



# MSLAW Academic Support

## Successful Strategies for Writing Bar Essay Exams

### Writing Focus: Constructing Readable Paragraphs

There are three things to remember about paragraph construction on bar essay exams:

#### First, remember the “6 C’s” of a readable paragraph!

What does a great paragraph look like on the bar exam? It should have the following basic characteristics:

- Conciseness and clarity in expression
- Clear identification and statement of the issues
- Correct statement of the applicable principles of law, as well as any sub-rules, variations, or limitations that may apply to the facts
- Complete and thorough analysis of the law as applied to the relevant facts
- Clear and definite conclusion or thesis
- Correct language and solid writing style

#### Second, remember to use the TAAC method of analysis:

When constructing your paragraphs on a bar essay, remember the acronym “TAAC.” This stands for:

**T: Thesis**, which is a strong and concise statement of your thesis, issue, or conclusion.

**A: Applicable principles of law**, which are clearly and succinctly stated and defined using your S.O.U.N.D. Bytes.

**A: Analysis** or argument of the applicable principles of law in which you support your thesis by applying solid legal reasoning and concise analysis. You use the applicable fundamental legal principles and apply them to the relevant operative facts, so that your reasoning clearly justifies your conclusion.

**C: Conclusion**, where you conclude definitively by answering the question asked, so that your response shows command of the language, the applicable principles of law and the legal issues.

## **Writing Focus: Essay Organization Tips and Practice**

When it comes to bar essay organization, not all essays are created equal. Consider the following examples of organizational format that you may use on the bar:

- On some questions, it may make sense to organize your essay by party: on a Torts essay, for instance, where you have multiple plaintiffs and tortfeasors with many potential claims and defenses involved.
- On other questions, it may make sense to organize your essay in the same order as the questions are asked by the examiners: on an Evidence essay, for example, where you're often asked to analyze how the Court should rule on a number of separate items of evidence.
- On some questions, it may make sense to organize your issues and your answer chronologically: for example, on a Property question where you're faced with five conveyances and need to figure out who ultimately ends up with Blackacre.
- On some questions, it may make sense to organize your answer around a series of questions that are designed to help you analyze and come up with the correct conclusion: for instance, on a UCC essay dealing with negotiable instruments, where you need to analyze your answer by addressing three concepts in a distinct order—attachment, perfection, and priority.
- On other questions, it may make sense to separate your analysis into two or more distinct parts and fully analyze each part before moving on to the other: on a joint Criminal Law and Criminal Procedure essay, for example, where you have several issues dealing with crimes and defenses, which you'll address fully before moving on to your issues dealing with criminal procedure and the introduction or exclusion of evidence.

So, how do you determine the best way to organize your essay answer?

### **First, remember to plan:**

- Think of the question for a few seconds. If you were looking at a sample answer, in what order would the issues and analysis likely be presented? Does it make the most sense to follow the question chronologically, by numbered parts, by party, or in some other way? When an examiner reads the answers, in what order would that examiner likely expect to see the issues? Pick the organizational scheme that seems most logical. Then, plan the way you'll organize your writing around that scheme.

### **Second, remember to outline:**

- Put your plan in writing. Take a few minutes to outline or at least jot down your issues in the order in which you plan to attack them. Double-check your outline for anything you may have missed before moving on to the third step.

**Third, remember to write your essay in the order that you planned:**

- In other words, follow your plan. Once you've determined the best way to organize your answer, stick to it and construct your answer around the method you chose.

**Writing Focus: Honing Your Analytical Skills and Practicing Analysis**

**S.O.U.N.D. Advice: Include only relevant analysis!**

Perhaps the most important rule on bar essay writing? Don't "BS!" Including a whole lot of "fluff" in your analysis may have impressed some of your law professors enough to give you a passing (or even decent) grade, but "fluff" won't get you anywhere on the bar exam. You could have the most beautifully written "fluff" paragraph on the bar and still get no points for it if your analysis wasn't relevant. Here, the graders are looking for relevant analysis—only address what matters. Graders have more exams to grade than professors. They want you to get to the point and might lack the patience to read through "fluff."

**S.O.U.N.D. Advice: Analyze each issue separately!**

This will not only result in a more carefully planned, organized, and readable analysis, but will also allow you to stay more organized and to fully analyze each issue before moving on to the next one.

Aim for short, punchy paragraphs over long and drawn-out analysis. Shorter paragraphs are easier to read and make the most important elements of your analysis – such as your thesis and your precise legal terms – stand out, in turn making it easier for the graders to give you points for them.

**S.O.U.N.D. Advice: By the same token, don't leave out anything important!**

One mistake applicants make is failing to analyze an issue on paper because they conclude in their minds that an element isn't met, or the contract isn't valid, or the defense of consent isn't applicable. If you spot a potential issue, analyze it. Don't just leave it out thinking it's self-explanatory—the graders can't tell what you are thinking.

**S.O.U.N.D. Advice: Don't merely include a conclusion!**

Another mistake students make is in thinking that merely regurgitating facts and then drawing a legal conclusion is sufficient—it is not, if your knowledge of the applicable principles of law is not coming through!

For example, simply stating “When Officer searched the car based on spotting marijuana in plain view and seized the drugs, he performed a valid warrantless search” is not enough because it doesn’t allow the examiner to gauge how well you know the law and how well you can define what the plain view doctrine is. State, instead, “The marijuana seized by Officer is admissible under the plain view doctrine. An exception to the search warrant requirement, this doctrine allows the government to seize objects in plain view and admit them into evidence. Here, Officer spotted the marijuana on the backseat of the car in plain view and seized it during a valid warrantless search; therefore, the evidence will be admissible.” Although the second version is longer, it is still a concise yet completely thorough analysis, applying the principles of law involved to the facts.

**S.O.U.N.D. Advice: Use precise legal terms and include the applicable “buzz words” that the grader is looking for.**

For example, if you’re addressing a question where an attorney fails to file something by a deadline, you should precisely spell out that attorneys must act with “reasonable diligence and promptness.” The examiner is looking for that precise statement; including it in the same form as the examiners expect it can make it easier to spot the statement and give you points for it.

**S.O.U.N.D. Advice: Remember the purpose of your analysis: to apply the law to the facts!**

Don’t just regurgitate facts; weave the applicable principles of law and the facts together.

When practicing analysis, put yourself in the examiners’ shoes and read your writing as objectively as possible. Think about what the examiners are looking for when reading your analysis, and include that—and only that! (As you practice your writing, you can use the ten questions below to help you read and evaluate your own writing.)

Recognize that analysis is perhaps the most important component of each paragraph. Though reaching the correct conclusion on an issue may help you pick up points, so will stating and thoroughly analyzing the correct issue and the applicable principles of law—even if you didn’t reach the right answer.

**Excerpted from *Bar Essay BootCamp* by Michael L. Coyne, Joseph Devlin, Peter Malaguti and Ursula Furi-Perry (2<sup>nd</sup> edition, 2011).**