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Getting To Maybe

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How to Excel on Law School Exams



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Synopsis

Professors Fischl and Paul explain law school exams in ways no one has before, all with an eye toward improving the reader's performance. The book begins by describing the difference between educational cultures that praise students for "right answers" and the law school culture that rewards nuanced analysis of ambiguous situations in which more than one approach may be correct. Enormous care is devoted to explaining precisely how and why legal analysis frequently produces such perplexing situations. But the authors don't stop with mere description. Instead, *Getting to Maybe* teaches how to excel on law school exams by showing the reader how legal analysis can be brought to bear on examination problems. The book contains hints on studying and preparation that go well beyond conventional advice. The authors also illustrate how to argue both sides of a legal issue without appearing wishy-washy or indecisive. Above all, the book explains why exam questions may generate feelings of uncertainty or doubt about correct legal outcomes and how the student can turn these feelings to his or her advantage. In sum, although the authors believe that no exam guide can substitute for a firm grasp of substantive material, readers who devote the necessary time to learning the law will find this book an invaluable guide to translating learning into better exam performance.

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Customer Reviews

I read this book early in the fall of my 1L year. At the time, I thought that the book was useful and that reading it would give me an edge over my classmates. In retrospect, the book did not give me any edge and reading the book was a waste of time. The book does give you confidence. It leads you to think that you will be able to take apart a legal exam, reduce it to its essentials, and reason in a manner that your professors will appreciate. I guess it might be worth your reading if you need a shot of self-confidence. But I do not think that the book will make much of a difference in how anyone does on law school exams. The authors' main point is to look for ambiguities (or "forks"). When you see something on your exam that looks ambiguous, try to explore all the ambiguities. In other words, argue in the alternative--i.e., point out that if X is said to occur, then Y results, whereas if A is said to occur, then B results. Let your professors know that you can see the little things that might produce completely different legal results. This method is great as a theory. However, it is difficult to apply the method in an actual test setting. I remember that my first exam during my 1L year was in criminal law. I was given a long fact pattern, and I tried to apply the "Getting to Maybe" method. One problem I found was that I was pushed for time. It was not possible to discuss all the ambiguities in the amount of time allowed. The method the book suggested was just not possible in the context of my three-hour bluebook exam. There was no way I could explore all the ambiguities on the exam the way the authors suggest. Another problem I have with the book is that it is not really giving you any special advice.

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