



- Lee Burgess: Welcome back to the Law School Toolbox podcast. Today, we're talking about the basics of mid-term prep. Your Law School Toolbox hosts are Alison Monahan and Lee Burgess, that's me. 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. We're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career-related website [CareerDicta](#). Alison also runs [The Girl's Guide to Law School](#). If you enjoy the show, please leave a review or rating on your favorite listening app. And if you have any questions, don't hesitate to reach out to us. You can reach us via the [contact form](#) on LawSchoolToolBox.com, and we'd love to hear from you. And with that, let's get started.
- Alison Monahan: Welcome back to the Law School Toolbox podcast. Today, we're talking about mid-terms. Well, more and more professors are giving mid-terms, and you might not be happy about this, but it is actually a good thing. Do you agree with that, Lee? Why do you think so?
- Lee Burgess: I do. I know that exams stress people out, so I get that, but they're typically relatively low stakes, if you even really get a score. Sometimes they're graded, but it's as a small percentage of your overall grade, or sometimes it's even pass/fail. I think the reality is, it's your dry run of your synthesis and your [outlining](#) and your ability to do analysis, and you're getting some actual feedback from professors, which is one of the big complaints a lot of law students have about the law school experience, is you don't get a lot of feedback. So I think it's a great opportunity to kind of test the waters, especially for 1Ls who've never taken a law school exam before.
- Alison Monahan: I do agree with that. I know people aren't usually that enthusiastic about having to prepare for these, but I do think it's actually great practice, it's a great opportunity to put the stuff together or kind of use it, see how that works before you get to the end of the semester. And I remember we had... It wasn't really mid-term, but it was kind of an exam and this pre-class that we had done, and I actually failed it and I was shocked. And I was like, "What just happened? How did this happen?" But it was a useful learning experience, and my professor was really surprised and I was really surprised, but I took things away from that that I actually applied to all the rest of the exams that I took. And I think it was helpful, even though it was not pleasant at the time.
- Lee Burgess: Yeah. I will say that we've been talking to a lot of law students recently, because it's the beginning of the semester, and a lot of people who are interested in tutoring are reaching out to us. And I have heard that there are some professors who are doing these mid-terms insanely early, within the first month of classes. So some students were telling me that they have mid-terms at the end of September, and I get why you may feel like you don't know enough at that point to be able to take a mid-term. But on the flip side of that is, even if they are early in the semester, the universe of law you're going to be required to know is



still pretty small, and so that allows you to focus more on the execution of the exam, and I think there are some benefits to that too.

Alison Monahan: Yeah, I agree. If you've only covered three or four weeks of material, it's probably pretty obvious what you're going to be tested on, I would hope. So at least you're not having to guess what are the topics that might be covered. It's like, "Well, we've only covered a little bit of stuff, so I need to dig in and understand these one or two areas." And I agree, I think that can actually have value because at the end, you're trying to figure out – you are in triage mode almost – what's going to be most heavily-tested, what's most likely to show up. And that kind of eliminates that process if you do it early enough.

Lee Burgess: Yeah. And some professors don't release a lot of practice exams, so these mid-terms might be kind of your practice exam for the final exam that is written by your professor. So you definitely want to take it seriously and learn as much as you can from it, even if it is a little frustrating and intimidating.

Alison Monahan: Yeah, and I think it's just kind of scary for people, and it can be annoying because sometimes this is also around the time the legal writing assignments start being due and stuff like that. So it can kind of feel like one more thing, and I think sometimes for people that can be frustrating. But I think if you do take it seriously and really think about what you need to do to try to be successful, it could be a very valuable exercise.

Lee Burgess: So that's a great transition into kind of sharing our thoughts about what students actually do need to do to prepare adequately and be successful in these mid-terms. So I think as we've been saying, the first step to that is really figuring out – or making your first attempt at – synthesizing the material into a usable format. That might be an outline, that might be a flow chart, but you're going to need to do that "outlining" thing that everybody talks about to study for this test. You can't just look at your class notes.

Alison Monahan: Right. No, I think that's absolutely right, and I don't think it has to be... People get really hung up on this idea of the perfect outline. I went through law school and didn't really ever make an outline because I made other things, and that's totally fair. You can make whatever you want in terms of your study aids, but you need to do something. And a lot of this is really about the process more than the end goal – the process of putting this together, because what you've been doing in class is reading a bunch of cases and talking about those cases, but what you need to do for the exam is extracting that law and putting it together in a way that you can actually use it, which typically means some type of element-by-element approach, which is quite different from what you've been talking about every single day in class. And I think that can confuse people.



- Lee Burgess: I think it can. And I think you make a really good point about not everyone's outline or study materials are going to look the same. This is the opportunity to try things out when you don't have the same volume of material. Let's say you're an avid listener of the podcast and you think Alison and her flow charts are brilliant, and you really want to try to make flow charts – great time to try that out now, and then apply it to some practice questions, so you can see if it works and quickly learn whether or not you're an Alison or you're a Lee, who needs more traditional linear outline forms.
- Alison Monahan: Right. It's very Sex and the City.
- Lee Burgess: It is very Sex and the City. But it's like, this is the low stakes time when you don't have a ton of material to be overwhelmed with, to make those distinctions. And you'd be wise to think about testing the waters, so by the time you get to your final exams where there's going to be so much more material, because I don't think "mid-term" means middle of the material, necessarily.
- Alison Monahan: No. You're ramping up slowly, let's be honest.
- Lee Burgess: Right. So, it's a chunk of the material, but I wouldn't say it's the middle. You're going to have a much higher volume of information by the time you get to reading week, so anything you can do to make it more efficient by the time you get to that, by learning these lessons now, is going to not only help your mid-term grade, but also help the second half of the semester be much more efficient, and hopefully lead to better performance on the exams.
- Alison Monahan: Right. And I think people drastically underestimate the volume of time that's required to make any of these things.
- Lee Burgess: True.
- Alison Monahan: To make a two-page flow chart that had the entire course on it would literally take me days. So, I think this is also a good awakening for a lot of people of like, you don't just sit down and toss this off in an hour. This is a really involved, detailed, time-consuming process of making sense of the material, even if in the end, ideally, what you're ending up with is probably not more than a few pages. But you've had to kind of go blood, sweat, and tears to get to those pages.
- Lee Burgess: Yeah, I agree. I also think that what people often underestimate is that it can seem really fast to do this work if you're just, let's say, retyping someone else's outline.
- Alison Monahan: I love that one.



Lee Burgess: But that's not actually processing any information if you take it in from a learning perspective. I haven't yet found the study that says the best way to learn is by just retyping things. I've seen nothing. We read a lot of learning theory articles and stuff like that, I've never seen that one before. But I think a lot of people can say, "Oh, if I retype it and 'make it my own', then I'm good." But there's this deep work piece that we talk a lot about, that's the wrestling with the material. Just typing out somebody else's outline, you're not really synthesizing, you're not really processing, you're definitely not wrestling with the material. So, if you choose to do that, then there needs to be another step of how you apply that law, and do you actually understand what's in the outline. And that's the piece we're talking about; that's the magic that needs to happen before you can apply it to a fact pattern and write a solid answer.

Alison Monahan: Right, because really the point of synthesis is taking all this material from class and any other material, any other inputs you're putting in, and making sense of the law in a structured way. And the key here is that you need to have something you can actually use and apply to new problems. And those problems might be written hypos, it might be multiple choice, it doesn't really matter. This is, like you said, where the magic happens. Ultimately, you want to have this in an element type of format so that you can just quickly go through and be very, very clear about it. And also the elements – by that we mean the test requires A, B, C, and D. A through D are the elements, in a nutshell. That's the kind of format you want these things to be in so that when you get this hypo and it's like, "Oh well, all these crazy things happened", and you're thinking, "Where do I even start?", and then you think, "Oh well, the test requires A, B, C, and D. Let me look for things in the hypo that actually seem to be relevant to those elements." And that's kind of how you get started on taking your study aids of whatever format and using them on a test.

Lee Burgess: And I think one of the ways to think about cases as we talk about how they fit into all of this, is that depending on how your professor likes to use cases, cases are also really great for remembering fact patterns that relate back to the black letter law. I was just working yesterday on some attack plans that we do for our bar exam programming, and one of the things in those materials that I was thinking a lot about was this idea, if you are having trouble remembering an element or remembering a list of factors, that you can try and remember fact patterns, which for some people are easier to remember. That will help bring that law to life, and it's like, "Oh, I remember this case that was about X, Y, and Z, and that's what led to factor A, B, and C." When you are working on synthesizing this material and putting it into a package that you can learn, you have to think about how you retain information and how you can connect all of it together, because maybe your brain works... I really retain stories very well. Stories are kind of my thing, and so I'm much more likely to remember the facts of a case that could help drive me to law than just memorize four elements. But that's important to know.



Alison Monahan: Right. I'm super visual, so I would do a little diagram, a little drawing of what the case was about. And people thought this was absolutely crazy because I get really into them and have my colored pencils out, I'd be coloring. They're like, "You're not studying, you're coloring." I'm like, "No, this is actually what's going to make this stick in my head, so that when I get to the test and I'm like, 'Oh, right, there was that case about wheeling the guy into surgery' – what was that about?" And then it's sort of the story too, but I need that visual of like, I can literally still see it in my head. Talking about it right now, I couldn't tell you what the case is about, but I do remember drawing that picture.

Lee Burgess: Totally.

Alison Monahan: So I think whatever works for you. And for most people, let's be honest, I don't think just sitting down – unless you have a photographic memory – just sitting down and trying to memorize a bunch of elements is going to be probably the most effective approach.

Lee Burgess: I don't think so. And I think a lot of us are a bit hybrid in our learning styles too. One of the things that I've learned watching my kids start school is they go to a progressive school that teaches in maybe some non-worksheet, non-as-typical ways. But one of the things that they try to do, which I always really respect, is they'll try and take a subject or take a topic and approach it from an auditory way, from a visual way, from a kinesthetic way, all around the same time, because they're not sure at what moment which kid is going to resonate with what style, because kids are changing so fast all the time. And I think that with adults, when we think about studying, oftentimes we will say, "Well, I only learn this way, so I'll only study this way." Well, it depends based on the subject matter, or based on how much you're struggling with the subject matter. Maybe your drawing of the boat might mean more in contract law, but maybe flow charts are better for you in real property. You've got to test the stuff out and not be too rigid, because you need to be able to pivot. And if you really want to challenge yourself as a method of studying, you can create different study tools – a visual tool, a linear tool, whatever they might be for a given subject – and then see which one resonates. But every time you take those steps, you are actively learning and you will retain more information.

Alison Monahan: Yeah, and a lot of it, I think, depends on the material and also how you're going to be tested. When I was doing these drawings of little individual cases, typically I would not be focused on the cases. But in this case, my Torts professor said, "These are the 20 cases you need to know that might show up on the test in some way." And I thought, "Huh, maybe I should have a special emphasis on these 20 cases when I'm studying." And that's literally, I think, the first and last time I've ever made flash cards, because generally they don't work for me. But if I need to memorize or be familiar with 20 cases, flashcards are great for that. It



just depends on the structure of the class. And classes are different – some of them are more rule-based and some of them are less. So, you can think about different ways to prepare as well, and I think mid-terms are, as you said, a really great time to experiment, because it's so much less material.

- Lee Burgess: Yeah. So when you're sitting down and you're like, "Okay, I listened to this podcast and Alison and Lee told me all these things I can do. But now I have my class notes and I'm supposed to do deep work."
- Alison Monahan: Right. How do you do the synthesis? What do you do?
- Lee Burgess: Okay, so they were drawings, they were flow charts, there's a boat, what?
- Alison Monahan: Like, what? What are we talking about? Someone going into surgery, what?
- Lee Burgess: So step one – take a deep breath, and step two is kind of prepare how you're going to start synthesizing this material. So the first thing anyone really wants to do is understand the structure or the scaffolding of the material that you're going to be working with. And that could come from a commercial outline, it could come from your syllabi, depending on your professor, but you need to understand like, "I am studying Torts, and for this mid-term, we are in the world of negligence. And then within negligence, we have covered duty and breach, and that is the extent." So don't put damages on there if you haven't talked about them. That's not part of the structure.
- Alison Monahan: Nothing about intentional torts. You haven't done that.
- Lee Burgess: Nothing about intentional torts, nothing about product liability. You have kind of this structure and then you kind of start building it in from that structure. So where I think a lot of people get caught up is they start at the beginning and they feel like, "I start on page one of my notes and build it that way." But we think it's better to take this big picture, "I'm going to anchor myself in what I need to cover, and then I'm going to insert stuff in it and take it piece by piece." That's a more effective way to do it.
- Alison Monahan: Right. And I think one of the things that that avoids is the situation where people spend 80% of their time trying to figure out the first two weeks, and then they spend 20% of their time on the next three or four weeks, because they've run out of time. And you see this a lot at the end of the semester, but you're definitely better off having an 80% coverage of the entire amount you've done, even if you've left out a few details because you ran out of time, versus having a perfect coverage of 20% of the material and then nothing on the rest of it. That is going to be disastrous.



- Lee Burgess: Especially by the time you get to the end of the semester, they often will test what was covered in the last couple of weeks of class, and it's often gnarly. Using Torts as an example – they almost always teach product liability at the very end.
- Alison Monahan: Like the last week.
- Lee Burgess: Right, and it's probably the trickiest part of Torts.
- Alison Monahan: Right, and it almost always shows up on the test.
- Lee Burgess: Almost always, because people don't really study it. And it's not like one of those that's so tricky that you can't... Anything, you can really understand if you put some time into it. But it's not as intuitive as intentional torts, which is very formulaic.
- Alison Monahan: Right, you kind of know what assault looks like.
- Lee Burgess: Exactly, you need to understand how product liability functions. So often, people don't study it because they're like, "Oh, it was the last two weeks of class. I didn't do the reading because I was outlining." And then voila, you get an entire product liability question and then you watch your spot on the curve start to fall. So, it's not a good idea.
- Alison Monahan: Yeah, I literally remember where I was the last week of class reading this product liability stuff and just being like, "Wow, my brain is just not really processing all of this right now, but I have to keep going."
- Lee Burgess: Yeah, it's not easy stuff. It is not easy stuff. And that doesn't only happen in Torts, but Torts is my favorite example, because I think almost every single Torts professor teaches products last.
- Alison Monahan: Yeah. So basically, if you have this kind of bigger picture scaffolding... I know sometimes professors will tell you you don't need to look at any other materials. I personally think looking at something like a commercial outline is very helpful at this stage, because it just gives you an overview of what you're trying to do.
- Lee Burgess: I agree.
- Alison Monahan: You can't necessarily just work totally from the outline and get 100% on the exam, but frankly, you'd probably get pretty close if you do the rest of it well. I just much rather have somebody pick that up and read the relevant sections for an hour or two and just make sure like, "Okay, I basically understand the structure of negligence, I understand duty. There's this general duty and then there's some special duties, and what are those." It just helps you get that big



picture, and then you can start filling in the specific details that your professor thinks are particularly important.

- Lee Burgess: Yeah. And I know I was talking trash about using other people's outlines, but what I was actually talking trash about was re-copying people's outlines and thinking they were studying. I think having a good solid outline for the class from somebody who was maybe a year ahead of you can also help you just cross-check that your law is right. The one thing about commercial outlines is they may not cover all the cases that your class covered, and your professor could be a little quirky and teach it slightly differently or use very specific cases, because maybe they practiced a certain type of law and they just love a couple of these cases. You never know, so you do want to make sure that the material that you have in your study materials, whether they be outlines or flowchart, reflects what was covered in your class. And I think another student's outline can really help you do that.
- Alison Monahan: Yeah, definitely. What I would typically do is have my commercial outline, then I would do my first pass-through, and then I would kind of look at my class notes and say, "Okay, is there anything major I've left out that maybe we covered that they didn't cover in this?" And then I would usually go through what I felt like was the best student outline or the one that made the most sense to me, and also just give it a skim – basically, "Is there anything jumping out at me that looks really different? Is there anything in here that I have not talked about yet? Okay, well, why is that? Did that class cover something we didn't cover? Did I miss something?" It just gives you definitely that check of, "Okay, I feel like everything's pretty much here, and now I need to start using this to do some testing."
- Lee Burgess: Right. And I think that's the piece that a lot of times, especially for mid-terms, people leave out because you may feel crunched for time. You do want to practice using these materials.
- Alison Monahan: That's step two, right? We're only on step one right now.
- Lee Burgess: Step two.
- Alison Monahan: We've done our synthesis, but guess what? You're not done yet.
- Lee Burgess: Not done yet, so you've got to do practice. And that practice can come from your professor or it can come from supplements, bar questions, things like that. But you want to practice and try and get feedback. And that feedback could be your professor – you could take it to office hours, or that feedback could be a TA or academic support, or even tutors, like we have on our team. But regardless, you need somebody to tell you, "Yeah, you're doing a great job" or, "Uh-oh,



things aren't going so well. You need to pivot and triage and try and fix this before something is graded."

Alison Monahan: And I think you can do your own feedback if you have an answer, but you have to really be clear on that. Be as clear as possible on what your professor has told you they're looking for, if they've given you the sample answer. I think sometimes people kind of let themselves off the hook a little too much. And I'm not saying you should beat yourself up because you missed something, but you have to be realistic here. So sometimes people are like, "Well, I kind of saw that issue, but it didn't seem very important so I just didn't write about it." That's a glaring red flag. If you saw something and you didn't write it down, that is something you do not want to repeat on an actual exam. So you can't just sort of say, "Well, I kind of got this, I basically understood it." You have to really hold yourself to task and say, "Okay, yes, I may have noticed this, but what happened that I didn't write it down? Where was the mistake in my analysis that I thought this didn't matter, and my professor thought it did?" And it's a learning process. It's not like, "Oh, I'm such an idiot. I'll never be able to do this." It's just really being strict with yourself, basically, if you're giving yourself that feedback of, "Did I really get everything down on paper that I wanted to get down?" If the answer is "No", then you've got to figure out a better process.

Lee Burgess: Well, and one of the reasons why we're so intensely focused on this idea of doing and writing out actual questions is one of the other things that folks can do is just think that by reading a hypo and thinking, or outlining the answer, it's the same thing.

Alison Monahan: It's not the same thing.

Lee Burgess: It's not the same thing. And you just don't have the same opportunity to give yourself feedback, even if you're self-evaluating. I can't even tell you how many times you look at a question and you're like, "Yeah, I kind of know what that's about." It's so different when you have to actually write down the arguments for both sides, actually explain the factors and write out all of the factors, so you have to push yourself to do the rest of the process. It isn't fun, it can be humbling, it can make you uncomfortable, but these are the moments that require some grit and some growth mindset, and it's just part of the process. If you want to be skilled, you have to be able to push yourself out of your comfort zone and challenge yourself to do the things that aren't easy for you.

Alison Monahan: Right. I think sometimes the study groups can fall into this pattern of, "Oh, we'll get together and we'll discuss a hypo", until you've got four or five people or whatever in the room, everyone is throwing in their ideas and you're all like, "Oh great, this is cool. We have so much stuff we could talk about." But you never actually sit down and write things on your own without help from other



people. So there's a very big difference between group input versus you thinking about it, and also talking about things versus writing them.

Lee Burgess: Right. I would really recommend if you do have a study group, that you all pick a hypo, write out the answers, and then swap them.

Alison Monahan: Yep.

Lee Burgess: Don't just discuss them. Swap them, read, redline each other's, and then discuss. So you still get to do both of those pieces. Giving feedback on other people's work is also very valuable, but you've got to create the opportunity for you to do the heavy lifting.

Alison Monahan: Yeah, because there're so many people I have talked to who are like, "Well, everything seemed to be going great, but I realized when I sat down to write the test in exam conditions, I was not actually with my study group." Like, "Suddenly that person who always had that one good idea for the thing I missed wasn't there to tell me what I was missing, so that was a problem."

Lee Burgess: Yeah, exactly. So, we have a lot of materials included on the podcast and things like that about writing a great exam answer. Should we plug, again, our favorite and very under-listened to [podcast where we walk through an exam answer](#)?

Alison Monahan: Definitely, everyone should go get it. It's in the 20s, I think. It was years ago.

Lee Burgess: I know. It was so good though, and it's very under-listened to, so help us, we will check the stats to see if...

Alison Monahan: We want to see them go up.

Lee Burgess: We want to see them go up for this episode, because we really think it's important to listen to us talk about walking through an exam question. But if you don't have time, I understand, but we should kind of introduce the idea of what you should do when you sit down to write these hypos. So, this probably isn't a surprise to anybody, but you've got to have some sort of pre-writing approach and pre-writing outline where you can take those elements, or the black letter law that you have memorized, and then fill facts in underneath them, and make arguments about those facts, to both sides of the equation. That is really how you plan your answer. It doesn't have to be lengthy, it doesn't have to be perfect, it doesn't have to be in complete sentences, but it needs to be clean and organized so you can write an organized answer quickly based on it.

Alison Monahan: Well, yeah, it's intriguing because you said you don't think people will be surprised by that. Well, Lee, I think you might be surprised about what people



are surprised by, because I know for a fact that many people on their mid-terms are not going to do this.

Lee Burgess: Fair point.

Alison Monahan: They don't think it's necessary, and they don't think they should bother spending time actually planning their answer, because they're probably going to be worried about time and getting it right. Okay, this will save you time in the long run. Remember when we talked about our study materials, we talked about getting to the point of having those elements. So once you have those, that is basically the structure for your pre-writing outline. So you identify your issue, you're like, "Oh, okay. Not surprisingly, all we've covered is duty, so it's a duty issue. Alright, well, what are my elements of duty? What are the different things? Do I need to look at, is this a landlord, is it a child?" All of these different things, that's going to give you that structure. It's pretty simple actually, it just shows you what you're looking for. You go look for the stuff in the fact pattern, you fill in what you want to talk about, you make some notes on possible counter arguments or major issues, minor issues, and then you've got your entire structure for the writing. And all you have to do at that point is basically write it down.

Lee Burgess: Yeah, you've done the thinking. You've already done the thinking part.

Alison Monahan: You've done it in a clear way. Your header should jump out at you, because you've already got them in the outline. So, it's going to allow you to go through that analysis really quickly and clearly, and signal to your professor, "The issue I'm addressing is this, and the rule on that is X, Y, and Z. Here's my analysis, and here's my conclusion." So don't forget about your IRAC too, even if you're not using it strictly for every single thing and your professor might vary, whatever. But you have to address all of those somewhere.

Lee Burgess: So true. And I will say to those listening who struggle with attention deficit issues, whether or not it's to the point that you've got accommodations or not – for those who do have any sort of attention deficit issues, this pre-writing approach, this organization, this thinking piece is so critical. This is what helps keep you on task as you are doing the writing, because we've really found that students, when they get to the writing, it becomes much easier to lose that organization and get into a stream of consciousness-type writing that doesn't lend itself to good scores. Professors don't like that; they like very tight, organized language in that IRAC form, so the more of a structure you have going into the writing process, that just helps your brain constantly refer back and stay on task, and it's just a game changer. So I think it's important for everyone, but especially for students who struggle with that, it's even more critical.



- Alison Monahan: Right, because you are literally going through and marking things off as you cover them, so you can see that you're making progress. You're progressing through, you can check your timing, "I've marked off half my issues, am I halfway finished? Okay, great. If not, I need to speed it up." I think this is definitely a situation where keep it simple is best. I think sometimes law students, particularly early on, they feel like they need to sound smart and they need to use big words, they need to use convoluted phrasing, they need to use legal Latin, all this stuff. It's like, no, just keep it simple. Just write down what you're talking about and then talk about it, and then move on. It doesn't have to be complicated. In fact it should not be complicated, ideally.
- Lee Burgess: And professors grade so fast, you guys. They grade so fast. I didn't fully appreciate how fast professors graded until I had to grade a stack of papers, and wow, it is a lot. I'm just saying, like, hug a professor. Or don't, COVID, but you know what I mean. If they've got a seminar with 100 people in it, and they have to read 100 mid-terms, they are not going line by line, word by word with a red pencil. It's just not possible from a time perspective. If they spend 10 minutes on every exam answer, how long would that take? There's no way.
- Alison Monahan: No way. It's 1000 minutes, that's a long time.
- Lee Burgess: That's insane, right? So, you really want to think about the fact that they're going to basically be skimming, maybe a little slower than skimming, and that is how you want to write. Write for someone who's reading very quickly.
- Alison Monahan: And they're looking for things too, I think it's a key. They're looking for you to tell them, they're looking to check it off and give you points. So the easier you make that, the better.
- Lee Burgess: Yep, so true. So, we've heard more and more that there are multiple choice questions being given on mid-terms. What tips do you have for folks who are studying for a multiple choice test?
- Alison Monahan: Well, I think this can be weird because the answer in law is always, it depends. And now we're actually asking you to pick an answer. I think personally, the best way to do these, assuming that this is what your professor is giving and they're not just giving a quiz on cases or whatever, but to think of them really as mini-hypos. Read the fact pattern and then formulate your answer just as if you were going to write it, before you look at the answer choices. The answer choices are designed to be misleading, but if you go into them thinking, "Oh okay, I understand what the rule is, I've applied the facts and I know the answer" – then you're just looking for the answer, and I think it's a lot less confusing.
- Lee Burgess: I think that's right. I am totally guilty of being distracted by well-written distracting answers.



- Alison Monahan: Right, they'll sound great.
- Lee Burgess: They do. I'm like, "Oh, that's a pretty one."
- Alison Monahan: "That sounds good."
- Lee Burgess: "Maybe that's the right one." I don't know, it's like a sparkly thing, I just can't look away. It happens to all of us, but you can train yourself out of that. and the best way to do that is to go in having a good solid grasp on the hypo, the paragraph of the question, before you get to the answer choices, to anchor yourself in what you think, instead of what these answer choices are. So, speaking from someone who's easily distracted by answer choices, this is key. And you also have to read very carefully because these little fact patterns are not very long. Often, the answer turns on just a couple of words, and that's very important too.
- Alison Monahan: And sometimes, the answer choice will be the inverse of what you might think it would be. So they'll put a "not" in and you're like, "Well, none of these look like my answer." It's like, "Well, the 'not' is the opposite of my answer. Oh, so that one's right", stuff like that. You're not going to just grasp that out of thin air; you have to actually be looking for it in the answer.
- Lee Burgess: Exactly.
- Alison Monahan: The other thing to be aware of for multiple choice as you're studying is that these types of questions allow your professor to really test the small nuances of the law. So as you're making your materials, you might need to pay even extra attention to different details that might not be so important if you're writing an essay. That's just something to be aware of as you're preparing and studying.
- Lee Burgess: Yeah. And I also realize that if it's a mid-term, you haven't covered that much material, you're probably going to be responsible for those nuances. There's just not that much to cover as well.
- Alison Monahan: Exactly, yeah. Your professor has to curve this somehow.
- Lee Burgess: Yeah, exactly.
- Alison Monahan: They're probably going to test the things that they think maybe you're not paying so much attention to. But that's not to say that you focus only on those things, because you've got to get the basics down to then also try to focus on some details. Maybe that means different approaches to the same question, like is there like a majority view and a minority view? Those are the types of things when we say "nuances" – that's kind of what we're talking about.



- Lee Burgess: Yeah. This might sound overwhelming, but if you take a step back, it is a really good place to start for your exam-taking experience. Remind yourself that mid-terms are just that. They're like a mid-point, it's a learning experience, and it's okay if it doesn't go perfectly the first time. But you should take these mid-terms seriously and prepare, and hopefully, you'll learn lessons that you can apply later when you take the final and it matters so much more.
- Alison Monahan: Yeah, exactly. I think you can't beat yourself up over how this goes necessarily, if you gave it your best effort. If you dial it in and you don't try – well, that's a different situation. But if you really give it your best effort, you try to synthesize, you do some practice, then the chips fall where they fall and you learn something from it. I think you just want to go in feeling like, "Okay, I did my best here and I've done the steps that Lee and Alison think I need to do, and we'll see how it goes."
- Lee Burgess: Yeah. One word though, to people who don't have mid-terms, or for the classes you don't have mid-terms in. You don't have to create a mid-term, but you definitely don't want to take that as a pass, not to notice it's the middle of the semester and make sure you are working on synthesizing this law. So, even if you don't have a mid-term, you need to still spend some time getting to this point, so you don't fall behind as you get to the second half of the semester.
- Alison Monahan: Definitely. You still want to do the synthesis and you still want to practice as soon possible. It doesn't mean that you're off the hook.
- Lee Burgess: Yeah, exactly. Alright, well, any other final thoughts?
- Alison Monahan: No, I think we've covered it.
- Lee Burgess: I think we have too. I think like most things – growth mindset, growth mindset. Might not be your best performance, but you can learn something from it, and you'll be better prepared in the end, which is when it really matters more.
- Alison Monahan: Exactly. And if you do well on them, don't get too complacent because the final is going to be worse.
- Lee Burgess: Fair point. And with that, cheery!
- Alison Monahan: Cheerio!
- Lee Burgess: Footnote! We're out of time. If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review and rating on your favorite listening app. We'd really appreciate it. And be sure to subscribe so you don't miss anything. If you have any questions or comments, please don't



hesitate to reach out to myself or Alison at lee@lawschooltoolbox.com or 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!

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