

## My Boiled-Down Counsel to Law-Exam Newbies

Prof. Eric E. Johnson

November 17, 2008

(1) Do not make moral arguments. Do not argue about what is fair. *You've got to apply the law to the facts.*

(2) Do not write at length about the **law** without referencing the **facts**. *You've got to apply the law to the facts.* Merely regurgitating the law does not show your mastery of the subject or demonstrate your analytical abilities; it therefore earns you no points.

(3) The reciprocal is just as important: Do not write at length about the **facts** without referencing the **law**. *You've got to apply the law to the facts.* Merely rehashing the facts does not show your mastery of the subject or demonstrate your analytical abilities; it therefore earns you no points.

(4) No matter how nervous, anxious, or pressured you feel during the exam, do not rely on a crutch to keep writing to the exclusion of doing the hard work of legal analysis. Making moral arguments, regurgitating law, and rehashing facts (see 1, 2, and 3, above) are all dangerous temptations – they offer a way to keep writing, and thus provide the illusion that you are making progress. They are a Sirens' song. Resist.

(5) IRAC is not the Holy Grail. If you can write a good exam without IRAC, then you should absolutely forget about IRAC. On the other hand, if some kind of structural aid is essential to get you to perform legal analysis in writing, then IRAC might help you.

(6) Consider employing these mechanical aids to force yourself to write better exams:

(a) Strive to mention the facts and the law within the same sentence, where reasonable. This may force you to do legal analysis and allow you to write in a more compact and effective manner.

(b) When you state a conclusion, consider writing the word "because" afterward to force yourself to state reasons, supporting evidence, etc.

(c) When you make a relevant point relating law to facts, consider writing the word "therefore" afterward to force yourself to carry your reasoning all the way through to its conclusion (for example, that a certain person has a certain cause of action or can successfully interpose a certain defense).