

Taking Multiple Choice Exams¹

Too often, a student's grades are adversely affected by poor performance on the multiple-choice component of an examination. Unfortunately, too many students fall back on the easy excuse, "I've always had problems with multiple choice exams and I always will." This is a dangerous attitude to have when one considers that most bar examinations contain a significant multiple choice component. More importantly, you *can* improve your examination performance. To improve your performance, you will need to: (1) understand the various parts of a multiple-choice questions; (2) have a thorough understanding of the subject being tested; and (3) become comfortable with the multiple-choice format.

Who has difficulty with multiple choice exams?

Generally, students who have difficulty with multiple choice exams fall into three categories.

- **The panickers** - These are the students who have convinced themselves that they cannot perform well on multiple choice exams, and who begin panicking the moment they start reading the first question. The key here is to trust yourself and your abilities. If you know the subject matter well enough to do well on an essay exam, then there is no reason why you cannot do well with multiple choice questions. Do not psyche yourself out!
- **People operating on instinct** - While you should pay attention to your "gut" reaction to a multiple choice question, most of the questions will require, at least, several moments of thoughtful consideration to deduce an answer. Do not choose an answer simply because your "gut" tells you to. Instead, thoroughly analyze the potential answer before choosing it.
- **The unprepared student** - Insufficient studying is the most common reason why students perform poorly on multiple choice exams. Do not be satisfied with merely knowing the rules of law because every student knows them! Instead, know how to apply a rule to a variety of factual circumstances. If you have difficulty deducing answers to the hypotheticals your professor uses in class, then you do not understand the subject well enough to answer the multiple-choice questions posed on that professor's exam.

The Parts of Any Multiple Choice Question

The Root - This section contains the underlying facts on which the problem is based. The root sections can be long or short, and may apply to one or more questions. You will be able to answer the question based on the facts contained in the root.

- The **Root** is the universe for the questions, so do not add to it.

¹ Although modified, the materials in this handout are based on Michael Josepheson, Evaluation and Grading in Law School, AALS Section on Teaching (1984) and on the web page "Taking Multiple Choice Exams" <<http://www.udayton.edu/~aep/barpass/mc.htm#>> created by Professor Vernellia Randall of the University of Dayton School of Law.

- All of the facts can be significant or some can be irrelevant.

The Stem - This is the actual question, and it can come in many forms. Some will be relatively straightforward questions while others may ask you to complete a sentence.

- The **Stem** may modify the facts you read in the root section or add information. Often, this occurs where the **Stem** is one of a series of questions based on the same **Root**.
- The **Stem** may specify the cause of action or theory to use in answering the question.

The Options - These are the answers you have to choose from.

- They may be short and to the point, or may include additional facts.

Strategies to Employ and Mistakes to Avoid

While possessing a thorough understanding of the law is the best way to ensure strong performance on a multiple-choice exam, there are a number of strategies that can help. Similarly, there are a number of common mistakes that you can easily avoid once you are aware of them. There is nothing magical about these suggestions, and you have probably heard a number of them in connection with taking multiple choice exams throughout your academic career. Still, these suggestions are repeated here because they do work.

- **Take your time** - Time always seems to be running out during a law school examination. As a result, students rush and choose the wrong answer because they missed a key word and not because they didn't know the material.
- **Allot an equal amount of time for each question, and stick with it** - Unless you have been told otherwise, each question on a multiple-choice exam is worth the same amount. Once you have figured out the amount of time you have for each question, **STICK TO IT**.
- **Read the questions CAREFULLY** - A single word may completely change the meaning of the questions. Words to watch out for include:
 - *And*
 - *Or*
 - *But*
 - *Not*
 - *Best*
 - *Worst*

- **Do not complete the definition or argument in your mind and conclude that it is correct**
 - Surprisingly, this becomes a problem when students have studied a topic extensively and know a subject so well that they can define every key term. Be sure that the entire definition is on the page, and that you are not completing it in your head. For example:
 - **Wrong** - Under common law, murder was the unjustified killing of a human being.
 - **Right** - Under common law, murder was the unjustified killing of a human being with malice aforethought.
- **Assume nothing in addition to what has been established or given** - The **root, stem, and options** contain all of the information you are to use in answering each question. Do not assume the existence of a fact or an outcome. The professor may be testing whether you recognize that an essential fact is missing.
 - **Question** - The Prosecutor proves that John shot Mary and that Mary died an hour later. Is John guilty of Murder?
 - **Answer** - No! The prosecutor must also prove that John's bullet caused Mary's death.
- **Do not ignore facts** - Just as you should avoid adding to the given facts, be sure that you pay attention to what the facts are telling you. Even when the question modifies your basic understanding of the law, be sure to include that change in your analysis when answering the question.
 - **Question:** Assume that you have been taught in class that an intoxicated person is not capable of driving her car in a reasonable manner. The question indicates that, after drinking two quarts of whiskey, Mary was driving her car in a reasonable manner when she collided with Paul. Was Mary negligent?
 - **Answer:** No! Negligence requires unreasonable conduct. Since you were told that she was driving in a reasonable manner, you must conclude that she was not negligent.
- **Watch out for basic rules of law stated in an unfamiliar fashion** - Despite the difference in language in the below examples, they both mean the same thing.
 - **Familiar statement of rule** - A owes B a duty of reasonable care if A creates a foreseeable risk to B.
 - **Unfamiliar statement of rule** - A has no obligation to B unless it appears that A's conduct would injure B.
- **Pay careful attention to seemingly meaningless details** - Everything in the questions is there for a reason. Either the detail is important to the ultimate answer, or the professor placed it there to distract you from the correct answer.

- **Once you have answered a question, disregard any changes it made to the fact pattern** - Oftentimes, a professor will pose multiple questions in regard to a single fact pattern, and some of these questions will modify the fact pattern. Unless instructed otherwise, the changes to the fact pattern apply solely to that question.
- **Do not make the questions more complex than they actually are** - Your professor's goal is not to trick you, but to test your knowledge. So avoid fantastical interpretations of the facts.
- **Do not skip questions** - Skipping a question creates the possibility that your remaining answers will be out of order. Answer each of the questions in order, and come back to questions you were not sure of if you have time.

Playing the Right Role

On occasion, a question will ask you to assume a particular role when formulating your answer. Be sure to stay in character when answering the question.

- **Considerations when acting as the Judge**
 - *Start out with no particular result or conclusion in mind*
 - *Know the standard* - your answer might be different if you are asked to rule on a motion to dismiss as opposed to a motion for summary judgment
 - *Be alert for misstatements of fact in the lawyer's argument*
 - *Do not allow your personal feelings to enter into your answer* - Choose the correct answer even if you do not like the outcome. Your professor may be testing your ability to divorce your feelings from your understanding of the law.
- **Considerations when acting as an advocate**
 - *The best argument may not necessarily be a winning argument* - Do not be afraid to choose an answer, even if you think it would be a loser at trial. For purposes of your examination, it may be the "best" available answer.
 - *Is the conclusion consistent with the facts and law*

The Process of Elimination

In the end, the best way to arrive at the correct answer is to use the process of elimination. Simply put, you arrive at the correct answer by eliminating from contention those answers which cannot be correct. There are number of things to keep in mind when eliminating individual responses.

- **Issue spotting is very important**

- ***Do not be tempted into believing that you will not need to spot issues*** - Although you are working with a limited universe, one of the options must identify and resolve the central issue.
- ***Use the responses to identify the central issue in the problem***
- **Be meticulous in your reading of alternatives** - Glance at the modifier quickly, then study the reasoning and finally the result. If the reasoning is not correct then the response cannot be correct.
- **Three quick ways of eliminating a response** - If an option does any one of these three things, you can eliminate it immediately and move on.
 - ***It mischaracterizes the facts***
 - ◆ Blatant contradictions
 - ◆ Goes beyond the stated facts
 - ◆ Assumes as true a fact in dispute
 - ***It misstates the law***
 - ***It ignores the central issue***
- **In order to be correct, an answer must be correct in every aspect**
 - ***Incorrect legal reasoning***
 - ◆ Overstates the requirements of the law
 - ◆ Uses antiquated rules or rules from an inapplicable body of law
 - ◆ Uses rules that do not apply to the facts
 - ◆ Overstates or understates the applicable legal standard. CAVEAT: Be aware that an answer may, for example, correctly reference only a single element of a cause of action when that element is the only one at issue
- **Every "correct" answer is not necessarily a "right" answer** - Often, multiple-choice questions ask you to choose the "best" answer. This means that more than one answer could solve the problem presented by the questions. When choosing the "best" answer, keep the following in mind.
 - ***An answer that is easier to prove is more likely to be correct than an option that is difficult to prove.***
 - ***A more precise answer is better than a less precise one*** - For example a more precise answers would address the factual situation in more respects than other options.

Guessing intelligently when your reasoning fails you

While no instructor will ever advocate guessing at the correct answer, a guess is sometimes all you are left with. Just be sure that guessing is a last resort, and that you do it intelligently.

- ***Do not guess until you have eliminated all the definitely wrong responses***
- ***Do not make the questions more difficult than they are*** - The issue that jumps out at you is likely the issue that the correct response addresses.
- ***Be wary of answers that include absolutes*** - There are few things in the law that are absolute. Therefore, words like "must," "always," and "never" often (but not always!) indicate an incorrect answer.
- ***If two answers are opposites, one is probably correct***
- ***Be wary of answer choices from unrelated subjects or unstudied theories***
- ***Trust your instincts*** – once you've narrowed your choices down to two options, trust what your instincts are telling you. In the background, your mind has processed through the question and your "instinct" is really your subconscious helping you make the correct choice. For this reason, you should rarely go back and change an answer unless you are **sure** that your original response was incorrect.

Practice, practice, practice . . .

Now that you know some of the basic aspects of multiple choice questions, there is only one thing left to do – Practice! I started this discussion by noting that it is important to become comfortable with the multiple-choice format. The best way to do this is to practice with as many multiple choice questions as you can find.

In theory, your professors are an excellent source for multiple choice questions, but the reality is that many are hesitant to provide students with practice material. The reason? It is extremely difficult to create high quality question that are both challenging and free of bias, so your professors are likely to hold on to their best questions until exam time rolls around. Thankfully, there are several commercial sources that you can turn to:

- **CrunchTime by Aspen Publishing** – In addition to multiple choice questions, each book in this topic specific series includes multiple choice, essay, and short answer questions.
- **CALI Exercises** – CALI, or the Center for Computer Assisted Legal Instruction, maintains a web site at - www2.cali.org. From this web site, students may access multiple choice questions relating to all first year courses, as well as many upper level topics. For Suffolk students, the password for accessing these materials is - SUFOLKstu205.

- **Questions & Answers Series by LexisNexis** – Each book in this series contains at least 125 multiple choice questions and thorough explanations of every answer.
- **Siegel's by Emanuel Publishing Corp.** – Another topic specific series of books, but this one includes both essays and multiple choice questions.

When using any of these sources, it is imperative that you keep in mind their limitations. For example, questions written by someone other than your professor may use terminology with which you are not familiar. In addition, some questions may touch on topics that you have not covered in class. Finally, to make the best use of these questions, keep the following in mind:

- **Carefully read the explanation that accompanies the answer** – An answer's accompanying explanation is the equivalent of the legal reasoning that would go into answering an essay question. If you do not understand the reasoning behind an answer, it is irrelevant whether you got the question right. If you do understand the reasoning, you will be able to answer a similar question when you read it on examination day.
- **Complete questions under exam conditions** – As best you can, try to mimic exam-like conditions when answering practice questions. At a bare minimum, time yourself. Even better, try to find an empty classroom in which to work. Your goal is to prepare yourself for exam day, and anything you can do to mirror those conditions will pay dividends in the end.
- **Practice regularly** – Incorporate practice into your weekly study routine. Most professors do not quiz their students on a regular basis, so weekly practice sessions are an excellent way to test whether you truly understood the week's topics.