



# An LL.M.'s guide to U.S. law school

Dear LL.M. Student,

This is an incredibly exciting time in legal education—a time of globalization. Law schools around the world are increasingly fostering global legal education and many of today's lawyers are seeking to operate internationally, across legal systems, dealing with transborder transactions and global problems and opportunities. For this same reason, many attorneys around the world are increasingly turning to BARBRI to gain the necessary credentials to make global practice a reality.

Most people know BARBRI as the nation's leading bar review provider. With over 50-plus years BARBRI has developed a unique understanding of what international attorneys and foreign-educated students need to succeed in American law schools, pass U.S. bar examinations, and achieve their career goals.

As global legal educators, we at BARBRI believe in the importance of training 21st century lawyers for a global legal practice and it is therefore our mission to enhance your academic and professional development to enable you to achieve your goals and objectives.

It gives us great pleasure to welcome you to your LL.M. program in the United States and we look forward to welcoming you as a BARBRI student as well! This book is also a valuable tool that will help you prepare for the academic rigors of your LL.M. program in the U.S as well as help you transition to a new academic and professional environment.

Warm regards,  
Your friends at BARBRI

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# The U.S. law school experience

## What's it all about?

Congratulations on taking a big step—attending law school in the United States and potentially taking a U.S. bar exam. Immersing yourself in a foreign culture and laws is an exciting and intellectually stimulating chapter in your life. It's likely nothing like the classes you've ever experienced before. And that's not a bad thing, so long as you are well-prepared.

On your first day of law school you will face casebooks, hornbooks, restatements, and other strange texts—thousands of pages, crammed with unfamiliar language and terminology. You will hear other students talk of summaries, outlines, and “canned briefs.” How are you supposed to cope with so much reading material? Is all of this material the law? If so, how can you get a handle on all this material in time for finals?

You may also feel uncertain about your in-class experience: What's the “Socratic method”? What are you supposed to do with all of the professor's hypos, and with the mountains of class notes you will be taking? How will you ever sort out all of this material when it comes time for finals?

We'll answer some of these questions and help you ease into a foreign environment. First of all, you should understand that studying U.S. law is radically different from many other kinds of studying. Law school doesn't follow the usual undergraduate pattern of “read, memorize, and regurgitate.” You won't get far simply by having a photographic memory and a quick pen. Why? Because law is not a static subject that you can master by memorizing a set of rules. Indeed, there are few absolute rules that apply in all cases. A hypothetical (often called a “hypo”) or two in class will open your eyes on this point!

Rather, “rules” of law develop mostly on a case-by-case basis and are subject to continued growth and change. Courts constantly review and evaluate earlier decisions in light of present realities; and, given the right circumstances, they may overrule or depart from those decisions. Also, the real world being what it is, new and different issues constantly arise which aren't covered at all by earlier decisions.

So, learning what's been decided in the past is only the first step. You must also develop the ability to reason from past decisions to solve present problems. That is what lawyers do every day—solve problems—and it is what law professors try to instill in you from the first day of classes.

What does that mean? For openers, it means that instead of simply memorizing the holding or “rule” of a case, you must be able to identify the particular factors that led the court to decide the case the way it did, and then determine whether those same factors are present in the case you're now considering. If different factors are present, you must decide whether they justify a different result. It also means that you must consider any changes in the economic or social conditions that surrounded the earlier decision, any conflicting rules or theories from other cases, and, most importantly, the practical impact of your conclusions in the particular matter at hand.

In short, you must learn to analyze a problem rather than merely memorize rules. This is what “learning to think like a lawyer” is all about. As you may have guessed, this process doesn't have magical shortcuts allowing you to pass through your LL.M. program without pain or strain. Nevertheless, there are techniques that will economize your time and help you get the most out of your study efforts.

## Preparing for class

Reading and briefing cases, as well as reading other explanatory materials, will be central to your experience over the next year. Most of these readings will come from a casebook, which is a compilation of edited judicial opinions, along with other supporting texts such as statutes and law review articles, plus questions or problems. When you read your assignments before class, you will be briefing cases. This process takes both time and practice.

Your law school professors will probably warn you to spend at least two hours preparing for each hour of class. They're right. At least at the beginning of your studies, you'll probably find this is a conservative estimate of the time it takes to read and brief the assigned cases, especially if English is not your native language. As with most things, practice makes matters easier.

### Suggestions to get the most out of preparing for class:

#### **(1) Use a “road map” for your reading assignments**

Before starting, it always helps to know where you're going. Therefore, before you start reading the assigned cases, look at the chapter headings and the table of contents in the casebook. These will tell you the topic to which the assigned cases may relate, and where this topic fits in the overall course.

#### **(2) Critically read the assigned cases**

Your initial task is to learn to read cases. “Read?” you say, “I can read. I certainly wouldn't have gotten this far if I couldn't.” This is true. But you must now learn to read as a U.S. lawyer.

As you'll soon discover, reading quickly is not going to help. You must read carefully and critically; every paragraph, every sentence; every word may have some special relevance for you to decipher. Speed is not the goal. Understanding is.

#### **(3) Keep a good law dictionary at hand**

Part of your initiation into the U.S. legal profession is learning its special language. Law is a technical language with technical meanings, and you must absorb these meanings as soon as possible. So, when you're reading cases, always keep a good law dictionary at hand. When you don't understand a word that is being used—or when a word is used in some unusual sense—stop immediately and look it up. The meaning of one word or phrase may very well alter or affect the whole case.

This may mean that you also need to have an English dictionary on hand as well, at least in the beginning.

#### **(4) BRIEFING CASES**

Law school classes are still largely based on the “case method,” i.e., the professor leads the class through an analysis and discussion of significant cases, as opposed to a straight lecture. It's your job to come to class prepared to discuss the assigned cases, and that means learning how to read and brief those cases as efficiently as possible.

Long, hard hours have to be spent learning how to brief a case. But don't begrudge this effort. Briefing cases is absolutely indispensable in “learning to think like a lawyer.” It gives you an organized approach to analyzing reported cases, and it forces you to distill the facts and reasoning down to a manageable size. These are abilities upon which practicing lawyers rely for their livelihood, and which you must therefore develop and polish in law school.

## Techniques and suggestions for briefing cases:

### A. Use a briefing system

Use a system that will force you to dissect the cases sufficiently for analytical purposes. Often, “misreading” a case is entirely the result of failing to break it into its essential elements. Here is a format that is useful for this purpose.

**Facts—Briefly state the essential facts leading to the controversy:** For example: Defendant (D) refuses to perform promise to paint Plaintiff’s (P) house, claiming mistake in offer as result of D’s underestimating cost of materials. P sues for damages.

**Trial court—State the judgment or decision in the trial court:** Judgment for Plaintiff

**Issue—State the issue or issues raised on appeal:** Does offeror’s mistake in estimating cost of performance, unknown to offeree, prevent formation of a contract (K) or excuse performance of K?

**Rule—State the disposition on appeal and the rule of the case:** Judgment affirmed. Offeror’s mistake was unilateral only and there is a binding K on terms proposed to offeree.

**Rationale:** This is the most important part of your case brief. You must get the gist of the court’s reasoning—*i.e.* why it arrived at its holding.

**Objective theory of Ks:** To protect reliance on promises, offeror is held to perform that which a reasonable person would have understood he promised. The fact that offeror was mistaken as to some collateral matter (here, price of materials) does not alter his obligation since offeree neither knew nor had reason to know of offeror’s mistake.

### B. Keep your “briefs” brief:

The sole purpose of briefing cases is to help you recall the case in sufficient detail to discuss it in class and to integrate it into your class notes. Once class is over and your notes are organized, it’s unlikely that you will be reviewing your case briefs. When exam preparation begins, you’ll be relying on entirely different materials (more on this later). Keep this in mind as you do your briefing.

Don’t attempt a detailed restatement of the entire case and avoid copying citations. (You can always look these up in the casebook if you need to.) Simply try to capture the gist of the facts and the court’s reasoning, in as few words as possible.

And now, a little good news: Learning how to brief cases is something that can be mastered by reasonable practice and, once you learn, you’re not likely to forget.

Koren Grinshpoon, L.L.M., Columbia Law School, James Kent Scholar



“Since Israel is a common law jurisdiction, graduates of accredited schools from Israel can qualify to sit for a U.S. state bar, particularly New York, with relative ease.

## Class discussion

Law school classes are very different from most undergraduate classes or graduate law classes abroad. There is often little “recitation,” and relatively little lecturing by the professor. Instead, the professor usually directs a group discussion of the assigned cases. (This is especially true if you are in “mixed classes” with J.D. students.)

Group discussions are generally done by a combination of questioning, cajoling, encouraging, baiting, (sometimes) embarrassing, and reasoning with one or more members of the class. A favorite of many law professors is the Socratic Method. In this teaching method, a student is asked a series of questions which ultimately forces him or her to adopt some totally indefensible position or argument that may be criticized by the professor or other students.

What’s the purpose of such a game? To stretch your analytic muscles and (once again) teach you how to think like a lawyer. The give and take between you and the professor forces you to think on your feet by reasoning and analogy. It also gives you a taste of the adversarial process at work!

### Suggestions on how to handle yourself in classroom discussions:

#### **(1) Focus on the reasoning of the assigned cases**

If called upon to present one of the assigned cases in class, be prepared to briefly state the essential facts of the case, the precise issue or issues decided in the trial court and raised on appeal, and—most importantly—the reasoning by which the appellate court reached its conclusion. As discussed below, for purposes of class discussion, the court’s reasoning is usually as important as the “rule” or holding of the case.

#### **(2) Learn to make your own judgments of the case**

The assigned cases should not be taken as “gospel.” Some cases will probably express views that have been discredited and are included in the casebook for purposes of comparison and criticism.

So, keep an open mind on the merits of each case and, especially, on the validity of the reasoning expressed by the court. Analyze the decision with healthy skepticism. Don’t be awed by the fact that a respected appellate court decided the case in a particular manner. Consider the issues involved as if they had never been decided before, and weigh the arguments raised by each of the litigants. Then make your own evaluation of the result reached and the reasoning expressed in the decision.

#### **(3) Make arguments that are practical and fair**

Don’t make the mistake of challenging a decision with generalities or loose talk. It never suffices to disagree with a case “as a matter of principle,” or because the decision “doesn’t make any sense.” Your professor will promptly ask you questions probing your “principles” or “sense.” Instead, make sure that your criticism of a decision is based on specific reasons, that these reasons are founded in logic, and that they will lead to a just result.

Remember that the law is inherently practical. Therefore, always test your position by whether the result reached is a practical one. For example, wherever possible, try to argue for positions that will avoid or shorten the litigation or prevent further lawsuits. Furthermore, you should generally avoid positions based on pure technicalities that would impose an unconscionable hardship on a party or lead to obviously unfair results.

#### (4) Answering class “hypos”

So far, so good, but you’re not clear yet. The professor is still interrogating you, but now the questions have shifted from the assigned case to hypothetical fact situations—which may or may not resemble the facts in the assigned cases. You are supposed to decide whether the “rule” or holding in the assigned case should apply here as well. The purpose of this exercise is to test just how far the rules in the assigned cases can be extended. You’re expected to determine whether the various facts in the hypotheticals posed by the professor are sufficiently similar to the facts in the assigned case so that the same result should occur.

Be cautious in answering these class “hypos”—don’t jump to conclusions. Before you decide that the rule in the assigned case applies to the hypo, always ask yourself whether the reasoning expressed in the assigned case justifies that application of the rule. You’ll soon discover “pitfall” cases—mental traps for the unwary—where it would actually be inconsistent with the court’s reasoning to apply the rule. You’ll garner lots of points with your professor by being able to spot such cases.

#### (5) Join in the discussion, even if you are afraid

After your initial experiences with “student baiting,” you may wonder what the whole process achieves that wouldn’t be better served by a lecture clearly explaining the relevant rules, exceptions, and qualifications. The short answer is that these professor-student classroom skirmishes, like the process of case briefing, are indispensable in acquiring the tools of a successful lawyer. Your ability to analyze and argue a case is what your clients will be paying for some day.

For this reason, you should approach law school classes as a valuable learning experience and participate actively in class discussion. It is a mistake to assume that “someone else can say it better” or that you will gain as much from listening and taking notes as from engaging in the discussion. Therefore, even if you were not a “hand raiser” during your undergraduate (or graduate) years, force yourself to take an active part in law school classroom dialogues. You will find the long-term benefits well worth the initial discomfort.

## After class

The work you do immediately following class is as important as your preparation for class. It is essential that you review your case briefs and class notes as soon as possible following class—preferably the same day. There are probably corrections or additions to make in your case briefs, possible gaps in your class notes, or maybe you have some lingering doubt concerning a hypo or question raised in class.

Don’t procrastinate. Right after class is the time to fill in those gaps and resolve those questions. Your notes will be fresh, and your mind will still be attuned to the problems involved. So, get yourself to the library, do whatever additional reading or research is required, and summarize your notes and briefs for that part of the course right away. Otherwise, your notes will be unmanageable by the time you begin to study for your final exams. Systematic summarizing of these materials—or outlining—will vastly enhance their value to you.

Juliana Santoro Del Pesco, LL.M., University Of Pennsylvania Law School



“BARBRI provided me with all of the materials and techniques to pass the Bar Exam. I found the PSP to be particularly helpful because it adapts according to your progress and therefore, it ensures that you also spend adequate time on your weaker areas. Being a dual-qualified attorney (Brazil and U.S.) has enabled me to internationalize my career and have a competitive resume.

## Outlining

To effectively outline, you are going to organize a large body of law into something that is meaningful and understandable. Your goal is to synthesize and mesh all parts - the rules from the cases, your summarized class notes, the professor's hypotheticals, and any other material that the professor has alluded to in the lecture, such as a note following a case in your casebook - into a whole cohesive picture that allows you to understand the subject and, ultimately, study for final exams.

First, focus on the organization of your materials. Sketch an outline of the chapter or section showing where each topic and subtopic fits. This will enable you to include all materials pertaining to a particular topic at the proper place. Also, later on, as you study and review your summary, the more logical the sequence the quicker the material will sink in.

Next, with this overall organization in mind, create a "mini-text" on each topic by synthesizing the legal principles from your class notes and case briefs pertaining to that topic. Your job is to extract the "kernels of truth" from each of the cases and problems discussed in class and work them into a logical sequence within each topic.

### How do you do outline?

The best place to start is with either your professor's syllabus or the table of contents of your casebook. You are looking for a framework to which you add the details you have learned.

Within each section, start your summary of each topic by formulating as broad and general a rule as possible. Follow this with a concise statement of the reasoning or rationale supporting the rule. Then, show any limitations or exceptions to the rule.

You can refer to leading cases as illustrations or examples of how the rule and exceptions apply. Unless you know your professor will hold you responsible for knowing case names, you will not include case names or citations. You also will not include case briefs in your outline. Your objective is to summarize the law you have learned into a final review tool that will enable you to successfully answer exam questions.

We heartily recommend this process of summarizing your notes. Creating your own summary from scratch is the surest way of mastering the subject matter. Expressing the relevant legal principles in your own words assures your comprehension of them and gives you a perspective on how the various principles interrelate. To achieve this goal, you will need to go through a handful of steps:

#### **(1) Gather information**

Although this is not part of the physical creation of an outline, it is a critical first step. You need to have a solid foundation of information to draw from once you are ready to put pen to paper (or fingers to keyboard). Those materials include: your case briefs, class notes, casebook, plus a commercial study aid (like your BARBRI outline or hornbook) and/or a handed-down outline (if you have obtained one).

#### **(2) Create a framework for your outline**

Once you have all of your materials laid out, use the table of contents in your casebook as the foundation of your outline. The table of contents already looks very much like an outline. It clearly lays out the major area of law (e.g., intentionally inflicted harm), the subtopics (e.g., battery and consent, as well as a list of defenses), and where all the cases fit into the discussion. If your professor does not follow the case book, you should lay out your outline using your course syllabus.

#### **(3) State the rules completely**

For each rule that you encounter, add a clear and complete statement of the rule into your outline. (e.g., "Battery is ....") How you get to this rule may vary. Your professor may have laid out the rule for you, a case you read may have laid out the rule completely, you may get it from a commercial outline or hornbook, or perhaps you were led to the rule through your professor's use of the Socratic Method in the classroom. How you came to the rule is not important. What is important is that you understand what the rule is and can clearly state it.



#### (4) Break down the rules into component parts

After you have stated the rule, the rule itself needs to be broken down into its component parts (called elements) and each element needs to be defined. (e.g., Battery requires four elements. List out all 4 elements.) The order of the elements should either track what you professor has laid out for you, assuming she laid out the rule and constituent elements for you. If not, follow the order that you cover the materials in your casebook—remember that it's the foundation of your outline.

Many students ask why they should break down every rule in detail. When it comes to essay exam writing, chances are very high that on your final exam, you will not be tested on the rule of “battery” per se. Rather, you will be tested on an element or elements of battery (e.g., what constitutes the plaintiff’s person or touching). If you do not know the definitions of these terms well, you will not be able to get outstanding grades.

#### (5) Illustrate with hypotheticals

Follow each defined element with some hypotheticals. As you study, you will learn it is often easier to understand rules and truly learn them if you can illustrate how the rule (the definition of the element) works. Additionally, on your final examination, you will have to grapple with unusual fact patterns and determine which rule should be used to solve the problem created by those facts just as courts do. Consequently, the more fact patterns to which you are exposed, the easier it will be for you to know which rule is called into use on the final exam. And, finally, expect a hypothetical your professor uses in class to show up in a final exam question—sometimes verbatim and sometimes with some variations—especially if the professor spent substantial time on the hypothetical. (One more reason that showing up to every class is valuable.)

Here’s a high-level outline example:



Depending on the subject matter of your class, at this point you may find it helpful to turn to BARBRI outlines. For example, if you are taking Contracts or Evidence, as many foreign-trained attorneys do, you can check your class notes for completeness against the relevant portion of the BARBRI outline. The outline will show you how the various topics that you are studying relate to each other. It will also help you fill in the gaps and may give you citations to other sources if needed. For help acquiring outlines that make the most sense for your classes, reach out to the BARBRI Director of Legal Education at your law school, who can be found at [barbri.com/contact](http://barbri.com/contact).

## Studying for final exams

For many students, LL.M.s and J.D.s alike, one of the biggest surprises about law school is that your performance for an entire semester is generally dictated by a single exam. You prepare for and attend class for an entire semester and the grade you receive is based on one final exam, generally in essay format, at the end of the semester. (There are, of course, exceptions.) Thus, whatever your personal study habits, there are several important practices to follow in preparing for law school exams:

### **(1) Use your own materials**

Your own words and phrasing will always be far more meaningful to you than those of any other person. Don't make the mistake of slighting your own summary at exam time in favor of "cram" materials prepared by someone else. Stick to the material you have been developing throughout the course. This is the time to refine your own material, not to abandon it.

### **(2) Study reasoning rather than case names**

Except for rare "landmark" cases (e.g., *Palsgraf* in the field of negligence), it's not necessary to memorize the names or holdings of particular cases for law exams. Instead, focus on the underlying policies and reasoning in the cases you have been studying throughout the course. Your instructor is more interested in your ability to analyze and resolve legal problems than in your ability to memorize case names and holdings. Therefore, make certain that you understand the policy factors and rationale that the courts have expressed— particularly in the difficult or unsettled areas of the course, because these are the areas most likely to be tested on your exams.

### **(3) Finalize study outlines**

Outlines are an important part of the learning process, as mentioned above. A well organized, manageable outline is also an essential final exam study tool. Your outline should be a marriage of both the big picture (i.e., understanding how the rules fit together into a whole) and relevant details (i.e., the elements of the rules and how those elements are applied to factual situations) as we covered above.

### **(4) Develop an issue-spotting approach**

Once you have command of the substantive materials, develop an approach that will help you spot potential issues on your exams. Develop a checklist of important points in each of the major areas of the course, and focus on the interrelationships among the various rules and principles you have been studying.

For example, where an exam question raises an issue involving negligent conduct, your approach should automatically cause you to consider not only the essential elements of the tort of negligence (duty, breach, causation, damages) but also each of the various exceptions or defenses that may operate to limit liability in the particular case.

### **(5) Practice exam writing**

Most instructors make available copies of past exam questions. Take the time and effort to work through these questions. They will help you sharpen your analytical ability and also give you a reliable gauge as to the number and kind of issues you are likely to encounter on that instructor's exams. Don't merely skim through them. Force yourself to sit down and actually write out an answer within the time limit given on the question. That's the only way to come to grips with the issues. If your instructor is willing, ask him or her to review your practice answer with you.

## Writing law school final exams

Most law school exams call for essay-type answers, designed to test your ability to analyze and resolve legal problems. Your answer must demonstrate the ability to spot the precise legal issues involved in the problem, and to provide a lawyer-like solution to those issues based on the materials studied throughout the course and your own reasoning ability. Here are some tips for writing your exams:

### (1) Analyze the problem carefully

Read the problem through once quickly and determine its general nature. Focus on the question you are being asked at the end of the problem (e.g., “What are the rights and liabilities of the parties?”). Keeping in mind the question asked, read the problem through again, slowly and carefully. Evaluate every word and phrase to raise all potential issues; you will later eliminate those that are not logically relevant. Ordinarily, it should not be necessary to read in or stretch the facts to reach the issues. Instead, confine yourself to the facts given and the logical inferences that can be drawn therefrom. Apply your “approach” to make sure that you have raised all relevant issues.

### (2) Organize your thoughts

After you have completed your analysis, chart the issues and the manner in which you will resolve them before you start writing. Arrange the issues in the sequence in which you would expect a court to deal with them, i.e., normally, jurisdictional issues first, then liability, then remedies. Write down the points you will discuss in sufficient detail to force you to think the problem through to its conclusion. Make sure that your analysis is leading to a fair and practical solution; if not, recheck your analysis.

We suggest using a system to help you organize this information. We developed one we call the Issue T where you state the rule at the top, the elements that comprise that rule down the left side of the “T” and all of the supporting, relevant facts down the right side of the “T”:

<b>RULE:</b>	
<b>Element 1:</b>	<ul style="list-style-type: none"> <li>– Supporting fact</li> <li>– Fact</li> <li>– Fact</li> </ul>
<b>Element 2:</b>	<ul style="list-style-type: none"> <li>– Supporting fact</li> <li>– Fact</li> <li>– Fact</li> </ul>

### (3) Don’t start writing until your analysis and organization is complete

You’ll usually find it necessary to spend at least one-fourth of the time allocated for the question analyzing the problem and organizing your answer. Don’t be concerned that others begin writing before you do; law instructors are usually focused on the quality rather than the quantity of a student’s answer. Also, a logical organization and clear expression of ideas can do wonders for a solid substantive answer and can even bolster a weak answer. Finally, you’ll find you can write faster than you’d suppose.

#### **(4) When you are ready to begin writing, use the I-R-A-C format for each issue raised**

**Issue.** First, specify the issue: State the issue in precise legal terms (e.g., “Did Defendant’s mistake in computing his bid prevent the formation of an enforceable contract?”). Avoid generalizations and fence-straddling phraseology (e.g., “Can the offeree sue for breach of contract?”).

**Rule.** Next, state the applicable law—the rule and reasoning applicable to the issue: If the courts dealing with the problem have expressed divergent views, don’t make the mistake of just discussing the “general view” or “majority view.” Consider and evaluate all relevant views. Again, make certain that you express the underlying rationale behind each view or rule of law.

**Application.** Then, apply the law to the facts: Avoid the common error of stating a rule and then jumping to the conclusion that the rule should be applied. Your instructor will not infer a supporting argument for you—you must spell it out. Therefore, with respect to each element of law involved, show which facts in the case support (or prevent) application of the rule. Discuss and weigh the facts given and logical inferences to be drawn therefrom. But again, do not read into or stretch the facts to reach some distorted application of the rule.

**Conclusion.** Finally, come to a conclusion on each issue: Make sure that you have answered the question asked. (e.g., If the question is “What advice would you give?” state clearly and explicitly your advice.) Never leave an issue “hanging,” or end your discussion of the problem with a question. If a number of solutions are possible, discuss the merits of each, but always select one position as your decision and state why. Remember that in close cases, it is generally best to select the most practical and fair decision and avoid a decision that disposes of the issues on purely technical grounds. Most law instructors appreciate and encourage independent and original legal reasoning. Therefore, don’t consider yourself bound by the “general rule” or “majority view” in answering an exam unless the question clearly calls for such.

#### **(5) Other helpful tips**

**Budget your time:** If you have allocated one-fourth of your time to analysis and organization, you should write only in such detail that you will cover all points raised in your analysis in the remaining time. Also, save at least two or three minutes at the end of the period to review your answer and to clarify and improve it. You may pick up points simply by better organizing your answer or catching obvious errors.

**Stick to the issues:** Don’t go into matters not directly raised by the exam question. Avoid the temptation to recite broad segments of the law which you may have committed to memory but which have little to do with the problem raised. You will often find that you are short of time in writing a law exam, and it’s dangerous to digress from the actual issues.

**Emphasize what counts:** Law exams are usually graded more heavily on certain issues than on others. In writing your answer, spend as much time as possible on the more controversial or difficult parts of the problem. You should not minimize or skip over preliminary points, but your instructor is usually more concerned with the way you handle the difficult issues of the problem and will grade accordingly. Except where the question clearly calls for it, discussions of historical materials, superseded doctrines, or discredited cases should be kept to a minimum.

**Make sure your answer is legible:** A grader won’t be impressed by the logic of an answer that cannot be read or is difficult to decipher. If your school gives you the option to handwrite or type your exams, we recommend typing your exam. In addition to improved legibility, typing is a blessing for those whose handwriting is slow and puts them at a time disadvantage on exams. It’s also great training in case you want to sit for a bar exam. Whether you write or type, keep your sentences short and paragraph frequently. Also leave an extra line between paragraphs as it enhances readability and provides room for insertion of thoughts that occur to you later. A judicious use of underlining, for emphasis, is generally encouraged.

## Grading

For many students, LL.M.s and J.D.s alike, one of the biggest surprises about law school is that your performance for an entire semester is generally dictated by a single exam. You prepare for and attend class for an entire semester and the grade you receive is based on one final exam, generally in essay format, at the end of the semester. There are, of course, some exceptions—In seminar classes you may have a paper or other work product determines your grade or in a legal writing or drafting class you may have several written assignments throughout the semester. This means that preparation throughout the semester and self-assessment is critical.

Grading is also blind or anonymous. You will be assigned a number to write on your handwritten or typed essay before you submit for grading. Then, most schools will allow the professor to adjust grades before final grades are submitted. Your first, and best, source of information on what your particular school does is your school handbook. What follows is a discussion of what is generally done, but realize that the school may handle matters differently, which will be explained in your handbook.

## Grading systems

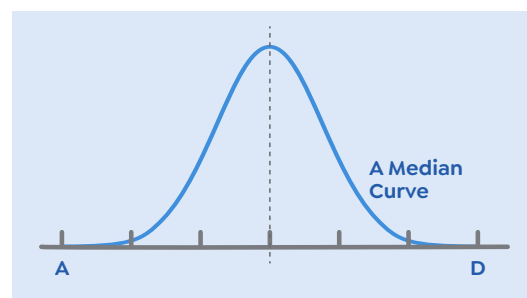
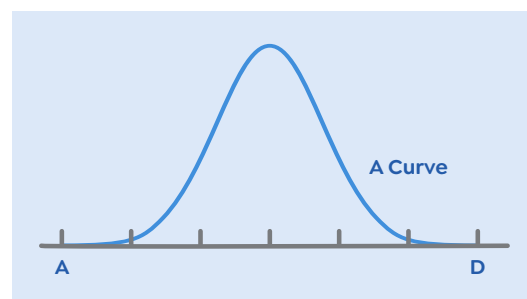
Most law schools grade on a curve. As you will find in the law, there are always exceptions. Some schools, for example, use a pass/fail or honors/high pass/low pass/fail system rather than assigning a letter grade or numeric value to a grade; however, the vast majority of schools still use the curve system for grading some or all of their classes.

When thinking about the curve, consider the diagram, which represents a standard curve. At its most basic, a curve maps out what a grade distribution for a class will look like.

### How the curve works

How the curve works may vary from school to school. One of the more popular ways that curves are applied is using a median curve. When applying a median curve, a professor grades all the exams, records the exams from the highest to the lowest raw score and plots where the median falls. The MEDIAN is the midpoint of the grading curve (or the line in the diagram below), with half of the raw scores falling above the median and half below the median. The letter grade attached to the median score would be dictated by the school, so the people who fall at the median would get that set score. The people above and below would receive grades above or below the median score but there is no set number of people who must get any given score. The professor can assign grades based on the quality of the exam responses, using his discretion.

What does this mean to you? Not much, so don't keep yourself awake at night worrying about it. How your exam is scored is not going to change how you study. You are still going to read and brief cases, participate in class, outline and do all the other things you need to do to be a successful student.





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