LEARNING FROM PAST EXAMS

BERKELEY LAW ACADEMIC SKILLS PROGRAM

This workshop was adapted in part from materials created by the ASP team at UC Irvine School of Law.
FIRST THINGS FIRST

LAW SCHOOL GRADES ARE A SNAPSHOT OF ONE MOMENT IN TIME; THEY DO NOT DEFINE YOU

THERE IS NO CORRELATION BETWEEN LAW SCHOOL GRADES AND SUCCESS AS A LAWYER

FOCUS ON SKILLS, NOT GRADES
TOOLS & MATERIALS: WHAT DO YOU NEED TO LEARN FROM PAST EXAMS?

- A copy of the exam
- A copy of your answer (with or without prof comments)
- If available, a model answer or exam memo
- Self-assessment worksheet (see “How to Learn from Past Exams” handout on Academic Skills Program website)
- If possible, a meeting with your professor or, if not, with a Senior ASP Fellow
- Grit and resilience
THREE-STEP PROCESS

01
Self-assessment

02
Meet with your professor (if possible) or ASP Senior Fellow

03
Adjust your study strategies
STEP ONE: SELF-ASSESSMENT

What did I miss?  Why did I miss it?  What can I do differently?
WHERE DID I MISS POINTS?

For each of the following skills, assess where/why you missed points:

- Spotting the issues
- Knowing the relevant rules
- Applying the rules
- Conclusions
- Writing technique (organization, clarity, etc.)
SPOTTING THE ISSUES

- Did I miss any issues?
- Did I miss any related issues (e.g., defenses)?
- Approximately what percentage of the issues did I spot?
- Did I include any non-issues (i.e., issues not raised by the fact pattern)?
KNOWING THE RELEVANT RULES

- Did I state the correct rule, and did I state it accurately?
- Did I miss any sub-rules?
- Did I include unnecessary/irrelevant info?
- Did I include all relevant sources of law?
APPLYING THE RULES

- **Responsiveness.** Did I tailor my answer to the call of the question?
- **Factual detail.** Did I discuss the relevant facts in detail?
- **Inferences.** Did I explicitly state the inferences drawn from the facts?
- **Counterarguments.** Did I include all the relevant facts? Did I mention and address possible counterarguments?
- **Proportionality.** Did I spend more time/space on sticky issues and less time/space on clear-cut issues?
- **Efficiency.** How much time/space was spent on unnecessary background material?
- **Case comparisons.** Did I support my argument with case comparisons?
- **Policy.** Did I address any relevant policy considerations?
WRITING
TECHNIQUE:
CLARITY

- Clear and easy to read
- Sentence length no more than 2-3 lines
- Use of key terms – use and repeat terms of art
- Use of transitions to signal logical relationships (however, nevertheless, ultimately)
WRITING TECHNIQUE: STRUCTURE

- IRAC structure with mini-IRACS for sub-rules
- Headings
- Topic sentences
- Short paragraphs
STEP TWO: MEETING WITH YOUR PROFESSOR

- Know that your professors might not be able to meet individually with every student.
- Focus on identifying skills you can improve and implement in other classes.
- Keep an eye out for patterns of strengths and weaknesses.
HOW TO PREPARE FOR THE MEETING

Review your exam and conduct the self-assessment outlined above. A version with your professor’s comments may be available through the law library. If not, review your personal copy.

Isolate a representative portion of the exam for your professor’s review. (You’re unlikely to have time to review the entire exam.)

Use your self-assessment to create a short list of specific questions to ask and know why you are asking each question (e.g., Question: Did I use sufficient factual detail in my application/analysis? Why I’m asking: This will help me understand whether my analysis is too conclusory.)

Provide the professor with a copy of your exam and bring additional copy for yourself.
HOW SHOULD I APPROACH THE DISCUSSION?

- Be mindful of the professor’s limited time.
- Be clear that you are not there to dispute your grade.
- Take notes!
- Rephrase what you are hearing from your professor in your own words to make sure you understand what they are saying.
- End with a catch-all question: Do you have any other advice on what I can do to improve my legal analysis or exam writing?
- Send a follow-up email thanking the professor for their time.
STEP THREE: ADJUST YOUR STUDY STRATEGIES

- Using your self-assessment and your professor’s feedback, for each missed point: (a) write down why you missed the point and (b) identify specific study strategies that you can adopt to avoid missing those points in the future.

- Rewrite the exam (or a portion of it) to test your understanding of the feedback and to practice the new approach. Practicing the new approach right away will help you learn it and be able to repeat it later.

- Create a schedule and concrete plan for implementing new strategies.

- Consult with a Senior ASP Fellow or Prof. DiGennaro if you feel stuck.
# SAMPLE SELF-ASSESSMENT CHART

<table>
<thead>
<tr>
<th>What did I miss?</th>
<th>Why did I miss it?</th>
<th>What can I do differently?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missed an issue</td>
<td>Ran out of time</td>
<td>Develop a system for managing time; practice under time pressure</td>
</tr>
<tr>
<td>Missed an issue</td>
<td>Forgot about that issue</td>
<td>Create a one-page checklist of issues</td>
</tr>
<tr>
<td>Incorrect rule</td>
<td>Didn’t know the rule</td>
<td>Work with study group; check course outline against class notes</td>
</tr>
<tr>
<td>Incomplete rule</td>
<td>My outline was not helpful</td>
<td>Structure course outline differently</td>
</tr>
<tr>
<td>Incomplete analysis</td>
<td>Didn’t include all relevant facts</td>
<td>Practice with feedback</td>
</tr>
<tr>
<td>Incomplete analysis</td>
<td>Too conclusory; insufficient factual detail</td>
<td>Practice with feedback</td>
</tr>
<tr>
<td>Incomplete analysis</td>
<td>Too few case comparisons</td>
<td>Structure outline to include cases; practice with feedback</td>
</tr>
</tbody>
</table>
**SPRING ASP WORKSHOPS**

- February 1 at 1-2pm: Rethinking Your Study Strategies
- February 7 at 1-2pm: Exam Workshop
- April 11 at 1-2pm: Exam Workshop
OTHER RESOURCES

- Individual meetings (with Senior ASP Fellows or Prof. DiGennaro)
- ASP Fellows – labs, office hours, and feedback on practice questions
- CALI lesson: How to Learn from Exams (https://www.cali.org/lesson/18208)
- Student Services
- Berkeley Law staff psychologists
- Tang Center Psychological & Counseling Services