Virtual Office Hours: How to Excel on Law School Exams

With Heather Buck and Hannah McNeece from JD Advising
Success in law school =
success on law school exams
Introduction to Law School Exams

- In general, one exam per class determines your entire grade for that course.

- Law school exams test the ability to think critically and apply the law to fact patterns.

- Law school exams are graded on a strict curve; only a small percentage of first-year students get As.
Sample Torts Question

Dan, a dog breeder, had some eight-week-old puppies to sell. Bob and Carol went to his house to look at them. Dan invited them into the living room where the puppies were located and said, whatever you do, don’t go into the room at the end of the hall.” As they were examining the puppies, the largest puppy, without warning, gave Carol a nasty bite on her hand. Dan told Bob to go to the bathroom near the end of the hall to retrieve some bandages.

Forgetting Dan’s earlier admonition, Bob opened the door at the end of the hall, thinking it was the bathroom, and entered a darkened room where Dan kept an enormous pet chimpanzee. The chimpanzee jumped between Bob and the door, beat its chest and made menacing hoots. Frightened, Bob stood still.

In attending to Carol’s bite, Dan mistakenly grabbed a bottle of heavy-duty solvent, thinking it was a bottle of antiseptic. When Dan rubbed its contents into Carol’s wound, she began to scream and shout in pain. Hearing Carol’s cries, Bob barged past the chimpanzee, which gave him a deep gash to his head as he passed. Shaken and sore from their injuries, Bob and Carol fled Dan’s house.

1. What claims may Carol reasonably raise against Dan, what arguments may Dan reasonably make, and what is the likely outcome? Discuss.

2. What claims may Bob reasonably raise against Dan, what arguments may Dan reasonably make, and what is the likely outcome? Discuss.
Answering Essay Exams Using the IRAC Method

The IRAC method is a commonly used method for writing law school exam answers. The letters in IRAC stand for the following words:

- I = issue
- R = rule
- A = analysis
- C = conclusion

The IRAC method is formulaic. To use IRAC one essentially fills in the blanks of the following formula for each issue that one spots: “The issue is ___________. The rule is ___________. A court would analyze it as follows: [apply the law to the facts]. In conclusion, ___________ will likely win.”
Issue-Spotting This Torts Question

Dan, a dog breeder, had some eight-week-old puppies to sell. **Bob** and **Carol went to his house** to look at them. Dan invited them into the living room where the puppies were located and said, **whatever you do, don’t go into the room at the end of the hall.** As they were examining the puppies, **the largest puppy**, without warning, gave Carol a nasty bite on her hand. Dan told Bob to go to the bathroom near the end of the hall to retrieve some bandages.

Forgetting Dan’s earlier admonition, Bob opened the door at the end of the hall, thinking it was the bathroom, and entered a darkened room where Dan kept an **enormous pet chimpanzee**. The chimpanzee jumped between Bob and the door, beat its chest and made menacing hoots. Frightened, Bob stood still.

In attending to Carol’s bite, **Dan mistakenly grabbed a bottle of heavy-duty solvent**, thinking it was a bottle of antiseptic. When Dan rubbed its contents into Carol’s wound, she began to scream and shout in **pain**. Hearing Carol’s cries, Bob barged past the chimpanzee, **which gave him a deep gash to his head as he passed**. Shaken and sore from their injuries, Bob and Carol fled Dan’s house.

1. What **claims may Carol reasonably raise against Dan**, what **arguments may Dan reasonably make**, and what is the likely outcome? **Discuss.**

2. What **claims may Bob reasonably raise against Dan**, what **arguments may Dan reasonably make**, and what is the likely outcome? **Discuss.**
Preliminary issues raised by the fact pattern

Carol:
Issue: negligence for dog bite
  sub-issue: premises liability
  sub-issue: domestic animals
Issue: negligence for solvent injury
  sub-issue: duty to rescue/duty owed by rescuer
Issues: assumption of risk, comparative negligence, contributory negligence

Dan:
Issue: strict liability for chimpanzee
Issue: negligence for chimpanzee
Issues: assumption of risk, comparative negligence, contributory negligence

At this point, you can start outlining an answer to the question by making a list of these issues in your exam answer!

Issue takeaway: most facts are in a fact pattern for a reason, and they will raise (or neglect to raise) specific issues. So, a good way to get good at issue-spotting is to go through the fact pattern sentence by sentence and ask why the fact is there.
Next Step: Identify the Applicable Rules

Work on memorizing the rules so that you are able to recite them on an exam.

1. Make your own outlines

If you really don’t have time to make your own from scratch, here is what you should do:

• Find a student who took the *same class with the same professor as you* and see if you can use their outline. (Your school may have an outline bank, or you may be able to find an outline from a friend or online.)

• Do not use a commercial outline as your sole source of material—you need to focus on what was covered in class.

• Personalize the outline as much as you can—make charts, color-code them, etc.
2. Actively review your outlines

Instead of reading your outlines multiple times, actively review them. This allows you to concentrate on the material, understand, and remember it. You can actively review your outlines by:

- Draw diagrams and pictures
- Invent mnemonics
- Repeat information out loud
- Explain it to a friend
- Quiz yourself and quiz others
- Cover up a part of the outline, write down whatever you know about that topic, look back at your outline, see what you are missing, then do this again until you know everything!
3. Go through one section at a time, then move on

• If you have a 50-page outline, go through the first five or 10 pages over and over again until you know them. Instead of reading them, *actively* review them, as noted above. Only then should you move on to the next five or 10 pages. If you try to learn all 50 pages at once, you will feel anxious and overwhelmed.

• During your study period before final exams, focus on one or two classes a day. There is no reason to focus on all four classes every day. That will be overwhelming and you won’t get enough done!
4. Take breaks

Memorizing is hard work. You cannot memorize outlines all day. Instead, incorporate frequent breaks into your studying. You can also give yourself a break by doing different tasks throughout the day (i.e., instead of saying, “I’m going to memorize outlines all day,” incorporate other tasks like practicing exams or reading supplements).
5. Make sure you understand the material as you are actively reviewing it

If you understand how or why something works, you will memorize it better. If you have trouble with a concept, Google it, ask someone who may know the answer, or get a tutor if you find yourself really struggling. Understanding the rationale for a rule or being able to come up with real-life examples of how a rule works can aid in memorization.
6. Focus on what matters

• You cannot learn everything about every law for every class perfectly. Focus on the portions of the law that your professor emphasized in class or seemed to care about the most. Focus on what your professor has tested in the past. Be smart about how you spend your study time.

• Do not focus on memorizing case names or the facts of cases. Besides a few major cases, your professor will probably not expect you to have a detailed knowledge of the cases themselves. It is the principles the cases illustrate that is more important!
7. Keep coming back to your outlines

It is not enough to look at something once, memorize it, and then put it away for a few weeks. (So much of your hard work will be wasted!) Instead, keep reviewing your law school outlines. Try to review each one at least once a week. That way, you can use your study period to review your outlines for a final time and take practice exams (rather than relearning everything again!)
Preliminary rules raised by the fact pattern:

**Issue:** Negligence (dog bite)

**Rule:** In order to make out a prima facie case of negligence, the plaintiff must establish (1) duty, (2) breach, (3) actual cause, (4) proximate cause, and (5) harm.

**Sub-issue: Duty**

**Rule:** An individual generally owes a duty to others to act as a reasonably prudent person would under similar circumstances. The majority view (Cardozo) is that a duty is owed only to foreseeable plaintiffs in the zone of danger, while the minority approach (Andrews) is that a duty is owed to everyone, including unforeseeable plaintiffs. In determining what is reasonable, the court will generally look at physical characteristics, age, expertise, and whether the situation is an emergency.

A specific duty is owed by owners or occupiers of land, depending on the status of the plaintiff. If the plaintiff is an invitee (one that is on the premises for a commercial purpose), the premises possessor must warn of or make safe all dangers that he knows or should know of.
Preliminary rules raised by the fact pattern (cont’d):

**Sub-issue:** Breach  
**Rules:** The plaintiff must show that the defendant breached his duty of care.

**Sub-issue:** Actual cause  
**Rule:** There must be a factual connection between the breach and the injury suffered. To determine actual cause, ask, “But for the defendant’s actions, would the injury have occurred anyway?”

**Sub-issue:** Proximate cause  
**Rule:** The harm must be a foreseeable result of the breach.

**Sub-issue:** Damages  
**Rule:** The plaintiff must suffer actual harm to successfully sue in a negligence action.
Show Off Your Arguing Skills!

Analysis and Conclusion

Answer using simple “IRAC”:

\[ I \rightarrow R \rightarrow A \rightarrow C \]

Sophisticated answer using the strategy we recommend: (making as many arguments on behalf of both parties as possible):

\[ I \rightarrow R \rightarrow A \{ \]

IRAC
IRAC
IRAC

\} \rightarrow C

A sophisticated answer uses the IRAC method yet transcends it at the same time. Such an answer comes in all kinds of formats. It is not limited to the format above. For example, another model is as follows:

\[ I \rightarrow R \rightarrow A \{ \]

IRAC
IRA (IRAC) C

\} \rightarrow C
Carol v. Dan

**Issue:** Negligence

**Sub-issue:** Duty

**Sub-issue:** Breach

**Sub-issue:** Actual cause

**Sub-issue:** Proximate cause

**Sub-issue:** Damages
How to Use Model Answers

Questions to ask when comparing your answer to the model answer

Issue

- Did I spot the same issues that the writer of the model answer spotted?
- Did I miss important issues? Which ones? How will I avoid this in the future?
- Did I include issues that the model answer did not include? If so, are these issues relevant?

Rule

- Did I clearly lay out all the rules and elements of law for each issue?
- Did I discuss laws that weren’t relevant? How can I avoid this in the future?
How to Use Model Answers (cont’d)

Questions to ask when comparing your answer to the model answer

**Analysis**
- Did I make arguments on behalf of each party (where applicable)?
- Did I analyze the problem as in-depth as the model answer did?
- Did I spend too much time analyzing an issue that should obviously turn out in one party’s favor?
- Did I know enough law to fully analyze the question or do I need to review my outline more?

**Conclusion**
- Was my conclusion too vague? Was it too strongly worded?
- Was my conclusion correct (or at least arguably correct)?
How to Use Model Answers (cont’d)

Questions to ask when comparing your answer to the model answer

Other

- Did I spend too much time restating facts or conclusions?
- Did I answer the exam in the appropriate amount of time?
- What are my strengths?
- How can I capitalize on my strengths and make them even better?
- What do I need to practice more?
Last Minute Tips for Essay Exams

• Thoroughly analyze the issues . . . but not the obvious ones.
• State the relevant rules of law . . . but don’t state every rule of law that you know.
• Use facts to support your arguments . . . but don’t restate or summarize all the facts at the beginning of your essay.
• Use facts to support your arguments . . . but don’t make up new facts and then discuss the facts you made up.
What if Your Professor Includes Multiple-Choice Questions?

• Get as much practice answering multiple-choice questions as you can before your exam.

• Do a Google search for questions or order books online with multiple-choice questions. Many bar
  • JD Advising’s Law School Study Aids

• When you begin, go through the questions slowly and methodically. Dissect each question.

• After you read the question, ask yourself what legal issue is being tested and what legal rule you
  need to know to answer the question. If you do not know the legal rule, look it up.

• Lastly, go through the answer choices and explain why one is correct and why the others are
  incorrect.

• Closer to your final exam, work on speed.
What if Your Professor Includes Multiple-Choice Questions (cont’d)?

If your professor includes short answer questions

• Get your hands on as many short answer questions as possible.
• If your professor releases any past exams, focus on these first!
• Consult a supplement.

If your professor has a combination of questions (e.g., some multiple-choice, some essay):

• Spend your time answering both kinds of questions when you practice.
• Allocate your time based on how your final exam score is calculated.
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