

7 Tips to Help Law Students Avoid First Year Pitfalls

Applies To Second and Third Year Students Too!!!

Irene Basdakis, Esq., Bar Made Easy

1. Although interesting, reading and briefing cases is not the best use of your time. (It's also extremely time consuming).
2. If preparing study outlines, try not to perfect them. If you cannot apply the law in your outlines to exams, your "perfect outlines" will become useless.
3. Obtain your professor's previously tested examinations directly from the professors or from the reserve desk at your library. Know what and how your professor tests prior to taking any examinations.
4. Ask your professor if he/she is willing to accept practice examinations from you. What better way to improve your test taking skills by receiving feedback from your professor early.

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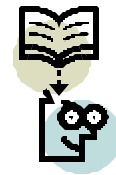
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Exam Answers -- Need For Practice

There are two components to a successful exam answer. **First, you must know the law.**

This is what your casebook is intended for. Casebooks do not prepare you to do this. Casebooks are organized by legal theory and usually by elements of that legal theory. For example, you will read all the cases about the tort of battery in one section. You will also read all the cases about each element involved in determining the existence of battery in a separate subsection.

By the time you reach the end of the chapter on battery, you will have learned the common interpretations of each of the elements. However, you will have had no practice in applying your knowledge to a lawyer/client situation. Therefore, you have no practice in doing what you will be asked to do on your first final exam. This exam is set up to demonstrate that you know the law of intentional torts and how the law is applied.



Second, you must know how to analyze fact patterns that suggest which law is relevant and write about your analysis in a form your professors are expecting.

I believe that the harder of the two components is the analysis and writing. You cannot imagine how difficult it is to write a coherent answer. I demonstrate this in my lectures by giving students a packet of materials that includes a question, a list of the elements of the legal theory that is suggested by the fact pattern

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5. You should review at least (15) fifteen essays per subject prior to your finals. Exposure to these exams will increase your issue spotting abilities and your test taking skills. To obtain previously tested Bar and First Year Law Student's Examination questions and answers, visit <http://www.calbar.ca.gov>, click on **Bar Exam** in the right hand column and then click on **Examination/Statistics** in the left hand column. Next, select **Examination Statistics/Selected Answers/Study Aids** to view these questions. Please note the Bar's published answers are not faculty written but the best two student answers submitted during the actual examination. These are great to practice your issue spotting.
6. Review written model answers to learn how to write your exam answers. A great source for past bar tested questions and model answers for Torts, Contracts & Criminal Law can be found in Bar Made Easy's Essay Examination Workbook. Visit www.barmadeeasy.com/products to learn more about this book.
7. Remember, it's not how much law you know but the application of the law to fact patterns that will ensure your success. So, Practice, Practice, Practice!!!?



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(including the words from the fact pattern that were included to relate to the elements), and an answer.

After we discuss the question, the analysis and the answer in depth, I ask the students to write out the answer in their own words. They look at me in disbelief. "What good will that do? We already know the answer." I say, "Just try it."

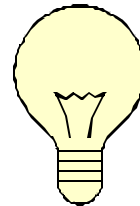
At the end of the time allotted to write, the attitude has changed. Even with a sample answer in front of them, they have trouble framing their own sentences and stringing them together into coherent paragraphs. They had assumed that knowing the law was enough. They did not realize that writing about the law would be so hard.

If analyzing the exam questions and writing answers is difficult when there is only one legal theory to contend

with, think of the problems you will encounter on a more typical law school exam. Your professors will expect you to know how several legal theories relate to each other, but they will also expect you to know how to write logical answers to their questions.

"I panicked." "I saw the issues, but I couldn't figure out how to talk about them. **"I got lost in the middle of my answer and never finished."** "I talked about battery, but I never got to anything else." **"I had no idea how to organize the answer."**

These are common comments I hear from students every year. They always say **"I knew the law cold,"** and I'm sure that they are right because they mean they learned the material as it was presented in the casebook and discussed in class.



They thought it was enough to learn outlines, and they worked exceptionally long hours in learning them. However, they were doomed from the start because they had not learned to demonstrate what they knew.

Since you need to show your professors that you can relate the facts to the issue, it is helpful to know an answer format you can turn to under the stress of an exam.

I like to start each paragraph with the theory which I will discuss in the paragraph with the rule for the theory which I will discuss in the paragraph. If all the elements of that rule are not clear, then I like to get the elements that are clear dispensed first by stating which words in the fact pattern make them clear. Then I turn to the element that is at issue. I would argue both sides of the issue, come to a conclusion, and go on to the next theory.

Practice is the key to your success on law school exams...The time spent in writing out an answer to a question in your own words is time well spent. ?

From **Starting Off Right in Torts** by Carolyn Nygren

Funniest Law School Moments

Keeping your sense of humor is everything!

A Scholar and a Gentleman

Thanks to Janet Subers Heydt, Law school: Temple University, Date of event: Fall 1998

On the first day of Criminal Law class at Temple University, our professor (a great prof) was going around the class asking each of us who we were and for a few statements as to what we were all about.

He got to one gentleman in the class, whose name I forget, but who the whole class knew worked for a "gentleman's club" (a/k/a, a strip joint) as the manager or bouncer. Well, the professor looked at him and said, "Don't I know you from somewhere? I'm sure I know you. You look very familiar." He was rather insistent that he knew the gentleman.

Most of us left class that night still chuckling! At the end of the year, after I had gotten to know the professor better, I clued him in as to the laugh we had at his expense!

Guilty, er, Liable, as Charged

Thanks to Keaton Oberst, Law school: Texas Wesleyan, Date of event: Fall 2005

On the very first day of Torts, a student was reciting the facts of a case, and concluded that the defendant was found "guilty."

"Really?" the professor asked, sounding intrigued. "He was found *guilty*." The student responded that the defendant was indeed guilty. Without warning, the professor threw himself against the wall in mock distress.

This surprising prompt allowed the student to realize her mistake in confusing civil and criminal justice. She corrected herself by saying the defendant was *liable*.

The professor responded, "Phew! I was worried there for a second!" The class was amused and my colleague seemed quite embarrassed.

Ask and Ye Shall Receive

Thanks to Jim Redeker, Law school: Washburn University, Date of event: Fall 1995

We were first year students and most of us were still deathly afraid of not being prepared for class.

One of my classmates, a real "gunner," lamented to a professor that he was ALWAYS prepared for class, but that none of his professors would call on him. His classmates were treated to hassle free classes for the next week as every professor had this student answer every question in every class.

On Monday, the student seemed quite pleased with all of the attention he was getting. On Tuesday, he was not so thoroughly prepared and he heard about it. On Wednesday, he was prepared for all of his classes again. By Thursday, his lack of sleep was starting to become evident. By Friday, he was pleading with his professors to stop calling on him.

Law Profs Need to Watch More TV

Thanks to Tom O'Neil, Law school: University of the Pacific, McGeorge School of Law, Date of event: 1992

In my first year of law school, my dear friend Deacon was on the hot seat in Criminal Law one day. The professor was grilling Deacon about the viability of a fetus as it relates to murder. In one of his answers, Deacon made a very intelligent and medical-sounding response.

The professor, apparently taken aback with the student's elevated tone, asked "Are you a doctor?" to which Deacon responded, "No, but I played one on TV." While the class thoroughly enjoyed his answer, the professor completely missed the joke and continued the discussion on homicide. ?

Source: lawHaHa.com
McClurg's Legal Humor Headquarters

**Do you have a funny law school moment and want to share it with others.
Sent it to: barmadeeasy@sbcglobal.net**

Tough Testing In California

California had the lowest percentage of people passing the bar exam in 2004. Here are the states that had the greatest and smallest percentage of people passing the bar in 2004:

Top 5

1. Utah: 87%
2. Mississippi: 86%
3. Minnesota: 83%
4. Missouri: 81%
5. Iowa: 80%

Bottom 5

47. Wyoming 60%
48. Nevada 56%
48. New Hampshire 56%
49. District of Columbia 51%
50. California 44%

Source: National Conference of Bar Examiners

California Bar – Why Its the Most Difficult Of All States

In 1996, 52% of those taking the CA Bar exam passed with 67% being first time test takers. In 2005, the overall pass rate fell to 46% with 62% being first time test takers. Why is this so while all the remaining states consistently have higher pass rates?

1. The CA bar consists of three days of testing while most other jurisdictions consist of two – two ½ days of testing.
2. In CA, the exam consists of six (6) one hour essays, 200 MBE questions and 2 three hour performance exams. Other jurisdictions have essays which range from ½ hour to one hour in time and the amount of tested questions vary. Most jurisdictions also test 200 MBE and may have abbreviated performance exams.
3. The California bar looks at an applicant's analytical skills while other jurisdictions focus on issue spotting.

Additionally, the CA Bar Exam will be testing CA evidence, civil procedure and business organizations starting with the July 2007 bar exam...as if it wasn't difficult already. ?



MBE Summary Statistics

February 2005.....21,265 Applicants:

Total Raw Score: **120.10** Total Scaled Score: **137.67**

July 2005.....49,998 Applicants:

Total Raw Score: **132.07** Total Scaled. Score: **141.61**

David Monarch

BME's Featured Attorney

David is a graduate of Trinity Law School, Class of 2005 and successful bar candidate on the February 2005 California Bar Exam.

We interviewed David and asked him several questions we believe our readers can benefit from.

Questions and Answers

Q: David, why do you think you passed the CA bar examination on your first attempt?

A: I passed on my first attempt because I put in the necessary work to understand the legal issues raised by the bar examiners and because I learned how to apply the facts to those issues.

Q: How many hours did you study each day?

A: Because I began my studies earlier than most others, most of my days consisted of 4 hour study sessions.

Q: How many essay examinations and performance files did you review?

A: I did about 150 essays and 11 performance exams.

Q: Did attitude have anything to do with your success?

A: Yes, I believe my attitude was a factor. My goal was not merely to obtain the minimum score for passing but instead to achieve a score much higher than needed.

Q: How did you study?

A: I studied by writing answers to past bar exam essays. Afterwards, my tutor Melody Becker would grade the exams and offer suggestions on how to improve my score. Additionally, I did as many MBE's as I could find.

Q: Can you explain further how private tutoring helped you?

A: Private tutoring helped me stay on track with my studies. Also, it gave me insight on how the bar examiners grade that other courses do not offer.

Q. What are you doing now?

A: I was working for a civil litigation firm but am now looking for a government position. ?

