

Taking a Law School Exam:

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Note: This guide assumes you have read and followed the “How to Study for Law School” guide. That is the first step in excelling at a law school exam.

What is a law school exam?

Law schools are given in three forms/sections: issue spotting, policy sections, and/or a multiple choice section. Issue spotting exams/sections are usually long, convoluted made up (usually pretty funny) hypothetical’s that cover a multitude of legal issues. Policy sections will test your ability to understand and analyze theories underlying laws or case decisions. Some exams will also include multiple choice sections that will test your ability to understand and analyze short hypos with the most accurate legal analysis in a rather quickly time period.

Key:

Although we will go through taking a law school exam in detail below, you should understand the key to maximizing the points awarded on the exam is by focusing on the **legal analysis; evaluation and synthesis**. Typically, a professor will structure their exams so that the major topics discussed in class are given the most points on an exam. Thus, you spend your time on writing a logical, structured, and through argument on the major issues in the hypo.

I. Pre-Exam Considerations:

- 1.) Spend your time to correlate with the weight of each question on the exam. If the exam is three hours long and consists of two questions, one 66% of the total points and one question is 33% do not spend equal time on them. A savvy test taker would spend 66% of the time allotted on the weightier question. Once you have hit the time allotted for that question, move on. This may seem like an obvious step, but unfortunately many intelligent students will become engulfed in answering a particular question and end up not having enough time to answer other weightier questions. So, do not spend your time (unless you have the extra time and space) on the details.

- 2.) Pay close attention to any and all formatting and page number/word limits requirements. This is vital for take-home exams. Most professors will want the typical 12-point Times New Roman font with 1 or 1.5 inch margins. This means, nothing “cute.” Professors strictly enforce page number/word limits. Going over the limit will usually cost you points by the word and show your professor that you were unable to concisely argue your point, a crucial skill for attorneys.
- 2.) Read the question. As with all exams since you were in secondary school, reading the question will give you a better idea of what you should be looking for in the hypo.
- 3.) Read the Hypo Twice. Read the entire hypo; do not skim the hypo-no matter how long it is. Be an active reader; constantly ask yourself, “why is the professor telling me this.” During the first reading, do not write anything, except maybe scant marginal notes. On the second read, develop the answer “outline.” (See below)
- 4.) Brainstorming and organizing your thoughts:
 - A.) List each issue as you spot it.
 - B.) If the hypo (as expected) is long and drawn out, you could simplify it by creating a diagram or listing the facts in chronological order.
 - C.) Once you have identified all the issues, write down the resolutions/analysis in an outline form
- 5.) The resolution/analysis of every legal issue requires 4 elements:
 - 1.) Rule of Law;
 - 2.) Facts that make that rule relevant;
 - 3.) Conclusion; And
 - 4.) REASONING that links the first three

Key Note: You need to be aware that often times the professor will only ask for one issue, but to answer that issue, you must devolve into other issues.

--For example, in a Civil Procedure exam the professor may ask if the court has jurisdiction over the defendant. However, to answer it you need to go through all the motions of personal and subject matter jurisdiction. (Remember you need to do this in a logical, structured manner with relevant facts and law to support your argument and conclusion.) Is there personal jurisdiction? How do you know if there is personal jurisdiction? What are the key factors in personal jurisdiction? Is the statute, such as, the long arm statute satisfied? Do we have the constitutional authority? How do we know if we have either? Are the traditional basis rules satisfied or do we have to go to the International Shoe analysis? If we go through the International Shoe analysis, do we have the “fair play and substantial justice” analysis

satisfied? How do you know if you have them satisfied, what evidence is in the hypo for it and how does it compare/contrast with the cases you read?

--As you can see, it's a process- this is what we call "legal analysis." You do not make an assumption, you don't skip a step. Every part of the law and facts must be analyzed. Thus, you can see how students who do concentrate on major issues in hypos do the best, because they focus their attention on fully analyzing issues that will naturally lend itself to even more relevant and necessary issues. Thus, they focus on maximize the number of points. How can you tell if the issue is a major one or a detail, here are three questions to ask yourself (remember you are an active reader):

- 1.) Does the issue affect the main point of the answer? Would it affect the conclusion?
- 2.) Are the relevant facts developed in the question? The major issues will naturally have more relevant facts, so you can go through the entire analysis.
- 3.) Is the issue controversial? Can you argue it both ways? Professors will typically want you "swim around" in the various ways in controversy. This allows the professor to adequately judge your ability to understand and argue both sides of an argument. This also gives you a chance to come up with "clever" arguments and look above the curve in problem solving. Remember there is no "right" answer and the professor will typically give A's to students who conclude opposite ways, but have both given valid reasoning and analysis for their conclusion.

6.) Choosing the law. You must always support why you are choosing a particular rule with your facts and analysis. Furthermore, a lot of time professors will give you facts that do not neatly fit in a particular single law, but instead fit somewhere in between. Your goal is to choose between the two laws (note: laws could mean cases) and explain your reasoning for choosing. Remember it's all about your conclusion being given with support through analysis and facts. What's critical is to see the question, focus on it, and make the best argument you can in support of your conclusion and acknowledging the credibility of the other side. Point out the ambiguity of the law and the facts in this particular hypo to your professor.

II. Writing the Exam:

A.) Issue-Spotting Exams:

- 1.) So, what is a well-organized answer? It has 4 elements:
 - 1.) You have resolved the major issues
 - 2.) Argued Both Sides
 - 3.) Come to a conclusion, and

4.) Provided support for your conclusion

2.) IRAC:

This is a well known exam organization tool that stands for Issue, Rule, Analysis, and Conclusion. The importance of this organization tool depends heavily on your professor's preference. Some 1L professor will demand students use this organization as a method to ensure some level analysis and coherence, plus it's a way of helping students build their analytical skills. However, other professors view it as too rigorous or view students who only answer in this throughout their exam as mediocre.

Whether you decide to use IRAC or not, you just be sure that your analysis comes up with your conclusion. As discussed above, do not assume things. Go through the steps, the analysis must reflect the relevant law, cases, and facts of the hypo. As you read in the How to Study for Law School Guide, old exams of your professor and model answers are crucial in understanding how a well written (both in organization and substance) looks for your professor.

3.) Using Policy to Come to Conclusion:

Policy is the underlying reason as to why the law is like it is. Thus, it can be a good idea to end your conclusion with some kind of policy analysis. However, remember that time and good analysis is key to maximizing your points, so don't get carried away it.

B.) Non-Issue Spotting Exams:

4.) Comparing/Contrasting Cases: These cases are not really handled differently from given a hypo. The key here to take both cases and distinguish them on facts, findings, reasoning. Discussing any specifics given in class about the judges or society at the time is also a good idea.

5.) Analyzing the decision of one jurist: In an organized manner (you should brainstorm as discussed above first) discuss the trends, inconsistencies, changes, or personality facts discussed in your class around this individual. Discuss all of their major cases and/or articles. Like in the comparing/contrasting of cases, it's a good idea to discuss what was going on in society at the time as well, to give depth to the individual's perspective.

C.) Multiple Choice Exams:

Multiple choice law school exams will be tricky and time-constrained. You must read each question carefully; one word can change the entire analysis. Like in all multiple choice exams, starts by eliminating answers you know are wrong. Then look for dispositive elements in the question. For example, if but for X in the question the answer would be A, the answer is not going to be A. So, look at possible answer B. Do not ignore facts and do not create facts. Lastly, as mentioned, these are almost always time-constrained exams, so it is particularly important for you to adhere to the timing/weight guidelines discussed above.

III.) What Not to Do and Do:

A.) What Not to Do:

(1) Focusing on major issues does not mean you completely leave out minor issues. They will carry some weight as well and maybe a tie breaker or grade booster. Your goal with these issues is to identify them, analyze their law and analysis, and then give a conclusion quickly and move on.

(2) Do not recite law or facts, except as needed and only to that extent. As mentioned above, it's your legal analysis that matters.

(3) Answer questions ASKED. Although as discussed above, one issue will often entail many issues that does not mean it will include *all* issues. If the question is asking about personal jurisdiction, do not discuss subject matter jurisdiction. You will not get extra points or seem brilliant for discussing things the professor did not want to read about.

(4) Do not waste your time on introductions or summaries. You get points for analysis, not that you have proven you read the hypo or have written lot information.

(5) Do not use very strong words in your analysis, words like “obviously” and “clearly” are too strong for the convoluted and vague hypos that you are suppose to be answering. If the answer was obvious or clear it would not be given to a law student. Instead you words like, “because” and “therefore” while justify your conclusion and chosen law.

(6) Do not waste your time and space looking up case names unless your professor has actually said they are expecting them. Furthermore, case names do not mean full citations to the case. What is expected is better answered by the professor or when looking at previous years final exams (see how to study for law school guide).

B.) What to Do:

(1) Write with simple, direct, and clear sentences. You will not impress the professor by using complicated or nonsensical sentences. Not to mention, you are wasting a lot of time that you could be using to hit on other issues.

(2.) Use legal terminologies that are relevant. If there are words used over and over in class/cases, use them on the exam. These words have legal significance and you need to use them on the exam. For example, “fair play and substantial justice” in Civil Procedure, “mens rea” in Criminal Law, and “strict scrutiny” in Constitutional Law all have meaning in those subjects.

Happy Exam Taking From NMLSA!!!