

How to Answer Law School Exam Questions

1. Read the *entire* question at least once completely, carefully watching for *who* the *parties* may be.
2. Remember, the facts generate the legal dispute; therefore, examine the question *sentence by sentence* to see what the *parties* actually *did* that had some impact on each other; *only* behavior by one party that impacts another party is relevant; make brief *notes* by each sentence highlighting the relevant facts.
3. Based on the relevant *facts*, make a short outline of the *issues* raised; remember, the *issues* arise only from *facts in dispute*; where the impact of what one party did to another party may be interpreted in different ways or is disagreed upon by the parties or suggests that some punishment is merited, there the *issue* arises.
4. Having made your *outline* of *issues*, begin rephrasing those interrogatories as statements; a *statement* should resolve the factual dispute in favor of *one* party; these *statements* should reflect the *legal principle* involved; if you have studied, once you phrase these *statements*, you should quickly see they reflect the sources of law you have been taught throughout the course; if the *statement*, i.e., the *legal principle*, does *not* seem familiar, you probably have not studied well -- nevertheless, since the *facts* in dispute *always* suggest the *issue* and the controlling *legal principle* is nothing more than the *issue* rephrased as a *statement of law*, answer the question with that *statement* even if you are not sure you recognize it; it is most likely correct; remember, as in the *short answer* to a *memorandum*, your answer should contain not only a *statement of law* but the *reasoning* as well.

NOTE: unless specifically stated otherwise, first year law school exam questions are geared not to have only one possible answer but to reflect several approaches; therefore, any *issue* you identify should be answered by at least *two statements of law* reflecting one legal principle in favor of each of the two parties.

5. After having briefly sketched out what the *statements of law* are, i.e., what are the controlling *legal principles* that may answer in favor of both parties alternatively, begin writing your answer; the *answer* should be composed exactly as if you are writing the *discussion* of a *memorandum*, i.e., begin with an introductory sentence identifying the *issue*; follow with a sentence that introduces the *controlling source of law*; then proceed to introduce *only* the *relevant facts* that create the dispute -- *Do not repeat the facts* entirely!!! -- discuss the relevant facts within the context of the legal principles involved; introduce your relevant facts, then offer the two alternative *statements of law* that would resolve the dispute either way; complete your answer with what would be your *conclusion* in a *memorandum*.

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David Oughton, Barbara Harvey



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