

SUGGESTIONS FOR ANSWERING ESSAY QUESTIONS

1. The essays are designed to assess the following skills or abilities:
 - a. Recognition, characterization and articulation of the issues;
 - b. Analysis and evaluation of the facts presented in the light of those issues;
 - c. Recognition and statement of the rules, standards or principles of law pertinent to those issues, including qualifications and limitations;
 - d. Application of the law to the facts and reasoning to a sound conclusion; and
 - e. Coherent communication of such analysis and reasoning.
2. Read the facts and questions completely. Answer the question asked. The question itself directs the nature of the response expected. For example,
 - a. "You are retained to advise Mr. Jones. What advice will you give and why?"
 - b. "You represent the Plaintiff, Mr. Jones. What relief will you seek on his behalf? What results do you anticipate and why?"
 - c. "What should the Court decide? Why?"
3. Almost all essay questions will raise more than one issue. Usually three to five issues will be raised. The fewer issues you discuss, the lower your score on the question. Also, your score will be lower if you do not adequately discuss each issue.
4. There is no particular virtue in either brevity or length. Follow your natural writing style in the context of the direction given. For example, if you are asked to argue, then argue as if you are trying to convince a Judge of your position. There is no one form of answer which is preferable for all questions. Avoid tangents that are not germane to the issues being argued in an attempt to convince the grader that you know the law; tangents are rarely construed as knowledge of the law being tested.
5. Bear in mind that the examination is not designed to test only your knowledge of particular subjects. The Bar Examination is a test of those qualities or abilities which are basic to any of the many roles lawyers may be called upon to play. Thus, there will rarely, if ever, be one correct answer. You are being tested on your ability to think and express yourself as a lawyer. Your answer should be a reflection of your ability to do just that.
6. Don't argue with the question - answer it. You may think the question is unfair or otherwise lacking; but it does you no good to waste your time pointing that out in your answer. If you have some complaint or suggestion about a question, write a letter to the NCBE after the examination.
7. Don't pad your answer with abstract, unrelated statements of general legal principles. Addressing rules of law and issues that are clearly not being tested do not increase your score and waste valuable time that could be spent formulating adequate responses in a cogent manner.
8. The examiner may be testing the cogency of your discussion more than your ability to recognize obvious issues. This is not a researched opinion paper. The examiner is aware that you are given a short time to review, evaluate, and respond to the question.
9. Don't guess, or speculate, or attempt to create new rules of law
10. Attempt to answer every question by identifying parties and/or issues. Merely restating the question, however, does not constitute an answer. If an answer has multiple parts or requires discussion of multiple parties, it is helpful to organize your thoughts and may be helpful to provide headings or labels for topics.
11. While the essay examination is not an examination in grammar, spelling, or writing style, the cogency and coherence of your reasoning and discussion are important in responding to the issues being tested.

12. Avoid asides - cute comments, excuses and similar matters that are not responsive to the question. Telling the examiner that you will research the subject or consult with an experienced lawyer will not help your grade.
13. Avoid unusual or private abbreviations which may be misunderstood.
14. If you think the question is ambiguous or incomplete, make an assumption as to the intended meaning or the omitted fact and state that assumption.