Chapter 21: Writing for Exams

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There are different strategies that you will use when writing an essay for an exam in law school or for the bar. Many law school exams consist of short answers, essays on directed topics, and “issue-spotters.” In law school, issue-spotters are exams featuring a long hypothetical—usually referred to as a fact pattern—in which there are several potential claims, defenses, and/or other scenarios to be analyzed under the rules you have learned in the course. When you are responding to an issue-spotter question, your goal is to demonstrate to the reader (usually your professor) that you both know the legal rules and understand how to apply them to a given set of facts. Depending on the particular fact pattern and prompt, you might also need to tell the reader every possible way a situation could resolve, often by applying the same rule and showing how your conclusion might change depending on how you interpret different facts. This ability to explore the legal issues in depth demonstrates your mastery of the rules and their nuances. Remember, your law professors assume you can regurgitate the rules, but they really want to see that you know how to *apply* the rules.

First, pay careful attention to the “call of the question” or prompt—what the professor has asked you to explain about the fact pattern. Many questions will not have a “right” answer as to whether a certain claim will succeed or fail, so the best practice is typically to explain both sides of the argument then commit to what you believe to be the stronger conclusion (e.g.: “The judge is likely to grant the motion for summary judgment in this case.”), *unless* instructions indicate otherwise or additional facts are necessary to make a reasonable conclusion. To maximize the points you earn, show the professor the steps you took to reach your conclusions by using the traditional IRAC structure for issue-spotter answers. Exams are designed for you to demonstrate to your professor that you can both find and articulate the legal **I**ssue; identify the relevant **R**ule(s); conduct the appropriate **A**nalysis or application, including the consideration of counterarguments; and clearly state the **C**onclusion. Put another way, for each section of your exam answer, you want to tell the professor what that particular section discusses; what past sources of law tell us about this issue; explain how this rule applies to the scenario and why the rule leads to a certain outcome; and then summarize for the reader the purpose of the section by restating your conclusion.

The primary benefits to sticking to an IRAC format are that (1) you present your thoughts in a logical sequence; (2) you are more likely to include all the components needed to show your thought process; and (3) your professor will be able to read your answers easily. All three of these benefits combine to create yet another benefit: you enhance your credibility with the reader.

When you begin reading an issue-spotter question, I suggest going ahead and writing

**I**

**R**

**A**

**C**

down the page. As you come across an issue, write it next to the I. You will repeat IRAC down the page for each issue you have.

An “issue” is a possible legal question—whether claim or defense—raised by a fact pattern and prompt. Although many fact patterns are quite long, every word has been carefully selected and warrants your full attention. To borrow another professor’s metaphor, think of issue-spotting as a pinball game: the fact pattern is riddled with issues, and you gain more points for each issue you find and discuss. To ensure you catch as many issues as possible, read the fact pattern carefully and multiple times, marking up the page as much as possible. Analyze every word and keep an eye out for important relationships between parties, as well as specific indications of the parties’ thoughts or actions that could suggest their mindset or explain their conduct. Do not add facts to the problem or make broad assumptions about facts given. If more facts are necessary, explain their necessity in your analysis. In short, active reading is your best friend in a law school exam.

For example, say you encounter the following prompt on your Torts exam:

*Early one Sunday morning, Arthur went over to Henry’s house to ask to borrow some eggs. When Arthur knocked on the door, Henry threw open the door, striking Arthur in the face and giving him a bloody nose. Henry sticks his head out, sees Arthur with blood streaming down his face, and laughs. Arthur screams, “I’m going to go after you for everything you’ve got!” Henry slams the door in his face. Can Arthur sue Henry for his bloody nose?*

# Sample Exam Answer

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I - Can A sue H for bloody nose under a theory of battery?

R - Battery occurs when a defendant (1) acts (2) intending to cause contact that is (3) harmful or offensive; and (4) harmful or offensive contact results. The contact does not have to be directly from a part of the defendant’s body; it is enough that the defendant intentionally uses an object to cause a harmful or offensive contact with the plaintiff such that the contact can be attributed to the defendant.

A - Here, we know that Henry caused a harmful contact to Arthur by swinging the door open and striking Arthur in the face and injuring his nose, which means that three elements of a battery claim are satisfied. What remains to be determined is whether Henry intended for the door to strike Arthur in the nose. On the one hand, the fact that Henry stuck his head out and laughed afterwards might suggest that Henry meant to strike Arthur with the door; in that case, Henry would be liable for battery. On the other hand, if Henry did not mean to strike Arthur and was actually laughing about something else, then Henry would not have had the intent to strike Arthur, and Henry could not be found liable for battery.

C - Henry’s liability for battery will depend on whether Arthur can prove Henry intended to open the door in a way that would strike Arthur.

(You could then use the same format to explore whether Arthur can sue Henry under a theory of negligence.)

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Notice how stating the issue helps you recall the appropriate rules. Once you have stated the rule, you then go through and connect a fact from the prompt to each piece of the rule. Where an important fact is unknown or ambiguous, like whether Henry had the requisite intent, that tells you to show how the facts could be interpreted to allow for either outcome. Then, you bring it all together by answering the question posed in I with the likely conclusion or the specific fact or portion of the rule that the outcome turns on.

As you are studying for your exams, practice putting your answers to practice problems in the IRAC format when you write out your responses. You should always try to answer the problems on your own before you read the sample answer! Having to recall the information and put it in your own words will help make the material stick in your long-term memory, which is better both for your exam-taking and for learning the material thoroughly.

# Conclusion

Using the IRAC format to answer your exam questions presents information in a way that legal readers are used to and prefer, ensures that you have addressed all components needed, and makes your paper easier to read.