

Bridging the Gap

Bridging the Gap
Between College and Law School
Strategies for Success

SECOND EDITION

Ruta K. Stropus & Charlotte D. Taylor

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*This book is dedicated to our fathers.
You loved us and taught us and brought us together to teach others.*

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Introduction

Have you ever embarked upon a long journey? You probably began thinking about your journey by looking through some travel books. There are generally two types. The first is the general guide - how to travel on a penny a day, how to backpack through Europe, or great dining in the Middle East. The second is country specific—Kenya, China or Japan. Obviously, there are benefits and drawbacks to each type of guide. The ones that are broader in scope give you a nice overview, perhaps some history and tips, but do not provide enough specific information. The specific guides, on the other hand, although ripe with details, do not provide vital context—where does this country fit in with others in the region? What are some general customs and tips that apply when travelling? Wouldn't it be nice to have a guide that could combine both the general and the specific?

The travel analogy extends to law school in this and many other ways. For example, just like there are many self-guided travel books, there are many “self-help” books written for law students and would-be law students. Generally they too fall into two categories: those that offer general advice and those that are tailored to specific topics of study (i.e., a contracts study aid, a torts study aid, etc.) Until now, no book has integrated the two and offered even more. This book offers you an explanation of legal pedagogy, a helpful approach to the law school experience, a process of study, class participation, exam taking techniques and much more. Most importantly, because we teach these skills using these materials, we know that they actually work! We have tried out these tips and techniques on hundreds of law students, and revised and modified them based on student feedback; therefore, unlike any other “self-help” texts, this one is based on the experiences of actual students like you.

How Does *Bridging The Gap* Integrate the General and Specific?

Bridging the Gap integrates the strengths of both the general and the specific advice texts and offers you more. We cover all of the following areas:

We explain the “why” of law—we provide you with the context you need to understand why law school is taught in a certain manner, why you read cases as primary texts, and why law school professors test in the way they do. This

context will provide you with the necessary insight you need to better understand the law school experience.

We explain the “how” of the law—not only will we provide context, but we will also provide process. We will take you through a step-by-step process that will help you adapt to the law school setting, and we do so in a way that draws upon and connects to your past learning experiences. Rather than tell you that what you have learned and how you learned it in the past is irrelevant, we will help you build upon and draw on your strengths.

We explain the “what” of the law—in addition to context and process, we offer specific hypotheticals that will help you practice this process. We will take you through actual law school hypotheticals in the first year subjects so that you have many opportunities to practice the process. This is an interactive text. Instead of merely reading, you will participate in the learning process. By interacting with the text, you will take the context and process and make it your own.

Because *Bridging the Gap* combines the best of both worlds (general advice and specific subject study aids) and provides you with the information you need, you can expect better results than if you were using specific study aids or general advice books individually. Specific study aids are not effective. Although they do provide you with a summary of basic law principles, they do not provide context or process. They do not

Characteristics	General study aids	Specific subject study aids	<i>Bridging the Gap</i>
Provide summary of law in certain area		✓	
Provide practice problems		may offer one or two	✓
Provide general information about law school	✓		✓
Provide a process for how to respond to law school exams			✓
Provide information on reading cases, briefing, and outlining	✓		✓
Provide general exam taking tips	✓		✓
Provide link between past experiences and law school			✓
Links the what, why, and how of the law			✓
Offers advice on time management	some		✓
Offers advice on troubleshooting—what to do when things go wrong			✓

teach you how to write a good examination answer. General study aids, on the other hand, may provide some context, but they do not emphasize the process and do not give you an opportunity to practice that process. We strongly believe that, in comparison to these two types of texts, ours will yield more favorable results, especially in light of our experience of teaching hundreds of law students how to succeed both in the classroom and on the exam.

What Can I Gain from Using This Book?

Unfortunately, no classes address law school environment or expectations. In fact, very few, if any, of your professors will address what the law school examination will look like and how you should approach it; therefore, you could write an answer to a law school question and think you did well, when, in actuality, you offered a poor response. Unless you know why it is that law school does what it does, what you should focus on, and how to write a good law school examination, your responses will not be adequate. Instead, they will look something like the following:

Whether Bob can sue Sam for negligence depends on whether the court follows the *Smith*, *Jones* or *Rodriguez* cases on subject. In *Smith*, the court found defendant liable because she owed a duty to plaintiff. However, in *Jones*, the court did not find the defendant liable because although *Jones* owed the plaintiff a duty, he did not breach that duty. Finally, in *Rodriguez*, the court agreed with the *Smith* case and found the defendant liable when it said that *Rodriguez* owed plaintiff a duty of care. Here, the court is likely to agree with the *Smith* and *Rodriguez* courts and find that Sam owed Bob a duty and is therefore negligent.

Looking at this response, you might think that it's just what the professor is looking for—it answers the question and quotes several key cases. Without a guide or mentor to take you through and explain: (1) what the professor is looking for, (2) why this response is not the best for purposes of the examination, and (3) how to write a “good” response, you might never get the grade you expect. Without help, you might never know how to write an answer, which, like the one that follows, will earn top marks:

Whether Bob can sue Sam depends on whether (1) Sam owed Bob a duty; (2) Sam breached that duty; (3) Sam's breach of duty caused Bob's injury; and (4) Bob's damages. First as to duty, Sam would argue that Bob owed him a duty because of their relationship as guardian and ward. In *Jones*, the court held that an adult that is entrusted with the care of a minor owes that minor a duty of reasonable care. As in *Jones*, where a minor was left to the care of an adult, Bob, a minor, was entrusted to Sam's care for the day. Sam accepted that duty by telling Bob's mother, “Don't worry, I'll keep an eye on him.” The second issue of breach is more complicated....

We want to bridge the gap between your expectations and law school reality; between your previous learning and the law school experience; between understanding

the process and applying it to actual problems; between the answer featured previously and the one you will write after reading this book. To make the most of this book, however, you must interact with it. Do all the problems and compare your answers to those provided. We hope to demystify the law school experience, explain many useful techniques for not only surviving but also thriving in law school and provide exercises so that you can practice the techniques. We hope to accomplish these goals by using the travel metaphor as our guide. Because law school is, in so many ways, like traveling to a strange and foreign land, we believe this metaphor is especially apt. You are embarking on the most strange and consuming—but fascinating and rewarding—trip of your life, and we hope to give you some tips and insights along the way.