**So You Want to go to Law School**

**Part 7**

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**Studying in Law School**

Okay, you graduated from UH, got into law school and are starting in August. You received good grades at UH, well at least good enough to get into a law school. So you’re thinking, “I know how to study, look at my grades at UH. I’ll do well in law school. I may not be tops in my class, but I’ll be in the top 10% or top 25% at least.” Yeah, no. When my youngest daughter came home after the first semester in Law School, she said, “Daddy, I studied more in that one semester than I studies all four years as an undergraduate put together.” Yes, you have to learn a new way to study. You have to study a lot and do more than just read the book and go to class. I hope you can pick up a few hints from this SE2 that will help you excel starting in the first semester. And, yes, she still calls me Daddy.

**Suggestion 1**. Go to class

a. Okay, this isn’t a suggestion – this is a must. DON’T miss class. Be on time. Don’t leave early. Many schools or professors have a very strict attendance policy. Don’t miss class.

b. Okay, this isn’t a suggestion – this is a must. DON’T miss class. Be on time. Don’t leave early. Many schools or professors have a very strict attendance policy. Don’t miss class.

c. Yes, I know ‘a’ and ‘b’ are the same, but this is very important, maybe the most important thing I’m going to say. At UH, students often missed classes or came in late or left early. NO. Be early, stay the whole time. I can’t emphasis how important class attendance is. Class attendance is the base, the bedrock of a good education. Listening to the discussion of the cases will be the start of you thinking like a lawyer. **Nuanced understandings of the interaction of fact and law, not memorization of statutes or cases, is paramount not only to doing well in law school, but to being a good lawyer.**

**Suggestion 2**. Be prepared every day

a. Being prepared means more than just going to class or reading the material ahead of time. A not uncommon assignment is to stay five [5] cases ahead in the casebook [text]. Doesn’t sound like much and the book won’t have the whole case, usually just excerpts from a case – the important parts. Piece of cake. Again, no. This isn’t normal or speed reading. This is slow, deliberate reading with a bunch of special words and terms that you are not used to. Some words may look familiar, but in the law, we put special meanings to them. It’s like lawyers talk in code so that real people can’t understand them. We do, that way we can charge more. And the sad thing is that many judges that write opinions [the cases you’re reading for class will include some] can’t write. I have another tome that I’ll send out later on ‘how to write’.

b. After slowly reading each case you will have to do a ‘brief’ of the case. If you’re lucky during your orientation at your law school they will have a professor go over how to brief a case for the classes you’ll be in. The professor giving the introduction class will do everything in her power to convince you that briefs are necessary. If you don’t do your briefs every day for every case in every class, by the end of the semester you just might be checking to see if MacLivers is still hiring.

i. Why do you need a brief? The short answer is it will help you if the professor calls on you to discuss one of the cases assigned for class. The real reason is two-fold: doing a brief teaches you how to read and understand cases, and briefs will help you study for the final. More later on this terror of being called on.

ii. You may not have to drop out after one semester if you don’t brief all the cases every day. However, case briefs are something you need to do for at least the first semester, probably the first year. Briefing the whole time you’re in law school is not a bad idea either. Briefing will help you truly understand the case: how the law and the facts interplay with each other.

iii. There is no one format for a case brief. If your law school offers an example for you to use, at least give it a shot. If it doesn’t work for you, there are many examples of how to do a case brief online.

iv. I want to give you some friendly advice**: DON’T use commercially prepared case briefs.** Someone, somewhere, has prepared for sale a set of briefs matching the book your professor is using. Yes, a commercially prepared brief may get you through class when you are called on to discuss the case, but you won’t learn anything. Actually briefing each case by yourself is a great learning tool. More on that later.

v. A detailed example of how to brief a case with comments will be the subject of SYWTGTLS 9, SE4, The Brief.

**Suggestion 3**. The class

a. Okay, this isn’t a suggestion – this is a must. DON’T miss class. Be on time. Don’t leave early. Many schools or professors have a very strict attendance policy. Don’t miss class. I know this was in Suggestion 1, but you really, really, really need to go to class.

b. Pay attention. When I was the Undergraduate Director as part of my duties I observed a lot of classes taught by various professors. The majority of students were not paying attention. Cell phones, texting people, laptops, watching cat videos, people sleeping, people talking to their neighbor, . . . you get the idea. Don’t do any of these in law school – **pay attention**. As a matter of fact, turn off your phone when you walk in the door for class.

c. Listen: According to research, most people listen at a 19% to 25% efficiency level. That means 75+% of the time, you are not really paying attention, absorbing the information. Effective listeners process the information and give it meaning. Effective listening requires energy and a sincere desire to understand the message. To understand the meaning of a message requires a common understanding, a connection with what the professor is saying. If you don’t understand what is said, ask questions to clarify. If your professor discourages questions, get clarification after class from another student. If you’re lost, so is half the class. Also, be aware that your listening style may affect how you process information. Good styles can be analytical, supportive, and/or open-minded. Bad styles the opposite. A negative attitude about the presentation or subject matter (or instructor) can affect your listening behavior. Having a good listening style does not mean that you have to believe or accept everything said. Recognize your predisposition and remain open-minded.

i. We’ve all had professors or topics we really didn’t care for and our attention to what was going on in class suffered and likely so did our grade. Try extra hard to listen in the classes you don’t find interesting or where the professor is boring or a jerk. If you love the subject and the professor is spell-binding [yes, they exist], it’s easier to listen in those classes. But you still need to concentrate even if the topic and professor are your favorites. Listening requires dedication.

ii. Daydreaming while someone speaks is a conscious decision. Eliminate daydreaming by staying mentally alert and being an active listener. Effective listeners display good posture, make eye contact, and offer nonverbal responses such as nodding in agreement. At a minimum, try not to snore. If you are easily distracted, plan ahead to diminish distractions. Put yourself in the best possible environment to listen effectively.

iii. There will be assigned cases or statutes where the law sucks. You hate the result. How could they hold that? Who wrote that stupid law? What were the judges thinking? Remember, in law school the law is not there for you to love or hate – at least not in the first year. Your job is to learn the law and how to apply it. And, it’s not the professor’s job to defend a law or case you don’t like. Remember why you’re there – to learn what the law is and not what you want it to be.

**Suggestion 4.** Take notes

a. This is a hard one for me to write about because I didn’t take notes in class.

i. During my freshman year in college I saw everyone taking notes and thought that was the way to do it. One of the classes I was taking was a required history of the world course. The professor was droning on and on about Henry VIII and the importance of his various wives including Anne of Cleves, wife number 4. In March 1539, negotiations for Henry’s marriage to Anne's began. Henry believed that he needed to form a political alliance with William, Anne’s brother, who was a leader of the Protestants of western Germany. Because of Henry’s previous divorce and his break with the Catholic Church, he felt the alliance was needed to strengthen his [Henry’s] position against potential attacks from Catholic France and the Holy Roman Empire. So the marriage was meant to cement an alliance between the two countries. [I’m sitting there in class writing all this down as the professor droned on.] Since travel between the continent and England was slow and to some extent dangerous, a painting was done of Anne by a painter from the continent. Henry wanted to get an idea if she was attractive enough to be his wife. I could be mistaken but I always had the idea that Henry was a bit of a pig when it came to women. He directed that the painting be as realistic as possible so that he could properly judge her beauty. Henry saw the painting and said something to the effect of, “Okey-dokey”. However, when Anne arrived in England, Henry found her unattractive and thought the painting was a gross misrepresentation. The marriage was performed but never consummated. [I’m trying to keep up, writing all this down, but I’m missing parts of the professor’s lecture, e. g., who painted the painting.] But I reasoned that the painter’s name was not important. I knew the important stuff about Anne and Henry and the importance of the marriage to the security of England. I’ll kill on the test, I thought. But, BUT the only question on the test concerning Henry’s marriages was a fill in the blank, “Anne of Cleves was painted by \_\_\_\_\_\_\_\_\_\_.” I didn’t have a clue. I still don’t know and refuse to learn the artist’s name. It’s a matter of principle.

ii. After that I didn’t take notes in class. I might jot down a word or two, but I didn’t try to write down everything the professor said. Even in law school, my notes at the end of class may be just five to ten words or a circled phrase in one of my briefs of what I thought was important to know and understand. I learned that **I** have to listen to what is said and to the questions/discussions from other students. **I** absorb the material by active listening. **I** learn by listening, not extensive note taking. **This** method is not for everyone. Using it makes active listening even more important.

iii. In law school, after class while my thoughts were still clear on what happened in class, I would flush out my five or ten words, often topics, to a more memorable and important discussion of what was covered in class about glebes, enfeoffments, *pur autre vie*, or seisin. From my property class, obviously.

b. Section ‘a’, above, was about me and what works for me. Most students can listen and take notes at the same time. When I see students in class taking notes, writing down long sentences, facts, dates, copying PowerPoints, I’m impressed, in awe. Sometimes I wonder if they are truly absorbing the magic words I’m throwing out. I can’t take notes. I have to listen and absorb. I was hit on the head with a shotput when I was 9. That’s my excuse for not being able to listen and take notes. Since you have graduated from college, hopefully you know how to take notes or not and which system works best for you.

i. If you are a non-note taker, make sure you follow up after class by writing down what was covered and important. This will probably take longer than the class itself, but again, a good learning tool.

ii. If you take notes make sure you got everything down that was important. After class compare your notes with others in your class. Make sure you have your “Anne of Cleves artist’s name” in your notes.

iii. Also, if you take notes develop a short hand system that works for you. And then after class, recopy your notes so that you can read them and they make sense. There is not much worse than looking at your notes before the test and not being able to read them or make sense out of them.

(a). If you professor uses short hand symbols when writing on the board or in slides, steal hers. Even today I still use ‘k’ for contract; ∏ for plaintiff [that is a pi]; ∆ for defendant; ⁓ for approximately, ⸫ for therefore, w/ for with, etc. Most of the other ones I used aren’t on my computer Symbols section. Many of my shorthand squiggles I invented and wouldn’t mean anything to anyone else.

**Suggestion 5.** Classes and Your Brief

a. In almost all of the classes I took the professor was sitting in her chair and calling on a student to do the next case of the day. Looking down, or away, or any other tactic you can think of to NOT get called on is a waste of time. Most professors use the class roster when deciding on whom to call that day in order to make sure that they spread the terror around.

i. Afraid yet? Don’t be. You have a well prepared case brief. You pull it out and start describing the facts, the appellant’s position, the respondent’s position, the ruling of the court, dissents if any of note, and so on. Well played.

ii. If you are doing a good job, you may get all the way through your brief, but maybe not. Many professors still use the so-called Socratic Method, “a form of cooperative argumentative dialogue between individuals, based on asking and answering questions to stimulate critical thinking and to draw out ideas and underlying presuppositions.” In theory the method is used to find truth and question assumption through a series of three steps. These steps include examining a claim, questioning that claim, and finding true knowledge. Calling it the Socratic Method sounds sophisticated but it just another way of saying third degree.

iii. If you know your stuff and are prepared it probably won’t seem too bad, but I always thought it was as though the professor was just messing with me, seeing if I really knew what I was talking about. If called on, just keep going through your brief, talking and explaining until interrupted by the professor. Try not to just read your brief. You should have some of it absorbed by simply doing the brief and looking it over before class. Occasionally, make eye contact with the professor. Don’t rush. Only look at the brief when you need to make sure you have a fact correct. You’ve got this. The real pain in class is when you watch a classmate who’s unprepared being slaughtered, butchered, and placed on the grill by the professor. If it’s you that’s not prepared and is suffering, well, crying is optional.

iv. If you do well, or even if you don’t, the professor may decide to play the ‘what if’ game. In this game, the professor changes the facts or maybe a word or two in the statute in question and then asks you what *should* the court rule now? Or with the changed facts or law, ask how the appellant or the appellee should approach the appeal? As a teaching method, the professor may be able to cover a ton of different scenarios in one case. It actually a good way to learn the law – assuming you are not the student have to play ‘what if’.

v. If you’ve taken an undergrad law class at UH, you’ve probably seen ‘what if’ played, but in reverse. The professor talks about a particular law topic, rule, or case and the students will ‘what if’ the professor by changing the facts and asking how it would apply to the new facts the student proffered. I often got the feeling the student was asking about something that happened to them or “a friend” and was looking for free legal advice. But maybe it was truly intellectual curiosity.

vi. If you start off poorly when briefing the case, the professor may look at you with disgust and call on another student. You are shamed, the people sitting near you inch away. But don’t worry. It won’t affect your grade. Grading is almost always done in a double-blind method. But you have learned, hopefully, to always be prepared. If this happens to you be really ready for the next class period and expect to be called on. You don’t want to be the student that when called on says, “Professor, I’m not prepared.” Oh, it happens.

vii. In most first year classes and depending on the size of the class, a student will only be called on once or twice, three times at most to brief a case during the semester. I do remember one time in our first semester torts class when the professor made a student do all five cases assigned for the day. People didn’t inch away, they ran away from the student during the class. It was like lightning striking the same tree over and over and over. No one could figure out what the student had done to incur the wrath of the professor to have to brief all five cases. The student seemed prepared and did well enough in the ‘what if’ portion. And though I don’t recall any other student having to do more than one case a day, it can happen that you may have to do more than one case in a day.

(a.) Oh, and yes, that student was me. After I did the first case, the professor looked down at his class roll, paused, and said, “Ah, Mr. Jackson. Please do the next case.” And kept doing it till I had done all five cases. I never figured out why, but I made sure I was always prepared for this class no matter what. It paid off. I got an “A” in his first semester torts class. I decided I didn’t do anything wrong and the professor was just a jerk to pick on a nice guy like me.

viii. If called on, speak up. Don’t be timid. It’s a big classroom. The professor and the other students need to hear you. The professor may be hard of hearing. Don’t start off on the wrong foot by making the professor tell you to speak up, to quit mumbling. You want to be on the offense, not playing defense from the start.

ix. One final thing, if you come upon a case while studying for the next day’s classes that you can’t make heads or tails out of and makes absolutely no sense, you will be called on to brief that case during the next class. So, before class ask your friends if they understood it. If everyone is lost, just do your best and don’t admit you don’t understand. Try. Believe me, some cases just make no sense.

b. Volunteering. Yes, maybe. If you are one of those, you know, the student that knows everything, raise your hand and wait to be called on. Don’t do it too often or everyone will hate you and the professor will stop calling on you. But, if another student if floundering under the professor’s questioning and the professor looks disgusted and says “doesn’t anyone know the answer” or “can anyone help this poor lost lamb” and start attacking your fellow student, saving your classmate by volunteering may earn you a cup of coffee, or at least a thank you from the beleaguered and embarrassed student. I’m not one to volunteer, but I would to save a sinking classmate.

c. Getting it wrong. No one is right all the time or can guess the answer the professor is looking for when playing ‘what if’ or when the professor is searching for ‘truth’ while using the Socratic Method. In fact, you may be wrong more than right the first semester. That’s okay. Remember, testing is at least double blind and the professor should not be able to remember how stupid you were that one day while she is grading your test. Don’t take a shaming by the professor personally.

d. Know your professor. Ask second or third year students that have previously had the professor about the professor’s quirks, likes, and dislikes. They’ll be happy to tell you. After a class or two you’ll get a feel on what the professor is looking for in a brief and in class discussion. And, probably more important, you’ll figure out things not to do. Also, watch your humor in the classroom until you are sure the professor has a sense of humor and will accept it. Sarcasm? Don’t.

**Suggestion 6**. Outline the material you’ve covered

a. Keep up. Do your outline every day after class. At a minimum do it before the next class before you forget the finer points covered in class. Read your outlines over regularly. Update them. Clarify them. Your outlines are your own Fort Knox. They are gold. They will pay off at finals time.

i. Compare and contrast your outlines with your study group. Study groups will be discussed in the next Special Edition, SYWTGTLS 8, SE3, Study Groups/Study Buddies.

ii. Should you give copies of your outlines to other students? It’s up to you. I did but with all the ‘shorthand’ in my outlines, they may not have made much sense. So, sure why not. It really won’t do them much good if they are coming to you shortly before the final. I remember a student asking if she could have a copy of my outline a week before our final. She wasn’t back the next semester.

b. Hand written outlines are better for learning. Yes, you can type faster than you can hand write something. But study after study has shown that you will learn and retain the material better and for longer if you write it out by hand. When you update your outline, also write it out. Repetition is also a good learning tool.

c. I will again strongly recommend that you **not** buy commercially prepared outlines covering the material. They don’t help you learn. They may help you cram the night before the test and be better than nothing. They may even keep you from getting a zero on the test, but you really need to do the outlines as you go, redoing them as necessary throughout the semester. **Update, clarify, expand, reduce, keep current.**  If you do this, by the time the final rolls around, you’ll know the material. Remember, the outlines that you prepare are directed to and written for you, commercial outlines aren’t.

**Suggestion 7**. Time for you.

a. Make sure that you have at least half a day a week for you. Some say a whole day. No school, no thinking, no studying. This is to keep you from burning out. Also very important are adequate sleep, proper nutrition, exercise, and restricting alcohol and drugs. **You need a clear, functioning mind.** If you cheat on one of those and don’t get the proper amount, well, it just makes law school that much harder. And while we’re at it, leave your TV at your parent’s house. If you’re a gamer, don’t. The world of warcraft you need to excel at is the battle ground that is law.

b. If you are married or have kids, good luck. You will have to convince them that during the semester up until finals are over, you don’t know them. Too harsh? Probably. But spouses and kids can be needy. So can law school. Try to figure out how to divide your time so that they remember you care about them and your kids don’t forget your name. You can do it.

i. One more story about me: I was a single parent with a five-year-old daughter when I started law school, separating from my wife one month before school started. I did fine and my daughter did also, thank you. You can do well with a spouse and children, too. The daughter, above, is not the lawyer, but an Engineer, a graduate of the University of Michigan.

**FINAL NOTE**: I may have made law school sound horrible and you are second guessing yourself about going. Don’t It’s not easy and takes dedication, but I absolutely loved law school. I made many great friends; I learned the law from many learned professors and one jerk; I made a good living and really enjoyed practicing law before I became a teacher after I retired from full-time practice. Going to law school may be the first really good decision I made in my life. You can go to law school, work hard, and all the while enjoying the challenge.

**Upcoming Topics**

*SE 3* Study Groups/Study Buddies

*SE 4* Briefing a Case

*SE 5* Working and Law School

SYWTGTLS 8 Writing Tips