

## TEN TIPS FOR WRITING BAR EXAM ESSAY QUESTIONS

1. Read the call of the question first. This will tell you the subject of the essay (family, agency, wills, etc.) as well as focus your reading on the issue being tested.
2. Read the fact pattern carefully. Under the pressure of the exam, you will make silly errors; train yourself to read once carefully and then skim it after making the outline discussed below..
3. Outline before you write. Outline, listing the elements of the rule in one column and listing facts that relate to the elements in a second column. An outline will help you focus on the question being asked. It will also help you sort out the issues that need to be addressed in each section. It will guide your writing/typing so you do not forget something.
4. Before you start to write or type and after you have organized, re-read the call of the question and be sure you are answering the question asked. Skim the fact pattern to be sure you have not missed anything.
5. When you write, take up issues in order presented, label them as in call of the questions. Write using CIRAC format.
6. It is difficult a balance to over-writing (telling the grader everything you know) with the danger of being too concise and skipping critical analysis. The only sure way is practice; bring answers to one of us to review.
7. There is no preparation like practice. Practice reading and outlining in 10-12 minutes and writing essays in 18 minute segments, for a total of 28-30 minutes. For now, write open book and 35-45 minutes. By July 1, try to write within 35 minutes. By July 15, in 30 minutes. The 10-12 minutes of outlining will pay off because a well-organized answer, even if incomplete, is far better than a rambling, unorganized, though complete and correct, answer. You won't believe me but I have seen this reality year in and year out. Make it easy on your grader who may be tired when he or she reads your paper.
8. Between now and the exam, write out, under exam conditions, **at least** two essays per topic. Three is better. See recommended essay list available in front of room and on the blog. Outline another three essays per topic. During the last ten days, write another two-three essays per subject, outline another two-three, read at least another three per subject. Be sure you have read and studied at least ten essay questions per topic (that includes the ones you have written). For the six MBE topics, you may have less than ten essay questions; study all of them.
9. Prepare for the endurance of writing or typing ten essays in one day. Just as your course simulated the multiple choice portion, we will simulate the essay portion, using three Illinois essays, an MPT, and six national essays, on Wednesday, July 21, 9-4, in 202. We cannot grade these essays.
10. If you need to, review the workshop on essay writing on the blog. – <http://blogs.law.siu.edu/bar> Robertson and Marlow will review your MPT problems; Schmitz and Marlow, most essays.

Q711

I - Paul v. Lib - strict liability

Rule

SL

1-strict duty commercial supplier

2-breach - supply product defective dangerous beyond reasonable expectations users

3-actual and prox. cause

4-D

Result

NO

Facts/analysis

library not commercial one time only fund-raiser casual seller

F/A

R

SL

1

2

3

4

I - P v. S - strict liability?

Q712

R

Neg. l.

1-duty

2-breach

3-actual and prox. cause

4-D

result

I - P v A, B, C - negligence

F/A

Q713

## QUESTION 7

Last month, Paul attended a fund-raising lunch at Library, where he purchased and ate a chicken salad sandwich. Later that day, he became severely ill and was diagnosed with food poisoning. As a result of the food poisoning, Paul developed a permanent digestive disorder.

Several other people also became sick after eating at the lunch, and the Health Department determined that the chicken salad was contaminated with salmonella bacteria. According to the Health Department, raw chicken often contains salmonella bacteria. Although the risk of salmonella contamination cannot be eliminated, proper preparation and cooking can ensure that the chicken is safe for eating. The chicken must be thoroughly cooked, and all utensils or surfaces that come in contact with raw chicken must be thoroughly cleaned with hot water and soap before further use.

The Reading Club had initiated and planned the Library's first and only fund-raising lunch. Ann, Bill, and Chuck independently volunteered to make the chicken salad. Each made a separate batch of salad, using their own recipes and working individually at their own homes. Another volunteer combined the three batches of salad at Library, and a Library employee sold sandwiches at the lunch. All lunch profits went to Library.

Ann, Bill, and Chuck each purchased their chicken from Supermarket. The chicken was contained in packages labeled with a prominent warning describing the risk of salmonella contamination and the precautions necessary to avoid that risk.

A Health Department spokesperson has said that "Someone who made the chicken salad did not take proper precautions." Ann, Bill, and Chuck all claim they took the proper precautions.

Paul has consulted an attorney about bringing a tort action against: (1) Library, (2) Supermarket, and (3) Ann, Bill, and Chuck. If Paul can prove only the facts outlined above:

1. Can Library be found liable to Paul under a strict liability theory? Explain.
2. Can Supermarket be found liable to Paul under a strict liability theory? Explain.
3. Can Ann, Bill, and Chuck be found liable to Paul under either a strict liability or negligence theory? Explain.