

THE PERFORMANCE GUIDE TO LAW SCHOOL

Chapter 1

I. Introduction

The purpose of this course is to teach you how to do well on law school essay exams. The course will primarily focus on doing well on the first year ("hereinafter 1L") law courses, which are typically civil procedure, contracts, constitutional law, criminal law, property, and torts.

This course focuses on the 1L law courses because those are the most important. First, interviews with law firms typically begin during your second year ("hereinafter 2L"). Aside from your 1L grades, the law firms do not have any basis to judge you. Second, your 1L grades will typically set the tone for the grades you will receive when you are a 2L and a third year ("hereinafter 3L").

Finally, if you obtain the highest score in any given class, you will likely receive an American Jurisprudence or a Corpus Juris Secundum award. Additionally, if you manage to graduate in the top 10% of your class, you will be inducted into the Order of the Coif. All these academic honors are tied to doing well on your examinations.

You now have at your fingertips access to over 60 essay exams, 300 flashcards, and "cheat sheets" for each of the core topics.

We have also put together the following modules that you can refer to as your academic year progresses:

1. Case Briefing Handbook
2. How to Study for Your Law School Exams
3. Enlightenment: How to Write a Law School Exam
4. Don't Panic!: Finding Exam Time Peace

Set the tone early in your law school career. Trust us, it will definitely pay off.

Chapter 2: The First Week (Orientation)

I. Orientation

Orientation for new 1Ls typically occurs during the third full week of the month of August. Orientation week; is just that. The purpose of orientation week is to introduce you to the law school, campus, fellow students, clubs, organizations, etc. Some law schools even allow 1Ls the opportunity to pair up with second-year or third-year law students. We highly recommend that you take advantage of this opportunity. The opportunity to have an upper-year mentor can be invaluable.

Aside from being an overall good time, orientation week will not have any impact on how you do in law school. We recommend that you enjoy orientation, i.e., go to barbecues, social mixers, or parties. You will not have another break again for eighteen (18) weeks.

Chapter 3: Weeks Two through Sixteen (Class Instructions)

I. The Daily Grind

Roughly fifteen (15) weeks of your semester will be spent learning the law. All the law that you have learned will then be tested in the two (2) following weeks, i.e., examination period. Although law schools have sometimes been criticized for only having "one" final exam for the course, this practice is not likely to change.

II. Briefing Cases

Briefing cases is a time-consuming and onerous task. At least initially, briefing cases is useful to developing the critical thinking skills essential for success on law school essay exams.

A good case brief consists of a succinct summary of the facts, issues, rules, analysis, and conclusion of the case.

At this time, we highly recommend that you download and use our "briefing sheet." See also the Case Briefing Handbook module, which has been especially prepared to help you learn how to and why you brief cases.

III. Class Preparation

Most law schools utilize the Socratic method of teaching. By adopting this method, your professor will engage the class in an open discussion of the law. This includes calling upon a student to discuss the facts of a case, the issues presented, analysis conducted by the court, and the conclusion reached. Your professor will rarely present the black letter law—the law that you will need to know in order to do well on your final exams. This is the law that our study materials focus on.

Having a professor call upon you in class can be a source of great anxiety. With the exception of maybe a dozen or so professors nationwide, your class participation will have no impact on your final grade. Some of the best students never participate in class. Your level of participation is up to you.

Pay attention to the amount of time your professor spends on a particular issue. At times, that may be a great indicator of the subject material that will be tested on your final examination.

IV. Study Groups

The utility of study groups is debatable. On one side you are competing against your classmates for the best grade. On the flip-side you may be missing

issues if you attempt to tackle the law on your own. Study groups are also useful in formulating answers to old law school examinations.

V. Outlining/Checklists

We highly recommend that you prepare your own outlines and checklists. A good way to start your outline is to utilize your casebook's table of contents or class syllabus. Pay attention to chapter headings and subsections. After your skeleton outline is prepared, add the rules from your briefed cases, class notes, and outside reading materials as the weeks progress. For exemplar checklists, please see our module entitled, "Enlightenment: How to Write a Law School Exam."

It is usually a good idea to start your memorization process after you have completed a major topic (e.g., a full chapter or subsection). We have found that the most successful way of memorizing materials is to break the material up into chunks.

VI. Study Aids

You will hear a lot about commercial study aids. Most of the time you can purchase these study aids "used." You will learn quickly that although the law is everchanging, your core first-year classes (with the exception of constitutional law) is likely the same from twenty to thirty years ago.

Today's law students are faced with a numerous selection of study aids. For example, there are over six (6) producers of commercial outlines, flashcards, and audio tapes. We do not believe you need to purchase any materials outside of our course. However, if you purchase any additional study aids, use them.

VII. Practicing

Practice is the most important aspect of getting good grades. By practicing and writing out full examination answers, you will relieve a lot of test anxieties and discover potential weaknesses in your knowledge of the law. We highly recommend that you practice under actual testing conditions. Additionally, try to use old examinations with answers. If old examinations do not contain answers, you can try utilizing study groups.

Our program gives you access to over 60 essay type exams. Do not cheat yourself. Do all the examinations. Some of the questions may seem rudimentary, however, they are designed to help you learn the law. See also our module, How to Study for Your Law School Exams.

Chapter 4: Weeks 17 and 18 (Examination Period)

I. How examinations are graded

There are basically two ways law school essay exams are graded. The first approach is the holistic approach—your professor reads the entire exam answers and assigns a grade. The grade that you receive will depend on your professor's gut feeling. The purpose of this course is to make sure that the professor has a good gut feeling about your answer.

The second approach is the checklist/grid approach, whereby your professor has a checklist/grid made for each examination question and awards points based on your answers.

For example, a typical Torts law school essay question, worth 50 points may be graded as follows:

- Type of Tort (3 points)
- Elements of Tort
 - 1. Element #1 (5 points)
 - 2. Element #2 (5 points)
 - 3. Element #3 (5 points)
 - 4. Element #4 (5 points)
- Defenses to Tort
 - 1. Defense #1 (2 points)
 - 2. Defense #2 (2 points)
- Applying Fact Pattern to Elements and Defenses (20 points)
- Conclusion/Miscellaneous (3 points)

The second method of grading also coincides with how examinations are written and created. If you think about it, examination questions are not created in a vacuum. More than likely, your professor has a syllabus that she attempts to follow throughout the semester. When she settles down to write the exam, she will likely start with her syllabus and identify the issues that she wants to test.

II. What kind of grades will you get?

The first thing you must understand is that law school is inherently competitive. Paraphrasing a phrase from a popular movie, there can only be one—number one. Virtually all of the grading will be done on a curve. For example, in a class of thirty (30) students, grades may be distributed as follows:

- 90: 5
- 80: 10
- 70: 15
- 60: 10

Because the examinations are graded on a curve, this means that you do not necessarily have to write a “perfect” law school exam essay. All it means is that you have to do better than everyone else in your class.

II. Anatomy of a good law school essay exam answer.

The key to doing well on the typical law school essay examination involves proper application of the I-R-A-C method. You will hear a lot about I-R-A-C, which consists of the following:

Issue
Rule
Application
Conclusion

You must spot the issue, articulate the legal rule (majority and/or minority), apply the rule to the facts, and reach a conclusion. Do not underestimate the importance of being able to articulate the legal rule. Our course is designed to give you quick and concise definitions or legal rules. Learn these rules!

Chapter 5: Bringing it all Together

I. Believing You Can Succeed

Our course provides you with all the tools that you will need to succeed in law school. However, one thing that we have found that prevents law students from succeeding is that they do not believe in themselves. Do not fall into this trap. Without a doubt, if you use all the materials on our web site, you will succeed!