly broad or burdensome. Consequently, ordinances that impose requirements for permits must be carefully scrutinized to ensure they do not unduly limit the ability of charitable organizations to engage in their fundraising efforts. This underscores the balance that must be achieved between the government's interests and the protection of free speech.

7. According to common law, what is the liability of automobile owners for torts committed by others driving their vehicle?

- A. Liable for all torts**
- B. Not liable for torts**
- C. Liable if negligence is proven**
- D. Liable only in criminal cases**

Under common law, the liability of automobile owners for torts committed by others driving their vehicle generally falls under the principle of vicarious liability. This legal doctrine holds that an employer or principal can be held liable for the negligent actions of an employee or agent, carried out within the course and scope of their employment or agency. However, in the context of automobile ownership, the owner typically would not be held liable for the torts committed by another person driving their vehicle unless specific criteria are met, such as having given permission to that person to use the vehicle. The "permissive use" doctrine establishes that if the owner has allowed someone else to operate their vehicle, then the owner may be liable for the negligent acts of that driver. The correct understanding suggests that automobile owners are not automatically liable for all torts committed by others using their vehicle (as indicated in B). This highlights the limited scope of liability at common law, particularly when the vehicle is driven without the owner's consent, making it clear that liability does not extend to all circumstances. Instead, liability is contingent on the permission granted to the driver, confirming the reason why option B accurately reflects the common law principle. Thus, owners are not liable for torts committed by individuals who are

8. Does Congress have the power to impose a sales tax on goods?

- A. No, only states can impose sales taxes**
- B. Yes, Congress can impose sales taxes**
- C. Only if authorized by state law**
- D. No, it is unconstitutional**

Congress does indeed have the authority to impose a sales tax on goods. This power is derived from the Constitution, which grants Congress the ability to levy taxes, including income taxes and excise taxes. While states typically have the primary responsibility for collecting sales taxes within their jurisdictions, the federal government is not prohibited from imposing its own sales tax if it chooses to do so. Historically, Congress has enacted sales taxes in the form of excise taxes on certain goods (e.g., alcohol, tobacco). Therefore, if Congress were to decide to implement a broader federal sales tax, it could do so, provided it follows proper constitutional procedures, including adhering to the Uniformity Clause, which requires that taxes be uniform across the nation. This stance recognizes the dual system of taxation where both the federal and state governments have the capability to impose taxes, depending on the context and the nature of the goods or services being taxed.

9. What defines the inherent danger in reckless disregard within the context of arson?

- A. Ignorance of potential fire risks**
- B. Active efforts to start a fire without care for spreading**
- C. Deliberate action that leads to potential harm**
- D. Failing to notice fire safety measures**

The correct choice highlights the essence of reckless disregard as it pertains to arson. In this context, it is characterized by an individual actively engaging in behavior that creates a significant risk of a fire spreading while showing a blatant lack of concern for the dangerous consequences. This means that the person not only has knowledge of the activity—they are intentionally starting a fire—but they also fail to consider the potential for that fire to grow uncontrollable or cause harm to others, property, or the surrounding environment. In arson cases, the focus is on the individual's state of mind and their actions. Simply having ignorance of potential fire risks or failing to notice fire safety measures does not capture the intent required for reckless disregard. Similarly, while deliberate action that leads to potential harm might seem relevant, it lacks the crucial component of the reckless disregard for the consequences inherent in actively starting a fire. Therefore, the active efforts to start a fire without care for how it may spread best encapsulate the nature of reckless disregard in this context.

10. Under negligence standard in defamation cases involving private figures, a plaintiff must show what?

- A. Actual malice**
- B. Recklessness**
- C. Negligence**
- D. Intent**

In cases of defamation involving private figures, the standard of proof for the plaintiff is lower compared to that of public figures. The plaintiff, in this instance, is required to demonstrate negligence on the part of the defendant in order to succeed in their claim. Negligence in this context refers to a failure to exercise reasonable care in making a statement that leads to harm to the plaintiff's reputation. This standard implies that the defendant did not act with the diligence that a reasonable person would have under similar circumstances. Since private figures do not have the same level of access to media and public forums as public figures do, the court seeks to provide these individuals with protection against harmful statements that may arise from negligence, without requiring the heightened burden of proving actual malice, which is necessary for public figures. Actual malice, recklessness, and intent are not required standards for private figure plaintiffs in defamation cases; those concepts are more relevant in cases involving public figures or in situations where the defendant must demonstrate a higher degree of fault. Thus, the requirement for a private figure to show negligence sufficiently aligns with the principles aimed at protecting those individuals from unsubstantiated defamatory claims.

Next Steps

Congratulations on reaching the final section of this guide. You've taken a meaningful step toward passing your certification exam and advancing your career.

As you continue preparing, remember that consistent practice, review, and self-reflection are key to success. Make time to revisit difficult topics, simulate exam conditions, and track your progress along the way.

If you need help, have suggestions, or want to share feedback, we'd love to hear from you. Reach out to our team at hello@examzify.com.

Or visit your dedicated course page for more study tools and resources:

<https://multistatebar.examzify.com>

We wish you the very best on your exam journey. You've got this!