

# New York Multistate Bar (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

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- 1. A zoning regulation may constitute a taking if it deprives a prior conforming use in totality. Is this statement true?**
  - A. True**
  - B. False**
  - C. True only if compensation is provided**
  - D. True only for residential property**
  
- 2. Settlement discussions are generally inadmissible to prove liability.**
  - A. True**
  - B. False**
  - C. Only in criminal cases**
  - D. Only in civil cases**
  
- 3. Which elements are required for adverse possession to ripen into title?**
  - A. Continuous, Open and notorious, Actual, Hostile**
  - B. Continuous and exclusive**
  - C. Open and notorious only**
  - D. Exclusively continuous**
  
- 4. Under the duty concerning loans to directors, which rule is correct?**
  - A. Directors may receive loans from the corporation without restrictions.**
  - B. Loans to directors are allowed if disclosed to shareholders.**
  - C. No loan to a director unless in the corporation's interest.**
  - D. Loans to directors are prohibited under any circumstances.**
  
- 5. When representing a client organization, the attorney should avoid representing which group?**
  - A. Employees**
  - B. Board members**
  - C. Officers**
  - D. Volunteers**

- 6. Which form is required to create a voting proxy under NY law?**
- A. Filed with the state**
  - B. Public notice**
  - C. Oral agreement**
  - D. Written instrument signed by shareholder and delivered to secretary**
- 7. Under apparent authority, which statement is correct?**
- A. The third party's reliance must be reasonable**
  - B. The reliance is always unreasonable if a partnership is involved**
  - C. The principal must give actual authority**
  - D. Apparent authority cannot be proven by actions**
- 8. Procedural due process uses a balancing test. Which factors are weighed?**
- A. Importance of the interest**
  - B. Ability to improve accuracy**
  - C. Administrative efficiency**
  - D. All of the above**
- 9. Under intermediate scrutiny, which statement is correct?**
- A. The law serves an important governmental interest and is substantially related to that interest**
  - B. The government must prove a compelling government interest**
  - C. The law must be the least restrictive means**
  - D. The government need only show any legitimate interest**
- 10. Eggshell skull rule governs damages in a tort case by holding the defendant responsible for what?**
- A. Hold the defendant liable for all injuries the plaintiff suffers, including aggravation from preexisting conditions.**
  - B. Limit damages to only injuries caused by the defendant's act, excluding preexisting conditions.**
  - C. Exclude emotional distress from damages.**
  - D. Require the plaintiff to prove damages exceed a minimum threshold.**

## Answers

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

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## **Explanations**

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**1. A zoning regulation may constitute a taking if it deprives a prior conforming use in totality. Is this statement true?**

**A. True**

**B. False**

**C. True only if compensation is provided**

**D. True only for residential property**

Regulatory takings analysis: when a zoning rule goes so far as to deprive the owner of all economically viable use of the land, that regulation is treated as a taking per se under the Fifth Amendment, requiring compensation. If a use that existed lawfully before the regulation (a prior conforming use) is eliminated entirely by the new zoning, there is no remaining economically viable use, so it triggers this per se rule. That's the essence of why the statement is true. If the regulation only reduces value but leaves some viable use, the usual Penn Central balancing test applies instead of a per se taking.

**2. Settlement discussions are generally inadmissible to prove liability.**

**A. True**

**B. False**

**C. Only in criminal cases**

**D. Only in civil cases**

Settlement discussions are generally inadmissible to prove liability because the law protects negotiations to encourage settlement. Under Rule 408, evidence of offers to settle or statements made during compromise negotiations about the claim cannot be used to prove liability or the amount of a disputed claim. This keeps the focus on resolving disputes rather than punishing parties for what was said during talks. For example, a statement made in the course of settlement talks that a party would pay a certain amount cannot be admitted at trial to show who was at fault. The rule does allow the evidence to be used for other purposes in some circumstances, such as showing a witness's bias, but not to establish liability itself. So the statement that settlement discussions are generally inadmissible to prove liability is correct.

**3. Which elements are required for adverse possession to ripen into title?**

- A. Continuous, Open and notorious, Actual, Hostile**
- B. Continuous and exclusive**
- C. Open and notorious only**
- D. Exclusively continuous**

Adverse possession ripens into title only when the possessor satisfies all five elements: actual possession (physical use of the land), open and notorious (visible and not hidden), exclusive (possession not shared with the true owner or the public), continuous (for the entire statutory period), and hostile (without the owner's permission or in a manner contrary to the owner's rights). Each element serves a purpose: actual shows you're occupying the land; open and notorious puts the owner on notice; exclusive shows you're treating the land as yours alone; continuous ensures uninterrupted, long enough occupancy; and hostile demonstrates the possession is adverse to the owner's rights, not with permission. The choices provided don't include all five requirements—one lists exclusivity with continuous but omits actual, open/notorious, and hostility, while others omit essential elements—so the fully correct understanding is that all five elements are needed for title to ripen.

**4. Under the duty concerning loans to directors, which rule is correct?**

- A. Directors may receive loans from the corporation without restrictions.**
- B. Loans to directors are allowed if disclosed to shareholders.**
- C. No loan to a director unless in the corporation's interest.**
- D. Loans to directors are prohibited under any circumstances.**

Directors owe fiduciary duties to avoid self-dealing, so a loan to a director is scrutinized as a potential conflict. The rule is that a loan to a director is permissible only if it is in the corporation's interest—meaning the loan serves the corporation, is fair to the corporation, and is typically approved by disinterested directors or shareholders if required. This ensures the transaction aligns with the corporation's welfare rather than the director's personal gain. The other options relax or ignore these safeguards: unrestricted loans would invite self-dealing, disclosure to shareholders alone does not cure a self-interested transaction, and a blanket prohibition is too absolute since there can be circumstances where a loan is truly in the corporation's interest.

**5. When representing a client organization, the attorney should avoid representing which group?**

- A. Employees**
- B. Board members**
- C. Officers**
- D. Volunteers**

When you represent a client organization, your duties run to protecting the organization's interests as a whole. Representing individuals tied to the organization can create conflicts if those individuals' interests diverge from the organization's goals or if their claims could undermine the organization's position. Employees, in particular, often have personal or potential claims against the organization, which can put the attorney in a position of divided loyalties and risk disclosing or mismanaging confidential information. Because of that tension, the attorney should avoid representing employees in matters involving the organization unless the conflict is fully addressed—typically by obtaining informed consent after full disclosure and, if needed, separating the representation or ensuring effective screening. This helps preserve the organization's ability to be zealously represented.

**6. Which form is required to create a voting proxy under NY law?**

- A. Filed with the state**
- B. Public notice**
- C. Oral agreement**
- D. Written instrument signed by shareholder and delivered to secretary**

A voting proxy in New York is created when a shareholder signs a written instrument authorizing someone to vote their shares and delivers that instrument to the corporation's secretary. The essential point is that the authorization must be in writing, signed by the shareholder, and delivered to the secretary for it to be effective. An oral agreement cannot serve as a proxy, and proxies are not formed by filing with the state or by public notice. Delivering the signed document to the secretary provides a clear, official record of who is authorized to vote and on what basis, which is why this option is the correct mechanism.

7. Under apparent authority, which statement is correct?

- A. The third party's reliance must be reasonable**
- B. The reliance is always unreasonable if a partnership is involved**
- C. The principal must give actual authority**
- D. Apparent authority cannot be proven by actions**

Under apparent authority, the crucial factor is the third party's reasonable reliance on the principal's manifestations that the agent has authority to act. If the principal's words, conduct, or prior dealings would lead a reasonable person to believe the agent is authorized to bind the principal, the reliance is reasonable and the principal is bound, even if the agent lacks actual authority. The reasonableness is judged objectively, not by the principal's or agent's private intent. The existence of actual authority is not required for apparent authority to bind the principal. A partnership situation, or the agent's status, does not automatically make reliance unreasonable—the principal's representations can create apparent authority in many contexts. Actions or representations by the principal can establish apparent authority without needing actual authority.

8. Procedural due process uses a balancing test. Which factors are weighed?

- A. Importance of the interest**
- B. Ability to improve accuracy**
- C. Administrative efficiency**
- D. All of the above**

Procedural due process uses the Mathews v. Eldridge balancing framework, weighing three things together. First, the private interest affected by the official action—how significant the stake is. Second, the risk of an erroneous deprivation and the likely value of additional or substitute procedural safeguards to reduce that risk. Third, the government's interest, including the administrative burden and need for efficiency in carrying out the action. Since all three factors are part of the test, the best choice is the one that includes all of them. The option focusing only on administrative efficiency leaves out the other two essential considerations.

9. Under intermediate scrutiny, which statement is correct?

- A. The law serves an important governmental interest and is substantially related to that interest**
- B. The government must prove a compelling government interest**
- C. The law must be the least restrictive means**
- D. The government need only show any legitimate interest**

Under intermediate scrutiny, the government must show that the challenged classification serves an important governmental objective and that the means chosen are substantially related to achieving that objective. This standard sits between rational basis (legitimate interest, rational relation) and strict scrutiny (compelling interest, narrowly tailored/least restrictive means). The statement that the law serves an important governmental interest and is substantially related to that interest captures exactly that test. Options invoking a compelling government interest or the least restrictive means reflect strict scrutiny, not intermediate scrutiny. The idea that the government need only show any legitimate interest aligns with rational basis review.

10. Eggshell skull rule governs damages in a tort case by holding the defendant responsible for what?

- A. Hold the defendant liable for all injuries the plaintiff suffers, including aggravation from preexisting conditions.**
- B. Limit damages to only injuries caused by the defendant's act, excluding preexisting conditions.**
- C. Exclude emotional distress from damages.**
- D. Require the plaintiff to prove damages exceed a minimum threshold.**

The eggshell skull rule means you take the plaintiff as you find them and hold the defendant responsible for the full extent of harm caused by the tort, even if the plaintiff had a preexisting vulnerability that makes the injury worse. Because of that, the defendant must pay for all injuries the plaintiff suffers, including any aggravation of a preexisting condition that results from the defendant's act. For example, if a negligent act injures someone who already has a fragile condition, and that act worsens the condition, the damages cover that aggravated injury. The rule does not narrow damages to only what would have happened to a healthy person, nor does it exclude emotional distress or impose a minimum damage threshold; it simply ensures the defendant is liable for all consequences of their conduct, including aggravated preexisting issues.

## 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](mailto:hello@examzify.com).**

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

**<https://nymbe.examzify.com>**

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

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