

EXAM-TAKING TIPS

- Job Description
- *Before* You Write
- *While* You Write
- Efficient Use Of Time
- Exam Preparation
- Afterward

7 COMMON EXAM ERRORS

- Wrapping Paper
- **Cabbage**
- Pinball Machine
- **Wine Tasting**
- **Sports Ticker**
- **Mobius Strip**
- Socket Wrenches

JOB DESCRIPTION

Common Undergrad: Show How Much You Know From Course

- **NOT** the task on Law School Exam
- **Clients don't care how much you know; they want you to address problems**

JOB DESCRIPTION

- **NOT** to show how much you know
- **Use what you know from course to address new legal problems**
 - **Problems likely not exactly like what you've seen**
 - **Use tools from course (cases, statutes, const. provisions, policy, theory)**
 - **Show you know which tools are useful & which not**

JOB DESCRIPTION

- NOT to show how much you know
- *Use* what you know from course to address new legal problems
- **Follow instructions/Address the questions you are given**
 - **Most Common Faculty Complaint**
 - **Can take different forms; Read Carefully**
 - **Most common form: Issue-Spotter**

JOB DESCRIPTION: ISSUE-SPOTTING QUESTION

***DRAFT OF
ANALYSIS SECTION
OF LEGAL MEMO***

JOB DESCRIPTION:
ISSUE-SPOTTING QUESTION

- Draft of **ANALYSIS SECTION**
 - No elaborate introductions/conclusions
 - **No separate fact section or questions presented**

JOB DESCRIPTION:
ISSUE-SPOTTING QUESTION

- **DRAFT** of Analysis Section
 - Imperfect sentences OK
 - **Getting ideas on paper more important than style or rhetoric**

BEFORE YOU WRITE

- **Read/Follow General Instructions**
 - **There for a Reason**
 - **E.g. Separate Bluebooks**

BEFORE YOU WRITE

- **Read Each Question Carefully More Than Once**
 - **Most Common Errors: Misread Instructions/Miss Important Facts**
 - **Student Who Starts Writing 3 Minutes Into Test is Helping Everyone Else**

BEFORE YOU WRITE

- **Look at Call of the Question First
For Specific Task & Any Limitations**

WRAPPING PAPER

- Found on the **outside of a box**.
- If the Professor gives you limits on the scope of the question, stay **within the box** you are given to work with. Purposes:
 - Focus Answers
 - Make Q manageable in time allotted

WRAPPING PAPER

- Found on the **outside of a box**.
- If the Professor gives you limits on the scope of the question, stay **within the box** you are given to work with.
- Wrapping paper is easy to dispose of

COMMON LIMITATIONS

- Apply particular case or rule
- Play particular role
- Use law from particular jurisdiction
- Do not discuss ...
- Assume certain facts

BEFORE YOU WRITE

- **Select Most Important Topics to Discuss**

CABBAGE

- Takes up lots of space, not worth very much
- To maximize score, focus on issues lawyers will fight about
 - Hard-to-Resolve Issues yield most points
 - **Reject Undergrad Tendency to Avoid Unknown**
 - Look for Lots of Facts in Problem

CABBAGE

- Takes up lots of space, not worth very much
- To maximize score, focus on issues lawyers will fight about
- Issues nobody will contest are **cabbage**.
 - Duty in case where operating MD harms patient
 - Pers. J. in case where D works/lives in state
 - **Spend little time on; focus on cabbage → everything you say is correct & relevant; you get C**

BEFORE YOU WRITE

- **Roughly Organize Your Answer**

PINBALL MACHINE

- When operating a **pinball machine**, you try to score as many points as possible without worrying about the order in which you hit them.
- When writing an exam, make your points **in a logical order** and make that order apparent to the reader.

BEFORE YOU WRITE

- **Roughly Organize Your Answer**
 - **Brief Outline = List of Major Topics**
 - **Maybe some reminder notes under each**
 - **Choose Order You'll Discuss Them**
 - **Getting Going More Important Than Exact Order (Don't spend 30 minutes doing detailed outline of 60 minute Q)**

POSSIBLE ORGANIZATIONAL SCHEMES

- Chronology
- Major Causes of Action (by Character)
- Elements/Factors from Causes of Action
- Decision Trees
- Most Complex First

BEFORE YOU WRITE

- Roughly Organize Your Answer
 - Getting Going More Important Than Exact Order
 - **Don't spend 30 minutes doing detailed outline of 60 minute Q**
 - **Roughly weight complexity of issues to allocate time**

WINE TASTING

- One roughly equal taste of each wine offered
- All issues are not alike
 - Equality is a recipe for C+/B-
 - Drink More Deeply of More Complex Issues

WHILE YOU WRITE

- Discuss One Thing At a Time
(notes on side)

WHILE YOU WRITE

- Discussions of a Single Topic (The limits of IRAC)
 - “Issues” on Exams (v. in briefs or cases)
 - “Rules”: Be Concise: Few Points for Stating

IRAC

v.

IR**A****C**

v.

IRC

SPORTS TICKER

- Provides results of sporting events without analysis.
- On exams, always provide analysis before attempting a conclusion.

CRAC is Dangerous

Can lead you to over-defend your stated conclusion and ignore complications and counter-arguments.

SPORTS TICKER

- Provides results of sporting events without analysis.
- On exams, always provide analysis before attempting a conclusion.
- On an open book exam, virtually no points for stating a rule then an unsupported conclusion.

WHILE YOU WRITE

- **Show All Work**

WHILE YOU WRITE

- Argue both sides

MOBIUS STRIP

- A single loop of ribbon or paper with a half-twist built into it. Most notable quality is that it has only **one side**.
- Look for serious arguments on at least **two sides** of each issue.
 - **One-Sidedness = Very Common Problem**
 - **Assume the Arguments are There (20\$ Bill)**
 - “On the other hand ...”
 - Even if atty for X, address Y’s best arguments

USE OF LAW & FACTS

- Don't discuss facts in a vacuum; start with some legal test
- Try to use all the facts in the problem

MISSING FACTS: FILLING IN GAPS v. ALTERING PROBLEM

Marc hit JoAnne with his car ...

- Necessary to speculate about intent.

MISSING FACTS: FILLING IN GAPS v. ALTERING PROBLEM

Marc hit JoAnne with his car ...

- “If he did so intentionally ...” (necessary to speculate about intent)
- “If he then refused to take her to the hospital ...” (altering problem)

USE OF LAW & FACTS

- Don’t discuss facts in a vacuum; start with some legal test
- Try to use all the facts in the problem
- Only discuss legal authority you are using to assess problem

SOCKET WRENCHES

- If you take your car to be fixed, when you come to pick it up, you don't want the mechanic to **show you his socket wrenches** and brag about what fine tools they are; you want to see that he **used the tools** to fix the car.

SOCKET WRENCHES

- You don't want the mechanic to **show you his socket wrenches** and brag about what fine tools they are.
- **On your exams, do not simply show me rules, tests, policies, or facts of cases. Show me that you know how to use them to address the exam question. Helpful tip: as soon as you write down a legal test, apply it.**

EFFICIENT USE OF TIME

Stick Strictly to Time Limits!!!

- **Misallocation of time → Big problems**
- **Be compulsive about time, not finishing**
- **Last few minutes, outline what you'd cover if time**

General Tips on Saving Time

- **Use abbreviations & short-form citations**
 - Albert & Beatrice = A & B
 - Personal Jurisdiction = Pers. J.
 - *Brown v. Board of Education of Topeka* = **Brown**

General Tips on Saving Time

- **Avoid lengthy introductions**

“This is a very complicated problem raising many issues we have discussed in class. Both parties have significant arguments that support their position and that have substantial policy implications. ...”

General Tips on Saving Time

Replace topic sentences & transitions with headings and subheadings:

“I will first discuss the school district’s negligence. Negligence has 4 elements: duty, breach of that duty, causation, and damages. The first element is duty.” →

(A) Negl. By Sch. Dist.

1. **Duty: ...**
2. **Breach: ...**
3. **Causation:**
 - a. **Cause in Fact ...**
 - b. **Prox. Cause ... etc.**

General Tips on Saving Time

Write Concisely

E.g., The Jennifer Lopez move:

“On the other hand, in response to these arguments, the defendant is likely to claim that ...” →

“BUT...”

General Tips on Saving Time

Avoid repetition, especially in conclusions

Cross-reference discussions of related issues: “Duty analysis same as for hospital above”

“To sum up, the school district probably was negligent; the slide rule manufacturer probably isn’t liable; and the contributory negligence claim depends on how the court views predictably stupid behavior by unsupervised teenagers.” (Bad use of time)

EXAM PREPARATION

- **Allocate Available Time**
 - More time than you think
 - Do Rough Time Budget

EXAM PREPARATION

- Outline
 - Making v. Looking At
 - Level of Detail Depends on Course
 - Organize so Makes Sense to You
 - Open Book Exams: Make Checklists
 - Major Issues to Look For
 - If I See This Issue, Might Talk About

EXAM PREPARATION

- Use Old Exams
 - Do Under Exam Conditions
 - You'll Never "Feel Ready"; Build in Anyway
 - Look at Old Model Answers if Available
 - Imperfect
 - Evidence of Kind of Exam Professor Likes

EXAM PREPARATION

- **Make Time for Group Work**
 - Consult on Qs from Cases/Classnotes
 - Discuss Hypos & Old Exam Qs
 - Identify Likely Issues for Exam

EXAM PREPARATION

- Go to Office Hours/Review Sessions

AFTERWARD

- Don't discuss test immediately after test (*upon pain of near complete ostracization*).

AFTERWARD

- **Get feedback after grades posted**
 - **Own Your Grades!**
 - **Compare Your Exam to Teacher's Comments & Models**
 - **Follow-Up w Instructors Where Available**