Episode 21: What is Your Professor Looking for on Exams?

Lee Burgess: Hello and welcome to the Law School Toolbox podcast. Today we're going to be talking about what your professors are looking for on your law school essay exams. 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, the Catapult Conference, and the Trebuchet Legal Careers site. Alison also runs 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 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: So in today's episode, we're going to change our focus a little bit from just talking about what you should do on an exam, to thinking about what it's like for your professor to actually read and grade your exam. So, in law school, we spend a lot of time focusing on how to prepare for exams. In fact, we've spent quite a few podcast episodes talking about it, but we don't really spend all that much time putting ourselves in the professor's shoes and really focusing on what he or she is looking for when reading your exam answers.

That is all going to change today.

Lee Burgess: Exactly. So, let's start by really thinking about what it is like to grade a stack of law school exam answers. So if you have, let's say, a four hour in class exam, you are likely going to write about 15 or more pages of text during that time. I know it sounds like a lot, but believe it or not, it's amazing what you can write during a four hour in class exam.

And then there are probably at least 40 to 50 people in your class, if not more, especially if you're a 1L. So that means, conservatively, that your professor is going to read over like 675 pages of essay exam answers.

Alison Monahan: Oh my god, that sounds horrible.

Lee Burgess: Doesn't that sound awful? Oh, I know.

Alison Monahan: That's like multiple novels.

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Lee Burgess: I know. Oh, of like the same thing over and over again. And then they have to do this in usually a couple of weeks. I think most schools really require them to grade within like three weeks after the exam period.

Alison Monahan: In theory.

Lee Burgess: In theory.

Alison Monahan: You always hear those stories on Above the Law of like someone who holds their exams for months.

Typically, even the tenured professors do get it done in a few weeks.

Lee Burgess: That's true. So if they're going to spend an hour reading each individual exam that maybe, yeah, which you spent four hours writing, they would have to spend 45 hours grading just one class of exams, and that is so not going to happen.

Alison Monahan: Definitely.

Lee Burgess: No. Let's give them the benefit of the doubt and say they might spend 15 minutes reading your exam. That's still over 11 hours of grading for just a class of about 45 people. So maybe that sounds reasonable for you sitting listening to this podcast, but you also have to think that most law professors don't teach just one class.

They usually have multiple classes. And so these hours of grading really start to add up and the problem about grading is it is really exhausting and you can't sit and do it You know for eight hours at a time. You really have to do it in small chunks or your focus starts to go and you're not incredibly consistent. I know every time that I've taught a class that I've had to grade a stack of papers I really max out at like a couple hours before I start worrying that my consistency is kind of going out the window.

Alison Monahan: Yeah, there's some fascinating studies on this, actually, about judges who, you know, make totally different decisions right before lunch and things like that.

I mean, it's literally the case. It's crazy. It's like you're much more likely to get parole. First thing in the morning or right after lunch if you go before the parole Board. So you've got to imagine that professors are impacted by this, too.

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Lee Burgess: Yeah, you want to make sure they don't have low blood sugar, or they're not too tired, or you know, they're not running late to pick up their kid from daycare or whatever it might be.

So we're not trying to get you to feel bad for your professors because it's not like being a law professor is some sort of horrible job. But it is important that you realize, you know, what they are really tasked to do when it comes to grading these exams. Because it might change how you present yourself on the exam.

Because if you're writing to a professor who's exhausted and not looking forward to reading this gigantic stack of papers, especially with the holidays, You know, this is a winter exam schedule. They're going to be super excited if you present them with a clean and professional essay exam answer that makes their job easier.

And I have always liked to say that happy professors who are reading easy to read exams usually end up giving grades that make the law students happy.

Alison Monahan: Yeah absolutely, I mean, it's funny. Anyone I know who's a professor says, I don't get paid to teach, I get paid to grade.

Lee Burgess: Oh, for sure.

Alison Monahan: So, you know, the part, think about like the thing in your job previously or in your life as a law student you hate the most.

That's your professor's grading. No one likes to grade.

Lee Burgess: No one. I know. When I was teaching as an adjunct, I remember grading midterms and midterms and midterms. You know, you just stare at the stack and you take one off and it's like the stack never gets shorter. I don't know what happens to them, you know, and then like my cat's laying on the stack and it still doesn't make it seem shorter.

It's miserable.

Alison Monahan: It's then your cat like, you know, throws them around the room and you lose track of which one you've done. So you just sort of give people random grades.

Kidding. Kidding.

Lee Burgess: Kidding. Just kidding. So, you know, it's I think most law students don't really think about this and how much of a task it is for the clickers to grade.

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I think that's one of the reasons you, when you get your exams back, they typically don't have a lot of comments on them because the professors can't take the time to do that. they just don't have the time to write comments on your actual exams.

Alison Monahan: Yeah, they're under pressure. And it's critical to realize that in most cases, they're sitting there essentially with a checklist.

And, you know, you might start from zero and go up, or you might start from 100 and go down. But basically. You know, you've got to accumulate those points, and this is not rocket science. It's literally your professor sitting there going, Okay, yeah, they got that point. Yes, they got that point. Yep, they got that one.

Okay, great. You know, here's where they go in the stack. Done.

Lee Burgess: I actually had a professor who, instead of like making check marks on the page, would actually use smiley faces and frowny faces. Yes, so when you would get your paper back, you would have smiley faces or frowny faces on it.

Alison Monahan: Really helpful.

Lee Burgess: I know, exactly.

But, you know, let's get down to some specifics. So, Alison, what do you think a professor is really starting to look for when they get that exam answer?

Alison Monahan: Well, I think the most key thing to keep in mind, and it seems obvious, but it's amazing how many students sort of forget this in the heat of the moment, So we're looking for you to answer the question.

So whatever it is that they presented to you, however it is that they presented it, whether it's a very general question or whether it's very specific, you know, a specific What we call a call of the question might be something like, you know, discuss the legal liability of party A, party B, party C with respect to whatever.

So in that case, you know, the professor's framed it for you. So, you know, if you write an exam that does not specifically address the legal liability of parties B and C and only talks about party A, you're probably not going to do very well. And similarly, if they've told you, If you're asking someone to, you know, talk about something specific, do this with respect to legal issue X, and you don't talk about that, or you talk about tons of other stuff, you're not answering the question.

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So I think that's always the most key takeaway is answer the question, answer it directly, and answer it completely.

Lee Burgess: And I think sometimes you have to read that call of the question multiple times to really make sure that you are getting exactly what's being asked because-

Alison Monahan: Right, because the other thing to think about is is your professor understands from the get go that their job with these exams is to grade them on a curve.

And I think students forget about that too. It's not about what you do, it's about doing better or worse than the rest of the class. So what's the easy, one of the easiest possible things you could do as a professor? To ensure that you get a curve, is ask a question that's not either immediately obvious, or that has some specific elements to it, because a lot of people are simply going to ignore it, and they're going to be at the bottom of the curve.

Done.

Lee Burgess: Yep, exactly. And the way that the question is phrased can give you a lot of keys, you know, sometimes -Or clues, I guess is a better word- but sometimes they will present for you kind of how they want it organized, in the call the question, or they will give you a tip about whether or not they really want policy to be included.

You know, they might mention to include policy arguments.

Alison Monahan: Or they might, they might give you a certain role.

So if your role is, you know, you are an associate or an aide to a senator. Do you think maybe there's going to be some policy implications? You know, versus you are a law clerk for a judge.

Lee Burgess: Yeah.

Alison Monahan: Different. You are an associate in a law firm. You know, these are, these are clues about the way that you want to behave on the exam.

Lee Burgess: Yeah. So reading these calls of the question very carefully in the moment is critical. And then when you're reviewing past exams as part of your practice leading into your exam period, you want to study the different types of calls to the question that your professors have presented in the past so you can be familiar with the, you know, those clues. You'll have more time to chew on

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them and think about them when you're doing the practice questions than when you are in the moment and having to make judgment calls very quickly.

Alison Monahan: Yeah, I mean, there's nothing new under the sun. If you review eight or ten past exams from your professor in this class, chances are pretty good they're not going to give you something that's totally different.

Lee Burgess: Right. And sometimes, you know, they might actually give you a carrot. Like, I remember on my criminal law exam, the second hypothetical, I was feeling a ton of time pressure, and I read the fact pattern really quickly, and I get to the bottom, And it listed, you know, so and so has been charged with three counts of murder, and I had a moment where I didn't know what the third count of murder was, because I had just read so quickly that that I didn't realize that the one of the people who died was pregnant and he was counting the baby, As another person of account of murder.

But I had read so quickly that I had missed the word that said she was pregnant. So I was like, thank you professor for saying that in the call of the question. Probably saved my grade. So you really wanna be thoughtful when you read those those statements. 'cause they can actually really save you if you need to.

Alison Monahan: Yeah. And some, some people have a theory that you should read the call of the question first. I mean, I think. If you are going to do that, you certainly want to practice that in advance to make sure that it works for you. I can see an advantage in doing that if it's one of these incredibly long fact patterns.

Like I had a student tell me the other day, for a midterm, for one hour midterm, their professor gave them a five page fact pattern.

Lee Burgess: What? That sounds awful.

Alison Monahan: And so in that situation, like, it might actually, even if you wouldn't normally look at the call of question, you might want to look at it just as you're reading through this. You have some sense of it. But, you know, typically I'd say if you're going to do that, you want to practice first.

Lee Burgess: For sure. And really see what works for you.

I mean, I think for me, personally, I've never gotten a ton of benefit from doing that. But, like, like you were saying, if you get saddled with this huge fact pattern, you need to know, like, What's your end goal as you are trudging through the entire fact pattern.

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Alison Monahan: Yeah, you're not just reading it for fun. If you're reading it for a reason.

But you know, if it's like a one page thing, personally I just found it more natural to just read it, you know, read the question and then get to the, what they're asking me. I mean, I think the lose approach is like, you know, read the question first and then do all this crazy stuff. Again, if you're going to do that, you definitely want to try it in advance.

Lee Burgess: Exactly, exactly.

Alison Monahan: Do not, do not read the lose book and then go to your exam and try to do that without practicing.

Lee Burgess: Yes, if you are in final exams right now, please do not spend time reading the book.

Alison Monahan: No, check it out next month.

Lee Burgess: Exactly, exactly. Now I think the second thing that professors are really looking for is that you can spot the issues.

And I think sometimes, depending on your law school, it might not be clear that this is actually what your professor is looking for on the exam.

Alison Monahan: Right. I mean, some of it's obvious, you know, those are kind of the racehorse exams where it's just like tons of stuff being thrown at you. And it's like, can you see what's going on?

But some of them are more subtle.

Lee Burgess: Yeah. So issue spotting. Is something that should be practiced. That's one of the reasons you need to do these practice questions. I think the other thing about issue spatting is you have to remember that the way that you identify these issues is by becoming an expert at reading the facts.

And so slowing down and really focusing on the fact pattern and remembering that your professor has concocted this fact pattern in order to solicit discussions about certain issues. This is not real life. This is a manufactured reality where crazy stuff will happen that will never happen in real life.

And you know, you need to read those facts. Like they were a game, you know, being presented to you or a puzzle being presented to you by the professor and

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not like something you would've read in the newspaper that you have to think about, you know, as something that happened in the real world.

Alison Monahan: Right.

And also, I think it's important not to think of them as just a means to the end, which is the answer.

Lee Burgess: Mm-Hmm.

Alison Monahan: Because I know oftentimes students get concerned. If they're like, Oh, but there's a fact pointing this way and a fact pointing that way. So I don't actually know what the answer is. And then they just sort of select one was exactly the opposite of what we're trying to do on an exam.

Lee Burgess: Right.

Alison Monahan: You know, it's like, this is what we refer to as factual ambiguity. It's there for a reason. And that reason is to give you something to talk about. So if you're confused and you're not sure how somebody would come out, that's exactly what you need to be writing down.

Lee Burgess: Exactly. And that confusion. is really shows your sophistication.

You know, if you're saying like, wow, this is weird, and it could go either way, and this is, I don't really know what to do with this fact, then argue about it. That's exactly what they want. Write it down.

Alison Monahan: Write it down. That's what we refer to as good confusion. That there's not really a clear outcome. So if you get that, if you have, if you notice that on an exam, I think the instinct is to sort of suppress it and be like, oh no, I need to get to the answer, but that's exactly the opposite of what your professor's looking for.

Lee Burgess: Exactly. And this is really analysis. When you hear about analysis or if you get feedback, say on your midterm that says you're being too conclusory, you need more analysis. This debate about given facts, this leaning into the ambiguity and arguing both sides, that is analysis. So if you didn't do enough of that, if you were jumping to conclusions and just saying, oh, well it must come out this way.

I got the right answer, let's move on, that's where you need to stop and take a step back and say, how am I going to really show the professor that I know how

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to think like a lawyer, that I know how to argue these facts and see them from different perspectives. That's what the professors are looking for.

Alison Monahan: Right, and it's exactly the same thing with the law. You know, it's not enough just to know the law for the exam. You have to really understand how to apply it. And you really have to understand these areas of legal ambiguity. So, you know, this is a situation where a different law might apply depending on X, Y, or Z.

So, you know, if you're in the world of contracts, for example, you know, are you in the UCC world or not? That's a pretty important distinction. Like, if you get that, if you don't, A, if you don't talk about that where it's relevant.

Lee Burgess: Right.

Alison Monahan: And, you know, for example, your professor on an exam might give you a Something that seems like it's 80% for the sale of goods, but also 20% for the sale of services.

What do they want you to do there, Lee?

Lee Burgess: Well, they want you to debate whether or not the UCC would control, because if they didn't want that debate to be there, they just would've made it clearly, oh, this is a contract for services.

Alison Monahan: Right, and if it is, if it is clearly like a contract for goods, then you say, you know, this is a contract for goods.

Clearly the UCC applies moving on.

Lee Burgess: Right. You don't have to debate it.

Alison Monahan: Yeah. But if it's not that clear, you know, you have to say, well, And, you know, the UCC applies to contracts for blah, blah, blah, this is a mixed contract, do your analysis, and then say, but, you know, on the whole, it seems like we're probably under the UCC.

Lee Burgess: Yeah, exactly. And write out that thought process. Sometimes-

Alison Monahan: Yeah, don't just think about it. Write it down. Yeah, write it down.

Lee Burgess: You know, I like to reference what we all did in high school math, if you guys can remember back that far. When we used to have to do proofs and things like that, or you wouldn't get full credit on an assignment unless you show your work, if

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you remember back then, I remember always hearing that from our, our high school teachers, you know, math teachers, gotta show your work or you don't get credit, it's not about the answer, it's about how you get there. And it's the same thing in law school. You have to show the professor your thought process, or they're not going to give you credit for thinking like a lawyer.

Alison Monahan: Right, and oftentimes, like, we'll see exams after the fact, And there'll be these huge gaps where someone forgot to write down, for example, like whether the UCC applied and, you know, you'll talk to the student and be like, what happened?

They're like, well, it just seemed obvious or like, yeah, I thought about that, but I didn't think that was what I was supposed to be writing down.

Lee Burgess: Yeah. Or, my, like, moment that I always want to, like, scream at a student is when they say, Yeah, I found that really confusing, and I didn't know what to do with that, so I just ignored it.

Which, no! Like, if nothing else, like, write down that you're not sure what to do with it. Still, like, say, it could apply to this law or that law, or this fact is weird and could change the outcome, because the professor might say, Well, at least they read the facts carefully and they know this is legally significant.

Alison Monahan: No, that happened to me on my contracts exam. Like, I didn't like my con, I didn't like contracts. It wasn't my favorite class, and a huge percentage of the exam was actually on something we'd cover the last day, and it was like this really confusing situation, and I would like literally remember sitting there and being like, I have absolutely no idea how, like you would even like think about a, like beginning to analyze this and basically, I literally just wrote down what I was thinking, you know, verbatim, which was along the lines of, you know, it's really confusing that this happened and here's why it's confusing.

And if I had to make a guess, I would say that, you know, and I got a great grade in the class.

Lee Burgess: Mm-Hmm. Yeah, you gotta-

Alison Monahan: But I walked out of that exam thinking I just failed that test. I had no clue what I was talking about.

Lee Burgess: And before we move on, though, you know, we're talking about that you not only need to know the law, but you have to know that it's applied, how it is

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applied, and Alison, how do you make sure you know that, how the law is applied to fact patterns?

Alison Monahan: By practicing.

Lee Burgess: Oh, by practicing. Yes, that's right. If you are not practicing, like, stop what you're doing now and re evaluate your study schedule, because the way that you really test if you understand how to apply the law is by doing, practice and evaluating it and getting feedback.

Alison Monahan: Well, and that's also what helps you learn the law, you know?

Lee Burgess: Yeah.

Alison Monahan: It's like you might think you understand it. It's just like learning a language. I'm like, yeah, I'm doing great in Spanish. And then I go and I have a conversation with someone who talks to me about something besides like, what I wanna order. And suddenly I'm like, what are you saying? Yeah. Like, totally out of context.

I have no idea what you're talking about. Yeah. You know? So you've gotta have that experience with the law where it's like, oh no, you know, I understand Torch. Yeah. I'm good. And then you actually try to drill down and use that information and you're like, oh wow, yeah, I'm not prepared.

Lee Burgess: Right. So it is very important that you, you know, practice that and really, you know, get feedback.

We've talked about this in other podcasts, but get feedback on that work so you make sure that you're doing it correctly, because that's what you're getting graded on. Anyone can memorize law and facts. That doesn't make you a lawyer. It's what you do with the law and how you apply it to the facts that makes you a lawyer.

Alison Monahan: Yeah, and what your professor is looking for is basically, would I feel comfortable sending this person into a legal work environment? You know, and if they told someone, if they're working on, you know, a torts case, and they told someone that I was their torts professor, am I going to be really embarrassed?

Lee Burgess: Which I think leads us to our next point, which is, please write with some amount of professionalism.

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Alison Monahan: Yes.

Lee Burgess: Because this is a vocational school that you are attending, and you are trying to join a profession that takes writing very seriously, or should take writing very seriously. Most people do, I think.

Alison Monahan: Yeah, and takes itself seriously.

Lee Burgess: It does. It does, and so you need to, you know, write like you want to be a lawyer. You know, they always say, like, dress for the job you want to have or act like the job you want to have. You better write these exams and interact with your professors like you want to be a lawyer.

Alison Monahan: Right, and I think one way to do that, we talked earlier about sometimes you'll be given a role to follow. And a lot of students think, oh, that's not really important, like, whatever, they're just telling me that because I don't know why. They wanted to add some extra words to the exam. But that's not true.

I mean, you know, think about what it looks like if you're writing a memo. If you're writing a memo to a judge or you're writing a memo to a partner in a law firm, you know, you're probably going to have a really brief header that says to, from, topic, date, you know, just put that in there and actually it'll get you in the mindset of, because a lot of people just do sort of a brain dump and they ignore the structure of what they've been asked to do, but if it looks like you're writing to a judge or it looks like you're writing to a law firm partner, Your professor, at least, you know, subconsciously is going to be like, oh, this person paid attention.

Attention to detail, check. Okay, I'm favorably inclined towards their answer.

Lee Burgess: Exactly. And that goes to the point that these professors really want these exams to be as easy to read as possible because they want to get through them quickly. And, you know, using headers Making it look very clean, making sure it's organized, making sure that you use lots of paragraphs to help break up your writing.

You know, you shouldn't have. I've seen essay exams where you have.

Alison Monahan: Oh my God, with like, no capital letters, punctuation. And you're just like, are you kidding me?

Lee Burgess: All sorts of crazy stuff, like, please don't do that. It just makes your professor really, really angry.

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Alison Monahan: Yeah, I mean, literally put yourself in the role of, I am an associate in a law firm, and think, would I turn this in to a partner?

I mean, hopefully not.

Lee Burgess: Yeah, exactly. Making it easy to read, making it clean. This stuff does not take much time, but it's worth the few seconds, you know, to make sure your answer is organized, have headers, and make sure it's skimmable because they really are skimming it. They are not able to thoughtfully and carefully read every single word.

Alison Monahan: Well, and you can, I mean, using headers, ideally, you're just pulling these from your attack plan. Yep. You know, so it's like you've already created these headers, essentially, on how you're, what questions you need to ask, you know, what steps you need to go through. You shouldn't be thinking about that type of organization on your exam.

Lee Burgess: Right.

Alison Monahan: You need to do that beforehand.

Lee Burgess: For sure. That's the planning piece. You need to. Think before you write. If you just start writing, it's not going anywhere good.

Alison Monahan: Well, and ideally, you know, essentially you've got your attack plan that you've studied and memorized or it's in your, you know, if it's open book, it's in front of you.

And that's what forms the, so basically you identify the issue, you pull your attack plan out of your outline or out of your head. And then you've got the headers, essentially, and you start filling in the facts under the headers, and we'll actually do this in the next episode on a specific question, but that's the sort of thing you need to be prepared to do.

Lee Burgess: So on the other end of this kind of, you know, the sloppiness that we have seen when we have graded things in the past, and that being a huge pet peeve, what about people who just, like, Like make their writing so pompous sounding that you also want to scream.

Alison Monahan: Right, because they think like, oh, I'm a lawyer, I need to sound smart.

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No, I mean, on an exam, typically you should not be using legal Latin. It just sounds presumptuous and like, unless it's a term of art, right? Its a term of art. Yeah. If it's a term of art, you know, if it's like res ipsa loquitur. You know, great, go for it. I just can't actually remember right now what that means, but you know, whatever, there are certain terms you're probably going to use, but, you know.

Lee Burgess: I think it's the thing speaks for itself.

Alison Monahan: Right, that's probably really unnecessary. You know, something, something like negligence per se. Like you can, you know, that's, that's a term of art. But yeah, like do not be littering your exam answer with things like inter alia. It's like, come on.

Lee Burgess: Exactly. Or, or even like things that you just think make you sound stupid.

More eloquent, but they really don't, they're just word fillers, you know, again, think about how quickly your professor is trying to read. They don't want to read words that don't actually get them to their goal.

Alison Monahan: Right, I mean, your goal here is really clear thinking, and clear thinking can be simple. I mean, I think typically speaking on an exam, shorter sentences are better than longer sentences.

Lee Burgess: Agreed.

Alison Monahan: You know, just like, Write it down, have one thought, put a period, move on to the next thought.

Lee Burgess: Mm-Hmm.

Alison Monahan: You know, keep it simple. Keep it moving. Because once you start getting bogged down, I mean, I remember taking a research class in college, or maybe grad school, I can't remember. And the professor said, you know, you can always tell with an academic where they're not really clear on their argument because it starts getting more complicated, it starts getting more verbose, and they start using bigger words.

Lee Burgess: Exactly, and I think it's just not really getting you towards your goal, you know, and your goal is communicating as quickly and cleanly as possible.

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I also think it can be hard for people who consider themselves to be really great writers. And so if you're listening, I think this is especially true for the English majors or the creative writing majors, the journalism majors that find their writing to be a craft where you can get really caught up in how you are presenting this from a language perspective and wasting a ton of time and it can create major time management issues. You know, this is not the time to edit and be precise unless this is like a 24 hour take home or something like that. You know, if it's in class and it's timed, short, clean to the point, Like, move on.

Alison Monahan: Yeah, I mean, this would literally be like, the first issue we have to address is.

Lee Burgess: Yeah.

Alison Monahan: And like, John is likely to be found guilty of murder because of x.

Lee Burgess: Exactly.

Alison Monahan: This is like, you know, we're writing at like an eighth grade level.

Lee Burgess: Yep, exactly. And if your professor wants you to use IRAC and has been very clear about that in class, please do that. If they don't care about it, then you can throw it out the window, but you know, make sure that you are writing in whatever way that they want you to write because it's their game and you need to play by their rules. Yeah, exactly.

Alison Monahan: This is not, this is not a time for you to express yourself.

This is a time for you to figure out what your professor wants and conform to that standard and give them that.

Lee Burgess: Yep.

Alison Monahan: And they will want different things.

Lee Burgess: They will. Yeah. And even, you know, you might have four exams in a given exam season and. Each professor might want a slightly different exam style, and it's your job to conform to whatever they want.

Alison Monahan: So, like, how do you figure that out?

Lee Burgess: Oh, by doing practice exams and going to them and getting feedback.

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Alison Monahan: Yeah, and I think you can learn a lot by looking at whatever samples they hand out, too.

Lee Burgess: Yes, exactly. Model answers are key, especially if they've written a model answer, that's gold.

Alison Monahan: Yeah, or even student answers, you know, if they give you enough of them, you can start to see patterns in terms of how they like things to be done.

Lee Burgess: Exactly. You can also take some of those model answers and go to office hours and try and talk to them about them. You know, if they'll talk to you about it and say, did you like this? You know, do you like this style of writing? Is that why you really like this answer?

Alison Monahan: Although I think that can get annoying quickly.

Lee Burgess: Well, I mean, you have to come in with pointed questions. You can't come in and just be like, Hey, talk to me about this model answer. But you can, you know, if you want to say like, I've been reading this model answer and I wanted to know, they really followed IRAC. Do you prefer we use IRAC? A professor might say, yes, I want you to write an IRAC form.

Alison Monahan: Yeah, that's true. I think you have to be a little careful because all professors like to think that, oh, the point of the class is not the exam, you know, the point of the class is me standing up and like teaching them all this stuff, but you know, they, they, they like to kid themselves that, you know, the exam doesn't really matter that much.

And so if students get too, like, picky about getting obsessed with it, they can just be like, oh, but again, it doesn't actually really matter because your exam is graded anonymously.

Lee Burgess: Exactly. So if you annoy them, either they'll forget about it or it has nothing to do with your grade anyway.

Alison Monahan: Yeah. Or they might, you know, they might be able to take off a tiny bit, but odds are they probably won't remember anyway who that was.

Lee Burgess: One thing that students can get really caught up worrying about that is not really critical are minor typos. You know, like I said, don't proofread necessarily if you have time to spell check. I don't think that's a terrible thing, but don't get

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caught up in minor typos, but I would suggest that you try not to have, you know, your exam riddled with typos so it cannot be easily read, but also that your headers aren't riddled with typos because you can be sure they're going to read all the headers, you can't actually be sure they're going to read anything else, and that you want your headers to be clean.

Take an extra second to make sure that. You know, they're legible and professional looking.

Alison Monahan: Well, and another thing on the typo front that sometimes you see is certain legal terms or terms of art that students consistently misspell throughout the exam, or like, clearly they don't actually know what the term is.

Lee Burgess: Right.

Alison Monahan: And some of these are subtle, I mean-

Lee Burgess: Perl Evidence.

Alison Monahan: Yeah, Perl Evidence, or like in patent law, like the Doctrine of Equivalents, it's not equivalence, it's with a T, not a C, you know, things like that, where you're just like, you, you need to know how to spell judgment, you know, you're in CivPro.

Lee Burgess: Yep, that's right, exactly.

Another thing to think about is using shorthand on exams. You know, JX for jurisdiction. Ugh, I hate that. Yeah, I think it kind of depends. You can look at sample answers to see if your professor seems to be okay with that.

Alison Monahan: Some of them don't care, but like for me, I just, I hate reading it. I hated writing that way.

Like, it's like, it doesn't take that long to spell out defendant, you know?

Lee Burgess: Yeah, but one of the things you don't want to do is start making up your own. You know, I've seen students say like, well, you know, I just use like, You know, the P.E. for the Parole Evidence Rule, and the professor should know that, like, no, they should not know that, you know, like, J.X. for jurisdiction is pretty consistent, K. for contract is pretty consistent, P. and D. for, you know, plaintiff and defendant, that is pretty, you know, easy to figure out. Don't start making up your own acronyms. It is not a good idea.

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Alison Monahan: No, you want to make it easy to read.

Lee Burgess: Yes.

Alison Monahan: I mean, it's back to, you know, make it easier for your professors, like, that's a great example of students being like, Oh, I'll make it easier for me.

It's like, that's not the point. The point is to make it easier for your professor.

Lee Burgess: And that's a good lesson to learn when you go to work, too. It's not about making your job easier. It's about making your boss's job easier.

Alison Monahan: Yeah.

Lee Burgess: What about some other things that might make your professor angry or frustrated?

One of my personal pet peeves on the computer is copying and pasting. Ugh. Reading the same thing over and over again in a single exam makes me want to scream.

Alison Monahan: Do you mean like the law?

Lee Burgess: Yes. Because, so say you're taking a torts exam and it's likely you're going to maybe do a negligence analysis three times.

Do not give me the same paragraph of rule statements for negligence three times. I don't want to read it. I don't want to read it. You do it once and then the next time it comes up, you say see above for rules of negligence.

Alison Monahan: Right, or as discussed above.

Lee Burgess: Right, as discussed above, but see rule above period is like totally fair game.

And then the professor goes, yes, that's true. I read that rule once. But if you start copying and pasting things, that is a problem because your professor's like, am I, is this supposed to be different? Why are they wasting my time?

Alison Monahan: Yeah.

Lee Burgess: Another thing to think about though is if you think that you can copy and paste analysis from another part of the question, that is a red flag that you're not reading carefully enough.

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Alison Monahan: Absolutely.

Lee Burgess: Yeah, because the analysis for multiple negligence questions is likely not going to be the same.

Alison Monahan: Right. There's a reason that you have multiple people who potentially did something, and they probably are slightly different.

Lee Burgess: Exactly. Now, I have seen-

Alison Monahan: And those differences probably matter legally.

Lee Burgess: Exactly. Now, I have seen situations where maybe you'll say, you know, the same defenses apply to this defendant as another, or something like that. I mean, there might be a situation where you can say like, they will present the same defenses, but typically speaking, you still need to tell me why those defenses work. You don't want to start saying the analysis is going to be the same on every question.

Alison Monahan: Right, unless the facts are literally identical, in which case there's probably very little reason your professor would have put two people in there because they don't really want you to be writing the same thing. It's a waste of everyone's time.

Lee Burgess: Right, there's always a reason why there are multiple parties.

Alison Monahan: So that goes back to the other thing that's going to probably make your professor angry, and that's, again, not reading the question carefully enough. So, you know, this is, you have to, again, put yourself in the shoes of your professor. You have taught an entire course. Hopefully you expect people have gotten something out of it.

And then you have spent, generally speaking, literally hours crafting your exam to draw out things that you have covered in the course. And someone just totally ignores that.

Lee Burgess: Yeah.

Alison Monahan: How are you, you're probably not gonna be very happy with them.

You're gonna feel bad about yourself. You're gonna be like, God, had I been a terrible professor.

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I wasn't getting across to these people, like they're not understanding me, I should probably just like find another job, you know, maybe I have to get back to working at a firm. I mean, you know, these are the thoughts going through their head. Don't, don't make them think that. Make them think they're doing a great job, you're there, you're paying attention in class, you've prepared for the exam, you read the exam, you understood what they were asking you, and now you're trying your very best to actually address the questions that they have presented.

Lee Burgess: And it is not easy to craft these questions. I mean, even in our work, Allison and I will create hypos that we use, you know, for students and things like that. And often times one of us writes it and then we send it to the other one so we can edit it because the other one is like, no, you could read these facts differently.

I mean, you don't just sit down and like write these in the way that you would write an email.

Alison Monahan: Yeah, they're not doing this like the night before.

Lee Burgess: Well, let's hope not.

Alison Monahan: In some cases maybe they are, but a responsible professor is actually devoting pretty serious time to crafting their exam and they're probably getting feedback from their colleagues and, you know, they're trying to give you something that's challenging but fair and actually addresses what you've done in the class.

Lee Burgess: Yeah, so take it very seriously. If you've never tried to write Any sort of fact pattern, even a short one, based on some law. It might be a good exercise to try to do that. One, it's a great way to practice. You and your friends can each come up with hypos and swap them. But it's also, I think, a good practice to really put yourself in the shoes of the professor and really understand about selecting facts to raise specific issues.

Alison Monahan: Yeah, it's not easy.

Lee Burgess: No, it's not easy.

Alison Monahan: And then think about if someone, you know, took your exam and they just did like nothing that you expected. You probably aren't gonna like that.

Lee Burgess: No. Neither is your professor. No. I think the last thing that we already talked about a little bit that makes professors really angry is just being completely

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unprofessional, you know, not using punctuation, not using capital letters, writing incoherently, not thoughtfully presenting yourself.

It's going to make your professor really mad.

Alison Monahan: Right, you don't want them to be sitting there thinking, God, how did this person ever get into law school? How are they ever going to pass the bar? And, like, I can't send them to anyone I know as a job reference.

Lee Burgess: Yep, exactly. And, you know, if you got any of that kind of feedback maybe not that harsh, but any sort of feedback about professionalism or how you presented yourself in your midterms, really pay attention to cleaning that up for your final exams.

Alison Monahan: Yeah, definitely.

Lee Burgess: Yeah. And I think with that, we're about out of time. So I hope you enjoyed this episode of the Law School Toolbox podcast. If you did, please take a second to leave us a review and a ratings on iTunes. We'd really appreciate it. And be sure to subscribe so you don't miss anything in the future.

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. Good luck on your exams. Thanks for listening and we'll talk soon.