

## Issue Recognition and Outlining

Dear NWCU Student/Graduate,

ISSUE RECOGNITION is critical in the grading of General Bar Examination essay answers. So be sure to go over every sentence of every essay question such that every issue and every sub-issue is dug out and referenced by you in an outline of attack before you begin to write each answer. Outlining and organizing properly will do wonders for your ability to write a successful answer. It is likely to play a big part in whether or not you pass the essay part of the examination.

Spending 20 minutes to read a question, spot the issues and sub-issues, and outline your approach for writing the answer is essential prior to your beginning the actual process of writing the answer. Be aware of the fact that the essay exam graders are going to be counting the exact number of big issues and the number of the more subtle little issues that you recognized and discussed in each answer. You must find and discuss all or nearly all of those presented in the questions to get passing grades. So it is crucial that you be sure to disclose them and write about them while applying the principles of law, as you consistently reason in a logical manner to sound conclusions.

Remember, the graders of the exam answers won't look so much for the correctness of your conclusions, but instead for the recognition of issues and the quality of your discussion, which must provide evidence of an ability to apply the law to the facts presented, and to reason in a logical manner in arriving at the conclusions, even though the conclusions may be incorrect.

Recognizing and then identifying in your answers the very subtle issues in addition to the more obvious ones and then providing lawyerlike analysis (argument) for each is the key to success when writing bar exam answers. Certainly, searching very carefully for and locating each obvious and not so obvious issue in the factual patterns presented is very important, but it must be combined with the preparation of an organized outline prior to your writing each essay exam answer. The outline will keep you properly focused while you write.

Look for the issues (both big and small) buried in the facts of the questions. They are there like shining gold nuggets buried in a small sandbox. Some are very easy to see while others are not so apparent. Yet, all are there. The reality is you must be conscientious and methodical to find them. And once uncovered, you must not forget to organize and make use of them. Real success requires finding and using all or very nearly all of them. A low yield will absolutely provide disappointing results. Triumph requires a substantial find and corresponding high numbers (i.e. a lot of points for recognition of many issues found and discussed). There is no other way.

The outline for a question should be used as a roadmap for answering it. The more focused the outline is to the issues/sub-issues and facts of the exam question the more detailed your explanations will be in your written answer.

Remember, if you recognize the issues and sub-issues and create a very good analysis of them in your head, but don't get it in your written answer, you will not get points. So make an outline of your plan for writing each answer before you start it. Then write the answer in an organized way with in-depth specificity.

Since the graders will be giving you points based on the numbers of issues/sub-issues identified and discussed, the 20 minutes used making a chart prior to answering a question will be time wisely spent.

Your plan of attack for handling all questions should be in the following order:

1. Read the question;
2. Identify the obvious, and the less obvious, issues and sub-issues;
3. Make an Outline, and then;
4. Write your answer.

Be sure that you write in a narrative, very straight-forward, cogent, lawyerlike way while providing an expanded version of the information that you've sketched in the outline. Using the typical style and format required for essay answers on bar examinations is critical.

In conclusion, please remember the critical importance of taking 20 minutes to quickly outline your approach to each question. It is, in my opinion, very important for you to include that step in the essay exam writing process.

Best wishes,

Michael Clancey, Dean

**Northwestern California University  
School of Law**