

Some Notes on Law School Examinations

I. Preparing for Law School Exams

There is no substitute for adequate preparation. Technique and experience in exam taking will enhance your ability to convey to the professor your knowledge of the subject, but will not take the place of knowledge.

In order to study adequately for exams, you must be motivated. Even if you are not highly motivated by interest in the subject itself, you must understand the importance of learning the material and doing as well in the course as possible if you are to successfully complete law school and enter the work world.

You must develop a method of studying that works for you. Organization of your time is essential. Schedule the time you have before your exam(s) and designate specific hours for studying each course. Do not leave your least favorite or hardest course for last. Make sure you make the time. Cancel or postpone all but essential activities until after exams.

Study principles and concepts. Do not try to memorize specific case names, holdings, or rules. Try to ascertain and understand the basic principles in each section of your book, syllabus and class notes.

Prepare your own outlines. Whether you work alone or in small groups, take a personal, active role in the preparation of the course outline. The process of preparing the outline is an essential part of studying the material. Review the table of contents of the book and your course syllabus for a general outline of the subject. Review your class notes, or a classmate's notes if they more accurately reflect the professor's thinking and effort to teach you the important principles. Although in preparing outlines you generally include as much information, background, work and notes, throughout the studying process, work to reduce the length of your outlines until they are less than eight pages, reflect only the most important elements of the course and are thus primarily useful in reminding you of the main points of the course and subject.

Rely primarily on your course notes and the textbook. This is not the time to explore additional information in law reviews or hornbooks. Use hornbooks to help you understand the principles you define as necessary from your notes and from the textbook. Often by reviewing your notes you will develop an understanding of the professor's organization of the material and a sense of the most important principles to remember and the ways in which the professor wants these principles applied to hypotheticals and specific factual situations.

Avoid overuse of commercial outlines. These outlines include material generally thought to comprise the subject topic, and cover the material in the most generic way possible in order to have widespread appeal. Reliance on commercial outlines may result in an emphasis on topics only tangential in your course's coverage of the subject.

The best predictors of topics that may appear on an exam are: an understanding of the organization and coverage of the topics as presented by the professor in class, previous exams in that course, and your professor's pre-exam advice. Speak to your professors to learn what their expectations are and what type of exams they will give.

Preparation of Outlines:

An outline provides a conceptual and ideally, a visual framework of the material, how the subject matter is organized and how different topics of the course relate to one another. Initially, you should prepare a comprehensive outline covering the entire course, as taught by your professor. Include only topics actually covered in class, assigned through readings or stated by the professor or in the syllabus as being required topics of the course.

Organize your outline to include the general broad topics of the course (these may correspond, for example, to the chapter or section headings of your textbook), the subtopics within each general topic, and then a detailed "filling in" of the law, holdings, principles, hypotheticals, and answers to questions posed in the text or in class corresponding to each topic.

A Suggested Method:

A suggested method of approaching law school courses and preparing for examinations includes:

- reading assigned textbook pages and materials;
- preparing case briefs and keeping notes of readings;
- taking extensive notes in class;
- keeping reading assignment notes or case briefs and class notes organized and current;
- preparing an outline of material assigned and covered in class;
- discussing course topics with others;
- refining, correcting, revising, reworking of outlines at intervals throughout the school year; and
- as exams approach:
 - maintaining careful management of your time,
 - reducing outlines to shorter and more essential versions,
 - re-reading class notes, and
 - preparing answers to old exams.

II. Writing for Law School Exams

There is no single correct way to write an answer to a law school examination. Generally, a student who has a good foundation in the material, applies sound reasoning to the precise question to be answered and makes a conscientious effort to present the answer clearly, will fulfill the basic requirements of a good examination answer.

<input checked="" type="checkbox"/> <i>General characteristics of a good answer</i>	<input type="checkbox"/> <i>General characteristics of a poor answer</i>
<p>Form:</p> <ol style="list-style-type: none"> 1. It is easy to read. 2. It is clearly expressed. 3. It is well organized. <p>Substance:</p> <ol style="list-style-type: none"> 1. It demonstrates analytical ability by recognizing important issues. 2. It demonstrates understanding of the law. 3. It demonstrates reasoning ability by applying the law to the facts presented. 4. It draws conclusions. 	<p>Form:</p> <ol style="list-style-type: none"> 1. It is hard to read. 2. It is vague, rambling and disorganized. 3. Sentences are long and difficult to follow. 4. Grammar, punctuation and spelling are poor. <p>Substance:</p> <ol style="list-style-type: none"> 1. The answer misses major issues. 2. It gives erroneous law on basic issues. 3. It resolves issues by merely stating unsupported conclusions.

How to Write a Good Answer:

A good answer is well reasoned, demonstrates sound analytical ability, shows a basic understanding of the law and draws conclusions specifically addressing the questions asked. It is absolutely critical that the answer be *responsive* to the question(s). For example, if the question asks "which party is liable," students may receive high grades regardless of which party they describe as being liable, but some party must be identified as liable.

Assuming adequate preparation and study, the most important factor in writing, is *organization* of the answer. Your answer must reflect informational knowledge and analysis.

Try to observe the following tenets in preparing your answer:

1. Calculate before you read. Determine how much time you can devote to each question or note the professor's recommendation on this, and adhere to these time limits. Be especially careful to note how many questions you must answer and at what time you should begin each question.
2. Read before you write. In order to answer any question properly you must carefully read and understand what it is asking of you. Spend at least one third of your time reading, organizing and outlining your answer. Read the question through at least twice. Underline the important facts as you read and make written note of all the issues you recognize. Do not assume any facts not given and try to use all the facts given. An "outline" under these circumstances, may be a simple numbered listing "ordering" issues and points to cover in the answer.
3. Organize the answer in a logical sequence. A chronological sequence is effective except where the rights of several parties must be given, in which case these rights may be reviewed in turn.
4. Decide before you write. Note in your outline or listing what legal rules are applicable to the facts given and how you will use them. If your answer is well thought out and "ordered" before you write, your answer is likely to be shorter and more logical.
5. Remember to whom you are writing. Primarily you are directing your answer to your professor. Make sure to note if the question requires you to direct your answer to any fictitious audience. Be careful to note whether the answer requires you to provide information, be an advocate for a particular position or person or write a judicial opinion. Follow the professor's advice before any generic advice on exam-taking techniques or approaches.
6. Develop a writing technique. Try writing out a few answers to old exam questions as you prepare for your exam. A definite plan or method for tackling your exams will lessen the uncertainty inherent in answering questions under the pressure of the exam setting. Consider, for example, the peculiar form of writing in the space provided in a bluebook.

Some hints include:

- Begin your answer with your conclusion. This makes reading the answer much easier.
- State the specific legal issue(s) involved.
- State the legal rules applicable to the factual issues. Set forth your reasoning demonstrating why in the context of the given facts, a particular rule(s) should be the determinant legal issue. If there is another view, try to set it out.
- Reiterate your conclusion. Decide the legal issue presented; resolve the issue to the best of your ability.

Try to leave time at the end to reread your answer, to discover errors and to add points. Unless you are very sure, it is usually not a good idea to change your answer at the last minute.

Presentation of Your Answer:

1. Write clearly.
2. Keep your sentences short.
3. Separate your thoughts into paragraphs. Long paragraphs are hard to follow, especially when handwritten.
4. Avoid phrases such as "I feel" and "I believe". A more impersonal approach is appropriate and your opinions and feelings should not be a substitute for reasoning.
5. Avoid dogmatic expressions such as "certainly" "clearly" and "undoubtedly". These terms are also substitutes for reasoning.
6. Avoid repetitive phrases and avoid redundancy.
7. Avoid misspelling of common legal terms. Make sure you know the proper spelling for words such as defendant, statute and evidence.
8. Do not use parenthetical phrases unless they are short and useful in that form rather than as separate sentences.
9. Limit your use of abbreviations to those in common usage. Do not use law student abbreviations such as "K" for contracts.
10. Try to display appropriate use of vocabulary. Do not use awkward or uncommon legal terminology. Keep your language as simple as possible. Don't embellish or try to rephrase commonly used terms, expressions, rules or principles.
11. Write in complete sentences. Do not allow yourself to use fragmentary phrases to express your thoughts.
12. Avoid lengthy introductions. A long introduction gives the impression of lack of analysis and knowledge.
13. Work to make your paper easy to read, well organized and your answer clearly expressed. Try to state the law properly and support your conclusions. Make sure to answer the question that has been asked.

