

| GRADE | SCORE | CRITIREA  |
|-------|-------|---|
|       | 95    |   |
|       | 90    | Essay is well written and sees both major and minor issues; uses major facts and some minor facts in reaching appropriate conclusions.                  |
|       | 85    |   |
|       | 80    | Essay is generally well written in addition to identifying all major issues and weaving in facts.   |
|       | 75    |   |
|       | 70    | Essay sees almost all major issues and does an adequate job of weaving in important facts. *Score needed to pass the bar exam as “minimally competent.” |
|       | 65    | Essay weaves some of the facts in with the main issues, but falls short of identifying all major issues or misses some important facts.                 |
|       | 60    | Essay spots several main issues and attempts to answer the question.  |
|       | 55    | Essay spots at least one major issue but is mostly conclusionary.   |
|       | 50    | Essay identifies subject area and makes some attempt at answering the question.   |
|       | 45    |   |
|       | 0     |   |

**An “A” answer** will make a supervising attorney or judge feel good about relying on your work with little or no revision. A judge would feel confident in basing the reasoning for a judicial opinion on your answer, and a supervising attorney could submit this answer with only minor revisions. A supervising attorney or judge would look forward to seeing your work in the future. An “A” answer will:

- (a) be easy to read due to strong large-scale organization, clarity, and focus;
- (b) have no faulty logic or irrational arguments;
- (c) argue powerfully and persuasively;
- (d) make accurate and effective use of the facts;
- (e) use law accurately and effectively to illustrate legal rules in a meaningful way;
- (f) make use of all valid arguments.

**A “B” answer** will positively impress the supervising attorney or judge and make them curious to talk with you further about your work. A judge would feel confident in using your work as a basis for further research, or might ask his or her clerk to verify your position. A supervising attorney would enjoy watching your growth and would feel confident that with guidance you will become a very good attorney. A judge would look forward to watching you develop in the future.

A “B” answer will:

- (a) be similar to, but lack the thoroughness, power, or polish of an “A” answer;
- (b) be generally well-organized, but may require the reader to reread sentences or paragraphs before fully grasping the author’s point;
- (c) be reasonably complete, but may also not use available legal arguments or authority as effectively as an “A” answer;
- (d) be generally well-written, but may also be wordy or contain poor word choice or distracting paragraphing style;
- (e) capture the reader’s attention, but fail to fully persuade.

A **“C” answer** will make the supervising attorney or judge uneasy about relying unguardedly on your work, and may make him or her feel uncomfortable with work that you submit in the future. A judge may pick up some interesting points from the answer, but would feel compelled to rethink the legal reasoning or closely examine your research. A supervising attorney would not be comfortable submitting the answer to a court without making fairly major changes in the style, tone, or content; however, a supervising attorney would see sufficient promise in your work to motivate him or her to invest time and energy in supervising your future assignments more closely, and a judge would feel that you had made a conscientious effort to argue your client’s case.

A “C” answer may:

- (a) present some good thoughts, but contain numerous paragraphing and organizational errors;
- (b) fail to present a legally plausible argument or present a plausible argument ineffectively;
- (c) rely on law whose relevance is not immediately apparent, and fail to provide an explanation of the law’s relevance and weight;
- (d) fail to accurately explain the meaning of cited law.

A **“D” answer** will not be acceptable to a judge or supervising attorney. It may provide them with a few ideas from which to begin on their own, but would be wholly undependable standing alone. A supervising attorney would need to rework the document or reassign it to a different associate. A judge would begin to consider sanctions if this brief were submitted by a practicing attorney. Both a judge and a supervising attorney might question the reliability of future work of an attorney who submitted a brief of this quality.

A “D” answer may:

- (a) significantly misrepresent the facts or major legal issues;
- (b) contain so many paragraphing and organizational errors as to prohibit the reader from following the writer’s thoughts;
- (c) contain many errors in grammar, spelling, or typing;
- (d) contain more illogical, implausible, or irrational arguments than acceptable arguments.

An **“F” answer** will miss the point of the assignment entirely or show the lack of a good faith effort to complete the assignment in an acceptable manner.

## WRITING TIPS

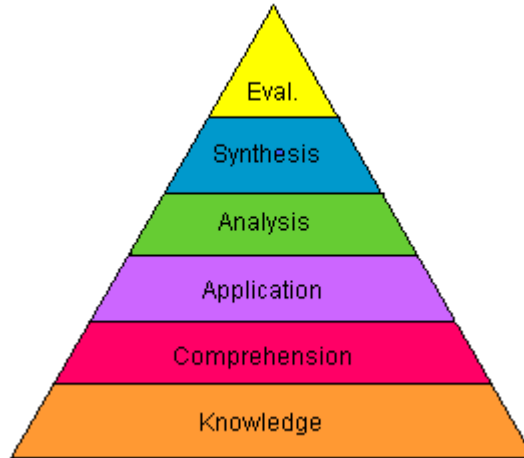
### **The Reader:**

Do not write the exam to your professor. You need to envision your reader as someone who does not know the law or facts in the exam. What this means is that whatever your reader is ever going to know about the law or facts must be written on the exam. If it is not written down it does not exist. For example, suppose that the exam is testing you on the tort of battery. An answer that says “John committed a battery” is deficient because it is a conclusion. It does not tell the reader what a battery is and what facts led the writer to conclude that John committed a battery.

### **Analysis:**

It is not enough to spot issues. Unlike undergraduate exams, where you were expected to remember large amounts of knowledge, law school examinations expect you to apply that knowledge. In other words, tell the reader WHY? Your reader is skeptical and unless you convince him he will not believe you. For example, you write down that “John committed a battery” and that a “battery occurs when the defendant’s acts intentionally cause harmful or offensive contact with the victim’s person.” Go deeper. You need to fully discuss intent—your reader doesn’t know what intent is so talk about it and prove that John had intent. You then need to fully discuss harmful or offensive. Finally, you need to fully discuss contact. Preferably, each element (i.e., intent, harmful or offensive, and contact) should be discussed in its own paragraph.

## BLOOM'S TAXONOMY



This pyramid provides a method for classifying learning objectives. At the bottom is “knowledge,” which is the lowest level. Most undergraduate education can be placed into the bottom two categories. Law school essay examinations also require knowledge and comprehension, but build on that base to get to the higher thinking skills (i.e., “thinking like a lawyer”). An essay that merely states all of the correct rules of law but does not apply them to the facts is likely to be awarded a grade in the C- to D range. Law school essays that weave the facts provided in the question with the law (i.e., application, analysis, synthesis, and evaluation), as well as properly stating the correct rule statements, will get higher grades.

**Warning:** You are tested in law school primarily based on your written communication skills. Students that “know the law” can do poorly on law school exams if they fail to transfer what they know onto paper—make sure that your written communication provides the professor with what the professor needs to evaluate the higher level thinking skills.