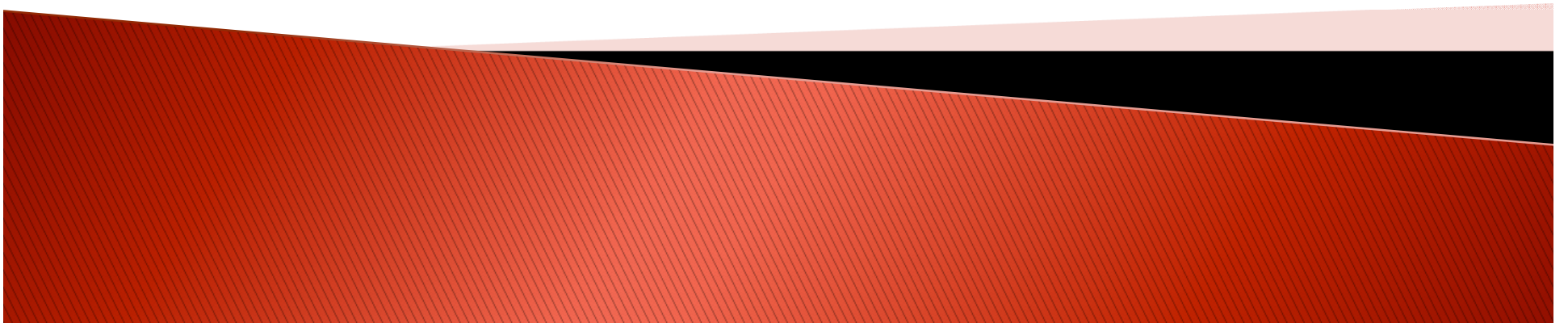
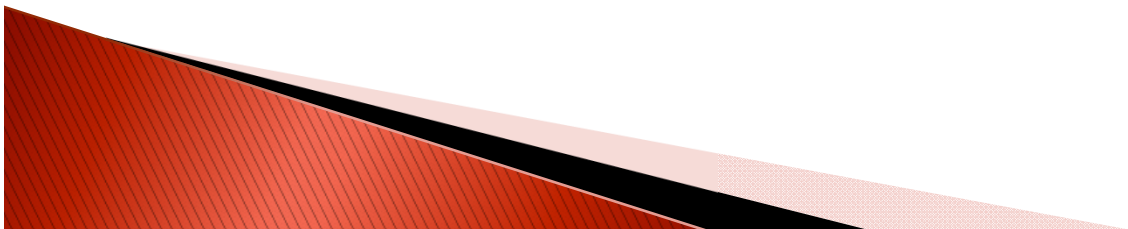


# Outlining and exam-taking tips



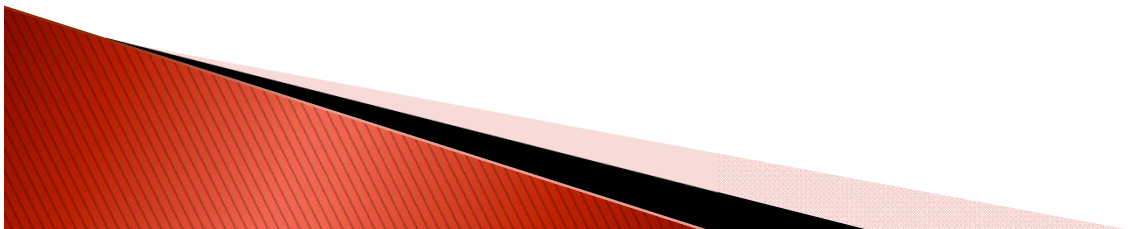
# Steps When Creating an Outline:

- ▶ 1. Get the big picture
- ▶ 2. Synthesize the rules and break them down into elements
- ▶ 3. Insert cases and hypos (examples from class on how to apply the rules)
- ▶ 4. Insert the reasons/rationale for the rule (policy)

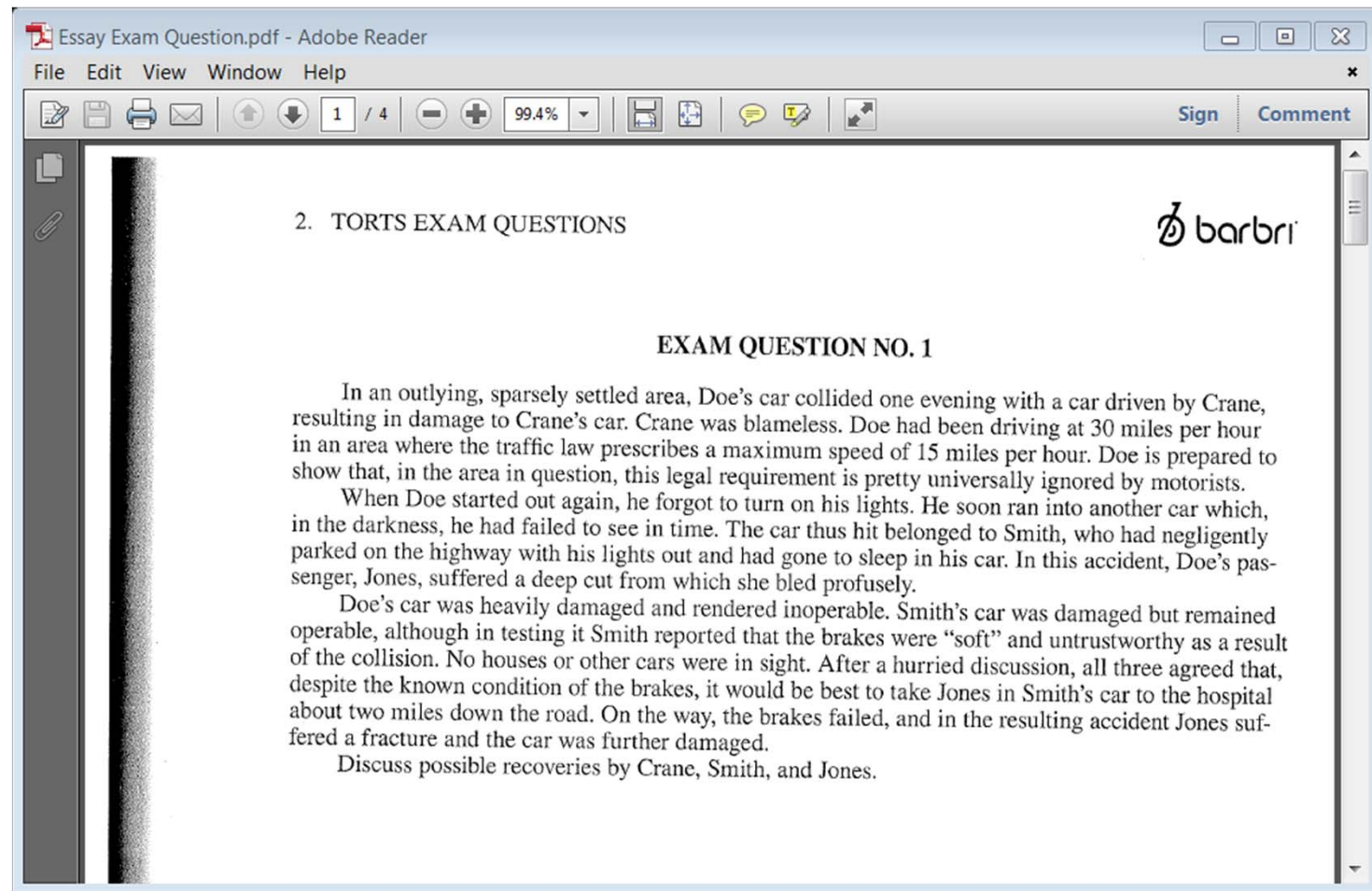


# Exams: Issue spotting (IRAC)

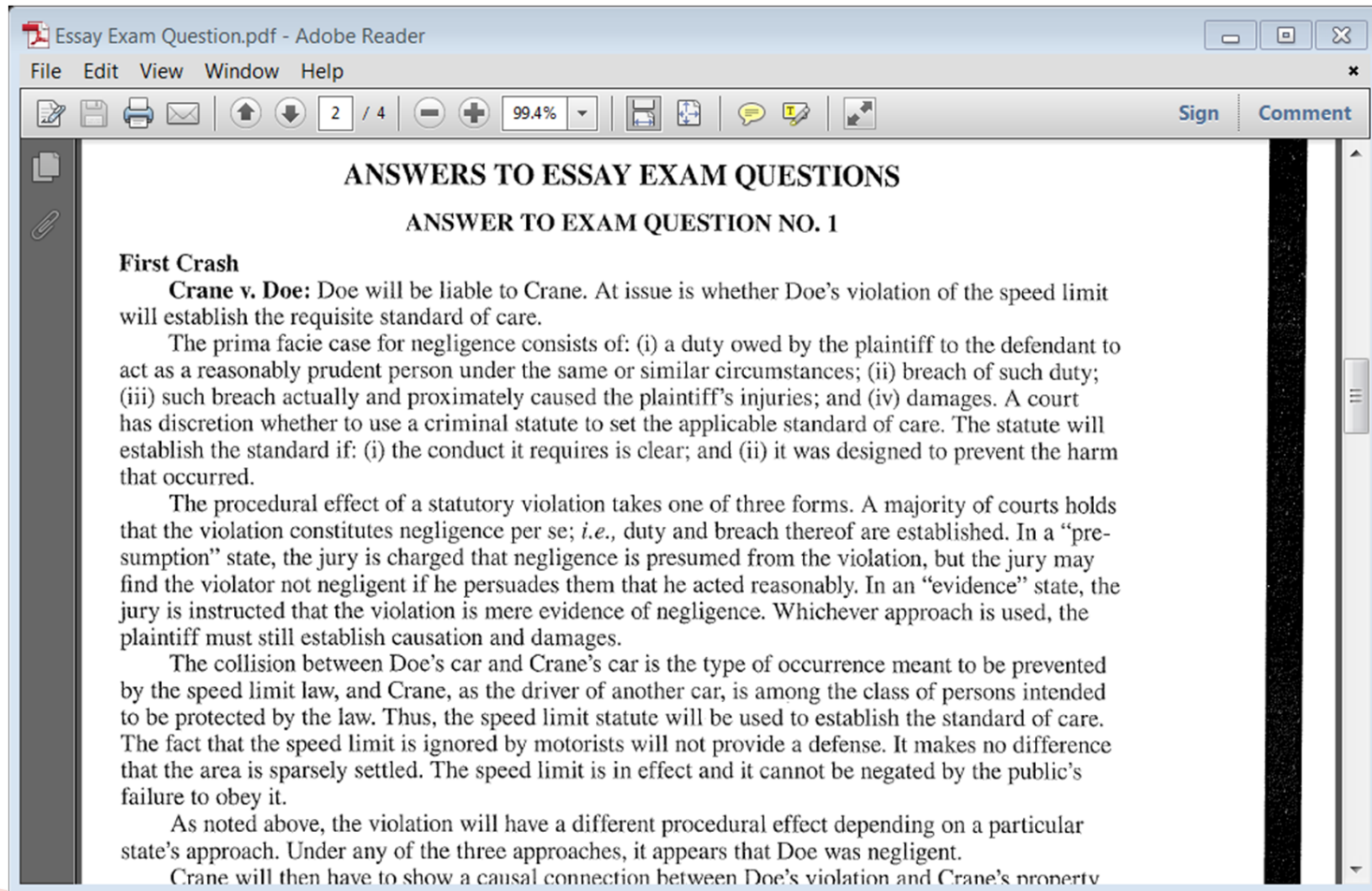
- **Issue:** What question is raised by the facts in light of the law?
- **Rule:** Summarize in your own words the legal rule that will help resolve the issue.
- **Application/Analysis:** Apply the rule to the facts and explain why the rule is satisfied, or not. Assume that you can argue both sides (counterargument(s)).
- **Conclusion:** State a conclusion about how rule applies to facts



# Essay Example

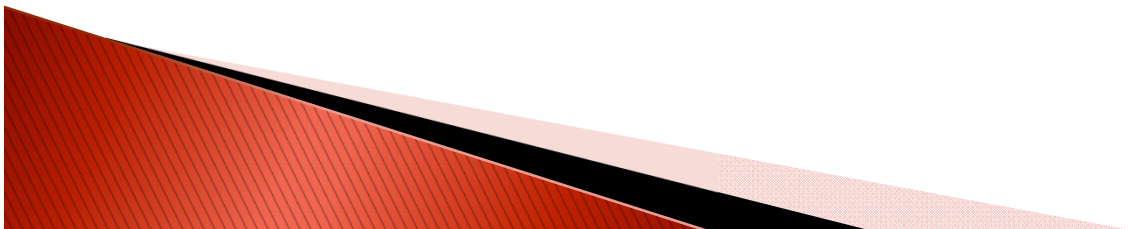


# Essay Answer



# Multiple Choice

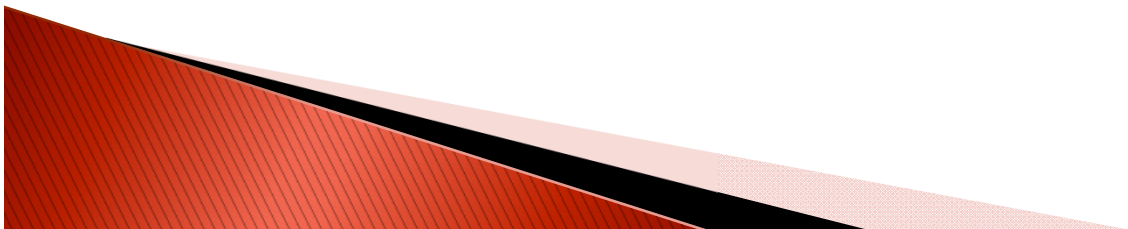
- ▶ Time management for m/c questions (i.e. m/c 25% of exam; 4 hr. exam; so one hour for m/c section; 30 questions; 2 min per question)
- ▶ Carefully read the question
- ▶ Carefully read the call of the question
- ▶ Eliminate bad answers first then look for best answer and complete answer (missing part of rule)





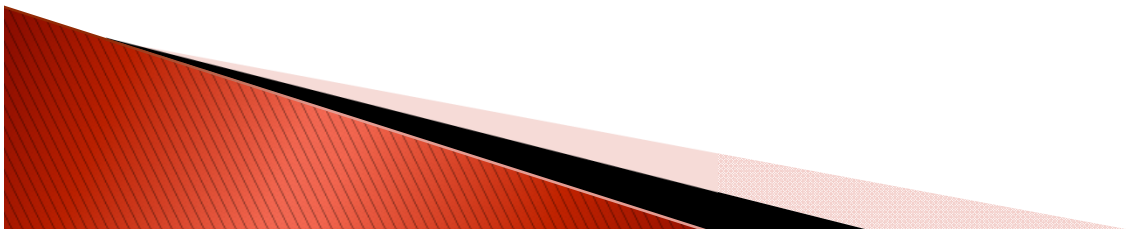
# Sample Multiple Choice Question

- ▶ A 12-year-old boy took his radio – controlled model airplane to the park to show his friends the stunts he could do with it. The weather that day was rainy, and the instruction manual for the plane warned against flying it in the rain, but the boy was able to get the plane off of the ground. However, because of the rain, he had trouble controlling it with the transmitter. He tried to have the plane make a loop but it veered off course and crashed through the fabric roof of a convertible, which was parked nearby on the street.



# Read the call of the question carefully

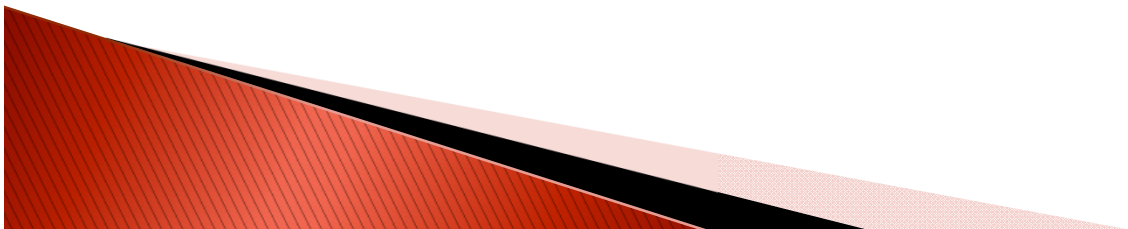
- ▶ The car owner sued the boy for damages through his guardian and the jury found in favor of the car owner.
- ▶ Question: What is the likely explanation for the jury's decision?





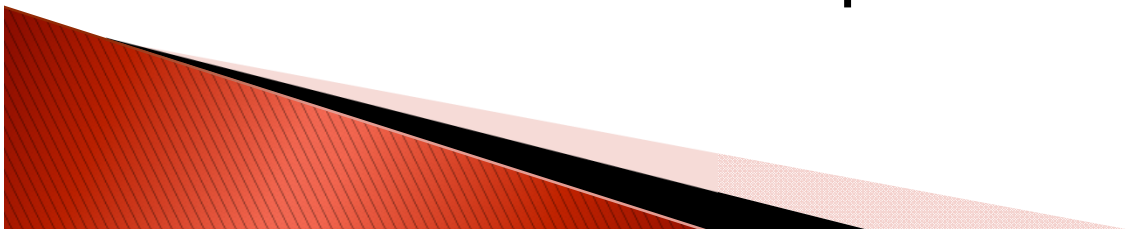
# What is the best answer?

- ▶ (A) A child of the boys age, education, intelligence, and experience would not have flown the airplane that day.
- ▶ (B) A reasonable person would not have flown the airplane that day.
- ▶ (C) The airplane instruction manual warned against flying in the rain.
- ▶ (D) The boy committed a trespass to chattel with his airplane.



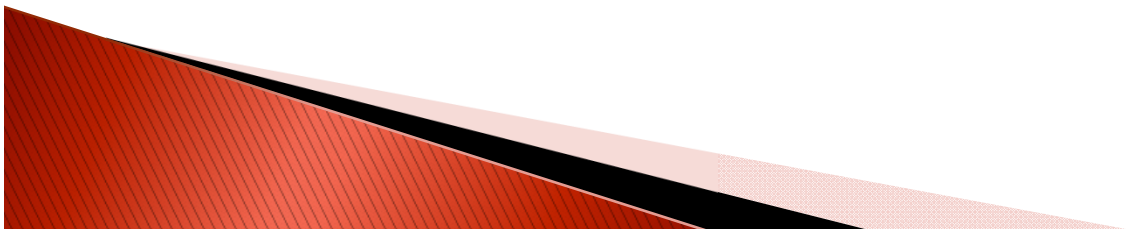
# Short answer: Issue is given in the call of the question

- ▶ 1. Read the call of the question.
- ▶ 2. Read the fact pattern.
- ▶ 3. Re-read the call of the question.
- ▶ 4. Identify applicable rule and its elements.
- ▶ 5. Identify exactly what you've been asked to answer. For example, if you've been asked "is the defendant's testimony admissible?" then respond with either a "yes" or a "no" or "likely yes" or "likely no" and follow it with the rule and a reasoned explanation in support.



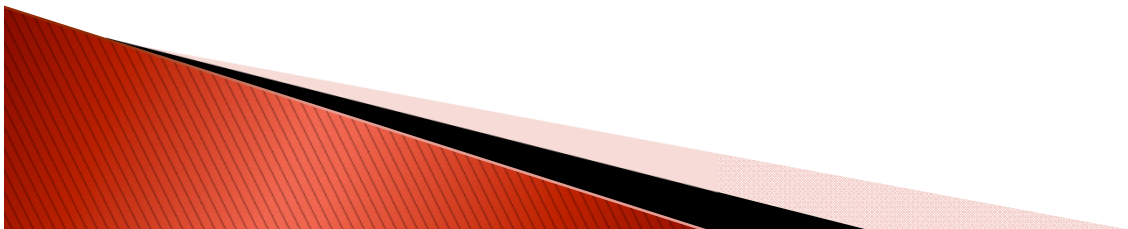
# Short answer format

- ▶ 1. Conclusion: your answer to the question
- ▶ 2. State applicable rule and any elements
- ▶ 3. Application of rule to the facts in the question



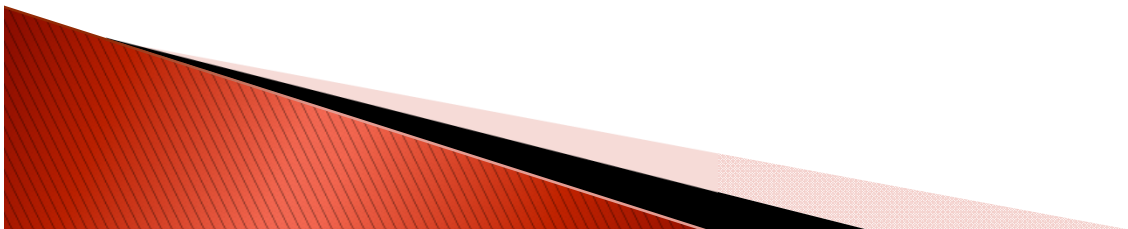
# Sample short answer question

- ▶ Jane and Judy observe a young man they do not know being struck by two men in a public park and they do nothing about it. They continue strolling through the park. Have Jane and Judy committed a criminal act?



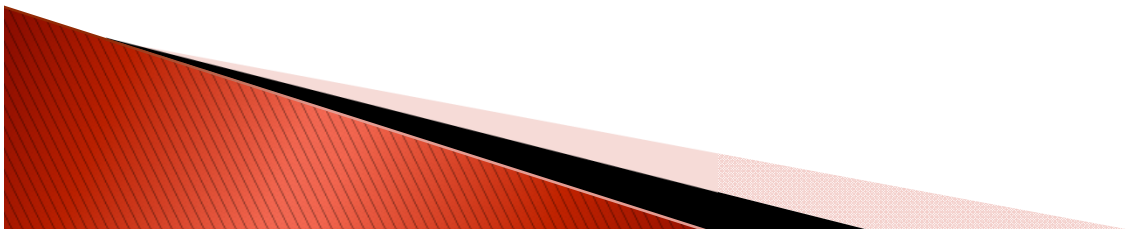
# Possible short answer

- ▶ Likely no. An accused person cannot ordinarily be convicted of a crime for a failure to act. Here, Jane and Judy have not acted. Rather, they have failed to act, a classic omission. Although what they did may be morally heinous, it is not punished by the criminal law in the absence of a specific duty-to-aid statute or some other legal duty to act (exceptions.) As they did not know the victim and had no prior relationship with him, there is no evidence that there was any duty requiring them to act.



# Policy Questions

- ▶ Not issue spotting, but instead requires a clear, cogent analysis of competing legal rules and public policy choices.
- ▶ Measures your ability to think beyond the rules and analyze, critique, and advance the policies behind the law.
- ▶ Most professors are exploring class discussions about policy issues and the views expressed on those issues.





# Sample policy question

- ▶ Critically evaluate the general American rule excluding punitive damages in claims based solely on breach of contract. Do you favor retaining or changing the rule? Explain your position.
  - Consider using “IAC” because the rule is given to you.

