How to Write a Property Exam

Follow your professor’s specific directions. In absence of specifics, consider the following:

• View the fact pattern from the point of view of each party; Seller, Buyer, Renter, Assignee, Neighbor, etc. and outline the legal theories that will maximize their recovery in the lawsuit.

• Using the UMD – Law Essay Outline Chart, before you respond in Blue Book or Exam Soft, map out the parties, the legal theories, the opposing parties, the defenses, noting the relevant facts that support each claim or defense.

• Analyze these legal theories from the opposing party’s point of view who will, of course, argue that the elements giving rise to the causes of action are not met or are met but otherwise justified.

• It is helpful to analyze each legal theory in the chronological order it appears. E.g., A gives a deed to B pertaining to Whiteacre. Then, before B records the deed, A sells to C. You should discuss first whether the A-to-B conveyance was valid. Then you can discuss the applicable recording statutes, and then discuss whether, in light of the A and B transaction, the conveyance of A to C was valid.

• If there are multiple conveyances, analyze each conveyance and the issues in order.

• Within a chronological format, IRAC should still be utilized. Identify and define the legal theories at issue, explain how the facts support or do not support them, and then suggest a likely conclusion that the court would employ.

• Do not use the exam to throw in Property knowledge that is irrelevant to the question. Answer only the questions that are being asked. This is why following the Essay Outline Chart for your Property response is critical: it will help to focus and streamline your written response.

• Spend a few minutes at the end to re-read the fact pattern and refer to your checklist to see if there are issues or sub-issues you might have missed.

• Dot your i’s, cross your t’s, and proofread for grammar and legibility.

• Submit with confidence.