

PREFACE

Are you starting law school this fall, and a little anxious about how that is going to go? Or maybe you are several weeks in and wondering what you are supposed to be learning and why no one has told you much about exams. Perhaps you have already been through a semester of law school and feel frustrated because your exam performance was not what you'd expected, given your hard work and what you thought was a sound understanding of the material.

Not to worry, help is on the way! This is a straightforward book with one goal: to help you do better in law school. Enabling you to excel on exams—that is the unwavering goal of this book. But we also believe we can help make you a better law student. And a better lawyer too. All this, because—and this is a key theme of the book you are about to read—we strongly believe that law school classes, law school exams, and good lawyering are all related. If you do the things we suggest, you will get more out of your classes—or, rather, the *right* things out of them—you will be happier with your performance on exams, and you will probably do a better job representing your clients, whomever they turn out to be.

We wrote this book because we recognize that most law schools and law professors don't spend much time discussing the logic of classes or exam taking, and certainly not in any systematic way. They don't explain how it all fits together. This book fills that gap.

We don't think it is maliciousness on the part of law schools or law professors that no one prepares you very well for taking exams. Professors teach what they teach, and believe that taking their exam follows naturally from the classroom experience, like night follows day. Besides, most professors did really well on law school exams. Like anyone who is good at something, they often assume that others can do it as easily as they can. Your professors might not be able to explain what made them good at it, even if pressed. They know a good exam from a bad one; they just haven't given a huge amount of thought to how to improve exam performance.



A book about classes and exams will never be a page-turner, but we hope you find ours readable, informative, and even at times engaging. We want to make clear up front that we don't offer any exotic formulas or techniques, nor do we claim to have discovered some nifty new method or gimmick. We don't think there is any magic to taking exams. To the contrary, we think the law school exam process is straightforward and, in its own way, logical. Our goal is to explain to you *how* things work, and *why* they work this way. We're confident that once you better understand how law school exams work, and how they relate to the process of going to law school and to what you learn in class, you'll do a better job on them.

We've thought a lot about exams. One of us, Friedman, started tutoring students on exam taking when he was a 3L. He has been teaching for over thirty years; for much of that time he has been giving a talk on exam taking. One day, after hearing the talk, a student came up to him and asked, "Why don't you write that down? No one ever tells us all of that." Friedman thought about it for a while and decided it was a good idea. Goldberg has spent a lot of time thinking and writing about legal reasoning. Friedman is a public law guy—meaning he works on the law that governs relations between people and their governments; Goldberg does mostly private law, the rules governing interactions between and among persons and private entities (such as business firms). Between us we have taught almost every course in the typical 1L curriculum, and a fair number of upper-level courses as well.

It's a little embarrassing to say, but we love the law. We love talking about it, writing about it, and teaching others about it. Even a chunk of our scholarship is about the methodology of law.¹ (Not that we recommend reading it; you have better things to do right now.) We've also both spent several years as a vice or associate dean, listening to and addressing student frustrations with law school and the exam process.

Like we said, we don't promise you anything exotic. Exam taking is not overly complicated, which is why this is a relatively short book. But we don't want to undersell what is in here: the book describes what we believe are a super-essential set of skills. Still, we think it contains what you need to prepare for, understand, and take law school exams, and to get the most out of law school as you anticipate taking them.

1. Barry Friedman, *Taking Law Seriously*, 4 Perspectives on Politics 261 (2006); John C. P. Goldberg, *Review: The Life of the Law*, 51 Stan. L. Rev. 1419 (1998).