



**Georgetown University Law Center
First Year Continuing Orientation
“Maximizing Learning in Law School”**

**PREPARING FOR AND TAKING LAW
SCHOOL EXAMS**

**Monday, November 6, 2006
3:30 – 4:30 p.m., Hart Auditorium**

**Tuesday, November 7, 2006
8:00 - 9:00 p.m., McDonough, Room 206**

Presented by
Assistant Dean Mitchell Bailin, Faculty and Students

WRITING THE ANSWER

No one will suggest that you learn how to write all over again in these next weeks. Rather, think about writing. Just as you are focusing on the substantive material in Torts, Property, or Contracts, stop to focus on writing. Think about general principles of clear writing:

1. ANSWER THE QUESTION. For example, if the question states "Decide the motion and support your decision with reasons," write,

The motion to dismiss by Meander Inn and Acme Co. should be denied.

rather than

Rule 23 of the Federal Rules of Civil Procedure applies here.

2. USE STRONG TOPIC SENTENCES. For example, if the question asks whether or not there are valid contract claims, write,

Here, L and T exchanged mutual promises and thus formed a contract.

rather than

The facts do not seem to indicate whether or not there was a contract.

3. USE STRONG SUBJECT-VERB COMBINATIONS. For example, if the question asks, "Who is entitled to the two-acre parcel and why?" write,

David is entitled to the two-acre parcel because the conveyance is probably a fee simple determinable with a possibility of reverter that is transferable inter vivos in this jurisdiction.

rather than

David has a good argument that he should get the parcel.

4. MAKE ONE LEGAL POINT PER SENTENCE. For example, if the question asks, "Discuss and evaluate Farmer's possible tort claims against Employer," write,

Farmer may sue Employer for negligence.

rather than

Farmer may sue Employer for negligence, although strict liability is also possible.

5. CONNECT IDEAS LOGICALLY. For example, if the question asks, "What legal problems are presented on appeal to the highest court of the state?" write,

A search without a warrant (as here) is "unreasonable" unless the prosecution shows some special justification for the search. Absent such justification, the exclusionary rule will be invoked....To invoke the exclusionary rule, Bob must have standing to object....Once standing is established, the prosecution must....

rather than

One legal problem is the fourth amendment....The exclusionary rule can be invoked....Standing to object is also important....The prosecution must justify its warrantless search.

6. USE CONNECTING WORDS TO SHOW LOGICAL RELATIONSHIPS. For example, if the question asks, "Discuss S's rights against G," write,

Because the modification is invalid in this jurisdiction, S's work stoppage is a breach of contract.

rather than

The modification is invalid here and S's work stoppage is a breach.

Or

The contract is not within the Statute of Frauds (it is a services contract performable within one year); thus a writing was not required to make the modification enforceable.

rather than

The Statute of Frauds does not apply to a services contract performed within one year.

7. CONCLUDE. For example, if the question asks, "What should be the decision of the Supreme Court, and for what reason?" end with,

Since the burden on interstate commerce is probably minor and the benefit of the act substantial, and since there is no indication that Lakeport's interest could be effectively served by less burdensome legislation, the Court should find that the act would similarly be valid under the Commerce Clause.

rather than

Lakeport's interest in safe-guarding the health of its residents could well be defeated if vessels docking there were allowed to pollute the air with dense clouds of smoke.

As you consider these writing approaches, consider also strategies for writing well under pressure. For example, you might feel more comfortable leaving a blank at the beginning of your answer, filling the blank in when you have decided on your advice. Or you might want to spend more time organizing and deciding, and then use your time to write non-stop from beginning to end. You might want to vary your strategy according to the length or relative ease of the question. What works best for you? Enter the exam prepared with your strategies for writing.

TEN TIPS ON TAKE HOMES

1. Before the end of your class, make sure that you understand from your professor what the “terms” of the take home exam(s) are so that you can plan your time during the exam period (i.e., is it a 12-hour, 2-day, or self-scheduled take home).
2. Don't delay studying for courses in which you have a take-home. There will not be enough time after you have received the exam to outline or learn the course material. One of the main purposes of an outline or summary is to make sure you understand the course before you get the exam. If you wait until after you receive the exam to review the material, you will not be able to consult others, such as members of your study group, about your questions on the material. Instead of tracking down areas of the course about which you are unclear, you should use the time after you receive the exam to organize and draft answers.
3. In advance of the exam period, try to get some sense of what a good law school exam answer might look like. Review old exams, best answers and exam feedback if at all possible. It is helpful to be very clear in your answers which issue you are addressing and (as appropriate) the rule of law that applies. You should make your arguments like a lawyer would.
4. Please follow the instructions on the exam exactly and make sure that you answer the questions that are asked.
5. Spend sufficient time planning and organizing your answers. One of the important reasons faculty give take home exams is that they like to read more organized and thoughtful answers than students can produce in 3-hour “in class” exams. One professor recommends spending about one-third of the time you have for the exam in planning and thinking, the remainder in writing and revising. The best guide on how to allocate your time between planning/writing is your professor.
6. Observe page and word limits. Professors impose page limits in order to encourage you to be concise and eliminate extraneous arguments from exam answers. This requires careful thought and a good understanding of the course material.
7. Use your spell-check to keep within word limits. Or, in Windows, click FILE, then DOCUMENT INFORMATION, to get the word count for your document.
8. Observe the recommended time allocation for each question (if any) or allocate your time among questions proportionate to their percentage of the grade. As you probably know, if there are three questions worth 30 points each, you will not be able to earn more than 30 points on any one. If you spend too much time on one question, you may neglect other parts of the exam.
9. Please don't make a take home exam a marathon even that will ruin you for the rest of the exam period. The professors are trying to test your legal acuity, not your physical endurance!
10. After you receive the exam, if you have any problem understanding the instructions for the exam or if you encounter an emergency, please call the Office of the Registrar, not the professor (because you cannot compromise the anonymity of your exam by talking with the professor).