

HOW TO WRITE YOUR LAW SCHOOL ESSAY EXAM ANSWER TO STAND OUT

We have previously covered how to write a law school essay exam answer. One point that is the hallmark of our program is to stress to you that the one key thing that your law school essay exam answer should contain is the **burden of proof**. Some law school professors will cover this topic in their lectures, some will not. By demonstrating your knowledge of the **burden of proof**, you will write a law school essay exam answer that really stands out.

What is the burden of proof? The burden of proof is quite simple. In civil cases, the burden of proof is the **preponderance of the evidence** standard. That is, the Plaintiff must prove by the **preponderance of the evidence** her case against the Defendant. The term “**preponderance of the evidence**” means such evidence as when weighed with that opposed to it, has more convincing force, and from which it appears that the greater probability of truth lies therein. At the beginning of your Torts, Contracts, Property, and some Civil Procedure law school essay exam answers, you should include a brief discussion of the **preponderance of the evidence** standard.

The other **burden of proof** standard that you should know for Criminal Law essay exam answers is the **beyond a reasonable doubt** standard. That is, the State must prove **beyond a reasonable doubt** that the Defendant committed a certain crime. This means that the prosecution must convince the jury that there is no other reasonable explanation that can come from the evidence presented at trial. In other words, the jury must be virtually certain of the defendant’s guilt in order to render a guilty verdict.

One great real-life example of the two burdens of proof is found in The People of the State of California v. Orenthal James (“OJ”) Simpson and the subsequent civil trial brought by the father of Ronald Goldman for wrongful death and battery. Although the jury in the criminal trial rendered a verdict of “not guilty,” a civil jury unanimously found Simpson liable for the torts of wrongful death and battery against Goldman. Many legal pundits opined the seemingly two different results were due to a different burden of proof for criminal cases versus civil cases.