



## Episode 117: Surviving Midterms

Alison Monahan: Welcome to the Law School Toolbox podcast. Today, we're talking about a subject no one likes to think about: midterms. Your Law School Toolbox hosts are Alison Monahan, that's me, and Lee Burgess. We're here to demystify the law school and early legal career experience, so you'll be the best law student and lawyer you can be. Together, we're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the Catapult Career Conference. I also run [The Girl's Guide to Law School](#). If you enjoy the show, please leave a [review](#) on iTunes, and if you have any questions, don't hesitate to reach out to us. You can always reach us via the [contact form on lawschooltoolbox.com](#), and we would love to hear from you. With that, let's get started.

Lee Burgess: Welcome back. Today, we're talking about law school midterms, especially for new 1Ls. It seems like midterms are becoming a lot more common. Alison, did you have any midterms your 1L year?

Alison Monahan: I'm not sure I had any real midterms, but we took a class before classes actually started called legal methods, and I remember in October they gave us an exam in that class, which I was feeling really confident about, and then I failed. We can talk about that later, but that was definitely a very eye-opening experience. I mean, I personally think it's great that midterms are becoming a lot more common, really just for this reason, because if I hadn't gotten that feedback and been able to correct course and figure out what happened, it's quite possible I would have failed all my finals.

Lee Burgess: Yeah, I think it's a really good thing. I didn't have any graded midterms, I did have one professor who gave us a non-graded midterm, and he encouraged us to sit down and take it in an exam condition, and then he did a review session on it. I think that was really kind, because it was the first time I'd seen an intensive issue-spotting fact pattern, and it was sobering, you know it's hard that first time you do it.

Alison Monahan: No, I mean I remember legal methods, I had done all the reading, and I even remember reviewing for this midterm, and I was like, "Okay, I've got this, how hard can it be?" I remember sitting down, and I read the question, and I was like, "Okay, you know that's not too bad." Then I went to get a drink of water or something, went to the bathroom, which was a seriously bad idea, because when I came back, I just had this blank page staring at me, and I basically panicked. It was just this moment of like, "Oh my God, I don't know what to write, I don't have anything outlined, like everybody else is typing, why did I go to the bathroom? I don't understand this."

Then at that point, substantively things went downhill pretty quickly because I wasn't thinking clearly. One of my takeaways from that was actually always always always get something on paper before you take a bathroom break.

Lee Burgess: Yeah, that's true, that's a good point. I used to tell, even when I was tutoring students in law school when I was in law school, I would always say like, "If nothing else, write the call of the question at the top of the page, just so there's something written down on the page."

Alison Monahan: No, I don't know what it was, I mean I've never had that happen on any exam really anywhere in my life, I just remember so clearly like coming back from the bathroom and looking at that blank piece of paper on my screen and looking at the blank piece of scratch paper and just being like, "Oh my God, I have no idea what I'm doing."

Lee Burgess: Well, you know it's interesting, because you and I both have worked in tech before our legal experiences, and you know in the tech world you're always doing dry runs or practice, you know when if you're implementing new software, you practice the conversions in a pretend environment and things like that, it's so common in so many other areas that in law school, I mean a midterm really is a dry run for finals and typically done in test conditions. You can learn so much from it, like you said, now you had lived through this kind of panic situation, which you'd never experienced before.

Alison Monahan: Yeah, and even then, like I didn't think I'd fail the test. I just remember getting this email from the professor who was kind of like, "What happened? You failed, you seemed like a person who in class knew what was going on. You need to come and talk to me about this." To this day, I think he wrote a bad question, but you know that was also a good takeaway, because I realized, and this is an important lesson in law school, my job was not technically speaking to answer the question as it was asked, although we always encouraged students to do that, it was actually to answer the question the professor thought he was asking.

Lee Burgess: Yeah, that's a good point.

Alison Monahan: That's kind of a subtle but important difference.

Lee Burgess: By doing midterms or practice exams, you learn that about that given professor.

Alison Monahan: Yeah, because a lot of times, you know the way that they are in class or the way they are even in office hours doesn't really relate to the way that they give a test. I think the value of a midterm is it gives you a chance to have this experience in a pretty low-pressure environment, you know this is typically not going to be 50% of your grade. It's typically a pretty nominal portion of your grade, and it gives you a chance to really do this, you know to practice this and

to see what it's going to be like when suddenly you have three or four or five of these exams all in a week. That's going to be a lot more intense.

Lee Burgess: That's true. I also think the value is you can often get valuable feedback from professors, which is pretty impossible to come by. We've talked about in other episodes how you can use office hours to try and get feedback on hypos or something that you've written, but for a professor to take time to grade a midterm is really great insight into how you need to shift what you're doing to adhere to the standards they're looking for. It's really a gift, because most students who don't have midterms aren't getting any of that feedback, which can be pretty stressful.

Alison Monahan: Yeah, absolutely. I mean, you mentioned office hours, what a fantastic thing to take to office hours, but your exam answer on your midterm, and really drill down into the things that your professor has said. They're probably not leaving a ton of comments on your actual answer, but if you go in and you say, "Well, you know you say in this part I'm too conclusory, could you tell me what you mean by that? What would this look like if I wasn't being conclusory?" They'll probably spend several minutes saying, "Well, you know do you see what you did here? You missed this counter-argument, or you didn't really explain this point, that's what I mean by that." That's incredibly valuable, and to do that before your finals, huge, huge.

Lee Burgess: I also think another benefit is it forces you to work on those outlines, and not leave them to the end of the semester. If nothing else, if you just do your outlines for the first half of the semester, that is a huge gift for yourself, because the mistake so many of us make, and I know we've talked about this in our outlining podcast too, is they wait until the end of the semester to do the outlines, and then you're so far removed from the material from the beginning of the semester. If you have this midterm, you know usually which happen in October in the fall, and so maybe you're seven, eight weeks in, maybe more like six or seven weeks into classes, you're going to have to get your act together and be comfortable with the first half of the material to be able to complete this exam.

Alison Monahan: Yeah, and I think your future self will thank you.

Lee Burgess: Yeah, your final exam self will definitely thank you.

Alison Monahan: Yeah, I think if you have midterms in like half your classes, not the other, you're going to look back in those classes and think, "Wow, I was really a lot more prepared to go into finals in these classes than I was in my other classes." I mean, I guess this brings up a point too, I mean how seriously do you think students should take these? Should they spend the two weeks before doing nothing but prepping for midterms in the two classes that they have them?

Lee Burgess: I mean, that might be a bit extreme, especially if the midterms aren't a huge portion of your grade. You do need to continue chugging along and keeping up with your reading in your other classes and things like that, but I think you do want to study and feel like you have a mastery of the material. If the midterm is closed book, that could be kind of challenging, because you might have to memorize a large amount of material before the exam, but I think a lot of midterms are open book, which really means that you just need to have the mastery of the material, but you don't need to commit it all necessarily perfectly to memory. Then you should be able to feel pretty confident about that material while keeping up with your other classes.

Alison Monahan: Yeah, I think that's right. I mean, I don't think you want to show up cold and just say, "Well, it's a midterm, it's only 20% of my grade, I don't really care," or whatever. I think there's value in taking it seriously, but at the same time, obviously you have other things to do, you may have legal writing assignments that are coming due, you have reading in your classes, you know you can't just obsess over this for weeks on end when you have to maintain perspective. This is an example to practice, and you want to do as well as you can, but it's not going to kill you if you get a B+ on your midterm.

Lee Burgess: Right, and when you sit down and look at your study calendar, you know you just need to look at where you can pull some extra time to focus on the midterm. Maybe you have a section of the week, say, for deep work, but right before midterms, that's when you start to study for your midterms, or maybe you take Saturday afternoons off, but maybe you need to add a few more hours on a Saturday afternoon to make sure you're ready for those midterms. With careful planning, you can collect some more time, but you can't ignore all your other classes, or then you kind of come up for air after your midterms, and then you're scrambling because you haven't done your reading for two weeks.

Alison Monahan: Yeah, I don't think that makes a lot of sense. I think take it seriously, but not too seriously, is my advice.

Lee Burgess: I mean, that's the same challenge that we found with legal writing too, right?

Alison Monahan: Exactly.

Lee Burgess: It's that same balance, when legal writing assignments come due, oftentimes people stop doing other work for a long period of time, and that's the juggling game, you can't ignore all your classes for one class, it just doesn't work like that, unfortunately.

Alison Monahan: No, I mean I think if you know that you need to be working on your outlines and your study aids anyway in the period that you've blocked off for deep work, maybe the week or two before your midterms, the classes you focus on are those classes. That doesn't mean that you're spending four hours a day every night trying to memorize every case that you've read, which as we'll talk about,

isn't really the point here. Let's back up a little bit, what type of midterms can people expect to see? I mean, I think these are kind of all over the place.

Lee Burgess: I think that's true. I think the most common one is an in-class, probably like one-hour, 90-minute writing assignment, issue spotter exam where you're going to have a fact pattern, maybe it's going to be shorter than a fact pattern you would see on the final exam, but kind of like a mini-final, I think that's the most common. The thing for the professor's perspective is that takes a lot more time to grade, because they have to sit down, you know if you're in a seminar class with 70, 80 people, they're going to have to go through and hand-grade all of those. You might see-

Alison Monahan: They actually have to make those questions too, which is not really that easy.

Lee Burgess: No, it's really not. It's like you think ... Yeah, I mean you kind of go in and think like, "Oh, it must be such an easy job to create these hypos," but us two people on this podcast who have created hypos for students, it's really a challenge.

Alison Monahan: It's not easy.

Lee Burgess: No, like when we draft something to use in our curriculum, like one of us does the first pass, the other person tears it apart, then we try and draft an answer, and then we find more problems with it. Then we have to come back to it, it's not easy. These exams are a lot for the professor to take on, so they're not going to be a huge undertaking for the professors, they don't want to make it too long, or they're not going to have time to continue teaching.

Alison Monahan: Yeah, I mean sometimes you'll see other sorts of things too. You might see shorter answers where they're really just trying to figure out like do you have any mastery of the material that they've been teaching you for this month and a half or whatnot. I mean, partly too, I think the midterm is a chance for the professor to really see, "Wow, okay, people are getting this or they're not getting it, and I need to do something to change my style." A lot of people are giving multiple choice these days.

Lee Burgess: Yes, that's because they're so easy to grade, it's called the beauty of the Scantron, you just pop it in the machine, and then everybody gets a score, but you know I don't think multiple choice is a bad thing, because you're going to see it on the bar.

Alison Monahan: Well, a lot of people are going to see it on their finals too.

Lee Burgess: A lot of people are going to see it on their finals. One challenge can be professors aren't going to give you a lot of practice multiple choice, because they're also very hard to write, so they're going to reuse those questions. You have to get a little creative to find some practice multiple choice, but it's still important to study for those and get comfortable with that format as well.

Alison Monahan: Yeah, I mean our basic advice if you're listening to this and you've never done a legal multiple-choice question, A, they're probably going to be really confusing because the answer is usually, "It depends, and we can't have that answer here," so we always encourage people to basically treat the multiple-choice hypo, the actual written part, treat it as a hypo, and before you look at the answer choices, think about what your answer would be. Then it's going to be a lot easier to match up what you expect based on your knowledge of the law with the actual answer choices. I think these are, you definitely do not want, like anything, you don't want the first time you've ever seen one of these to be on your midterm.

You want to go to the library and maybe find some Cali questions, maybe find some questions from the bar or from the MBE, the multiple-choice section of the bar exam, you know you want to practice these so you have some understanding of what you're getting into.

Lee Burgess: Yeah, exactly. Don't let the first type of these questions you see be on the exam.

Alison Monahan: Because they're going to be different than multiple choice you've seen before, and they can be super confusing. I know we get a lot of people who are like, "I really struggle with the multiple choice," and that's pretty common in law school.

Lee Burgess: Some professors also offer to do a take home test, or even just give you like the option to turn it in, or to get feedback. A lot of students think, "Oh, I don't have time to invest in that," but we would really recommend that you take the time.

Alison Monahan: Yeah, absolutely. I mean, I think that time that you spend doing that is going to force you to put the materials together for yourself. Any feedback you can get from your professor is gold, you know these are the people grading you on the final, if they're willing to tell you what you're doing right or wrong, that's something to take pretty seriously.

Lee Burgess: Yeah, exactly.

Alison Monahan: I don't know, I mean I feel like this is a little hypothetical right now, no pun intended. I mean, if you've literally never experienced, shall we say, a law school question before, we have a [really useful podcast on this where you can listen to us actually walk through a question](#). You can download the question, you can read it, and we'll walk through it with you, we can link to that. Just to give you kind of a basic idea, say you're taking civ pro, and you've gone through jurisdiction, you've done personal jurisdiction, you've done subject matter jurisdiction. If your class started with that, there's probably not a whole lot more that you've actually covered.

Lee Burgess: I've been looking at some 1L outlines, I feel like that's what's been covered at this point in the semester.

Alison Monahan: Yeah, so basically if your professor is normal, they probably started with this, you probably spent three or four weeks basically just doing the basics of civ pro and personal jurisdiction. It's great, you're like, "Great, I read this case called international shoe, I read this case called worldwide Volkswagen, I'm totally good. Here's the holding." The way that you're actually going to experience this on an exam, is you're going to get some crazy situation, and it's going to be like, "Allison and Lee decide that they're going to go on a road trip across the country, and lots of things happen to Allison and Lee as they're driving across the country. Some of them are bad, and sometimes someone might want to sue us, or we might want to sue someone else."

You're going to get this question where it's like, "In Kansas, as they were passing through because they were lost, because the GPS gave them the wrong directions, and they actually thought that they were in some other state that borders Kansas ..."

Lee Burgess: Geography test.

Alison Monahan: Yeah, exactly like, "I wasn't really a geographer, why do you use Kansas?" Anyway, it's all right.

Lee Burgess: That's why we're using the GPS, because we don't know which state is next to Kansas.

Alison Monahan: Yes, exactly, so we're coastal people, we're totally like, "Wow, I've never been here before, I don't know where I'm going." We're driving around, we're lost, we actually have an accident, unfortunately, in a state we've never even been to, we don't even know what state we're in, and you know lots of other things happened. Then the question is basically going to be, "Is there personal jurisdiction in this example?" You might be listening to this thinking, "Oh my God, I have no idea how I would go about answering that," but the point is, you want to have thought about that before you sit down to try to take this test.

Lee Burgess: Yeah, exactly. I mean, what becomes so challenging about these fact patterns is when you are working on your outlines, and again, I've been reading a lot of 1L outlines recently and they're all about like, "What happened in international shoe, what happened in worldwide Volkswagen?", there's a minimum contacts test, there are some cases that talk about minimum contacts, and what you need to really start to reframe your understanding is how do you prove jurisdiction.

Alison Monahan: Like what do you need to show?

Lee Burgess: What do you need to show?

Alison Monahan: Also, you know if you're listening to that, hopefully you're thinking, "Well, what difference does it make that they were lost, does that matter?" These facts

matter, I mean off the top of my head, I'm not even really sure I could really tell you why that matters, but those are the sort of things you need to be listening out for. Like that's kind of weird, like why did my professor tell me they were lost?

Lee Burgess: Right, why did they not know what state they were in, or then it becomes, they got in a car accident, but maybe the car accident triggered the airbag which turned out to be in a recall, and I mean there are all these crazy things, and so they're like trying to sue the car manufacturer, or you know-

Alison Monahan: Yeah, maybe it was a defect and it's a rental car, but the rental car was rented in New York.

Lee Burgess: Yeah, I mean it gets a little crazy, and so you have to get used to these bizarre hypos. The beauty of the midterm is it's going to give you more practice for that, but it also is going to start to really challenge you to make sure that your outlines and your study materials are helping you get prepared for these answers, because the answer that is going to be required to this crazy hypo about our road trip doesn't involve a mini-brief of what happened in international shoe or worldwide Volkswagen.

Alison Monahan: Right, and if you sit down and you're like, "Well, okay, this is really confusing, so I'm just going to write about the cases that I know." Then you start saying, "Well, personal jurisdiction is the ability of the court to exercise jurisdiction over the person." Your professor's like, "Yeah, duh," you know like, "Really, you think?" Then like, "Well, there are a number of cases in this area," and then you outline six of them and the facts, that's not what they're going to give you points for. You've got to start thinking about how you're going to use this material, putting the stuff in your outline that's actually helpful to you, and then really practicing using your outline, your study aids, your flowcharts, whatever they are.

I think ideally, you want to be doing this with your professors' exams, where you've got an old exam and an answer. I mean, even if they only have one, that's still really valuable. I mean, sometimes before midterms, I feel like professors aren't really handing out their exams, but I think that's a fair thing to ask for.

Lee Burgess: Yeah, I mean the worst thing they will say is no.

Alison Monahan: Right.

Lee Burgess: Another place to go see if there are banks of exams is your academic support office. Sometimes they have past exams from professors, so if you've never visited your academic support office, you should go check them out and see. Who knows, you never know what kind of resources they might have that they can provide you.

Alison Monahan: Yeah, you can also talk with 2Ls and 3Ls who maybe took your class, or particularly if they were a TA. I mean, a TA is a great resource if you have a TA, you know even if they don't have the exam, they can at least kind of tell you, "Well, the professor usually tests in this way, or this is what they're looking for." I mean, I think if you can't find anything else, I think it's valuable to consult some type of supplement on the topic.

Lee Burgess: Glannon, if we're talking about civil procedure, we've got to talk about dear professor Glannon.

Alison Monahan: Yeah, you know go get your ENE, I guarantee you they've got questions on personal jurisdiction that you need to be able to answer, you know same thing with any commercial outline in any topic. If you're in contracts and you're talking about contract formation and consideration and these type of things, that's going to be in the supplement, like they're going to have questions on it.

Lee Burgess: I think that that's really true, and challenging yourself to do these practice hypos for midterms, or if you don't have midterms, just you should be doing this sort of practice anyway, is how you test yourself about whether those outlines are working, and you're going to start remedying issues in your outlines now, which is so helpful, so helpful.

Alison Monahan: Yeah, I mean the time around midterms, whether you have them or not, it's just a good time to see if you're really getting it, you know and when you still have time to correct course, but you're quickly running out of time. If you envision you're on a boat, this boat is heading towards the rocks. You have time to turn, but the tide is starting to come in. There's not a lot more time that you're going to have to really figure out, "Am I learning this material? Do I understand it in a way that I can use it?", because that's the goal here.

Lee Burgess: Going back to outlining, one suggestion I might make that I made to a 1L this week was, the most common things we see in 1L outlines are these mini-briefs, or the fact that the majority of the outline are just summaries of the cases, instead of the-

Alison Monahan: What do you mean by mini-brief?

Lee Burgess: That is international shoe versus Washington, colon, and then-

Alison Monahan: Date.

Lee Burgess: Sometimes bold.

Alison Monahan: Jurisdiction.

Lee Burgess: The date, and then there's typically like a summary of the facts, one or two or three sentences, and then you might have a summary of what happened, but typically what you don't have-

Alison Monahan: Maybe the dissent.

Lee Burgess: Maybe the dissent, and typically what is missing from that summary is actually what international shoe versus Washington stands for. That's really what I think the outline needs to have, I want to know what the rule of law that comes out of international shoe, worldwide Volkswagen and all of the ones that come after that, you know what is the rule I would apply in a fact pattern? Then I can note that that came from international shoe, and if I want to include a sentence to refresh my recollection about whatever international shoe versus Washington, what happened, that's fine. It's more important to remember what the rule is that you can apply.

If this makes you really nervous, and it really makes a lot of people really nervous, to say, "But I need these case mini-briefs, like they're what we've spent time in class doing," one potential solution is to save those as a list in another document. If you want to save a little paragraph about international shoe, go ahead and do that, save it as a separate document, and then if you really need to look up what happened, you can go look it up, but leave it out of your outline.

Alison Monahan: Which you can also just do in your case brief too, if you ever really need to, and you probably won't. Your outline should have something in it like, "Purposeful avilment," and maybe a few words on what that means, because then when you hear your crazy fact pattern, you're like, "Well, maybe the fact that they were lost and didn't know what state they were in, maybe that has something to do with whether they purposely availed themselves of the protections of that state. Can it be purposeful if you don't know where you are?" I don't know the answer to that, but that's something you would want to explore in your answer.

Lee Burgess: Yep, you can argue it.

Alison Monahan: Exactly, I mean it's arguable, I don't know if it's a great argument, but arguably, if I don't even know I'm in the state of Kansas, how am I purposely availing myself of the laws of the state of Kansas? Should I be able to be sued there? I don't know.

Lee Burgess: I don't know, but it sounds like a good discussion, a lot of ambiguity.

Alison Monahan: I mean, if I was a professor, I'd give points.

Lee Burgess: Yeah. That is one of the things to really ask yourself as you're starting to prepare for these midterms or starting to do these practice hypos, is are the words that are in your outline actually translating to what you need for the exam page?

That's going to be a little different for every professor, it's going to be a little different for every class possibly, but the majority of the time, your outlines, the first time you do a pass them are too long, and include a bunch of information that you don't need to have to study for a class exam.

Alison Monahan: Yeah, because I'll be honest, I was a civ pro TA, and I truly could not tell you exactly what international shoe was about.

Lee Burgess: No, I know it's like the first thing you read.

Alison Monahan: I know you read it, and I'm sure it had to do with shoes, but beyond that, you know like that's about it.

Lee Burgess: Yeah, I know.

Alison Monahan: That's not the point. The point is, we need something about the law.

Lee Burgess: Do you know, I had this really kind of bizarre professor who was very, very old school, and he made us memorize sentences out of international shoe and include them on the exam.

Alison Monahan: So weird.

Lee Burgess: I couldn't tell you what those paragraph ... It was like a whole paragraph, and we just had to include the blurb as part of our exam answer.

Alison Monahan: Yeah, well I think that's actually why I failed the legal methods test, is he had some blurb like that he insisted on being included. I was in such a panic that I just forgot to write it down. I'm like, "Guess what? Your professor, if they tell you something like that, you need to pay attention."

Lee Burgess: Yeah, memorize it and write it down.

Alison Monahan: Yeah, and it doesn't matter if you think it's stupid. That's the other thing I think midterms are good for, is they allow you to sort of realize what your professors are looking for. Like my torts professor told us, "Okay, these are like 20 cases that you need to know, that if they come up, the topics, I want you to cite them." It's like, "Okay, I'll make flash cards for these 20 cases and make sure that I memorize them, and then if something comes up about strict liability for wild animals or whatever, I'll write down that." Other professors are like, "I couldn't care less if you know the case names."

You're kind of trying to dial in what your professors are looking for, and even the sample answer that hopefully they give you after these midterms can be really helpful there.

Lee Burgess: Yeah, I had a contracts professor who didn't care about case names, but you could describe the case if you wanted to reference a case. It was contracts, so it would sound really bizarre, be like, "Yadda yadda yadda, blah blah blah ..."

Alison Monahan: "The case about the pregnant cow."

Lee Burgess: Yeah, and like, "The case about the chicken meat," or something like that, "The case about the boat crashing into the dock."

Alison Monahan: Again, I mean honestly if you're on an exam and you blank on the name, and you want for some reason to reference a case, I think it's actually fine, you know as long as your professor can figure out what you're talking about, I mean how many cases did you read about a pregnant cow? Probably one. They might be like, "Oh, it'd be better if they remembered that this case was named whatever, but like I know what they're talking about."

Lee Burgess: In criminal law, one of the things that happened in criminal law was, when I took criminal law, we did a California criminal law class, so we had California supreme court cases, we had US supreme court cases, and we had like three California v. Duncan for some reason. Nothing against anyone named Duncan, it was just like there were lots of cases about Duncan, and so you couldn't just put like "Duncan", it had to be like, "Duncan", and then an explanation of which Duncan it was, you know so even sometimes you have to memorize a little more than just the case name, because sometimes the case name can be the same.

Alison Monahan: Yeah, and again, the point is, like you need to convey your understanding and convey that you know what you're talking about. Part of the point of any exam is to show you thinking like a lawyer, and what does a lawyer do? They reference cases, so you know if you're like, "Well, as in the Duncan case about the guy with a gun," and then you go on to describe how those facts relate to these facts, and how they're the same and how they're different, and how this case may apply or not apply, that's legal thinking. Just saying, "The Duncan case was about a guy with a gun, and this is what happened," is not what your professor is looking for.

Lee Burgess: Exactly.

Alison Monahan: I mean, I guess that can be a subtle distinction for people.

Lee Burgess: It can be, and I think that is the shift of really thinking about what knowledge they're testing. Anyone can summarize a case, anyone can really read a case, and oftentimes when people talk about what's the difference in paralegal school versus law school, I think that one of those differences is the shift and the focus of thinking like a lawyer. Paralegal curriculum is typically more about process and legal writing, as far as how to do research and how to compile things together, but lawyers are supposed to, whether or not this is 100% true, but lawyers are supposed to have this specialized knowledge about how to apply

the law, and take these facts and make these recommendations, because that's a separate skill set.

Whether or not, many paralegals have that skill set too, but I think it's the idea that law schools try to focus on that, and so they're going to test you on that, and legal analysis is the part that makes you a lawyer.

Alison Monahan: Right, exactly, and I think that's a big shift because you're used to oftentimes just sort of memorizing information and then giving it back, and that's what gets you an A, but that's not the case in law school. You have to get this in a format that you can actually use and apply to a new set of facts, and that's the goal of the midterm, it's the goal of every exam, is to see if you're able to do that.

Lee Burgess: Yeah, I think that's very true. What happens if you bust your ass and you get ready for these midterms, and you've done all the practice and you've taken all of our advice, but it doesn't seem to work out that well? What do you do, what do you do when you get that nasty email from your professor saying it didn't go well?

Alison Monahan: I think the first thing you do is you evaluate what is going on here. I mean, I'm not going to lie to you, that was not a pleasant day for me, I literally remember just being in shock and thinking, "How is this possible, how is it possible that I studied for this and somehow, like no one is supposed to fail this, and I suddenly failed it?"

Lee Burgess: Yeah, it can be a bit of a dark day, and you know that's where you kind of have to figure out what's your plan of attack, to kind of walk through that so it doesn't derail the rest of your semester.

Alison Monahan: Right, I mean I think that once you kind of sit with that disappointment for a few minutes, I think the question is like, "What is this telling you, and how can you correct course?" If you can approach it in that way, it becomes less personal, it's not like, "Oh my God, I'm a total idiot for failing this." Of course, you feel that way initially, but what is this telling me, and how can I use this to do better?

Lee Burgess: Use all your resources, I mean go to your professors. If they're giving midterms, it's typically because they want you to come to them and learn from the experience. If you come with an openness and a willingness to learn to their office hours, it's likely they're going to help you.

Alison Monahan: Yeah, I mean I remember I had to go talk to this professor and he was like, "Okay, like in this conversation, I see that you get this. I don't know what happened, but I understand that you're not someone that just blew this off, like you actually did make an effort."

Lee Burgess: Yeah, and I think it's important to go to your professors. If you don't feel comfortable going to your professors, then go to TAs or academic support

services, you can hire a tutor like what we do, but you should get some help to try and right the boat and figure out what you need to do differently to make sure that your final exam experience is a little bit different.

Alison Monahan: Yeah, I think you have to take this feedback seriously. I think sometimes people want to kind of sweep it under the rug, "Oh, I just had a bad day, I don't know," like you need to take this seriously. If you're getting really poor grades on a midterm, that is a signal that something needs to be done differently.

Lee Burgess: On the flip side, if you rock the midterm, just make sure you don't put up your feet and start marathon watching TV shows, because that's not what you want to be doing. You do need to stay the course and evaluate what really helped on that test, so you can keep doing that as you finish the second half of the course material.

Alison Monahan: I think it's important not to get overconfident. I definitely have talked to a lot of 2Ls who are like, "Well, I did really well on the midterm, and then I kind of slacked off, and I bombed the final." You don't want that to happen, you know this is one data point, it's one day, maybe you got lucky. You're going to need to know a lot more material for the final, and also other people who did poorly, they might find ways to do better. It's quite possible that the curve is actually going to get harder, not easier, on the final.

Lee Burgess: Also, sometimes the second half of the semester, there's a lot more material than the first half of the semester, because in the beginning in a lot of 1L classes, things are kind of building a little bit slowly or you're doing a lot of groundwork for theory, but then things really pick up. The second half of the semester might feel a bit more overwhelming than the first part, and usually the final exam still tests on material from the first part of the semester too, so you're really responsible for a lot more material than you are on the midterm.

Alison Monahan: Exactly, it's going to be cumulative, and maybe you were okay when the midterm was only covering one quarter of the material, but you're not okay when suddenly you have three times that much to memorize. I just think you've got to take it as the data point that it is, you can feel good about it for a day or so, but then you've got to get back to the grind and say, "You know what? I still need to keep focused."

Lee Burgess: If you really have listened to this podcast and you still are looking at the materials that you have, and you have no idea what an exam is going to really look like, Allison, what should someone do?

Alison Monahan: Well, I think we talked about this earlier, like you've got to look for old exams from your professor, from other professors, go to academic support, look at any old exams, you know look at supplements, listen to our podcast on taking an exam. You don't want the first time that you see a law school hypo to be on an

exam itself, so you've got to kind of pound the pavement and find something that you can look through.

Lee Burgess:

I think I mentioned this in a podcast recently, but if you do have a study group, one of the great things you can do is you can split up the work of all bringing a hypo to your study group, so each of you becomes responsible to find one writing assignment, whether it be from bar questions or supplements or something along those lines, and then you can all swap them, so you then maybe have five hypos to practice. I think that although I don't think study groups are amazing all the time, I think that's a really great use. Even if you don't have a study group, just get together with a few of your friends and divide that work, because you know it does take time sometimes to find these hypos, so you might as well share the load, and then all get the benefits from that additional practice.

Alison Monahan:

Right, and then you can also compare notes after you each individually write them, not together, you know where you can say, "Oh, you saw something that I didn't see, let's talk about whether that's something that you just made up, or whether that's something I missed," because the next time you see it on an exam, you're much more likely to remember it.

All right, well with that, unfortunately we are out of time. Good luck on your midterms. If you enjoyed this episode of the Law School Toolbox podcast, please take a second to [leave a review or rating](#) on iTunes or your favorite listening app, because we would really appreciate it, and be sure to subscribe, so you don't miss anything. Typically, we release new episodes on Monday. If you have any questions or comments, please don't hesitate to reach out to Lee or Allison at [Lee@lawschooltoolbox.com](mailto:Lee@lawschooltoolbox.com) or [Alison@lawschooltoolbox.com](mailto:Alison@lawschooltoolbox.com), or you can always contact us via our [website contact form at lawschooltoolbox.com](#). Thanks for listening, and we'll talk soon.

#### Resources:

- [Podcast Episode 22: Take an Exam with Us](#)
- [What Your Law School Midterms Can Tell You](#)
- [Help! Midterms are Coming!](#)
- [The 3 Stages of a 1L Midterm](#)
- [How to Prepare for Midterm Season in Law School](#)