How to Answer Law School Exam Questions

 Read the entire question at least once completely, carefully watching for who the parties may be.

 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 issues 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; the 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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