

# Preparing for and Taking Law School Exams

Law School 101

Fall 2017

# A note about law school exams

- Typical formats

# Preparation

- Review notes, reading and other sources to create your own outline. Focus on filling in gaps regarding issues you don't understand, improving your synthesis (putting it all together), and refreshing your recollection of the material.
- Use your study group. Set certain meetings for certain topics and discuss. Don't waste time.
- Focus on legal analysis, evaluation and synthesis. Don't dwell in minutia. Most points awarded will be for major areas discussed in the course.
- Consider creating attack outlines/sheets. If you know you're going to get a question about the Commerce Clause; make an outline detailing how to attack a CC question.

# General Tips for Studying

- Avoid distractions.
- Study in bright light. Avoid panickers.
- Sleep. Start adjusting wake times.
- Take breaks. Study for 45-50 minutes, give yourself a 10-15 minute break.
- Start with the tough stuff.
- Carefully schedule the time you have left. Cramming won't work.

# Practice Exams

- The BEST preparation
- Timed conditions.
- Simulate what you will be able to access during the exam.
- Review answers with your study group/partner.
- Take questions to your professor.
- No practice exams? Try writing your own questions and testing one another.

# The exam is on your desk. Time started. What now?

**Always have a plan of attack.**

**A sample is below:**

1. Review the entire exam. Take note of points/time allotted for each question.
2. For each question:
  1. Read the call of the question.
  2. Read the question word for word; do not skim.
  3. Read question again. Circle important words/facts. Note potential issues in the margin.
    1. Refer to your checklist (mental/physical). Match the facts to potential rules of law.
  4. **Determine the issues that need resolution.**
  5. Organize and brainstorm before beginning your answer.
    1. Break a long issue spotter question in to sections to make it more manageable.
    2. Sketch an outline on scratch paper.

# Organize your answer

- Only answer the question asked.
- You have multiple formats available – but make sure to adhere to the one your professor gave you:
  1. By issue (most common)
  2. By party – what are Party A's rights? Party B?
  3. By terms of pleading in a lawsuit – what does plaintiff have to prove to make a prima facie case? Once proved, what defenses are available? What will plaintiff say to those defenses?

# Good answers need to:

- Address major issues
- Argue both sides
- Come to a conclusion
- Support that conclusion through legal analysis using rules and determinative facts
- **When choosing what to write about, remember\*:**
  - Err on the side of inclusion.
  - Pick your battles; move quickly through one sided issues and dwell on “meatier” ones.

\*Friedman & Goldberg; Open Book: The Inside Track to Law School Success

# What does your answer need?

- (C)IRAC
  - **C – Conclusion**
  - **I – Issue**
    - What is the legal problem at hand?
  - **R – Rule**
    - State the rule and its elements clearly. Use the rule to structure your analysis.
  - **A – Analysis – this is where most of the points are**
    - Explain how these facts can/should be interpreted under the given rule. Explain the legal significance or consequence of each relevant fact. Use cases where appropriate.
    - SHOW YOUR WORK.
  - **C – Conclusion**
- Your answer should be a series of mini-IRACs as you resolve each issue.
- (C)IRAC includes RESOLUTION of every issue.
  1. Rule of law
  2. Facts that make the rule relevant
  3. Conclusion
  4. Reasoning that links the first three.

# Example

# Brandi's Top 15 tips

1. Words like "obviously" and "clearly" appear in bad answers. You should be using "because" and "therefore." Justify your conclusions.
2. Don't "over" outline in the beginning.
3. Use abbreviations.
4. Use headings where appropriate.
5. Don't waste time on introductions or summaries.
6. Be clear and concise. Keep paragraphs simple, direct and clear. Make it easy on your professor.
7. Argue both sides where appropriate, but come to a conclusion.
8. Don't invent facts.
9. Don't "assume" issues away. "Assuming acceptance...."
10. Don't simply recite the facts or the law in your answer. The only facts you should include are those that are determinative to your answer. The only law you give is law you're going to use.

# Brandi's Top 15 tips

11. Do not exceed word limits. Anything over the word limit won't be graded.
12. Manage your time. Never write "out of time" on your exam. Better to jot down an outline of what you were planning to talk about.
13. Don't waste time looking up/memorizing case names unless your professor is expecting them.
14. Read your answer when you've finished. Ask yourself: Did you answer the question asked?
15. From a Dean's Fellow, so technically not Brandi's: Trust your intuition if something seems odd or noteworthy.

# Troubleshooting Common 1L Exam Mistakes

- Running out of time
  - Review the entire exam first. Separate the questions based on point value. Quickly calculate what time you should start each question and write it down on scratch paper. Don't sacrifice lots of points for a few.
- Can't remember the rule.
  - Refer to your outline. Think about cases in this area of law. Make one up that seems logical – you may be able to back your way in. Never tell your prof you can't remember.
    - Try making a policy argument. You might get to the rule from there.
- Missing issues
  - Use a checklist = be it physical or mental
  - Go into the exam thinking about the issues you spent a lot of time on in class. Look for those issues.
- Spending too much time on the easy issues

# Common 1L Exam Mistakes

- Starting to write your answer when the proctor says begin. Continuing after the proctor says stop.
- Not **using** the facts.
  - Listing is not discussing.
- Being too conclusory
  - Because.
  - Answer the “Why?”.
  - Think about the other side and explain why your answer is correct and why the opposing view is not.
  - Which is conclusory?
    - Example 1 - John told the plaintiff “I will hit you if you come around here again.” Therefore, the battery was not imminent.
    - Example 2 – John told the plaintiff “I will hit you if you come around here again.” Generally, words alone cannot satisfy the imminence element of an assault. More specifically, these words merely inform the listener that he might be “hit” at some point in the future. Because the words “at some point in the future” placed a condition on the plaintiff being struck, the plaintiff might never be struck by John. The fact that John might never strike the plaintiff means that the battery cannot be imminent.

# Multiple Choice Exams

- Obviously, read the question carefully.
- Eliminate incorrect answers.
- Look for the dispositive element – But for X, the answer would be A, but since X exists in the question, the answer is C.
- Budgeting time on multiple choice exams is also incredibly important.

# Practice Exam

- Friday, November 17
- Download Exam 4 and retrieve your exam number
- Room Assignments:
  - Section One: Torts at **1:30pm** in TNH **2.137**
  - Section Two: Property at **1:30pm** in TNH **2.138**
  - Section Three: Torts at **12:00pm** in TNH **2.140**
  - Section Four: Property at **10:30am** in TNH **2.139**