NEW YORK MULTISTATE BAR (MBE) PRACTICE EXAM (SAMPLE)

STUDY GUIDE



SAMPLE STUDY GUIDE WITH LIMITED QUESTIONS

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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.

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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!

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Questions

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1. Which statement correctly describes vehicle searches incident to arrest in the given rules?

A. When the arrestee is unsecured, the cabin is searchable

B. A search of the trunk is included in unsecured searches

C. Once the arrestee is secured, the entire vehicle may be searched

D. A search is permitted only with a warrant

2. Which statement about negative easements is correct?

A. Negative easements can be created by implied grant.

B. Negative easements require express grant.

C. Negative easements are always appurtenant.

D. Negative easements confer possessory rights.

3. Under the Shelley's Case doctrine historically, the grant 'to A for life, then to A's heirs' would give A a:

A. Fee simple absolute

B. Life estate

C. Contingent remainder in A's heirs

D. Fee simple subject to a condition

4. Under assignment of rights to a third party, when is an assignment prohibited?

A. When the contract prohibits assignment

B. When the contract allows assignment

C. When there is consideration

D. When the assignment is for gifts

5. Which scenarios generally do not trigger a grace period to refile after dismissal?

A. Lack Of Personal Jurisdiction

B. Voluntary Dismissal

C. For Pattern Of Delay

D. All Of The Above

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6. Discrimination based on age is reviewed under which constitutional standard?

A. Strict Scrutiny

B. Rational Basis

C. Intermediate Scrutiny

D. Heightened Scrutiny

7. Under common law, accomplice liability generally extends to which of the following?

A. All crimes committed by the principal that the accomplice aided or encouraged

B. Only the specific crime agreed upon

C. Only crimes that were foreseeably committed

D. None beyond the crime the accomplice planned

8. Under New York law, the necessity defense requires the defendant to reasonably believe that the conduct was necessary to prevent a greater harm.

A. The defendant reasonably believes the conduct was necessary to prevent a greater harm.

B. The defendant's belief must be proven beyond a reasonable doubt.

C. The defense requires that there be no legal alternatives.

D. The necessity defense is not available in homicide cases.

9. Under the rule of convenience for class gifts, which description correctly states when the class gift closes?

A. Goes to the surviving member at death.

B. Includes a person in gestation.

C. Anti-lapse applies.

D. Closes if any person may claim.

10. For a special board meeting, which is true regarding notice?

A. Notice is not required for a special meeting

B. Notice must include the chairman's agenda

C. Notice must be provided only if requested by a director

D. Notice must include the time and place

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Answers

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

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Explanations

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1. Which statement correctly describes vehicle searches incident to arrest in the given rules?

A. When the arrestee is unsecured, the cabin is searchable

B. A search of the trunk is included in unsecured searches

C. Once the arrestee is secured, the entire vehicle may be searched

D. A search is permitted only with a warrant

Vehicle searches incident to arrest hinge on whether the arrestee is unsecured. If the arrestee is unsecured, police may search the interior passenger compartment (the cabin) of the vehicle because the arrestee could reach inside during the arrest and pose a danger or risk hiding/destroying evidence. This search is limited to the cabin area the arrestee could access and does not automatically include the trunk or the entire vehicle. That's why the statement about unsecured arrestee allowing a cabin search is the correct description. The trunk is not automatically included in unsecured searches, and after securing the arrestee, a search of the entire vehicle isn't automatically permitted—restrictions apply based on whether evidence related to the arrest could be found there. A warrant isn't always required in these situations because these searches fall under the incident-to-arrest rule in appropriate circumstances.

2. Which statement about negative easements is correct?

A. Negative easements can be created by implied grant.

B. Negative easements require express grant.

C. Negative easements are always appurtenant.

D. Negative easements confer possessory rights.

Negative easements restrict a neighboring landowner's use of land without giving possession, and creation generally must be in writing. Because interests in land must be evidenced by a writing, a negative easement is typically created only by express grant or reservation in a deed or similar instrument. This is why the correct statement is that negative easements require express grant. They are not typically created by implication or prescription, they are not required to be appurtenant to a particular parcel (they can be in gross in some contexts), and they do not confer possessory rights.

3. Under the Shelley's Case doctrine historically, the grant 'to A for life, then to A's heirs' would give A a:

A. Fee simple absolute

B. Life estate

C. Contingent remainder in A's heirs

D. Fee simple subject to a condition

Shelley's Case merges the life estate and the future interest in the life tenant's heirs into a single, perpetual ownership in the grantee. Here, A is granted a life estate, and the remainder is to A's heirs. Under the doctrine, the heirs of A are treated as the same person who holds the life estate, so the two interests vest in A as a whole in a fee simple. In other words, the life estate and the future interest in A's heirs combine to give A full ownership in fee simple now, not a life estate plus a separate remainder. That's why the grant results in a fee simple absolute for A.

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4. Under assignment of rights to a third party, when is an assignment prohibited?

A. When the contract prohibits assignment

B. When the contract allows assignment

C. When there is consideration

D. When the assignment is for gifts

Assignment of rights is generally allowed, but the contract can forbid it. An assignment is prohibited only when the contract contains an express prohibition on assignment. If the contract allows assignment, the transfer is permitted. The presence or absence of consideration does not determine whether an assignment is allowed, and assignments can be gifts as well—the prohibition isn't tied to those factors. So the situation that stops an assignment is a contractual prohibition.

5. Which scenarios generally do not trigger a grace period to refile after dismissal?

A. Lack Of Personal Jurisdiction

B. Voluntary Dismissal

C. For Pattern Of Delay

D. All Of The Above

The idea being tested is when New York's saving statute (CPLR 205) allows a timely action,Dismissed for non-merits reasons, to be refiled within a six-month grace period. But that grace period isn't available in every dismissal. In particular, it generally does not apply when the dismissal results from voluntary dismissal by the plaintiff, from a court sanction for a pattern of delay, or from a dismissal due to lack of personal jurisdiction. A voluntary dismissal ends the action at the plaintiff's whim, a sanction for delay reflects a punitive handling of dilatory conduct, and a lack of personal jurisdiction means the court lacks power to proceed—none of these scenarios fits the circumstances that would toll the statute under CPLR 205. So none of these situations triggers the grace period to refile, making "All of the above" the correct framing for why the grace period does not apply in each case.

6. Discrimination based on age is reviewed under which constitutional standard?

A. Strict Scrutiny

B. Rational Basis

C. Intermediate Scrutiny

D. Heightened Scrutiny

Age-based classifications under equal protection are treated as non-suspect and do not involve a fundamental right. Because of that, they are reviewed under rational basis. Under this standard, the government only needs to show that the law or policy is rationally related to a legitimate government interest, and the courts give substantial deference to legislative judgments. This is much more forgiving than strict scrutiny (which targets race, national origin, or fundamental rights) or intermediate/heightened scrutiny (which targets gender). So, an age distinction typically survives as long as there is any plausible, legitimate purpose and a plausible link between the classification and that purpose.

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7. Under common law, accomplice liability generally extends to which of the following?

A. All crimes committed by the principal that the accomplice aided or encouraged

B. Only the specific crime agreed upon

C. Only crimes that were foreseeably committed

D. None beyond the crime the accomplice planned

When someone helps or encourages a crime, they're vicariously responsible for the whole criminal venture, not just the single act they planned or discussed. The key idea is that the accomplice shares the criminal intent and aided the principal in carrying out the broader plan. Because of that, any offenses the principal commits in furtherance of that plan fall within the accomplice's liability, including crimes that weren't the exact act originally contemplated but are natural or foreseeable consequences of carrying out the venture. For example, if two people agree to rob a store and one acts as a lookout while the other steals, the lookout can be liable for other crimes the principal commits in the course of that robbery situation, such as assault on a bystander, if it occurs while carrying out the plan. This explains why the liability extends beyond just the specific crime discussed. The other options don't fit because the rule isn't limited to a single agreed-upon crime, nor to only what was foreseeably planned, and it isn't restricted to nothing beyond the planned act.

8. Under New York law, the necessity defense requires the defendant to reasonably believe that the conduct was necessary to prevent a greater harm.

A. The defendant reasonably believes the conduct was necessary to prevent a greater harm.

B. The defendant's belief must be proven beyond a reasonable doubt.

C. The defense requires that there be no legal alternatives.

D. The necessity defense is not available in homicide cases.

In New York, the necessity defense is available when the defendant reasonably believes that the conduct was necessary to prevent a greater harm and, crucially, there are no reasonable legal alternatives to avoid that harm. The key idea is that the absence of legal alternatives is an essential element of the defense; without showing that no lawful option existed, the defense fails. Why the chosen answer fits best: even if the defendant has a reasonable belief that their actions were necessary, that belief alone isn't enough—the defense requires that there were no adequate legal alternatives to prevent the harm. The other statements are incomplete or inaccurate for this reason: stating only the belief doesn't address the no-alternatives requirement; asserting the belief must be proven beyond a reasonable doubt misstates the burden when evaluating an affirmative defense; and claiming the necessity defense isn't available in homicide cases is not an absolute rule in New York.

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9. Under the rule of convenience for class gifts, which description correctly states when the class gift closes?

A. Goes to the surviving member at death.

B. Includes a person in gestation.

C. Anti-lapse applies.

D. Closes if any person may claim.

The rule of convenience for class gifts means the class is fixed as soon as there is someone eligible to claim a share. In other words, the class closes when any person may claim, preventing the class from staying open to endless future births or additions. This keeps distribution practical by locking in who can take once a claimant exists. The other descriptions don't describe when the class closes: survivorship at death is about who continues to hold rights after death, anti-lapse deals with what happens if a beneficiary predeceases, and gestation concerns posthumous or unborn beneficiaries. None of these define the moment the class gift is considered closed; the rule of convenience centers on the moment a claimant can establish entitlement.

10. For a special board meeting, which is true regarding notice?

A. Notice is not required for a special meeting

B. Notice must include the chairman's agenda

C. Notice must be provided only if requested by a director

D. Notice must include the time and place

Notice for a special board meeting must provide when and where the meeting will occur. This ensures directors can attend, participate, and that the meeting is legally valid by showing proper notice was given. The agenda is not universally required in the notice, unless the bylaws or governing statutes demand it, and notice isn't only required if a director asks. So including the time and place is the essential requirement, making it the correct statement.

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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:

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

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