



Episode 19: Conquering Different Types of Law School Exams

Alison Monahan: Hello and welcome to the Law School Toolbox podcast. Today we're going to be talking about all the different types of law school exams, so stay tuned. 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, Bar Exam Toolbox, the Catapult Conference, and the Trebuchet Legal Career Site. 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'd love to hear from you. With that, let's get started.

Lee Burgess: As you may know, not all law school exams are created equal. Different types are common at different schools. But you'll probably experience a variety of exam types throughout your time in law school. Today we're going to talk about open book exams, closed book exams, multiple choice exams, and take home exams.

Understanding how to prepare for each one of these from early in the semester is one of the keys to law school success. So stay tuned.

Alison Monahan: Well, first up, Lee, do you have an opinion on what's the easiest type of exam and what's the hardest?

Lee Burgess: Well, in true lawyer fashion, my answer has to be it depends, but-

Alison Monahan: No.

Lee Burgess: I know it's so shocking, isn't it?

Alison Monahan: Do we ever say anything else?

Lee Burgess: I know, but for me, and what I've seen for law students, I actually think that the closed book exam is the easiest. can be the most challenging because it usually involves, you know, intense time pressure because it's in class and it requires a lot of memorization which takes a lot of time and advanced planning for studying.

So although I typically prefer a closed book exam I do think that for most students they're probably seen as the harder ones. What do you think?



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Alison Monahan: Well, it's interesting because I know you, from talking with you in the past, that most of your exams were the sort of traditional in class, closed book exams, whereas I don't think I ever had a closed book exam in law school.

Lee Burgess: Those cushy Ivy Leagues, man. They don't make you work hard.

Alison Monahan: Everyone just gets an open book. We're all special.

Lee Burgess: Exactly.

Alison Monahan: You know, like occasionally, very, very occasionally, I might have a multiple choice component that was closed book. But I don't think we ever had the sort of traditional. You know, go in with you and your blue book and start scribbling type of exam, or obviously your laptop now.

No, I think the bar exam was the first closed book law exam I ever took.

Lee Burgess: Do you think that made the bar exam more intimidating?

Alison Monahan: Well, I think, you know, Ivy Leaguers are arrogant enough to think that we'll pass the bar. So, I mean, it definitely made it scarier. Right. Just because this was not something that I was used to doing at all.

Right. I mean, so I think for me, like if you told me I had to take a closed book exam, that would probably be the hardest type, but that's mostly because, you know, I just wasn't used to doing it. Also, I mean, Like for me personally, memorization has never really been my strong suit. More of a big picture type of thinker.

Lee Burgess: Yeah.

Alison Monahan: So, you know, my favorite exams were probably take home exams because I felt like maybe I didn't know the material as well as everyone else necessarily. Or like, as you know, someone else might know, like know every detail better in their head. But I thought I could probably figure out the question and write something that seemed compelling.

Lee Burgess: Yeah. And you're a good writer. And so having that extra time, too, I think can be good if you're confident about your writing skills.

Alison Monahan: Right. I was, I was a better writer than I was a test taker. So, you know, for me, it's like the more time I got on an exam, probably the better I was going to do.



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The less time, the more time pressured, you know, the ones that were really these racehorse sort of, lots of issues.

You really had to know everything, you know, even on a, even with an open book exam, and this is something we'll talk about later probably, but you know, if you have a three hour in class exam with three questions, each question is two pages long, you know, that's almost a closed book exam at that point.

Because it's just, you don't have time to be thinking about anything or looking anything up versus like, you know, a 24 hour take home, or even an 8 hour take home, that's a different beast.

Lee Burgess: And I know that one of the arguments for open book exams is in, in practice, you don't actually have to memorize everything, and you typically shouldn't. You should cross check things constantly.

Alison Monahan: Right. I mean, if you did, if you did in practice what you do on the bar exam, you would definitely be committing malpractice.

Lee Burgess: Exactly. So, I mean, that, that is definitely part of the reasoning for this, this movement towards open book exam. Open book exams, but I do think for students who are not Ivy Leaguers and are not necessarily in this class of students who are doing really well on all types of exams that it is great practice to have a closed book exam.

You know, nobody's really talking about whether or not maybe these falling bar passage rates might have something to do with the fact that the law schools are really moving away from memorization of these core 1L classes. And it's easier to go back and learn something again if you've already learned it once.

So I think it's a mistake.

Alison Monahan: That's definitely true.

Lee Burgess: Not only that, it's a skill. You know, you have to learn how to memorize massive amounts of information. It's not easy.

Alison Monahan: Oh, for sure. I mean, even, you know, on the bar, depending on where you went to school, you might not have even seen certain topics before. I mean, in California, like, I had never seen community property.



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I had to learn that from scratch. But even in Massachusetts, where I took the bar for the first time, You know, there's stuff like commercial paper, and I'm like, what in the world is this?

Lee Burgess: Yeah, I have no idea what that would be.

Alison Monahan: I don't even remember. It's about like passing bad checks or something. I don't know.

Lee Burgess: Interesting. I would be like, is that the stationery store? What? I don't know.

Alison Monahan: Yeah, I was like, yeah, commercial paper. Could you just walk down and buy that? But no, it's all about, I mean, like how businesses Do something with money. I don't know. You can. It's wonder I passed the bar but.

Lee Burgess: Did you have a commercial paper question on your test?

Alison Monahan: I mean, I think there might have been.

Lee Burgess: Oh wow.

Alison Monahan: I think it was, it was like always, it was one of those topics. It was like always on there.

Lee Burgess: Well, I will say I didn't take remedies and I did have a question of a remedies question on my bar exam, and I still did okay, so.

Alison Monahan: Yeah.

Lee Burgess: So yeah.

Alison Monahan: Well, all right. Let's talk about the sort of classic in class closed book exam.

What are the real keys to success here? Like what do people, and how do people, how should people prepare for this?

Lee Burgess: Well, I'll take this one since these are my favorite. So, you know, there are really a few things you have to think about with the classic closed book exam. One is you do have to memorize material and you can't just memorize it in a big picture like, oh, I kind of know what I'm going to be talking about.



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You really have to memorize it to the extent that if I said, write down all the rules for negligence starting with duty, you could verbatim time after time, write down all those rule statements.

Alison Monahan: Right, I mean, how do, and you have sort of a story about realizing this, right? Like, where your mother, who is a lawyer, kind of took you to task your first semester and said, Look, you don't know this well enough, right?

Lee Burgess: Exactly. Happy Thanksgiving to me. I went home just about a week before my first exam, which was in torts, and my mom is sitting at the kitchen table. And she's asking me how my torts studying is going, and I say, oh, it's going well, like, I understand torts, and then she says, you know, well, give me the rule for, you know, the duty for common carriers, and I was like, well, common carriers are different, and I start to kind of do this, like, hemming and hawing definition, and she basically has this, you know, big moment where she says That is completely unacceptable and you will not be able to take your exam that way.

It was a very serious intervention. And I was kind of taken aback from saying like, I don't understand what you mean. She's like, you need to be able to tell me exactly what the rule for the common carriers are and using any terms of art or you know, common language that is acceptable for these rules.

Like you just can't make this stuff up on the fly. And she was completely right. I did have to scramble to learn the rules in that way for my torts exam, and then, of course you get better at it as you go on in law school. But I think some of my classmates did not have, you know, my mother shaking them a week or 10 days before the exam, telling them what they're doing was not going to work.

So, you know, you have to memorize and you have to memorize the language that's required. And then you have to have a quick recall. You have to practice writing out these rules as quickly as you can because The next thing about these exams is you have very little time to get your work done. So you have to be able to write quickly, think quickly, organize your material quickly, you know, and that's another big part of it.

But you got to practice because the only way to prepare for these exams is having done them over and over again. So that includes practicing, getting feedback, and rewriting. So you can really master what the professors are looking for. And if there are model answers, you have to study them and make sure that you can appreciate why your professors gave certain points for certain things. I think these are hard for some students because they hate the time crunch of the in class exam. The memorization feels very overwhelming. And



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anxiety can really build up when you sit down to do one of these types of exams. But, the best thing you can do is to not make your first time writing out one of these questions be when you sit in the exam room.

Alison Monahan: Yeah, I think that's, yeah, absolutely. And I think, you know, if you do have model answers, that can actually be a great place to sort of understand how the rules really need to be written out. Because I think sometimes students get really obsessed with knowing every element of every exception of every rule and like, yeah, that stuff is important and you do need to know it.

But that's not sort of the be all and end all. It's not like you just get to go in and write down the rules and then you move on with your life. You know, that's step one and that's certainly critically important. And I think, you know, having this sort of element by element understanding or checklist approach or an attack plan for how you would approach a different, you know, each topic or what are the questions you need to ask?

What are the order you need to ask them in? You know, this is a lot more complicated than just being able to spout kind of like, what is a common carrier?

Lee Burgess: Exactly. It's about the analysis. That's where the majority of the points come from. And, and that's using the facts from the fact patterns and making arguments and appreciating ambiguity and things like that.

Alison Monahan: Yeah, and one of the things I think sometimes can be helpful. Obviously you can't go overboard with this, but you know, if you are someone who gets stressed out on a test and you're concerned about forgetting and blanking on your memorization, you know, it can be useful as soon as the test starts to actually write down, say a cheat sheet.

And you with your main attack plans or a checklist of the main things you're going to look for. And it can be a mnemonic device, you know, just letters or whatever. And in a way, I mean, it's sort of a crutch because if it's, if it's in your head to the extent that you could write it down, it's in your head.

But you can still go ahead and, you know, have that ready for you as that sort of security blanket. So if you do forget about something or you're not sure, you can look back at it.

Lee Burgess: Very true. And, part of it is just the fact that you need to be comfortable writing this stuff down. I mean, when I would study for these closed book exams, I would actually of course, this is before I had my fancy DVR, but I would watch TV



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at night after my studying was done, and when the commercial would come on, I would mute it, and I would make myself write down as many rules for my upcoming exam as I could, as quickly as I could.

Alison Monahan: I think that's good, you know, I think that sort of spaced repetition, you know, that's a concept that's really popular in learning theories, is basically. You know, you don't just look at something once.

Lee Burgess: Right.

Alison Monahan: And you know, you don't wait like weeks between looking at it, your brain in order to get from sort of short term to long term memory.

You know, you need to look at something on, say, once or twice a day. I mean, it's just like learning a language. You know, if I go over my, some verbs or something every day, I tend to remember them. If I wait three weeks and look at, like, a fresh word, I'm like, wait, what was that again? I have no idea.

Lee Burgess: Yep.

And I think one of the things somebody told me when I was a 1L, which I didn't believe, which, is really true is they said, you know, you're gonna freak out about having to memorize all the rules, but you have to appreciate that everyone in the class is gonna have the rules memorized. So you still have to focus on the analysis and writing the best essay using good issue spotting and, and quality analysis.

And I actually didn't believe that most everybody would know the law going into the exam, but it's true. So it's like a threshold. Like you have to know all of this material, but then you still have to be better at every, than everybody else at the analysis to get to the top of the curve.

Alison Monahan: Yeah, it's like you don't get to just go in and write down the rule.

You have to do something with it. And I think that's really the piece where a lot of people kind of drop the ball, particularly the first semester, is they're so focused on like making sense of this material and memorizing whatever is in you know, an old outline or commercial outline or whatever. And they, you know, they run out of time to actually try to apply it.

So, you know, if someone's listening to this and say, it's October you know, ask yourself, like, have I actually tried to use this knowledge yet? Am I, you know, and it doesn't have to be that you've memorized it all, but even if you're working



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as if you had an open book exam, you know, get a hypo and look at your outline, which will be basically in your head.

And see what you can do with it because it's not like you're going to be able to use the material if you haven't practiced it.

Lee Burgess: It's true, and to struggle now, in October or early November, is better than struggling, say, after Thanksgiving.

Alison Monahan: Right, it's too late at that point.

Lee Burgess: Yeah, it's too many, too few days left until your exam.

Alison Monahan: Yeah, you don't want to realize like two days before a closed book test that you actually have not really been making sense of the material in a usable way for the last four months.

Lee Burgess: Yep. All right. So what about these in class fancy open book exams that you got to take in law school?

Alison Monahan: Well, I think I mean I know you sometimes argue And I think this is probably right that they're not actually that different from a closed book exam

Lee Burgess: And that's just because I like to make everybody suffer like I did in law school.

Alison Monahan: Right, but you know, it's the same thing.

It's like if you are if you have a time limited test You You have to ask yourself, what is going to distinguish the A answer from a C answer here? And it's not going to be the law, like, you know, everyone's going to have the law in front of them. It's going to be that analysis, and the questions are typically going to be harder.

So, you know, you've got to have a better understanding of the material, I would argue a deeper understanding. And then someone who just has to do a massive issue spotter with no notes because they are just like, can you write down the rule? Can you identify the issue? Moving on. You know a lot of closed book exams are actually, or open book exams, in class, are actually pretty sophisticated because they can be harder.

Lee Burgess: Yeah because the professor's not gonna give you any sympathy for not knowing the rules because you have the rules in front of you, so.



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- Alison Monahan: Well, they still have to curve it, too. So, how are you going to curve it? You know, you have to make it a harder test, more conceptually difficult typically, or you have to make it, you know, longer, more detailed, more issues.
- Like, it's going to be, it has to be more something. Because you have the benefit of having the law in front of you as a reference.
- Lee Burgess: Yes, but I think where we see people really falter on these open book exams is thinking that they can spend a lot of the time of the you know, three or four hours, to look stuff up.
- Which is a horrible, horrible idea.
- Alison Monahan: It's like, oh yeah, I'm just gonna look up like, Adverse Possession and kind of like refresh my recollection on it. It's like, no. You just spent five minutes that you were not preparing to write or writing. That means someone else just got down a page of material on this topic.
- Who do you think's gonna get the better grade?
- Lee Burgess: For sure. I mean, I did have a few open book texts And I always had like a two page cheat sheet that I would open like a book and a binder and two eight and a half by eleven sheets of paper with notes, attack plans, you know, maybe rules that I knew I needed to quickly reference, and on none of those exams did I ever dive into my full outline because-
- Alison Monahan: Yeah, I mean, I did on, you know, I had enough open book exams.
- There were occasions where I was like, oh, shoot, , I don't really know, like, you know, I know that there's an issue about X, but I don't actually really know the rule. Let me try to find it and look it up. Which is when you want to make sure that you have a table of contents, you have an index, that you have tabbed your outline.
- I mean, the most critical thing you can do is bring an index because then if it's some random thing, like I remember, for example, an issue in property where there was like an issue of adverse possession, but the person who owned the property was a child. And that's one of those things where you're like, I don't think we ever talked about this, but something sounds weird about this.
- Like, I'm gonna double check what this rule is because I think this might be important. And it turns out it's really important.



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Lee Burgess: Right.

Alison Monahan: Yeah, because you can't toll the statute of limitations until the child is of legal age. So that's kind of the key to the whole question. And like, I honestly don't think we ever talked about that in class, but it was in whatever property supplement I brought with me.

And I looked it up and I like wrote it down. So I think, you know, for the open book exam, you have to really think about what are you bringing in with you? You know, what are you making? So something like a flowchart can be extremely useful. For contracts, for example, you know, I had a three page flowchart that outlined the entire class.

And so I could basically go through that step by step and I was going to be able to do a pretty competent analysis. You know, you might have a checklist, you might have a list of all the intentional torts, for example, that you need to think about. You mentioned the two page cheat sheet, that's another great way to go.

The other point is you've got to think about what you're going to bring with you that's actually going to be helpful. And again, how do you know what's going to be helpful is that you've tried using it.

Lee Burgess: So what about something that we get questions about all the time is this idea of students almost pre writing answers to open book exams.

So if you have a torts answer, you basically write the framework for the answer or as much of the answer as you can and put that in your binder so you're just copying word for word a good chunk of your exam answer.

Alison Monahan: Yeah, I mean, I personally never really found this that helpful, but I know other people who did, who did very well.

You know, I'd say try it and see how it works. I mean, something like the basic rule for negligence, again, like it's gonna be in your head, but if it makes you feel better to have something you can write down. I mean, the problem is if people go overboard and they start trying to sort of impose their framework on the question, and you know, that's a recipe for disaster, because your professor is not asking you what do you want to talk about here?

They're asking you a specific question. So I think it's a balance.

Lee Burgess: Yeah, I think, you know, many students are looking for the easy fix, you know, oh, this is the answer to my A and there's just no easy answer.



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- Alison Monahan: Like, no, but you know, if you think about something like, say, personal jurisdiction. And CivPro. You know, that's an area where you've got a bunch of cases, you've got a lot of stuff going on.
- If you can have a couple of sentence sort of intro ready to go, it's not the worst thing.
- Lee Burgess: No. But pages and pages of pre written answers?
- Alison Monahan: No, that's stupid.
- Lee Burgess: Not sure that's going to get you where you need to be.
- Alison Monahan: Yeah, that's completely pointless and a total waste of time.
- Lee Burgess: Yeah.
- Alison Monahan: So, I mean, how are people supposed to stand out on these open book exams if everyone has the law sort of ready to go?
- Lee Burgess: The way you stand out is really by the quality of your legal analysis and your issue spotting and your confidence in the material. I think that, you know, the professors are really going to award you for your mastery and that means that you need to have practice, really understand the law, and really understand the analysis so your answers can be very sophisticated, because everybody has the same law, so you have to come up with a way to, you know, make yourself stand out.
- Alison Monahan: Right, and I think it's also, you know, sort of looking like a lawyer, like sounding like a lawyer. You know, in the back of your head, your professor's thinking, you know, would I trust this person in a courtroom? Are they going to represent me well? So, you know, things like the little things like using headers to make your points, using like really quick intro sentences so your essays are easier to read, you know, tell them, tell people what you're going to talk about and then talk about it.
- So it's not, I mean, sometimes you see exams are just like this complete unlike amorphous brain dump and it's like, what is going on here? So, you know, spending a little bit of time structuring your answer. can really pay dividends in the long term.
- Lee Burgess: For sure, and I think that's true for any exam answer.



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You should plan before you write, no matter what.

Alison Monahan: Absolutely.

Lee Burgess: Absolutely.

Alison Monahan: I mean, because, you know, grading is like what every professor hates. I have so many friends who are professors, and to a person, you know, they're like, I don't get paid to teach, I get paid to grade.

Lee Burgess: It's true, it's horrible.

Alison Monahan: So, it's horrible, and they hate it, and it like ruins their life, and it's over the holidays, and you know, it's like, so make it easy for them to follow what you're talking about, and you'll probably do better.

Lee Burgess: For sure. Let's talk a little bit about another type of exam everybody hates, the multiple choice exam. I hate multiple choice. You don't hate it as much as I do.

Alison Monahan: No, I mean, because I'm typically pretty good at standardized tests, but I do not enjoy multiple choice questions in the law because they're really hard.

Lee Burgess: Yeah, it's true. I mean, does the law really lend itself to multiple choice?

Alison Monahan: Well, no, because, you know, as we said earlier, the answer to everything in the law is it depends. Right. But the problem is when you're faced with a multiple choice question, you have four choices, and one of them has to be selected.

So, You know, you don't really get to explain your reasoning, I mean, occasionally you'll see professors give, like, wacky exams about, like, true false, and explain your thinking. I don't really understand what that's, the point of that is, but, you know, with a typical multiple choice, you've got your little hypo, and then you've got your four answers, and you have to select one of them.

Lee Burgess: Yeah, I think it's just, you know, all law students want to usually talk and explain themselves, because that's why we all went to law school. It's typically because we like to talk and explain ourselves. Multiple choice is just very frustrating for a lot of people. And then, you know, everybody has so much history with multiple choice from the SATs and the LSATs and things like that.

If you are not someone who is very good at it naturally, I think it can be a huge, you know, anxiety inducing exam to have come up during final exam times or



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even midterms. We're hearing about multiple choice quizzes being part of students midterms this year.

Alison Monahan: Yeah, and I think one of the reasons that professors like to use these, I mean, I think it's twofold.

One is it's good practice for the bar exam, where, as you may be aware, you have an entire day of extremely challenging multiple choice questions.

Lee Burgess: Such a fun day. That's six hours of my life.

Alison Monahan: Yeah. I mean, like I'm somebody who, you know, got through life on standardized testing and I came out of the MBE the day of the bar exam.

Literally thinking I had failed. Yeah. I didn't even want to get back the next day. You know, I remember talking to like some friend of mine who was taking the New York bar and that they did the essays first and then the multiple choice, but Massachusetts, you did multiple choice. And then the essays. And I was like, I don't even think I'm showing up tomorrow.

Like, there's no way I'm passing this test. It was just like, you are going to show up.

Lee Burgess: It's true. Yeah. I had lunch during the MBE day, which in California is the second day after a writing day. I text my now husband, and I think the text was something like, I think I might have just failed the bar.

Alison Monahan: I think everyone walks out of the MBE thinking they failed.

Lee Burgess: Yeah, and so he called, which was the good, supportive, significant other thing to do, and was like, what happened? And I was like, oh, it was bad. It was just, really bad. I can't remember.

Alison Monahan: Yeah, I remember certain questions I was just like obsessing over. And my friend was just like, yeah, you might have gotten like those five questions wrong.

Let it go.

Lee Burgess: Right.

Alison Monahan: Like, yeah, maybe they were like, if they were really weird, they were probably sample questions anyway, like stop worrying about this. But you know, I think they're really tough. I mean, I've taken a lot of standardized tests and like, this is



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the hardest one I've taken. So I think it's good that professors are doing this in some way.

And typically, you know, even if the questions they're using are not exactly from the bar exam, they're going to be kind of in that realm. So this can actually, you know, the MBE questions can be a good place for students to look to kind of get a sense of what are you likely to be asked and how is it sort of likely to be structured?

Because I think there are differences from sort of other multiple choice in the, in law, like, you're often selecting the least bad answer, which is really weird, because it's like, it's not just like an objective statement of fact that you have to choose, you know, which fact is correct. Like, what is the date of the War of 1812?

You know, that might be a lot easier. But in law, it's like, you know, you, and you might be able to eliminate a couple of the choices, but those last two, you're like, neither one of these is really quite right. Or they're both sort of right. And so I think getting used to kind of the tricks and the patterns is really critical beforehand, which of course is difficult because your professors typically aren't releasing a lot of these questions.

Lee Burgess: Yeah, because they're really hard to write. If you've never tried to write a multiple choice question, they're very challenging to write, so professors don't make new sets of them because it would just be way, way, way too much work.

Alison Monahan: Yeah, I mean, the advantage for them is they're really easy to grade. Yep. So, that's why a lot of professors, I think, are using at least partially multiple choices. Like, good practice, great, but also way easier to grade a Scantron than to grade an hour essay.

Lee Burgess: Yeah, especially right around the winter holiday time when they would much rather be doing something else. Actually, one year, one of my students got back her, final exam and on the back of it in pencil was written like a holiday menu. It was like, you know, Christmas dinner or something like that, that the professor had written on the back of her exam. Right, clearly multitasking. Exactly. You know, I think People get really frustrated because there isn't a lot of practice, but the good news is there is a lot of multiple choice legal practice out there, especially for these 1L classes.



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So bar questions are such a great place to go for practice. They are very difficult, but if you can struggle with those, what your professor writes is probably going to be not as challenging. And then there are some supplements who actually provide multiple choice questions. I think Glennon has one of his.

Supplements for Civil Procedure. He uses multiple choice as kind of a teaching tool. You know, you can get a lot of practice if you're not sure where to find them. It's a good idea to go to the law library and poke around through the supplements, but also chat with those very helpful law librarians and people who work the library because they might be able to point you to some very valuable practice.

Alison Monahan: Yeah, and I think practice again is just really the key. I mean partly to learn the material because one of the downsides for students of multiple choice is that you can get really specific. So, you know, if you think of a normal essay, maybe there are, you know, 80 percent of the things you're pretty clear on, and then 20 percent you're like a little bit hazy.

You know, maybe you didn't finish your outline, or like you weren't there for, you know, you got sick for a week of class. But, you know, mostly you're pretty okay. If you get multiple choice questions on those topics that you're not really clear on, you have a serious problem.

Lee Burgess: It's very, very true, yeah. I mean, this is where the professors can really dig into the details.

Alison Monahan: Yeah. And I think, you know, sometimes they'll use it as a balance. Like I'll give two essay questions or one essay question in an hour of multiple choice. And that's when you probably can guess like, well, the multiple choice is probably going to be more on the details.

Lee Burgess: Yeah, and sometimes, you know, professors know that students struggle with things like multiple choice, and that's where they get their curve.

I mean, it's brutal, but that's, that, because oftentimes the essays is, it's much harder to get the curve on the essays.

Alison Monahan: Yeah, I mean, multiple choice is easy. It's like, how many did you get right?

Lee Burgess: Right, exactly, exactly.

Alison Monahan: It pretty much makes your curve for you.



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- Lee Burgess: Yeah, so don't ignore it. Yeah. You know, these are not your SAT and LSAT questions.
- These are something you need to practice and learn how to approach. And if multiple choice gives you a lot of anxiety, try and think of them as almost short answer questions. You know, and then work with the answer options almost as like whether or not they're a short answer to what the question is asking than just trying to go through and like, you know, use your, I'm going to eliminate the two answer choices that don't relate, like we do on the SAT, which doesn't really work on legal exams.
- Alison Monahan: Yeah, I think what you're saying, I think the better approach for these often times if they're similar to bar questions is you actually read the question and then you don't even look at the answer choices until you formulated in your mind the answer would be if you were going to write a short answer. Because the problem is if you just sort of look and you know, some people will say like, oh, you should read the question, the answers first. I mean that sort of stuff is just utterly confusing I think.
- Lee Burgess: I think so too.
- Alison Monahan: I think it's a terrible idea. Because all of them are, I mean the answers are designed to sound reasonable.
- Lee Burgess: Right. They're called distractors. And they are distracting. Because they sound right. And sometimes you read all four of them and be like, oh, they all sound right. You're not going to be able to do early elimination like you did on other multiple choice tests.
- Alison Monahan: No, so I think, you know, like you want to have a clear, you have a clear idea of what you're looking for before you start looking for the choices. Because then you can typically like toss out two of them. You know, you're like, no, that's totally not on point.
- Lee Burgess: All right, what about take home exams? You know, I did not have any take home exams other than my legal, legal writing assignment exams in law school.
- Alison Monahan: Well, this might be another Ivy League thing.
- Lee Burgess: Well, I mean, I know professors did it in my school. I just don't think I ever signed up for the class. I don't know why.



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- Alison Monahan: Yeah, no, I had one my first semester, actually, and it was my civil procedure. And the reason that he said he did it is exactly what you said earlier. He's like, you know, When working as a law firm associate, are you ever going to have someone drop a question on your desk and say, I want a full answer four hours from now. He's like, that doesn't happen. He's like, but it will often happen that someone will come in and say, hey, there's a question we need you to research. I need this on my desk by the end of the day tomorrow. Right. So basically you have 24 hours to figure this out. He's like, that happens all the time. So he is like, that's what I want to train you for. Exactly. And so we had a 24 hour take home. And I mean, it was brutal. His exams, I mean, this professor used to be a physicist.
- He was brilliant. But his exams were notorious for being brutally difficult. But if you have 24 hours, how else are you going to curve?
- Lee Burgess: Yeah, that's true. That's a lot of time.
- Alison Monahan: It's a lot of time. And, you know, I didn't make an outline for that class necessarily. I ended up TAing it. But the reason I did really well on it is I understood, I mean, A, I understood the professor, so I said, you know, I know that he's going to basically go for something that's really difficult.
- This is not going to be the easy test. And so, I remember people made fun of me because I was really obsessed with this like one aspect of Joinder which was like really complicated and you know, it was one of those things you could go around and around on and like I'd talk to him and I'd talk to my friends.
- They're like, why are you even worrying about this? Like, this would never happen in reality. And then that's the exam question. And I just laughed when I saw it, because I was like, I don't know what the answer is. And in fact, I don't think there was an answer. Like me and a different TA compared notes like a year later, realized we'd come out differently on it had totally different answers as to like the answer.
- But, you know, I was glad that I'd gone through that process, because if you had a really shallow understanding of the class, even in 24 hours, like, you weren't even going to see the issue, basically.
- Lee Burgess: I also think professors like take homes because they don't have to read the sloppy mess that is often the timed exam answer.
- I mean, they can, you know, require you to do things like proofread.



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Alison Monahan: Yeah, and I mean the expectations are just higher for how this is going to look.

Lee Burgess: Yeah.

Alison Monahan: You know, like you're not going to get away with a stream of consciousness with like tons of typos. It's like you had 24 hours, like, use spellcheck.

Lee Burgess: Right, and they oftentimes will put limits on them because people would just write treatises if they could.

Alison Monahan: Yeah, of course, so you know, you're typically, The downside of having more time is you're typically going to have a page limit, so you've got to think more carefully about what's actually really important to include. It can't just be like a stream of consciousness. And also you've got to think about the different time frames.

I mean, If you have an eight hour take home, essentially that's an in class test. Like you don't have time to be looking things up. You've got to have your outline ready to go. You've got to basically be ready to talk about any aspect of the material. You know, you have a little more time to like have lunch and shape your answer, but basically it's in class.

24 hours. You can definitely look stuff up, but you still need to really know the basics of the material. You need to have drilled down, you know, understand it pretty fully. And then you might get something like 48 hours, which basically at that point to be honest, like, it's like writing a paper, you know, if you can't, if you can't figure out the question and like what law applies in 48 hours, you probably shouldn't be in law school.

Lee Burgess: Yeah, I think that's true. What about sleep? If it's a 24 hour take home, are you allowed to sleep?

Alison Monahan: Well, I think you should. I mean, hopefully your school, if they're giving you a 24 hour take home, has scheduled it so that you don't have other exams afterwards. I mean, if you do, obviously, you have to sleep because you're going to destroy your other exams.

I mean, in my case, we had, you know, the other exams for the semester were first, and this was our last exam. I mean, even then, I think I probably slept like, you know, four or five hours because I think there's, I think there's validity in, sort of getting up and looking at your answers. And typically you'll have a choice about when to pick up your exam, like within a time range.



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And you wanna think about when you work best. So, you know, I know that if I really have to focus on something, I'm a night person, so I do my best work typically between like 10:00 PM and 2:00 AM

Lee Burgess: Right?

Alison Monahan: Might be weird, but like I know that, you know, so basically like I got the exam, say late afternoon, read through it kind of, you know, sketched out some answers.

Thought about it. I think it was like two questions. You know, wrote one of them, had dinner, and then like the really hard question, I basically wrote until probably two in the morning, and then I went to sleep, you know, for four hours, five hours. And got up and looked at it again and then made my final edit.

So you have to kind of think about what makes sense for you in terms of staging your time. Because you don't want to necessarily stay up all night, but also you don't want to leave yourself, like, you don't want to run out of time and not finish. You know, you just have to sort of think through, like, and to keep an eye on your time as the time is passing.

Lee Burgess: Right.

Alison Monahan: Because it always, you know, you're gonna be pressured in the end.

Lee Burgess: Of course. Yeah. Alright, well, should students know what their exams are going to look like now, or let's say, you know, if you're listening to this at any time, like early in the semester, in the middle of the semester, when is it okay for these students to ask about the type of exam they're going to get?

Alison Monahan: Well, I mean, oftentimes they'll tell you in the syllabus, so that's the first place to look.

Lee Burgess: Yeah.

Alison Monahan: I mean, some professors are a little bit, like, cagey about exams, but I think at any point in the semester it's completely fair just to ask them, like, you know, is this going to be a multiple choice exam? Is it going to be in class?

Is it open book? Is it closed book? Is it a take home? Can you give us like a very basic scenario? I mean, maybe they'll say no, but you know, if it's like a month from your exam and you just don't know if you're having a take home or like



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multiple choice, that's completely ridiculous and you should probably go talk to a dean about it.

Lee Burgess: Yeah, but I mean, I don't know any professor who gets mad about students asking them like, right before class. You know, go to office hours if you want to, but it's fair game for them to tell you what the exam is going to be like.

Alison Monahan: I mean sometimes they're cagey about putting old exams on file, I mean, this stuff is sort of ridiculous. You basically need to have at least one old exam to work on. I mean, some of them won't do it, but like they know that they should if they won't. So if they're being like rude about it, it's probably because they feel bad about it.

Lee Burgess: It's true. But regardless, go talk to your professors. It's really important as early as you can to know what the format of your exam is going to be, what the date of your exam is going to be so you can start preparing for it. You know, from day one, like we said, if it's going to be a three hour multiple choice exam, you better be taking copious notes on all the nitty gritty details that your professor brings up in class, because that could totally be, you know, what is heavily tested on the exam.

Alison Monahan: If you have exceptions, like tracking exceptions, like what's the federal rule? What's the state rule? Because those are the kind of things you can be tested on. I mean, the other thing to look at in terms of scheduling is sometimes, you know, you'll get, you might have a schedule that has you taking two exams in a day, for example.

I mean, in theory, that probably shouldn't happen your first year, but you know, if something like that is on your schedule, there are rules about moving one of those exams typically because those are the things you don't want to find out a week before. Exactly. You need to deal with that now.

Lee Burgess: Also again, I know we've talked about this on other podcasts, but if you're a student who thinks they're going to get any sort of accommodations, or if you're wondering about getting any sort of accommodations, do not wait to the last minute. Please go visit your disability services office at your school as soon as possible because you do not want the added stress of being unsure about how much time you have, or the conditions in which you're going to take that exam leading up to your exams.



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Alison Monahan: No, the other thing if you do have accommodations, you want to be really clear about what they are. Like I've heard stories of you know an exam that was partly essay and partly multiple choice. And the student didn't really understand they were getting extra time.

They thought they had twice as much time as they actually had for the essays because they didn't really understand that they were gonna get half the extra time on the multiple choice. Stuff like that is just a freaking disaster. That does not need to happen. So you just want to be really clear in advance on what exactly you're getting.

Lee Burgess: Yeah, so don't, you don't want surprises during final exams.

Alison Monahan: No, and another, another possible surprise place, which I've had happen before, is with an open book test, you want to be clear on, can you bring anything you want to bring? Are there limits on what you can bring? Because you don't want to find out a week before that, oh, no, I was actually sort of thinking, the professor says that, you know, you can only bring materials you personally have created.

And then you have people who've been working with someone else's old outline for the entire semester and adding to it. And it's like, well, did I create, did they create that or not? You want to understand from the beginning what you're going to be allowed to bring.

Lee Burgess: Yeah, for sure. All right, well, I think that's all the time we have for today to talk about different types of exams.

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