

# Tip Sheet on How to Take a Multiple-Choice Exam in Law School

Professor Eric E. Johnson  
ericejohnson.com

Dated: Fall 2015

## Introduction

I'm writing this document to give you advice on answering multiple-choice questions. The advice in here is particularly relevant to multiple-choice questions on my own exams, but certain aspects of it should be helpful for answering multiple-choice questions on any law-school exam or the bar exam. My aim will be to give you some helpful strategies, identify pitfalls for you to avoid, and give you insight into how I design multiple-choice questions.

## Analyze! (or, Don't Go With Your Gut; Use Your Brain)

There is some incredibly bad advice going around about how to answer multiple-choice questions. I've read and heard many people who say that you should "go with your gut" when answering multiple-choice questions and not "over-think" them.

That's absolutely terrible advice. To the extent it might possibly be good advice for some other multiple-choice context (pub trivia, maybe?), it sure doesn't make sense for multiple-choice questions about the law.

Ask yourself this: In law school, are we trying to teach you to use reasoned analysis in applying the law to the facts? Or are we trying to teach you to rush to conclusions based on gut-instinct, not letting logic or thinking get in the way?

You know the answer: We are trying to teach you to rationally analyze legal problems. It follows that you should definitely rationally analyze law-exam multiple-choice questions.

That leads to my next point:

## Don't Be Afraid to Change Your Answers

If you take a second look at a question, and you tend to think you got it wrong the first time, then fix it.

Again, the point of law school is to get you to be able to analyze legal problems. It is unlikely that your analysis will get worse with a second or third crack at it.

Multiple empirical studies back me up on this. Changing an answer is more likely to help you than hurt you. One study based on college students taking introductory

psychology midterms found that when students changed answers, they went from wrong to right 51% of the time, right to wrong 25% of the time, and from one wrong answer to a different wrong answer 23% of the time.<sup>1</sup> This data suggests that if you changed your answers to four multiple-choice questions, you would net one additional right answer.

If those are the statistics for intro-to-psychology exams, the tendency for students to go from wrong to right answers would, I think, be much stronger on law exams. Intro-to-psychology exams are heavy on memorization. But with law exams, generally speaking, the point is not to test memorizing names and terms; rather, it is to test your ability to do rational legal analysis that involves applying law to facts. My own experience in going over practice multiple-choice questions with students (in-class using clickers or one-on-one in office hours) has demonstrated to me that when I ask students to go back and think a little more carefully, they often see where they've gone wrong.

And that, in turn, leads to my next piece of advice:

## **Don't Finish Early**

I have become aware that many, many people finish multiple-choice exams early in law school.

Why would that be a good thing to do? You've spent months working on learning the material. Why wouldn't you spend an extra few minutes making sure you've done the best job you can?

There's only three reasons I can think of as to why people would finish a multiple-choice test early.

The first reason would be that they think it's better to go with their first impression, trusting gut-instinct over reasoned analysis. I already discussed that above – I think that's clearly wrong.

The second reason would be that students figure they will look smart to their classmates by finishing early. But if you might get a better grade by taking your time, isn't that a better way to look smart?

The third reason would be that students value their downtime – even if its just chillaxing for an extra half-hour or 15 minutes during the exam period. I don't think your primary goal in law school should be maximizing downtime. But for argument's sake, if that's your rationale, I think I can show you it's wrong: Let's say that by using up the whole exam period to re-review your answers, you might be able to get an additional two or three questions correct. I think that's plausible. So, if leisure time is your motivation, you're better off taking a week's vacation from school.<sup>2</sup> Consider the following: If there are 13 weeks of the semester and 33 questions on the exam, that means each week corresponds to about 2.5 questions – the same number that you might plausibly pick up by going the distance with the exam period, re-reviewing your

---

<sup>1</sup> This research is discussed at <https://www.socialpsychology.org/testtips.htm>.

<sup>2</sup> Nothing herein is meant to contradict or subvert any law-school attendance policy! As ABA Standard 304(d) says, "A law school shall require regular and punctual class attendance." Or, as Mr. T more succinctly put it: "Don't be a fool, stay in school!"

answers. Now, I don't have data to quantify the ratio with any exactness, but clearly, the trade-off between time during the exam period (15 minutes) and time during the rest of the semester (5 days), when they plausibly will yield the same number of right answers on an exam (2.5), is mammoth. So, if your main motivation is maximizing leisure time, it *still* makes sense for you to go the distance and use up the entire exam period.

## Effectiveness in Guessing

On my tests there is no penalty for wrong answers. So it's always in your best interests to guess. Don't leave a question unanswered. My questions have five answer choices each, so even a blind guess is worth, on average, 1/5th of a point.

Even on tests where there is a penalty for incorrect answers, it is generally only enough that it neutralizes the benefits of random guessing – not enough that it actually *penalizes* guessing.<sup>3</sup>

You can, of course, make your guessing more effective by eliminating wrong answers. Often it is easy to find at least one wrong answer. While some exams, like the Multistate Bar Exam, have just four answer choices, I write multiple-choice questions with five answer choices. That means, by comparison, I am writing 33% more wrong answers. Inevitably, some of those end up being obviously wrong to someone who has any familiarity with the material at all.

So even if you can't identify the correct answer, you can, in a statistical sense when averaged over several questions, get at least a fraction of a point on any given question for every wrong answer you successfully eliminate.

## Do Practice Questions

You should do all the practice questions I have released for your class. They are in my exam archive.<sup>4</sup> Practice questions from other sources is a good use of your study time as well. Empirical research shows that testing is a wonderful way to learn. That's right – testing not only helps assess what you've learned, it actually helps you retain your knowledge. Testing, it has been shown, interrupts the forgetting process.<sup>5</sup> So time spent with practice questions is time well-spent in studying.

## If Multiple-Choice Exams Make You Anxious

I don't want anyone to do poorly on an exam because of anxiety. So if anxiety tends to cause you to be unable to think clearly or freeze up, take some steps to help

---

<sup>3</sup> For instance, there are incorrect-answer penalties on many parts of the SAT test. But those penalties are, for instance, minus ¼ point for a five-choice question, which merely neutralizes the benefit of random guessing. On such a test, where you can eliminate one wrong answer, guessing from the remainders is a statistically winning proposition. See, e.g., [http://math.com/students/kaplan/sat\\_intro/guess2.htm](http://math.com/students/kaplan/sat_intro/guess2.htm).

<sup>4</sup> Some schools that have publicly accessible exam archives are the University of Kentucky; Widener University; the University of California, Berkeley; Golden Gate University; the University of North Dakota; Creighton University; and Pepperdine University. There are links from my exam archive page: [http://ericejohnson.com/exam\\_archive/](http://ericejohnson.com/exam_archive/).

<sup>5</sup> This is one of the points made in Peter C. Brown, Henry L. Roediger III, Mark A. McDaniel's book, *Make it Stick: The Science of Successful Learning* (2014).

alleviate your anxiety.

One thing that I hope will help alleviate any testing anxiety you might have is my being transparent with you about the exam. That's one reason I wrote this memo.

On a more general level, there is a lot of advice out there about relaxation techniques and various other strategies for dealing with test anxiety. Check them out. In addition to finding advice online or in books, you might make an appointment with the Student Success Center to discuss the issue.<sup>6</sup>

While I'm not an expert on testing anxiety, there is one piece of advice I have that I believe is rock solid: Do practice questions. If you don't want to look at practice questions before the exam because doing so makes you nervous, then that's all the more reason to look at them now, when the stakes are zero. The more practice questions you do, the more familiar you will become with them. Familiarity breeds comfort. And comfort quashes anxiety. I might also suggest that you try doing practice questions in an empty classroom under timed conditions, so as to acclimatize yourself to exam conditions as much as possible.

I release practice questions for all my classes. Use them. Other sources for exam questions include released MBE questions (some of which I've found for free online), bar-exam prep materials, and commercial study aids.

## How I Write Multiple-Choice Questions

Let me move from general advice about multiple-choice questions to talking about my exams in particular.

I want to be as transparent as possible about my exams. So, I will explain, as best I can, how I design multiple-choice questions and what I am thinking when I do.

Here are the key insights:

- I avoid tricky questions.
- If you know the material, I want you to get the right answer.
- In general, I write multiple-choice questions to test your ability to apply the law you've learned in the course to hypothetical facts.
- I write so that every wrong answer is totally, unarguably, and demonstrably wrong.
- I use data to evaluate and improve the fairness of multiple-choice questions.

Let me explain in more detail.

### ► *I avoid tricky questions.*

The first thing for you to understand is that I do not try to be tricky with multiple-choice questions.

Many students seem to assume that instructors like to write trick questions. I'll bet such instructors are very rare. There's a good reason to avoid writing trick questions:

---

<sup>6</sup> UND's Student Success Center is on the second floor of the Memorial Union. You can call them at 701-777-2117 to make an appointment. Other universities have similar services for students.

Trick questions can really only test a student's ability to spot a trick. So it makes no sense, from an instructor's perspective, to write trick questions, since the point of the exam is to test you on the material from the course.

To be specific, it's not my aim in testing to see if you read the question ultra-carefully. I'm testing legal knowledge, not reading comprehension. Now, that's not to say you shouldn't read the question and the answer choices carefully. Of course you should. But I think it's important to explain to you that I'm not trying to set traps for the unwary. For instance, if I see that the analysis to a question turns on the word "not," I will underline that word to call it to your attention. (E.g., "Which of the following is not a good supporting reason for the court's decision?") I want those students who understand the material well to do well on the exam – which is my next point.

► *If you know the material, I want you to get the right answer.*

The corollary to avoiding tricky questions is this: If you know the material, I want you to get the right answer. I design questions accordingly.

► *In general, I write multiple-choice questions to test your ability to apply the law you've learned in the course to hypothetical facts.*

Now, if I'm not testing reading comprehension or your ability to spot tricks, then what am I testing? I am, of course, testing your understanding of the material from the course. Along with most other law professors, I believe this is generally best done by writing multiple-choice questions that test your ability to apply the law you've learned in the course to hypothetical facts.

Not all questions fall into this pattern. I occasionally ask questions that test a student's knowledge of blackletter law without application to hypothetical facts – although I have been using such questions less and less over the years. Also, I sometimes use multiple-choice questions to test a bit of theory or history that we've learned in the course, and such questions may not involve the application of law to facts. But such non-application questions are infrequent. So, exceptions aside, the habitual pursuit of my multiple-choice questions is asking you to apply law to facts.

Notice that this goal is the same as for an issue-spotter essay exam.<sup>7</sup> The key difference is that a question that comes out of an essay exam can have many correct answers. Two different students might reach two different conclusions from the same set of facts, and both could be deserving of the same high marks for having used strong, well-reasoned analysis to get to their respective conclusions. Understanding the law is often about navigating gray areas, and so, fittingly, open-ended essay exams can offer many ways of successfully navigating that gray.

Multiple-choice questions, however, must have clearly right and wrong answers. Thus:

---

<sup>7</sup> I discuss how to tackle a law-school essay exam in a different document: [http://www.ericjohnson.com/docs/Tip\\_Sheet\\_on\\_Exam\\_Writing.pdf](http://www.ericjohnson.com/docs/Tip_Sheet_on_Exam_Writing.pdf)

► *I write so that every wrong answer is totally, unarguably, and demonstrably wrong.*

In my continuing endeavor to constantly improve the effectiveness and fairness of my exams, I've read a lot of advice about how to write multiple-choice questions. Many advice-givers emphasize the need to have one answer that is indisputably right. Well, that's fine advice insofar as it goes. But to my mind, it is equally important to have the other answer choices be indisputably wrong. Because of this, I work hard to make sure every answer choice other than the correct answer is totally, unarguably, and demonstrably wrong.

Other advice I have read for instructors in writing multiple-choice questions is to try to have a wrong answer that is very close to the best answer, but not quite as good as it. Indeed, I have noticed that bar-exam questions seem to follow this pattern. But I don't believe in writing questions that way. As far as I'm concerned, multiple-choice questions should not involve judgment calls. I don't want people to miss a question because they didn't correctly guess what I was thinking or because they don't agree with me on what constitutes the "best" reason for something. I want my questions to be as objective as possible. That means I aim for making my wrong answers *completely wrong*.

Along these lines, you will often see multiple-choice tests with instructions that say something like, "You are to choose the best of the stated alternatives." Or, "Where more than one answer choice seems correct, choose the most correct answer." I've stopped putting instructions like this on my multiple-choice tests. I figure if I just make sure every incorrect answer is totally, unarguably, and demonstrably wrong, I don't need the choose-the-best-answer hedging language.

You might wonder, if the wrong choices are dead wrong, doesn't that make the multiple-choice test too easy? Well, I have a couple of responses to that. First, if it makes the multiple-choice test easy for people who are well prepared, then that's fantastic – that's exactly what I am trying to do. The second response is, empirically, over the years, I've found that I don't need mostly-correct-but-not-quite-the-best answer choices in order to put together a statistically solid test. With enough honest, straightforward questions, the results create a spread that shows the relative learning achievement of the students in the class.

► *I use data to evaluate and improve the fairness of multiple-choice questions.*

A machine, of course, scans your answer sheet and tabulates your score. Those results come back to me. But I don't just get students' results. I also request a full statistical report for all the questions. These stats can help me spot good and bad questions. I re-use questions that work well in future semesters, and I re-write or drop questions that don't work well. Moreover, as I write new questions, I'm informed by my knowledge of what kinds of questions have performed well in the past.

How can it be said that a question "performs well"? There's actually some clever statistical analysis that provides this information. For instance, suppose for a given question the top quartile of the class does poorly, but the bottom quartile of the class does well. That kind of quantitative data tells me that there's something awry with the

question.<sup>8</sup> In other words, the question is not testing what I want it to test. The question might be technically analytically sound – that is, it’s right on the law. But if its stats are bad, I’ll rework it or dump it.

## **Summing Up – and Good Luck**

Remember, the fact that you were admitted to law school means that the school has already decided, on the basis of all the information you provided with your application, that you have what it takes to succeed in law school. Be confident in that. Work hard and work smart, and you’ll succeed.

During the test, when you read my multiple-choice questions and possible answers, keep these things in mind: I am not trying to trick you; I have a solid, considered reason for why each wrong answer is truly wrong; and I am always scrutinizing questions to make them as fair as possible in testing your knowledge of the law and your skills in analyzing legal problems. In sum, my goal is always to seek fairness and avoid arbitrariness. You can do your part by preparing well, answering based on careful analysis (rather than gut instinct), staying relaxed, and working diligently through the exam period.

If you have questions I haven’t answered or thoughts about how I can improve this memo, let me know.

Here’s wishing you the best of luck.

- EEJ

---

<sup>8</sup> For instance, this kind of data might indicate that a question behaves as a trick question – even if I didn’t intend it as such.