

SUCCESS ON LAW SCHOOL EXAMINATIONS

Examinations in law school and state bar examinations include questions in multiple-choice and essay formats. While you can find many books and articles about how to take law school exams, the following pages describe some strategies commonly identified for success on all exams and for essay questions in particular.

1. For All Examinations

a. Exam Structure

Law school exams often consist of multiple parts with questions in different formats, e.g., sections with essay questions and sections with multiple-choice questions. It may be helpful to review the entire exam briefly, when you first have the opportunity to do so. Unless your professor requires you to address the sections of the exam in a particular order, knowing the overall structure of an exam gives you the opportunity to build some confidence by addressing first a format or issues with which you feel most comfortable.

b. Directions

Carefully read the professor's directions for the exam. There may be directions applicable to multiple sections of the exam and there may be directions applicable only to a particular part of the exam. As an example of the first type of direction, you may be instructed to write answers to essay questions throughout the exam in double-space format if typing or on every other line if handwriting. As an example of the second type of direction, an essay question may have directions requiring you to address specific issues for that question and informing you not to address other issues. You do not want to lose points or adversely affect your professor's perception of your abilities by failing to follow directions.

c. Time Management

Law students frequently wish they had more time to complete an exam. And so, even if you believe you have completed the exam with time remaining in the exam period, it is likely you could have done more with the exam.

With respect to time dedicated to different sections of an exam, a professor may designate on the exam a recommended amount of time for a section, e.g., "Section A – Recommended Time: 40 Minutes." Follow your professor's recommendation until you become more familiar with law school exams. Even if your professor does not specifically recommend an amount of time for an exam section, there may be other guides for time management. For example, if your professor tells you that the entire exam is worth 100 points and Section A of the exam is worth 40 out of the 100 points, then it is reasonable to spend 40% of the exam period on section A. Ask your professor whether she or he will be recommending an amount of time or designating a relative weight for the sections of an exam.

2. Essay Questions – IRAC

What are commonly called “essay questions” require students to provide a written analysis of a fact pattern (story) through the lens of the law covered in the course. A successful analysis of the fact pattern demonstrates more than a student’s ability to recite accurately the rules of law learned during a semester. Instead, a successful analysis demonstrates that a student *understands* the law so well that the student can explain how the law learned during the semester could reasonably be applied to a fact pattern different – at least in part -- than the fact patterns of the cases the student prepared for or discussed in class during the semester.

Traditional format for responding to essay questions is known by the abbreviation “IRAC.” As explained below, each letter of the abbreviation stands for a part of the response to an essay question. Professors typically award points for each element of the IRAC framework.

a. “I” (Issue)

Begin by identifying and stating the issue(s) to be addressed (sometimes referred to as issue spotting). Issue statements often take the form of a question as a matter of custom. An issue statement involves consideration of the professor’s directions for the question as well as facts in the fact pattern relevant to those directions.

For example, multiple legal theories often support claims for relief from the same set of facts. A fact pattern could support a claim of false imprisonment as well as a claim of negligence. If your Torts professor’s exam directions asked you to discuss all reasonable claims and defenses presented by the fact pattern, then you would create two “issue statements,” one for the claim of negligence and one for the claim of false imprisonment. If, however, your professor’s directions asked you only to discuss liability for false imprisonment, you would create only one issue statement.

Let’s assume your professor directed you to discuss only a claim of false imprisonment. Your issue statement should do more than merely repeat your professor’s directions. You must do more than state: “The issue is whether the defendant, X, is liable to plaintiff, Z, for false imprisonment.” Instead, your issue statement should reflect that you have spotted key facts and their significance. Accordingly, a better issue statement would read: “Is the defendant, X, civilly liable to plaintiff, Z for false imprisonment when [fill in the material facts from the fact pattern.]”

Professors differ on the amount of detail they want to see in an issue statement. Do not hesitate, therefore, to ask your professors about their preferences.

b. “R” (Rule)

Accurately recite the rules of law you learned during the semester that correspond to your issue statement. For example, in the exam scenario described above, your rule statement would describe the legal standards and policies you synthesized from class

regarding the liability for false imprisonment. In particular, you should define the requirements for each one of the elements, and not just state the overall requirements for false imprisonment. Some professors may award points for citing to the source of the rule, e.g., citation of court case or Restatement section. Other professors may award points only for an accurate statement of the applicable rule, and so citing to the source would be a waste of time. Also, please note that memorization of accurate rule statements before an exam is necessary preparation for providing accurate rule statements during an exam. A vague paraphrase of the law is not a sufficient substitute for an accurate rule statement.

You should provide a rule statement for each issue presented by a fact pattern in light of your professor's directions regarding the fact pattern.

c. "A" (Analysis/Application/Argument)¹

After accurately stating a rule, explain how the rule might be applied to the facts in the fact pattern. For example, identify and explain how specific facts could reasonably support each element of a cause of action for false imprisonment. And, to maximize the award of points, identify and explain how other facts in the fact pattern could be used to defeat such a claim (counter- analysis or counter-argument). An argument need not be a certain winner to be a reasonable part of your analysis. Also, note that most of us tend to favor one side of an argument or party the first time we read a fact pattern, and so you must plan to look for reasonable counter-arguments.²

Another way of thinking about the "A" in IRAC is to consider it a necessary step in explaining to the reader of your answer the logic of how you went from the Rule stated before the "A" to the conclusion ("C") stated after the "A." Some have likened the "A" section to showing all the steps in solving a math problem, such as a proof in geometry.

What will not suffice for analysis is to state the applicable rules and then simply list a bunch of facts from the fact pattern that are relevant to the rules. Instead, you should craft paragraphs in which you *explicitly link* specific facts with particular parts of a rule (sub-issues). Consider using the word "because" to help with this linking.

For example, you might state the following when discussing the final element of false imprisonment on an exam: "We know Alex was aware they were confined in the bedroom because they attempted to escape through the window when they could not get the door open." Notice that this sentence references the relevant rule language from the final element ("aware") *and* the relevant facts that show Alex was aware. The word "because" helps to link the rule language and the relevant facts showing that part of the rule has been established.

¹ Some descriptions of "IRAC" describe the "A" as standing for "analysis" while others describe it as standing for "application" or "argument."

² During your first semester you may hear about "short answer" and "long answer" essay questions. The former may be contrasted with the latter in that "short answer" fact patterns may focus on a single issue, simple rules, and/or may not contain facts sufficient to support analysis *and* counter-analysis of the facts.

Many students in their first semester fail to appreciate the importance of the “A” in IRAC. That is a *costly mistake*. The “A” is what differentiates the mere *memorization* of the law from a demonstrated *understanding* of the law. Accordingly, some professors award more points for the “A” than for other components of the IRAC framework.

You should provide analysis (“A”) for each part of each rule statement (“R”) contained in your essay answer.

d. “C” (Conclusion)

Many professors will award points for stating a conclusion as to which of the reasonable arguments presented in the “A” section is most likely to prevail. Do not, however, expect points for a conclusion that does not follow from “R” and “A” preceding the conclusion.

3. Essay Questions – Additional Practical Strategies

Read the fact pattern and directions more than once. Use the first reading to get a basic understanding of the story and the objectives of your professor. On the second – or third – reading, underline or mark in the margin of the exam where facts are described that you can use in the IRAC structure.

Plan your response to an essay question before you write it. It would be reasonable to spend 20% of the time allotted to a question to plan your response. You can create an IRAC chart to create an outline for your answer and to use as a checklist as you complete your answer.

Cross off the facts in the fact pattern as you use them in issue spotting and analysis. If you find there is a fact that you have not used, consider again whether that fact gives rise to another issue or affects an issue you have already identified. While a professor may include some facts solely to make the story in the fact pattern flow better, it is safer to assume that most of the facts are relevant to some issue the professor wants you to address.

Do not introduce *new* facts into the fact pattern. Address only the facts your professor has provided in the exam. If, however, you conclude a critical fact is missing from the fact pattern your professor wrote for the exam, then identify the missing fact and explain why it is critical.