To improve skills of essay writing you need to work on fact-identification and issue-analysis. One way to expand these skills is to develop the mindset of "critical reading." This is easier to demonstrate than it is to describe. What follows is the text of the fact pattern, interspersed with the mental dialogue a good legal analyst will have with the facts and text. If you practice aloud often enough, this dialogue will soon become second-nature, and you will able to process the material silently.

**Express Co.**

What's the **Call of the Question**?

[This should be the very first thing you look for. It is usually at the end of a question. Therefore, start at the end. You decide that this is a Criminal Law Question. That's an important start, not to be minimized on the FYLSE.]

Here it is:

C and D were arrested and convicted of the first-degree murders of A and B. Can the convictions be sustained? Discuss.

Now I can begin close reading of the question. If I print out a copy, I can circle or underline important facts. This is a good way to begin an issues list so that I don't omit any core issues.

For several weeks, A, B, C and D planned to rob the Express Co., which was in the business of transporting bank deposits.

Hmm. Four people planned to rob the Express Company. This early in the question, I had better pay attention to whether the robbery is aimed at the building itself (where the deposits are presumably held) or aimed at the "transporting" - maybe one those armored vehicles commonly used. I better be careful, however, not to read anything into a question that isn't there. I just need to think my way through this step-by-step.

Going back to the facts: This sounds like two things: first, a conspiracy to commit a crime ("planned" to rob), and, if someone dies (which they always do in criminal law problems) it sounds as though the felony murder doctrine will arise and will be tested. I am glad that I memorized the definitions for
both of these so that I can just write them on autopilot and not waste time trying to remember the details. Those flashcards I made really came in handy for my memorization!

Okay, since a place that holds bank deposits is likely to hire armed guards, robbing such a place is likely to be one of those quintessentially dangerous felonies that the felony murder rule was conceived to prevent. It is unlikely that I will have to worry about whether the felony was "dangerous enough" to qualify. Four people are involved, too, so I bet (like the extra crew member who goes down onto the planet’s surface in Star Trek episodes), that one or more of these robbers will get it! Let’s read on.

On the day set for the robbery, they drove to the location of the Express Co. A stayed in the automobile parked at the corner; D stood near the entrance at a point where he could see A, while B and C entered the Express office, drew guns, and ordered the cashier to unlock the vault.

Yup, it is a robbery all right. With guns, which are deadly weapons. Someone is going to die, I can tell. And all four are equally involved in the felony here, since looking out and driving the getaway car are necessary components of a successful robbery. I think I am doing fine with this. It is so much easier if I just take the issues apart sentence-by-sentence. It saves me from getting overwhelmed.

At that time loud noises were heard, D dashed in and yelled to B and C to "beat it" and, as they were running to their automobile D told B and C that A had started a fight with a pedestrian and a crowd was gathering.

So the robbery was not completed, and now they are getting away. Is the robbery still ongoing? Something to think about.

The instant B and C began to run, the cashier of the Express Co. got his revolver, chased them and shot and killed B.

Well, so someone did die. This is foreseeable, so as long as I cover both the traditional rule (where everyone is culpable even if it is a bystander or another felon that gets killed) and the modern (which looks at whether the unplanned killing was justified or not). I should be all right if I cover both clearly, one-at-a-time, using underlining of the key terms to keep it straight. The cashier is probably justified in killing B, so probably under the modern rule, but C and D may not be liable for his death. I will also have to look at whether the felony was still in the perpetration stage. Most jurisdictions do consider the getaway phase part of the robbery, and this happened right away as they were running out, so this probably qualifies.
When C and D reached the car, C, infuriated at A’s stupidity in upsetting their plans, cursed him, drew his gun and killed A.

Well, this is a switch. This didn’t do much for the robbery getaway plans, I bet. I would say that this was definitely done in a heat of passion, and was not deliberately premeditated, though a deadly weapon was used. So C is on the "hook" for at least second degree murder, and maybe premeditated intent to kill, (though I doubt that.) And as to both C and D, the issue here is first degree murder under the felony murder rule, same issues as above whether traditional or modern, and considering again whether the felony was still being perpetrated, and considering 2d degree murder for C. Both C and D would be liable for B’s death, depending on the outcome of looking at traditional vs. modern rules. Hmm, this is confusing. I will have to construct the answer carefully using either defendant-by-defendant organization, or death-by-death.

I know myself well. This is definitely a problem in which I will need a chart or list of some kind. I may want to make a checklist of the key facts, too, so that I remember to discuss them all and leave nothing out. It’s amazing how much can happen in such a short description!

C and D were arrested and convicted of the first-degree murders of A and B. Can the convictions be sustained? Discuss.

Here is the call of the question again. I am ready to start my outline of the question before I write. I better check the time because it is critical to be able to read, outline, and write a complete answer in no more than one hour.