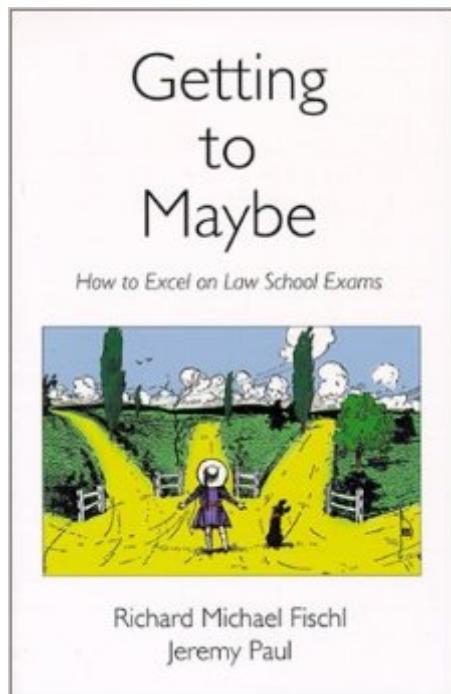


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# Getting To Maybe: How To Excel On Law School Exams



## **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.

## **Book Information**

Paperback: 348 pages

Publisher: Carolina Academic Press; 1 edition (May 26, 1999)

Language: English

ISBN-10: 0890897603

ISBN-13: 978-0890897607

Product Dimensions: 0.8 x 5.2 x 8.2 inches

Shipping Weight: 12 ounces (View shipping rates and policies)

Average Customer Review: 4.4 out of 5 starsÂ  See all reviewsÂ  (147 customer reviews)

Best Sellers Rank: #9,998 in Books (See Top 100 in Books) #2 inÂ  Books > Law > Legal Self-Help  
#2 inÂ  Books > Textbooks > Law > Legal Reference #3 inÂ  Books > Law > Business > Reference

## **Customer Reviews**

Getting to Maybe is a Godsend. Even for those of you who've already finished first-year, it's well worth getting. I am the author of *Planet Law School: What You Need to Know Before You Go--but Didn't Know to Ask*. Unfortunately, *Getting to Maybe* was first published in 1999, a year after PLS, so I could not recommend it in PLS. Hence this posting, now. Even though the authors and I are

competitors, and our books are published by different firms, I urge all law students to get Getting to Maybe. (For one thing, the authors' critique of the IRAC model is succinct and devastating.) If you take doing well in law school (and becoming a good attorney) seriously, this book is a necessity. It's so well-written that I had to force myself to put it down, and ended up reading it in just two sittings, of several hours each. The earlier review, about the teaching of Tantric Yoga, is exactly right. With Getting to Maybe, the secrets are secret no more.

In my first year of law school, my legal writing tutor recommended this book. After reading it, my grades went up, which I believe was partially because of how this book helped me improve writing law school exams. It helps new law students understand what it means to "think like a lawyer." That is, it gives students a framework for analyzing complex issues. Reading this book also significantly increased my performance in our legal writing class. At the end of my first year, my professor said my writing went from nearly the worst in the class to the best. This progress was a direct result from reading this book, improving my writing organization, and practice. I highly recommend this book for new law students who want a head-start improving their legal analysis skills, and especially for students struggling with their legal writing. Law students have so much to read, it's hard to find more time for a book like this. But even reading a few chapters will provide students with a new paradigm for their legal analysis and writing. This book would make a great gift for a student prior to starting law school because it is easy to read and introduces readers to subjects they will cover in their first-year courses.

The aim of this book is to help current law students perform well on law school exams. Law school exams are famously ambiguous; hence the title of the book. The title of the book is a play on the title of a classic book about the art of negotiation, called *Getting to Yes*. Implicit in *Getting to Maybe* is that, unlike a negotiation, performance on law school exams does not require an exact answer or resolution. The method by which these law professors explain this concept is especially interesting. In connection with their academic research, they propose to break down law school exams into small components, and thoroughly analyze those components. The result is a very substantial and comprehensive analysis of the structure of law school exams and the skills required to do well on these exams. You may be asking how the professors purport to explain *all* law school exams, for surely there are professors for whose exams these methods will not work. These professors make the interesting point that in the United States, law education is fairly uniform, and, therefore, the skills required to perform well on law school exams are fairly uniform, as well. I read this book prior to

starting law school. I found it useful primarily because I have read a number of other books about legal reasoning and the study of law and the law school experience that are more basic than the material in this book. If this is your first book regarding the study of law or performance in law school, I would advise putting it aside in favor of a book offering a broader overview of law, its study, and law school.

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. Reduced to a sentence, the authors are just telling you not to be conclusory with your answers--in other words, show that certain items in the fact pattern could be argued multiple ways. This is hardly novel law school exam advice worth \$22.00! I have read reviews by people who claim that this book helped them make law review or whatever. I also know many people who have read this book and have gotten below average law school grades. I do not think that this book will make a difference in how anyone does in law school. If you are one of those people who has to read everything, because you don't want your classmates to have read something you haven't read, then by all means read this. If, on the other hand, you are concerned about using your time effectively, then you are probably better off working on your outlines or reviewing your lecture notes rather than wasting your time reading this book.

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