

Around the Water Cooler

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View From the Classroom: Smart writing (on exams)

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Law students here and around the country recently started their final preparations for exams, and soon they'll furiously cram material, studying around the clock to squeeze every last bit of information into their heads so that they can dump it into their bluebooks.

First-year students are the most frenzied, because they are the most anxious. (These are, after all, their first batch of law school exams.) And so first-years scurry to scrub their notes and texts and outlines to be sure that they have well covered their bases, that they haven't missed a morsel of law.

This is all quite rational. Given new and difficult material, an unknown exam, and the high stakes of it all, it makes sense that students would scamper to learn all they can. And it makes sense that they would prepare to rehearse that information on their exams.

But here's the thing: Rote repetition, even very good rote repetition, doesn't get the A. Knowing and repeating the material is necessary, but not nearly sufficient, to succeed on a law school exam. The best exams do much more than regurgitate the law, policy, and even facts. In other words, the best exams don't just muscle their way through the material; instead, the best exams write smart.

Smart writing means reaching your audience. It means making your writing easy, even pleasant, to read. It means good organization, a clear and concise structure, and a plain-spoken (not overly legalistic) explanation. It means prioritizing ideas, and highlighting the most important ones. And it means a strong and balanced analysis, applying the law and policy to the facts.

Even more importantly, smart writing means putting it in a way that makes sense to the reader. With exams, it means showing the professor that you've mastered the material, in the way that the professor wants you to master it. Thus good exams focus on those points that are most important to the professor, not to the student. They use the language, skills, and material of the professor; they adopt the types of reasoning emphasized by the professor; and they focus on the doctrine important to the professor. In short, they speak to the professor in a way that makes it easy for the professor to award them an A.

These aren't particularly novel ideas; instead, they're only well worn ideas about written communication that are applied to exams. After all, exams are just another form of written communication. They are special only in their principal purpose: to allow the student to demonstrate to the professor the mastery of a topic. Like any other form of written communication, good exams should reach their target. They do this best with clear and well organized writing, framed in a way to make sense to the reader. And while this is true for exams, isn't it also how we try to pitch our writing every day?