



Lee Burgess: Welcome back to the Law School Toolbox podcast. Today, we're excited to share the sixth episode of our new "Start Law School Right" series. In this episode, we will be discussing the importance of practicing as part of your exam preparation. 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.

Lee Burgess: Welcome back. A common law school myth is that you have to wait until you are completely finished with the course material to start practicing. This is not true! In fact, if you wait until the end of the course, it's much too late, especially if you're in your first year of law school. Why? Because legal exam writing – especially using IRAC, which is short-hand for "Issue, Rule, Analysis, and Conclusion" – is a learned skill. Law school exams are not the same as exams of your past, and they require a style and formula that you're unlikely to immediately find natural. To succeed on a law school exam, you have to get used to "the formula". The sooner you do this, the better! And the only way to get used to it is to practice. Starting small, with shorter hypos, early in the semester will allow you to refine your writing and gain confidence before the craziness of the final exam period hits.

Lee Burgess: In addition, you need feedback to ensure you're performing at peak capacity. Most law school classes have only one final at the end of the semester. If you wait until the end of the semester to start writing, and then you don't do it correctly, the only feedback you get will be poor grades on your finals. And who wants that? Starting early allows you to ask for help. Sure, you might be uncomfortable the first time you do it, but so what? The alternative is never learning anything.

Lee Burgess: Working through practice problems also allows you to refine your outline. This is critically important, since it's unlikely your first draft is perfect. When you take practice exams, you'll see what your outline is missing, so you can be sure to go back and add it in. A word to the wise: If a weird detail shows up on your professor's prior exam, it's disproportionately likely to show up again, so add it to your study materials. Professors, like most of us, can be lazy, and have favorite fact patterns they like to adapt and use again. Practicing is really the only way to test your understanding and ability to apply the law on an exam. Start early, and you'll thank yourself later!



Lee Burgess: Hopefully you're convinced practice is important. But one big question remains: Where can you find suitable questions and answers to practice with? Luckily, there are a number of options.

Lee Burgess: Write out answers to classroom hypos: Many professors will discuss hypotheticals in class on a given topic, often by slightly changing the facts of a case. For example, in Torts you might be talking about duty and your professor says the following: "What do you think the outcome would have been if Mr. Smith had been a doctor instead of a lawyer when he saw the injured child? Would he have had any obligation to intervene in that case? What if he decided to intervene and harmed the child?" This type of question should clue you into an important legal issue being discussed – in this case, the duty, or lack thereof, of different bystanders to aid in an emergency. When your professor discusses a hypothetical in class, try writing out an answer on your own. Take your answer to the professor, or a TA, to see if he or she will review it with you. Or get some of your friends together and review it as a group. This practice throughout the semester will make a very big difference at exam time, because the topics your professor covers extensively in class are disproportionately likely to make an appearance on the exam.

Lee Burgess: If your professor has old exams and answers on file – as most do – this is an amazing resource that you should take full advantage of. If there are lots of exams, you can use them throughout the semester to practice, as you cover the relevant topics. If she's only got a couple on file, you should save at least the most recent exam for your final preparation, so you can take it under real exam conditions. But do look at one or two now, so you can tailor your approach to what your professor is looking for!

Lee Burgess: One creative, and under-appreciated, option is to write your own practice questions and answers, and share them with friends or a study group. This approach forces you to think like a professor, and consider what you'd test, and how, on a given topic. This mindset shift can be very powerful, and if you share the questions with a few friends, you'll have lots of relevant material to practice with.

Lee Burgess: Where else can you find writing practice? If you can't find enough professor-specific material, check commercial supplements, bar exam review books, and other sources designed to help law students, such as flashcards or CALI lessons. Remember to look for fact patterns that reflect the law you have already learned and save other fact patterns for later, so you're not confused by material you haven't studied.



- Lee Burgess: The [Examples & Explanations series](#) is great for practice problems. And many of these are nice and short, so you can do them when you only have a little time. Other commercial outlines typically include practice essays, as well.
- Lee Burgess: If you look around, you'll find plenty of practice materials to use. If not, ask your professor or other students what they recommend. Writing early and often is one of the best ways to set yourself up for exam day success. And, as a bonus, all of this gets a lot easier and less intimidating the more you practice.
- Lee Burgess: One of the main reasons to take practice exams is to validate your outline and other study aids, so you're sure you have the information you need in a useful format before you walk into the exam. Early in the semester, it's even okay to use your outline on a practice test for a closed book exam, although of course eventually you want to practice writing from memory. Well before you set foot in an exam room, you'll need to make sure your outline is a useful reference. Even if you have an open book exam, you don't want to assume you can just look things up in your outline, if you've never tried using it before in exam conditions.
- Lee Burgess: So, let's consider your typical three-hour law school exam that would be taken open book. You come in, you read the exam, you spend some time making notes, then you write furiously for most of the allotted time. It's a high-stress, time-pressured environment. Consequently, it's a perfect setup for not being able to find things in your outline.
- Lee Burgess: Think about what it's like to be really stressed out, and know that some piece of information is relevant, but not to be able to remember where it is. You flip through your outline, knowing it's just around the corner. You can't find it. Your blood pressure starts going up, your hands start sweating, and you start silently cursing: "Damn it, I know it was right there! Where is it? Ack, I can't find it! Where is it?! I am going to fail this class if I can't find the answer to this!" After a few minutes of this, you're in no state to think logically about anything.
- Lee Burgess: So, how can you avoid an exam freakout? Well, before an open book exam, test your outline and consider the following questions:
- Should you include an index?
 - Do you need to add tabs?
 - Does it make sense to have a smaller "meta-outline" summarizing the key points?
 - Do you want a checklist or flowchart for certain topics?
 - Will a particular format help you locate information quickly?



Lee Burgess: It's a lot easier to build in the functionality you want from the beginning, rather than trying to add it at the very end.

Lee Burgess: If you have closed book exams, it's even more important to test your study aids early, because you're going to need to memorize them. If you take a practice test using your outline and can't answer the question, why commit that material to memory? With closed book exams, attack plans become even more critical, because it's much easier to memorize a few pages of material than it is to memorize 30 or 40 pages. For a closed book exam, first validate your outline or study aids, then memorize them. Not vice versa! Before you memorize a bunch of material for a closed book exam, do some practice questions to confirm that what you've written down is actually helpful.

Lee Burgess: So, what have we learned about practicing?

- Start early, and think of your studying as an iterative process. The sooner you start working through practice problems, the sooner you'll figure out what you don't know, and the sooner you can correct course.
- Think creatively about where to find practice materials. You could use hypos from the class, look in supplements, find old exams, or even make up problems for your friends to work on. Making up your own hypos is a great way to "think like a professor" and figure out what they might ask on an exam.
- Practice writing. Exam writing is a learned skill, and you'll get better as you do more of it. IRAC, or any related strategy, isn't natural for most people. To get the hang of it, you have to practice.
- Practice using your outline. Having the world's most gorgeous outline is pointless if you can't use it. The only way to know if your outline works in exam conditions is – wait for it – to practice using it.
- Keep track of the weird stuff you learn along the way. If a weird detail shows up on one old exam, there's a good chance it will show up on your exam. Each course is a closed universe of information, and there are only so many patterns you can test as a professor. Take note of each one, and you'll be good to go when you take your actual exam!

Lee Burgess: Next time, tune in as we are going to talk more about exam writing. If you're starting law school soon and want some personalized help to feel confident on day one, check out StartLawSchoolRight.com for details of our "Start Law School Right" course. 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



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