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LAW SCHOOL EXAMS AND MINORITY-GROUP STUDENTS*

by Derrick A. Bell, Jr.**

INTRODUCTION

According to the refrain from a once-popular tune, "It ain't what you do, it's the way that you do it." The old song's lyrics suggest why the inability to obtain better grades on law school examinations is so frustrating an aspect of law school life for many students, including a sizeable percentage of those who belong to minority groups.

This is not to ignore those minority students who are achieving distinction or performing at a thoroughly satisfactory academic level. Nor is it intended to minimize the adverse effects on grade averages of nonacademic factors like illness and family problems, or the impact of the more general environmental influences, including the time and energy required by a job, the dilution of motivation related to the ambivalence about legal education, and the disaffection with the conservative philosophy and self-satisfied atmosphere so endemic to most law schools.¹

Moreover, law school exams are, at least in part, a competitive process, and the current popularity of a legal education has enabled law schools to fill their classrooms with students with exceptional academic records. Minority-group law students, admitted under special admission programs,² must compete with these students.

This competition can be met, and the nonacademic handicaps can be overcome, but since most law school courses continue to rely on the final exam as the sole criteria for success or failure, it is critical that the student understand how to take law school exams. Students can attend every class

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1. Those wishing to explore the literature critical of the law school process should consult Savoy, *Toward a New Politics of Legal Education*, 79 YALE L.J. 444 (1970); Kennedy, *How the Law School Fails: A Polemic*, 1 YALE REV. L. & SOCIAL ACTION 71 (1970); Cf. Stone, *Legal Education on the Couch*, 85 HARV. L. REV. 392 (1971); Watson, *The Quest for Professional Competence: Psychological Aspects of Legal Education*, 37 U. CIN. L. REV. 93 (1968); Nader, *Law Schools and Law Firms*, New Republic at 20 (Oct. 11, 1969).

A detailed review of the efforts over a century to reform legal education should prove revealing to those who wonder why so few are able effectively to change a process that so many have so heartily (and justifiably) criticized. Stevens, *Two Cheers for 1870: The American Law School*, in LAW IN AMERICAN HISTORY 405 (D. Fleming and B. Bailyn eds. 1971).

2. This paper assumes the continued validity of minority admissions programs as adopted by many American law schools. See De Funis v. Odegaard, 82 Wash.2d 11, 507 P.2d 1169 (1973), cert. denied, 42 U.S.L.W. 3300 (Nov. 20, 1973). See also, O'Neil, *Preferential Admissions: Equalizing the Access of Minority Groups to Higher Education*, 80 YALE L.J. 699 (1971).

It assumes as well the continuation, albeit in changing forms, of the unique ambivalence experienced by minority students sensitive to the role law has played in the oppression of minorities. See, e.g., Bell, *Black Students in White Law Schools: The Ordeal and the Opportunity*, 1970 U. TOLEDO L. REV. 539.

and study diligently, but unless they have mastered law school exam-taking techniques, they may turn in mediocre exam papers and earn mediocre grades. This paper will review how law school examinations differ from both objective and essay exams encountered by most students in undergraduate school, what characteristics cause difficulties for many minority group students, and what steps can be taken to overcome these problems.

THE NATURE OF LAW SCHOOL EXAMS

Few law school teachers ask simple fact questions such as "What is an intentional tort?" or "Define an enforceable contract." Moreover, there are few opportunities on law school exams to "explain the difference between negligence and absolute liability" or to "distinguish between permissive and compulsory joinder under the Federal Rules of Civil Procedure." Such questions, posed either directly or in a true-false or multiple choice framework, might test adequately a student's knowledge of a given area of the law, but most law teachers believe it provides little insight into the student's ability to apply that knowledge in solving a legal problem. For this reason, most law school exams consist of hypothetical fact situations which raise legal issues. The student is expected to recognize and isolate these issues, apply the applicable rules of law and, using both the facts and applicable rules, organize a decision that exhibits the ability to justify the decision reached from other possible choices in a clear, rational fashion.

In law practice, the lawyer is frequently called on to advise clients or convince courts of the legal significance of facts in a specific problem. Law school exams often request similar advice or arguments based on hypothetical fact situations. Unlike practice, the law school exam usually has very tight time constraints and, in most instances, is written without the benefit of notes, casebooks, or other materials. In theory, this structure enables the examiner to ascertain: (1) the student's knowledge of the subject; (2) the accuracy of the student's recall of the knowledge and his understanding of it; (3) how effectively and accurately this knowledge can be communicated; (4) how skillfully and efficiently this knowledge can be applied to particular circumstances; and (5) how rapidly these functions can be accomplished in an exam situation.

Professor Stanley V. Kinyon suggests that all exams, not just law school exams, attempt to determine, measure, and evaluate the factors listed above, and may also serve other functions such as providing psychological motivation and reinforcement in learning, communicating, and performing.³ With more specific reference to law school exams of the "problem" type, Professor Kinyon writes:

They require an understanding of legal *classifications* and the *organization* of the various fields of law because you first have to *classify* each problem, recognize what *general* type it is, and also what *specific "issues"* and legal questions are involved in it.

Problem questions also require an adequate *knowledge* and *understanding* of the cases, statutes, ordinances, administrative regulations, court rules, official interpretations, etc. you've studied, and the *reasons* and

3. S. KINYON, INTRODUCTION TO LAW STUDY AND LAW EXAMINATIONS IN A NUTSHELL 102-03 (1971). See also S. MERMIN, LAW AND THE LEGAL SYSTEM 316 (1972).

policies [*i.e.* the law] underlying them. . . . Problems test your ability to recognize "the law" that may be applicable to each issue and distinguish that which is not. Even when there is no established "law" on a particular issue or question, or when "the law" on it is out-dated or seems unjust or inappropriate, problem-questions afford students an opportunity to use their imaginative and creative abilities and the ideas and theories encountered in their study of law review articles and legal treatises to formulate and suggest what they regard as appropriate, or more appropriate, rules for such issues and questions.

"The law", existing or suggested, is the basis (major premise) for your *reasoning* in deciding each issue in the problem and reaching conclusions and a decision on the question(s) asked. Thus, problem-questions require a demonstration of your ability to analyze creatively, argue logically, inductively and deductively, discriminate between situations that are superficially similar but that differ materially in one or more aspects, and thus demonstrate your understanding of how the legal system operates in the decision of cases.

Finally, these problem-questions test your *language* and *writing* skills in organizing and presenting a clear, well-expressed opinion on the question(s) asked. You obviously do not have time in an exam to produce carefully worded, polished, legal writing. But lawyers often have to give informal written opinions and advice under considerable time-pressure and answering these problem-questions not only tests your ability to do this but helps you to develop it.

Learning how to answer this type of question properly is thus really a part of your legal education, and strange as it may seem, taking these exams can actually be an interesting and stimulating experience when you understand them, are adequately prepared and know what you are supposed to do.⁴

Opinions may vary as to Professor Kinyon's final observation, but there can be no debate about his statement concerning the importance of language and writing skills in law school exams.

LAW SCHOOL EXAMS AND CULTURAL EMERSION

Many instructors provide what they consider the basic instructions required to succeed on their exams. This advice is seldom provided in sufficient detail, and assumes a writing style only infrequently found in persons whose school, home and community background is not upper-middle class. Few minority students are the products of such backgrounds and, not surprisingly, few utilize, in their writing, the organization, word usage, and structural characteristics of those who regularly read *The New York Review of Books*. Even the most comprehensive knowledge of the subject will not suffice for the student who is able neither to translate this knowledge using the rather specialized analytical techniques required by law school examinations, nor to communicate in the upper class writing style that many law school teachers equate with "good writing."

It should be emphasized that this is not a matter of minority-group students using "Black English." The shortcoming is attributable neither to an innate lack of intelligence nor an absence of potential legal ability. The problem may not even have shown up in undergraduate grades or the Law

4. S. KINYON, INTRODUCTION TO LAW STUDY AND LAW EXAMINATIONS IN A NUTSHELL 106-08 (1971).

School Admissions Test—although that controversial law school admissions requirement may indirectly measure the student's "cultural emersion."⁵ It concerns rather the processes of communication and the habits of thinking—particularly analysis of problems—that are more likely to be found among those in the upper echelons of our "classless" society.

The handicaps for students who are not in this group are not limited to minority groups. Robert Williams, for example, an assistant dean at Harvard, has found that students from upper income groups, generally, are far more likely to make law review than those from lower income groups. Since most minority students come from less than upper-class backgrounds, and since their law school careers are likely to be also burdened with at least some racially-oriented difficulties, the cultural barrier of exams is likely to have a disproportionate effect on Blacks and other minority groups.

It is no wonder that so many well-intentioned programs designed to give special attention to the academic needs of minority-group students have not been successful. All too often, these programs focus on the substantive material in a course rather than how the law exam is to be written. In some instances, this substantive course enrichment is self-defeating; the student knows the subject matter so well that he assumes basic principles, does not refer to them in the answer, and, thus, scores lower than if he or she had skipped the tutorial sessions.

Consider this graphic example of the effect of poor exam-taking skill. A midwestern law school teacher had given a property exam in which 25 percent of the grade was based on the answers to 24 objective questions, and the other 75 percent of the grade was based on three essay-type questions. When he graded the exams, the teacher found that the black students in the class generally did substantially better on the objective questions than they did on the essay questions. The only student who failed, a black student, had 22 of the 24 objective questions correct (one of the highest totals in the class), but had managed to get only 24 points on the essay questions. Clearly, the student knew the substantive matter well, but had failed in the essay questions to communicate that knowledge when it was necessary to combine it with analytical and writing ability. The student who failed is a

5. The suspicion that the LSAT is culturally biased persists despite a series of studies indicating that the test gives a slightly better prediction of performance by black than by white students. See Hart, *Major Research Efforts of the Law School Admission Council*, a paper delivered by Professor Frederick M. Hart at the Association of American Law Schools Conference in New Orleans, La., (Dec. 28, 1973).

Studies are continuing, but it is unlikely that any statistical design will produce an accurate measurement of maturity, motivation, self-reliance and discipline, dependability and determination, all of which are qualities highly important to success in law school and the profession.

Critics of the LSAT fear that its scores may accurately predict lower minority-group performance at least in part because they establish a self-fulfilling prophecy of poor grades. Both teachers and students may conclude in advance that the LSAT prediction is conclusively accurate and perform accordingly. See R. ROSENTHAL, L. JACOBSON, *PYGMALION IN THE CLASSROOM* (1968). Cf. *Hobson v. Hansen*, 269 F. Supp. 401, 473-90 (D. D.C. 1967).

Students admitted to law school should remember that LSAT scores are only statistical predictions that are accurate less than fifty percent of the time. The information they provide serves a useful purpose for harried law school admissions officers with far more applicants than first-year places, but they should not be permitted to neutralize those survival strengths without which most minority-group students would never have reached the professional school level.

tragically dramatic illustration, but even the black students who passed did less well on the essays than on the objective questions.

ARE LAW TEACHERS RACIST?

When minority-group students compare grades after an exam and find they have done far less well than their white classmates, and when they then review class performance in which they felt their responses and observations were as valid and as effective as those of their white classmates, it is not difficult for them to conclude that the problem is not with them but with their professors. Unfortunately, this conclusion is as likely to be reinforced as diluted by exam review sessions with faculty. Often, both the faculty member and the minority student are on the defensive. If, for comparison purposes, the teacher offers an exam that received a high grade, the minority student may be further confused. Quite possibly, both papers discussed some of the same issues, cited the same cases, and reached the same conclusions. This is often true, but as the above quotation from Professor Kinyon indicates, measuring knowledge is only one of the goals of law school exams.

Law teachers have a very good idea of what they want and how they want it. It is likely that each teacher differs in some degree, but most are able to recognize an "A" paper, and are even more certain in identifying those that should receive a failing grade. There is far more difficulty in at least explaining the difference between a paper that receives a "B" and one that receives a "B+", although there are teachers who believe they can distinguish between the two with unerring accuracy. Even these teachers concede that their faculty colleagues may not recognize these distinctions and they almost certainly will not be clear to students. This means that exam grading in law school is, at least in part, a subjective process in which the overall impact of a paper will affect in some degree the grade it receives. Most law teachers are entirely familiar with "legal writing" and will likely measure the student's work against their standards for good legal writing. It should come as no surprise that their standards of quality will be based in part on cultural reference points.

To characterize law teachers who subscribe to traditional writing standards as "racist" belies the true meaning of the term. Moreover, there are few, white or black, who are not influenced by the racism in society which views black people as, *inter alia*, the intellectual inferiors of whites. There is little evidence that law teachers have escaped the effect of this societal view.

There are, no doubt, law teachers who either fail or pass black students solely on racial considerations. Their motivations may range from malevolent to well-meaning, but in the long run the harm done the student in either case is quite similar. The minority student's best protection against becoming a victim of a law teacher's prejudice or patronization, whether conscious or otherwise, is performance at a level that will make prejudice impossible and patronization unnecessary.

Actually, flunking out of law school is far less likely today than it was a decade ago when law schools often failed one-third of each year's entering class. Most teachers obtain no pleasure in failing a student, regardless of race, and agonize long and hard before assigning a failing grade to a student's work. When a student believes a grade is unfair, an explanation

should be insisted on, and if it is unsatisfactory, the Dean's assistance should be sought. This may take courage, but each student is entitled to a full explanation of why his or her paper received the grade it did. This information is needed to prepare for future exams and to provide some assurance that grades are given on a rational and understandable basis.

IMPROVING EXAM PERFORMANCE

It is a little late to suggest that minority students should ask to be reborn in an upper middle-class white home, located in an exclusive white community, served by high-quality public and private schools. Indeed, most would be unwilling to surrender their backgrounds to achieve better law school grades, or anything else. But it is not necessary to win a Pulitzer Prize or write with the sophistication of Noel Coward in order to achieve good grades. There are a number of techniques that will help. Several of these are listed in the Appendix below. The main message is that some minority students are likely to need hard and continuing work on these techniques, beginning not the week before exams, but on a regular basis throughout the first year. Ideally, a faculty member should be requested to organize and conduct a special tutorial in exam-taking, open to all on a voluntary basis. If this is not possible, students should work among themselves writing and criticizing their exam-taking ability and, after some practice, requesting professors in their courses to read and evaluate their answers to exams given in past years. Some faculty members may not be happy with the time required for this, but few will refuse.

Of course, none of this is easy. But then law school is not easy for anyone. And while there is far more to law school and law practice than legal writing, the ability to communicate effectively is a power that will enhance the student's other skills.

The materials in the Appendix were collected by the author over several years from bar review course notes in the four jurisdictions where he has survived bar examinations. The writing suggestions offered by those courses for graduates preparing for bar exams should prove equally helpful for students studying for law school exams.

APPENDIX

I. Studying for Law School Exams

There is simply no substitute for adequate preparation. Technique in exam taking will enable you to convey to the professor your knowledge of the subject, but will not take the place of knowledge. Students vary, but in the first year no less than 30, and probably 40, hours per week should be set aside for study of various types, e.g., reading and briefing cases, organizing and reviewing class notes, writing outlines, participating in study groups, etc.

Many students find two obstacles to serious study, motivation and method.

1. *Motivation*—More than a few first-year students find it difficult to concentrate on their courses which they sense are needlessly complex, boring, and irrelevant. To some degree they are right. But to get through law school and into the challenging, rewarding, and satisfying work beyond, some mastery of first-year courses must be achieved. Remember:

a) *The First year is difficult for everyone.* The amount of sheer information to be assimilated is staggering, the classes with the emphasis on the so-called Socratic method can be traumatic, there is little "feed-back" with which to measure progress during the year, and the emphasis in first-year courses tends to favor property over persons to a painful degree;

b) *First-year subjects are basic.* Gaining a firm foundation in these subjects now will—regardless of final exam grades—improve your standing throughout law school, during the bar exams, and in practice. The time invested now (and the sacrifices made) will pay rich dividends later;

c) *Work to excel, not to fail.* Only a small percentage of students fail the first year, but the casualty rate can be high among those who, fearing failure, prepare for the worst by establishing an image that will enable them to honestly state in explanation, "I didn't study," "I didn't go to class," "I partied the whole year," etc. Even these students usually still try to do the minimum for passing, but in law school, the minimum may far exceed their estimates. Failure is always hard, but failure after a half-hearted effort is devastating.

2. *Method*—The successful study method is the one that works for you. Some general guidelines are in order:

a) *Use time efficiently.* Time spent with books open and TV on, or in "study group" bull sessions is probably wasted. It is best to organize time and schedule specific hours for studying each course. Keep a written record of hours spent on each course. Cancel all non-essential activities. A year of academic hibernation is a harsh prescription, but few who do not adopt it can expect to do really well. Some leisure-time functioning is worthwhile, but far less of this is needed than most students think. Advocates of the "black lifestyle" do themselves and their race a disservice when they define the essence of Blackness as play rather than work;

b) *Study principles, not rules.* Rather than trying to memorize specific case rules and case names, try to ascertain and understand the basic principles in each section of the book. Do not spend hours typing up lengthy, detailed course outlines. Review the table of contents of the casebook. Ask yourself why the editors included each section. What basic principles did they seek to convey? Do your class notes reflect the professor's efforts to teach these principles? Then try to outline each chapter on five or six pages. The outlining technique is an excellent way of maintaining efficiency during long study sessions. We learn by doing. In your effort to boil down a difficult subject area into a short outline, you learn more of the material than if you simply read it. You have made it on your own, and prepared a summary that will prove invaluable as you begin to review;

c) *Rely on your text, classes, course notes and personal outlines.* Go easy on

seeking out esoteric information in law reviews, treatises, and hornbooks. Do not eschew your own note-taking or outlining when you discover commercial outlines. Commercial outlines are likely to give you hundreds of rules which will not help you deal with the fact situations on your final exam questions. Reading them will not improve your analytical ability or writing skill, and indeed may impair development of these vital qualities. It is better, and cheaper, to attend classes. Take notes. If you do not understand the teacher, tell him or her so then. Do not let them find out when they are grading your paper. Teachers are paid in part to teach, and can only earn their salaries under false pretenses when students fail to require that they do their jobs. Do not hesitate to see your professors after class or schedule appointments with them in their offices to review hazy points until they are clear;

d) *Study groups can be valuable.* A group of four to six students who agree to meet regularly and review course material can be a valuable learning asset. Often all-minority study groups spend their time reviewing their difficulties as minorities, rather than their courses. This is understandable, justifiable, and perhaps necessary. It is, however, not study. Minority-group students should consider scheduling separate "Blackness" sessions and reserve study sessions for integrated groups where the feelings of brotherhood are likely to be less strong, the feelings of competition keener, and thus the exchange about and understanding of the courses far greater.

II. Writing Law School Exams

There is no single correct way to write an answer to a law examination. Students using many different types of writing techniques have done well in law school and have passed bar examinations. Students who have a good foundation in the law and sound reasoning ability will favorably impress the instructor even if they lack the upper-class writing style discussed in the article.

Good answers are usually easy to read, clearly expressed, and well-organized. They demonstrate the student's ability to recognize issues, apply the appropriate legal principles, theories and rules, and convincingly utilize both the rules and given facts to support the conclusion reached.

Poor answers are predictably hard to understand. They tend to be vague, rambling and disorganized with long and difficult-to-follow sentences. Grammar, punctuation, and spelling are often poor. Few teachers consciously downgrade papers because of poor grammar, but such defects in form do not make a good impression, particularly where the answer fails to mention major issues, provides erroneous law on basic points, and resolves issues by merely stating unsupported conclusions.

To avoid these common problems, the answer must be carefully organized to insure that it reflects the student's knowledge and analytical ability. The following factors should prove helpful.

1. *Schedule your time*—Determine how much time you can devote to each question (or note the instructor's recommendation on this) and then adhere to these time limits.

2. *Read, think, then write*—Spend no less than one-third and preferably one-half of the time available on each question reading, organizing and outlining your answer. Read the question at least twice. Be sure you understand and have noted on scratch paper all the issues. Generally, every fact given can be used logically in the question. Red herrings are rare. Strike through or underline the facts in the question as you proceed to insure use of all of them. Do not assume facts. For example, if A and B are said "to have an agreement" this does not necessarily mean they have an enforceable contract.

3. *Organize your answer in a logical sequence*—A chronological sequence is effective except where the rights of several parties must be given, in which case these rights should be reviewed in turn—together with defenses to such rights unless the question specifically advises otherwise.

4. *Outline before you write*—Note in your outline what legal rules are applica-

ble to your facts and how you will use them. If your answer is well thought out and outlined before you write, you are likely to have a shorter, more logically organized answer which, in itself, will enhance your grade.

5. *Remember for whom you write*—The professor who grades your paper must read the papers of up to 200 other students. He will try to wrench substance from even the thickest morass of unorganized verbiage, but he is only human and can be expected to greet more favorably even the slimmest knowledge of the law if it is set forth in a coherent and logical, *i.e.* lawyer-like fashion.

6. *Develop a writing technique*—It will take will power, but at least some of your precious studying time should be devoted to actually writing out answers to old exam questions. This practice will enable you to test the value of the suggestions in this article and to develop personal techniques that will prove most valuable during the stress of the exam. One effective technique follows the style of a good judicial opinion. Each question will likely include several major issues. Divide your discussion into separate issues and cover one at a time. For each major issue:

- a) *Begin with the conclusion*—It makes it easy for the reader to know where your answer is headed. If rights and duties of several parties must be given, it may be more logical to deal with the major issues consecutively as you state these rights and duties;
- b) *State the specific legal issue involved*—In the context of the facts given (without simply repeating them) set forth the legal issues raised by these facts;
- c) *State the legal rules applicable to the factual issues*—Many students believe that since the examination will be read by a teacher fully conversant with the rules of law, it is unnecessary to include explanations of the law as part of an examination answer. This is a misconception. A brief explanation of the applicable law is an appropriate part of your answer. While it is true that the teacher will know the legal principles involved in the problem, he or she should not be called upon to use his or her knowledge to supplement your answer;
- d) *But do not write a thesis or general dissertation on the law.* Every sentence should serve both to communicate information and build support for your conclusion. Volunteered statements of abstract, inapplicable law detract from your answer because they don't demonstrate the student's ability to think, but merely his memory of a few basic legal rules;
- e) *Of course, those principles of law referred to in the answer should be accurate and should be set forth with clarity.* Do not ramble. Make sure that every statement of law ties into the issue(s) being addressed. The answer should be succinct, but should not be overly mechanical, representing a written checklist of issues that the student used in learning the elements of the principle or rule;
- f) *Set forth your reasoning, demonstrating why, in the context of the given facts, a particular rule(s) should be determinant of the legal issue.* If there is another view, indicate your knowledge of it and tell why you reject it. Then, state the conclusion. Decide the legal issue presented. Do not leave your answer dangling. Resolve the specific issue presented in the question. Make a clear transition to the next issue.

Whatever the technique, try to leave time at the end to reread your answer. Inevitably, you will discover errors and remember additional points that will strengthen your answer.

Finally, a few general suggestions on presentation:

1. **WRITE CLEARLY.** If you are experienced at typing exams, do so. If not, its best not to experiment. But do write legibly. Use only one side of the paper and, if your handwriting is poor, write on every other line.
2. **KEEP YOUR SENTENCES SHORT.** Do not try to express too many

thoughts in one sentence. Clarity of expression is very important on examinations. Shorter sentences are easier to read and understand.

3. **PARAGRAPH FREQUENTLY.** Many students write or type entire pages without any paragraphs. It is suggested that you refer to your casebooks and test your own reaction in this regard. Where a page contains no paragraphs or the paragraphs are overly long, you will find that you tend to approach this material with reluctance. You should not make the examiner feel this way about your paper. Frequent paragraphing makes your answer easier to read.

And, some practices to avoid:

1. **PHRASES SUCH AS "I FEEL" OR "I BELIEVE".** These phrases are usually used as a substitute for reasons and should be avoided. For example, a statement by the student that "I feel defendant was reasonable" is not helpful. The use of the first person is not in itself objectionable. However, generally a more impersonal approach is preferable, *e.g.*, "it would seem," "plaintiff might contend."

2. **DOGMATIC EXPRESSIONS SUCH AS "CERTAINLY", "UNDOUBTEDLY".** These terms are also used as a substitute for reasons. It is much easier to state that "certainly the defendant was reasonable" than it is to explain *why* he was reasonable. However, credit is given for explanations, *not* conclusions. Also, such words inflexibly commit the student to a particular position on points which in most cases are arguable.

3. **REPETITIVE PHRASES.** Students occasionally tend to overwork a certain phrase. For example, if you begin every other sentence with "it could be argued" or some similar phrase, the reader's attention is distracted by the constant repetition.

4. **MISSPELLING OF COMMON LEGAL TERMS.** Some legal terms are used so frequently that it creates a very unfavorable impression if the student has not learned the proper spelling. Some examples are: heresay, statue (for statute), assault, tresspas, homicide, and breech.

5. **PARENTHETICAL EXPLANATIONS.** The use of parenthetical phrases tends to break the continuity of a sentence and should be avoided for that reason. Lengthy parenthetical explanations are more effectively presented as separate sentences.

6. **ABBREVIATIONS.** Limit your use of abbreviations to those in common usage. Do not use such law student abbreviations as "K" for contract. Also, if the problem refers to the parties by specific names such as Adams and Brown, it is suggested that your use these names rather than the abbreviations "A" and "B".

7. **DISPLAY OF VOCABULARY.** Do not consciously attempt to display your vocabulary. You should strive to express yourself simply and clearly. A student who reaches for a "big" word runs the risk of using it incorrectly, thereby defeating his purpose and confusing his discussion.

8. **INCOMPLETE SENTENCES.** A smooth essay style calls for properly constructed sentences. Do not express yourself in fragmentary phrases such as "Could be battery here," "Probably not," or "Depends on reasonableness."

9. **LENGTHY INTRODUCTIONS.** As a general rule, the reader is interested in your analysis of the issues of the particular problem. A long, generalized introduction leading into a discussion of the issues is likely to be skimmed over or ignored. It therefore represents a poor investment of time.

10. **RECAPITULATION AT THE END OF YOUR ANSWER.** A lengthy recapitulation is merely a repetition of points previously made and conclusions previously reached. If the student has time for this type of reiteration, in all probability he has not adequately discussed the issues in the problem.