

Multistate Bar (MBE) OPE 1 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

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- 1. What is the proper remedy for misrepresentation in the car sale scenario?**
 - A. Rescission**
 - B. Specific performance**
 - C. Damages**
 - D. Reformation**

- 2. In a drug-trafficking trial, the judge may instruct the jury that if the defendant obtained the drugs in one city and delivered them to another, the jury may, but is not required to, conclude that the transport was interstate. This instruction demonstrates which principle?**
 - A. Judicial notice of facts**
 - B. Optional jury inference**
 - C. Res ipsa loquitur**
 - D. Strict liability standard**

- 3. At trial, a homeowner testifies that after discovering flooding, she called the plumber who responded, "I'll come by tomorrow and redo the installation for free." Is this testimony admissible as evidence?**
 - A. No, because it is hearsay**
 - B. Yes, as a party admission under Rule 801(d)(2)(A)**
 - C. Yes, as a spontaneous remark not subject to evidence rules**
 - D. No, because it concerns a future event not yet happened**

- 4. In the land transfer scenario where the owner devises to his wife for life or until remarriage, then to their daughter, and the daughter later conveys to a friend, who holds the land after subsequent events?**
 - A. The Wife**
 - B. The Daughter**
 - C. The Wife's new husband**
 - D. The Daughter's friend**

- 5. In a real estate transaction, a seller makes no representations about the condition of the house and there is no statute requiring disclosures. The buyer sues for damages after discovering major latent defects shortly after closing. Which statement best describes the buyer's likely recovery?**
- A. The buyer will likely recover for latent defects.**
 - B. The buyer will likely recover under implied warranty of habitability.**
 - C. The buyer will not recover because there is no warranty or statute requiring disclosures.**
 - D. The buyer will recover only if the seller knew of the defects.**
- 6. In a joint tenancy, what happens to a decedent's share when another joint tenant dies?**
- A. The decedent's heirs receive the decedent's share.**
 - B. The surviving co-owner takes the decedent's share.**
 - C. The share passes by the decedent's will.**
 - D. The property escheats to the state.**
- 7. In a negligence case with pure comparative negligence, joint and several liability, and abrogation of intra-family liability, what is the maximum amount that the plaintiff can recover?**
- A. \$100,000**
 - B. \$50,000**
 - C. \$0**
 - D. \$80,000**
- 8. In a case where authorities encouraged a private individual with a reward to perform additional investigative searches that would lead to criminal charges, what is the likely ruling regarding admissibility of the second search?**
- A. Grant the motion only as to the first set of photographs**
 - B. Grant the motion only as to the second set of photographs**
 - C. Deny the motion for both sets of photographs**
 - D. Grant the motion but for both sets of photographs because a reward was offered**

- 9. When a government action restricts speech in a limited public forum based on content, which standard applies and what must the government show to satisfy it?**
- A. Rational basis; any legitimate government interest suffices.**
 - B. Strict scrutiny; a compelling interest and narrow tailoring.**
 - C. Intermediate scrutiny; an important interest and substantial relation to the objective.**
 - D. Per se rule; always unconstitutional.**
- 10. What condition must be satisfied to permit cross-examination about a defendant's prior dishonest acts to impeach a witness's credibility?**
- A. The cross-examiner must have a good-faith belief that the event occurred**
 - B. The event must be admitted as evidence**
 - C. The event must be widely known in the community**
 - D. The event must be proven by a pretrial witness**

Answers

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

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Explanations

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1. What is the proper remedy for misrepresentation in the car sale scenario?

- A. Rescission**
- B. Specific performance**
- C. Damages**
- D. Reformation**

Misrepresentation in forming a contract allows rescission—the ability to undo the deal and restore the parties to their positions before they agreed. In a car sale, if the seller makes a material false statement about the car (such as its condition, mileage, or title) and the buyer relies on that lie to buy, rescission lets the buyer return the car and get the purchase price back, while the seller gets the car back. This remedy directly addresses the harm of being induced into a contract by false information by unwinding the entire transaction. Damages are available, but they compensate rather than nullify the contract, which is why rescission is the more natural remedy here. Reformation would adjust the contract to reflect true terms only when the issue is a drafting mistake or a mis-stated written term, not to unwind a misrepresentation. Specific performance is generally inappropriate for a standard car sale, since monetary restoration or unwinding the deal is typically sufficient and the car is not a uniquely indispensable item in the way real property can be.

2. In a drug-trafficking trial, the judge may instruct the jury that if the defendant obtained the drugs in one city and delivered them to another, the jury may, but is not required to, conclude that the transport was interstate. This instruction demonstrates which principle?

- A. Judicial notice of facts**
- B. Optional jury inference**
- C. Res ipsa loquitur**
- D. Strict liability standard**

This demonstrates a permissive (optional) jury inference. The judge allows the jury to infer that the transport was interstate from proven facts—that the drugs were obtained in one city and delivered to another—but does not require them to draw that conclusion. The idea is that jurors may use reasonable inferences from circumstantial evidence to connect facts to the charged element, rather than being forced to prove every fact directly beyond a reasonable doubt. This isn't judicial notice, which would allow the jury to accept a fact as true without proof. It isn't about res ipsa loquitur, a negligence doctrine, and it isn't about a strict liability standard.

3. At trial, a homeowner testifies that after discovering flooding, she called the plumber who responded, “I’ll come by tomorrow and redo the installation for free.” Is this testimony admissible as evidence?

A. No, because it is hearsay

B. Yes, as a party admission under Rule 801(d)(2)(A)

C. Yes, as a spontaneous remark not subject to evidence rules

D. No, because it concerns a future event not yet happened

The key idea is that statements by a party opponent are not treated as hearsay. When a party to the case (or someone acting as that party’s agent) makes a statement about a matter within the scope of their relationship, that statement can be admitted against the party as an admission. In this scenario, the plumber’s statement—“I’ll come by tomorrow and redo the installation for free”—was made by someone who is part of the contract or service arrangement with the homeowner. If the homeowner sues the plumber, the plumber is the opposing party, and his statement qualifies as a party admission. Since it concerns the services under the contract and promises about future performance, it is admissible to prove what the defendant-plumber agreed to or promised. So the testimony is admissible because it falls under the rule allowing admissions by a party opponent (or by that party’s agent) to be used against that party.

4. In the land transfer scenario where the owner devises to his wife for life or until remarriage, then to their daughter, and the daughter later conveys to a friend, who holds the land after subsequent events?

A. The Wife

B. The Daughter

C. The Wife's new husband

D. The Daughter's friend

This setup creates a life estate for the wife that ends either at her death or upon remarriage, followed by a shifting executory interest in the daughter that takes effect when the life estate ends. Because the language says “then to their daughter,” the daughter’s interest is not a traditional vested remainder but an executory interest that divests the life tenant upon the triggering event (remarriage or death). The daughter can convey that future interest, and when she does, the transferee (the daughter’s friend) becomes the holder of that executory interest. So, when the life estate ends—whether the wife remarries or dies—the property passes to the friend who now holds the daughter’s executory interest. The wife remains the life tenant only up to that termination; after termination the friend takes. That’s why the land ends up in the friend’s hands after the subsequent events.

5. In a real estate transaction, a seller makes no representations about the condition of the house and there is no statute requiring disclosures. The buyer sues for damages after discovering major latent defects shortly after closing. Which statement best describes the buyer's likely recovery?
- A. The buyer will likely recover for latent defects.
 - B. The buyer will likely recover under implied warranty of habitability.
 - C. The buyer will not recover because there is no warranty or statute requiring disclosures.**
 - D. The buyer will recover only if the seller knew of the defects.

The key idea is that, in a typical real estate sale, absent a warranty or a disclosure requirement, the buyer has little ground to recover for latent defects discovered after closing. If the seller makes no representations and there is no statute mandating disclosures, there is no warranty imposed by law on the seller about the property's condition. This means the buyer bears the risk of latent defects unless there is evidence of fraud, concealment, or an express warranty. Implied warranties generally don't fill this gap in an ordinary sale of an existing home. The implied warranty of habitability is usually linked to new homes or certain situations, and many jurisdictions do not apply an implied warranty of latent defects to the sale of a used home. Since there's no disclosure statute and no representations, the buyer cannot rely on an implied warranty to recover damages for latent defects. Conceivably, the buyer could pursue recovery if the seller knew about the defects and concealed them, but that would involve a fraud theory (misrepresentation/ concealment), not a general recovery based on the absence of a warranty or statute. Given the facts as stated, there is no basis for recovery, so the result is that the buyer will not recover for latent defects.

6. In a joint tenancy, what happens to a decedent's share when another joint tenant dies?
- A. The decedent's heirs receive the decedent's share.
 - B. The surviving co-owner takes the decedent's share.**
 - C. The share passes by the decedent's will.
 - D. The property escheats to the state.

In a joint tenancy, the feature to watch for is the right of survivorship. The four unities—possession, interest, time, and title—work together so that when one joint tenant dies, that deceased person's share doesn't go to heirs or through a will. Instead, the deceased's interest is extinguished and passes automatically to the surviving co-owner(s). So if there are two joint tenants, the survivor takes the whole property. If there are more than two, the surviving co-owners collectively receive the deceased's share. If the joint tenancy is ever severed (for example, by a transfer by one co-tenant in some jurisdictions), it becomes a tenancy in common, and the deceased's share would then pass by will or intestate succession.

7. In a negligence case with pure comparative negligence, joint and several liability, and abrogation of intra-family liability, what is the maximum amount that the plaintiff can recover?

A. \$100,000

B. \$50,000

C. \$0

D. \$80,000

The main idea is how these doctrines interact to set how much a plaintiff can recover. Under pure comparative negligence, the plaintiff's recovery is reduced by the plaintiff's own degree of fault, but there isn't a separate cap beyond the total damages. Joint and several liability lets the plaintiff recover the full amount of damages from any one defendant who is liable, with others potentially responsible for their shares, so the plaintiff can collect the entire damages amount if at least one liable defendant can pay. Abrogation of intra-family liability blocks recovery from family members, but it doesn't create an extra cap on the total amount; it simply limits who can be liable. Therefore, the maximum recoverable is the total damages amount, here \$100,000, assuming the plaintiff bears little or no fault and there is at least one non-family defendant who is liable. If the plaintiff were fully at fault or if all defendants were within the same family and intra-family liability precluded recovery, the amount could be less, but with these doctrines the ceiling is the total damages.

8. In a case where authorities encouraged a private individual with a reward to perform additional investigative searches that would lead to criminal charges, what is the likely ruling regarding admissibility of the second search?

A. Grant the motion only as to the first set of photographs

B. Grant the motion only as to the second set of photographs

C. Deny the motion for both sets of photographs

D. Grant the motion but for both sets of photographs because a reward was offered

When the government pays or prompts a private person to conduct further investigative searches, it crosses from private action into state action. That involvement taints the evidence obtained through those searches because it was driven by government inducement rather than independent private inquiry. In this scenario, the second search was performed after authorities offered a reward, making its results the fruit of government-influenced action. As a result, the second set of photographs would be inadmissible. The first set, obtained before any government inducement, could still be admissible if it was independently obtained and not tainted by state involvement.

9. When a government action restricts speech in a limited public forum based on content, which standard applies and what must the government show to satisfy it?

- A. Rational basis; any legitimate government interest suffices.**
- B. Strict scrutiny; a compelling interest and narrow tailoring.**
- C. Intermediate scrutiny; an important interest and substantial relation to the objective.**
- D. Per se rule; always unconstitutional.**

When speech is restricted in a limited public forum and the restriction is based on the content of the speech, the government must meet strict scrutiny. That means the government must show a compelling interest behind the restriction and that the restriction is narrowly tailored to achieve that interest (and, in practice, use the least restrictive means to do so). The focus on content-based limitation requires the highest level of justification because it directly targets what the speech says or its topic. So the correct standard is strict scrutiny with a requirement of a compelling objective and a narrowly tailored connection between that objective and the restriction. The other standards are too lenient for content-based limitations in a forum, and a per se rule isn't applicable here.

10. What condition must be satisfied to permit cross-examination about a defendant's prior dishonest acts to impeach a witness's credibility?

- A. The cross-examiner must have a good-faith belief that the event occurred**
- B. The event must be admitted as evidence**
- C. The event must be widely known in the community**
- D. The event must be proven by a pretrial witness**

Impeaching a witness by asking about prior dishonest acts is allowed only if the cross-examiner has a good-faith basis to believe the acts occurred. This ensures questions are grounded in something the attorney reasonably thinks happened, not mere rumors or speculation. The act does not need to be admitted, widely known, or proven by a pretrial witness; the critical requirement is the genuine belief that the event occurred.

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://mbeope1.examzify.com>

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

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