

Preparing for Finals

*“Success is the sum
of all small actions”*

Objectives

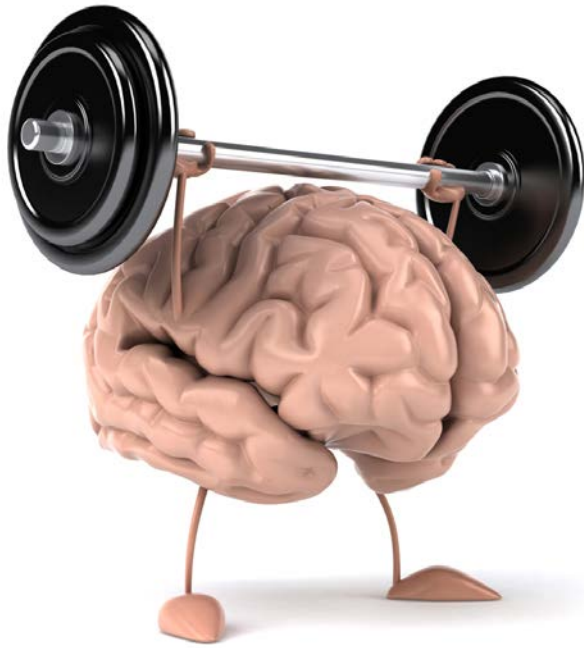
Today, we will discuss:

1. Non-academic tips for peak performance on exam day
2. Time management: Why it's important, how to do it
3. How to read the exam question (Essay & MC)
4. General essay writing tips
5. Your questions

Preliminary Disclaimer

Do what your professor tells you to do!

The information presented here is ***generally applicable*** to most law school exams, but keep in mind that professors create and grade their exams in the manner they see fit. Therefore, it is up to you to know (*i.e.* **learn**) your audience and tailor your answers accordingly.



Being your
best on
exam day

Law school exams are **long** (3 to 4 hours) and demand prolonged mental focus, which requires plenty of both **mental** and **physical energy**.

You've heard this before, so remember...

- Get a good night's sleep (don't *hope* it happens – *PLAN* for it to happen)
- Eat a nutritious breakfast (*don't* experiment with 5-Hour Energy for the first time!)
- *Don't* expect (*i.e.* plan) to learn anything new on exam day.
- Avoid talking with classmates, especially those who tend to stress you out
- Do plan a few minutes to enjoy an activity that either motivates you (a particular song, quote) or calms your mind (stretching, yoga, meditation).

Mental/Physical Consideration

Reality: There's simply too much material to "cram" - there's certainly too much for an all-nighter. As midterms showed, expectations in terms of clarity, organization, thoroughness are high. Pulling all-nighters thwarts that ability.

Solution... **plan ahead – make a plan.**

“I plan to study all day, every day from now until Dec. 16...”

...is **not** a plan - or at least not *enough* of a plan.

At minimum, plan times to:

- Finish reading
- Finish outlining (*start* outlining?!?)
- Revise / clean up / condense your outlines
- Make a 1-page “issue checklist”
- Take practice exams (many)
 - *Locate & collect (print) practice exams! BTW: $2 < \text{“many”} < 10$*
- Review, memorize, practice reciting rules /elements/modes of analysis from memory
- Meet with a study group – talk out answers
- Meet with a prof. for qqs (schedule early!)
- BE HUMAN. Eat, sleep, exercise, get outside, talk to loved ones.
 - If you don’t schedule them, you risk that they either (1) won’t happen or (2) will happen *when you don’t want them to*.

When planning "work backwards" from your goal (the exam)

				13	14	15
16	17	18	19	20	21	22
MEMO		collect practice exams - all courses	CATCH UP ON READING	RELAX & EAT	complete READING	MEMO
23	24	25	26	Thanksgiving Break		29
OUTLINE	December 1	2	OUTLINE & MEMORIZE	3	4	5
	Last Day of Class	TORTS	CIV PRO	CRIM	Finish outline - practice venue & small topics	Practice PJ & SMT 885 STUDY GROUP
Practice FULL EXAMS	8	9	10	11	12	13
	CIVIL PROCEDURE	Finalize torts outline - start practice	STUDY GROUP	TIMED PRACTICE EXAMS	TORTS	Finalize outline & practice exams
14	15	16	17			
TIMED, FULL Practice exam(s)	2 practice & memorize (full)	CRIMINAL LAW	Life!			

CP
111 1
5
5
5
4 1/2 days

Torts
111 .5
.5
.5
1
5

Crim
111 .5
.5
.5
1
5 days

Weekly Calendar

9	10	11	12	Sat
Tuesday	Wednesday	Thursday	Friday	Sat
			BREAKFAST	
General outline review	Revise/Perfect Negligence Rules	Practice Exam 1	TORTS EXAM	
Lunch	Revise/Perfect Intentional tort rule	Lunch		
UNTIMED PRACTICE EXAM (for study group)	Lunch	Gym/run		
	Perfect Pruds - Libels Rules	Review outline		
	Practice Exam	Practice Exam 2		
DINNER		Dinner		
Study Group	DINNER	Review/Revise		
	GYM	BED/		
	Review outline	MOVIE/BOOK		

Don't kill the messenger...

Re: "Thanksgiving Break"

"You don't actually have five days off for Thanksgiving. You have one day off."

-Professors Brogan & Aagaard

Effective Time Management on Exams

Time Management: Why & How

Why: Poor time management is easiest way to *seriously* hurt your grade

How: Be **productive**, not perfect.

“Perfect is the enemy of good”

Start every exam the same way...

With a quick (2-4 minutes) time management plan. Figure:

- 1. Time you have for EACH question**
- 2. How to spend time WITHIN each question**

*Yes, this requires “back of the napkin”
level math...*

Timing – Step-by-step from minute 1:

1. **Flip through every page.** Avoid unpleasant surprises. What's ahead? Any pages missing? Skim enough to realize qq 1 is the Neg qq and 2 is the PL qq.
2. **Calculate Time PER Question (read instruction page carefully):**
 - % Weight (e.g. 40% = .40) x Total minutes
 - If unspecified: Total minutes ÷ Total # qqs
3. **Write STOP TIMES on page & stick to them**
 - Remember: “Production, not perfection”
4. **Calculate Time WITHIN Each Question**
 - Up to 1/4 of time should be dedicated to **organization**.

AGAIN: **STICK TO THE PLAN.**

Never let it be said you weren't told:

**If you are not finished an essay in the time allotted for that essay, STOP.
MOVE ON.**

Return to it later.

You will lose more points by not getting to another question than by not finishing the former.

In an ideal world...

Maximize confidence by collecting all necessary info before the exam and walking in with time management calculations done.

(It's ok to ask for this)

How to Approach a Law School Essay Question

1) Read the Call

The town of Owings Mills received 20 inches of snow one night. At 9 a.m. the next day, Oscar went to the grocery store to purchase some milk and bread. Oscar walked along the sidewalk, which had been shoveled, until he reached the stretch of sidewalk in front of Maria's house. The sidewalk in front of Maria's house had not been shoveled. Because the snow on the sidewalk in front of Maria's house was piled high, Oscar decided to walk into the street. As Oscar began to walk on the street, he slipped on some ice, but continued on. Suddenly, Oscar lost his footing on some ice on the street and fell. At the same instant, Elmo, who was driving a Sesame Company van 5 miles over the posted speed limit, was unable to stop and collided with Oscar, causing Oscar injuries. Elmo had been on his way to pick up his friend Dorothy to go skiing. Burt, the manager of Sesame Company, knew that Elmo had a habit of taking the company van out for personal use. Elmo had repeatedly warned Elmo not to use company vehicles for personal use because it was against the written company policy. Elmo had a valid license and had never had an accident before.

Assume that Owings Mills is not a comparative negligence jurisdiction.

Analyze the possible theories of liability that can be brought by Oscar and any defenses to those claims.

2) Read Fact Pattern for 1st time (skim)

- **Adjust mindset:** Accept that fact that you are still several steps (and many minutes) from actually *writing* answer
- Get a very general idea of what's going on. What's the story? Who are the players?
- Allow yourself to spot & identify issues, but *resist the urge to write*. Sit on your hands if you must.

3) Re-read the Call

“Analyze the possible theories of liability that can be brought by Oscar and any defenses to those claims.”

- **Only** focus on what you’re **TOLD to do**.
 - Oscar’s (and *only* Oscar) will sue someone.
 - Who can he sue?
 - What claims can he bring?
 - What would be the defenses to those claims?

Now take a deep breath and focus....

4) Read the FP for 2nd time (“actively”)

- Read at a much more deliberate pace.
- Circle names and ##s. Underline.
- Write notes & thoughts in the margins.
- Highlight any **legally significant words** – look for adverbs & adjectives (e.g “knowingly / purposefully / carelessly”)
- Don’t Rush: **Misreading** / **Skipping** / **Creating** key facts will hurt you.

5) Organize & Write (prior session)

- See “Tips for Clear Structure on Essay Answers” (handout)
 - **Remember** that the 1st tip to good writing = Don’t write.
- **THINK / ANTICIPATE.** You do know what your prof will test... don’t lose the big picture on exam day (“nothing on *SMJ?!?*”) – consult your issue checklist
- **Open book?** Rely on your outline for *perfect rules*, which should be written in sentences, not bullet-points
- Use **abbreviations/symbols** where you can but define them first: “The issue is whether the court has personal jurisdiction (PJ) over Mary (M).”

More Exam-Day Tips

- Think in terms of analysis (application & arguments), not “answers”
 - ‘15/30/50/**5**’
- Use the facts for good “A”. If your answer doesn’t reference (recite) specific facts from the hypo, it probably “lacks analysis.”
 - Avoid legal characterizations by using “because + fact(s)”
- Discuss all elements of a rule, even where one or more is “obvious” – just because it’s a given doesn’t mean you don’t need to say it’s given. It need only take a sentence.
- Don’t forget defenses.
- Break it up with headers & white space – **ESPECIALLY ON EXAMSOFT.**

More Exam-Day Tips

- “I know it’s not assault, but do I need to say that?” Think “risk v. reward”: 1 sentence is costs only a minute and mitigates risk of saying *nothing* on the issue.
- Remember this is a TEST & suspend disbelief if necessary: ~~“It couldn’t have been raining in Montana on Valentine’s Day because February in Montana is always below freezing blah blah blah...”~~
- **Do not add facts.** If you must make an assumption to continue with your analysis, tell the grader what you are assuming. (“Assuming ‘Melissa’s son’ is less than 18 years old...”)
- Do NOT restate the fact pattern for it’s own sake.
- **Again, do NOT restate or summarize the fact pattern.**

More Exam-Day Tips

- Does the fact pattern sound *exactly* like a case you read for class? Be on the lookout for at least one critical difference.
- **Beware** “clearly” or “obviously.” **Lawyer Trick:**
 - “The facts state that ...”
 - “The facts strongly suggest that ... ”
 - “Nothing in the facts suggests that ... ”
- **ANSWER THE QUESTION ASKED.**
- You *don't* have to do the qqs in order – be strategic - take the points you know you can get!
- Minimize time spent staring at a page. Exams are *active*. You need to be doing to prepare (talk, write, jot, etc.)

Mistake in the Fact Pattern?

- PROBLEM: Burt knew that Elmo had a habit of taking the company van out for personal use. **Elmo had repeatedly warned Elmo** not to use company vehicles for personal use.
- SOLUTION: (1) inform proctor (2) state your assumption about the error in your answer: “The facts state that Burt is Elmo’s manager and that ‘Elmo had repeatedly warned Elmo.’ I will assume that this is a typo and that Burt warned Elmo.”

What about Multiple Choice Questions?

Preliminary work: **Allocate time** (Minutes / total # of questions)
("Must have ____ done every 15 minutes")

1. Read the call of the question FIRST **This is the only real "trick"** – ("Can Tom remove his case?")
2. Read the fact pattern with the call in mind
3. Re-read the call of the question.
4. **Try to predict** the answer before looking at the choices.
5. Eliminate wrong choices → "narrow" as best you can.

Uncomfortably anxious? Try this:

Write your current thoughts – *whatever they are* – for 10 **full** minutes.

(It can make a world of difference...)

After the Exam



Questions?