ST. MARY'S UNIVERSITY SCHOOL OF LAW
OFFICE OF ACADEMIC SUPPORT

Organizing Your Essay Answer

(gleaned from *The Eight Secrets of Top Exam Performance in Law School*, Secret No. 4
by Charles H. Whitebread, Harcourt-Brace, 1995)

1. After you have read the essay question/problem through *twice*, organize the answer by making an outline of your response before beginning to write it.

2. If the subject matter of the exam is related to Torts or Criminal Law, the fact pattern in the question usually presents a series of transactions or events. In such multiple transaction questions, organize your answer **by transaction**. For example,

   - A's car hits B's car;
   - B skids off into C who stabs D;
   - E strikes A with his firsts; and
   - All parties are poisoned to death at the hospital.

   Organize initially by transaction:
   - A hits B, what issues?
   - B skids into C, what issues?
   - C stabs D, what issues?
   - E strikes A, what issues?
   - The poisoning, what issues?

   Once broken into components, then organize each transaction in the way you organize all other exam answers – **by legal issue**.

3. These other types of exam questions usually present a chronological recitation of facts that are all part of a single transaction. Here, you can immediately organize chronologically by legal issue. In the context of a contracts-related problem:

Fact Pattern	Legal Issues
• A makes an offer to B	
• B counters	Offer and Acceptance
• A accepts	
• B fails to perform	Breach
• None of this is in writing	Statute of Frauds
• A gets what remedy?	Remedies

4. The legal issues should flow from your one-page checklist, a **"major issues" checklist** that you have memorized for the exam. Instead of memorizing the fine details of a legal subject, as you prepare for the exam, step back and focus on the larger, overall picture. What are the most important points your professor has stressed (*e.g.*, check out the table of contents of the casebook) in this course. These are likely going to show up on the exam. From this checklist, you will have a handy reference from which to *select* the main points raised by the essay question. Run through your checklist and see which issues are raised by the facts in your problem. These will become the main headings of your answer. Then consider what sub-issues you need to flesh out your outline. (Do not waste time – yours *and* your professor's – by including non-relevant issues from this checklist in your outline or your answer.)

5. Tailor your written response to the professor who is teaching the course.

6. When using the transaction-by-transaction approach, if a second or third transaction involves the same legal principle, you can simply incorporate the issue by reference, so as not to waste time and to avoid repetition. But always opt for clarity over brevity – so repeat the principle if there could be confusion over what you mean to say. And . . . don't be so sure that similar transactions actually raise the same legal issues. Very likely, your professor added subtle differences to test your ability to distinguish between them.

   Any questions? Make an appointment to review this further with one of us in the Office of Academic Exellence as you practice taking old exams in preparation for finals. Bring in a practice exam and your practice answer, and we'll discuss how you might improve it.