Welcome to our podcast discussing the different types of law school exams. My name is Steven Foster, and I'm the Director of Academic Achievement at Oklahoma City University School of Law. I'm going to talk to you about the different exam questions that you may experience at the end of the semester.

The typical law school exam will be completely different than most of your previous exams. The problem is if you don't know what it's going to look like then it becomes difficult to prepare for. My overall big tip for any preparation is to know what the goal is at the end and then work backwards to know how to prepare.

My goal for this podcast is to describe the different types of exam questions you might see. I also encourage you to look up final exams from your professor and other professors to understand expectations on finals.

The first thing I will discuss is the difference between law school exams and undergraduate exams. After that, I will describe the 3 different types of exam questions in law school and give you tips for each.

First, let’s discuss the major difference between law school exams and undergraduate exams. The typical undergraduate exam focused on recall. Professors asked questions about what you remember from class and the readings. For example, political science majors would describe the legal system, current events in another country, or a political theory. The professor may require applying a political theory to a new situation, but that was rare. You could succeed in undergrad by recalling information.

The upper level classes in undergrad requiring application of theories to new situations is the transition to law school. Law school exams are primarily application exams. You will receive minimal points and probably not be successful if all you do is recall information from class and write that as an answer.

Make no mistake, recall is fundamental to success because you must know the information to conduct an analysis. Recall is necessary but not sufficient to be successful.

Law school questions are usually a story about a new situation and you have to decide whether there's a battery or here's a story and discuss whether or not 2 people formed a contract. Generally law school exams are stories. Unfortunately, law school finals are different than your day to day law school classes. Law school classes tend to focus on cases that are already been decided. You go into class having read a couple of primary cases. The professor asks questions about the facts and rules from the cases. He or she may even ask how the rule applies to similar facts from cases in the notes.

However, law school final exams don't usually ask about specific cases. You use the information in class about cases to organize what the law is and then apply it to a new situation. For example, a normal Torts class within the first couple of weeks will read two or three cases about battery and the professor may ask you about the facts within the battery case.

I recall from my very first Torts class a case about a 7 year old little boy. He pulled a chair out from underneath a lady. She fell and gets injured. She sues this poor little boy for battery.

After *Garret v. Dailey*, the case about the 7 year old boy, we read a few other cases expounding on battery.

On my final exam, there was not a question about *Garrett v. Dailey* or any of the other cases. Our job as students was to take those cases and understand what constituted a battery.

My final exam included a fact pattern where individuals went to a paintball place and stole paintball equipment. The thieves proceeded through the neighborhood shooting at items and accidentally hitting a few people. We had to decide whether a battery was committed when someone didn’t want to shoot someone but contact occurred. The cases laid the foundation for analyzing battery, but the exam required applying that information to a new situation.

Knowing law school exams require application, let’s now talk about the different types of law school exam questions. I categorize law school exam questions into 3 types:  multiple choice, short answer, and long essays.

Let’s begin with multiple choice questions. Many think multiple choice exams should be easy.

I will now pass along the most unfortunate news that you may have heard for at least today. Law school multiple choice exams are the hardest multiple choice exams you will ever experience. With only a few exceptions, they are harder than any undergraduate multiple choice exam.

The question usually includes a factual situation similar to an essay. You have to determine what the issue is and then there are four answer choices. The four answer choices are not easy like Billy killed Jimmy, which crime did he commit with larceny, burglary, and fraud as choices along with murder. You know someone died and it must be murder. That isn’t the question.

Law school multiple choice questions will ask is this person guilty of murder?

Two of the answers will say yes with a justification. Two of the answers will say no with a justification. Those are really difficult to analyze. You must be right with the legal conclusion and the justification for the conclusion.

Here are a couple of tips for law school multiple choice exams.

The first is practice as much as you can. If you know your professor will use multiple choice questions, I highly encourage you to start practicing early and often. When you practice, the key is to read the answer explanations. The explanations will help you understand why an answer is correct. A great resource for these types of questions is the CALI Lessons within the substantive areas.

The second tip for law school multiple choice exams is to treat them as short answer questions. I ignore the four answer choices initially and try to answer the question in my head. After I determine the answer, then I read the answer choices. I select the one closest to what I thought initially.

My third tip is to be very mechanical when applying the law. Remember a multiple choice question must have a correct answer.

It is very mechanical application of the law. A reasonable argument in front of some judges may be legally incorrect and thus is a wrong answer. A strict application of the rules is critical.

The second type of law school exam question is the short answer question. The short answer question is also extremely difficult. By the end of this podcast you'll realize that I call all law school exams difficult, but the short answer exam has unique challenges. This type of question is difficult because you could spend a lot of time on it but your Professor asked for a short response. These can either be explanation of doctrine, tell them about a case or a quick application of a narrow rule. This type of question could be recall, but many professors still require more than mere recall of the information.

On a short answer question with a hypothetical, you must fully explain the doctrine. That usually requires explaining some of the nuances to a rule and then you have to apply it to short facts. The mistake students make here is not fully explaining the rule. Professors cannot provide points for information that isn’t on the paper. Make sure to provide the rule before discussing the facts.

On a short answer question about doctrine, make sure to fully explain the doctrine and the nuances. Students forget to explain the current state of the law or how the law progressed to the current situation. Thorough answers still achieve more points on short answer questions.

My big tip for short answer questions is to use your writing technique that you were taught for essays. That could be IRAC, CIRAC, or CRAC. Fundamental legal analysis requires explaining and discussing each step. The major mistake students make on short answer questions is making

the answer too brief. Using your normal strategy ensures you thoroughly answer the question.

My last tip is to make sure to answer the question asked. Don’t discuss broad concepts or irrelevant information because you won’t have time. If the question is about battery, focus on battery and not other potential actions. Another example. If the question is specific to offer, don’t discuss other elements of contract formation, like acceptance. Focus on what the issues the professor asked about. That is where to score points.

The last form of law school exam questions is the typical long essay question. It is a story that has tons of information. Somebody woke up that morning and proceeded to commit 25 different Torts and at the end of the question it says discuss all the issues. It is probably the hardest type of question.

Large essay questions require three big skills. The first skill is issue spotting. You have to pick the different issues, for example Torts, while reading a story. My big tip for issue spotting is practice. I encourage students to take old exams and focus on issue spotting. Don't worry about writing the answer. Try to write down all the issues and outline an answer. Check the model answer or rubric to determine whether you spotted everything.

After spotting issues, you have to know the underlying law. Issue spotting is related to knowledge of the law. It is difficult to spot issues if you don’t know the rules. You then have to write down the law and explain to the professor how it relates to this situation and reach a legal conclusion.

The last skill for a long essay question is application. Not only do you have to be able to spot the issue, you will need to know the underlying law, and then you have to be able to talk about how the facts in this situation apply to the law.

Large essays tend to have a huge time crunch. Many questions are 45-60 minutes, which sounds like more than enough time. Most of the time it isn’t. You usually want to spend 5-10 minutes more for each question. If you finish early, consider whether you missed an issue or didn’t elaborate on your answer enough.

The first big tip for large essays is to practice with feedback. Write out full answers and ask professors to provide you feedback. The large essay will be a new experience, so feedback will help determine where to improve.

While practicing, also analyze your issue spotting. Issue spotting is critical on large essays. If you miss a large issue, then it is difficult to score well.

My second tip is you need to have an organizational structure for writing answers, whether IRAC, CIRAC, CRAC, or other structure for your professor or school.

You need to know how you're going to write your answer. You should practice that answer writing method throughout the semester, so that when you get into the exam it is second nature. Get feedback on your structure as well.

My last tip for large essays is to make sure that you write down the rule and talk about each step of the process. Students make a mistake by assuming the professor knows the law so they should just talk about the facts. Remember, the professor can’t give you points for the law if it isn’t in your answer. I also see students who will write down battery has three elements and just start talking about the facts. Don't forget that each individual element has a rule for it. Go through each element with a rule and discussion of the facts for that rule. Discuss the rule for intent, then apply facts to it. Discuss what an offensive touching is, then apply facts. Continue through each step.

Those are the major types of exam questions in law school. Professors will do some variation of these even potentially on the same exam, but overall, you will most likely only see multiple choice, short answer, and or long essays. I would encourage you to take the tips that I've given and practice these throughout the semester, so you are ready for your final exams. Good luck on those exams.

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