

# HOW TO WIN A CALI AWARD: SOME PERSONAL ADVICE FROM TWO LAW STUDENTS WHO HAVE DONE IT

*Stephen E. Schilling\* and Rebecca M. Greendyke\*\**

I. INTRODUCTION .....	168
A. <i>What Is a CALI Award?</i> .....	168
B. <i>Two Kinds of CALI Award Winners</i> .....	169
C. <i>Three Keys to Winning CALI Awards</i> .....	170
II. KNOW THYSELF .....	170
A. <i>Know Your Learning Style</i> .....	170
1. VARK's Four Learning Preferences .....	171
a. Visual .....	171
b. Aural .....	172
c. Read/Write .....	173
d. Kinesthetic .....	174
e. Multimodal.....	174
2. A Learning Style Example .....	175
B. <i>Be Your Own Professor</i> .....	176
C. <i>Academic Support</i> .....	177
D. <i>Tutor or Mentor Other Students</i> .....	178
E. <i>Master Memorization</i> .....	178
F. <i>Target Specific Classes</i> .....	179
G. <i>Time Management</i> .....	180
III. KNOW THY PROFESSOR .....	181
A. <i>Research Your Professors</i> .....	181
B. <i>Talk to Your Professors Outside of Class</i> .....	182
C. <i>Professors and Their Exams</i> .....	183
IV. KNOW THY CLASS .....	183
A. <i>Use Outside Sources</i> .....	183
B. <i>Practice, Practice, Practice</i> .....	186

---

\* J.D. University of Dayton School of Law, 2010; B.A. University of Pittsburgh, 1992. Special thanks are due to Professor Staci P. Rucker, Director of the Academic Success Program, University of Dayton School of Law; Professor Vernellia R. Randall, Professor of Law, University of Dayton School of Law; Dean Richard Perna, Associate Dean for Academic Affairs and Professor of Law, University of Dayton School of Law; and Professor Jeffrey W. Morris, Samuel A. McCray Chair in Law, University of Dayton School of Law. Each in their own way taught me that there are greater things to learn in law school than simply how to get good grades.

\*\* J.D. University of Dayton School of Law, 2010; B.S. Texas A&M University, 1999. Thanks are due to all my professors, but especially to Professor Julie E. Zink, Associate Professor of Lawyering Skills, University of Dayton School of Law; Professor Tracy Reilly, Associate Professor of Law, University of Dayton School of Law; and Professor Blake Watson, Professor of Law, University of Dayton School of Law. Without their insights and editing expertise this comment would not have been possible.

1. Review & Outline .....	186
a. Review .....	186
b. Outline .....	187
2. Take Practice Exams .....	188
3. Write Your Exam Answers Ahead of Time .....	189
a. What Rules Will Be Tested.....	190
b. Writing Open-Book Exam Answers Ahead of Time.....	191
c. Writing Closed-Book Exam Answers Ahead of Time.....	192
C. <i>Exam Day</i> .....	192
1. Look Over the Exam before Starting .....	192
2. Make Your Essay Exam Answer Easy to Read.....	193
3. Organize the Content of Your Exam Answer .....	194
4. Use Case Analogies and Policy Statements in Exam Answers .....	195
V. CONCLUSION .....	195

## I. INTRODUCTION

This article grew out of a common conversation between law school students. What does it take to win a CALI award? Getting the highest grade in the class is the obvious answer, but how does one go about doing that? Are there specific tactics and strategies students can utilize to achieve that goal? As we, the authors of this article, have learned through hard experience, there are.<sup>1</sup> Between the two of us, we have won sixteen CALI awards.<sup>2</sup> To achieve this accomplishment, we each followed a series of repeatable and teachable strategies. This article will teach you how we did it, and show you how you can do it yourself.

### A. *What Is a CALI Award?*

In partnership with the Center for Computer-Assisted Legal Instruction, nearly every law school in the United States gives an award for the student who achieves the highest grade in each class.<sup>3</sup> These awards are known as CALI awards,<sup>4</sup> and winning one is a valued prize. Lawyers regularly give CALI awards a prime spot on their resumes, even when law

---

<sup>1</sup> Thanks to our fellow University of Dayton School of Law student, Mark Munson, for inspiring us to write this comment.

<sup>2</sup> Rebecca Greendyke has won ten CALI awards in Torts I and II, Legal Profession I and II, Patent Law, Constitutional Law, Externship, Patent Law Capstone, Commercial Transactions, and Administrative Law. Stephen Schilling has won six CALI awards in Legislation, Intellectual Property, Evidence, Criminal Procedure, Professional Responsibility, and Creditors' Rights.

<sup>3</sup> For a list of law schools that are CALI members, see *CALI Members and Affiliates*, THE CTR. FOR COMPUTER-ASSISTED LEGAL INSTRUCTION, <http://www2.cali.org/index.php?fuseaction=members.home> (last visited Jan. 14, 2011).

<sup>4</sup> Technically, they are called CALI Excellence for the Future Awards®. *CALI Excellence for the Future Awards®*, THE CTR. FOR COMPUTER-ASSISTED LEGAL INSTRUCTION, <http://www2.cali.org/index.php?fuseaction=excellenceawards.home> (last visited Jan. 14, 2011). However, law students and their professors universally refer to these awards simply as CALI awards.

school is a far-off memory, and students compete to win them, sometimes fiercely. Winning a CALI award is rarely easy, and most law students never win one. For this reason alone, a CALI award is an honored achievement.

Winning a CALI award sometimes feels like something that has happened *to you* rather than something that you *made happen*. Students often have no idea why they got the highest grade. The results of law school exams can seem arbitrary and random. It is common for a student to finish an exam thinking they did poorly only to learn later that they received the highest grade.<sup>5</sup> This article dispenses with the notion that winning a CALI award is an uncontrollable occurrence of luck, fate, or serendipity. Not only is it possible to predict who will win a CALI award, it is a skill that can be taught. There are concrete and repeatable tactics any student can use to win a CALI award. We have learned these skills through years of effort and study. Now we will share them with you.

### *B. Two Kinds of CALI Award Winners*

Two kinds of students win CALI awards: the smartest person in the class, and the hardest working person in the class.<sup>6</sup> Unfortunately, no one can teach you to be the smartest person in the class. This is particularly distressing in law school where students are regularly made to feel like the dumbest person in the class and where the students in general are all so impressively smart. The good news is that even if you are not the smartest person in the class, you can learn to be the hardest working person in the class. That alone is usually enough to win CALI awards simply because the smartest person in the class is almost never also the hardest working person in the class.<sup>7</sup>

No one can teach you to CALI a class if you are not willing to work hard. Law school is intellectually challenging, but even more so, it challenges your ability to work long hours.<sup>8</sup> If you are reading this hoping to find some secret that will allow you to study only forty hours a week and still earn a 4.0 GPA, forget it. When it comes to winning CALI awards, there is no substitute for hard work. This article can teach you to work smarter and more productively, but if you are not willing to dedicate yourself to being the hardest working person in your class, the odds of you

---

<sup>5</sup> The authors can attest to this from personal experience. One of the authors actually wrote on an exam predicting that he would receive a B-. He was indeed surprised when he instead received an A+ and a CALI award. The other author left an exam in tears, convinced she had failed and would be thrown out of law school. She was also very surprised to receive an A+ and a CALI award.

<sup>6</sup> Thanks to Professor Jeffrey W. Morris, Samuel A. McCray Chair in Law, University of Dayton School of Law, for making this point so concretely clear. This rule holds most firmly true in traditional, doctrinal classes.

<sup>7</sup> Where that is the case—where the smartest person in the class is also the hardest working person in the class—abandon hope all ye who enter here. Such students are nearly unbeatable. Only luck can help you against such competition.

<sup>8</sup> Spending 100 hours a week or more on law school studies is common.

ever winning a CALI award are low. However, if you are highly motivated and willing to work harder than everyone else, at least for one particular class, your odds of winning a CALI are good.

This article is not a general guide on how to succeed in law school. You should already know the basics of test-taking and other skills such as using the IRAC structure, close reading of cases, issue spotting, using facts to write an effective analysis, etc. Without that foundation, this article may not be helpful. However, if you are anything other than the lowest performing law student, and if you make law school achievement your highest goal, then winning CALI awards becomes simple.

### *C. Three Keys to Winning CALI Awards*

A student must do to three things to win a CALI award: know thyself, know thy professor, and know thy class. Knowing yourself means knowing how you learn best and doing things to make yourself the best law student you can be. Knowing your professor means learning how your professors teach, how they test, and what their expectations are. Knowing your class means knowing the material. This entails practicing and working problems, using outside sources, and being prepared with tips and tricks to make your exam answers stand out.

## II. KNOW THYSELF

### *A. Know Your Learning Style*

One of the most important things for all law students to discover is how they learn best.<sup>9</sup> You must know your own learning style. Everyone learns differently, so there is no single teaching method that will work for everyone. What are effective teaching techniques for one person will be a waste of time for another. Be cognizant of these differences as you read this article, and think critically about what techniques may best fit your particular learning style. However, never discount any learning technique without trying it first. Try different techniques, even if you first think they will not be helpful. The results will sometimes surprise you.

Many theories and models describe learning styles, but the simplest and most accessible is the VARK guide to learning styles.<sup>10</sup> To begin the

---

<sup>9</sup> Special thanks are due to Professor Staci P. Rucker, Director of the Academic Success Program, University of Dayton School of Law, for introducing us to the importance of learning styles. Every sentence throughout this section should properly have a citation referring directly to things she has taught us.

<sup>10</sup> There is an ongoing debate about whether the theory behind learning styles is viable. See, e.g., Valerie Strauss, *Willingham: Student "Learning Styles" Theory Is Bunk*, WASH. POST (Sept. 14, 2009 11:00 AM), <http://voices.washingtonpost.com/answer-sheet/daniel-willingham/the-big-idea-behind-learning.html>. However, based purely on personal experience, it is easy to conclude that different people learn differently.

task of determining your own learning style, first, go to the VARK website and complete the VARK questionnaire.<sup>11</sup> This should only take five minutes, but do not rush through it. Answer each question as thoughtfully and seriously as you can, and record your results.

### 1. VARK's Four Learning Preferences

Your VARK questionnaire results are only the beginning of discovering your learning preferences.<sup>12</sup> It is the right place to start, but because results may be skewed, experiment with the techniques described below to refine and test your results.<sup>13</sup> The refining and testing process will be crucial to determining your true learning style preferences.

VARK uses four learning preferences: visual, aural, read/write, and kinesthetic.<sup>14</sup> Most people, however, are multimodal—they have two or more strong preferences.<sup>15</sup> The sections below briefly explain the VARK preferences and give some specific study strategies that cater to those preferences. Determine your own learning style first, and then analyze whether your current study techniques are effective compared to the techniques listed below. Finally, commit yourself to trying new study techniques. It is only through trial and error that you can learn what is truly best for you, especially where techniques do not line up neatly with your preferred learning style or if you are a multimodal learner.

#### a. Visual

Visual learners generally prefer to receive information in the form of maps, diagrams, charts, graphs, flow charts, designs, patterns, shapes, and various other symbolic representations.<sup>16</sup> This includes seeing information, recalling mental images of information, and underlining and highlighting written material.<sup>17</sup> Specific law school strategies that visual learners generally prefer include the following:

---

<sup>11</sup> *The VARK Questionnaire: How Do I Learn Best?*, VARK, <http://www.varklearn.com/english/page.asp?p=questionnaire> (last visited Jan. 14, 2011).

<sup>12</sup> *Understanding the Results*, VARK, <http://www.vark-learn.com/english/page.asp?p=understandingresults> (last visited Jan. 14, 2011).

<sup>13</sup> The VARK questionnaire is continually being refined. *VARK Questionnaire Version*, VARK, <http://www.varklearn.com/english/page.asp?p=version> (last visited Jan. 14, 2011). It may have changed by the time you take it. We recommend taking it several times over your law school career. Your results may change. See *Frequently Asked Questions*, VARK, <http://www.vark-learn.com/english/page.asp?p=faq> (last visited Jan. 20, 2011).

<sup>14</sup> “The acronym VARK stands for Visual, Aural, Read/write, and Kinesthetic sensory modalities that are used for learning information.” *The VARK Categories*, VARK, <http://www.vark-learn.com/english/page.asp?p=categories> (last visited Jan. 14, 2011).

<sup>15</sup> *Multimodal Study Strategies*, VARK, <http://www.vark-learn.com/english/page.asp?p=multimodal> (last visited Jan. 14, 2011).

<sup>16</sup> *The VARK Categories*, VARK, <http://www.vark-learn.com/english/page.asp?p=categories> (last visited Jan. 14, 2011).

<sup>17</sup> *Visual Study Strategies*, VARK, <http://www.vark-learn.com/english/page.asp?p=visual> (last visited Jan. 14, 2011).

- Use different color highlighters when briefing cases or marking important material in casebook readings or in class notes
- Draw pictures and diagrams about fact patterns
- Use different fonts and typefaces when outlining
- Do CALI lessons
- Use flash cards
- Convert words into diagrams, graphs, and charts<sup>18</sup>

There are many other ways that visual learners can transform law school information into friendly forms. If you are a visual learner, or as is more common, if you have a partial preference to visual learning, then be creative in thinking of new ways to incorporate visual presentations into your study regimen.<sup>19</sup>

#### b. Aural

Aural learners prefer to receive information by hearing or speaking. This group of learners generally benefits from lectures, audio tapes, group discussions, explaining things to others, and generally talking, including talking to others and talking out loud to themselves. Aural learners often prefer to solve problems by talking through various solutions.<sup>20</sup> Specific law school strategies to try if you are an aural learner include the following:

- Record classes so you can listen to them later<sup>21</sup> and so that you are not distracted by trying to take detailed written notes
- Join study groups so you can verbally explain material to others and have it explained to you
- Record yourself reading notes or outlines and listen to it as a review
- Practice exam answers verbally

---

<sup>18</sup> *Id.*; Staci P. Rucker, VARK: Specific Strategies for Each Learning Preference (Sept. 17, 2009) (unpublished handout) (on file with authors).

<sup>19</sup> See the VARK website for more details on suitable study strategies for each of these learning preferences. *The VARK Helpsheets*, VARK, <http://www.vark-learn.com/english/page.asp?p=helpsheets> (last visited Jan. 14, 2011).

<sup>20</sup> *The VARK Categories*, VARK, <http://www.vark-learn.com/english/page.asp?p=categories> (last visited Jan. 14, 2011).

<sup>21</sup> Be sure to talk to your professors first and get their permission to record classes.

- Imagine you are talking to your professor as you write out exam answers<sup>22</sup>

In some ways, law school presents serious difficulties for aural learners. For example, aural learners often find taking notes during class distracting because it prevents them from focusing on listening to what their professors say. In other ways, law school is a friendly environment for aural learners. They generally do well with lectures and with the Socratic Method, and there are plenty of study group opportunities. In dealing with the vast amount of written material, there is also the ability to read things aloud and to make recordings. Such strategies enable aural learners to transform written material into a form they prefer.<sup>23</sup>

### c. Read/Write

Read/write learners prefer to receive information and communicate in writing. They gravitate toward making and using lists, glossaries, dictionaries, quotations, and text in general.<sup>24</sup> Specific law school strategies that appeal to read/write learners include the following:

- Take class notes in a transcription style
- Convert material into lists
- Create long and detailed outlines
- Read notes and outlines repeatedly
- Rewrite legal principles into your own words
- Convert diagrams and charts into written descriptions<sup>25</sup>

Read/write learners are common in law schools, which is unsurprising given that learning and practicing law is geared toward reading and writing. Because of this emphasis, students with strong read/write preferences generally feel at home with the most common law school teaching methods. However, benefitting from lectures and the Socratic Method are a special challenge to read/write learners.<sup>26</sup>

---

<sup>22</sup> *Aural Study Strategies*, VARK, <http://www.vark-learn.com/english/page.asp?p=aural> (last visited Jan. 14, 2011); Rucker, *supra* note 18.

<sup>23</sup> *Aural Study Strategies*, VARK, <http://www.vark-learn.com/english/page.asp?p=aural> (last visited Jan. 14, 2011).

<sup>24</sup> *The VARK Categories*, VARK, <http://www.vark-learn.com/english/page.asp?p=categories> (last visited Jan. 14, 2011); Rucker, *supra* note 18.

<sup>25</sup> *Read/Write Study Strategies*, VARK, <http://www.vark-learn.com/english/page.asp?p=readwrite> (last visited Jan. 14, 2011); Rucker, *supra* note 18.

<sup>26</sup> *See infra* Part II.A.2.

#### d. Kinesthetic

Kinesthetic learning refers to using one's own experiences and practices to learn. Stated another way, kinesthetic learning is learning by doing. For example, a kinesthetic learner will prefer to learn about wills by going through the process of actually writing a will. Kinesthetic learning methods include live demonstrations, simulations, video demonstrations, role-playing, internships and externships, and interactive instruction.<sup>27</sup> Law school strategies aimed at helping kinesthetic learners often seem unconventional. They include the following:

- Sit at the front of the class to help maintain focus through the entire class
- Study with lots of different materials spread out, which appeals to the learner's tactile senses
- Do practice problems
- Do CALI lessons
- Engage in movement in general while studying, such as pacing, using one's hands to talk, or other movement like tapping one's foot, playing with a rubber band, or rocking back and forth in a chair
- Study with white noise in the background such as from a fan, a radio, or a television<sup>28</sup>

Kinesthetic learners—those who learn by doing—often find law school difficult simply because few classes or professors cater to this style. Hands-on learning activities are rare in most law-school classes. However, classes such as externships and clinics—both of which focus on real-world experiences—are ones where kinesthetic learners have a natural advantage. In general, kinesthetic learners need to be particularly diligent and creative in finding effective study techniques.

#### e. Multimodal

The majority of people are multimodal, meaning that they have multiple learning preferences. Such students may be able to mix various study strategies, but others may only feel comfortable when they have tried to learn material in both (or all) of their preferred styles, which can be time

---

<sup>27</sup> *The VARK Categories*, VARK, <http://www.vark-learn.com/english/page.asp?p=categories> (last visited Jan. 14, 2011); Rucker, *supra* note 18.

<sup>28</sup> *Kinesthetic*, VARK, <http://www.vark-learn.com/english/page.asp?p=kinesthetic> (last visited Jan. 14, 2011); Rucker, *supra* note 18.

consuming.<sup>29</sup> In general, multimodal students have an advantage because they can learn effectively through more varied means of input, which allows them to be more flexible in their study routines. This flexibility gives them the ability to focus on saving valuable study time by using strategies that are the most time-efficient rather than having to use potentially more time-consuming strategies that fit with an exclusive learning style.

## 2. A Learning Style Example

An example of how learning styles can influence law-school study habits is the recurring debate over whether it is best to handwrite class notes or to type them on a computer. It is common for professors to recommend handwriting class notes.<sup>30</sup> Part of their reason is that professors do not like staring at rows of laptop lids and being unable to make eye contact with their students.<sup>31</sup> That situation makes it difficult for classes to be interactive, and students are more likely to be distracted.

What this debate ignores is the primacy of your own learning style.<sup>32</sup> For students who are overwhelmingly strong aural learners, taking notes is often a distraction. Such strong aural learners will often take no notes whatsoever, or when they do, just a few. Multimodal learners with a strong aural component will usually handwrite their notes. Students who are strong visual learners also generally prefer to handwrite notes, but they will often do so in unconventional ways by using pictures, charts, and graphs. Kinesthetic learners tend to be neutral on the question. For them, the physical act of writing or typing can be the most valuable aspect of note taking.

However, for strong read/write learners with no aural preference whatsoever, taking notes by hand is a disaster. This is true because to handwrite notes effectively, you have to synthesize what the professor says as you take notes. For read/write learners this is impossible because they are unable to comprehend the material well enough through aural delivery. For them, the most effective note taking technique is to type every word the professor says.<sup>33</sup> This allows read/write learners to *read* the words as they

---

<sup>29</sup> *Multimodal Study Strategies*, VARK, <http://www.vark-learn.com/english/page.asp?p=multimodal> (last visited Jan. 14, 2011).

<sup>30</sup> Jana R. McCreary, *The Laptop-Free Zone*, 43 VAL. U. L. REV. 989, 1000 (2009) (discussing the common but false claim that taking notes by hand is more effective than typing notes on a computer).

<sup>31</sup> The Socratic Method is partly to blame for this dislike of laptops and desire for eye contact. Animals who are prey instinctively know not to make eye contact with predators. When it comes to the Socratic Method, it is clear who the predator is and who the prey are. Do not be surprised that an antelope does not wish to make eye contact with a lion that is in the same cage as him.

<sup>32</sup> See McCreary, *supra* note 30, at 1005 (“People, after all, have different learning styles.”).

<sup>33</sup> See *Read/Write Study Strategies*, VARK, <http://www.vark-learn.com/english/page.asp?p=readwrite> (last visited Jan. 14, 2011). Transcription style notes must be typed because no one can handwrite fast enough to transcribe everything a professor says. Saying someone transcribes what a professor says is a misuse of the word. An average speaking speed is approximately 150 words per minute. ELI R. JOHNSON, ACADEMIC LANGUAGE! ACADEMIC LITERACY!: A GUIDE FOR K-12

type them. Where something spoken to read/write learners will have little meaning, giving them the ability to read it instead makes all the difference. In other words, read/write learners who type their notes do not *listen* to what their professors say,<sup>34</sup> instead, they *read* what their professors say—they read it as they type it. This technique makes class time an effective learning experience for read/write learners. It has the added benefit of giving read/write learners a written record of the entire class that they can learn from later (and that they can give to other students who are not good note takers). When it comes time to outline and prepare for the final, transcribed notes give read/write learners a study tool that best matches their preferred style.

This example should guide you in every study decision you make, and for each of those decisions, the most important factor is always what will be most effective for *you*. Never spurn advice from those who want to give you tips about study techniques that work for them, but always remember that what is right for someone else may not work for you. In this one area of the law, you are the only judge who matters.

### *B. Be Your Own Professor*

Being your own professor is central to law-school success and is critical to winning CALI awards. If you sit passively in class and expect your professors to teach you to win a CALI award, then you will be sorely disappointed. It is not that you will have bad professors (although you may), or that they will not teach you the most important points of law (they will), it is simply that you need to be an active participant in your own learning. You need to use your knowledge of your preferred learning style and teach the law to yourself in the way that best fits your style.

Most professors teach in a way that is weighted toward aural and read/write learners.<sup>35</sup> Professors favor read/write learners by using casebooks. They supplement this with aural teaching methods—lectures or the Socratic Method. Visual and kinesthetic learners are at a disadvantage in the overwhelming majority of law school classes.<sup>36</sup> This is even truer

---

EDUCATORS 83 (2009). However, typing that fast is nearly impossible. TERESIA R. OSTRACH, TYPING SPEED: HOW FAST IS AVERAGE 3, available at <http://www.readi.info/documents/TypingSpeed.pdf>. Therefore, unless a professor speaks very slowly, even typed notes are never transcriptions.

<sup>34</sup> They only listen as much as is needed to transcribe what the professor says, which requires complete concentration. However, it is a different form of listening.

<sup>35</sup> Naturally, all teachers teach in a way that favors their own learning style preferences. Although most law-school professors teach their classes in a traditional manner, this seems to be changing. Some professors incorporate different techniques and try to appeal to all learning styles. See, e.g., Diane Murley, *What Second Life Taught Me About Learning*, 100 LAW LIBR. J. 787, 787 (2008) (“When I taught first-year legal research, I researched learning styles and tried to incorporate something for each style into my teaching.”).

<sup>36</sup> However, make note of classes that focus on kinesthetic learning techniques, such as law clinics and externships. Kinesthetic learners generally excel at hands-on type classes. When choosing electives or when designing your study routines for particular classes, be aware of these differences.

given how the vast majority of law school classes conduct testing—with exams that focus on writing ability and reading comprehension.

If you are not a read/write or aural learner, or even if you only favor one of those styles, you are in a difficult situation. The best way to overcome that disadvantage is to teach the material to yourself in a way that focuses on your own preferred learning style. With this as your guiding philosophy, do not think of preparing for class as a way to ready yourself for the Socratic Method. Instead, your class prep should be an exercise in teaching yourself the material. Ideally, you will already know all the material at the beginning of class. Of course, this is not always possible given the complexity of the law and the explanatory poverty of the average casebook, but you always have your professor to fall back on. That is the main purpose that your professors should serve—a backup plan for when you cannot teach yourself the material.

### *C. Academic Support*

Academic support programs used to be rare at law schools; today, nearly every law school in the nation has some sort of program designed to help incoming students acclimate to the demanding expectations of law school.<sup>37</sup> The goal of any academic support program is simple: to help law students be successful. Traditionally, law schools have designed academic support programs to help non-traditional students, but do not let this stop you from getting involved.<sup>38</sup> Regardless of whether you are a non-traditional student, if you hope to win a CALI award, academic support will help. And, if an academic support program does not exist at your school, seek out an online program.<sup>39</sup> Alternatively, collaborate with your school's administration and create your own academic support program. However you do it, find a way to get involved.

Academic support is valuable for a simple reason: it teaches you to be a better law student. Just as it helps non-traditional students, so too can it help the highest performing students. Academic support teaches you the basics. Many students mistakenly feel that they are above such lessons, which is tremendously shortsighted. An expert is simply someone who has mastered the basics. Use your school's academic support program to your advantage, and it will teach you to be an expert law student. Only by

---

<sup>37</sup> Thanks again to Professor Staci P. Rucker, Director of the Academic Success Program, University of Dayton School of Law, for taking the time to teach us about academic support. Without her guidance, this article could never have been written.

<sup>38</sup> Both of the authors were involved with the Academic Support Program at the University of Dayton School of Law. We credit much of our success to that program.

<sup>39</sup> Professor Vernellia R. Randall, Professor of Law, University of Dayton School of Law, runs online academic support programs. *See, e.g.*, THE JD PROJECT, <http://thejdproject.org> (last visited Jan. 14, 2011). However, the authors were unable to find any other such programs. This may be an underserved area in legal education, and therefore, an opportunity for future expansion.

mastering the basics first can you move on to learning how to win CALI awards.

#### *D. Tutor or Mentor Other Students*

A feature of most law-school academic-support programs is that student teaching assistants (“TA”s) are employed to teach other students. Becoming a TA is an excellent way to become a better law student, and therefore, a step toward winning a CALI award. If your school does not have a formal academic support program or if you are unable to get one of the few TA jobs, then try to do the same thing informally by tutoring or mentoring. Find 1Ls who need help, then volunteer to teach them.

Tutoring and mentoring other students is helpful to improving your own law school success because in teaching something, you force yourself to learn it first. By teaching other students to improve their grades—the primary mission of academic support—your own grades will also improve.

If you are involved with a formal academic support program, not only will you learn the lessons you will be teaching, but even better, you will have a professor guiding your performance. This gives you a seasoned professional who is an expert at helping students improve their grades to guide you. Academic support professors are an invaluable resource. They can teach you more about earning good grades than anyone else. If you want to win a CALI award, get to know everyone on your school’s academic support team, and then work as closely with them as you are able.

#### *E. Master Memorization*

In some classes, the CALI award goes to the student who is best at memorizing large amounts of material.<sup>40</sup> Your memorization skills will be critical for virtually every closed-book exam. Like any other skill, effective memorization requires a strategy for success and lots of practice. Too many students ignore this skill, and their grades needlessly suffer as a result.

There are many different memorization techniques. These include using acronyms, mnemonic devices, acrostics, flash cards, rhymes, songs, visual associations, verbal repetition, written repetition, or chunking material into manageable groups. This is just a small sample of the many techniques law students use to aid memorization. Which of these different techniques will work for you depends on your preferred learning style. For example, if you are a visual learner, making flash cards with pictures can be effective. Because most people’s preferences are so personal, we invite you

---

<sup>40</sup> As we prepare for the bar exam, we also see its continued importance beyond law school.

to research the topic of memorization yourself.<sup>41</sup>

The key to mastering memorization is to try several different techniques until you find what works best for you. Once you find that technique, use it effectively for every class where memorization will be important. Do not allow the simple skill of memorization to hold you back from earning a CALI award that you would otherwise deserve.

#### *F. Target Specific Classes*

To give yourself the greatest odds of winning a CALI award, target specific classes. These are not necessarily the *easiest* classes, but they will be the easiest classes from your perspective.<sup>42</sup> The trick here is determining, sometimes through trial and error, which classes *you* find to be the easiest.

Another option is to look for classes that students universally consider the most difficult. This may seem counterintuitive, but if students all fear a particular class, that can provide an opportunity. If you can commit yourself to work hard on an otherwise difficult class regardless of how fearsome or tedious it may be, and if you can spend extra study time on that class, then you will have a natural advantage. Spending extra time on *any* class will give you an advantage. In a class that all other students dislike, their dislike will likely cause them to spend *less* time on it. If you can find a way to make yourself enjoy the class or at least tolerate it more than everyone else, then you will have a tremendous advantage.

The most common type of targeting students do is to target open-book classes.<sup>43</sup> If you can make long, detailed outlines, or if you are someone who is bad at memorization, focusing on open-book classes is a good strategy. The advantage with such a class is that a thorough outline that you are allowed to bring into the exam will be a valuable resource during the test. As long as you are familiar enough with your materials to find things quickly, you can literally bring all the answers with you into the exam. Instead of wasting time on memorization, you can hone your issue-spotting and analysis-writing skills. With such an approach, many students find open-book exams easy, and that puts you closer to CALI'ing the class.

A CALI award is given for every class regardless of size, and the

---

<sup>41</sup> Do an Internet search for "memorization techniques" and an overabundance of detailed information will appear.

<sup>42</sup> Using an example from one author's experience, he discovered that he excelled at classes that focused on statutory interpretation and on statutory code. He seemed to have a natural advantage in these classes. With that knowledge in mind, when it came time to choose electives, he tried to choose classes that focused on learning a particular statutory code. Classes that dealt exclusively with common law subjects were ones he avoided. This may have been a self-fulfilling prophecy or the result of some other unrelated effect, but, regardless of whether the preference was true or false, this belief boosted his confidence in certain classes, and that helped his performance.

<sup>43</sup> See *infra* Part IV.B.3.b. The techniques described there make classes with open-book exams prime targets for winning CALI awards.

highest grade in each will win a CALI award. With this in mind, it is obvious that if you are in a class with only five students, you should have at least a twenty-percent chance of winning a CALI award. If there are one-hundred students in the class, you only have a one-percent chance. If you add other things to your favor, such as following the advice of this article, your twenty-percent chance in a class with only five students can easily shoot up to fifty percent or higher. Therefore, when you choose your classes, always consider the class size. At times, this may necessitate taking a class taught by a less popular professor or on a less popular topic, because, naturally, that class will be smaller than others. Based solely on the odds, this works to your advantage.

### *G. Time Management*

Successful time management is critical to being a top performing student. Managing time effectively and using your time to study efficiently will greatly increase your chances of winning a CALI award.<sup>44</sup> Time management begins with making a schedule. Make it realistic, and then stick to it; a schedule is useless if you do not follow it.

Next, identify your most productive times of the day. This will require careful analysis of your routine and an examination of the quality of work you produce at different times of the day. As you undertake this task, be aware that short breaks can positively affect your productivity level. Additionally, you may have several peaks and valleys of productivity throughout the day and throughout the week.

Once you identify your most productive times, build your schedule around them. Save those times for your most difficult subjects or for classes you have a better chance of CALI'ing. For times when you are least productive, reserve that for tasks requiring less or little brainpower, like shopping or doing laundry.

Another aspect of time management is to stay motivated and focused throughout the day, throughout the week, and throughout the entire semester. Winning CALI awards is not something you do strictly at exam time. It is something that begins before your classes start, and it continues every day throughout the semester. Knowing that the harder you work the more likely you are to win a CALI award, you should continually push yourself into working longer hours. Find your personal limits, work up to those limits, and then try to push beyond those limits if you can do it while

---

<sup>44</sup> Once again, Professor Staci P. Rucker, Director of the Academic Success Program, University of Dayton School of Law, has been instrumental in teaching us the lessons of time management. Such lessons may seem deceptively simple and, therefore, easy to under appreciate, but only by mastering the basics can you become an expert. Too many students handicap themselves by overlooking these foundational lessons.

still preserving your mental and physical health. Just be aware of when you are pushing so far that you are decreasing your own effectiveness. Ineffective study time can be just as wasteful as no study time at all.

Related to time management, to have any hope of CALI'ing a class you must discipline yourself to never give up. Never give up on a semester, on a class, on a week, on a day, or even on a single hour that you could use productively. If you were to waste just one hour a day—meaning that you gave up on that time—over the course of a semester, that one hour a day would add up to over four full days. If you instead used that time productively to study for one particular class, you would have four extra days of study time. An advantage like that makes winning CALI awards easy, but achieving it requires constant analysis and refinement of your study schedule.

### III. KNOW THY PROFESSOR

Once you know yourself and how to maximize your performance in law school, you must know your professors. Knowing your professors' testing and grading preferences can make the difference that will get you the CALI award.<sup>45</sup> This means learning how your professors teach and test, and learning other things about them that will allow you to shape your performance to meet their expectations.

#### *A. Research Your Professors*

The first step toward knowing your professors is to research them. Your best source of information about professors will come from upperclassmen. For each class you take or that you are considering, talk to as many people as possible who have already taken that class. Ask about the professor's teaching style. Any bit of information may be important when analyzing whether to take a class or when planning your study regimen.

Next, ask other students about how a professor conducts exams. Was the exam open book or closed? Was it multiple-choice or essay? Was it easy or hard? Consider the answer to each of these questions in relation to your own learning style preferences and in relation to your chances of CALI'ing the class. For example, if you are excellent at memorization, then a closed-book, essay exam might be your preferred style of test. On the other hand, you may excel at multiple-choice exams. When you are already in the class (whether you had a choice about taking it or not), from the very first day you need to know what the exam will be like so you can shape your study routine to that test. For example, where an exam is multiple choice,

---

<sup>45</sup> JOHN C. DERNBACH, WRITING ESSAY EXAMS TO SUCCEED IN LAW SCHOOL (NOT JUST TO SURVIVE) 60-61 (2d ed. 2007).

you should do practice multiple-choice questions as part of your class-prep routine. If the exam is a closed-book essay, you should instead spend extra class-prep time memorizing rules and then practice writing them out. For an open-book, essay exam, it would be better to spend extra time making a thorough outline that you can refer to during the exam. Regardless of the situation, the structure of the exam will have an immediate effect on how you prepare for each class session. Remember that you are not just preparing for class. You must tailor all your preparation toward your performance on the final exam.

Finally, it is good to know something about your professor's personality. You never know when some seemingly random bit of information could give you an insight into how a professor teaches or tests. When researching a professor's personality you may also discover things you have in common with a professor. Where that happens, use it to your advantage by trying to get to know the professor on a personal level. This will make it that much easier for you to tackle your next task—talking to your professors.

#### *B. Talk to Your Professors Outside of Class*

As the person who will be writing the exam, the professor is the single most helpful source of information on how to do well in his or her class. Despite that, many law students go through law school without ever talking to a professor outside of class. Make the most of the time and money you invest in law school by utilizing all resources available to you, especially your professors.

When going to a professor's office, come prepared. Prior to meeting with the professor, read the material and put some thought into it. A professor will not be happy when an obviously unprepared student comes to his or her office and wants to be spoon-fed the entire class. It is also good to prepare a list of questions to ensure that you cover everything you need and that you stay focused during the meeting.

Meeting with the professor outside of class also provides insight into how he or she writes exams. Some professors are more open about the exam than others, but the odds are good that if you ask, they will tell you something useful. Ask the professor to recommend a particular supplement.<sup>46</sup> If the professor has old exams available, ask if he or she will review your answers and provide feedback. Also, ask if he or she prefers a particular format for exam answers. Most professors do not have a preference as long as the student provides the correct information.

---

<sup>46</sup> It can also be useful to simply look at the professor's bookshelves when you are in his or her office. If the professor has several versions of one series of supplement, then you can be sure that reading that supplement will be beneficial.

However, other professors prefer a certain format, which they may or may not volunteer during class.

### *C. Professors and Their Exams*

Some things about how professors create and grade exams may surprise students. For example, professors rarely use irrelevant facts. It is difficult to test the same issues year after year with novel facts, so a professor will rarely use extraneous facts. If certain facts or sets of facts are not used anywhere in your exam answer, then you are probably missing an issue. Always read each section of a fact pattern with an eye toward what issue it could possibly trigger.

A common complaint professors make about essay answers is that students jump to conclusions. Too often students make conclusions without including each step of their analysis. Detailing each logical step of your analysis is important because that is usually worth more points than the conclusion itself. The conclusion is usually only a small part of the points available on an essay exam. Most points come from an in-depth analysis.<sup>47</sup>

## IV. KNOW THY CLASS

Along with knowing yourself and knowing your professor, focus on knowing your class. In other words, to win a CALI award, you must know the law.

### *A. Use Outside Sources*

Use at least one outside source for each class. As a good student, you must read your casebook, take useful notes in class, and do every assignment diligently. However, that alone is not enough to win a CALI award. That is what everyone in your class will be doing. To distinguish yourself and to understand the law on the level necessary to CALI a class, you need to use outside sources.

Using supplements is critical when you consider professors' perspectives when they grade essays. Most essay answers are interchangeable. The issues are the same, the students make the same arguments, and they cite the same law. Even the structure (IRAC) and language (the legal language) will be mostly the same. To set your essay above the rest, you need some arguments or policy insights that no one else uses. Because you and all your fellow students will all use the same sources, the only way to do that is to use sources that others do not. You do

---

<sup>47</sup> Interview with Richard Perna, Assoc. Dean for Academic Affairs and Professor of Law, Univ. of Dayton Sch. of Law, in Dayton, Ohio (Feb. 15, 2010) [hereinafter *Perna Interview*] (on file with authors).

not need a unique source that no one else has—that can be helpful, but such a goal is unrealistic. Instead, it is better to find a supplement that fits with your particular learning style. As long as you study it closely and diligently—the same way you study your casebook and class notes—you will find things within it that will distinguish your answer.

Using supplements also relates to being your own professor. Regardless of your individual learning style, learning from a casebook is remarkably inefficient. Practitioners understand that casebooks are not a good way to learn the law, but few students do. The truth is that casebooks are inefficient teaching tools. Without an experienced teacher to guide you (a law professor), casebooks are practically useless. Teaching yourself the law is something you must do to win a CALI award, but it is also something you will do in your practice. To do it efficiently, you need a source other than a casebook. Supplements are far superior.

The number of supplements available for most classes is somewhat overwhelming. There are dozens of commercial options for study aids.<sup>48</sup> Using outlines from other students (upperclassmen who already took the class) can also be helpful supplements. With the multitude of choices, picking one that is right for you can be difficult.

In general, there are three basic types of supplements: (1) supplements keyed specifically to casebooks and that provide case briefs; (2) supplements that provide final exam guidance and practice; and (3) general treatises on specific areas of the law.<sup>49</sup> Each type will be more or less useful depending on the class, the way the professor teaches, your preferred learning style, and your level of understanding of the material.

To find the supplement right for you, first consider what types of supplements are best for your individual classes. Making this analysis requires knowing something about the different supplements available. To do that, there is no substitute for your own experience. To gain this experience you will have to investigate them yourself—no one can explain these books to you in a way that determines if they are right for you. Only looking at them and reading them will tell you that.

With that in mind, here are some examples of how different types of supplements can be more or less effective for different classes. If you know your final exam will be either all multiple-choice questions or part multiple-

---

<sup>48</sup> Available titles include *Legalines*, *Casenote Legal Briefs*, *High Court Case Summaries*, the *LexisNexis Understanding* series, *Questions & Answers*, *Examples & Explanations*, *Glannon guides*, *Siegel's*, *CrunchTime*, *Exam Pro*, the *Acing* series, *Emanuel Law Outlines*, *Black Letter Outlines*, *Hornbook* series, *Concise Hornbook* series, *Sum & Substance Quick Reviews*, *Gilbert Law Summaries*, *Law in a Nutshell*, *Law in a Flash*, and many others.

<sup>49</sup> Some supplements are a mixture of these three types. The *CrunchTime* books are such an example. See, e.g., JACK M. BEERMANN, *CRUNCHTIME: ADMINISTRATIVE LAW* (2003) (administrative law supplement consisting of capsule summaries, exam tips, flow charts, practice questions and answers).

choice questions, then books such as *Questions & Answers* and *Examples & Explanations* are excellent choices. Both of those series contain many practice multiple-choice questions or short single-issue fact patterns. Using either of them as part of your daily study routine or strictly for exam preparation purposes would be helpful. As another example, many students who are strong visual learners appreciate the *CrunchTime* books because they include flow charts that detail various aspects of the law.

For classes geared more toward the common law and, therefore, close reading of cases, supplements keyed specifically to casebooks are usually the best choice. Such supplements will have a brief of every case in the casebook. For students who are not strong read/write learners, these can be good choices as they will help you see things you may miss in your own reading of the cases.

General treatises on the law, such as *Nutshells* books or the *Understanding* series books, are usually best either for students who are strong read/write learners or, more generally, for students who need help understanding specific parts of a course. For example, if the parol evidence rule mystifies you, consulting treatises such as these will usually clear things up.

What supplements are right for you is a personal decision based on your learning style, the dynamics of your class, and a determination of the areas where you need the most help. The only way to determine which will be right for you is through trial and error. Take some time to peruse the supplements to which you have access. You will find many in your school's library, but borrowing supplements from other students is also an option. Talk to upperclassmen about the choices they made as well. With just a little work sampling the different supplements available, you will easily find a few favorites.

As a final note, always remember that supplements must be an addition to the other work you do. They are not a substitute for reading your casebook, taking notes, or for any of the other things you must do to be a good student. If you use supplements only as that—as supplements—they will help you win CALI awards. If you use them as substitutes, they will be ineffective.<sup>50</sup>

---

<sup>50</sup> Most students reading this article will notice a glaring gap in our discussion of supplements—teacher's manuals. As you probably know, these are easily obtainable on the Internet. Beyond the ethical issues, we hesitate to recommend them because they are so rarely useful. The only classes where they have any value whatsoever are ones that focus on working problems straight out of the casebook. Other than that, they are a waste of time. This is hard for students (or professors) to understand, as both groups often believe that teacher's manuals will give students an advantage. This is false (although we suspect only firsthand experience will make one believe it). The truth is, from the perspective of a student who is trying to teach himself the law (and we suspect from the perspective of a professor trying to teach the law to others), the vast majority of teacher's manuals are entirely useless (not to mention overpriced). Virtually any other supplement will be more helpful.

### *B. Practice, Practice, Practice*

Another key to knowing the law is that practice makes perfect. There is a disconnect between how law students prepare for class and how they are tested.<sup>51</sup> For class preparation, students read cases and casebooks, listen to lectures, and answer professors' questions. Exams do not directly test those skills. If the first time you do a multiple-choice question or write an essay is during an exam, your chances of winning a CALI award are low. Excelling at taking exams is a skill like any other—it requires practice.

#### 1. Review & Outline

The first step in practicing for an exam is reviewing the most important material from your classes and creating outlines. These two tasks often overlap.

##### a. Review

Review all the material covered in a class, preferably multiple times. Here, *review* means reading things more than once (or *listening* to material more than once if you are using aural learning-style study techniques). The first time any student does an assigned reading from a typical casebook, much of what is read is generally incomprehensible, regardless of one's learning style. This is not true for every student or for every reading, but given the complexity of the law and the often disjointed presentation of the average casebook (where students are expected to synthesize appropriate rules of law from cases), the result is a cloudy picture that only the rarest students can understand completely on the first reading. To digest the law fully, and, therefore, to have a chance at winning a CALI award, you must review each reading.

Rather than reading each assignment twice, it is more effective to do the reading thoroughly once, taking your time to do a close reading, and highlighting the most important material as you go. Then, review that highlighted material sometime later. Most students will prefer to review immediately before class as a way to prepare for the Socratic Method. Perhaps more effective, although it will not help with the Socratic Method, is to review the readings as soon as possible *after* class. This helps with retention, especially retention of things the professor has explained during class.

It is also important to review your class notes, preferably within twenty-four hours after class. If you wait longer, you will forget much of

---

<sup>51</sup> Steven Friedland, *A Critical Inquiry Into the Traditional Uses of Law School Evaluation*, 23 PACE L. REV. 147, 189 (2002) (“[T]here is a ‘disconnect’ between the examination and the body of the course.”).

what was said during class, thereby lessening the retentive value of the review. Sometimes a review of your notes will only be a quick read through, but depending on your note-taking style, it may mean transforming your notes into a more study-friendly form. For example, if you use your computer to take transcription-style notes, you should review everything you have typed and highlight the most important material. Handwritten notes will also often need a thorough review to make sure all of your handwriting is legible, to make sure your notes captured the correct legal magic words, and to add things you did not have time to write down properly during class but that you can reconstruct from memory. If you do handwrite your notes, then consider typing them as part of your review. This step forces you to think about the material again and it ensures that your notes are legible when you get ready to study for your exam several weeks down the road.

Reviewing the readings and notes in preparation for or soon after class is one level of review, but do not neglect another level of review. At several points during the semester—the more frequent the better—review all the material previously covered in the class, both from the readings and from your notes. This process can be tedious and time consuming, but it will help you fit all the pieces of a class together and to see how each individual lesson merges into the larger whole. This is critical to a complete understanding of any class.

#### b. Outline

Just as every student has a different learning style, every student also has a different method of outlining. While traditional, written outlines will be the preferred form for most students, outlines can also be graphs, flash cards, flow charts, or a combination of forms. Students may even use different methods of outlining for different types of classes. Some students will not make outlines at all; instead, going through all the steps of outlining but never completing the process by putting it into a tangible form. There is no one correct way to make an outline, and as with all other study techniques, what works best for you will not work for everyone. Regardless of how you do it, as long as it fits your learning preferences, the results of making outlines will be positive.

In a way, the fact that there is no single, correct way of outlining makes the task more difficult. It would be simple if we could tell you exactly how to make all your outlines, giving you a simple formula for success. Unfortunately, how to create the best outline is a question each individual law student must answer on his or her own. Only you know how you learn best, so only you can create a learning tool that will suit you best.

With that as a background, if you hope to CALI a class, then you

must create an outline. Do not be tempted to rely solely on another student's outline. Using other students' outlines as supplements is generally a good practice, but using it as a substitute for making your own outline will hurt your chances of winning a CALI award. Regardless of the form, every good outline should synthesize the class in a way that allows you to understand and remember the material. If you do not go through that synthesis process yourself—if you do not make your own outline—you are missing a critical step in the learning process.

Finally, as with reviewing your notes promptly, it is important to update your outline throughout the semester. Some students swear that they learn best by cramming it all in at the end of the semester, but that is dangerous. If you wait too long, your memory of the material from the beginning of the semester will be fuzzy. More importantly, you will also be forced to use a portion of your reading period to finish your outlines, which takes away from time that you should be using to study. While it may not always be possible, ideally, you should start your outlines by two weeks into the semester and update them every week or two.

## 2. Take Practice Exams

Practice exams are one of students' most valuable resources. While it is best to use old exams from your particular professor, exams and practice questions from other professors and from supplements also provide valuable experience and insight. There are only so many ways to test a particular issue, so chances are good that you will start to see a pattern in old exams. Professors also have different styles of writing exams, so it is useful to get used to your professor's particular style.

Essay exams tend to come in two varieties: (1) exams where the issues are obvious; and (2) exams where the issues are numerous and buried. The first type of exam will often include questions where the professor specifically asks the student to address particular issues. This variety of exam tests your fact-spotting skills and your ability to explore all sides of the issue based on those facts. The student who gets the best grade on this type of exam will recognize that the case could go either way based on the facts given and will point out additional information that is necessary to make a firm conclusion.<sup>52</sup> On this type of exam, it is particularly important to note the majority and minority stance on an issue if the exam does not specify which one applies.<sup>53</sup>

For the second type of exam (the dreaded “discuss fully” exam), the

---

<sup>52</sup> DERNBACH, *supra* note 45, at 10; Interview with Tracy Reilly, Assoc. Professor of Law, Univ. of Dayton Sch. of Law, in Dayton, Ohio (Mar. 3, 2010) [hereinafter *Reilly Interview*] (on file with authors).

<sup>53</sup> Interview with Vernellia R. Randall, Professor of Law, Univ. of Dayton Sch. of Law, in Dayton, Ohio (Feb. 18, 2010) [hereinafter *Randall Interview*] (on file with authors).

professor is testing your issue-spotting and analysis skills. The name of the game here is to spot and analyze as many issues and sub-issues as possible. If you miss too many issues, you will not get a good grade no matter how well you analyze the issues that you do spot.<sup>54</sup> Watch for minor sub-issues that are less obvious. Everyone will nail the major issues, but a discussion of the deeper side-issues is what will differentiate your exam answer from the rest of the class.<sup>55</sup>

In addition, some professors prefer to test only portions of the material covered during the semester, while others try to touch on every single topic. These two approaches can come up in either type of exam. For open-book, essay exams, it is sometimes helpful to make a list of the topics covered during the semester. That way, if you are stumped as to what a particular portion of the fact pattern should be triggering, you can refer to your list of topics for assistance. The same method is helpful for closed-book exams, with the additional requirement that you will have to memorize the list.

Working practice exams also gives you a good opportunity to test your outline. It will reveal any holes in your outline and highlight additional rules you may need to incorporate. If your professor provides a model answer to a practice exam, you can also incorporate any useful information from it into your outline and rule plan. Make note of what the professor was looking for or what he or she liked about the top exam answers, and make that part of your plan of attack for exam day. Also, if your professor is willing to read your practice exam answers and provide feedback, make use of that valuable resource.

Finally, taking practice exams allows you to prepare for the stress of taking the actual exam. Regardless of how well prepared you are, exam day will be stressful. By practicing, you can learn to control your stress levels, and the simple repetition desensitizes you to a certain extent. By the time you take your exam, you know exactly what to look for and where to start, which can give you the extra boost of confidence needed to do well on exam day.<sup>56</sup>

### 3. Write Your Exam Answers Ahead of Time

Advice to write your exam answers ahead of time may seem strange. How can you write an exam answer if you do not know the question? On one level, you *do* know the questions that will be on any exam. More accurately, you can make an educated guess. Although you

---

<sup>54</sup> DERNBACH, *supra* note 45, at 10.

<sup>55</sup> Interview with Blake Watson, Professor of Law, Univ. of Dayton Sch. of Law, in Dayton, Ohio (Mar. 4, 2010) [hereinafter *Watson Interview*] (on file with authors).

<sup>56</sup> DERNBACH, *supra* note 45, at 61-63.

will never know exactly what sort of fact pattern a professor will use on an exam, you can accurately predict what rules of law the professor will choose to test.<sup>57</sup>

When preparing exam answers ahead of time, you are only preparing the rule statements of your exam answers (The “R” part of the IRAC structure.). Your goal should be to have a rule statement written for each particular rule covered in the entire class. How you approach this task will depend on whether your test is open book or closed book and on what rules are most likely to be tested.

#### a. What Rules Will Be Tested

Ideally, you should prepare rule statements for every rule covered in the entire class. Because of time constraints, this is not always feasible. Therefore, your first step is to make educated guesses about what material your professor will choose to test. Where you are lucky, some professors will come right out and tell you what subjects they will test. This still leaves open the possibility of many different rules within those subjects, but at least it can narrow down the choices.

It is much more likely that you will have to guess entirely on your own. Begin by focusing on what your professor spent the most class time on.<sup>58</sup> If a professor spent two weeks talking about one particular case, this guarantees that the rules in that case will feature prominently on the exam. On the other hand, if a particular rule was covered in the reading but the professor never mentioned it during class, it is unlikely that it will be on the test. On those extremes, guessing is easy. Beyond that, professors will test the most basic issues covered and some of the most difficult issues as well, such as multijurisdictional issues (with majority and minority rules), innovative developments in the law, and issues that demonstrate an understanding of policy.<sup>59</sup> Professors also gravitate toward issues that they can test easily. Some issues lend themselves to long essay questions, some to short essay questions, and others are more suited for multiple-choice questions.<sup>60</sup> Your knowledge of the format of the exam can help you determine which may appear. Professors also like to cover a broad range of issues. If the exam is too narrow, it will not be a fair test for all students.<sup>61</sup>

Once you have an idea of what rules of law are most likely to be tested, prepare your rule statements. In the ideal situation—where you have the time and motivation to create the highest odds of receiving a CALI

---

<sup>57</sup> Note that this tactic only applies to essay exams.

<sup>58</sup> *Perna Interview, supra note 47; Randall Interview, supra note 53.*

<sup>59</sup> *Randall Interview, supra note 53.*

<sup>60</sup> *Perna Interview, supra note 47.*

<sup>61</sup> *Id.*

award—prepare rule statements for *all* rules covered in the entire class, whether the professor ever mentioned them or not. Being prepared to discuss even obscure rules will help to distinguish yourself from your fellow students.

#### b. Writing Open-Book Exam Answers Ahead of Time

When preparing for an open-book exam, write all of your rule statements ahead of time. Put them into a form you are allowed to take with you into the exam, then when you reach the “R” part of your IRAC’d answers, simply type the rules exactly as you have them prepared.

This technique helps you in a number of ways. First, when your rule statements are written as correct as possible by using all your sources—casebook, class notes, outside sources, and your outline—your exam answers are guaranteed to be more accurate and polished than other students. For example, while the student next to you struggles to remember the elements of adverse possession, much less recall those rules’ subtleties, all you will be doing is copying exactly what you have pre-prepared, typing it into your answer as fast as you can. This is an enormous advantage.

Speed is this technique’s second advantage. With your rule statements written out ahead of time, you will be able to type them into your answer quickly. Compared to those students who are relying on memory or a poorly prepared outline, you will be working at a lightning pace. That, in turn, will give you extra time to work on your analysis, which is the part of any exam that provides the best opportunity for scoring points that other students may miss.<sup>62</sup>

The third way this technique helps is with issue-spotting, which is always easier when you know all the rules.<sup>63</sup> Because your knowledge of the rules of law makes you recognize which facts are important and which are not, knowing the rules will make issues stand out. Your rule statements are, in effect, like a checklist.<sup>64</sup> For each fact pattern, simply review all the rules that could possibly apply and you will rarely miss an issue.

The fourth way this technique helps is in your analysis. Analyzing legally significant facts always relates directly to the legal rules.<sup>65</sup> When you have perfectly prepared rule statements, the analysis flows naturally and easily because the rules highlight what facts are the most important. The

---

<sup>62</sup> *Id.*

<sup>63</sup> For similar advice, see *supra* Part IV.B.2.

<sup>64</sup> Thanks again to Professor Staci P. Rucker, Director of the Academic Success Program, University of Dayton School of Law, for teaching us this and many other lessons about issue spotting.

<sup>65</sup> As usual, thanks are due to Professor Staci P. Rucker, Director of the Academic Success Program, University of Dayton School of Law, for teaching us so many crucial lessons about writing an exam analysis. This is yet another example of why we recommend getting involved with academic support programs. See *supra* Part II.C.

key here is knowing what the rules mean and how they are applied, which is no mean feat. Memorizing or writing out a rule statement is often easy. Understanding the factual complexities that determine whether a rule applies is often conceptually difficult. However, writing out your rule statements ahead of time forces you to deal with gaps in your understanding of how those rules are applied. The two go together. The act of writing the statement ahead of time will help your understanding of its application.

### c. Writing Closed-Book Exam Answers Ahead of Time

Use the same technique for closed-book exams, but with a different focus. Here, focus on practicing what you will do during the exam and commit the most important things to memory.

To prepare for a closed-book exam, create your outline and determine the core rules that are most likely to be tested. For example, in a constitutional law essay exam, you can be certain that there will be at least one question on due process and equal protection. Next, write out the rules in complete sentences. As with writing open-book exam answers, it will be more difficult than you anticipate and it will show you how difficult it would have been during the exam to translate your memorization of the rules into sentences that flow nicely. Your rule statement is also a good place to put some broad policy statements. Additionally, the rule statement provides built-in organization for your exam answer.

As you study for your closed-book exam, practice writing out the rules over and over until you have them memorized. Continue to tweak the rules to make them as succinct as possible and add additional segments as needed. By the time you are ready to take your closed-book exam, you will be able to type the rules quickly from memory, almost like using a computer macro. This skill can be learned and honed by repetition.

## C. Exam Day

### 1. Look Over the Exam Before Starting

A frequent mistake students make is to dive into the exam without first flipping through the entire exam to get an idea of what to expect and how to allocate time. First look for how each question is weighted. Be sure you know how many points each question is worth and how many sub-parts each question has so that you can plan your exam time accordingly.<sup>66</sup>

Next, make sure that you understand what the professor wants in

---

<sup>66</sup> DERNBACH, *supra* note 45, at 20.

each question and that you are following the directions given.<sup>67</sup> You can give the best exam answer in the world, but if you do not answer the question asked, the professor cannot give you any credit for it.<sup>68</sup> Also, if the question directs you to make a conclusion, do not forget to do so. Failing to draw a conclusion will cost you easy points.<sup>69</sup>

## 2. Make Your Essay Exam Answer Easy to Read

When writing under a time crunch, students often neglect grammar, sentence structure, paragraph indents, and many other simple writing requirements. While most professors try not to allow these mistakes to affect their grading, the unavoidable fact is that they must read and grade many very similar answers, and a messy, difficult-to-read, error-filled answer makes it more likely that the professor will miss something in your answer. In addition, a well-written and organized answer keeps you on-track and focused—it ensures that you do not forget anything.<sup>70</sup>

Starting with the overall appearance of the exam answer, use paragraph indents, spacing, and labels to make the answer visually appealing and to mark the start of each new issue, element, or concept. Also, each paragraph should be labeled with numbering, bolding, underlining, etc. and kept to a reasonable length. The answer can be organized and labeled like an outline.<sup>71</sup> For example, if you are analyzing a tort with multiple elements, start with a labeled introductory paragraph identifying the tort and listing the numbered elements. Then, analyze each element in a new, labeled paragraph to keep them organized and visually distinct.<sup>72</sup> This separation and labeling helps the professor to see each element and check it off on his or her grading rubric.<sup>73</sup> It also ensures that you do not forget to analyze an element.<sup>74</sup>

Next, keep sentences short and easy-to-read. Again, the professor will be reading many similar answers, and an answer with long, convoluted sentences will be more difficult to read and grade accurately. The exam

---

<sup>67</sup> *Id.* at 21.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.* at 47.

<sup>70</sup> Professor Reilly noted that she has “never seen a CALI[-award winning exam answer] that doesn’t have almost perfect grammar. Is that a coincidence? I don’t think so.” *Reilly Interview*, *supra* note 52. Professor Reilly thinks that the students who win CALI awards are generally going to be very detail-oriented anyway, which goes hand-in-hand with good grammar, spelling, organization, etc. *Id.*

<sup>71</sup> See, e.g., DERNBACH, *supra* note 45, at 36 (setting out a method of mapping the exam problem in outline form to organize the exam answer).

<sup>72</sup> See, e.g., *id.* at 32-34 (demonstrating a sample essay exam answer with numbering and labeling).

<sup>73</sup> *Id.* at 55; see *Watson Interview*, *supra* note 55.

<sup>74</sup> One professor said that one student in his property class properly identified the five elements of adverse possession and then proceeded to discuss them all in the same paragraph. *Watson Interview*, *supra* note 55. The student left out one of the elements, so he or she lost those points. *Id.* The student obviously recognized that there were five elements, but the lack of organization caused him or her to miss out on a better grade.

answer does not need to be the most beautiful bit of writing you have ever done, but strive to minimize spelling and grammar errors.<sup>75</sup> Most professors try to ignore mistakes because they know that their students are writing under stressful conditions. However, errors are distracting, and if they are frequent, they can affect your grade.<sup>76</sup> Most errors are minor, but some can completely alter a sentence's meaning, which can lose you points. Writing skills in general can be polished and perfected by practice.<sup>77</sup>

### 3. Organize the Content of Your Exam Answer

Along with structurally organizing your answer, organize the content of your answer in a logical manner.<sup>78</sup> This includes both the overall organization of the issues, and the IRAC structure of each individual issue. An organized and labeled exam answer makes it easier for the professor to read and to give you the points for spotting issues and providing the correct analysis. Again, it also keeps you organized to ensure that you do not forget anything.

For exams that have numbered questions, organization is relatively simple. However, for exams that provide less guidance, large-scale organization is important. One easy method for organizing your answer is to address the issues as they appear chronologically in the fact pattern. If there are multiple instances of the same issue contained in the fact pattern (multiple instances of battery, for example), an easy method of organization is to group each instance under a single broad heading and analyze each instance in a separate paragraph under that heading.

Once the large-scale organization is determined, IRAC each issue in a consistent and easy-to-follow manner. It may seem redundant and unnecessary at times, but this method is the safest and quickest way to ensure that you cover everything the professor expects. Again, it helps you stay organized, and more importantly, it ensures that the professor does not

---

<sup>75</sup> One professor even went so far as to say the following:

[If] I can't read it, I don't grade it. . . . I can't give you points for what I think you mean. I have to give you points for what you have on the paper and that can only happen if I can read it and understand it. So, I think grammar, spelling, sentence structure, handwriting, that all can affect the grade. There's a tipping point where it can get so bad that as a grader, I just throw up my hands and say "I don't know what you're saying."

*Randall Interview*, *supra* note 53.

<sup>76</sup> DERNBACH, *supra* note 45, at 56-57.

<sup>77</sup> For those students who need to improve their writing skills, the authors highly recommend the following books: MARK P. PAINTER, *THE LEGAL WRITER: 40 RULES FOR THE ART OF LEGAL WRITING* (3d ed. 2005) (providing the best book about legal writing that should be mandatory reading for every law student and lawyer); WILLIAM STRUNK, JR. & E.B. WHITE, *THE ELEMENTS OF STYLE* (6th ed. 1959); BRYAN A. GARNER, *THE ELEMENTS OF LEGAL STYLE* (2d ed. 2002). Anything else by Garner, such as *The Redbook: A Manual on Legal Style* or *A Dictionary on Modern Legal Usage*, is also highly recommended. BRYAN A. GARNER, *THE REDBOOK: A MANUAL ON LEGAL STYLE* (2d ed. 2002); BRYAN A. GARNER, *A DICTIONARY OF MODERN LEGAL USAGE* (2d ed. 1995).

<sup>78</sup> *Randall Interview*, *supra* note 53.

have to struggle to find the rules and the analysis so that he or she can give you the most possible points for your answer.<sup>79</sup> Keep in mind that most points will come from your analysis, so you do not need to spend significant time formulating an inspirational statement of the issue or conclusion. Also, be careful not to state several conclusions and allow them to substitute for analysis.

#### 4. Use Case Analogies and Policy Statements in Exam Answers

Careful use of appropriate policy statements and case analogies can help distinguish your answers from the rest of the class. Some landmark cases may have to be cited to receive any credit, but by citing other cases and providing the policy behind the law, you demonstrate that you understand the law on a deeper level and that you paid attention in class.<sup>80</sup>

Professors often model exam fact patterns after one or more cases covered during the semester.<sup>81</sup> Distinguish your exam answer from others by citing to the case and explaining how it applies. However, be careful not to use a case citation to substitute for analysis or to cite irrelevant cases.<sup>82</sup>

Policy statements are usually appropriate and further demonstrate your understanding of the law and its purpose.<sup>83</sup> Some classes are very policy-based, so policy statements will be a required part of your exam answer. Policy plays a lesser role in the formation of other areas of law, but citing policy considerations provides a break from a dry recitation of the law and can make your answer stand out from the rest of the class.<sup>84</sup>

### V. CONCLUSION

If you can follow every point of advice in this article, then you will be a top-notch student, regardless of your natural intelligence and regardless of what school you go to and how impressive your competition is there. However, due to time constraints and one's own individual learning preferences, most students will never be able to practice everything this article preaches. That is to be expected.<sup>85</sup> Always remember that you do not have to be the best law student ever, or even the best law student in your school; you simply have to be the best law student in your individual

---

<sup>79</sup> Interview with Julie E. Zink, Assoc. Professor of Lawyering Skills, Univ. of Dayton Sch. of Law, in Dayton, Ohio (Mar. 3, 2010) (on file with authors).

<sup>80</sup> *Perna Interview*, *supra* note 47.

<sup>81</sup> DERNBACH, *supra* note 45, at 6; *Perna Interview*, *supra* note 47.

<sup>82</sup> *Watson Interview*, *supra* note 55; *Perna Interview*, *supra* note 47.

<sup>83</sup> DERNBACH, *supra* note 45, at 45.

<sup>84</sup> *Reilly Interview*, *supra* note 52.

<sup>85</sup> This article's authors did not always practice everything we preach. The fact is, these techniques take a lot of time, and we did not always have all the time we wished. When we did have that time, however, these techniques always paid off. If not in CALI awards (after all, you cannot win them all), then at least it paid off with high grades.

classes. For many classes, based on the level of competition, using only a few of the techniques in this article will put you above everyone else. It is only where your competition is particularly fierce that you will need to use more and more of this article's strategies. Good luck on your next exam!