



# LAW SCHOOL HANDBOOK: A SURVIVAL GUIDE

2010 – 2011 EDITION

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## **SOCRATES and PROFESSIONAL ETHICS**

The front cover of this law school handbook features the Greek philosopher Socrates (470-399 BC). He was a citizen of Athens, which had no public universities at that time. Socrates roamed the streets and central markets engaging crowds of young people in philosophical conversation and debate. He called these forums “thinking shops.” Socrates’ rhetorical style of posing questions to every answer focused on the critical reasoning behind each student’s claim of knowledge and/or virtue.

This deliberate, logical questioning method was intended to explore the core personal values of the students. As such, it offered a refreshing alternative to the then traditional one-way lecture method of teaching. Socrates’ view was that the moral core values of virtue, justice, and piety affect more than just religion, but also one’s relationship with peers and democratic civilization as a whole.

The freedom of thought and expression that Socrates nurtured promoted individual self-knowledge and intellectual independence. He believed that vice arises from ignorance, but truth, citizenship participation, and virtue are promoted by knowledge. Knowledge and virtue were acquired not only through substantive lecture, but also through questioning the students’ rational basis for their philosophical positions. Answers were explored deeply for meaning and ethical implications. Socrates believed that the thinking shop promoted knowledge and core ethical values, while serving to reinforce and reaffirm the virtues found within us all. Socrates referred to this as a person’s “inner voice” and stressed that above all else, a person should “know thyself.”

Unfortunately, the Greek authorities eventually came to regard the thinking shop as contrary to the common order and blasphemous toward the official state religion. Socrates was charged and convicted of “neglecting the gods of the state and introducing new divinities.” His friends planned his escape from prison and voluntary exile, but Socrates felt bound by the Athenian rule of law. His final day was spent conducting a thinking shop with his best friends and favorite students. That evening Socrates fulfilled his sentence by drinking a cup of hemlock potion according to the traditional Athenian procedure of self-administered execution.

Socrates himself was not a famous author, and his contribution to the “Golden Greek” school of ethical development was primarily through the students he influenced. His most famous student was Plato (427-347 BC), who founded the popular private Academy University near Athens. It was here that Plato energized his student Aristotle (384-322 BC) with the teachings and philosophy of Socrates. Aristotle, in turn, tutored Alexander the Great (356-323 BC) at the Macedonian court. In the next 16 years, Alexander the Great established the Greek Kingdom throughout all the Mediterranean area south to Egypt and east to Persia and India; this series of conquests was the predecessor to the Roman Empire. The Latin translation of Aristotle’s works praising the Socratic method of intellectual inquiry is regarded as one of the most important historical foundations in the development of ethical philosophy.

# CHAPTER 1

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# CHAPTER 1

## WELCOME TO LAW SCHOOL

### **A. Introduction**

**1. Congratulations and Welcome:** You're here! Take a deep breath. You made it. Getting into law school is an accomplishment in itself, but you don't get to enjoy it for very long. The first few weeks of the 1L year are disorienting because they are somewhat uncertain. There is an old saying about law school: it scares 1Ls to death, it works 2Ls to death, and it bores 3Ls to death. We will focus in this handbook on the 1L experience – our objective is to alleviate the fear and provide you with a strong start.

**2. Initial Confusion is Expected:** You'll be scrambling to find your footing, find your sense of place, and find your way through the labyrinth. While it is important to inform yourself about the perils and pitfalls of the first year of law school, it is equally important to learn how to handle all the new information in this environment and make it work for you.

**3. Attend All Orientation Sessions:** You should attend all Orientation sessions. Here you will meet the law school Dean, administration officials, registrar, some student leaders, a few professors, and other new 1Ls. You will interact with these same people for three years. These events are intended to break the ice and all this is the beginning of the bonding process. Lifelong friendships will develop within your 1L class.

**4. Survival Guide Objective:** This book contains a thorough yet concise summary of the 1L law school experience to help you get your feet on the ground. The objective is an overview orientation that will make sure you do not become overwhelmed as you begin to learn the details of what is ahead. You may also find it helpful to refer back to particular sections during your first year.

### **B. Contents of This 1L Handbook**

**1. Non-Academic:** Chapter 2 covers the non-scholastic aspects of law school. We present this before academic topics so the whole law school organizational experience is understood. Also covered in Chapter 2 are the subjects of working during and after law school, networking, law school organizations, and employment.

**2. Academic Matters:** Chapters 3, 4, and 5 focus on academics. Preparing for/participating in class and success on law school exams are your most critical first year responsibilities.

**3. Legal Writing & Research:** Chapter 4 focuses on legal research, especially online. While this and legal writing are usually the subject of an entire 1L course, your writing skill will have substantial impact on your career well beyond that one course grade. Some students skip this chapter until they start the legal methods or writing course.

**4. Bar Review:** Chapter 5 deals briefly with bar exam matters, our particular area of expertise.

**a. Defer Committing:** Although it's a bit early to think about the bar exam, unfortunately one commercial course ("Brand B") attempts to "lock in" 1L students with a hefty and non-refundable deposit for their post-graduation course. Forewarned is forearmed: experts advise that you should just say "no" to these people in your first year. There is no need to pay money for a program until you've had a chance to meaningfully evaluate your options. Brand B will entice you with a guarantee of a lower price for their course if you sign up in your 1L year.

**b. Free Alternative:** Fortunately for you, we offer the same price protection (and more) but don't ask for any money in advance. All we ask is that you register with us! Simply go to [www.BarReviewCourse.com](http://www.BarReviewCourse.com). If you do, in addition to giving you our Price Protection Promise, we will also offer you additional materials that have proven valuable to many other 1L students, such as course outlines and tips on how to prepare for and write your law school exams.

**5. Quality in Everything:** Chapter 6 contains some common sense advice on professional quality. Although grades are important, remember that 90% of all law students don't graduate in the top ten percent of their class, yet most go on to become excellent lawyers. "Excellence" is not as much a function of your grades, but what you do with your career, beginning in law school. Remember this: Clients won't care how much you know until they know how much you care for their cause.

**6. Reputation Matters:** Your reputation as an attorney will begin with your studies in law school, and will precede you wherever you go and whatever you do. Your career as a lawyer begins now and you'll never get a second chance to make a good first impression – on your fellow students, your professors, and, eventually, your employer and clients.

### **C. Beware of Information Overload**

As soon as you were accepted into law school, you were likely inundated with information about "how to be a law student." Sources include:

**1. People You Know:** Suddenly, everyone you meet is an expert. Friends, relatives, mentors, other law students, professors, practitioners, and hordes of other well-intentioned bystanders will shower you with advice, anecdotes, and instructions. Their value will vary, depending on the source. Some of the best advice you will ever receive may very well come from people who have nothing to do with the practice of law, and some of the worst advice may come from people who should know better.

**2. Books:** This is probably not the first publication you've read on the 1L law school experience, and it certainly won't be the last. Your initial expectations will deeply color your law school experience. Those who read "1L" by Scott Turow (bittersweet battlefield) will have very different expectations from those who read a biography of Thurgood Marshall's law school days (birth of lifelong intellectual curiosity). The insight these publications provide is primarily a reflection of the subjective experience of the author. Even the more technical "how to" and "what to avoid" books (like this one) can reveal only a small segment of the whole. Everyone's experience is different, so don't take any one perspective too much to heart. Take it all in, then trust yourself to filter it and find your own way.

**3. Lawyers You Meet:** Certainly you will meet attorneys who will be quick to share their experiences about the first year of law school. Take their memories with a grain of salt. They have already survived law school and passed the bar exam. They may remember only the good and forget the difficulties, or vice versa; regardless, remember that their experience is not your experience.

**4. The Media:** No matter what your background, you were exposed to "information" about lawyers and law school long before you arrived. Television series, movies, news, lawyer jokes: the references abound. Whatever the source, it is important to be aware of the positive and negative effects such exposure has on you. Your personal experience is still ahead.

#### **D. Value Your Ability to Think Independently**

The first thing you need to remember in law school is how to think for yourself. Your independent intellect is what got you through your undergraduate studies and has taken you into law school. You may think you have done very well, but the unique pressures of law school are different and require a little self-retraining.

**1. Resist Pressure to Conform:** The worst pressure of the law school environment is the constant implied message that you must conform or perish. Your peers will constantly discuss the "right way" to do everything: what courses to take, how to study, how to outline, which organizations and activities will "look good" on your resume. Listen, but resist the pressure. There is no one right way to approach law school.

**2. Keep Your Wits About You:** Two good tools you have to combat the information onslaught you are experiencing are skepticism and composure.

**a. Have Faith in Your “B.S. Detector”:** People giving you information may not have complete information themselves. Be skeptical. React slowly and evaluate advice before following it. Remember, most people involved with law school, be they second or third year students, professors, advisors, or practitioners, have boatloads of confidence and persuasive power. They may tell you “this is the way it is” and their advice may be right – for them. They may also be victims of their own limited vision.

**b. Don’t Despair:** Try to maintain your good humor. EVERY first year law student, without exception, experiences an “I don’t belong here – it’s not for me” moment. There is no mysterious secret yardstick against which you are being measured. Forget it. Only you can measure your own worth.

**c. We Are All in the Same Boat Together:** Every 1L experiences many of the same fears. When you feel the pressure mounting, take a step back, take a deep breath, and really think. Recognize and avoid the “flight or fight” reflex. Is the situation truly as dire as people suggest? The road is long and there are many ways to get there. The most important thing is to keep your perspective, remember the reasons that inspired you to attend law school in the first place, then take in everything and keep it in context.

**3. One Setback Does Not Define You:** No single law school event will determine your future. Despite what others might say, that single low grade or missed opportunity does not spell the end of your student days or legal career. You are human; treat yourself like a human. You’re not infallible, neither are your classmates or professors.

**4. Advice is Advice, Not Gospel:** Every piece of advice has probably benefited someone at some time. That doesn’t mean it will necessarily benefit you! This is not to say that you shouldn’t listen. Listen carefully, then absorb, evaluate, and weigh the advice rationally. Then, before deciding a matter, make sure that you have all of the relevant information. Sometimes not deciding is the best decision for the moment; just beware of procrastination. This is exactly what you’ll be expected to do as a lawyer and counselor.

**5. Listen, Consider, but Defer Buying:** Even before law school began, you started receiving junk mail and other solicitations.

**a. Pitches Abound:** Expect many future pitches to “buy now and save” or “this (program, book, website, etc.) will get you through law school so you need to

sign up and pay money right now.” As a general rule, if it’s really a good deal, it will be available tomorrow at the same price as today; if it sounds too good to be true, it probably is.

**b. Bar Review Pitch:** Remember the bar review course that wants you to pay them a non-refundable “deposit” to “lock in” their “membership” program for an exam that is years away. We’ll cover this topic in greater detail in Chapter 5, but remember that the primary objective of any business is to generate a profit. Don’t let a clever marketing plan that plays on your fears convince you to part with your hard-earned and scarce dollars until you have had an opportunity to carefully research the merits of whatever it is that is being offered.

**6. Do What Is Right for You:** The best way to preserve your values and integrity is to make decisions based on what you think is in your own best interests, not what others say you “must” do. Choose your own path in law school and life and don’t allow others to choose it for you with their high pressure or hard sell tactics.

**7. Maintain Your Dignity and Personality:** There is no single path to law school success. Trust yourself and make your own decisions. Law school is a powerful and fascinating journey, and it does not have to be the soul-crushing, mind-altering experience that some make it out to be. If you maintain the perspective that it’s just another learning experience where you will acquire important and useful information, you stand the best chance that law school won’t change who you are at your core.

## **E. Refer Back to this Handbook Frequently**

There’s no such thing as “Law School for Dummies” because there are no dummies in law school. The coverage in this Guide is intended to be an introductory overview that we hope will help you get a strong start. Read this book now and refer back later at your leisure to review a particular topic. The index at the end of the book is helpful for this purpose.

## **F. Additional Resources**

This book will get you off to a “fast start.” There are a variety of free resources on more advanced topics preparing outlines, law school exams, and appropriate briefs available at [www.BarReviewCourse.com](http://www.BarReviewCourse.com).

## CHAPTER 2

### MAKE THE MOST OF THE EXPERIENCE

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## CHAPTER 2

### MAKE THE MOST OF THE EXPERIENCE

Three years may seem like a long time now, but it goes by in a flash. There are so many great things for you to experience. If you only attend classes, you will miss out on some of the best law school opportunities. After the initial onslaught of 1L confusion, you will begin to understand the many benefits and opportunities law school has to offer. It may seem now like you'll never have time to take advantage of the entire law school environment. However, once you learn the ropes of studying, you'll find that you do have time to expand your horizons professionally and personally.

#### A. Plan Ahead

Many people starting law school make the mistake of not planning. They “go with the flow” and don't really sit down and think about what they want to get out of the experience. You have three years to prepare yourself for this new career; law school is your rite of passage. You have a limited number of months, weeks, days, hours. How do you want to spend that time? Failing to plan is tantamount to planning to fail.

**1. Course Selection:** Choosing courses is the foundation of your law school experience. As a 1L, you'll have little or no say about the courses you take and will be assigned to one of many sections of first year classes. In most law schools the courses of contracts, torts, property, civil procedure, and criminal law are required in the first year. In the second and third years, the classes are generally yours to choose. Choose wisely, keeping in mind your career objective and your personal interests.

**a. Consider Your Career Objective:** If you have come to law school with a specific career goal in mind – constitutional law, tax law, employment law, patent law – take all the classes you can in that field. Talk to practitioners in your preferred area of practice about what classes and skills are valuable. Find out if there are organizations in your law school that will give you opportunities to learn more about, and participate in, your specific areas of interest. Law school is the time to really grapple with a topic and explore it in depth. As a practicing lawyer, you will rarely have time to delve into the academic nuances of a particular area of the law. Avail yourself of this unique educational opportunity while you can. You'll be glad you did.

**b. Consider Your Interests:** On the other hand, don't restrict yourself too much. If a course interests you, take it, even if it is outside your planned practice area. You never know when the path of your future can change with one

inspirational course or professor. If your career doesn't move you to do great things, it will never be a truly great career. Find out where your passion lies.

**c. Be Aware of Graduation Requirements:** Keep close track of your credits and graduation requirements. Your student services office should be able to prepare a document for you showing your progress and what requirements you still need to complete. Keep up and even get ahead if you can. This will be of great benefit when you are a 3L.

**(1) Prevents Burnout:** Nothing is more depressing after two and a half years of law school burnout than realizing you've fallen behind in taking the required courses. Students who spend the last two or three months of their third year in law school catching up on credits or writing their major paper are not happy campers. This is the time to celebrate your law school successes and "put a bow" on your time in law school, not take that class that you should have in the first semester of your second year.

**(2) 3L Employment/Job Search:** You will either have a job or be seeking a job during your 3L year. You'll want to have plenty of time to commit to the job search. As you probably already know, the only thing tougher than having a job is finding one.

**2. Organizations and Activities:** There are scads of interesting extracurricular activities to explore and participate in during your time in school. Some are considered "high profile" and some you may have to seek out to discover.

**a. Cultivate Your Interests and Goals:** The important thing is to involve yourself in activities that are interesting to you. This will help you to develop valuable skills, and help you to connect with people who share your interests. Don't assume that an organization is right for you just because other people say so or because it "looks good" on a resume. Find out all you can and make up your own mind. Some of the typical law school organizations are described below. This is just a taste; the list is not meant to be comprehensive.

**b. Student Political Organizations:** Every law school has many political groups – the largest is usually the Student Bar Association (SBA) which has numerous officers and committees. This may be the easiest way to meet your fellow classmates and become involved in law school life.

**c. Law Review and Moot Court:** Two major organizations at almost every law school are Law Review and Moot Court. Membership in Law Review and Moot Court is selective, and usually becomes available at the end of your 1L year. The method of selection varies depending on the school, but usually only a few top students in each 1L section are extended invitations for membership. Very quickly the buzz will begin about these groups. They have an almost glamorous

reputation among 1Ls and are often characterized as the “golden ticket” to future legal success. So what are they?

**(1) Law Review:** This is primarily a scholarly journal edited and published by students. Law school professors write most of the articles, which are usually focused on uncertain, developing, or tangled areas of the law. Many law reviews also publish the work of their member students (often called “Notes and Comments”). Member students usually write a major article in addition to their editing responsibilities. There may be other journals in addition to the law review, including topical journals like Environmental Law, Native American Law, Social Justice, etc.

**(2) Moot Court:** This is an organization that coordinates and administers skills-based activities such as Appellate Advocacy, Mock Trial, Client Counseling, and Mediation exercises. Sometimes these consist of competition-style formats and sometimes they are collaborative learning exercises. At some schools, only Moot Court members can participate in moot court competitions. At other schools, the competitions are open to the student body.

**(3) Myths and Truths About Membership in These Groups:** Strangely, the early discussions about these groups will likely revolve around *how* to become a member of these revered organizations, and not *whether* to become a member. Yes, it is true that membership can sometimes help you in your job search. But let’s dispel a few myths about these groups:

**Myth:** *If you aren’t on law review or moot court, you’ll never get a job.*

**Truth:** While some employers may value the “resume power” of membership in these groups, others do not. Not all potential employers are created alike; each looks for a specific array of qualities, talent, and experience in their new hires.

There are a wide variety of valuable experiences available in law school. Building a resume that reflects the kind of law you want to practice may be the best way to become an attractive candidate for jobs that interest you.

**Myth:** *If you are on law review or moot court, you are guaranteed a job.*

**Truth:** Sorry. While it is true that these activities may open some doors, they can’t guarantee you employment. Employers are looking at the total “package” when they make a hiring decision. That means that everything on your resume is important; no single grade you received or organization you belonged to is going to carry as much weight as the

totality of who you are and how well you fit into the employer's organization.

**Myth:** *If I have the opportunity to be on Law Review or Moot Court, I would be an idiot not to accept.*

**Truth:** You'd be an idiot not to think about it seriously and inform yourself about all aspects of the commitment. Membership in these organizations entails a great deal of responsibility and tons of work. Spending Saturday and Sunday nights at school, slogging through administrative tasks, and assuming extra reading and writing responsibilities are to be expected. Don't underestimate the time commitment that is involved, and realize that this commitment may mean that you have to forego opportunities that could be more interesting and meaningful to you. Think hard about how Law Review or Moot Court membership will affect your ability to commit to other important activities, like participation in a legal clinic, membership in other groups (Environmental Law, Civil Rights, Immigration Law, etc.), or an externship that may lead to your dream job. And don't forget that you need some time to yourself. Moot Court and Law Review are great opportunities that you should consider carefully, but they are not right for everyone.

**Myth:** *Without membership in these groups, I'll never have the chance to develop the skills they teach or avail myself of the opportunities they present.*

**Truth:** There are plenty of opportunities to develop both your advocacy skills and your academic legal writing without being a member of these organizations.

Many law schools require a major research paper as a condition of graduation. If you embrace the opportunity and find a good advisor, you can learn a lot about academic legal writing. If you are proud of your work, get it published! There are more than 500 law reviews and journals nationwide. Many might be interested in a high-quality student piece, particularly if the journal specializes in a particular topic area that your piece covers. Potential employers may be very interested in your specialty.

If moot court competitions are open to the student body, participate! Sometimes you can get academic credit for it. If they are not open, there are many moot court competitions that you can attend simply by paying the entry fee. This may require creative fundraising if the competition requires travel, but your law school might like the publicity it will garner

and help with the funding. Your school's Moot Court Board should have information about competitions on topics ranging from Environmental Law to Admiralty Law to Bankruptcy.

**(4) Consider Pros and Cons:** The bottom line is that you should choose your own path. If you are interested in membership, look into it. Find out if these political or academic organizations are right for you. Talk to current members and ask them about their experience. Don't be intimidated – people love it when others are interested in their lives. What are they learning? How many hours per week do they spend working for the organization? What are the best and worst parts of membership? Would they do it again? Remember that law school itself involves an incredible commitment of time and energy; these activities will take time away from either your study schedule or whatever personal life you have managed to maintain. As such, membership is an important decision and you should decide carefully.

#### **d. Public Service / Special Topics Organizations:**

**(1) What They Are:** These are essentially student-run clubs, societies, and associations that facilitate awareness, policy development, lobbying, and public service opportunities in a number of specialty areas. A few examples:

- American Civil Liberties Union (ACLU) law school chapters – Defending the Bill of Rights
- Ethnicity or Nationality-focused associations – for example, Asian and Pacific Islander Law Students Association (APILSA)
- Innocence projects – Assisting in appeals of those wrongfully convicted, often in death penalty cases
- Public interest law associations – Providing access to civil justice
- Immigration law projects – Protecting the human and legal rights of immigrants
- Environmental law associations – Advancing legislation and policies to protect the earth
- Women's Law Caucus – Promoting equality for women in the law
- Volunteer Income Tax Assistance (VITA) helping low income and elderly people wade through the quagmire of our tax system

#### **(2) Reasons to Join:**

**(a) Working On Issues That Matter:** You can help to develop the law and raise societal awareness about issues that are important to you.

**(b)Networking and Career Development:** Organizations can open many doors. You can make personal connections, learn about areas of the law that interest you, and help you find peers who have similar goals. Participation in these groups can lead to future job and leadership opportunities post-graduation.

**(3)If No Organization, Start One:** If your law school does not have an organization that appeals to your interests, create one! Send out an email and find fellow students interested in the same subject. Go to a faculty member with experience in the area for advice (don't just go by what subjects they teach – their histories and credentials are usually published on your law school's website). You can find funding sources in the larger legal community as well as host creative fundraisers at your school.

**3. Law School Work Experience:** One of the most beneficial aspects of law school is the opportunity for real-world experience working with top professionals in an area of law in which you are particularly interested. Take advantage of externships, clinics, summer employment, or any opportunity that gives you the chance to do real legal work. It will remind you of why you are in law school, give you the chance to hone your craft, create a context for your educational experience, provide a nice break from reading cases, and help you to explore different career paths. In short, it will help make you a better-rounded person, which will make you a better lawyer.

**a. Clinics:** If your school has a clinical law program, participate. Legal clinics are organizations in which law students provide free, supervised representation for real clients. Professors or practitioners operate and supervise the clinics. The director of the clinic trains and assists students in every aspect of client representation.

**(1)Learn about a Practice Area:** Common clinic areas include Family Law, Bankruptcy, Criminal Law, Tax Law, Unemployment Compensation, and Immigration. By participating in these clinics you will acquire practical knowledge in an area of the law that you could never get from merely reading a law school textbook.

**(2)Represent Real Clients:** Even if none of the clinics offered at your school directly relates to your planned practice area, the experience of representing real clients is educational and empowering. You will receive in-depth training in real legal work as well as in dealing face-to-face with clients, an essential skill that cannot be taught in a classroom setting. Remember that if potential clients do not feel comfortable and confident with you, they will not stay for long.

**(3) Provide Access to Justice:** You will also be serving people with serious legal problems who otherwise would have nowhere else to go. Lack of access to justice for low-income people is a crisis in this nation. People charged with a crime are guaranteed a lawyer. But in civil matters, such as being threatened with losing custody of one's children, being pursued by the IRS, or fearing any number of other serious legal consequences, people are on their own. For a growing segment of the population, only under-funded legal service agencies, busy lawyers doing pro bono work, and law school clinics stand between justice and personal devastation. By participating in a clinic you help those in need, learn valuable skills and, hopefully, inspire yourself to commit to a lifetime of service to the public, regardless of what type of law you ultimately practice.

**(4) If Your School Has No Clinic, It Should:** If your school does not offer a clinical law program in your area of interest, advocate for it. If you are successful, both your community and your fellow students will thank you because you will have changed your school for the better. Future employers will also be impressed by your commitment and initiative.

**b. Externships:** Nothing sounds more exciting than working for free, right? Okay, maybe not. But how much would you pay to have a ready answer to that most daunting of interview questions, "So what experience do you have?"

**(1) What An Externship Is:** You work for a quarter, semester, or summer for no pay. This is usually arranged through your law school and academic credit is frequently available (which means that your "employment" will actually cost you!). Many students extern in addition to their regular class load; some take a quarter or semester away from classes to extern full time. Externships can be full time or part time, are available in many areas of the law, and offer invaluable opportunities.

**(2) What It Can Do For You:** The benefits are immeasurable: work experience, networking, a chance "try out" an exciting job and, perhaps, to impress a potential future employer. Many students take post-graduation jobs with employers for whom they externed during their law school career.

**(3) How to Make the Most of It:** If you extern, make sure it is a place you really want to work. After all, you're working for no pay; you should be getting the best education you can. Your presence is a boon to your employer – where else can they find highly specialized free labor! Don't be afraid to demand the best from your experience. Seek out the most interesting projects, do a lot of networking, learn all you can. Write at least a short paper or keep a journal about your experience, even if it isn't required. If the work isn't panning out the way you'd hoped, talk to your supervisor.

**c. Summer Employment For 1Ls:** The ABA requires law schools to prohibit students from seeking legal employment until November of their 1L year. In November, a few of the more ambitious students scramble to begin the job hunt. Some professors use 1Ls to assist in their summer research projects. From an employer's viewpoint, summer employment after your 1L year is really just a "getting to know you" process. As a 1L, you will not yet have acquired most of the legal skills required to truly be of value to your employer, but you will at least be able to demonstrate your personality, integrity, commitment, and initiative, and that is what your employer wants to see.

**d. Summer Employment For 2Ls:** This is more typical than securing a job at the end of your 1L year. 2L students need to work to secure the more competitive positions and some of the on-campus interviewing (OCI) is directed towards this objective. Many law firms use this as a way to determine if they should extend an offer of post-law school employment. Contrary to popular belief, getting a job through OCI is *not* a guarantee of post-graduation employment, although it often happens. 2L summer jobs are paid, sometimes very well, depending on the employer. The summer associate programs at the bigger firms are often quite luxurious – easy work (often doing pro bono work for charitable organizations), good pay, and tons of great social events.

**e. Volunteer Work:** Regardless of your paid employment or externship status, you can still volunteer at any legal services organization for a couple of hours a week. You'll get additional work experience, contribute to your community, make connections, and get a mental reality check. Law school can cause you to become extremely myopic and self-centered. Volunteering can help you regain your perspective.

**(1) How to Find It:** Look for an advertisement or pick an organization and make a call. Chances are, they'll be happy to have volunteer help.

**(2) Don't Expect Job Training:** You will probably not be doing any heavy-duty legal work (this requires supervision, supervision requires resources, and unused resources are in notoriously short supply these days). However, even if you are only stuffing envelopes or handling reception duties, you will learn all about that organization, its structure, people, and vision. And you'll be giving lawyers a good name!

**4. Post-Law School Employment:** Believe it or not, you will start thinking about permanent employment after law school in the spring of your 1L year. That is about the time you first hear about OCI, which stands for "On-Campus

Interviews.” OCI is the most famous (and infamous) way to find employment, but it is not the only way.

**a. On Campus Interviews (OCI):** You will hear the zombies chant “OCI, OCI, OCI” to the point that one may become under the impression that OCI is mandatory. You will hear horror stories about the ruthless resume selection process, the high-pressure 20-minute interviews and the tiny percentage of callbacks for second interviews. You will also be told that OCI is the only way to get a good job after law school, and that if you fail to garner one of the prized summer positions, your legal career will be over before it begins. O-me-oh, oh-my-o, OCI-o.

**(1)What OCI Is:** OCI is an organized process by which a number of major law firms, public and state agencies, and other employers find suitable law students for permanent employment and to fill their summer programs after the completion of the students’ 2L year. Some employers may make presentations at your school while others may coordinate with the career services office. For students, participation in the process is voluntary, not mandatory.

**(2)How It Works:** If you choose to participate, the process begins as you assemble your resume, cover letters, recommendations, writing sample, etc. You can choose from a list of employers and apply. The employers select interviewees for the fall and come to your law school. After the first round of interviews, you may be asked to come to a second interview at the employer’s office. Usually, this office interview lasts several hours as you meet with various people in the organization. If you receive an offer or offers, you can choose to spend your 2L summer there. Some positions offer the option of continuing to work part-time during your 3L year.

**(3)OCI Is Only One of Many Options:** You should go through the process only if there are employers for whom you genuinely want to work. It is usually prudent to have other irons in the fire in case the summer job doesn’t pan out. There are hundreds of thousands of legal-related employers out there and most of them don’t participate in OCI.

**b. Beyond OCI:** For other ways to find summer employment, a little research is in order. At this point, it might be beneficial to thumb through some lawyers directories, the career services filing cabinets, websites, and even the phone book under attorney specialties. Figure out what you want and go after it – don’t wait for it to come to you!

**c. Persistence Pays:** Even if an employer is not hiring at the moment, getting a foot in the door could put you at the top of the list when a position does

open up later. There's nothing wrong with calling an employer who interests you and asking about opportunities. Many might be willing to set up an "informational interview" if you ask. This is basically a chance for you and the employer to find out about each other under less formal circumstances than an actual interview.

**d. Get the Word Out:** Most importantly, be resourceful and creative by putting feelers out with every person you know. Talk to anyone who will listen about your career aspirations. When that person gets word of a position in your field, you want them to think of you first. Talk about what you are interested in and why – this will leave an impression and get that person into your corner. If anyone says, "I heard about this position and I thought of you," thank them profusely and follow up, even if you aren't interested in the position. You don't want to burn bridges, and the next referral may be the perfect opportunity.

**e. Keep an Open Mind:** There is more than one path to a fulfilling career. Don't let anyone tell you that there is only one way to get a job, or that OCI is the only method for attaining summer employment leading to a post-law school job. Being resourceful and creative is much more likely to get you off the beaten path and where you want to be.

## **B. Networking**

Let's talk now about the elusive but vital practice of "networking." People in law school discuss networking all the time, but few really take the time to specify what it is or how you do it. No matter what your background, you've networked before; you just called it "socializing." The significant difference between socializing and networking is that, while networking, you have the ulterior motive of trying to make future job connections. It's not difficult, but you must be somewhat methodical and calculating about it to make the most out of networking. Everyone knows the best way to network is through past and present job connections, but another good way to network is at social gatherings.

**1. Get Out to Events:** If some local group of lawyers of the Bar Association has a reception, event, or volunteer opportunity open to law students, go! Many CLE (continuing legal education) events are heavily discounted, or even free, for law students. Don't go just to network or you'll probably be bored. But if the event is interesting to you, avail yourself of the opportunity.

**2. Find Out About the Participants:** If the event is sponsored by a firm or other organization with a website, browse through it and look for people who might have things in common with you. Maybe they went to your undergraduate alma mater, practice in an area of law that you're interested in, or once handled a high-profile case you've heard about. If you happen to run across that person at

the event and strike up a conversation, you'll have something to talk about other than the weather. This could be an opportunity to score brownie points with a prospective employer or co-worker. Just be subtle – you don't want to sound like a stalker.

**3. Go Alone or Split Up:** You are much more likely to get a robust conversation started with a stranger if you don't have a "safety pal" right next to you. Remember, you aren't going to this event to demonstrate how socially popular you are, but to meet people and make helpful connections.

**4. Don't Drink Too Much:** If your event is a cocktail party or the like, watch your alcohol intake. Law functions are notorious for their free-flowing alcohol. It's totally acceptable to have a glass of wine to take the edge off or to have something to do with your hands. But whatever you do, no matter how much you think you can "handle it," make it a personal rule not to have more than two drinks. Remember: you are there to meet prospective employers and make a good impression, so you need your wits about you. No outcome could be worse than waking up the next morning remembering that you told a State Supreme Court justice the "hilarious" story of when you were arrested for disturbing the peace.

**5. Worry About Being Interested, Not Interesting:** So many people make the mistake of thinking they can't network because they aren't gregarious and outgoing. This is wrong, wrong, wrong. The best way to make people remember you is *not* by dazzling them with your stunning personality. Ask questions, listen carefully and express genuine interest in what the other person has to say. This will send the message that you are gracious, mature, intelligent, and well-mannered. If you try too hard to entertain or impress, you could come off seeming overbearing and self-promoting. Remember that the best listeners are perceived to be the best conversationalists.

**6. Remember Everything You Can:** It has been said that the most pleasant sound to any person is his own name. The legal community is smaller than you think. If you run into someone you've spoken to previously, remembering his or her name is a superb way to develop the networking relationship because it is a sign that you are interested enough in that person to remember them. Remembering and inquiring about some event or tidbit that person told you about is even better. How do you remember? Some people are just blessed with the facility of a great memory. Others excuse themselves periodically to take notes. One technique that works well for many people is to repeat the name of the person that you just met, as naturally as possible, two or three times in your conversation with them. Whatever you must do to remember, do it actively. This is the "work" part of successful "networking."

**7. Always, Always, Always, Follow Up:** Regardless of whether you think a connection is “going anywhere” for you, always take people up on offers to have a cup of coffee or a phone chat. Ask for a business card, or write down their contact information if they don’t have a card. You never know who knows who, and what small suggestion, tip, mention, referral, or recommendation will get you into your dream job.

**8. Networking Pays:** You’ll be truly amazed at the path your career can take just because you went to that one reception or lecture and took the time to talk to someone you didn’t already know and might otherwise not have met. You don’t have to be a super-charismatic person to network, but you can’t be just a wallflower, either. Merely going to events, shaking hands, and introducing yourself can be enough. That personal face-to-face time can get you into many doors that would otherwise be closed.

### **C. Make Time for Life Outside of Law School**

Just because you’re in law school doesn’t mean you should abandon your other interests. There may be other activities of interest to you if you look around. Get involved in a meaningful (non-legal) political or social cause. Join a theater troupe, choir, or band. Find a city recreational league for your favorite sport. There are many benefits to developing all aspects your life while in law school, not the least of which is keeping a balance in your life that will help you maintain your perspective and focus.

**1. Make New Friends:** If you are from out of town, outside activities are fantastic for mining that rarest of precious and normal commodities, “non-law school friends.” These are the people who will help you keep your mental balance and prevent you from taking yourself and law school too seriously.

**2. Keep Old Friends:** It is easy in the fishbowl of law school to let your non-law school friends drift away. Don’t let that happen – they’re a part of who you are, too.

**3. Explore Your University:** Another advantage of law school is membership in the larger university community. Don’t forget there’s a campus all around you with hundreds of lectures, cultural events, student organizations, classes (sometimes you can get credit for non-law school courses!), and even athletics. How about intramural basketball, participating in student government, or taking a philosophy or acting course? Depending on the size of your university, the choices could be almost infinite.

**4. Work Hard on Your Relationship With Your Significant Other:** If you have a significant other, law school will be hard on your relationship. Don't underestimate this – the rate of breakups and divorces in your class will shock you. Don't let your relationship become a victim of the law school steamroller.

**a. Three Challenges:** First, you'll be incredibly busy. Second, you will be learning and growing, and that experience changes your personality, your perspective, even your vocabulary. Third, while you are studying your significant other may be helping to support you financially, taking on extra household responsibilities, or just generally helping you keep the rest of your life together.

**b. The Solution:** Take care to reward and appreciate this special person, and thank him or her often. Schedule time to do things together, because it will rarely happen spontaneously. Law school has a way of consuming all the time that you give it and more, if you allow. Don't make leisure time with your loved one your lowest priority, or it will never happen. Realize that dealing with the stress of a breakup will take much more of a toll on your time and energy in law school than simply making the time to appreciate your significant other in the first place.

**5. Pace Yourself:** Remember that law school is a grueling marathon, not a sprint. Don't make it all work and no play, or you'll be seeing a road sign that reads "Burnout City. Population: YOU." Unlike your undergraduate experience, where there was a wide range of intellect, law school students are all, without exception, top students. They also tend to be "Type A" personalities – hard-driven and self-motivated. You are going to be working very hard in law school, so plan to treat yourself to some fun every so often and remember that maintaining balance and perspective is your key to success!

**6. Get Out of the Law School Building:** Whether you are in a new city or stayed close to home, get out and explore. See new places, try new things, and acquaint yourself with that which is unfamiliar to you in the region. Even if you are not a nature lover, few things help clear the mind like a trip to the beach, the mountains, a forest, a museum, or any place where there is some serenity.

#### **7. Maintaining Balance Keeps You Sane, and Sanity is Marketable:**

**a. Zero Sum Game Argument:** Beware those who tell you that law school is a "zero sum game" and that law students who are cutthroat, ruthless, and eat/sleep/breathe/live law school or break all the rules will come out on top. They are wrong, dead wrong. There is a familiar saying that goes, "If you look around and you don't see the jerk, it's you." Don't be the jerk.

**b. Balance and Perspective:** Law school, like life, is about balance and perspective. If you care for yourself and approach everything with a healthy, relaxed attitude, your serenity will translate into confidence and composure when you deal with peers, professors, and legal professionals. Your resume may open the door, but it will be your friendly, professional, and positive personality that will get you through it and help you toward a happy and successful career.

#### **D. Time Is Precious**

You are probably wondering how one person can do all the above activities in law school and still have a life. There is a way, but it takes organization and planning beyond what most undergraduates are accustomed to doing.

**1. Proficient Time Manager:** A successful law student must develop a daily routine and become a very proficient time manager. Law students need to make time allocation decisions on an ongoing basis. This often means priority matters have to be scheduled and you must learn to say no. 1Ls who do not learn to prioritize and budget their time fall hopelessly behind. It is usually suggested that a priority in your 1L year be given to class and exam preparation, which we cover in detail beginning with the next chapter.

**2. Take Control:** Successful students find that an organized life promotes efficiency, and efficiency maximizes effectiveness. It's also the case that when your daily schedule is organized your life tends to be organized, too. And it's no coincidence that when your life is organized you have a better sense of controlling events, instead of being controlled by them, which goes a long way toward preventing burnout. If you schedule everything from classes to studying to "down time," you can avoid overbooking your schedule, which will help you maintain control over your law school experience.

**a. Efficiency and Effectiveness:** Remember, efficiency and effectiveness go hand in hand. Think of your daily schedule as a roadmap to success that will keep you from wandering through the day, not really knowing how much time you have, and winding up with too little time at the end of the day to accomplish all of the tasks that needed to be accomplished. Everyone knows that there are seven days in a week, twenty-four hours in a day, and sixty minutes in an hour. And although there are a number of businesses that advertise their availability "24/7" you don't want, nor can you afford, to be available "24/7."

**b. Daily Schedule:** The daily schedule, an example of which is shown on page 23, is excellent for tracking exceptionally busy days.

**(1) Use Daily:** Use this every weekday during the school year when you are in class! By scheduling every class, function, meeting, study period, meal, and so on, you may find that you have more time than you realize.

**(2) Prioritize Wisely:** You'll also avoid the temptation to make commitments on the spur of the minute because you will force yourself to not only make a mental commitment to something, but also the physical commitment of your valuable time, of which there is a finite supply. Lots of time can be frittered away if you don't have a clear idea of which hours are available and which are occupied.

**(3) Organization Improvements:** On the other hand, when you make a schedule and stick to it, you take control of your life, which gives you a much greater sense of being in charge of every hour of every day. You will know in advance whether or not you have time on Thursday the 23<sup>rd</sup> at 2:15 p.m. to attend a meeting. And if you have a significant other, they will know that they are a priority because you will have time with them scheduled, too. The key to success is to schedule everything, then stick to the schedule.

**(4) Rest and Relaxation:** Just remember to include rest and relaxation in your schedule – if you don't, it won't happen because it will always be the lowest priority! Avoid burnout, lost relationships, and lack of control in your life by organizing your schedule.

**c. Weekly Schedule:** Although the Daily Schedule is an important and necessary tool for organization, the Weekly Schedule (an example of which is on page 24) is a great tool for planning, especially for events that are further out. The Weekly Schedule will give you an at-a-glance view of the weeks ahead, and can serve as a sort of “tickler” to help you quickly plan and schedule events on your Daily Schedule. This is also a good place to plan things like outlining your classes and making sure you have set aside some leisure time, which you should do regularly!

**d. Computer Schedule:** There was a time in the recent past when paper schedules, such as those on pages 23 and 24 were the norm. In fact, cottage industries sprang from the need for various planning and scheduling tools, and systems were developed to integrate daily, weekly, and monthly planning and scheduling. Today, for most people, those tools have been made obsolete by the computer, and most of us are tremendously thankful for that. However, the importance of planning has not changed, only the nature of the tool. So, try whatever program works best for you, but use it and stick to it!



# WEEKLY SCHEDULE

\_\_\_\_\_, 20\_\_\_\_

	MON	TUE	WED	THU	FRI	SAT
7-8am						
8-9						
9-10						
10-11						
11-12						
1-2pm						
2-3						
3-4						
4-5						
5-6						
6-7						
7-8						
9-10						
10-11						
11-12						

## CHAPTER 3

### PREPARING FOR AND PARTICIPATING IN LAW SCHOOL CLASSES

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## CHAPTER 3

### PREPARING FOR AND PARTICIPATING IN LAW SCHOOL CLASSES

The single most important task you can undertake to prepare for class is to read the cases and material that the professor has indicated will be discussed during the class. This may sound like a bit of a no-brainer, but you'll quickly find that it's harder than it sounds. For the first few weeks, it will take a great deal of mental energy just to keep up with the reading. During that time, you will encounter people taking a number of approaches to class preparation.

#### **A. Find Out What Works Best for You**

Some people never read anything before class (or claim they don't); some spend 12 hours a day reading everything. Some take notes in the margins; some formally "brief" every case (briefing is described below). Some people read every case and also look up additional cases for background. Some people use commercial outlines. There are as many variations in the studying spectrum as there are students. The important skill you must develop is finding a preparation pattern that works best for you.

#### **B. Your Approach Depends on the Professor**

Different professors demand different types of class participation, which necessarily requires different methods of class preparation. Professors may use the three common teaching styles of "Interrogation," "Explanation," and "Exploration" methods. Sometimes the styles are combined. You should tailor your class preparation accordingly.

**1. Interrogation-Style:** Most professors will expect you to know a case in all of its particulars and answer Socratic-style questions. Questions focus on factual clarity and a narrowing of the issues. This style of cross-examination is intended to force development and articulation of your legal analysis as you examine and justify your opinions. Preparation is necessary. There is no better way to master detailed knowledge of the particulars of a case than the technique of "case briefing."

**a. What Case Briefing Is:** You prepare a simple 6-element chart that lets you map out all the particular case information so you can refer to it at a glance. If you choose to brief, you can design your chart in a way that makes sense to you. Here is a sample sequence to give you some ideas. If some of the terminology is unfamiliar, don't worry, you'll learn it in class soon enough.

**(1) Case Title and Year Decided:** The FULL name of the case and the year the opinion was issued.

**(2) Deciding Court and Procedural History:** What court wrote this opinion, and what did the courts below decide up to this point in the case? For example, “US Supreme Court, trial in Western District of Washington in favor of plaintiff, 9<sup>th</sup> Circuit reversed.”

**(3) Facts:** What are the most pertinent facts that contributed to the court’s decision?

**(4) Holding(s) and Reasoning:** What was the court’s actual ruling on the controlling law of the case? (It will take some time to learn how to distinguish holdings from dicta, so be careful at first.)

**(5) Cases Followed:** Which cases does the court rely upon in making its decision? As you probably know, our system generally works on a principle of *stare decisis*, which means courts will abide by the precedent of prior case rulings. However, courts sometimes distinguish seemingly similar cases.

**(6) Cases Distinguished and Why:** This is a key aspect of good legal analysis. What cases did the court acknowledge as similar to, but distinguishable from, prior cases? Why did the court feel it was important to make a distinction and not follow those similar rulings?

**c. Why Case Briefing Helps:** This kind of 6-item chart will give you at-a-glance answers to even the most demanding professors. It can also help you to understand how to find the essential information in a case and discard the fluff. Much of the bulk of an opinion can be “dicta” – the court’s musings on the complexities of a case and tangential issues that have little or no bearing on the actual decision being rendered. Briefing helps you get to the heart of a case and increases your memory retention as well.

**2. Explanation-Style:** Other professors will be more concerned with explaining general legal principles. This second style focuses on how well do you grasp the rules and structure of a particular area of the law?

**a. This Can Be Frustrating:** Although most 1L classes concentrate on reading casebooks, it’s often hard to comprehend a legal principle within the confines of one particular case. The judge who wrote the opinion wrote it at a particular time in history, under particular facts and circumstances, and for an audience of attorneys and other judges, not students. The judge was likely developing some area of the law (otherwise you probably wouldn’t be reading the

case). Since that time, case law has probably evolved to better articulate the principle in question, and many similar cases have been studied and dissected.

**b. How to Prepare:** For explanation-style classes, you may want to refer to outside sources. Many publications translate opaque legal jargon into digestible outline language for law students. Primer Series, Hornbooks, Nutshells, and other overview “outline” materials are available in your law library and bookstore. While there is no replacement for reading an assigned case, these books can really help you get a handle on the applicable legal principles and put the issues in context. Consulting a good commercial law outline will help you to avoid losing sight of the forest.

**c. Find the Commercial Outline That Meets Your Needs:** For every 1L class topic there are at least 20 different study guides, maybe even more. They are all different. Don’t just go running to a particular publication because it’s the only one you’ve heard people mention. Look through the law aids section of your bookstore. Spend some time and flip through the different publications for a course. You’ll notice some distinct differences.

**(1) Informal “Plain English”:** Some publications are informal (Nutshell, Casenotes, E-Z Rules, Legalines) and put topics in “plain English” thus providing a broader overview. Informal study guides are helpful in getting the basic gist of a subject if it seems particularly opaque to you.

**(2) Formal and Textlike:** Other publications (Lexis-Nexis’ Understanding Series, Hornbooks, Foundation Series, Gilbert Law Summaries) are written a lot like texts. They are more formal and contain a great deal of detailed analysis. These are helpful to students who are seeking in-depth analysis of legal topics and can serve as a useful supplement to assigned course materials.

**(3) Exam Preparation Guides:** Still others (Primer Series, Crunch Time, Emanuel Law Outlines, Aspen Road Map) are focused specifically on assisting students in preparing outlines to pass 1L exams. They often contain outlines, flow charts, memory aids (such as acronyms) and practice exam questions. Primer series includes software templates. If it’s getting close to exam time and you aren’t sure how to approach a study strategy, these can really help.

**3. Exploration-Style:** Occasionally you will have a professor who is more like what you remember from your undergraduate days – an exploration of legal topics on a broader scale. This is the third classroom style. You will discuss the moral implications of a legal principle, its ramifications for society, political motivating factors, historical context, or whether or not a ruling was a “just” outcome.

**a. Why They Are Tricky:** These classes are both harder and easier to prepare for than the other ones. Easier, because they require more interior exploration than exterior research. Harder, because you must actually engage in some subjective creativity and in-depth analysis rather than simple digestion and regurgitation of facts and black letter law. You must bring your experience and unique perspective to the material and find your own answers.

**b. Get Those Creative Juices Going:** Put yourself in the shoes of the parties in the lawsuit. Forget about the rules of law for a moment and go with your instincts. If you were the judge, how would you have decided this case and why? If you were the legislator introducing the bill, how would you have drafted the legislative intents of this statute for a court to interpret? The law does not exist in a vacuum. How will this ruling or statute affect other spheres? Whose interests does it serve? Asking yourself these questions provides food for discussion in your exploration classes.

### **C. Immerse Yourself**

The most important thing to remember is to avail yourself of the opportunities available to study the law in-depth. Even if you can “get by” without prior class reading, don’t. Intellectual involvement adds a lot.

**1. The Law Is Dynamic, Not Static:** Many first year law students don’t understand why so much time is spent studying the history and interpretive development of legal rules. “Just tell me what the rule is *today*.” These students are missing the point: legal rules are not mechanical or fixed, they are organic. What is the genesis of the rule? What were the arguments for and against at its inception? If you understand the nuances of a legal rule, you will be more prepared to discuss it in class, argue about it with a fellow student or colleague, and, eventually, withstand a grilling by a panel of judges.

**2. Thorough Study Enables Creative Thought:** The better you understand how a legal rule of law has developed over time, the more creative you will become about how it can evolve in the future. This is a one-time advantage of law school that will never come again. When you get out and start to practice, you may long for the days when you could take the amount of time available to you in law school to really explore an area of the law.

### **D. Many Ways to Participate**

Most new 1Ls consider “class participation” as raising a hand and voluntarily speaking. However, law school is different from undergraduate classes. Also, the

1L classes are typically quite large – 80 to 120 students or more – which makes the effort seem somewhat impersonal. The danger for 1Ls is getting lost in the details of the class and losing sight of the whole. Also, the professor isn't always focused, so class time can degenerate into a tough exercise called "hide the ball."

**1. Pay Attention in Class:** Really listening, absorbing, taking notes, and using your brain are an important part of class participation. You're paying good money for law school tuition. Ask yourself, "Why?" The price of the texts is not included, so you must be paying thousands of dollars for something else in law school – the classroom experience. Don't underestimate it. Don't just "zone out" in these large classes. Turn off your cell phone and avoid the temptation to talk to your friends when you should be paying attention and taking notes. And, above all else, barring deathly illness you should plan on attending every class.

**2. Talk About the Topic Outside of Class:** Discussing class material with professors and peers can be a great way to reflect outside of the often high-pressure and fast-paced classroom environment.

**3. Read Supplemental Material:** Often, your professor may mention supplemental optional readings you may consult for edification. While few students have time to pursue all of these outside materials, choosing to read some of them (if the topic is interesting or particularly confusing to you) is a great method of keeping yourself engaged and current in the learning process.

**4. Avail Yourself of Teaching Assistants:** Your school may hire Teaching Assistants for many of your first year classes. These are typically students who did well in that subject in their first year and enjoyed the subject enough to serve as a teaching assistant. Use them to your advantage, but don't abuse them.

**5. Approach:** Whether you e-mail them or visit them during their office hours, show them the courtesy and respect that they deserve by having read the assigned cases so that you come prepared with questions that will help you move beyond the classroom instruction. TAs can also be a great help in preparing for exams, and may even have previous exams or outlines that are useful. Don't expect a few sessions with a TA to substitute for class time, though. They can't and won't take the place of your professor's prepared instruction.

## **E. Various Class Formats**

**1. Everyone Must Speak:** Many professors, especially in first year classes, require all students to speak in class.

**a. Procedure:** The professor will go through the class roster and seating chart and call on students one at a time. Professors have different systems for calling on students, but their objective is always student participation.

**b. Don't Worry:** Some students are terrified by the prospect of being called on, and are afraid of looking foolish in front of their classmates. Your best weapon for battling this fear is to be well-prepared for class. Remember two things: first, no one expects you to have the "right" answer; in fact, often there is no right answer. The questions are a way of "teasing out" the subtle nuances of the point of law under discussion. Second, no matter how unpleasant the class interrogation may seem at the time, your performance typically has little, if any, bearing on your final course grade.

**c. Socratic Method:** The "Socratic Method" is simply a method of questioning and challenging students in class, rather than straight lecturing. The Socratic Method is the most popular, and traditional, teaching tool of law school professors.

**d. Intellectual Challenge:** The Socratic Method involves repeated questions, and your answer is merely the bridge to the next question. The purpose is to develop factual and legal argument beyond the student's initial thoughts and understanding. At its best (some 1Ls say worst), the professor turns a routine case into a maze of detours and uncertainties that can depress a lost 1L seeking clarity and certainty. Instead of giving students the answer, the professor will try to draw the answer out of the students and explore nuances by changing the hypothetical to point out subtle distinctions in how a case might be decided.

**2. Straight Lecture:** Other professors simply lecture on and on and expect you to take copious notes with few or no questions to "interrupt" the process. Your best defense is to highlight, circle, or underline anything you don't understand. Approach the professor after class or during office hours with questions. If the professor seems particularly intimidating or unapproachable, try asking a fellow student you respect, your TA (if there is one), another professor in the same department, or consult an outside source such as the Primer Series.

**3. Voluntary Student Input:** In some classes, the professor seeks student responses, but only on a voluntary basis. What ends up happening? A few students speak constantly and no one else ever raises a hand. Students who speak voluntarily often (not always) have something cogent to say. This can have the effect of making you think you are behind the curve. You may glance around class and see face after face looking confident. Don't be fooled by these poker faces. Many of them are just as confused as you are.

## **F. Notes in Class: Not Just for Memory – It Starts Your Outline!**

Taking notes is an art. The techniques are as varied as the students. You have taken notes before, so you know how. Stick with what worked for you in similar undergraduate classes. However, there is one important thing to keep in mind while taking class notes: how will they fit into your final course outline?

**1. After Class, Review Your Class Notes:** Okay, this may sound incredibly geeky and neurotic. But studies have shown that reviewing newly-learned material within 6 hours of initial presentation can increase memory retention by up to 50%. Simply rereading or even skimming your class notes will help tie it all together. Fight for understanding and knowledge. It will keep you from getting lost and falling behind, and will give you a great jump on the process of preparing your full course outline for exams.

**2. Why Preparing a Class Outline Is Helpful:** Outlining and organizing the material throughout the course on a class-by-class basis is far better than going back at the end of the course and creating an outline from scratch. Outlining involves sitting down with the text, any supplemental readings recommended by the professor, and your class notes, then trying to discern some sort of structure from what appears to be jumbled chaos.

**3. Software Templates:** Outline templates such as the Rigos Primer Series “Magic Memory Outlines”<sup>®</sup> are useful in that they provide an overall structure to help you get started. And, if you get them in a software format, you can rearrange them in any organizational structure to fit your notes, your textbook, and your professor’s style. Supplementation is enhanced by software rather than hand-created outlines. These outlines are available at [www.BarReviewCourse.com](http://www.BarReviewCourse.com).

## **G. Create Your Course Outline**

An outline is nothing more than an organized, condensed summarization of the materials you have learned throughout the course. It should be written in your own words and presented in a format and sequence you can easily follow. Whether the final exam is closed book or open book, you need to create an outline to get a firm grasp of the course materials and burn the structure into your brain.

**1. Approach:** As you organize and structure the legal principles you’ve learned and condense them into your own words, you will be learning the details of the law. Although you will establish a rough outline structure as you review your class notes from day to day, it is important to update your outlines on a regular basis. Many students schedule time on their weekends, beginning after the first few weeks of classes, when they spend an hour or two per subject adding to their outline what they have learned in the previous week or two.

**2. See the Material as a Forest to Be Mapped:** One good way to think about the outlining process is to think of mapping a forest. The “forest” is the topic area.

**a. Example:** For example, on a Contracts exam, you are in the “forest” of Contracts principles. One “tree” in that forest would be Formation (was this contract properly created and is it enforceable?). “Branches” on that tree would include the mutual assent legal issues, such as offer, acceptance, and consideration.

**b. Structure Necessary:** You need to have a thorough understanding of the layout of that forest and each tree in it. How do you study to achieve this level of understanding? Staring at your notes will not be enough. You need to first create a final course outline – a map of the forest with all the trees described in detail.

**3. Map the Trees:** Your professor will have identified the “trees” – the major topics – for you, both in the course syllabus and in the day-to-day division of the class lecture. Hopefully, this structure made its way into your class notes. The text can also help; look at the table of contents at the beginning of the book for ideas on how you to structure your outline. The case book wasn’t put together at random, and neither should your outline be.

**a. What Are the Trees?** Again, in Contracts one tree would be Formation, another would be Performance, and a third is Remedies. Map out the trees only (ignore the branches for now) in a way that makes sense to you.

**b. How Do I “Map” Them?** You can list each individual main topic, make a flow chart, or draw an actual map. Once you have done this, you can see how all the topics relate to one another. Are there certain areas that are cross-related? If a question is asked about one issue, are there related issues that will likely arise? If so, put those trees close together in your course outline.

**4. Fill In the Branches:** Now, go back and fill in the branches. Beneath each subject tree, state the applicable common law rules, cases, statutes, and other pertinent information. Define terms, explain concepts, and extrapolate from your notes the essential information on this issue by asking yourself questions. “When this issue is raised on the exam, how do I address it?” “What facts will affect my legal analysis?” “What cases of law support this decision?” “How did we cover this in class?” This is very important. You don’t want to be asking yourself these questions for the first time when you begin studying for your finals – you won’t have time. And, if you haven’t asked yourself these questions in studying for exams, you won’t be as well prepared as you could be.

**5. Why Outlining is Helpful:** There are four purposes when creating an outline:

**a. Memory Enhancement:** Outlining is an excellent memory tool. Forcing yourself to review the material as you organize the outline will increase your familiarity with the information you'll be expected to know on the exam.

**b. Rewrite Concepts in Your Own Words:** Outlining allows you to really think through the issues and put the material into your own words. You are far more likely to understand and retain information if you have summarized it through your personal "translator." Capture the essence of the concepts in your own concise expression. Avoid lengthy wording; less is more in most student outlines. The Primer Series Magic Memory Outlines<sup>®</sup> apply this concept.

**c. Study Guide:** Your outline is a terrific study tool. Once you are done with it, you can drop the gargantuan casebook you've been lugging around and carry your outline. Read your own outline frequently.

**d. Use During Open-Book Exams:** If your exam is open-book, your outline will help. Create a quick-reference index to your outline using tabs. Given the time constraints of the exam, this will likely be the only source you need in the exam, and you will have just a few minutes in which to consult it.

## **H. Law School Exams**

The above information will get you academically well into the fall of your 1L year. You will have prepared comprehensive outlines, but the outlines must be finalized as you prepare to write the Final Exam of each course. The next chapter will help you a fair amount in exam preparation. Still, when you get to this point, we recommend you register online and go to the library section of [www.Rigos.net](http://www.Rigos.net) and study the helpful material there.

## CHAPTER 4

### PREPARING FOR AND WRITING LAW SCHOOL EXAMS

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## CHAPTER 4

### PREPARING FOR AND WRITING LAW SCHOOL EXAMS

Without a doubt, exams are the most intimidating but yet most important aspect of your first year law school experience. 1L grades can play a part in determining your eligibility for law review, moot court, and summer employment. There may be mid-term exams in December and January but most of the course grade is determined by your performance in the final exams in the spring.

1Ls normally experience tension and terror before their first exams. Everyone runs from friend to friend, classmate to classmate, trying to find out the “right way” to study. Does Professor Z test “hard” or “easy”? Do I need to buy a commercial outline? How do I outline for Professor Y’s exam? Should I join a study group? How many hours should I study? Every course exam is different, so every preparation will be different. However, there are some basic strategies to help you cope with all these unknowns.

#### **A. Types of Tests**

There are two common types of exam formats to expect as a 1L. The first is subjective essay, the second is objective multiple choice. Essays are more common in most law schools. While these are not the only two ways to test, they are most frequently used and their basic formats should be understood.

**1. Essays and Issue Spotting:** Essay exams can be either long or short format. You are given a fact pattern that can be as short as 1 paragraph or as long as 10 pages. Either way they require what has come to be known as “issue spotting.” You must read the fact pattern and discuss the legal issues that it raises. What does that mean? Law is all about facts. Depending on what the facts of a situation are, the outcome of a legal challenge will vary. You need to identify (“spot”) the facts that relate to the application of the legal rules (“issues”) that affect or determine the outcome of the case.

**a. Example:** Two people, A and B, each sign a contract with Carl’s Cars, an automobile dealership, to purchase new cars. Later, they each want to cancel or rescind their contracts. How do you determine whether or not they’ll be able to do this? That is the legal outcome you are trying to determine. The way to spot the issues is to analyze the relevant facts. Let’s say the fact pattern gives you the following information:

- A is 23 years old while B is only 15. (There’s an issue. Children under 18 can typically disaffirm contracts for non-necessary purchases such as a car.)
- A thought she was signing an application for a credit check, not a purchase contract. (There’s an issue. Mistakes in contract formation about the subject matter may indicate that a meeting of the minds was absent. This can be grounds for canceling or rescinding a contract.)
- B was in a collision on the way home and destroyed his car. (There’s an issue. Destruction of the subject matter of a purchase contract after transfer to the buyer is *not* usually grounds for rescinding a contract.)
- A’s new car engine blew up the week after the purchase in spite of a guarantee. (There’s an issue. A car seller is liable for damages from breach of contract or express warranty.)

**b. Outcome Less Important Than Issues:** It is usually more important to articulate the legal rules and be able to spot issues than to get the “right answer.” As is often the case in the real world, there may be more than one “right answer.” For now, just worry about learning rules and applying them to the facts.

**2. Multiple Choice Questions:** This is a different animal from the essay format. It is much more focused, and usually involves more detailed and subtle knowledge of the law. Many students make the mistake of assuming that multiple choice questions are easier than essays because “the answer is right in front of you.” However, there is less “wobble room,” more need for objective precision, and the questions tend to build in more tricks.

**a. Be Selective:** More facts or law may be given in the question than necessary. Red herrings are often in the facts to support one of the wrong alternatives.

**b. Preferred Answer Objective:** Look for the best answer alternative. This may mean the most nearly correct or the least incorrect answer. There is often some truth in each alternative and fine-line distinctions are frequent.

**c. Modifiers:** Conditional or limiting modifying words such as “because,” “if,” “only if,” or “unless” in the call of the question are usually critical to the outcome.

**d. Try a True-False Approach:** For some questions, it may help to use a true-false analysis for each of the four alternatives. Ideally, you will end up with a 3-1 split; the odd one out is usually the right answer.

**e. Sample Questions:** Below are some sample multiple choice practice questions in Contracts. Give them a try, using the techniques you just learned!

- (1) Where a client accepts the services of an attorney without an agreement concerning the fee amount, there is
- (A) An implied-in-fact contract.
  - (B) An implied-in-law contract.
  - (C) An express contract.
  - (D) No meeting of the minds and thus no contract.
- (2) Duval Manufacturing Industries, Inc., orally engaged Harris as one of its district sales managers for an 18-month period commencing April 1. Harris commenced work on that date and performed his duties well for five months. On October 1, the company gives Harris a notice of termination as of November 1, citing a downturn in the market. Harris sues seeking damages for breach of contract. Duval pleads the Statute of Frauds and/or a justified dismissal due to the economic situation. What is the probable outcome?
- (A) Harris will prevail because he has partially performed under the terms of the contract.
  - (B) Harris will lose because his termination was caused by economic factors beyond Duval's control.
  - (C) Harris will lose because such a contract must be in writing and signed by a proper agent of Duval.
  - (D) Harris will prevail because the Statute of Frauds does not apply to contracts such as his.
- (3) Wendy Wholesaler sold merchandise to Roberta Retailer. A dispute has arisen between the parties and Roberta is trying to prove that Wendy is a "merchant" as opposed to a "casual party." The least important factor indicating the status of a "merchant" is that Wendy
- (A) Is a wholesaler rather than a retailer.
  - (B) Deals in the goods sold to Roberta.
  - (C) Holds herself out as an expert in the goods sold to Roberta.
  - (D) Sells under 10 units a year to Roberta.

**f. Sample Answers:** Regardless of whether you answered correctly or incorrectly, read the entire answer rationale. You will find the specific reason why the answers is or isn't correct, and learn a lot in the process.

- (1) /A/ The contract would be implied in the fact that the client accepts the services of the attorney. (B) is incorrect because the law would not necessarily imply a contract absent compelling facts. (C) is incorrect because there is not an express contract under these facts. (D) is incorrect because there is an implied-in-fact contract.
- (2) /C/ Contracts with over one year of performance on both sides fall within the statute of frauds requiring a writing. (A) is not the best answer because partial performance takes only the performed portion out of the statute's application. (B) is not the best answer because this is not one of the limited situations where the law would excuse performance. (D) is incorrect because the statute of frauds does apply to a contract that by its terms is over one year.
- (3) /A/ The least important factor in determining if a seller is a merchant would be if they sold at wholesale or at retail. Either a wholesaler or a retailer could be classified as a casual seller if they did not regularly deal in the goods in question. (B) is incorrect because a seller who "deals in the goods" is one of the merchant characteristics listed in UCC 2.104. (C) is incorrect because a seller who "holds herself out as an

expert having special knowledge and skill in the goods” is one of the merchant characteristics listed in UCC 2.104. (D) is not the best answer because the number of units sold in a given year is not controlling as to whether the seller is a merchant or casual seller. It could be that 10 units a year would not be a sufficient quantity to qualify as dealing in those goods.

**3. Take Home Exams:** Sometimes a professor will give you the exam to take home and complete. The pressure of a timed, closed book exam is alleviated, but the tradeoff is that the professor will have much higher expectations and likely grade much harder. Take it seriously and don't procrastinate – unless you really enjoy pulling excruciating all-nighters and doing a half job.

## **B. Know Your Professor and Your Test**

The first step in preparing for exams is to understand the nature of the challenge. What will the test for this course look like? Find out how the professor likes to test and study defensively for that exam method. There are several ways to learn a professor's style.

**1. Talk to Your Professor:** The first and most obvious source of guidance is to ask. You may be surprised about what tips and suggestions she may have. If she conducts a final exam review, attend. Some professors will review in detail issues that they plan to test.

**2. Look at Past Exams:** Go to your law school website or library for archived exams. Read old exams. How are the questions phrased? What are areas that this professor frequently tests? What is the format? If the professor also makes sample or model answers available, that's even better.

**3. Ask Upper Classmates:** If the professor will not discuss her exam policy with you or provide sample past questions, ask your 2L and 3L friends. If nothing else, they will probably remember the general nature of the professor's prior exams and how much she tested class material.

**4. Take Note of Exam Rules and Parameters:** Your professor will tell you in class what you'll be able to bring into the exam room. Professors usually have specific rules about this.

**a. Closed Book:** If the test is closed book, you must emphasize memory retention in your studies and exam preparation. Use study guides like Primer Series that condense the rules and tests and provide memory tools like acronyms. You need to cover large concepts and worry less about dates and names of cases.

**b. Open Book:** However, even if the test is open book, you won't have time to peruse your text or notes. You will rely on an outline, and time is short.

**c. Cheating:** It's wrong. It violates your law school's honor code. It will probably not help you on the exam anyway. You need to know the substance. If you are caught cheating, you will likely be expelled from law school.

### **C. Decide on a Study Method**

**1. Stick With What Works for You:** What methods should you use to prepare for law school exams? You already know what study tools worked best for you in undergraduate school. If you used color coding in your highlighting or subject dividers, do it in law school.

**2. Decide If You Want to Join a Study Group:** If you have always preferred to prepare alone, keep doing it. Group study generally proceeds at a slower pace than individual study. If you think you will benefit from a study group, it may be a good idea to find one and try it out. Many suggest a group with a maximum of 5 members each specializing in one of the 1L courses. This is particularly useful if some of the course subjects are difficult for you or you feel overwhelmed. If the group seems inefficient, perhaps find one good partner.

### **D. Review Your Notes and Perfect Your Outline**

At this point, you want to survey the substance of the course outline you have created so far. Go back through the materials you have covered and refresh your memory about what you have learned. You have covered a great deal of information over the length of the course and you'll be surprised how much you've forgotten. You need to tie it all together.

**1. Clarify the Tough Spots:** If there are still areas or issues that confuse you, review the text. If this does not solve the problem, seek out explanations and help from professors, peers, and secondary study materials.

**2. Get Organized:** Begin to create a structure for the course materials. What is the most sensible sequencing organizational method for you? It may be the structure that the professor followed in class or the casebook used, but more likely it is your own using the chronology of a quality hornbook such as the Primer Series. You will see patterns and categories of information that can be organized sensibly. It is important that you get the information compartmentalized. This will help you avoid missing important issues when discussing a topic.

**3. Outline:** Hopefully, you are well on your way to completing your final course outline as discussed in the prior chapter. This is the time to polish, reorganize, and perfect that document for use in studying for your exam.

## **E. Practice Taking Old Tests**

The ultimate study method is to practice by taking old exams. This frightens many students who don't want to have to face how much they still have to learn. Don't let this stop you; you need to start somewhere. If past exam questions are available, pick a few and take them. The first practice may be a bit daunting, but you'll be stunned at how much you learn just by making yourself go through the process. Also, it eliminates about 95% of exam-day anxiety, which is usually based on fear of the unknown. If you've completed some practice exams, you can go into the real thing with a "been there, done that" feeling of confidence.

**1. Start Slowly:** On your first run, feel free to take a little extra time to craft a thorough answer. If the exam is closed book, take the first practice exam open book just to make sure you're covering all the relevant information. Remember, you're practicing to learn, and you learn by moving the information through your brain. After you finish, review the sample answer and pertinent sections of your outline to check your hits and misses. If your responses were missing or incomplete, review those areas of your outline. Try writing the practice question again after your review. This will reinforce your understanding and memory.

**2. Take Practice Exams for Subject Mastery:** The number of practice exams you take will depend on the amount of material to be covered and your particular learning speed. On the last practice run, try to simulate test conditions. You'll know you're ready when you are able to complete a full practice exam within the time allotted and produce reasonably good coverage of the issues. You're not shooting for perfection here – that's an unrealistic goal. Look for enough progress so that you feel good and are able to make your best effort.

## **F. Review Sessions and Night Before**

Go to any review session the professor conducts and listen very carefully to what she says. Once you have thoroughly prepared, give yourself a rest. The night before an exam, cook yourself a nice meal or go out for a relaxing evening. Do not over-study the last night. Get a good night's sleep. Staying up all night for a cram session is the best way to guarantee that your brain will take a hike when you sit down to take the test.

## **G. Exam Time**

**1. Beforehand:** Give yourself plenty of time on the morning of the exam. Eat decently. Don't drink too many liquids. You don't want to be running to the bathroom every five minutes. Don't take in too much caffeine or sugar. You don't want to crash in the middle of the exam.

**2. Taking the Test:** When you sit down to take the exam, go to the instruction page first and read it thoroughly. Make sure you understand the conditions, the time limits, etc. Put your private identifying number on every page – this ensures anonymity in the grading process. Take a deep breath before you start and stay relaxed throughout. Monitor your time, but don't check so often that you fail to focus. Some people bring a stopwatch so they don't have to do the "countdown." If your school allows you your choice of seat during the exam, pick the one where you feel most comfortable and focused.

**a. Call of the Question is First:** The first thing you should read is the requirements or "call of the question." This is the last sentence or sentences in the fact pattern, and it describes the information that the professor wants you to write down. Watch for key phrases, such as "write a memo," "discuss the rights and liabilities of the parties," or "list the claims and defenses that could be raised by the parties" that tell you how your answer should be framed.

**(1) Examples:** In multiple choice questions, the call will be specific, for example, "Which of the following is the best argument for exclusion of the evidence?" Examples of some essay question calls might be "Discuss the issues raised" or "Assume you are the judge and write an opinion supporting your decision." These two different calls will produce very different essays, and if you don't pay attention, the professor will wonder what planet you were on when you wrote the exam.

**(2) Focus on Requirements:** Make sure you answer the call of the question thoroughly, and don't stray outside of it. If the call says to ignore federal claims or constitutional issues, ignore them. You will not score any points by showing off your knowledge of issues that are collateral to the exam question.

**b. Read Through the Fact Pattern(s) Carefully:** Underline, highlight, or otherwise mark facts that raise issues. Look for red herrings – facts that are not really essential.

**(1) Circle Names of Parties:** You want to quickly identify the various claims at issue (e.g., A v. B, breach of contract claim). Circling the names of the parties in the fact pattern will go a long way to helping you keep the actors straight.

This may seem like a minor item, but if you get your characters mixed up, the grader won't know if you have the right rule and the wrong party or the wrong rule for that party. In either case, you won't impress the professor.

**(2) Read the Entire Fact Pattern First:** If the question is a long narrative, don't start writing after reading the first few sentences. Facts later in the fact pattern may alter the landscape. Read to the end and then organize your answer before starting to write.

**c. Do a Thumbnail Outline:** First, you'll want to organize the answer in a logical structure that mirrors your outline. In other words, just because the facts raise a particular issue first doesn't necessarily mean that issue should be addressed first in your answer. Consider sketching an outline of the issues to be covered (all the trees in your forest). If you don't have much time to answer, just a thumbnail outline will do. If you have three hours to answer one question, 10 or 15 minutes spent organizing your thoughts is advisable.

## **H. Writing The Essay Answer**

The following essay writing strategy employs a detailed plan for executing the IRAC structure discussed below. Obviously, each professor's testing style will vary, so you may have to adjust this technique. However, it is a solid structure that will give you guidance.

**1. Organization Helps:** You need to make it easy for the professor to give you the maximum credit the substance of your answer deserves. Simple, step-by-step organization is the key to a clear and concise writing style. This includes three structural rules.

**a. Discrete Issue Discussion:** Every paragraph should clearly discuss one major issue of the subject presented in a logical sequence. The paragraph coverage should be introduced with one word or a brief phrase.

**b. Supporting Sentences:** Each sentence should be arranged to support the key idea or issue within each paragraph.

**2. Use Your Time Wisely:** You will be up against a strict time limit as you write your exam. The trick is to use all the time to your best advantage without exceeding the maximum time allowed.

**(1) Obey Time Limits:** Pay close attention to the time allowed and pace yourself accordingly. Your classmates will notice if you abuse the time limits, so always stop writing when they announce that the time has expired.

**(2) Time Allocation:** If the exam has more than one question, consider spending a little more time on the difficult questions. At the end of each question, check your time. Don't run short of time to write a full answer for every question, and fight for every possible point!

**3. The Four-Step IRAC Writing System:** You should develop a writing method that can be applied consistently to any fact pattern in any subject. It is not enough to know the applicable substantive law; you must also know how to organize and convey such substantive law to the professor within the time allotted and in the best presentation style possible. The IRAC method has four steps.

**a. Flag Issues:** If you are discussing outcomes based upon multiple issues, each paragraph should start with one short word or phrase identifying the issue discussed in that paragraph.

**(1) Format:** This could be one word, a phrase, or a short question, preferably using the applicable legal terminology. Underlining, indenting, or boxing the issue helps the professor.

**(2) Example:** At the beginning of a paragraph discussing custody issues in a family law question, the flag could be "Residential Placement."

**b. State the Rule(s):** This is an important step and should not be too cursory or simplistic. This is where you are demonstrating your thorough knowledge of the laws and principles that you have learned throughout the term.

**(1) Body of Laws:** You need to be familiar with and explain the relevant body of applicable authority governing the issue, including constitutional clauses, statutes, case law, administrative rules and decisions, local laws, and policy arguments.

**(2) Boilerplate Language:** It is helpful to have certain bedrock principles of law memorized and ready to throw down on the page. As your classes proceed, you will know what rules are most commonly tested, and these are the ones you should know by heart.

**(3) Example:** From Civil Procedure: "Under RCW 4.16.170, an action is tentatively commenced when P (1) serves the Summons & Complaint, (2) files the Complaint, or (3) does both. The Statute of Limitations is then tolled for 90 days to allow P to complete both steps."

**(4) Don't Omit Adverse Authority:** Discuss all authority, even if it has a holding contrary to your desired outcome. During your analysis you will need to

explain why adverse authority is inapplicable based on this particular set of facts, so you will need to provide all of the law you are going to discuss.

**c. Engage in Thorough Analysis:** Your professor wants to see a precise, complete, and creative analysis. In law school exams, your analytical skills will help you to rise above the rest. The professor will often present a novel and intricate fact pattern that could go either way in terms of outcome and ask you to make a ruling on it. If that is the case, take a position and defend it, using the legal authority you have learned in your studies.

**(1) Discuss the Rationale, Not Just the Rule:** Room for argument most often occurs within the context of a court opinion. In its opinion, the court will use logic and precedent to explain the outcome. Good analysis deconstructs this reasoning and either applies or rejects it in the context of the current facts.

**(2) You Don't Have to Agree with the Rule as it Stands:** If you have a logical, reasonable argument to make against the existing rule, make it! Don't go out on a limb for the sake of it, but likewise don't feel tethered by the existing law. Use your brain and stand out from the crowd.

**d. Conclusion:** You have explained the rule, analyzed the situation, and argued a position. Your conclusion is where you tie your package in a neat bow.

**4. Avoid a Mere "Brain Dump":** Do not discuss everything you know about a topic. Emphasize the issues actually raised by the facts.

**5. Don't Quote or Cite Cases Extensively:** This is a particularly pernicious error made in take-home exams, where students try to beef up their answers with long citations. The professor wants to know what you *know*, not what you were able to memorize from a case or transcribe from your outline. If there are a few relevant cases that relate to critical principles or rules of law that are regularly cited as authority, mention them. But stick to substance most of all.

**6. Keep the Big Picture in Mind:** Try to discuss the issues in a logical structure according to the call of the question. Don't let the pressure of the exam room put "blindness" on you. Keep the whole forest in mind so that you don't get bogged down with minutia or miss obvious issues.

**7. Fight for the Best Grade Possible:** Unless you are totally out of space and/or time, keep on working. Again, if you feel you have covered everything but you still have time, stop, stretch, and take a step back. Go slowly through your outline (in your mind or in front of you) and look for missed issues. Reread the facts – did you underline or highlight something that you meant to cover and then forgot? Is that fact really a red herring? This is your time to shine.

**8. Sample Question and Answer:** Below is a model of a short-form essay question and answer that you might encounter on a law school exam. Look at the succinct IRAC structure in action, and note the precision of language, legal rule statements, use of proper legal terminology, and application to the facts presented.

**Question:** On December 1, 2006, Jack entered into a valid written contract with Tim, an experienced pool contractor, to have a swimming pool and spa built in Jack's Seattle, Washington, back yard.

Jack told Tim he wanted to have his pool and spa completed for a party to celebrate his 40th birthday on April 1, 2007.

Tim had offered to build the pool for \$30,000 and the spa for \$10,000. The parties agreed on a combined price of \$35,000 for the entire project. The pool was to be 10 feet at the deep end. The spa was to be incorporated into a deck and partially above ground. The pool and spa were designed to share a common heater, filter and piping system.

Construction started on February 1, 2007. After being on the job for one week, Tim had substantially completed the spa and had mounted the heater and filter on a concrete slab. When he started excavating the pool, Tim discovered a layer of bedrock six feet below ground. This discovery was a surprise to both Tim and Jack.

Tim told Jack that it would cost an additional \$10,000 to blast out the rock to complete the deep end. Alternatively, Tim suggested two possible solutions. First, the pool could be built without a deep end, as a lap pool. Tim offered to do this for \$5,000 less than the original contract price. The second option was to complete the spa without the pool. Tim offered to do this at his actual cost. However, this would leave Jack with an oversized heating and plumbing system.

Jack seeks your advice as to whether he must accept Tim's proposal or if he may demand that Tim complete the entire project as agreed, for their agreed-upon price. Jack also wants to know if he can hire a landscaper to restore his yard and bill Tim for the cost, and whether he would have to pay Tim for the work he completed. Jack also wants to charge Tim for the rental of a private club for his birthday party.

Advise Jack on his rights and liabilities.

**Answer: Contract Formation:** For this to be a valid common-law contract, there must be an offer intending to be a bound, a mirror-image acceptance, and consideration. Here, Tim has made an offer to build the pool, which is a specific bargain with intent to enter an agreement, and made to a specific offeree, Jack. It is an offer for a bilateral contract, since it seeks a promise for a promise (promise to build for promise to pay). Jack has accepted because he has not added to or varied any terms in his acceptance. There is adequate consideration because promises to pay and build were exchanged creating legal detriment to the two parties.

**Mutual Mistake:** If the existence of the bedrock was a mutual mistake essential to the contract, the contract might be voidable by either party. Here the bedrock was a surprise to both. However, if the risk of this mistake has been allocated, then the contract is not voidable. Because Tim was an experienced pool contractor, he may have knowledge such that he should have known about the possibility of bedrock, and thus may be deemed to have accepted the risk.

**Statute of Frauds:** Certain contracts must be in writing, such as those that cannot be completed in a year, or for the sale of real estate. However, this is probably not a major issue here, as the contract was validly written.

**Condition Precedent:** Was there is a condition of the contract that must be satisfied? Explicit conditions must be literally complied with; if implied, it must be substantially complied with. Here, Jack wanted the pool and spa completed for his birthday, but it is not clear if he used explicit language to require condition completion by this certain time. The time frame appears to have been part of the contract, but a court might interpret it as an obligation rather than a condition, so that the contract can still be performed rather than excused.

**Modification:** To modify the executory contract requires the same elements of a contract: offer, acceptance, and consideration. Here, Tim has made two modification proposals that are offers, as they contain specific terms for specific bargains, but Jack has not specifically accepted either. Both offers do contain consideration: the first is that Tim would do the work for less money; the second is that Jack

would be giving up part of his bargain. But again, Jack has not yet accepted. If he does accept one of these proposals, then there would be a new modified contract and he would not be able to sue on the previous contract.

**Performance:** The next issue is whether Tim's duty to perform has been discharged, or whether he still must perform and such performance can be demanded by Jack. Duties can be discharged by impossibility or by frustration of purpose, if the circumstances are such that performance is impossible, or that the purpose of the contract no longer exists. Here, the bedrock does not make performance impossible, as Tim has indicated he could still perform. But, there may be frustration of purpose, as the entire purpose of the contract is possibly no longer in existence, depending on whether it cannot be performed on the terms of the contract, or if it is not going to be completed in time for Jack's birthday. But again, if the risk has been allocated, such that Tim because of his experience and expertise has been deemed to have accepted the risk, then he may not be able to claim frustration of purpose. If so, Jack might be able to demand that Tim complete the entire project as agreed.

**Remedies:** Because Tim has only substantially performed but not completed, and because of the difficulties encountered, Jack's benefit of the bargain damages are likely not recoverable because they cannot be determined. Restitution may be appropriate for the work Tim has already completed. As to the cost of landscaping, this was not part of the contract, and Jack cannot add a new term such as this unless he claims it as a consequential damage; if so, it must have been as is or foreseeable by the parties from the beginning, under the rule from Hadley v. Baxendale. As to the private club rental, the same rule applies: but here, this might have been contemplated by both parties as Tim knew of the need to complete before Jack's birthday. Jack might be even able to argue for specific performance if the pool and spa are unique enough, and court supervision would not be too difficult.

## **I. Post-Exam**

**1. Celebrate!** The exam is over. Even if you are just treating yourself to a little something, you deserve a reward and a break.

**2. Don't Obsess Over the Exam With Others:** Resist the temptation to "debrief" about the exam with other students. There are three very good reasons why "replaying" any exam is counter-productive.

**a. Negative Attitude:** First, when somebody mentions some issue that you didn't address, you'll feel anxiety. A short-term critique inevitably focuses on omissions. This produces the terror of the post-mortem critique. Sure you missed issues. Everyone missed issues. Most professors will tell you their exam questions are not written to elicit perfect answers, but to challenge the students.

**b. Inconclusive:** Second, many students will trumpet confidently about some great insight they had on an issue thus making you feel inadequate. They are not grading the exam and they have not seen the grading guide of issues for which the points are awarded. Who is to say their insight was more accurate or relevant than yours?

**c. Irrelevant:** Finally, discussing the exam won't change anything. It's over and whatever you have submitted has gone to the jury; you need to press forward. Move on to the next exam, or if you are done, move on to the

celebration! You'll have plenty of time to mope and stress in the days preceding the release of the grades.

**3. Don't Sweat Mid-Year Grades Too Much:** The two weeks or so before grades come out at mid-year is a very stressful time for many 1Ls. Don't worry. One law school exam never made or broke anyone. Unless you are one of the few academic whiz kids of the class, you will have at least one disappointing grade. You will look at this grade and think, "Well, that's it, I believed all along I couldn't cut it here, and this is the proof." Resist the temptation to dramatize.

**4. Grade Comparisons:** Resist the temptation to compare your grades with your friends' grades. If your grades are better, your friends will feel bad. If your grades are worse, you will feel bad. This is a no-win situation.

**5. Don't Give Up:** If you don't feel you did as well as you would have liked on an exam, review your exam and learn from your experience. That is why you are in law school. You are not here to prove some arrogant point about you being the smartest, best student in your class. Leave that to the jerks of the world.

**6. Improve Your Performance:** Exams measure learning, but the learning does not end when you put down your pen at the end of the test. Review your answer and the model answer. Perhaps ask the professor how you can improve your future performance. Look at the answers submitted by students who received higher scores. Learn from your mistakes. You have prepared for and taken your first law school exams. It gets easier from here, because now you know the ropes.

## **CHAPTER 5**

### **A BASIC APPROACH TO ONLINE LEGAL RESEARCH**

- A. Take Advantage of Free Resources
  - 1. Go to Training Sessions
  - 2. Keep Learning
  - 3. Online Support
  - 4. Personal Contact
  
- B. Explore the Databases
  - 1. Sub-Categories
  - 2. Examples
  - 3. Law School Suggestions
  
- C. Learn the Search Parameters
  - 1. Filters
  - 2. Examples
  
- D. Plan Your Research Sessions
  - 1. Brainstorm Search Terms and Databases
  - 2. Example
  - 3. Categorize Your Results
  
- E. Take Advantage of Special Features
  - 1. Richer Legal Research Options
  - 2. Beyond Basic Research
  
- F. Practice and Learn

## CHAPTER 5

### A BASIC APPROACH TO ONLINE LEGAL RESEARCH

Every law student should have some familiarity with the benefits of online research, as well as understand traditional library research.

Almost every law school has one or more representatives from legal research databases (Westlaw, Lexis-Nexis, and Lois-Law, etc.) who can help you become an accomplished online researcher. Take advantage of your free access to databases as well as the research assistance that is offered. When you are a practitioner, the database will not be free, but you'll be proficient enough to be able to get what you need quickly and easily.

#### **A. Take Advantage of Free Resources**

The major legal research engines provide free access, support, and training to law students.

**1. Go to Training Sessions:** You will be offered the opportunity (or required by a course) to take one or more introductory lessons in online research at some point during your law school career. Do it as soon as you can. You will learn the basics of efficient research and receive a number of helpful tips.

**2. Keep Learning:** Lexis-Nexis and Westlaw have ongoing free training sessions throughout law school that teach both basic and advanced skills.

**3. Online and Phone Support:** One excellent tip is to consult the online or telephone assistance provided free of cost by the service providers. These well-trained experts know the best, most-efficient ways to use their product. After you ask a pro a few times, you will begin to get the hang of how to run an efficient search on your own. FAQs, tips and strategies, and automated training will also be available at the website.

**4. Personal Contact:** You will also get to meet your local representative, who can be a great source of helpful information. They will probably post the dates and times when they will be at the law school. Don't be afraid to use this resource – that's why they are there and they love students who ask questions!

## **B. Explore the Databases**

The first step in an efficient search is to find the right database. There are a variety of databases available including combined state and federal law, federal law alone, state law alone, non-US legal, secondary legal sources, etc.

**1. Sub-Categories:** Within each of these basic categories, there are hundreds of sub-databases and each can be searched separately or combined. By narrowing down your database, you can avoid being buried in inapplicable cases that don't elucidate the doctrine you are discussing. Below is a sample of other law-related internet resources.

**2. Examples:** The following are commonly (and not commonly) used legal research databases. Don't just go to the ones you have heard of, you might find an excellent database on a very specialized area of practice if you look around.

- AllLaw: [www.alllaw.com](http://www.alllaw.com)
- CataLaw: [www.catalaw.com](http://www.catalaw.com)
- FindLaw: [www.findlaw.com](http://www.findlaw.com)
- Hieros Gamos: [www.hg.org](http://www.hg.org)
- Internet Legal Research Group: [www.ilrg.com](http://www.ilrg.com)
- Law.com: [www.law.com](http://www.law.com)
- The Internet Legal Resource Center: [www.lawlinks.com](http://www.lawlinks.com)
- The 'Lectric Law Library, including The "Lawclopedia," an online legal dictionary/encyclopedia: [www.lectlaw.com](http://www.lectlaw.com)
- VersusLaw: [www.versuslaw.com](http://www.versuslaw.com)

**3. Law School Suggestions:** In addition to the above, your law school may have some very helpful sources that are applicable. If so, be sure to check them out thoroughly.

## **C. Learn the Search Parameters**

Online legal research is much more than putting in some words into a search engine and hitting "enter."

**1. Filters:** There are many terms that can help you specify and refine your search to filter out unrelated documents. Placing these modifiers between different

search words can result in a much more accurate search. The provided list below is not exhaustive, but it does give you an idea of what you can do to narrow your search.

**2. Examples:** In the examples below, “x” and “y” stand for any search words you might use such as “contract” and “integrated.”

- **x & y** = both terms appear in somewhere in the document, but where or in what order are not relevant.
- **x or y** = one term or the other appears in the document.
- **x w/[#] y** = the first word appears within a certain number of words before or after the second word. For example, “wombat w/20 deadly” will find any document where the word “wombat” appears within 20 words of the word “deadly.”
- **w w/s y** = both terms appear within the same sentence.
- **x w/p y** = both terms appear within the same paragraph.
- **x\*** = find any word with this root. For example, typing in “argu\*” will locate any document with the words “argue”, “arguable”, “arguably”, “argument”, “argumentative” and so on.
- **“x y”** = find this phrase. For example, instead of typing Fourth Amendment (no quotation marks) which will get you every document with the word “Fourth” and the word “Amendment”, typing in “Fourth Amendment” will retrieve documents containing that exact phrase in that exact order.

## **D. Plan Your Research Sessions**

Many students simply jump online and start typing in terms in a hit-and-miss fashion. This can be a fun way to get acquainted with the site and its search engine, but it is not the most efficient, nor effective, way to conduct research. Try planning out your session before you start searching.

**1. Brainstorm Search Terms and Databases:** Think of the most specific search terms you can. Start with a very narrow search, then expand if you come up empty. Likewise, choose databases that are authoritative in your jurisdiction, and then expand once you have exhausted all permutations of your search terms. Remember, once you have expanded the database, you need to narrow your search terms again.

**2. Example:** Say you are trying to find authority to support your argument that an employer can consent to the search of an employee's locker. Instead of searching for "Search and Seizure" in all databases, which will retrieve a ridiculous number of documents, try coming up with a more specific search. Start with [consent w/s search w/p employer & locker] in the databases that are authoritative for your jurisdiction (for example, WA or OR State Supreme & Appellate Court Cases, 9th Circuit Court of Appeals Cases, U.S. Supreme Court Cases). If nothing comes up, you can eliminate "locker" or change it to "employee property" or something more generic.

**3. Categorize Your Results:** The biggest mistake most novice online researchers make is to simply click "print" to print out case after case, statute after statute, and then have a giant pile of paper with neither rhyme nor reason to it. Spend enough time on a particular source to be sure it is important. Perhaps print only the first page of the source in question and note the important details. As your findings print, clearly label them under categories according to the argument of your paper.

**4. Example:** For example, if you are writing an argument in support of the protection of flag burning as political speech, label your printout of the First Amendment as "Constitution/Mandatory Precedent/Right to Freedom of Speech Established." Label your printout of *Tinker* as "Supreme Court/Mandatory Precedent/Act as Speech Upheld."

## **E. Take Advantage of Special Features**

Many 1Ls don't avail themselves of the more advanced features of online legal research databases.

**1. Richer Legal Research Options:** Explore and understand features that can track case status and notify you about new information related to a particular topic. Shepardizing a case allows you to identify any opinion that subsequently discussed your case at issue. This may allow a second and more current analysis of the relative merits of the case.

**2. Beyond Basic Research:** Below are some examples of special services from Lexis-Nexis that go way beyond the basics:

Knowledge management	Complying with USA Patriot Act
Locating a person	Professional development
Practice management	Staying informed
Risk management	Client development
Technology management	Electronic filing & service
Business and industry research	Get a book or CD-ROM
Electronic discovery	Integrating content

### **F. Practice and Learn**

During law school is the best time to hone your online research skills, while the databases are available at no cost. These skills will be invaluable for your entire legal career. When you are practicing law and every search costs you money, knowing how to do efficient and effective on-line research will save you, and your employer, time and money.

## CHAPTER 6

### THE BAR EXAM IS OUT THERE, BUT DON'T FRET YET

- A. Every State Bar Exam Is Different
- B. Don't Take Courses Just Because They're On the Bar
  - 1. MBE States
  - 2. Rule of Thumb
  - 3. Law School Time is Precious
- C. What Bar Review Is
  - 1. Process
  - 2. Topical Coverage
  - 3. Components
    - a. Materials
    - b. Outline Software
    - c. Practice, Practice, Practice
  - 4. Result
- D. Don't Be Pressured to Enroll Now
  - 1. Where Will You Be In Three Years?
  - 2. You Need Time to Choose a Suitable Course
  - 3. Other Factors to Consider
    - a. Course Requires a Non-refundable Deposit?
    - b. What Benefit From Paying Early?
    - c. What Are the Pass Rates of the Course?
    - d. Other Course Pass Rates
    - e. Locally Owned v. National Course
    - f. Is There Really a Disadvantage If I Wait?

## CHAPTER 6

### THE BAR EXAM IS OUT THERE, BUT DON'T FRET YET

The bar exam is the final “trial by fire” of your law school career and you must pass to be admitted to the practice of law.

#### A. Every State Bar Exam Is Different

You can check out your state’s bar association website for the details of your state’s exam. [www.Rigos.net](http://www.Rigos.net) has information on live Primer Series courses in your area.

#### B. Don’t Take Law School Courses Just Because They’re Tested On the Bar

Many students are tempted to take elective courses during law school solely because they are tested on the bar exam.

**1. MBE States:** If you are in a state that uses the Multi-state Bar Exam, all the topics on that exam will likely be required during your first or second year. Other topics are usually tested by essay.

**2. Rule of Thumb:** Here is a good rule of thumb: don’t take an elective law school course solely because it is on the bar exam. If you have other reasons as well, great. But if you take a good bar review course, it will cover, and you will learn, what you need to know for your state’s bar exam.

**3. Law School Time Is Precious:** Time in law school is valuable and finite; you should use it to study those topics that really interest you. Don’t feel that you have to take a class just to pass the bar exam. That’s what a bar review course is for. A good bar review course will prepare you for the exam content, whether you had the course in law school or not.

#### C. What Bar Review Is

Bar review is a comprehensive course you take after law school, usually the first summer after graduation.

**1. Process:** It is an intensive process that teaches you everything you need to know to pass the bar exam. The program must also teach you writing techniques.

**2. Topical Coverage:** The state bar association dictates the subjects covered, as well as the length and structure of the exam.

**3. Components of Bar Course:** Three ingredients are necessary and the quality here may be outcome determinant.

**a. Study Materials:** They must be concise and contain only the law tested.

**b. Outline Software:** You must create an outline of very subject tested, but you will not have the time to accomplish this task as you did in law school. Rigos Bar Review has “Magic Memory Outlines<sup>®</sup>” software templates on a CD-ROM.

**c. Practice, Practice, Practice:** You must work through hundreds of old exam questions. If your jurisdiction has the MBE, you will also need to work over 1,500 multiple-choice questions.

**4. Result:** Your effort, and the effectiveness of your review course, will determine your chances of success.

#### **D. Don't Be Pressured to Enroll Now**

Very early in your first year, typically in the first month of classes, 1Ls may be pressured to sign up and pay for a bar review course early. The typical marketing approach is to convince you to “lock in” a price or to take advantage of “free” law school study materials. However, before you agree to these “golden handcuffs,” keep a couple of things in mind.

**1. Do You Know For Certain Where Will You Be In Three Years?** You may not know if, when, and where you will ever take the bar exam. Many plans can change during the course of law school.

**2. Do You Know Which Course Will Be Most Suitable For Your Needs?** You need time to learn your own law school study methods and figure out which bar review course is best for your study style. There are significant differences between the courses that are available, and most students need at least one full year of law school experience to appreciate the distinctions. The subtle distinctions are very important. It's impossible at this point to appreciate the significance of this very important decision.

#### **3. Other Questions to Consider:**

**a. Does the Course Require a Non-refundable Deposit?** Different courses may or may not require a deposit for various reasons. Regardless of how it is labeled (as an “option” or “membership,” for example), if a deposit is non-refundable remember that if you change your mind about the course, or decide not to take the bar, your deposit is money down the drain. There may be a reason that they are trying to lock you in now before you develop the law school experience that enables you to knowledgeably analyze the alternatives.

**b. What Benefit Do I Really Get From Paying Early?** Compare the books and materials the course provides to see if they're really beneficial. Remember that many of these materials are available inexpensively at the book store, or for free at the library or on-line. Realize, too, that bar review material is rarely focused on your individual professor's syllabus and exams. Study videos purported to be "only for enrolled members" often end up screened to everyone. A non-refundable "payment" for these materials is usually not worth it.

**c. What Are the Pass Rates of the Course?** You need an answer to this single most important question. If you take the course that is being promoted and follow their recommended program, what are the chances that you'll pass the bar on the first attempt? Make sure you get the details of how the pass rates are calculated. Some courses publish just a few of their students' results and imply that it applies to all their students. If a course doesn't publish all their students' pass rates consider what their reasons might be. Don't be afraid to ask, and don't be misled by vague or evasive answers. This is a very important decision and pass rates are the most compelling evidence of the effectiveness of a bar review program.

**d. What Other Courses Are Available?** Most quality courses, especially the best courses, do not hard-sell 1Ls at the beginning of their first year. Thus, you may not know what the competitive options are, or how their structure, price, and pass rates compare to the course that is being heavily promoted.

**e. Locally-Owned, or National, Course?** National courses have huge marketing dollars whose objective is to overwhelm unsuspecting 1Ls and "lock them in" to their program before they become aware of their options. Because smaller, local courses cannot compete with these marketing blitzes, they tend to concentrate their resources on substance, and focus on matching the local state exam particulars rather than adopt a "one size fits all" approach. Also, just because most students enroll in a national course does not mean that course is the best, or most appropriate, course, only the best-marketed. National courses often use tapes ("live feed" is the term if they even make disclosure). They can take more students, but to whose benefit? Your best decision may be the course that was designed in your own area for the particulars of your own state's exam.

**f. Is There Really a Disadvantage If I Wait?** Take a step back. Is the course trying to sign you up because it's really in your best interest, or is it simply a high-pressure sales pitch that serves their best interests? High-pressure courses are usually more concerned about their bottom-line profit than about helping you to make a meaningful and informed decision. They use a "herd mentality" to suck in unsuspecting 1Ls. Don't submit to these kinds of external pressures. Choosing a bar review course is a very important choice, and you have plenty of time to make it.

## CHAPTER 7

### ASSOCIATE YOUR CAREER WITH QUALITY

- A. You Are Joining a Proud and Honorable Profession
  - 1. Structure of Society
  - 2. Professional Core Values
  - 3. Personal Commitment
  
- B. Your Actions Define You
  - 1. Positive Attitude
  - 2. Civility is the Rule
  
- C. Associate Yourself With People You Admire
  - 1. Critical Evaluations
  - 2. React Accordingly
  - 3. Reputation Builds
  
- D. Approach Your Work With Care
  - 1. Details Count
  - 2. Resources
  - 3. Guideposts
  
- E. Take Your Ethics Course Seriously
  - 1. Foundation
  - 2. Discipline
  - 3. Your Professional Reputation
  
- F. Additional Resources
  - 1. Additional Information
  - 2. Use us as a Resource
  
- G. Handbook Conclusion

## CHAPTER 7

### ASSOCIATE YOUR CAREER WITH QUALITY

In the chaos of law school, it's easy to forget the most important lesson of all: your reputation as a lawyer starts in law school and follows you throughout your whole career. Your fellow students will eventually be partners in the major law firms in your community, as well as prosecuting attorneys, public defenders, and even judges. Don't underestimate the long-term power and resonance of your actions and reputation, good or bad, in law school.

#### **A. You Are Joining a Proud and Honorable Profession**

The legal profession traces its beginnings back to ancient Greece and Rome.

**1. Structure of Society:** Our profession provides shape, body, and resilience to the ordering of human society. Our society's values are reflected in our legal system and the rule of law is how civilized society implements and enforces those values. The law is a stabilizing and dynamic element of an organized, progressive society.

**2. Professional Core Values:** To serve the public interest and honor the public trust are your profession's most important core values.

**3. Personal Commitment:** Lawyers are in the profession charged with these responsibilities. Each one of us must do all we can to foster the utmost respect for the legal system.

#### **B. Your Actions Define You**

If you act ethically, responsibly, and respectably, you will be regarded as ethical, responsible, and respectable. If you act like an arrogant jerk, you will be regarded as an arrogant jerk.

**1. Positive Attitude:** Be positive. Treat others with patience and courtesy. Take your work seriously, but maintain a healthy sense of humor. Admit to your mistakes – everyone makes them. Don't assume that you can hide in the anonymity of the larger world outside of law school; the legal community is smaller than you might realize, and its collegial nature means your reputation will precede you.

**2. Civility is the Rule:** Be respectful of your professors, fellow students, and law school administrators. This is true in the midst of a vigorous class debate and in the student lounge during a Friday afternoon party. Reputations start quickly in your first year of law school. Little things mean a lot and people tend to remember the negative more than the positive.

### **C. Associate Yourself With People You Admire**

The same principle works in reverse. As others are busy assessing you; so will you be constantly assessing others.

**1. Critical Evaluations:** Evaluate those with whom you interact: fellow students, professors, and practitioners. Don't assume that everything they say and do is either right, or ethical. Learn to trust your moral compass and make those quality decisions for yourself.

**2. React Accordingly:** Respect people who earn it, work to earn the respect of people you admire, and question people whose actions are questionable. Don't let those with power over you dictate your actions, and never compromise your integrity.

**3. Reputation Builds:** Part of defining what kind of student and lawyer you will be is establishing your reputation in the law school and legal community at large. Associate yourself with quality students and legal professionals whose values and goals you admire and wish to emulate, and always take the high road.

### **D. Approach Your Work With Care**

Quality professional work is an important building block of a successful career.

**1. Details Count:** No matter how big or small the assignment, approach it with professionalism and care. Research thoroughly, analyze carefully, and by all means, turn to experts for help.

**2. Resources:** Keep in mind those people you meet who have experience in a particular field of law. They'll have lots of tips and advice to make your work easier.

**3. Guideposts:** Regardless of what you are doing – consulting with a client, writing a memo, preparing for a deposition, or planning a trial strategy – always keep in mind the best interests of your client and the health of your reputation. With these as your guideposts, no person or event will ever steer you wrong in your legal career.

## **E. Take Your Ethics Course Seriously**

Legal Ethics (or Professional Responsibility) is much more than just another class in law school. It is tested separately on the bar exam for an important reason. Even law students must do all they can to instill respect in the legal profession. A good lawyer earns his reputation every day.

**1. Foundation:** Learning ethics is the foundation of a solid legal career of which you can justifiably be proud. Your ethical reputation starts with your first class in law school and your first case in the practice of law. You will likely know, and work among, your classmates for the rest of your professional life.

**2. Discipline is Unpleasant:** Disciplinary actions, whether by the law school or the state Bar Association, will be published. If you are determined to be in violation, all your peers and superiors will know. Adhering to the professional rules of ethics is a great way to avoid this embarrassment. Learn and understand the ethical rules and follow them diligently. If you find yourself in a complicated, or compromising, position, consult someone who can give you competent advice.

**3. Your Professional Reputation:** Being a law student and practicing law inevitably involves some frustration, and even controversy. Law students and lawyers develop a personal professional reputation which others use as a guide in their dealings. The finer your record, the better chance you will have of surviving the arrows that accompany law school and a career in the law.

## **F. Additional Resources**

We know how much work law school is and the time commitment required for success. Our goal in publishing this 1L Survival Guide is to give you essential information that all new law students need, but which we've found many don't get until it's too late to be of much value. Studying this book should make for a strong start.

**1. Additional Information:** In condensing this information, we have omitted a few topics that will prove valuable to you later in law school. These topics, including a useful guide to legal writing and appellant briefing, are available to you at no charge on our website, [www.Rigos.net](http://www.Rigos.net), when you register with us. You will also find free material there and sample questions from a variety of topics.

**2. Use Us as a Resource:** You may register for our e-mail newsletter or course by visiting us at our table in the commons area of your law school, or going to our website at [www.Rigos.net](http://www.Rigos.net). Although we publish and teach what we feel is the best bar review preparation program in the nation, our intent in this book is to get you

off of the blocks, onto the track, and help you be the best law student that you can be.

## **G. Handbook Conclusion**

Well, that's it. This is not the end-all and be-all of law school prep manuals, but we hope it is a good overview that will help you get a "strong start."

We welcome any feedback or questions at [rigos@rigos.net](mailto:rigos@rigos.net).

We sincerely hope that you will have fun and enjoy your time in law school. It's an exploration that will develop your intellect and transform you from a 1L into an attorney. You will look back on these 3 years with fond memories for the rest of your career.

Law school is an experience and rite of passage that every lawyer shares. Some day you will look back on these years with a smile and many fond memories. We wish you all of the best, and hope to see you many times during the next three years. Good luck!

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