

EXAM INFORMATION 2.0

Exam-Taking Skills & Strategies

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BEFORE THE EXAM

How you prep is how you play

TAKE CARE OF YOURSELF

Drink water

Sleep

Get sunshine

Move meaningfully

Fuel your body

"How" to Study

- Retrieval, Self-Testing, Reflection
- Studying Intervals
- Interleaving
- Learn Your Outline
 - Focus on the process, not the product
 - Flow charts, flash cards, mnemonics, explain concepts to a friend, quiz yourself, spot issues in media

Retrieval, Self-Testing, Reflection

- Self-testing / regular questioning & quizzing
- Learning happens in failures – what you do & do not know
- Anticipate & answer questions you think you will be asked
- Active listening & critical thinking
- Constant review of & reflection on what is learned
- Build a foundation of knowledge and constantly revisit what you have learned, updating it and connecting it to new material

Studying Intervals – Spaced out Study & Interleaving

- Avoid massed repetition
- Forgetting & relearning builds long term retention
- The harder the brain has to work, the more it is learning
- Multiple study sessions
- Break up subjects & tasks (even location where /time when you study) one, another, back to the first
- Challenges brain
- Facilitates memory

Prevent the Preventable

- Download Exemplify and your exam files
- Take a mock exam
- Control what you can
 - Pack everything you need:
 - For the exam: laptop, charger, materials, writing utensils, etc.
 - For yourself: water, snacks, tissues, cough drops, ear plugs, etc.
- The more prepared you are physically and mentally, the better you will perform



DURING THE EXAM

Eyes on the prize

Have a Plan

Plan your work
Work your plan

- Read the instructions carefully
- Make sure you have all the pages
- Strategically allocate time to each question
- Pace yourself
- Keep track of your time and stick to it!

Tackling an Essay Question

1. Identify legal issues raised by a hypothetical factual situation
2. Separate material which is relevant from that which is not
3. Present a reasoned analysis of the relevant issues in a clear, concise, and well-organized composition
4. Demonstrate an understanding of the fundamental legal principles relevant to the probable solution of the issues raised by the factual situation

Three Step Approach

The diagram consists of three identical rectangular boxes arranged horizontally. Each box has a dark red front panel with rounded corners and a light gray back panel, also with rounded corners. The front panels are slightly offset to the right and forward from the back panels, creating a 3D effect. Each front panel contains white text representing a step in a process.

Read
Carefully

Organize
& Analyze

Write &
Weave

1. Read Carefully

- Instructions FIRST
- Interrogatory before the facts
- Then the fact pattern
 - Accept the facts as presented
 - Do not add additional facts or argue with the facts presented

A Note on Issue Spotting

- Know the rules to make issue-spotting easier
- Create an issue checklist
 - Do this before the exam
 - Anticipate the way issues might appear on the exam
- Understand connections among topics
 - Recognize patterns seen throughout the course in cases, hypos, practice exams, etc.
- Pay close attention to the details in the fact pattern
 - If you're lost, list the facts and see if anything jumps out at you
- Practice makes perfect!

2. Organize & Analyze

- What is the question
 - Brief
 - Memo
 - Court Opinion
 - Personal comment
- Parties, Transactions, Timelines, Legal theories
- Think and then Outline

Organize Your Answer

- Outline your answer
- Organize your answer around each separate issue, transaction, claim, etc.
- Use headings
- Clearly structure your answer
- Formulaic: "The issue is _____. The rule is _____. In this case [apply the law to specific facts]. In conclusion, _____."

Answer Structure

- IRAC – Issue, Rule, Application, Conclusion
- CRAC – Conclusion, Rule, Application, Conclusion
- CREAC – Conclusion, Rule, Explanation, Application, Conclusion

IRAC



ISSUE



RULE



APPLICATION
/ ANALYSIS



CONCLUSION

Issue

- Know the rules to help spot relevant legal issues
- Understand connections and pay attention to details
- Focus on the core issues raised by the fact pattern or the call of the question
 - Address the tangential issues only once you've addressed the core issues and if you have time
- Consider possible defenses or counter-arguments when identifying issues

Issue (continued)

- Structure your answer around each issue
 - IRAC each element about which lawyers might reasonably argue
 - IRAC preliminary, threshold, or introductory issues

EXAMPLE

- Is Eduardo liable for breach of contract?
 - Valid Contract?
 - Offer – IRAC
 - Acceptance – IRAC
 - Consideration – IRAC
 - Breach of Contract? - IRAC

Rule

- Clearly state the applicable legal rule triggered by the fact pattern
 - This includes sub-rules for elements of the rule
- Discuss the following if relevant and applicable
 - Exceptions to the rules
 - Conflicting interpretations
 - Jurisdictional differences
 - Divided authority, if any
- Tip: Pre-write rule statements

Analysis/Application

Your analysis is the most important part of your answer!

- Use exact and specific facts, but do not recite them – USE THEM!
- Identify facts that demonstrate the situation fulfills stated rule/establishes the element [or does not].
- Explain what it is about the fact that justifies the conclusion that your situation fits the rule/does not fit the rule.
- Connect facts to particular elements of the rules (because)
- Include counterarguments where appropriate (however)
- Address policy considerations where appropriate

Application / Analysis: Example

- Listing facts: amateur
 - Jeff told the plaintiff, "I will hit you if you come around here again." Therefore, battery was not imminent.
- Using facts: expert
 - Jeff 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. The words "come around here again," placed a condition on the plaintiff being struck, which means that the plaintiff might never be struck by Jeff. The fact that Jeff might never strike the plaintiff means that the battery cannot be imminent.

Conclusion

- Draw a conclusion if you're asked to do so
- For each issue you discuss, state which party is more likely to win (or which argument is more likely to succeed) and explain why.
 - Support all conclusions you make
 - What do you think the better view / answer is?
- Example: "For the reasons discussed above, Eduardo is likely liable for breach of contract because there was a valid contract, and he breached that contract by ____."

3. Write & Weave

Show don't tell

State the relevant law applicable to each issue you're addressing

Use the fact that are given to you strategically

Write a full and detailed factual analysis for each element of every rule

Address and analyze both sides of the issue

Answer the question asked

"Teach" your professor what you learned

Answering the Question Asked

- Make sure you understand the call of the question
- Types of questions
 - Pointed – Is Eduardo liable for breach of contract? Explain.
 - Open ended – Describe and analyze the relevant issues.
- Navigating question stems
 - Multiple questions for one fact pattern
 - Read all question stems before beginning your answer
 - Answer the question asked, and don't address irrelevant issues
 - If the question says, "Assuming Eduardo is liable for breach of contract. . ." Do not spend time addressing liability in your answer

Answering the Question Asked: Example

- "Is Eduardo liable for breach of contract?"
 - What do you need for a breach of contract claim?
 - Is there a valid contract?
 - Did Eduardo breach that contract?
 - Presume there was a valid contract even if you concluded that there wasn't
- "Assuming Eduardo is liable, can Tiffani recover damages?"
 - What types of damages are available for a breach of contract claim?
 - Don't question liability when answering this question

**You only get points for
what you demonstrate you
know.**

Format Your Answer

Headings

Bold, Italics, Underline

Bullet Points

Additional Thoughts

- Discuss each and every legal controversy you identify, even if they seem obvious
- Finish the exam. Done is better than perfect.
- Exam management is a lot about time management.
- Remember to breathe. Stay present. If you feel yourself getting overwhelmed or anxious, take a pause. Sit up straight, roll your shoulders, and take a few deep breaths. Give yourself the moment to reset and then dive back in.

Other Types of Law School Exam Questions

- Short Answer
 - Shorter fact pattern involving fewer issues
 - True / False question with explanation
- Multiple Choice
 - Short factual scenario with discrete number of answer choices
- Policy
 - Focus on policy considerations discussed in class

Short Answer Questions

- If your professor provides practice exams or questions, use them to study and practice
 - Familiarize yourself with the format
 - Practice reading, outlining, and answering questions
- Read all the questions before beginning to answer
- Structure your answer like an essay exam (IRAC)
 - Less detailed answer than an essay question
 - Make sure your answers are concise and well-organized

Multiple Choice Questions (MCQs)

- Practice answering MCQs as much as you can before taking the exam
 - Prioritize practice exams or questions provided by your professor
 - Review your answers, taking time to study things you missed
- Read questions slowly and methodically
- Ask yourself what legal issue is being tested and what legal rule you need to know to answer the question
- Figure out the answer before reading the answer choices, if possible
 - Find this answer among the answer choices
- Read all answer choices carefully
 - Eliminate wrong answers

Tips for Closed-book Exams

- Review and memorize your outline
 - Flow charts, flashcards, mnemonisc, self-quizzing, attack outlines, etc.
- Practice without your outline before the exam
- Know the rules cold
- What if you don't remember a rule during the exam?
 - Make a reasonable guess based on what you do remember
 - Structure a rule based on what you remember and stick to it
 - This should be a last resort
- Treat every exam like it's a closed-book exam!

Navigating the Exam Period

- Don't leave major studying until the last minute
 - Don't try to cram for your exams
 - Pace yourself
- Take some time to unwind
 - Allow yourself some time to destress and decompress after each exam
- Be prepared to switch gears
 - Don't dwell on the exam you just finished – NEXT PLAY
 - Focus on the exam before you now

Common Mistakes

- You didn't write what you thought you did
- Your answers are poorly structured or written
- Your analysis is conclusory
- You misstate the rule
- You run out of (or waste) time
- You didn't use the specific facts provided

AFTER THE EXAM

FORGET IT!

After After the Exam

Exam Review

Personal
Reflection

How you
prepared

How you
performed



Recipe for Success

- Did you know the material?
- Did you know how to take the exam?
- Was there anything keeping you from peak performance on exam day?

QUESTIONS?

PLEASE SIGN IN





