Hard-Nosed Advice from a Cranky Law Professor

How to Succeed in Law School

Austen L. Parrish
Vice-Dean for Academic Affairs and Professor of Law Southwestern Law School

Cristina C. Knolton
Associate Professor of Legal Analysis, Writing and Skills Southwestern Law School

Carolina Academic Press
Durham, North Carolina
for Leslie, Natalie, and Amelie

AP

for my Papa Joe

CK
Summary of Contents

Acknowledgments xvii
Introduction xix
Chapter 1 • Preparing for Law School 3
Chapter 2 • Briefing Cases 19
Chapter 3 • Professor Expectations 37
Chapter 4 • Outlining 47
Chapter 5 • Studying 59
Chapter 6 • Final Exams 75
Chapter 7 • Outside of Class 103
Chapter 8 • Beyond Law School 119
Chapter 9 • The Bar Exam 141
Conclusion 159
Appendix A • Selected Bibliography 161
Appendix B • Sample Case Brief 163
Appendix C • Sample Final Exam 169
About the Authors 179
Index 181
# Contents

| Acknowledgments                                   | xvii |
| Introduction                                      | xix  |
| Chapter 1 • Preparing for Law School             | 3    |
| Getting Ready for the First Year                 | 4    |
| A. A Little Perspective                          | 4    |
| B. Use the Summer Before Wisely                  | 5    |
| C. Prepare Your Family and Friends               | 5    |
| D. Visit the School                              | 6    |
| E. Work Out Your Finances                        | 6    |
| The Right Mindset                                | 7    |
| A. Understand the Point of Law School            | 7    |
| B. Question Everything                           | 9    |
| C. Accept Ambiguity                              | 9    |
| D. Understand the Socratic Method                | 10   |
| E. Cautiously Use Hornbooks and Commercial       | 11   |
| Outlines                                         | 12   |
| F. Create a Schedule                             | 13   |
| G. Avoid Common Missteps                         | 13   |
| Understanding the First-Year Curriculum          | 13   |
| A. Civil Procedure                               | 14   |
| B. Contracts                                    | 14   |
| C. Criminal Law                                  | 14   |
| D. Property                                     | 15   |
| E. Torts                                        | 15   |
| F. Legal Research and Writing                    | 15   |
| Checklist                                        | 16   |
| Chapter 2 • Briefing Cases                       | 19   |
| The Basics                                       | 21   |
Contents

A. A Case Brief Defined 21
B. Why You Will Brief 21
C. How to Use Your Case Brief 22

How to Read Cases 22
A. Prepare to Read 23
B. Preview the Case 23
C. Read Carefully 23
D. Use a Legal Dictionary 24
E. Avoid Excessive Highlighting 24
F. Take Selective Notes 25
G. Keep Track of the Parties 25
H. Distinguish Kinds of Opinions 25

How to Brief 26
A. The Issue 26
B. The Facts 28
C. The Procedure 29
D. The Rules 30
E. The Holding 31
F. The Reasoning/Policy 31

Avoiding Pitfalls 32
A. You Will Not “Book Brief” 32
B. You Will Value Substance Over Style 32
C. You Will Not Cut and Paste 33
D. You Will Not Use a Commercial Brief 33

Checklist 34

Chapter 3 • Professor Expectations 37
A. Arrive on Time 39
B. Be Prepared 39
C. Attend Every Class 40
D. Engage with Class 40
E. Answer as a Lawyer Would 41
F. Go to Office Hours 42
G. Ask Only Appropriate Questions 42
H. Be Supportive, Not Competitive 43
I. Take Responsibility 43
J. Professionalism Goes Both Ways 44

Checklist 46
Contents

Chapter 4 • Outlining 47
The Basics 48
A. Why You Will Outline 48
B. When to Outline 49
C. When to Stop Outlining 50
D. What to Outline 50
E. What to Avoid 51
How to Outline 52
A. Get Organized 52
B. Organize Around Legal Topics 52
C. Subdivide into Legal Elements 53
D. Blend in Key Cases and Statutes 54
E. Include Policy and Reasoning 54
Other Considerations 55
A. The Condensed Outline 55
B. It’s a Personal Thing 55
C. Flowcharts 56
D. Open and Closed Book Exams 56
Checklist 57

Chapter 5 • Studying 59
Before Class 61
A. Setting a Schedule 61
B. The Right Environment 62
C. Before Reading a Case 62
D. Reading a Case 62
E. Don’t Forget the Book Notes 63
F. Immediately Before Class 63
During Class 64
A. Listen Carefully 64
B. Take Selective Notes 64
C. Take Consistent and Organized Notes 66
D. Listen to Your Classmates 67
E. Use Your Laptop Appropriately 68
After Class 68
A. As Class Ends 68
B. Use Your Professor Effectively 69
Contents

Emergencies and After the Exam 97
A. If Your Mind Blanks 97
B. If All Else Fails 98
C. A Few Nevers 99
D. Self-Assessment 99
E. Final Words on Exams and Grades 100
Checklist 101

Chapter 7 • Outside of Class 103
Law Journals (and Law Review) 104
A. What Are They? 104
B. How Do You Become a Member? 105
C. Should You Try? 106
D. Once You Are Accepted 107
E. Board Positions and the Third Year 108
F. Maintain Perspective 108
Advocacy Programs 109
A. What Are They? 109
B. How Do You Become a Member? 110
C. Should You Try? 110
Externships and Clinics 111
A. An Introduction to Externships 112
B. An Introduction to Clinics 113
Other Opportunities 114
A. Teaching and Research Assistant Positions 114
B. Student Organizations 115
C. Faculty/Student and SBA Committees 116
D. Public Service and Volunteering 116
Checklist 118

Chapter 8 • Beyond Law School 119
Preparing for Your Career 119
A. Cultivate Relationships 120
B. Get Practical Experience 121
C. Take Advanced Writing/Skills Courses 122
D. Meet with the Careers Office 122
E. Jump at Networking Opportunities 123
F. Consider All of Your Options 125
Letters of Recommendation 127
A. Make Good Choices 128
B. Approach Recommenders Directly 128
C. Ask, Don’t Presume 128
D. Give Plenty of Notice 129
E. Make It Easy for the Recommender 129
F. Provide Detailed Information 129
G. Remember to Follow Up 130

The Summer Clerkship 130
A. Act Professionally 130
B. Dress Professionally 131
C. Submit Assignments on Time 132
D. Always Bring Pen and Paper 132
E. Ask Appropriate Questions 132
F. Work Hard 133
G. Proof Read. Proof Read. Proof Read. 134
H. Go to Firm Functions 134
I. Take Advantage of Firm Training 135

After Graduation 135
A. Build a Professional Reputation 136
B. Join Local Bar Associations 137
C. Keep in Contact 137
D. Remain Flexible in Your Career 138

Checklist 139

Chapter 9 • The Bar Exam 141

Preparing for the Bar Exam 141
A. Have the Right Mindset 141
B. Focus in Law School 142
C. Understand the Exam Structure 143
D. Meet Deadlines 144
E. Prepare Financially 144
F. Research Preparation Courses 145
G. Clear the Decks 146
H. Petition for Accommodations 146

Studying for the Bar Exam 147
A. Take a Preparation Course 147
B. Create a Schedule 147
Acknowledgments

We are grateful to those who read and commented on this book during its many drafts, and for the support of Southwestern Law School. Special thanks to our Southwestern colleagues for their ideas and encouragement. And, lastly, thanks to our students, including Eric Geier, Elliot Jung, Brian Luper, Para Noh, and Jessica Priel for their research assistance, and Lisa Dennis, Courtney Martin, and Natalie Rodriguez for their suggestions.
Introduction

The idea of approaching law school in a traditional manner is out of vogue. No one right way exists, or so we are told, on how to learn. Students have many different perspectives, depending on their cultural and economic background, as well as where, when, and in what order they were born. Students are often advised that the path to success changes depending on whether they are a Baby Boomer, a Tweener, a Gen Xer, or a Gen Yer. For many then, the way to achieve success in law school is a personal thing. Students are encouraged to do whatever they feel most comfortable with and to embrace what works for them. Each student has their own way of doing well, and every rule can be bent or broken.

This book takes a different approach. It provides no-nonsense, sometimes hard-nosed, advice that is intended to cut across generations. Students learn in different ways. But regardless of a student’s background, law professors expect specific things. A student either figures out what the professor wants, or is left behind. Doing what “is comfortable” or what “works for you” is bad advice because when students begin law school they have no idea what works, and the first year of law school is not a comfortable experience. In short, if a student wishes to excel, there are right ways to approach law school. This book explains—hopefully in a humorous way—what some of those ways are.

What follows are a series of essays intended to help students understand what law professors expect of them. Written by a cranky, cantankerous professor at the fictional Prynceton Law School, the essays do not mince words. In a grumpy, but straight-talking fashion, each essay instructs students on how to give themselves the best chance of doing well. The essays cover those tasks that stu-
Introduction

dents commonly face in law school: from reading and briefing cases, to outlining, to preparing and taking exams, to being called on in class. The book also provides advice on success outside the classroom. In many ways, the book promotes professionalism and common sense.

This book distinguishes itself in two ways. First, many law school preparation guides are hundreds of pages long and purport to anticipate every tidbit of information an aspiring law student might wish to know, no matter how tangential. Few students read those books cover to cover. And the advice they provide is often, at best, only marginally useful. In contrast, this is a short book. It is not, and is not intended to be, an exhaustive guide to all things law-school related. It attempts to be concise and to-the-point: an accessible book that can be read quickly. Second, the advice that some preparation books provide is gimmicky. Student are told they can succeed only if they master some closely-guarded secret, which law professors know but conspiratorially refuse to reveal. This book rejects that sort of nonsense. Students succeed in law school not through short cuts and tricks, but through hard work. Instead of peddling gimmicks, this book provides concrete advice on those near-universally agreed upon fundamentals that students must master to do well.

A final point. The authors are not suggesting that professors should be curmudgeonly and cantankerous or seek to emulate this book’s jaded professor. The book is not an instruction guide for how professors should teach. In the vein of Kingsfield, Perini, and other caricatures of tough instructors, our jaded professor has been teaching just a little too long. Most law professors these days are a little more humane in their approach. But our crusty professor has sound advice that, if heeded, can help students succeed.