

# EXAM WORKSHOP

---

Berkeley Law Academic Skills Program

# GROWTH MINDSET; LONG- TERM GOALS



Focus on the things you can control (how much work you put into your classes), not the thing you cannot control (grades)



You came to law school to learn how to be a lawyer, not to get good grades



Focus on learning the skill of legal analysis

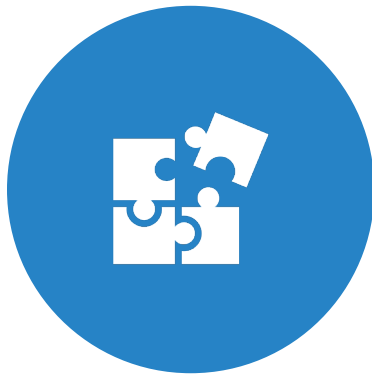


Practice is the best way to improve, and you get more out of it when you put more into it



Remind yourself why you are here -- what do you hope to do with your law degree?

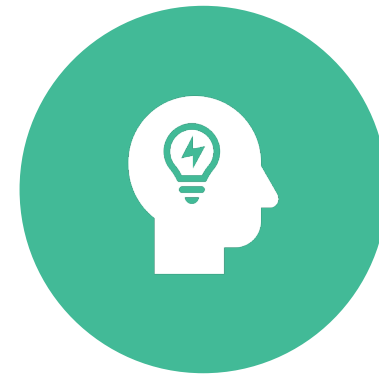
# TYPES OF LAW SCHOOL EXAM QUESTIONS



ISSUE-SPOTTER  
("ESSAY") QUESTIONS



MULTIPLE-CHOICE  
QUESTIONS



POLICY QUESTIONS

# ISSUE-SPOTTER QUESTIONS

What skills are tested?

1. Identify legal issues
2. Identify the rules relevant to resolving legal issues
3. Perform legal analysis – apply the law to the facts

Identify **all** of the legal issues



But demonstrate an understanding of which legal issues (or sub-issues) are difficult and which are easy

Spend more time/space on the difficult issues (where the facts cut both ways) and far less time on the easy issues (where the conclusion is obvious)

Triage

# 1. IDENTIFY THE LEGAL ISSUES

State the rule(s) and sub-rules relevant to resolving the legal issues

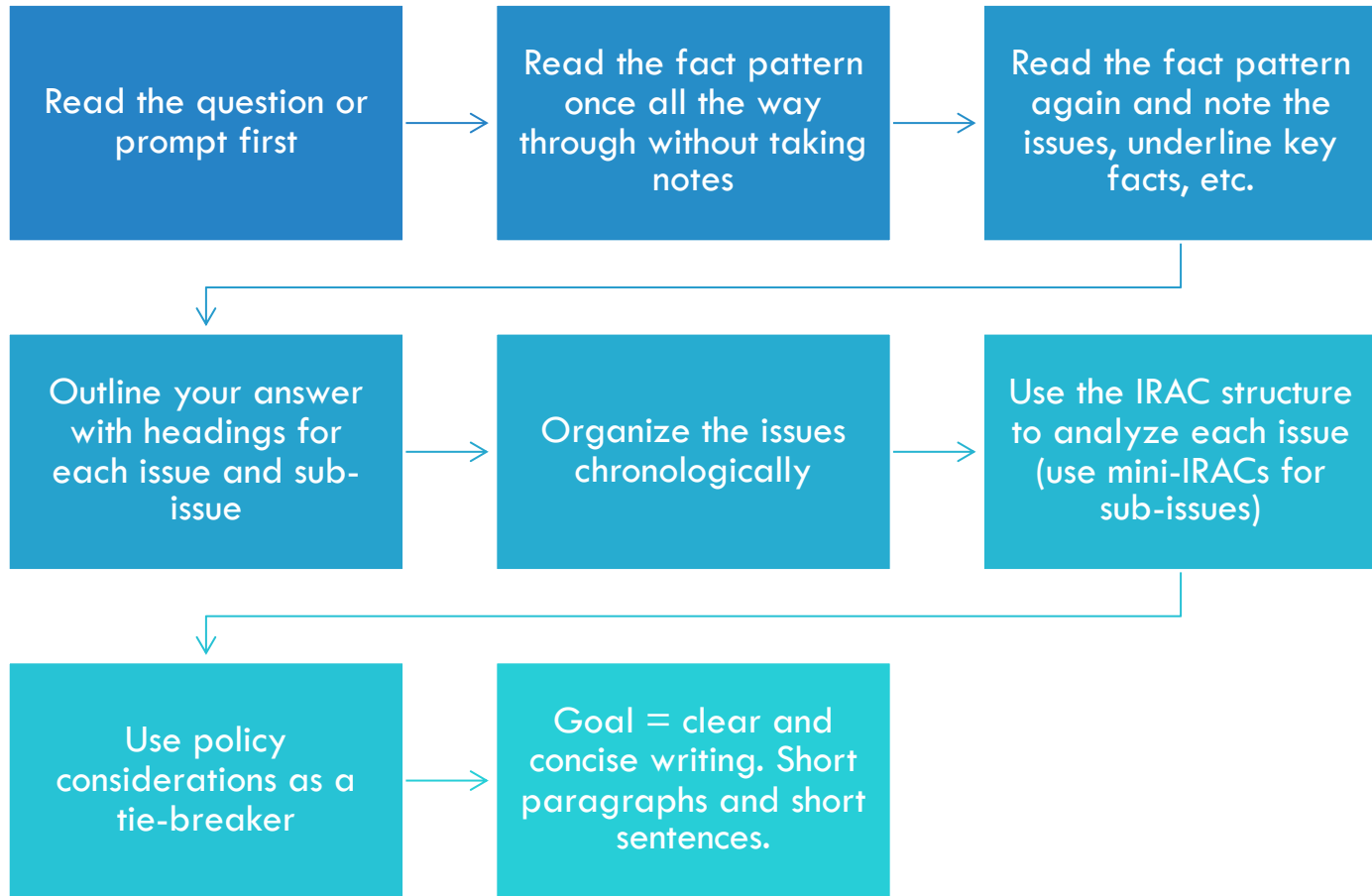
Use IRAC structure with mini-IRACs for sub-rules

Use terms of art; avoid paraphrasing

## 2. IDENTIFY THE RELEVANT RULES

Apply	Apply the rule(s) to the facts
Identify	Identify the facts that are relevant to resolving the legal issue
Discuss	Discuss the relevant facts in detail
Explain	Explain why the facts matter and why they point to one conclusion or the other (“So what?”) Spend more time on difficult issues and less time on easy issues
Compare	Analogize to and distinguish relevant cases

### 3. PERFORM LEGAL ANALYSIS



# DEVELOP A PROCESS FOR ISSUE-SPOTTER QUESTIONS



# IRAC VS. CREAC

## IRAC (exams)

Issue

Rule

Application

Conclusion

## CREAC (memos or briefs)

Conclusion

Rule

Explanation

Application

Conclusion

# STRUCTURE: IRAC WITH MINI-IRACS

## Issue

**Rule:** If X and Y, then rule is met.

## Sub-Issue X

Rule

Application

Conclusion

## Sub-Issue Y

Rule

Application

Conclusion

**Overall Conclusion**

# MAP OUT YOUR EXAM ANSWER IN YOUR OUTLINE

## ISSUE

Basic Rule: X and Y

### Sub-issue X

Sub-rule for X

Key cases/examples (briefly)

Key policy considerations

### Sub-issue Y

Sub-rule for Y

Key cases/examples (briefly)

Key policy considerations

# EXAM ANSWER

## ISSUE

The issue is \_\_\_\_\_. The rule is X, Y.

### Sub-issue X

The rule for sub-issue X is \_\_\_\_\_. Here, [discuss the facts relevant to sub-issue X]. The facts here are similar to [case], where the court held \_\_\_\_\_, because \_\_\_\_\_. [More discussion of the facts and more case comparisons.] A court would likely conclude [conclusion on sub-issue X]. This outcome would be consistent with the policy considerations underlying rule because \_\_\_\_\_.

### Sub-issue Y

The rule for sub-issue Y is \_\_\_\_\_. Here, [discuss the facts relevant to sub-issue Y]. The facts here are similar to [case], where the court held \_\_\_\_\_, because \_\_\_\_\_. [More discussion of the facts and more case comparisons.] A court would likely conclude [conclusion on sub-issue Y]. This outcome would be consistent with the policy considerations underlying the rule because \_\_\_\_\_.

Conclusion

# MULTIPLE-CHOICE QUESTIONS

- Less common on take-home exams
- Typically mini issue-spotter questions
- For mini issue-spotter/fact application questions, do IRAC on scratch paper and then look for the conclusion in the answer
- For other types of questions, read all of the answer choices, eliminate wrong answers, and then select the best remaining answer
- Answer every question, even if you must guess (after eliminating wrong answers)
- **Read slowly and carefully**

# POLICY QUESTIONS

- Short essay format
- Asks you evaluate rules rather than apply them
- Both descriptive and normative arguments
- Typical questions:
  - A quote that takes a position – agree or disagree
  - “Discuss”
  - Proposed new rule
  - Implications of a doctrinal shift

# SAMPLE ANSWER STRUCTURE

1

Discuss/evaluate the old/current rule or the author's position (use FIEP)

2

Discuss/evalaute the new rule or a contrasting position (use FIEP)

3

Take a position and explain the reasons for your position (use FIEP)

# GENERAL POLICY CONSIDERATIONS: **FIEP**



FAIRNESS



INCENTIVES &  
EFFICACY



PROCESS



# FAIRNESS, INCENTIVES, EFFICACY, PROCESS

Fairness	Incentives & Efficacy	Process
<ul style="list-style-type: none"><li>• Does this make the victim whole?</li><li>• Is there fair notice?</li><li>• Does this <i>feel</i> fair?</li><li>• Is this fair to the defendant? Is it proportional?</li><li>• Whom does this rule advantage/disadvantage and how?</li><li>• Disproportionate impact on a particular group?</li></ul>	<ul style="list-style-type: none"><li>• Does the rule effectively carry out the intended purpose?</li><li>• What behavior would this rule deter?</li><li>• What behavior does this rule incentivize?</li><li>• Could this have perverse incentives?</li><li>• How would this impact insurance?</li></ul>	<ul style="list-style-type: none"><li>• Is this judicially efficient?</li><li>• Is the jury equipped to resolve this issue?</li><li>• Would this dramatically increase the number of claims?</li><li>• What sorts of resources would need to be expended?</li><li>• Has the rule been fairly applied in practice?</li></ul>

# RESOURCES

- Where can you find hypos and practice exam questions?

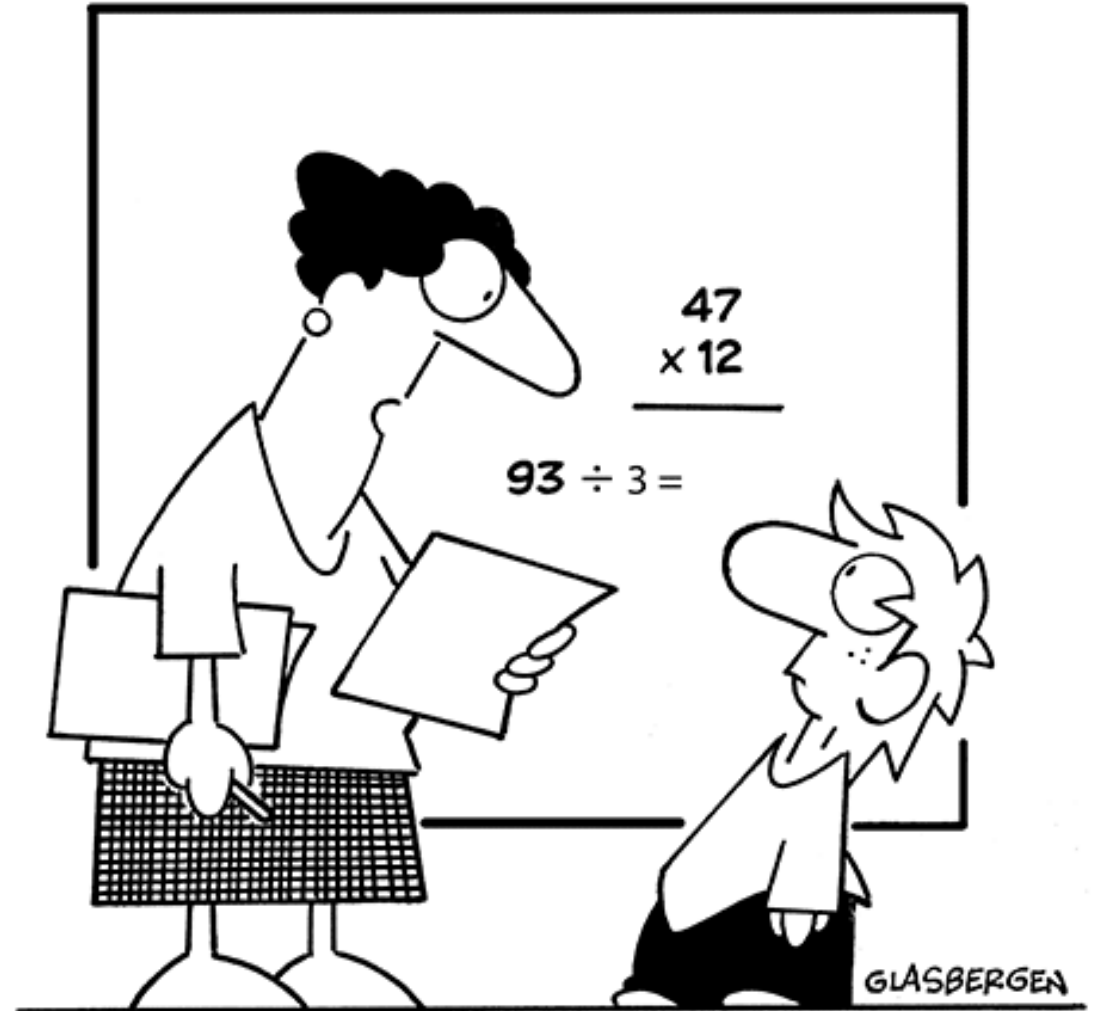
→ Academic Skills Program website

- Where can you find more tips and advice?

→ Academic Skills Program website

- Who can help?

→ Academic Skills Program, Student Services, Berkeley Law Staff Psychologists, Tang Center



“Yes, love is the answer...but not on a math test.”