

CHAPTER 1

HOW TO USE THIS BOOK AS PART OF YOUR LAW SCHOOL PROCESS

Just as there are no shortcuts in the practice of law, there are no shortcuts in law school. The hallmarks of successful law students and successful attorneys are diligence, discipline, attention to details, and a capacity for hard work. You should therefore be skeptical of anyone offering quick or easy alternatives to careful reading and analysis of your assigned course materials and thorough preparation for your classes and exams. This includes many commercial outlines, review books, and hornbooks. That may seem like odd advice from the authors of a book that purports to offer a comprehensive guide to the first-year curriculum. On this point, however, we want to be perfectly clear: success in law school is all about process. That process will take time and will require effort. If you cheat on that process, then you are cheating yourself out of the opportunity to get the most out of your classes, not to mention the opportunity to get the best grades. This book is designed to facilitate that process. It is not a substitute. This book will give you a head start. It will not take you over the finish line.

Based on our experience and observations, we have found that students who excel in law school make a habit of working through class materials in different ways at least five or six times over the course of the semester. That might seem like a waste of time. It is not. To see why, it is important to understand a little bit more about the practice of law and the role of law school in helping you to develop the skills and habits essential to the practice of law.

The hallmark of a good lawyer, one in whom you would be willing to trust your property, your future, or your life, is analytic rigor. It is surely true that experienced lawyers tend to have deep funds of knowledge and good judgment based on years of practice, but knowledge alone is not enough. Good lawyers must also be thoughtful, careful, and deliberate. Good lawyers therefore take their time to listen and gather all the

relevant facts. When considering those facts, they deploy a series of mental checklists to identify potential issues, problems, and solutions. They never make assumptions or jump to conclusions. Instead, they ask questions and withhold judgment until they have had the opportunity to gather all the facts and to think things all the way through. These habits sometimes earn lawyers a reputation for being obtuse, argumentative, or contrarian. That is a misperception. Good lawyers are just careful.

It is often said that one of the primary goals of law school is to train you to think like a lawyer. This is one old saw that is true. Particularly in your first-year courses, your professors will help you to develop and strengthen new neural pathways, installing a series of analytic checklists and instilling a commitment to approach legal questions or problems with a high level of analytic rigor. Success in this endeavor requires repeating a process of exposure to new material and concepts through reading and lecture, critical engagement with that new material through discussion and writing, consolidation of your new knowledge into an analytic framework, and application of that framework to new problems. Your professors will structure your assignments and class time with these process steps in mind. They will ask you to read and analyze cases that seem to present the same issues, but come out differently. They will challenge you to explain these apparent disparities. They will demand that you pay attention to details. They will encourage you to think about how you, as an attorney in those cases, might achieve a different result. All the while they will be training your brain by creating and reinforcing new neural pathways. They will also be socializing you into the practice of law by modeling a professional commitment to analytical rigor when confronted with new or even seemingly familiar situations.

From your first day in law school, you should commit yourself to a preparation and study process that will require you to work through your class materials several times with an eye toward the basic steps of exposure, engagement, consolidation, and application. Although you will need to work out the details of that process for yourself, we have observed

that the most successful students have processes that feature some combination of ten basic steps, which they adapt to their individual schedules and learning styles:

1. Pre-semester preparation for their courses.
2. Weekly preparation for their courses.
3. Daily preparation for their classes.
4. Attending classes.
5. Daily review of their classes.
6. Weekly review of their courses.
7. Outlining materials for their courses.
8. Exam review.
9. Practicing final exams.
10. Final exam review.

Below we describe each of these steps and make recommendations for when and how you might use this book to facilitate your own study and preparation process. We will also offer some advice on taking exams. You will need to find your own way, of course. Your versions of these various steps may involve more or less time and investment than others. You may even find one or more of these steps unnecessary over time. It may also simply be impossible for you to do all of these things for every class and all of your courses every day and every week. You should therefore not treat this as a prescription. You should, instead, treat it as what it is: a set of recommendations and ideas that invite you to be conscious and thoughtful about your study and preparation process.

PRE-SEMESTER PREPARATION FOR YOUR LAW SCHOOL COURSES

It is important to start each semester of law school rested, energized, focused, and engaged. We therefore recommend that you try not to spend your pre-law summer worrying too much about school. You should instead focus on doing something relaxing, or at least unrelated to academics. Spend a few weeks hiking the Appalachian Trail. Get a job at a summer camp, ice

cream parlor, or bowling alley. Sit by the pool. Whatever you do, just try not to worry about law school.

We do not mean to imply that you should turn your brain off during your pre-law summer. Quite to the contrary, we recommend that you spend as much time as you can reading and writing. What you read is up to you, but you should put a premium on well-written prose and good editing such as you might find in the novels of Ernest Hemingway, essays in the *New Yorker*, or stories in the *New York Times*. You should also write. This need not be serious, academic writing. Keep a journal. Write letters (real letters; not e-mails!). Writing is a skill that requires practice and maintenance. The goal of your pre-law summer writing should be to maintain and hone that skill by regularly constructing well-formed sentences into organized paragraphs that communicate ideas or events. You should also get into the habit of editing what you write. If you keep a journal, then reread your entries from prior days with an eye toward spotting grammatical mistakes, ambiguities, or inelegant phrasing. If you use e-mail, commit yourself to never jotting off an e-mail and sending it. Instead, reread and edit your e-mails several times before you send them. This is not only good practice but will also help you to develop important professional habits.

As the first days of classes approach, plan on sorting out your practical living arrangements. If you are moving, then try to get into your new housing a week or so before orientation begins. This way you can settle in, arrange furniture, stow pans and plates, find the local grocery store, locate the gym, and generally take care of all the necessities before school starts. If you plan to prepare your own meals, it is also a good idea to get into the habit of planning menus and shopping for the week ahead. This will save considerable time and mental energy while also ensuring that you keep yourself properly fed. Be sure to keep your meals simple but well-balanced. If you live with others, you might also think about negotiating away your culinary responsibilities for at least some of the week.

The best time to start reading the substantive chapters in this book is toward the end of your pre-law summer. At some point during the week or two before classes begin, set aside

time to read all the lessons for each of the courses you will be taking that semester. Go course by course, allocating a morning or an afternoon to each class, but try not to cover more than one course per day. There is no need on this first reading to get bogged down in details. You should devote real attention to your reading (turn off the television!), but focus on the big picture rather than the fine details. Having this global view of your courses will be invaluable as you get into the semester. It will help you to organize and understand your weekly and daily readings and discussions. It will also open the door to insights you otherwise might not reach until the end of the semester.

Once you have finished reading the chapters for a course, find someone to teach. This should be someone who is neither a lawyer nor a law student. Call a parent, corner a spouse, or invite a friend over for dinner. Spend some time during your conversation explaining to them some of the highlights of what you learned in your reading. Focus on the bits you found interesting, surprising, or confusing. Again, you should avoid getting bogged down in the details. The point of this exercise is for you to engage and consolidate some of what you have just been exposed to by recalling, repackaging, and communicating. In the process, you will begin to build a conceptual superstructure for your first-year courses while also modeling some of the important study habits that will serve you well during the semester.

WEEKLY PREPARATION FOR YOUR COURSES

As you get into the semester, you will need to plan a weekly schedule that affords you ample time to skim and then read carefully all the materials assigned for each of your courses. As a prelude to your weekly course preparations, we recommend that you read the lessons in this book addressing topics on your syllabus for the week. Your textbook's table of contents should provide you with the necessary guidance. You will spend a lot of time during your first year reading cases and dense editorial notes. Amidst your efforts to dig through sometimes difficult prose, it is easy to lose track of the basic legal questions and rules. Having a high-level overview in mind

before wading into the tall weeds can be very helpful in navigating a clear path for the rest of the week and beyond.

After reviewing the relevant lessons in this book, conduct a quick skim of your assigned readings to get a basic sense of the major topics and cases. You should immediately see some connections. You are now ready to dig into the materials in earnest. Be an active reader. Underline, but sparingly (excessive underlining or highlighting can inhibit comprehension). Take short notes in the margins of your books summarizing or rephrasing key concepts. Look up from your reading at significant junctures, such as the end of a case, note, or section, and try to recall and review what you have just read. Try to avoid the temptation to create separate documents such as case briefs and reading notes at this point. This breaks the flow of your reading process and inhibits comprehension.

After you have finished the assigned readings for a particular course, you may find it helpful to create separate documents such as case briefs or reading notes. Case briefs are short summaries of the main components of a case (procedural posture, facts, question presented, rule applied, analysis, and holding). Reading notes are brief summaries or overviews that may include some of your own thoughts and analysis. These efforts may be particularly helpful during your first few weeks of law school as you become accustomed to reading unfamiliar materials like judicial decisions. Just keep in mind the purpose and benefit of creating case briefs and reading notes. The goal is not to produce documents for the ages. In fact, the product is an artifact. The primary benefit of creating these kinds of summary documents is in the process. By reviewing, consolidating, and summarizing cases and readings, you will enhance your comprehension and retention. You should therefore not waste too much time on formatting or stating rules and holdings with absolute precision. Your views and understanding of the material will develop and evolve in the course of class discussions, after class reviews, weekly reviews, outlining, and exam preparation. You want to leave space for those parts of your learning process.

DAILY PREPARATION FOR YOUR CLASSES

Before each of your classes, you should make a habit of reviewing the material assigned for the day. Try to do this as close to the time of your class as you can. Take ten minutes to flip through the assigned reading, focusing on your underlining and margin notes. If you created case briefs or separate reading notes, then this is a good time to glance through those materials so the facts, analysis, and basic holdings of each case assigned for the day will be fresh in your mind. As part of this process, you might also review the summary notes at the end of the relevant lessons from this book. This may help focus your thinking before class begins.

ATTENDING CLASSES

Go to your classes. There are lots of reasons why you should, but three should suffice. First, class provides you with an early opportunity to test your understanding of the course material in a live, interactive environment. There is simply no substitute. Recorded lectures can be useful for some purposes, such as summarizing doctrinal rules, but very little of your time in first-year courses will be devoted to covering and summarizing the rules. You will, instead, be engaged in uncovering, analyzing, engaging, and applying those rules. For these tasks, recorded lectures cannot recreate the live, in-class experience. Second, going to class is often the most efficient use of your time. In the span of an hour or two in class, you will make connections and gain insights that would require hours, days, or even years for you to achieve on your own—if ever. Third, your professors will be writing and grading your exams. They inevitably will show their hands during class, emphasizing the issues and concepts that are most important or most intriguing, giving you considerable insight as to what is likely to be on your final exam. You will also become familiar with your professors' expectations, and therefore how your exams will be evaluated.

Participate in class. Do not merely observe. This means that your focus during class should be on the flow of ideas and

the application of analytic processes. Most of your law school classes will feature some version of the Socratic Method. This is a model of engaged learning that seeks to explore and expose concepts, ideas, and analytic processes through dialogue. Whether or not you are “on call,” you should be engaged. Try to answer for yourself the questions posed by the professor. Try to identify the major concepts or insights that emerge from the conversation. Feel free to jot these down as they come up, but do not try to transcribe everything that happens in class. We cannot emphasize this enough. Almost without exception, the students who have done the best in our courses over the years have their eyes up during class. They are looking at us or their fellow students. They do not have their heads down, buried in their books, their notebooks, or their computers.

This last point deserves emphasis. Although portable electronic devices, such as laptop computers, tablets, and the like, have incredible potential, they can also be very damaging to your learning process. They provide a constant temptation to distraction during class. Some students succumb to these temptations fully, and simply tune out in favor of games, web surfing, chatting, or shopping. Others fool themselves into thinking they can multitask. They cannot. Nobody can. The scientific consensus is that “multitasking” is really rapid shifting among multiple focuses. Each switch requires a few moments’ reorientation. So, when you try to multitask during class, you inevitably miss important material, lose the flow of ideas and analysis, and build inefficiencies into your learning process. Even when students avoid temptation, limiting themselves to taking notes during class, computers frequently tempt them to act as stenographers, trying to thoughtlessly capture everything the professor says rather than engaging in class discussions. Electronic devices also erect physical barriers between you and the classroom experience. Finally, screens offer an immersive universe unto themselves, pulling you away from the shared space of the classroom into a private world. For these reasons and others, we routinely recommend that students think carefully about bringing electronic devices and laptops into the classroom.

If you decide to use a laptop or other electronic device during your classes, then we recommend closing your e-mail program, games, and web browsers for the duration of class. As a matter of precommitment, you might even consider installing software that will allow you to block access to specified programs and even the Internet. Although this may seem silly, these sorts of hedges against temptation are common habits among effective students and professionals.

DAILY REVIEW OF YOUR CLASSES

It is a good idea to take a few moments after class ends to jot down a few summarizing notes or thoughts about the material you have just covered. Later on, with the opportunity of some remove, it is a good idea to review and consolidate what you learned in class with your notes and your reading. You may find that revising your reading notes or creating a new summary document will help facilitate this process. It need not be anything too formal. Something in the mode of a journal or running outline is perfectly sufficient. The point is to take some time to sit with your readings, your notes from class, and the relevant lessons from this book in order to start pulling things together for yourself in a provisional fashion.

As part of this daily review process, you should also try to test what you have learned by applying it to new circumstances. For example, you might think about how the outcome of a case you read for class might or might not be different if certain facts changed. You might also construct new hypotheticals for yourself. One good way to do this is to put yourself in the role of your professor. Imagine that you are trying to test students' understanding of the material for that day. Try to construct a fact pattern that would confirm their basic understanding while also challenging their grasp of the nuances. This process of self-testing is extremely useful for your learning process and may also yield considerable insights as you get to the end of the semester.

WEEKLY REVIEW OF YOUR COURSES

On a weekly basis, you should reserve a block of time to review the materials you covered that week in each of your

courses and to think about how it links up with what you have learned so far in the semester. As part of this process, you will want to extend and refine the notes you wrote as part of your daily reviews, incorporating all the materials from your reading and class notes for the week. You should also make a point of working through a few questions or problems from the book, or perhaps from a third-party text. The goal is to consolidate and apply. This process of creative repetition will solidify your understanding of the material and reinforce your new neural pathways. The lessons in this book may be helpful to you as a prelude to this process by focusing your attention on the major conceptual points for the week.

As part of your weekly review process, consider working with a study group of three to five people (fewer limits your group's resources while too many more can make the group unwieldy). You should have a regular structure for your meetings. For example, you might have each person do a five or ten minute summary of one of your courses, effectively "teaching" the rest of the group. If you do this, then switch things up every week so everyone has several chances to lead the group's discussion of every class. After this initial presentation, you might open the floor for other members of the group to supplement the summary, ask questions, pose hypotheticals, and suggest connections to topics covered earlier in the course. You might also just start out with questions and hypotheticals. However you choose to structure your meetings, keep the conversation open rather than having any particular person on point. Try to devote at least 30 minutes to each of your courses.

There is often a lot of pressure associated with study groups in law school. Many students think it is imperative to be in a group with the "best" students. Study groups can also start to look like high school cliques, complete with perceived hierarchies. Try to avoid falling into this trap. The most important criteria in selecting members of your study group are perspectives, personalities, and schedules. You should therefore pick people you like, respect, who share your commitment and work ethic, and with whom you will be able to meet on a regular basis every week.

Some students eschew study groups altogether. If this is your instinct, then we recommend at least giving it a try. There is simply no way, working on your own, to recreate the benefits of peer dialogue in the learning process. Study groups are also important to your professional development. Most law practice involves team efforts. This requires an ability to work productively and cooperatively in groups. Even solo practitioners maintain a close network of colleagues with whom they discuss cases and bounce around ideas. Working with a study group is therefore an important part of your socialization process. Noninstrumentally, it is also a great way to make close, lasting friendships. Keep in mind that your study groups need not always be physically in the same place at the same time. Although it is great to meet face-to-face, Internet chats using text or video, e-mail chains, or other means may provide the same or different benefits.

One note of caution on study groups is in order, however. These are not opportunities for free-riding. In order for you to get the most out of your study groups, you need to come to your group sessions having done your own work. Timing of group sessions in your overall study process is therefore critical. You will need to decide these matters with your group, but we recommend meeting a few hours after your last class for the week. By this point, everyone in the group will have had the opportunity to do their pre-class preparations. They will have gone to class. They will have done their daily reviews. And they will have started their weekly reviews. This is the perfect juncture for a two- or three-hour discussion covering all the material for the week. Feel free to reward yourselves with some pure socializing after your session is over.

As you think through scheduling various steps in your daily and weekly course work, we recommend keeping three priorities in mind. First, you should try to work on each of your courses every day. Doing at least a little bit of work for each of your courses every day will keep you primed on that subject. Spreading out your work for each course will help you to avoid burnout. Second, you should vary your work tasks so you are engaging in different process steps every day—reading for one class, reviewing for another, consolidating for a third. With a

little careful planning, meeting the first priority should take care of the second. Finally, you must reserve inviolable time for sleep. Learning experts and neurobiologists agree that adequate sleep is essential to learning and effective thinking. You should therefore make sure to get seven or eight hours of sleep every night.

In addition to meeting with your peers, you should make a point of going to your professors' office hours several times over the course of the semester. At some point early in the semester, visit each of your professors to introduce yourself and to get general advice on the course and law school. If you find a course particularly difficult or challenging, do not hesitate to visit that professor during office hours every week to ask questions and seek clarification. For other courses, you should visit office hours at least once every three weeks or so to make sure you are on the right track. Do not worry that you may be bothering them. For the most part, professors love the topics they teach and love to interact with students. We certainly do!

OUTLINING MATERIALS FOR YOUR COURSES

At some point during your first semester, you will start to hear people talk about outlining. Outlining is the process of consolidating the material for an entire course into a coherent and comprehensive document. This process is called outlining because most students find that the outline format, which utilizes headers, subheaders, and brief supporting text, provides the most intuitive structure. The ultimate format is secondary, however. The primary benefit of outlining is the process of consolidating, not the final product.

Views vary on when it is best to start outlining. Some argue for outlining from the beginning of the semester. Others argue for reserving your outlining process until the waning weeks of the semester, when you will have a better global grasp of your courses. We recommend something between these two extremes. Each of your courses will be divided into parts and sections. These represent conceptual chunks that are ripe for consolidation. We therefore recommend that you start outlining each of your courses once you have completed a section or two,

or when you otherwise see a set of concepts or ideas coming together as a distinct unit. For example, a natural time to start outlining criminal law might be when you have finished your discussions of *mens rea* and *actus reus*. In civil procedure, you might start outlining at the end of your discussion of personal jurisdiction. Once you have started outlining for a course, you should try to update your outline as new conceptual chunks come into focus.

As a preliminary to outlining, we recommend that you reread all the relevant lessons from this book. This should facilitate your outlining process in at least two ways. First, it will help refresh your memory of materials covered earlier in the semester. Second, it will help you develop a holistic perspective on the course, drawing your attention to connections and intersections that frequently get lost in the day-to-day and week-to-week process of keeping up with your classes. You may also want to review a past exam for each of your classes in order to get a better sense of the scope and form of the exams you will be taking. We also recommend that you make a point of visiting your professors in office hours before beginning your outlines. There is no reason to hide your purpose for such a visit. Simply tell your professor that you are thinking about starting your outline and would like to spend a few minutes reviewing and asking questions about the relevant materials. You should lead the conversation, however. Do not go to your professors with the expectation that they will give you an impromptu mini-lecture covering weeks or months worth of material.

Given our emphasis on process, it should come as no surprise that we do not recommend relying on outlines from others or using commercial outlines in lieu of making your own outlines. You may use these third-party materials as references to help you think about how to put an outline together. They may also be helpful as a way to double-check your work. The real benefit from outlining is in the process, however, not the product. Students who do well on their exams do not do well because they have the best outlines. They do well because they take the time to make those outlines.

This leads us to a frequent mistake students make in understanding the role of outlines in test-taking. Many of your law school exams will be “open-book,” meaning that you will be allowed to use your books, notes, and outlines during the course of your exam. This marks a departure from most undergraduate classes, where exams are closed-book. Many students think the open-book format requires less preparation or that they will be able to get by using a superior outline as a reference during the exam. This is a terrible mistake. Law school exams do not test rote knowledge. They test comprehension and analytic acumen by asking you to apply what you have learned to new situations and to communicate your thought processes in clear, organized, and concise prose. The only way to do well on these exams is through a deliberate process of disciplined learning over the course of the semester. You cannot accomplish that goal or perform well on exams if all of your knowledge is in external reservoirs. It needs to be part of you. Having your outlines next to you during your exams will provide you with some reassurance. It will also allow you to look up a few details or to double-check a fact or two. In general, however, if you need to rely on your outlines during your exams then you are in trouble.

EXAM REVIEW

During the final weeks of the semester, you will want to turn your attention to your exams. As with other steps in your semester-long study and review process, your exam review process should involve opportunities to revisit, engage, consolidate, and apply what you have learned. As a first step, you will want to finish your outlines. You may then find it helpful to reread the lessons from this book covered in your classes, paying particular attention to any topics you may still find mysterious or confusing. You may also want to reread some sections of your textbooks, again focusing on topics you find difficult.

As another means of review and consolidation, you might also consider condensing your outlines, creating flowcharts, or developing checklists. For example, you might create a flowchart documenting the steps you take in assessing whether

a contract has been formed or a checklist of the elements of an intentional tort. These exercises may seem like busy work, but they can be very helpful in providing you with a forum for consolidating and organizing the material for a course. Unlike your main outlines, these documents can also be quite useful during your exams, providing you with a ready-made answer outline, a tool for double-checking your work, a way to ensure that you have not skipped issues, or even a means for calming your mind and organizing your thinking if you become nervous or panicked.

In addition to flowcharts and checklists, you may want to create a document containing clear, concise statements of some major rules of law central to each of your courses, perhaps borrowing from your outline. Time is a very limited commodity during your exams. There is no reason to fuss over prose or to worry about how best to phrase a particular rule during the exam if you can do this work ahead of time and simply copy it onto your exam paper. For example, it might be helpful to have a clear, concise statement of the rule against perpetuities during your property exam or the rule governing diversity jurisdiction in civil procedure.

Your study groups should also play an important role in your exam review process. We recommend that you dedicate at least one extended session to each of your exams. During that time, you should work together to understand difficult issues, test your knowledge by discussing hypotheticals, and get feedback on your checklists, flowcharts, and rules lists. You might also consider going to office hours or scheduling appointments with your professors as a group to ask questions or to confirm your answers.

PRACTICING FINAL EXAMS

Once your exam review process is well under way, it is time to start taking practice exams. There are two goals here. First, you need to get comfortable with organizing and writing answers under time pressure. Second, you need to practice applying your knowledge to new questions and problems.

The first goal is best achieved by taking exams under real test conditions. Reserve three or four hours in your schedule at the same time of the day as when your exam is scheduled. Find a quiet place in the library or a vacant classroom. Lay out the materials you plan to bring into your exam, and nothing more. Put in a set of earplugs. Open a model exam or past exam for your course that you have not seen before, read the questions, outline answers, and write your answers, all within the time allotted for the exam.

Although this is a time-consuming process, it is the only way to get comfortable with the actual mechanics of taking a law school exam. Fortunately, it is probably not necessary for you to take multiple practice exams under real test conditions for each of your classes. You certainly can take a timed practice exam for each of your courses, but the basic mechanics carry over. For this same reason, it is probably not necessary to take any practice exams under real conditions once your exams have begun. After you have walked the gauntlet once, there is little to be gained by doing it again under artificial conditions during that exam period.

You should still take practice exams after you feel comfortable with the basic mechanics of writing timed exams. Instead of writing out full answers, however, you should limit yourself to setting up your answers. Find practice problems or past exams and work through the questions, creating outlines for your answers using your knowledge, checklists, and flowcharts. As you outline your answers, try to avoid the temptation to skip steps in your analyses. Much can be lost in ellipses and “yadda, yadda, yaddas,” including key issues that may mark the difference between a good grade and a mediocre grade. It is therefore important that you practice good habits during these last stages of your exam preparations.

Your best resources when practicing exam outlining and writing are past exams given by your professors. These are always in short supply, however, so you should use them wisely. On this score, we highly recommend against looking at past exams too early in the semester. If you are only halfway through a course, then a substantial portion of any past exam will be a complete mystery. It is far better to reserve looking at

past exams until later in the semester, when you completed most of the course material and have had the opportunity to work through most of your outlining process.

FINAL EXAM PREPARATIONS

The most important thing you can do in terms of final preparations for your exams is to get some exercise, eat well, and, above all else, get some rest. Every credible source we have found in the neuroscience and pedagogical literature supports the simple truth that you will perform much better on your exams after a good night's sleep than you will by sacrificing sleep for a last-minute cram session. We therefore recommend that you take the evening before each of your exams off to exercise, eat a good meal, read a book, and get to bed early. Some light reviewing the day of your exam is fine. As part of this final warm-up, you may find it helpful to review the summary notes for the lessons in this book and perhaps even skim some of the lessons just to center your thinking. If you have managed your study process properly, however, then there should be very little left to do other than to go in and do your best work.

EXAMS

Our first and most important advice for taking law school exams is to arrive relaxed, confident, and well-rested. If you have committed yourself to a thoughtful and thorough study and preparation process all semester long, then you will have every reason to feel relaxed and confident on exam day. All that preparation may matter very little, however, if you arrive exhausted by several nights of cramming. To do your best, you simply must get enough sleep in the days leading up to your exam. You should also eat good meals during the days leading up to the exam. It is also a good idea to bring a bottle of water and a snack or two into the exam with you. All of these efforts to take care of your body will pay off.

Law school exams are designed to test the quality, depth, and clarity of your analytic process. Because they are timed, law school exams also test your organization, time management, and ability to communicate in clear, concise

prose. Most first-year exams consist of a hypothetical case that you will analyze by applying the relevant rules, principles, and policies discussed during the course. The questions usually begin with a fact pattern meant to mimic something a client might bring to you in practice. Your task is to analyze those facts in light of the relevant law and then offer your appropriately qualified assessment of the parties' rights and liabilities. First-year exams do not test your rote memory. Your professors may include a few short questions to test your basic understanding of a few rules or concepts but, for the most part, simply parroting back the rules, doctrines, and policies you learned in a class by itself will not lead to good grades on a law school exam. That is as it should be. Lawyers are not parrots. They are counselors, problem solvers, and advocates. It is therefore fitting that law school exams test your ability to perform the careful, thoughtful, and thorough analysis of facts and legal issues necessary to giving effective advice, identifying solutions, and defending your clients' rights.

Given the goal and structure of law school exams, we advise that you approach your exams as an attorney rather than a student. In keeping with that orientation, your first task is to read both the fact patterns and the questions very carefully. In our experience, students often do poorly because they miss key facts or ignore important directions and constraints set forth in the questions. As a result, they miss key issues or spend valuable time opining about matters that are not at issue. We do not necessarily advocate reading the whole exam from the get-go. Exams frequently include multiple discrete fact patterns, each with their own set of questions. You may find it most helpful to go fact pattern by fact pattern. Just make sure you read all the questions associated with a fact pattern before you begin to write your answers.

After you have read through the fact pattern and questions, we recommend that you outline your answers. These outlines need not be detailed, but they should provide you with a well-structured and complete overview of the answer you intend to write. This serves several important purposes. First, it helps you to avoid missing issues. Many important issues raised in your exams will not be apparent on a surface reading

of the facts. They will, instead, reveal themselves only as you get into the thick of your analysis. If you jump straight to writing rather than taking the time to outline your answers, then you may miss these issues entirely or, perhaps worse, find them only as time is running out. This suggests a second reason you should outline before you write: it shows you how much territory you will need to cover, allowing you to assess how much time you should dedicate to each issue. By outlining, you will avoid spending inordinate time writing up the first issue and then find yourself with little or no time as you get to important issues that naturally come later in your analysis. A third reason you should outline before writing is that it will help you to organize and structure your answers. Scattered prose that jumps from thought to thought with no apparent coherency or continuity in thought or analysis is a recipe for disaster on law school exams. Outlining your answers before you write will help you to avoid this outcome while keeping you in control of your writing process.

In the course of constructing your outlines, you may find it helpful to refer to checklists or flowcharts you may have developed as part of your study process. These tools can sometime save considerable time during the outlining process itself, allowing you to simply check off issues you need to discuss while crossing out those you do not. They can also be useful in double-checking your answer outlines to make sure you have not missed anything.

For the writing process itself, focus on keeping your prose concise, declarative, and to-the-point. Do not waste time on flowery imagery or extended exegesis of particular cases (unless the question specifically asks you to opine at length on, say, *Palsgraf*). Structure is critical. In this regard, you may find it helpful to use reliable law school standards like IRAC (Issue, Rule, Analysis, Conclusion). It is also a good idea to keep your paragraphs short, inserting a carriage return or line break every time you change issues or otherwise want to emphasize a point. Above all, do not skip steps in your analysis. Show your work. Even if the point seems obvious to you, it is not obvious to your professor that you have spotted and addressed an issue unless you write it out. Being thorough also shows that you are

careful, disciplined, and thorough in your analysis—the hallmarks of a good attorney.

In addition to writing clearly and concisely, you should also make sure your presentation makes it easy for your professor to read your essays and hard to miss your discussion of key issues. Using strong topic sentences at the beginning of each paragraph helps a lot. You might also consider making judicious use of bolded text, underlining, and numbered lists. To see why these tools are important, put yourself in your professor's shoes, faced with dozens or scores of exams to grade in a short period of time. You should make it as easy as possible for your professor to give you points. If you expect her to spend hours upon hours digging through your essays in the hope of finding points to give, then you will be disappointed with the outcome. Also important is the fact that most law school exams are graded on a curve. Papers that are structured, organized, coherent, and concise tend to come out at the top.

Law school exams are timed. Time management is therefore important. The best way to get comfortable with writing exams under pressure is to take several practice exams under real testing conditions. In the course of your practicing, you will notice something important: some issues are rather straightforward, and therefore require nothing more than a few sentences to state the rule, apply the facts, and come to a relatively clear conclusion. Other issues are more complicated in that they involve disputes of fact, lie in an unsettled or controversial area of the law, or require you to work with competing precedent cases covered in class. These are the issues that offer you the best opportunity to show off your analytic acumen by drawing analogies and spotting distinctions. You should therefore make sure you reserve sufficient time to show off.

As you address each issue raised in your exams, be sure to include the rule or doctrine relevant to that issue. Most of the points lost on law school exams result from failures to recognize issues or instances of stating rules or doctrines in a manner that is substantially incorrect. Simply identifying an issue and the governing rule or doctrine will therefore put you

way ahead. This is another juncture where some advanced work during your study process will pay off. If you come to your exams with a list of major rules and doctrines condensed into clear, concise prose, then you can simply copy your work into your exam answers without spending time fussing over phrasing during the exam period.

The analytic portions of your exams are your opportunities to shine. By repeatedly engaging, analyzing, consolidating, and applying material for your courses during the semester, you will have developed a flexible set of neural pathways that allow you to spot connections and explain the relevance of material differences in light of the law. You are now thinking like a lawyer. Put your new cognitive skills to good use. Highlight facts that link the problem presented by the exam to particular cases and doctrines covered in your readings or discussed in class. Point out facts that suggest dissonance or a potential exception. Explain the significance of these facts and, if the question calls for it, suggest what result you might predict and why.

AFTER EXAMS

When you walk out of your exams, we advise you to resist the urge to discuss the questions and issues with your classmates. There is no upside to this practice. You will have additional learning opportunities when you meet with your professors to review your exams, but that can wait. You should also set aside any feelings you may have about how well the exam went. We have found that good students who were convinced that they bombed an exam often end up at the top of the curve. The exam is over. Let it go and move on. In this effort, it is helpful to keep some perspective. Your performance on any single exam will end up comprising about 3 percent of your final grade-point average at graduation. It will not make or break your career as a lawyer. The same is true of first-year grades more generally. They may help with some early career opportunities but do not, by and large, predict the rest of your career. We have all had students who got C's in our classes or ended up in the bottom quintile of the class after their first years but nevertheless went on to successful and fulfilling

careers. Some of us fit this bill, earning quite forgettable first-semester grades before going on to successful careers in practice and teaching. Far more important than your grade in any particular class are your knowledge, skills, and relationships with your colleagues and professors.

This last point deserves particular emphasis. No matter what your final grades, you should make a point of visiting your professors after grades come out to review your exams and to seek advice on your classes and your career. Whether you did well or poorly, reviewing your exams can help you to reinforce what you did right and diagnose what you did wrong, allowing you to adjust your study and preparation processes going forward. Asking your professors for advice can also help solidify potential mentorship relationships while providing those professors with more fodder for letters of recommendation or phone calls to potential employers. Above all, however, you should look at your exams as one step in a lifelong relationship with your professors. You should therefore approach these post-exam review sessions as an investment in that relationship.