THIS IS A

NO NONSENSE GUIDE TO EXCELLING IN LAW SCHOOL

BY HARMAN BATH

DISCLAIMER

The statements made hereafter do not expressly or impliedly provide assurances or guarantees of any nature, and more specifically, the author makes no representations that a reader shall get any specific grade or result by reading and utilizing the methods contained herein.

By reading and utilizing the methods contained herein, the reader acknowledges and agrees that they will rely on the methods and tactics contained herein at their own discretion and risk.

The statements contained within this book are only to serve as guiding principles, upon which you can build your own blueprint for getting through law school. It is encouraged for the reader to do their own due diligence before applying any of the tips disclosed in this book. Should the author make any references to any third-party companies, materials, or resources, the author makes no claim to be the originator of those materials. Their respective intellectual property rights belong to their owners.

Thank you MJ.

BEFORE YOU BEGIN

When I started law school I was told to **"do all of your readings, make outlines for every course, and over time you will figure out what is necessary and what is optional."**

That was **complete nonsense**.

Contrary to conventional wisdom, you don't have to do all of your readings, you don't have to make an outline for every class, and you don't need to be an extraordinary student to achieve extraordinary results in law school.

The goal of this book is to pass on the tips and tactics I wish I knew when I was in your position.

Full disclosure, I was not a perfect student and I did not get straight A's. However, I did graduate with distinction while balancing numerous extracurriculars and non-academic responsibilities. During this process, I made umpteenth mistakes and identified some of the most efficient and effective systems to excel in law school.

Without further ado, let's get right into it.

Best of Luck,

Harman Bath
J.D., *Lincoln Alexander*
Called to Bar 2023'

1. TERMINOLOGY

There are several phrases and words that will be used in lectures that you may not know. It pointless to attend a lecture and spend time trying to figure out what was said because of decorum used to say it.

For this reason, I've compiled a non-exhaustive list of some of these words and phrases. You can find them at the end of the book in **Appendix A**.

If a word/phrase does not appear in this list, do yourself a favour and Google it during the lecture so you can pace along with the rest of the pack.

2. USE SOFT DEADLINES

Organization, is arguably, a marquee of a successful law student. Accordingly, as soon as you receive your syllabi, input all the important dates into your calendar. Next, I recommend using the '**soft deadlines**' system. Essentially, if an essay is due on January 15th, then, perhaps, make a soft deadline to have your first draft of the essay completed on January 1st.

There are three core benefits to this. **First**, you will control for any anxieties associated with cramming at the last second. **Second**, this gives you sufficient time to move away from the material and put a *fresh* set of eyes on it. **Finally,** this allows you to control for any last second obligations you may have in and outside of your law school life.

With your first draft or '**B-Level deliverable**' (see next chapter) completed by the soft deadline, you will now have a sufficient amount of time to step away from your work and re-approach it with fresh eyes. This way, you optimize your chances of delivering the best possible work product each and every time.

You will not have the luxury of making a two week soft deadline in every scenario. Adjust this soft deadline tactic to fit your needs.

To excel in law school you need to manage your time and the most robust way of doing this is using and sticking to a schedule. For this reason, I recommend using a calendar and the soft-deadline system.

3. B-LEVEL DELIVERABLES

A B-Level deliverable is a work product that meets all the requirements of your assignment. For an essay, this means, it satisfies the prescribed number of sources, it meets the word count, and that you have provided three rational and convincing arguments.

The work does not end here. In law school, everything is graded on the "Bell-Curve" (see next chapter). For this reason, it is not enough to meet the requirements if you want to excel in law school, you must exceed them.

Using the soft-deadline system, prepare a B-Level deliverable several days before the actual deadline. Then, put it away and start working on something else. In ideal circumstances, return to this work at least two to three days after you completed your first draft. In un-ideal circumstances, aim to not engage with the material for at least 24 hours.

Once you return, start by reading your work product and critically assessing if you are convinced by what is being said. As you go along, fill the gaps in your arguments, re-write paragraphs for succinctness, and pivot from your arguments if needed.

Once this is done, start thinking about what you can do to exceed the rubric or requirements of the assignment. This may entail using multiple varieties of sources, making a policy agreement, or simply using **point first writing** (see Chapter 5).

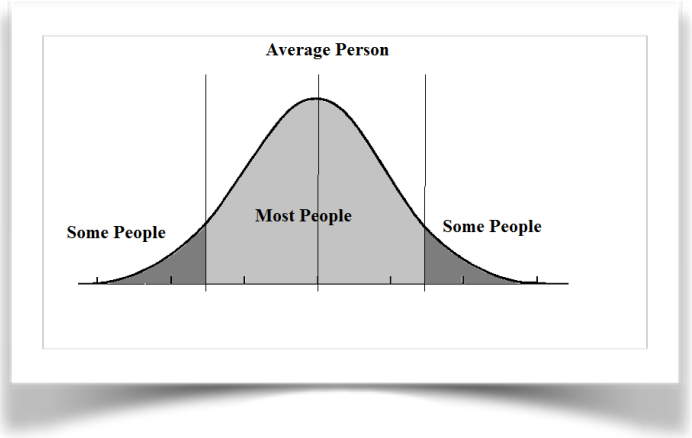
Once this step is done, I want you to copy and paste your paragraphs into **Grammarly** and use the free version to assess if any of your statements can be written better. After this is done, find a free **text to speech generator** online and listen to your arguments. At this stage you are looking to see if what you wrote sounds fluid and is simple to follow. With some work, your B-Level deliverable may turn into an A-Level deliverable.

4. THE BELL CURVE

In your syllabi, you may notice that each course has a 'course-average'. In my experience, this is usually a B, with some seminar courses being as high as a B+.

Now, it is likely that you and your peers are all capable of achieving A's, however in order to maintain a course-average, most students will get a B, with some getting C's and others getting A's.

This grading system is organized over a Bell-Curve (see visual below):



Source: Reddit

The Bell Curve (hereinafter the "**Curve**") is a grading system used by law schools to standardize grades. It is used by every Canadian law school, and thus there is no need fretting over it. Rather, put energy into understanding it and developing systems and processes to beat the Curve.

As a result of the Curve, most students will get B's, but students that use the systems and processes discussed in this book, *may* have a chance at scoring an A.

5. USE POINT FIRST WRITING

Always utilize point first wiring, your grades will thank you. In a nutshell, this is a concept where you open a paragraph with your ultimate conclusion. The goal is to tell the reader where you are going before you guide them there.

Point Last Writing Example:

Cold calling is a socratic method that terrorizes law students. It creates a culture of anxiety in a class room which takes away from the learning experience. It creates horrible and traumatic memories for law students. Finally, its' just bad. For this reason, law schools should install policies that move away from cold-calling.

Point First Writing Example:

*Law schools should eliminate cold-calling for three reasons. First, it creates a culture of perpetual anxiety which takes away from a student's learning experience. Second, it may create traumatic or embarrassing memories for a student. Finally, it's just bad. (**Optional conclusion:** For these reasons, cold-calling should be eliminated).*

If you need more on this concept, Google it or send me an email.

6. DON'T DO ALL YOUR READINGS

You don't have to do **ALL** your readings in law school. Instead you can use a mix of past outlines, course slides, and headnotes from QuickLaw and WestLaw. Then when you identify gaps in your knowledge (and notes), that cannot be satisfied with the foregoing, turn to your reading materials and fill in the gaps.

Acquire Past Outlines

As a fundamental point, acquire past outlines from peers, members of a school club, or a school database. If you desire, you can also reach out to me VIA email for the same.

We'll discuss what an outline is and how to make one (if needed) later in this book. In the interim, understand that outlines are a compilation of all your course notes into a single document.

Now, readings are done to create outlines, and outlines are used to ace exams. *Ergo*, if an outline already exist, you may be able to *get by* in a course by simply reading the outline. This would be the simplest way to "do your readings" without doing your readings.

However, not all outlines are made the same. In truth, some are very bad. For this reason, you need to carefully audit the completeness and relevance of someone else's outline before relying on it.

Regardless, there will still be cases or courses where you have to do some form of reading. Below, I discuss tactics that will make this exercise easier.

Use an Outline and FIRAC Cases

After acquiring an outline, open up your assigned readings and note down all the cases mentioned. Then turn to your outline and copy and paste those cases into your notes.

While doing this, contextualize the summary of the case from the outline with what is being discussed that week in the course. Some cases discuss four issues. It may be the case that someone else's outline is centred on the first issue, while your course is focusing on the fourth.

In your notes, you want to create FIRAC tables. These will not only help you understand a case, but they will also allow you to recall the particulars of a case in a **cold-call** situation (see next chapter) and at the end of the year.

Creating FIRAC Tables

F.I.R.A.C. stands for **Facts, Issue, Ratio/Rule, Analysis, Conclusion (or Holding)**. It is simply a note taking method. You may adjust this as needed. I found that this method is not appropriate for each case. In some cases the facts don't provide a novelty that would qualify the decision to only apply if those same facts arose.

These are usually cases in your 1L classes and in foundational law courses. In other cases the issue, holding (also called the conclusion), and analysis can be ignored. However, in each case the **ratio or rule** is always important and must always be identified.

For transparency, there have been times in my notes where I only wrote the ratio down as I found everything else to be unnecessary.

Returning to **FIRAC**, make a table as follows:

F	- Fact 1 - Fact 2
I	- Issue 1 - Issue 2
R	*Summation of the key takeaway of the case.*
A	- Court's First Reason for Decision - Court's Second Reason for Decision
C	*How the case was decided and in who's favour.*

Personally, I like to set up my tables to have the ratio or key takeaway at the very top.

R	*Summation of the key takeaway of the case.*
F	- Fact 1 - Fact 2
I	- Issue 1 - Issue 2
A	- Court's First Reason for Decision - Court's Second Reason for Decision
C	*How the case was decided and in who's favour.*

Here are some screenshot's of how these looked in my notes:

Example 1:

994814 Ontario Inc v RSL Canada Inc, 2006 CanLII 15893 (Ont CA)

R	Parties can only provide collateral over things they own, and they won't own things if certain conditions of the sale aren't met
F	• 994 has GSA over assets • RSL got 3 equipment's from En-Plas • RSL went into receivership • (Motion Judge) MJ said the conditions of the sale were not complete and. The machines never transferred to RSL.
H	Appeal dismissed. MJ was right

Example 2:

ELEMENTS OF AN EASEMENT

Re: Ellenborough Park

R	**Four Characteristics that Define an Easement**
!	(1) Must be a Dominant Tenement (DT) and Servient Tenement (ST) — ***Laurie v Bowen [1951]*** (2) The ST must accommodate the DT — ***Caldwell v Elia (2000)*** (3) The DT and ST must be different — Basic concept of Merger (4) The Right must be capable of being granted. (i) cannot be too vague ("right to wind" is different from "right to wind from Southwest corner of the lot to the windmill situated on that same corner". RMB:, simply b/c a right is **wide** doesn't mean its **vague**) — ***Vantreight v Gray 1993*** (ii) cannot amount to substantial ownership — right must not amount to joint occupation or permanent occupation of the servient lands, which substantially derives the servient owner of fee simple estate. Rights that permanently exclude the ST are frowned upon
!	**PROF:** easement is an **increase in usefulness**, not an increase in value.

Example 3:

Descheneaux v. Canada (Procureur Général) (2015 Que.SC)

R	**Test of Violation of the Right to Equality (s.15)** 1) does the law create a distinction on an enumerated or analogous grounds? 2) does the distinction create a disadvantage by perpetuating prejudice or stereotyping?
F	Stephane's mother and grandmother were not given Indian status, b/c his grandma married a non-Indian man. At that time, women legally lost status when they married outside of tribe. After the 2010 Act, Stephane's mom gained status. However, this was not passed onto Stephane. Today Stephane wants to be able to pass on status to his children, but he cannot due to these past racist and sexist policies. He contends that his s.15 (equality) Charter rights have been infringed.
I	Is section 6 of the amended *Indian Act* discriminatory and constitutionally invalid?
A	McIvor said retroactive application of the Charter doesn't work. The court here, bounds itself to the precedent set in McIvor. But for this case, the plaintiffs don't want to accept that retroactive application of Charter is not allowed. Thus, the first hurdle is to distinguish the case.
	Section 15 Test: [118] Plaintiffs allege the discriminatory treatment is baed on enumerated prohibited ground of sex. Step one is satisfied, as this case is about discriminatory status rights based on sex. [149] This doesn't allow women to pass on their status the way men can in analogous situations. In doing is perpetuated prejudice and stereotyping of females of not worthy or reflective of status.
C	Yes. In turn the section was declared to be inoperative and the Court's decision was suspended for 18 months to give Canada time to enact new legislation to correct the inoperative one

As you'll note, I pivot my system based on the case, the course, and (honestly) however I felt like organizing my notes for that class. The important thing is to have a system in place. FIRAC tables will be your saving grace when it comes time for '**cold-calling**' (see next chapter).

How to Fill in the FIRAC Table

If your have an outline, the work may already be done for you. If you do not, I would suggest to fill in the table as followed:

Filling in the Facts

Start by seeing if a past outline has already distilled the facts into bullet points. If not, search the case on QuickLaw or WestLaw. Here, most cases will have a "**headnote**". This is a summary of the case found at the very top. In most cases, the headnote will contain a concise summary of the pertinent facts, the issue, holding, and analysis. If so, convert this into bullet points and your job is done.

If not, you may need to actually look into the case. Most cases have a section labeled "Background Facts" or something similar. If the case is an appeal of a decision, you may need to look to the original case to find this section. When found, distill the facts into bullet points.

If slides are made available to you before the lecture, check to see if the professor has already distilled the facts for you. If slides are provided during/after the lecture, you can complete this step then, but I do not recommend it.

In all cases, remember to identify why the case was assigned and the context within which you are learning it. Once done, you can identify which facts are relevant to the ratio you're deriving.

Filling in the Issue

The "issue" is the legal question being asked. Again, lean on past outlines, and then headnotes or slides for the same. If this is not

available, the body of the case should have a section clearly labeled "issue". Remember that a lot of cases deal with multiple issue. You do not need to write every issue down; only note down the issues relevant to your course.

Filling in the Ratio/Rule

Again, outlines, headnotes, and slides. If all of these fail, you may need to actually read the case to distill its main takeaway. You can also rely on articles from a law firm's website.

Remember, this is the most important part of your notes. It will be the crux of how you apply your notes to a made-up scenario on an exam. I will discuss how to actually read a case later in this chapter and how to derive the ratio in Chapter 12.

Filling in the Analysis

Outlines, headnotes, slides. If all else fails, read the case.

Filling in the Conclusion/Holding

Outlines, headnotes, slides. If all else fails, this can usually be found at the end of the case. In situations where there are concurring or dissenting opinions, this is found at the end of the majority's decision.

With all this being said, **NEVER BLINDLY RELY ON SOMEONE ELSE'S OUTLINE**. You have no way of knowing if the person who created the outline got the information right or whether they left of parts out that were relevant to your class but were not relevant to theirs. Whenever in doubt, do the due diligence and read the case.

Reading an Actual Case

Some situations may require you to *actually* read a case. These may include a moot, legal research, or if it is the most important case in a specific area of the law.

Always start by reading the headnote. In ideal circumstances, this may give you everything you need to fill in your FIRAC table. If not, it will at least prep you for the case you are about to read.

If the decision was well edited, you should be given subheadings. The headnote should provide a decent summary of the facts so you can skip this section for now. Locate the issue section so that you can contextualize what the judge will talk about.

After this, skip to the bottom of the decision and locate the paragraph where the judge states their decision. If you're lucky, they may even summarize their reasons for the same. If this is sufficient to provide you with a ratio, you're done. If it is not, then you need to read further.

In this scenario, identify if there are majority, concurring, or dissenting opinions. This is vital because you don't want to make note of a concurring opinion or the dissenting opinion by mistake. Read the paragraphs of the majority opinion. Here I want you to zoom out and skim until you find statements that form the basis of their reasoning. You want to skim through fluff, recantations of the facts, and obiter.

If at the end of this exercise you still can't formulate a wholesome understanding of the case, take a break and allot some time in your week to read this case in its entirety. If you have multiple cases to read that night, don't lose momentum in your reading. If this is the only case of that evening, then by all means, go for it.

Is the Historical Context Important?

It can be for policy questions. While it is always been first nature for me to skip these sections entirely, I always find that they have made their way back into a classroom discussion or exam situation.

I suggest that you ask your professor if questions like this will show up on an exam or if the exam will rather focus on core concepts. The answer to that question decides whether you read this or not.

Reading a Statute

Every statute has a table of contents. Use it. Try to identify what you're looking for from the table of contents and then zero in on it. If this is not effective, then use Control + F to locate keywords. Remember a keyword to you may not be a keyword to the drafter, so make sure you use an array.

Guest Speakers

Dropping gems from a guest speaker's lecture is always a great way to turn a B-Level deliverable into an A-Level deliverable. For this reason, always make notes during guest speaker lectures. Write down five to ten core points that they made — the more the merrier. On an exam situation, dropping one of these into your answers is a sure fire way to stand out and get those extra brownie points, hopefully letting you ride the curve up.

Reading Ahead

Try your best to be one week ahead of your readings. This follows the same logic as our initial discussions about using a calendar and soft deadlines. Reading ahead (and staying ahead), in my opinion, *may* reduce anxiety levels, will provide you with a grace period if you fall behind on subsequent readings, and will enable you to listen more actively during a class as you've already learned the material.

In Week 1, finish all your readings (this is usually a lighter week) and on the weekend of Week 1, complete all of Week 2's readings. Then during Week 2, complete Week 3's readings and so on.

Auditing your Notes

Your readings and notes should be done before class. During class, note down any key points stated by your professor in **red**. This will help remind you what the professor focussed on, any deviations from you notes, and any hints they may have shared.

After class is done, audit your notes and see if you forgot to include something that was mentioned in class. At this point, open up your textbook and read to fill in the gaps.

Difficult Concepts

Some textbooks are very well written. For this reason, if you ever find yourself wrestling with a difficult concept, read your textbook first before anything else.

7. WARMING UP TO COLD-CALLS

Cold-calling is a socratic method wherein the professor randomly calls upon students without notice to answer some question. Usually this entails the FIRAC or a case. For such a situation use the FIRAC system (see previous chapter) to rack up those participation marks.

Escaping the Cold-Call

If you're petrified of cold-calling (and if your professor entertains this), raise your hand in class (at least 2 times) to answer something that you have the answer to from your FIRAC tables. After one or two times, the professor will like to hear from someone else and you'll be home-free for the remainder of the class. Do this once a class or every few weeks and hopefully you don't fall victim to cold-calling.

Last Resort

Now, in the situation where you are cold-called and you don't know the answer, say something to the effect of "**I need to revise my materials further, so I can't provide you with a satisfactory response right now**". Done. You're an adult, not a means of amusement. Own up to what you know and what you don't know and move on. No one in your class knows what they are talking about. They are learning all this just as you are, maybe with a one or two week head start, at most.

8. USE PRE-WRITES

I was in my 1L Torts class and our professor was teaching us how to write exam answers. Essentially she was teaching us the format the exam answers follow. At that time, I found that it would be useful to create a stencil of a model answer that I could fill in on exam day. It looked something like this:

• **Is this a INSERT?**

A. A theory for *INSERT*
This court has never directly answered this question. However this case draws similarities to CASE. In CASE [INSERT FACTS].

In CASE, Justice INSERT found that [INSERT RATIO]. The case at bar is similar in certain respects. [[INSERT RELEVANT FACTS]. However, the case at bar is also different in certain respects. [INSERT RELEVANT FACTS]. Accordingly, this ratio should(shouldn't) apply.

i. [REASON CASE DOES(N'T) APPLY]
In the case at bar, [INSERT RELEVANT FACTS].

ii. [REASON CASE DOES(N'T) APPLY]
In the case at bar, [INSERT RELEVANT FACTS]

iii. [REASON CASE DOES(N'T) APPLY]
In the case at bar, [INSERT RELEVANT FACTS]

D. *Was INSERT Established in this case?*
I approach this question through the lens of [CASE NAME]. These elements were drawn from the test in [CASE], which was established to determine [INSERT] I will not repeat my earlier analysis, but I would rather emphasis the following. [INSERT CONCLUSION 1]. [INSERT CONCLUSION 2]. [INSERT CONCLUSION 3].

As such,

I used this system and got a B. So I knew I had to change something. For each of my classes I would create an outline. In these outlines, I would summarize the law in easily digestible terms. I began noticing

that while this was useful during the learning stage, it was not useful during the exam writing stage.

On an exam, each answer had to be written with some level of decorum. *Ergo*, I found myself constantly having to convert the bullet points in my outlines into sentences on the exam. That's when it hit me - why don't I just create the sentences beforehand.

Exams

Canadian law school exams are timed and contain word count restrictions. Further, they usually feature two types of questions: (1) issue spotting questions (see chapter 9) and policy questions (see chapter 10). For the former, one would need to read a passage, highlight legal issues, find the applicable law, and apply it to the scenario. All four of these exercises consumed precious resources (time and words).

At this junction, I thought it would be best to implement the pre-writes system.

What is a Pre-Write?

A pre-write, put simply, is the exercise of distilling a legal concept into a few words so that you can use that distillation in an exam setting.

Benefits

There are three primary benefits. **First**, by forcing yourself to distill a legal issue (and its caveats) into the most general and clear terms, you can intimately learn the material. **Second**, pre-writes can be quickly recreated on an exam without much thought, saving you time, words, and energy. **Finally**, pre-writes free up time to think critically about exam questions which may lead to better arguments.

I'm sharing this system with you because once I started using pre-writes, I stated getting A's.

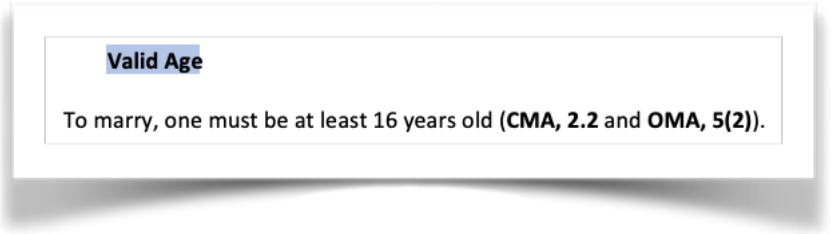
How to Create a Pre-Write

In my view, the "how" is best explained through examples.

Example 1:

I would like you to take a look at section 2.2 of the ***Civil Marriage Act*** and subsection 5(2) of the Ontario's ***Marriage Act***.

Both the federal and provincial statutes state that the legal age for marriage is 16. Instead of providing a long winded statement like "*Ontario's Marriage Act states …*" or "*Both the federal government and provincial government hold that …*" I would make a pre-write as follows:



Here I've summarized the law into 10 words and provided a citation (the formatting of which was pre-approved by my professor) at the end of the pre-write.

I distilled the concept into the most general and clear terms, so that it can be applied to any scenario.

Once created, I have multiple ways I can use this pre-write:

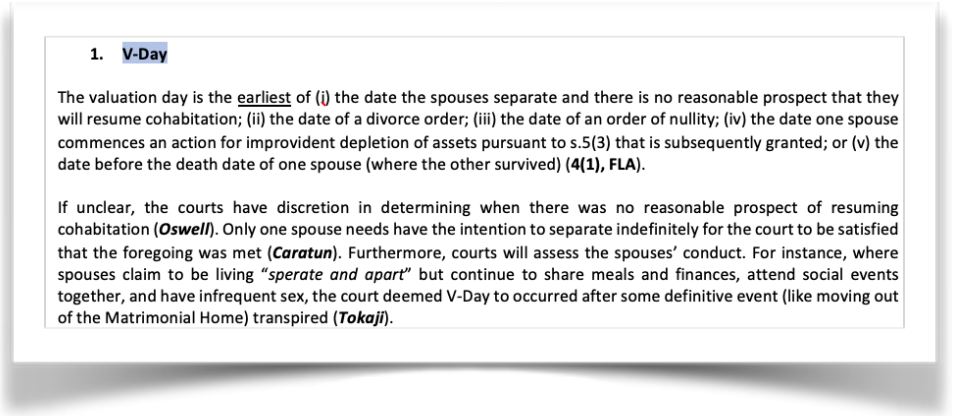
1. I can use this statement as is and apply the law in the separate sentence;

2. I can add a "therefore" to the end of the sentence and continue my application there; or

3. I can definitively say that "Jane Doe is 17, therefore satisfies the age requirement for marriage (CMA, 2.2 and OMA, 5(2))".

Example 2:

Here I distilled subsection 4(2) of the ***Family Law Act*** and several cases pertaining to the subject matter.



1. **V-Day**

The valuation day is the earliest of (i) the date the spouses separate and there is no reasonable prospect that they will resume cohabitation; (ii) the date of a divorce order; (iii) the date of an order of nullity; (iv) the date one spouse commences an action for improvident depletion of assets pursuant to s.5(3) that is subsequently granted; or (v) the date before the death date of one spouse (where the other survived) (**4(1), FLA**).

If unclear, the courts have discretion in determining when there was no reasonable prospect of resuming cohabitation (***Oswell***). Only one spouse needs have the intention to separate indefinitely for the court to be satisfied that the foregoing was met (***Caratun***). Furthermore, courts will assess the spouses' conduct. For instance, where spouses claim to be living "*sperate and apart*" but continue to share meals and finances, attend social events together, and have infrequent sex, the court deemed V-Day to occurred after some definitive event (like moving out of the Matrimonial Home) transpired (***Tokaji***).

Going into my Family Law exam, I knew that an *equalization* question would appear. Further, I knew that determining the *valuation day* is a concept pertinent to equalization. Accordingly, I summarized the five definitions of *valuation day* in paragraph one.

On an exam, I will not need all five, however, since they are all there, I can leave out the inapplicable definitions and quickly adjust this paragraph to meet my needs.

There are some caveats that apply to this concept. For this reason, I've distilled the ratios of the three cases discussed in class within paragraph two.

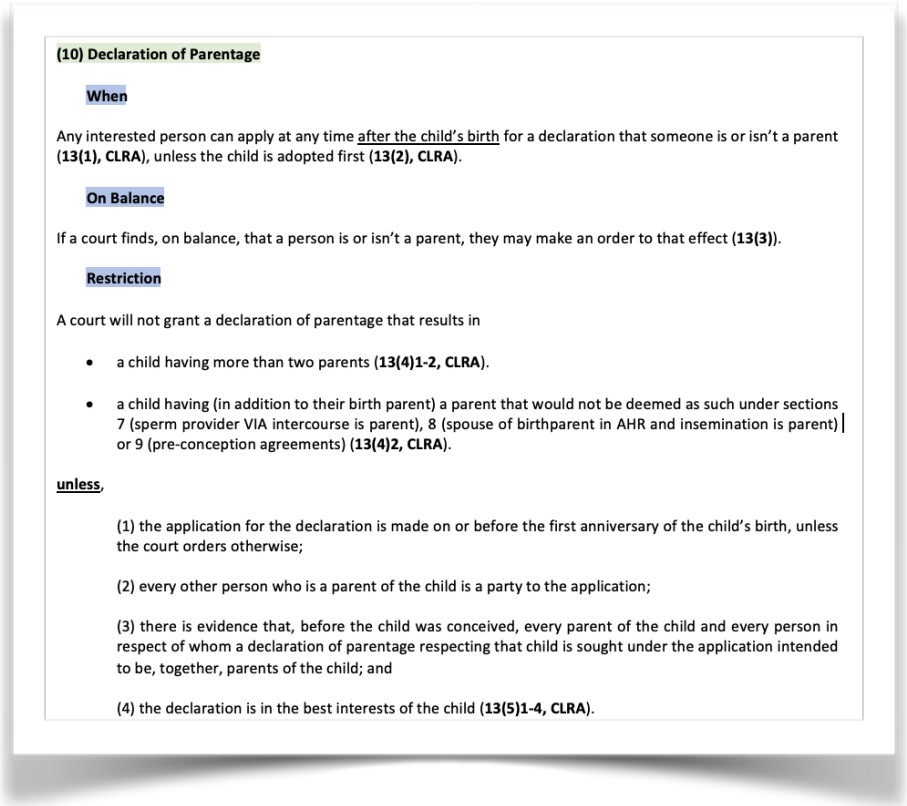
Again I will not need all three, but now I have everything I could possibly need on an exam at my disposal.

In paragraph two, turn your attention to the second case: "***Caratun***". This pre-write summarizes that only one spouse needs to have the

intention to separate. In this example, I can follow up with a sentence that uses facts from the fact-scenario to either confirm of deny that the intention to separate was present by at least one spouse. With that, I've successful identified and addressed an issue and can quickly move on to the next issue.

Example 3:

For your benefit, I've included a screenshot of the pre-writes I created for a certain topic. I will get into organization of notes in a different chapter.



(10) Declaration of Parentage

When

Any interested person can apply at any time after the child's birth for a declaration that someone is or isn't a parent (**13(1), CLRA**), unless the child is adopted first (**13(2), CLRA**).

On Balance

If a court finds, on balance, that a person is or isn't a parent, they may make an order to that effect (**13(3)**).

Restriction

A court will not grant a declaration of parentage that results in

- a child having more than two parents (**13(4)1-2, CLRA**).
- a child having (in addition to their birth parent) a parent that would not be deemed as such under sections 7 (sperm provider VIA intercourse is parent), 8 (spouse of birthparent in AHR and insemination is parent) or 9 (pre-conception agreements) (**13(4)2, CLRA**).

unless,

(1) the application for the declaration is made on or before the first anniversary of the child's birth, unless the court orders otherwise;

(2) every other person who is a parent of the child is a party to the application;

(3) there is evidence that, before the child was conceived, every parent of the child and every person in respect of whom a declaration of parentage respecting that child is sought under the application intended to be, together, parents of the child; and

(4) the declaration is in the best interests of the child (**13(5)1-4, CLRA**).

I've included this to convey how I've separated the crux of the legal concept and all the caveats that apply thereto. An exam issue may not call for me to apply every aspect of this concept. However, with

the way it is organized here, I can quickly jump to this section of my notes and identify which avenue I want to take.

Let's zoom into "Restriction" (in blue) for a moment. Here, I pre-wrote a general statement "a court will not grant a decision of parentage that results in" and then provided two different ways I can continue that sentence, along with their respect citations.

Academic Integrity

Do not share your pre-writes with others. To begin, I've used the example provided herein in various exam settings. I do not consent to you using them. They are merely provided to provide you with a visual of the end product.

Second, the purpose of the pre-write is to recreate the sentences therein on an exam without using much thought. *Ergo*, you should **not** share them with your peers because if both of you use the same pre-write, that will be plagiarism.

Finally, in my view, a pre-write in and of itself does not contravene any academic integrity standards. You are free to use any form of notes on an exam. It is likely that you would have used phrases verbatim from your outlines. Since that has not been deemed a violation in years past, it stands to reasons that a pre-write will not either. In my personal experience, pre-writes have never been an issue with any of my professors.

9. ISSUE SPOTTING QUESTIONS

An issue spotting question is a long passage that tells you a story. This story will amalgamate several cases you studied in the course and will further add a caveat to those cases.

The exercise is two fold: (1) apply the law you learned to display an understanding of the law and (2) apply the law in novel ways to create a sound legal argument.

There are three fundamental tools you need to use: (1) issue spotting, (2) your notes (or for us, our pre-writes) and (3) your ability to apply the legal concepts you learned to the issues you spotted in a succinct way.

There are three ways you can address issue spotting questions:

1. Use your pre-write and apply the law in the separate sentence;

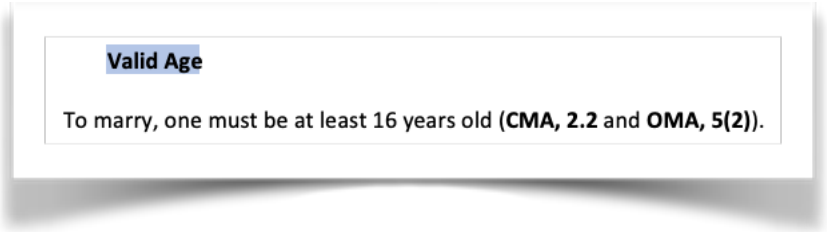
2. Use your pre-write and add a "therefore" to the end of the sentence and continue your application there; or

3. Re-word your pre-write so that you combine the pre-write with the statement where you apply the facts to the law.

Suppose you read a passage about John and Jane. Jane wants a divorce. When the couple got married she did not have accurate brith records and later found out she was actually 15 when then marriage happened.

Issue Spotting: The issue you're looking for, or in other words, the legal question you need to identify is if the marriage was valid.

Pre-Writes: Now, we scour our outlines or pre-writes for something that answers this question. Borrowing from chapter three we find the following pre-write (see next page):
At this junction, we know that she did not meet the validity criteria for a legal marriage.



Application: Armed with our issue and solution, we need to apply the law in a way where the grader understands that we know the law and further that we can apply it to novel situations.

An answer may look something like this:

*The validity of Jane and John's marriage turns on whether she was of the legal age of marriage at the time of the marriage. To marry, one must be at least 16 years old (**CMA, 2.2 and OMA, 5(2)**). Jane was 15 when she got married, and therefore this was not a valid marriage.*

The **green** represents the issue spotting, the **blue** represents the pre-write, and the **red** represents the application. However, we run into an issue here. This entire answer took up 55 words. There is a more efficient way to say the same thing.

In this second method, we perform the issue spotting, but we don't put it onto paper the way we did above. We identified that age and the validity of the marriage is the crux of this issue. We then scour our pre-writes and find the statement in blue above. I would suggest combing the pink and blue statements into the red statement to save words on an exam setting. It would looking something like this:

This is not a valid marriage as Jane was 15 at the time of marriage. ***(CMA, 2.2 and OMA, 5(2))***

In our second method, we identified the issue, used point first writing by answering the question right way ("this is not a valid marriage), and provided our application statement ("as Jane was 15 at the time of marriage").

Your professor or grader is well aware of what they are looking for. Having graded several assignments in law school as a TA, I can share that graders know what they are looking for and by providing this information quickly and clearly, you not only display your ability to apply the law to novel situations but also make it easy for the grader to give you full marks. We'll talk about getting into the mind of the grader in a separate chapter.

Your issue-spotting passage will contain several issues, some simple and some complex. Some issues you spot will have sub-issues that you may be inclined to address.

Issues and Sub-issues

I would suggest that you identify the most important issues first and start your answer by addressing them. This will also let you gauge how many words and how much time you have for smaller issues that are worth less marks.

Assumptions

Furthermore, confirm with your professor if they want you to list any assumptions you make. In most cases, the professor will want you to do this. However, there have been times when professor will just want you to address the main and most obvious issues in the problem.

By getting those blockbuster issues out of the way, all the additional analysis you do help you ride up the curve. With this being said, I suggest that you model your answers in the following way:

First, use subheadings strategically. Don't waste words. Use your subheadings to argue your point. For example "**Invalid Marriage - Age**". This not only allows the graders to quickly analysis whether you hit the core issue, but it also provides point first writing by prefacing your answer with its ultimate conclusion.

Second, use editing conventions like colour, the bold function, the underline function, and white space to create clear divisions between sections and to make your answers visually satisfying.

Always err on the side of making it easier for your grader to mark your work. In my experience, this always pays dividends. This is also another tactic to change a B-Level deliverable to an A-Level deliverable.

10. POLICY QUESTIONS

Policy questions are mini-essays that either require you to combine several concepts from the course to display a theme or to critically assess some area of the law.

As a foundation, use all the conventional tools such as an introduction, three body paragraphs, and conclusion. Furthermore, make use of headings and point-first writing.

Next, during the course and prior to the exam, create a working list of potential policy questions. The professor may directly or indirectly share what these questions may be. If not, then assess areas of the law that did not have a lot of case law, were recently amended, are unsettled, have conflicting case law, were covered in passing, were the topic of guest lectures, or are too complex to add into an issue-spotting passage.

Hereon, prepare pre-writes that summarizes the ancillary readings, historical contexts, guest lectures, and the general premises of the concept.

On the actual exam these pre-writes will usually form parts of your intro, introductory sentences of your arguments, and perhaps even your conclusion. At this junction, you want to think critically about the policy question and use several parts of the course to come up with two to three arguments depending on how much time you have.

Having done some of the preparatory work in your pre-writes and having paid attention in classes, hopefully you will be able to form some sort of informed opinion on whatever question(s) you are presented with.

11. CATER TO THE GRADER

This is a very simple and short chapter. See tips below:

1. Make it as easy as possible for the professor to understand what you are saying and give you full marks.

2. Make your work visually easy to follow (subheadings, colours, justifying your margins, *all within reason*).

3. Utilize point first writing. Essentially, write a paragraph as you normally would: introduction, reasons, conclusion. Then take that concluding statement and put it at the beginning of the paragraph. The rationale is to prime the grader's mind for where you want to go with your answer and this allows them to follow along easier.

4. Ask you professor how they would like exam answers, essays, and assignments completed (with respect to structure, references, and formatting).

5. Determine if there is a certain font and size they prefer.

6. Determine if there are any writing conventions that they hate or like.

7. If your professor used latin short forms, then feel free to do the same.

8. Provide a word count at the bottom.

9. Re-arrange your answer (if appropriate) to ensure that the bulk of a paragraph is on the same page.

10. Always give deference to your professor's views on the subject.

12. IDENTIFYING THE RATIO

The ratio is the core legal concept of a case. It is also the crux of the reason the judge decided the case the way they did. In our pre-writes and exam writing chapters above, the decision was that the marriage was invalid. The ratio was that the valid age for marriage is 16.

When trying to identify what the ratio is, simply ask yourself, why did the court decide the way that they did. Another way to identify the ratio is asking why the professor assigned case in your readings - what is the main takeaway?

You can look to outlines created by others to help you begin to identify what the ratio is; however, you should always be cautious that the ratio makes sense with your understanding of the case.

Remember, a single case may touch on four issues and can possibly have four equally valid ratios. You need to contextualize what course concept is related to the case and derive a ratio that it contextualized.

13. WORKING LIST OF QUESTIONS

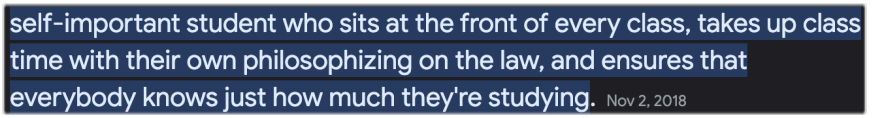
As the course unfolds, make a list of questions at the bottom of your outline. Anytime you have a question about something you read add it to this list.

Then once you've given the professor an opportunity to teach the material in class, return to the question and see if you have an answer for it. If you do, write out the answer below the question.

In my experience, if I had a question at some point and didn't return to that topic for some time, I would have the same question when I engaged with the material again. Having written the answer down, you will now have an answer to that question the second time it comes up (likely when reviewing for exams).

If your question is not answered in class, attend your professors office-hours and get a detailed response from them. The only exception would be if the question is very simple and if it will not divert the professor off-topic.

14. GUNNERS



Source: Blueprint Prep VIA Google Search

Don't be a gunner. Understand that your classmates will be your colleagues one day, and that you do not want to earn an unfavourable reputation amongst people that can later vouch for or speak against you when it comes to your career.

With that said, keep in mind that you are paying to go to law school. Recall, who you're doing this for and recall what you want to accomplish. Don't let the fear of being wrong, of hearing some giggling or snarking from the back of the classroom rob you of a complete education.

If you have a question, ask it. Take charge of your education. If you don't want to ask it in class, then make sure you go to the professor's office hours. To not ask a question out of the fear of looking bad or being labeled a gunner is equal to handing the keys to your career and education to someone else. That is **nonsense**.

Finally, from personal experience, your peers likely have the same question as you. If they are too scared to ask it, be the outlier and take control of your education.

Point being, if a gunner is on one end of the spectrum and not showing up to class is on the other end. You want to be somewhere in the middle.

15. CHATGPT?

Use AI if you want to, but I don't recommend it. Your ability to read, summarize, think, and write are your tools to excel in law school and in your career. Keep them sharpened. Learn everything there is about AI if you like, but don't lose your ability to to excel at law school in the process.

16. OUTLINES

An outline is a singular document that contains all your class notes and FIRAC tables.

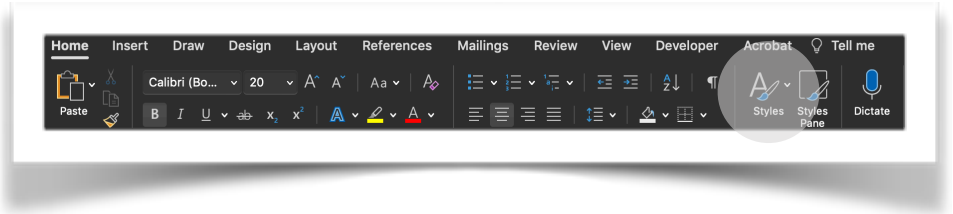
In my view, an outline is not necessary if you use FIRAC tables and pre-writes. However, for some, not having a working set of notes *may* add to anxieties relating to falling behind or not doing enough to get ahead.

In any case, an outline is not required for courses that do not have a midterm or exam. As discussed earlier in this book, from a time-saving perspective, it may be better to acquire past outlines from a peer. Hereon, you can adjust the past outline to suit the requirements of your class and your stylistic preferences.

The point of an outline is to be able to quickly find information during an exam or assignment. For this reason, a robust organization system will pay dividends. Below, I share my system. Feel free to recreate the same or adjust it to your personal course-requirement and stylistic preferences.

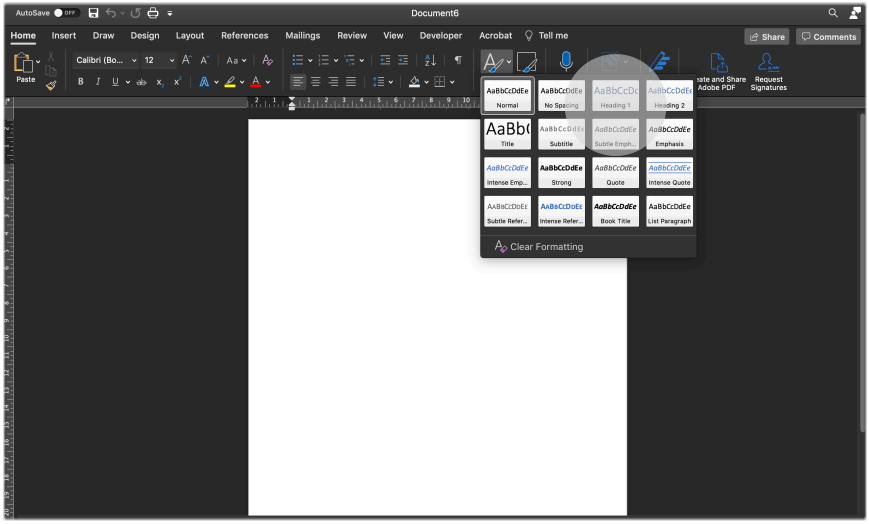
Table of Contents

The best way to use your outline is to create a table of contents. This will allow you to quickly access the information you're looking for. To do this in word you will need to utilize the styles function (see below):

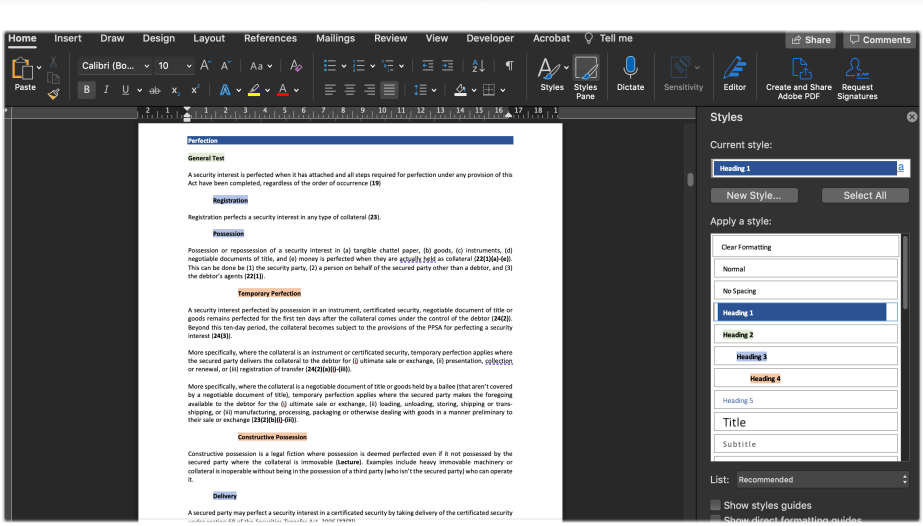


Stylize your Headings

Once you click on the "**Styles**" function, you'll see Heading 1, Heading 2, and Heading 3. At this point you want to create some sort of style (bolding, colour, highlighting) scheme, by right-clicking on "Heading 1", "Heading 2" and "Heading 3", and select "**Update Heading 1 to Match Selection**".



Following this you can either select text and click on Heading 1 to stylize it accordingly, or you can open a **Styles Pane** and do the same (see right side of screenshot on next page):

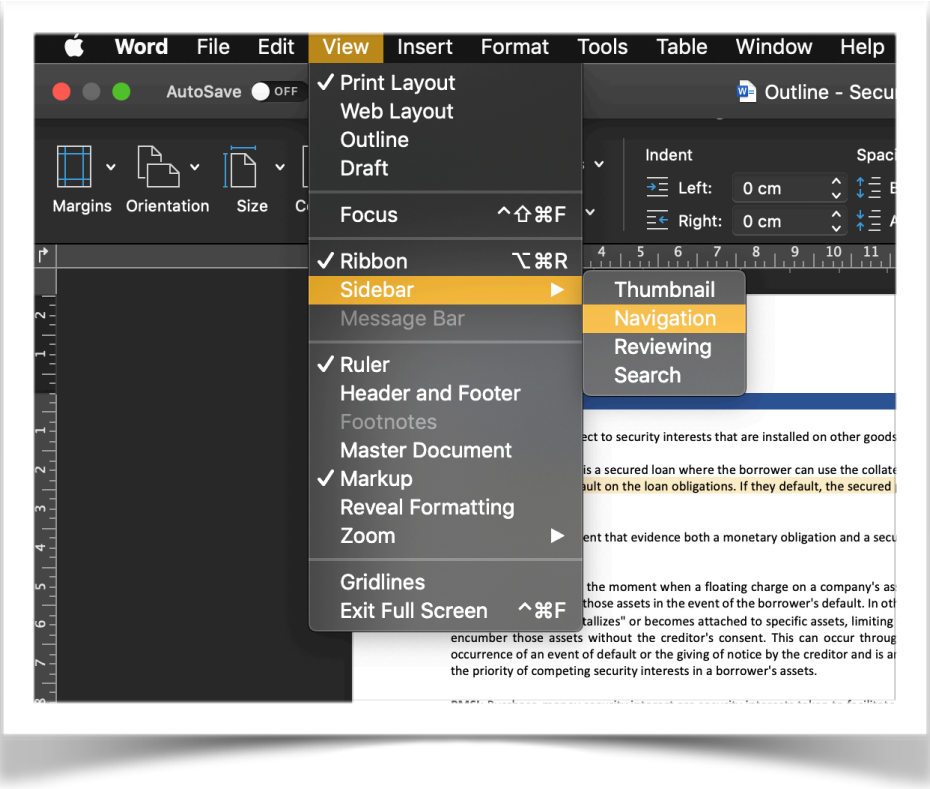


In the above picture, you can also see how I chose to organize my notes. I had the main topics in white font with a blue highlight across the page, and then I created two degrees of sub-topics (in pastel blue and pastel orange).

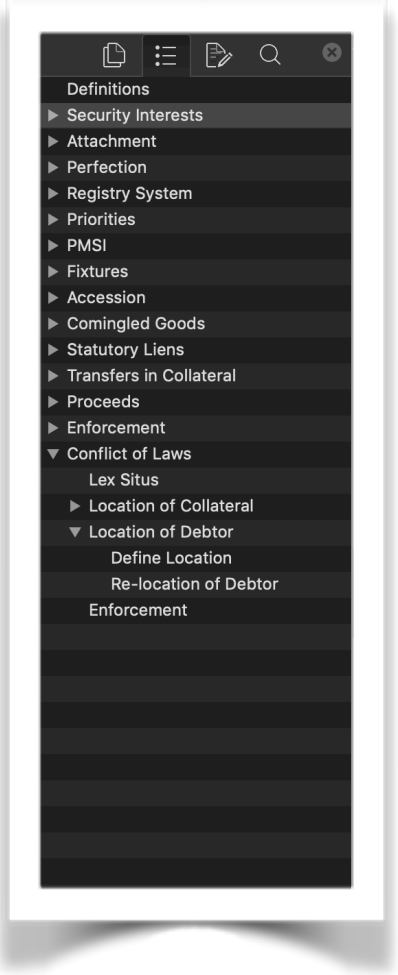
Once created, you need only use word's table of contents function to create a functioning table of contents. Note, this table of contents does not auto update. Therefore, you may need to right-click on the table of contents and update it from time to time.

Personally, I did not make much use of the conventional table of contents. Word has another function that allows you to have a collapsable table of contents on the left side of your screen. In my experience, this allowed me to rapidly flip though sections of my notes with having to scroll to the top to access my conventional table of contents. To access this, use the "**View**" function from your compute (not word). See next page for visual.

After opening "**View**", select "**Sidebar**" and thereafter click "**Navigation**".



A pane should open up on the left side of your word document. On the next page, I provide an example of what this pane would look like on a completed set of notes.



Essentially all the “Heading 1”s are listed here. If I expand any of the right facing arrows, all the “Heading 2”’s thereunder will appear and so on and so forth (see “Conflict of Laws”). I found this to be a clean, organized, and quick way to navigate my 60 to 120 page outlines.

If such a function is not available to you on your exam, you can recreate this in a conventional table of contents with page numbers.

What to Include

In your general outline, include all your FIRAC tables for each case you read. In addition, include any verbatim or summarized versions of statutes as they come up in the course. Do not hesitate to add in ancillary topics from the readings (like the history of the law, *inter alia*).

Remember, you want your outline to be the single source of all your course content.

I would go further and add in your professor's notes (in **red**) throughout your outline. This lets you capture hints your professor may have provided, their take on certain issues, and their theory of the law.

In short, include everything into your outline. Now your attack outline (should you choose to make one), is a different story.

Attack Outline

An outline is a summary of all your course content. An attack outline is a summary of your outline.

In an attack outline, you only want to add the main points and topics that you don't know, along with the ratios or one-liners from each of the cases you red that can be used on an exam situation.

In hindsight, I don't find value in creating attack outlines anymore. They may serve as a good revision tool, however, I find that pre-writes (both their creation and use) are far superior than any of the alternatives.

17. MOOTING

I recently had a conversation with someone looking for mooting tips. I've summarized my comments to them below:

1. Memorize the first few lines of your write-up to ensure you secure a smooth start to your submissions.

2. Anticipate potential issues with your argument and potential questions that will be asked and address their answers in your submissions before they are brought to you.

3. If your team is responding, spend a small portion of your time refuting the other team's arguments, but only do this for "slam-dunk" points.

4. Do not base your entire argument on your opponent's take on the issues.

5. Leverage the citations used in the case the moot is based on to begin your research and then build out from there.

6. Look sharp.

7. Have a cheat sheet of your arguments with key words to jog your memory about your main points.

8. Do not read your submissions verbatim.

9. Do not be dismissive of your opponents arguments.

10. Speak slowly.

11. Time yourself when practicing your submission and leave two minutes to account for questions and any other interruptions that may occur on the day of the moot.

12. Ask your peers and friends to be judges and practice in front of them.

13. Do not be overly nice, aggressive, or emotional in your tone.

14. Ensure your partner is as prepared as you are.

15. If you are the second person to make submissions on your team, then clearly outline which topics will be covered by you and which topics will be covered by them. Thereon, if you prepared for X and your partner is asked a question about X, then ask them to tell the court that they can expect the response to that question in their partner's submissions and in the interest of time they will continue with their submissions.

16. If you are asked multi-part questions, ensure you respond to each part of the question.

17. Look the judges in their eyes when giving submissions and change who you look at every time you complete a sentence or a point.

18. Never break character.

19. If you do not know the answer to a question, you may say something like, "*I don't have the particulars at this moment, but I would be happy to provide you with a writen response later today*" (the court will know that this is a bluff, but it is one way to keep decorum when you do not know what to say).

20. Use tonnage, facial expressions, and strategic pauses to sell your argument;

21. Moot judges are usually actual judges or lawyers, *ergo*, they are busy people. For this reason, they may only get a chance to read your factum the night before the moot. For this reason ensure, your factum is well written, clear, and point first.

NEED FOR ADVICE?

If you have any other questions, feel free to email me at **harmanbath.law@gmail.com**, or let's connect on **LinkedIn**. Best of luck!

APPENDIX A

TERM	NO NONSENSE TRANSLATION
1L, 2L 3L	A 1L is a person in their first year of law school; a 2L is in their second year, and 3L is in their third year.
100% Exams	Your final exam is the sole metric for your grade. In such cases, there will not be any graded assignments.
Attack Outline	This is a summarized version of your outline (see "Outline" below). It boils down the main points and accounts for what you know well and what you don't. We'll discuss how to make one herein.
Balancing	Weighing competing interest. On an exam, you may be presented with an issue that can be argued in multiple ways depending on what lens you approach the problem from. Once you identify all these different lenses, "balancing" allows you to subjectively comment on which interest is more important to preserve. For example, freedom of speech and hate speech.
CanLII	In law school and in your career, you will likely have to perform some legal research; searching cases, reading them, and deciphering how they help or hurt your argument. The big three giants in this space are LexisNexus, Westlaw, and CanLII. While the first two are paid services, CanLII is free.

Civil Standard	In law, there are two main standards; the civil standard and the criminal standard. The civil standard is "on a balance of probabilities". This means, a successful argument will suggest that your position is more likely to be correct than the opposing position. Another way of making reference to the civil standard is by saying "on balance" (discussed below).
Cold Calling	Otherwise known as the Socratic Method, this involves a professor calling random students to answer a question or share information during class. This is usually dreaded by law students because it implies that you need to be fully prepared for any question a professor may ask you on that weeks topic.
Concurring	To concur means to agree. When a trial or appeal concludes, the judge(s) provide their reasons in writing in the form of a "Decision". Where there are multiple judges, majority wins. One judge will usually write the decision on the behalf of the panel. However, where a judge rules in the same way as the majority but for different (or slightly different) reasons, they are said to be "Concurring".
Criminal Standard	In law, there are two main standards; the civil standard and the criminal standard. The criminal standard is "beyond a reasonable doubt" This means the jury or judge need to have no doubt in their minds that someone is guilty of a crime to convict them. This standard has enjoyed them most attention from Hollywood.

Dissent	To dissent means to disagree. When a trial or appeal concludes, the judge(s) provide their reasons in writing in the form of a "Decision". Where there are multiple judges, majority wins. One judge will usually write the decision on the behalf of the panel. However, where a judge(s) disagree with the majority they may write their reasons for their disagreement in the decision.
FIRAC / IRAC	"FIRAC" stands for Facts, Issue, Rule/Ratio, Analysis, Conclusion. This a method of summarizing readings and can be a useful template when answering some exam answers and in cold-call situations. "IRAC" is the same as "FIRAC" except that this note taking style de-emphasizes the facts.
ITC	Intent to Call. In your 1L and 2L years you may choose to participate in the recruit, where law firms try to find law students for the summer. After an interview, a firm may indicate that they intend to call you; ITC.
JD v LLB	Most simply, a JD is achieved by someone who attended law school after post-secondary and an LLB is achieved by someone attending law school after high-school.
Moot	Moot or Mooting is fake court or like mock trial. You will have the opportunity to participate in the same during law school — one Moot may even be mandatory.

R v John Doe	This is a practice of using one word to represent the plaintiff and one word to represent the defendant to create a short form title of a case. In Canada, this is read as " R '**and**' John Doe", whereas in America it is read as "R '**v**' John Doe". The difference is practically pointless but may help you score some brownie points with a professor keen on such things.
On Balance	This is a short form of "on a balance of probabilities". In an exam answer or essay (where there are word counts) such short forms may help.
Onus	Onus refers to the burden of proof or who's job it is to prove something in a case. The onus can be on the plaintiff in some cases and the defendant in others. The onus can also shift back and forth between parties during a case.
Obiter	Obiter refers to what the judge says in passing. These are things that the judges say that don't directly and logically relate to their reasons or conclusion. For example, a judge could find someone guilty of a crime based on the current laws. However, they could also comment that perhaps these laws require reform. This bit about the reform does not have anything to do with their reasons for their decision, *ergo*, it is Obiter. Obiter can not be the nucleus of your argument, however, it can be something that adds to its strength or used in a policy answer on an exam. The reason we attribute value to Obiter is because we give difference to the statements judges make.

Outline	This is a summary of all your cases, class notes, personal notes, etc. You can prepare one for your final exam as it is a tool to quickly skim through a singular document during open book law exams. These are also referred to as summaries or CAN's.
Precedent	How the case law has treated a legal issue in the past. In Canada, we use a backward looking system where we assess how the law has been treated in the past to determine how it should be treated today.
Pre-Writes	Essentially you summarize the law in your own words before an exam to save yourself time from doing the same in an exam setting. This is single handedly the best tip I picked up during law school.
Prima Facie	This is latin for "on the facts" but translates to "on first impression". It's used when the facts strongly and plainly suggest an inference. Another way to think about this is that this term replaces "it is clear from the facts that …".
Ratio	Each case is decided based on some legal concept. For example, if a case decided that a party was duly served in a litigation matter when the paperwork was dropped to the postal office, the ratio here would be that "delivery to a postal office is deemed as valid service". On exams, you will encounter issues that deal with the cases you had to read. These ratios will provide you with one or two liners with which you can confidently decide the direction you want to answer the question in.

Reasonable Person	This is creation of our legal system. In many cases, the "ratio" of a case will be a test. This test may entail what a "reasonable person" may do in the situation. This essentially means (with some caveats) a normal everyday person that uses logic and facts to make assumptions and decisions.
Statute	A written law passed by a legislative body.
Test	A "test" in a legal context is a set of conditions that must be met to determine an issue in a certain way. Tests may have one or more factors that need to be satisfied. These may be derived from case law and in some cases from statutes.