Succeeding in Law School
Succeeding in Law School

Herbert N. Ramy
Professor of Academic Support,
Suffolk University Law School

Carolina Academic Press
Durham, North Carolina
This book is dedicated to my parents, Nicola and Vivian Ramy, who taught me life's most important lessons—work hard, be fair, and there is no such thing as too much love.
Contents

Acknowledgments xiii
Introduction xv

Chapter I  The First Days 3
The Law School Curriculum 3
Structure of the Court System 6
Trial Courts 6
Civil Cases 9
Criminal Cases 13
The Intermediate Court of Appeals 15
The Court of Last Resort 16
The Role of the Appellate Court 16
Federalism 21
Casebooks and the Casebook Method 22
Elements— Pieces to the Law School Puzzle 23
Review Questions 27

Chapter II  Maintaining a Healthy Mental Approach to Law School 29
Dealing with the Unknown 29
Grading and Competition 30
The Fall Doldrums 31
Self Help for Law School Stress 32
Start Your Day Early and On Time 32
Don’t Allow Yourself to Become Bored 33
Finish at a Certain Time Every Day 34
A Healthy Body Promotes a Healthy Mind 34
Warning Signs of Stress 35
Counting Exercise 37
Trouble Sleeping? 38
Reach Out if You Need Help 39
Chapter III  Reading and Briefing Cases Efficiently 41
  Reading Cases Efficiently 42
  Case Briefing 44
  Exercise 1: Facts Exercise 51
  Exercise 2 59
  Exercise 3: Discussion Questions, Ransom v. State 64

Chapter IV  What Your Classes Will Be Like 65
  The Socratic Method 65
  Classroom Hypotheticals 68
  Exercise 1A 71
  Exercise 1B 71
  Exercise 2A: Consider the following classroom hypothetical 72
  Exercise 2B 73

Chapter V  Taking Notes: A Three-Step Process 75
  Step 1: Write Down What Is Said in Class 75
    Laptops vs. Handwritten Notes 76
  Step 2: Post-Class Note Review 78
    Handwriting Your Notes and Post-Class Review 80
  Step 3: Incorporating the Notes into Your Outline 81
    Creating Your Own Hypotheticals 81
    Exercise 1A 83
    Exercise 1B 83

Chapter VI  Creating a Course Outline 85
  What Is an Outline? 85
  Outlining and Active Participation 85
  It's the Journey, Not the Destination 86
  When Should I Begin Outlining? 86
  Should I Buy Commercial Outlines? 87
  Can I Use Someone Else's Outline? 88
  Now You Are Ready to Outline 89
    Organizing Your Ideas around Concepts and Rules 89
    Display the Proper Relationship among Topics 91
    Adding the Rules 92
    Adding Cases and Hypos to Illustrate the Rules 94
    Editing Your Work 96
    Policy Considerations 96
  The Outline as a Study Tool 96
CONTENTS ix

Summary 97
Sample Torts Outline Structure 98

Chapter VII Legal Synthesis 101
Why Synthesize? 102
Step by Step 102
Synthesis Exercise 107

Chapter VIII Legal Analysis and Answering the Question “Why?” 111
Exercise 1A 114
Exercise 1B 114
Legal Analysis 114
First Sample Answer 117
Second Sample Answer 117
Third Sample Answer 118
Fourth Sample Answer 118
Fifth Sample Answer 119
Analysis Exercise 121

Chapter IX Legal Writing 123
The Basics 123
The Memorandum of Law 124
Grammar, Punctuation, and Proofreading 126
Legal Citation 129
To Quote or Not to Quote 130
The Legal Writing Formula 131
Thesis Sentences 132
Writing Your First Legal Memorandum 133
Sample Memo 134
Summary of the Facts 135
Excerpt of Direct Examination of Murray Slaughter 137
Excerpt of Cross Examination of Murray Slaughter 137
Excerpt of Direct Examination of Dr. Louis Grant 138
Legal Research 141
Exercise 1 147
Exercise 2: Write a Mini Brief of State v. Morgenstern 149
Outlining Your Memo 150
The Memo Format 152
The Facts 152
The Question Presented 153
The Brief Answer 153
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Discussion or Argument</td>
<td>154</td>
</tr>
<tr>
<td>Conclusion</td>
<td>154</td>
</tr>
<tr>
<td>Chapter X Study Groups, Study Aids, and Study Schedules</td>
<td>163</td>
</tr>
<tr>
<td>Study Groups Are Not for Studying</td>
<td>163</td>
</tr>
<tr>
<td>Study Aids</td>
<td>167</td>
</tr>
<tr>
<td>Creating a Study Schedule</td>
<td>169</td>
</tr>
<tr>
<td>Chapter XI Law School Exams</td>
<td>173</td>
</tr>
<tr>
<td>Reading Days</td>
<td>174</td>
</tr>
<tr>
<td>The Day Before Your Exam</td>
<td>175</td>
</tr>
<tr>
<td>Organizing Your Answer</td>
<td>175</td>
</tr>
<tr>
<td>Exam Stress</td>
<td>178</td>
</tr>
<tr>
<td>Time Constraints</td>
<td>179</td>
</tr>
<tr>
<td>The Issue Spotting Exam</td>
<td>180</td>
</tr>
<tr>
<td>Multiple Choice Exams</td>
<td>180</td>
</tr>
<tr>
<td>The Parts of Any Multiple Choice Question 2</td>
<td>181</td>
</tr>
<tr>
<td>Step by Step</td>
<td>183</td>
</tr>
<tr>
<td>Practice, Practice, Practice</td>
<td>189</td>
</tr>
<tr>
<td>Legal Analysis and Law School Exams</td>
<td>190</td>
</tr>
<tr>
<td>Believe in Yourself</td>
<td>192</td>
</tr>
<tr>
<td>Sample Law School Exam</td>
<td>192</td>
</tr>
<tr>
<td>Answer Key</td>
<td>207</td>
</tr>
<tr>
<td>Chapter I</td>
<td>207</td>
</tr>
<tr>
<td>True and False</td>
<td>207</td>
</tr>
<tr>
<td>Short Answer</td>
<td>209</td>
</tr>
<tr>
<td>Chapter III</td>
<td>210</td>
</tr>
<tr>
<td>Exercise 2: Case Briefing Exercise, Ransom v. State</td>
<td>210</td>
</tr>
<tr>
<td>Exercise 3: Discussion Questions, Ransom v. State</td>
<td>212</td>
</tr>
<tr>
<td>Chapter IV</td>
<td>214</td>
</tr>
<tr>
<td>Exercise 1A</td>
<td>214</td>
</tr>
<tr>
<td>Exercise 1B</td>
<td>214</td>
</tr>
<tr>
<td>Exercise 2A</td>
<td>215</td>
</tr>
<tr>
<td>Exercise 2B</td>
<td>215</td>
</tr>
<tr>
<td>Chapter V</td>
<td>216</td>
</tr>
<tr>
<td>Exercise 1A</td>
<td>216</td>
</tr>
<tr>
<td>Exercise 1B</td>
<td>217</td>
</tr>
<tr>
<td>Chapter VII</td>
<td>217</td>
</tr>
<tr>
<td>Synthesis Exercise</td>
<td>217</td>
</tr>
</tbody>
</table>
## CONTENTS

<table>
<thead>
<tr>
<th>Chapter VIII</th>
<th>218</th>
</tr>
</thead>
<tbody>
<tr>
<td>Analysis Exercise</td>
<td>218</td>
</tr>
<tr>
<td>Chapter IX</td>
<td>222</td>
</tr>
<tr>
<td>Exercise 1: Mini Brief of State v. Carlton</td>
<td>222</td>
</tr>
<tr>
<td>Exercise 2: Mini Brief of State v. Morgenstern</td>
<td>222</td>
</tr>
<tr>
<td><strong>Glossary</strong></td>
<td>225</td>
</tr>
<tr>
<td><strong>Index</strong></td>
<td>233</td>
</tr>
</tbody>
</table>
Acknowledgments

This book would not be a reality without the assistance of several people. Professor Natt Gantt of Regent University School of Law and Professor Elizabeth Stillman of Suffolk University Law School took the time to read every word I wrote and provided me with wonderful feedback. Professor Kathleen Elliott Vinson and Professor Andrew Perlman, both of Suffolk University Law School, each reviewed chapters of the book for content and clarity, and I incorporated much of their advice into the book’s final version. In addition, my research assistant, Britte McBride, saved me from embarrassment by rooting out mistakes and inconsistencies in the text. Finally, my wife, Stephanie, supported and encouraged me throughout the writing process. I could not have finished this book without her.
Introduction

As the director of my law school's Academic Support Program, I am often asked to lecture to prospective law students. Whenever I give these lectures, one question invariably comes up: “What do I have to do succeed in law school?” This deceptively simple question is not all that easy to answer because there are many aspects to performing well in law school. Some of them - creating course outlines, managing your time effectively, and learning to think like a lawyer – will be discussed in detail in later chapters of this book. Behind the specifics, however, there is one general idea that permeates nearly every aspect of law school performance.

To perform well, you must actively engage the challenges presented by law school. What do I mean by actively engage law school? The easiest way to explain this idea is to relate it to something you are already familiar with – excelling in high school and college.

The key to performing well in college and high school is memorization. Students are expected to come to class, listen to the teacher’s lecture, read the assigned material, and then memorize the key elements from these sources of information. During the examination, students must then restate what they have memorized. The students who have done the best job of memorizing the material tend to do quite well on high school and college examinations. The memorization of large amounts of information is no simple task, but it is a relatively passive endeavor.

In contrast, in law school we reward your ability to think independently, critically, and actively. Memorization is certainly a part of performing well on law school examinations. You cannot very well discuss a rule of law unless you have memorized it. If all you do is memorize the rules, however, you will be lucky to pass your courses. Instead, your professors want you to take the basic rules that you have learned and actively apply them to factual situations you have never seen before. While the factual scenario, or fact pattern as it is often called, will have some similarities to the cases you have read, there will also be important differences. You must determine whether the differences are truly
significant and predict what the outcome of the situation might be. You must also discuss the weaknesses in your argument and both the weaknesses and strengths of other arguments. When done well, the reader is left with a thorough understanding of all points of review regarding every issue presented in the exam.

However, I am getting ahead of myself. Doing well on your final examinations is the happy ending to the story. Before you can actively engage the facts in a law school examination, you must first apply this principle to every aspect of your preparation for exams. For example, read your assignments before class, but try to anticipate how your professor will use the ideas contained in the reading to promote further discussion. Next, go to class prepared to listen, but also ready to engage the professor in a dialogue about the day’s topics. After class, use the ideas in your notes as the jumping off point for a further, in depth review of the topics. Do not be satisfied with a surface level understanding of any legal idea. Instead, be willing to dig more deeply into each topic before being satisfied with your level of understanding.

The most difficult aspect of writing a book like this one is taking into account all of the unique students who are reading it and all of the unique professors who will be teaching them. As you read through the various chapters of this book, you may need to adjust or modify my advice so that it works for you. As long as you follow the spirit of the advice I give, modifying the details will not be a problem. By the end of this book, I hope to have demystified the law school experience for you. And, just as importantly, helped you develop the skills necessary to achieve your personal best.