

Summary of My Advice For Writing Essay Answers

Here is a summary of my advice for writing essay answers on the bar examination.

OPENING PARAGRAPHS

It is important for you to remember that you cannot waste valuable time at the beginning of an essay answer repeating what happened in the fact pattern.

Many bar examination test takers have a tendency to do it, perhaps out of nervousness, instead of diving right into the first issue. They will start their essays by repeating what happened in the fact pattern, for example, writing: *“In this case, Patty sued David alleging strict liability for ultrahazardous activity. David responded to the suit by contending that Patty knew of the risk and was fairly warned, but proceeded to approach the danger anyway, resulting in her own injury. Then...”*

That is not the way to begin an essay answer to a question on the bar examination. Those who begin answers that way must get out of the habit of doing so for the following reasons:

First, it wastes time. You only have sixty minutes to write a decent response to an essay question. Don't waste five or more of those minutes at the beginning of your answer repeating facts provided in the fact pattern. You get zero points for merely repeating the facts or providing your summary of the facts. You only get points for focusing on specific facts when you are applying a rule of law to the facts, but that shouldn't happen in the introductory paragraph at a time when you should be presenting an issue.

Second, it annoys the grader. The grader knows the facts. Indeed, after reading just a few exam answers the grader is sick of reading the facts and as such, will certainly not give you any points for simply repeating at the beginning of your essay what happened in the fact pattern.

I am not saying I'm completely against introductory opening paragraphs. If it seems to you that one would make the answer better, by all means write one for the answer. Just don't spend any time agonizing over the wording of it and not much time writing it. Certainly, don't just simply repeat the given facts of the question. And too, be sure that the wording of it is not going to hurt you in any way.

It may be best to get to the first issue straight-away. However, if you do include an introductory opening paragraph, you've got to be sure that it is worded in a way that is either grading neutral or will, possibly, help you. Be especially careful that you do not make the opening paragraph sound conclusionary in some way, or worse yet that you do not include a reference to the area of the law that you think the question pertains to when there is a chance that it does not.

Also and very importantly, you must be sure that you do not begin your answer with a recitation of raw law without having presented an issue as part of an I-R-A-C analysis. That is also a waste of time and annoys the grader. Raw law presented in an

encyclopedic way is always a turn-off to a grader. That is especially so when it is presented at or near the very beginning of an answer.

ROAD SIGNS (This is extremely important.)

You absolutely need to provide numerous HEADERS (headings and subheadings) in your answers.

By using HEADERS you provide the equivalent of road signs for the grader who is travelling at a fast speed through your answer. The road signs make the answer easy to read and the grader is less likely to miss issues that you cover. Write the headers, i.e. road signs, to set up each new issue and sub-issue and to draw attention to every significant topic in your analysis as you move forward.

The road signs will give great form and organization to your answers that the graders will cherish, and give you fabulous pegs around which you can build your answers with much substance while writing in a traditional I-R-A-C or "Issue – Under – Here – Therefore" way.

Believe it or not, you can increase your scores dramatically by using headings and subheadings plentifully.

Provide the Headings and Subheadings as a Checklist for the Grader

The headings and subheadings need to be much more than ones for the 'calls' of the questions. You must provide numerous headings and subheadings, way beyond the ones focused on the 'calls' of the questions.

All graders of bar examination answers expect that the good answers will have headings and subheadings that can be used by them as, essentially, complete issue recognition checklists. Not providing such a checklist, in the way of headings and subheadings, for each issue and sub-issue spotted by you in each answer would be a huge mistake. The graders want it and you must provide it.

Start Making the Headings and Subheadings When You Prepare Your Outline and Transfer Them to Your Answer

The key to doing it right, and getting a heading and subheading for every spotted issue in a question, is to start making the headings and subheadings when you read the question. Immediately turn each big and small issue that you spot while reading the question into a penciled heading or subheading on the side of the question sheet and, when you have finished reading the entire question, place all of those headings and subheadings in your outline. Then set up all of the headings and subheadings of your outline in your answer, and systematically write about each one separately with appropriate depth. Also, add more headings and subheadings to your answer as you realize while writing it that there are additional issues and sub-issues that have been provoked by your scrutiny of issues and sub-issues of the facts in the question.

I also recommend that you underline, *italicize* or CAPITALIZE certain words in the process of featuring for the grader the issues recognized by you. You must be sure that you get credit for those issues and the way to do that is to make the words regarding

them 'jump off' of the pages of your answer. Remember, the grader will have a very large number of answers to grade and may be spending only 2 minutes to grade your answer.

Your number one job is to be sure that you 'don't kill the grader.' Of course, by that I really mean that you don't kill the grader's enthusiasm for reading your paper, thereby ruining your chance of getting a good grade. Organization and the readability help very much in making sure that you don't lose that chance. Again, make each issue recognized by you jump off of the pages of each answer so that the grader can see them and quickly give you credit for them. You can do so with plentiful headings and subheadings, underlining, italicizing and capitalization.

I-R-A-C

You must obediently use the I-R-A-C method, or alternatively, the "Issue - Under- Here- Therefore" method. ----- It is expected by the graders that you will use one or the other of them.

The Issue - Under- Here - Therefore method is a good version of the I-R-A-C method. It is widely used and much liked by the graders especially when you 1) do the ISSUE part by simply using a one or few word issue heading or an issue question, e.g. "Battery" or "Was there a Battery?"; 2) do the UNDER part by alternating between that word and similar words, e.g. "Under the doctrine of ...", "Pursuant to the common law on ...", "The rule is ...", etc; 3) do the HERE part by alternating between that word and similar words, e.g. "Here, the parties ...", "In this case, the facts point to ...", "In this matter, the dispute is..." etc; and 4) do the THEREFORE part by alternating between that word and similar words, e.g. "Therefore, ...", "Thus, ..." and "Hence ..."

There may be times when you've already provided the rule or the application in a different part of your answer or you are running out of time to finish your answer. If you've already provided the rule or the application, you need to indicate so with a few words or with the term *supra*. And, if you are running out of time you may have to weave the issue, rule, application and conclusion together in one paragraph and even, perhaps, leave a step out.

In general though, you must stick to the entire I-R-A-C method, or alternatively, the Issue - Under- Here- Therefore method, and not miss steps.

RELEVANT ISSUES, SUB-ISSUES AND LAW

The instructions to the essay part of the bar examination state, in part, "*Your answer should be complete, but you should not volunteer information or discuss legal doctrines that are not pertinent to the solution of the problem*" (Emphasis added)

With that instruction in mind, be sure that you resist the temptation to throw in everything, including the whole kitchen sink, by way of raising issues and rules that really do not apply to the factual pattern presented in a question. Doing so is a waste of valuable time and it annoys the graders.

APPLICATION

As you know, the “A” part of the I-R-A-C method involves Application. You should really think of that part of the method as ‘*analysis with facts*’ and ‘*argument with facts*.’ For it, you need to analyze and argue using the facts of the question. It is most critical that you are certain that you are really analyzing and arguing with the facts rather than just simply repeating given segments of facts from the question.

To be successful you must provide expanded discussion in each essay answer by *playing with the facts*, so to speak, rather than just repeating facts from the question. It makes a huge difference when it comes to grading.

LONG ANSWERS

Longer answers on the bar examination are generally better than shorter answers and get better grades. The reason for that reality is that typically those writing longer answers have recognized and identified (with headings and subheadings) more issues and sub-issues and have gone all-out in an effort to analyze and argue as they apply, rather than merely repeat, the facts of a question.

Of course, you must pace yourself such that the same amount of time is allotted by you to each answer. It is not good to have your expenditure of time out of balance making it necessary that one or more of your answers must be written in less time than the time spent by you on other answers. You must write *fast* as you write professionally with complete sentences, proper formatting, headings, subheadings, featured words and phrases, careful attention to spelling and grammar, and with knowledgeable use of the appropriate rules of law.

ABBREVIATIONS

Most bar review experts maintain that abbreviations should not be used in answers to bar examination questions. I agree with them completely on that point and suggest that you avoid the use of abbreviations in your exam answers.