

# **Learning Outside the Box**



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***A Handbook for Law Students  
Who Learn Differently***

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# Contents

Introduction	xi
<b>Part I</b>	
<b>Getting Used to Law School: The Basics</b>	
<b>Chapter 1 · The New World of Law School: What Makes Law School So Different?</b>	3
A. The Increased Workload in Law School	4
B. The Socratic Method, or in Other Words: The Strange Way Classes Are Taught in Law School	6
C. But Then Again, Professors Aren't All That Important in Law School. YOU Are Ultimately Responsible for Your Own Learning!	11
D. Friends or Competitors? Get Ready for Competition in Law School!	12
E. Isolation in Law School for Those Who Learn Differently	15
<b>Chapter 2 · You Are Not Alone: The Increasing Number of Law Students with Learning Disabilities</b>	19
<b>Chapter 3 · Succeeding in Law School by Knowing How <i>You</i> Learn Best: What Is Your Individual Learning Style?</b>	23
A. The Basic Learning Styles	23
B. Applying Your Learning Style to Law School	26
C. Law Students with ADD: How Did They Learn Best in Law School?	28
<b>Chapter 4 · Legal Reading: The Key to Law School Success</b>	33
A. Legal Reading and Law School Success: Traditionally-Learning Law Students	33
B. Three Types of Reading Strategies	34
C. The Legal Reading Study: Background and Results	38
D. What Did the Successful Law Students Do Differently?	43
1. The HP Law Students Connected with a Purpose	43
2. Successful Law Students Established the Context of Case	44
3. Successful Law Students Resolved Their Confusion Before They Moved on to the Next Paragraph in the Case	47
4. The Overuse of Default Strategies	50

<b>Chapter 5 · Legal Reading for Law Students with ADD: Did They Read Any Differently?</b>	55
A. Alexa’s Case Reading	58
B. Kelsey’s Case Reading	60
C. Baker’s Case Reading	61
D. When Might You Need Additional Reading Help?	63
<b>Chapter 6 · Going Beyond the Traditional Case Brief</b>	67
A. Case Briefing Provides a Cognitive Schema	69
B. Taking Your Case Briefs Beyond Your Yellow Highlighter	72
C. Case Briefing Promotes “Chunking”	73
D. A First Year Student’s Example Case Brief	74
E. Going Beyond the Traditional Case Brief	76
<b>Chapter 7 · How to Prepare for Class: What Does Your Professor Really Want from You?</b>	79
A. Things to Do Before Class	80
1. Before You Begin Reading, Determine <i>Why</i> You Are Reading the Case!	80
2. Go to Class!	80
3. Schedule Your Study Time	80
4. Use Commercial Outlines and Study Guides Strategically	81
5. Create Your Own Case Briefs When You Can	84
6. Read the Case Notes in Your Casebook.	84
B. Things to Do in Class	85
1. Arrive on Time	85
2. Sit Strategically in the Classroom	85
3. Use Your Laptop for Notes Only!	85
4. Take Effective Notes	85
5. Review Class Notes	87
6. Organize Your Class Notes	87
7. Study Groups	89
<b>Chapter 8 · Obtaining Accommodations for Your Learning Disability</b>	91
A. Requirements for Obtaining Disability Accommodations under the ADA and the Rehabilitation Act	92
B. Can You Prove You Are a Qualified Individual with a Disability?	93
C. What Is the Required Documentation to Support an Application?	94
1. The Psycho-Educational Evaluation	95
D. What Accommodations Are You Likely to Receive?	98
1. Requests for In-Class Disability Accommodations	99
2. Requests for Alternate Scheduling in Law School	100
3. Requests for Examination Accommodations	100

<b>Chapter 9 · Advice from Law Students Who Learn Differently</b>	103
Mary, 3L (Diagnosed with ADD)	104
Laura, 3L (Diagnosed with ADHD)	107
Andrew, 3L (Learns Differently but No Learning Disability Diagnosis)	110

## Part II

### Maximizing Your Academic Success While You're Deep *IN* the Trenches

<b>Chapter 10 · Writing in Law School: Legal Structure,     IRAC (No, Not the Country . . .) and TREAC</b>	115
A. The Process of Writing	116
B. The Structure of Legal Writing = Lasagna	117
C. Structure = IRAC	118
D. A More Advanced Formula: TREAC	119
E. Beginning Your Legal Writing Assignment: Creating the Large-Scale Outline	121
F. Filling in the TREAC	123
G. Filling in Your TREAC — Part II: Adding Arguments and Detail	126
H. Beginning to Write: Possible Challenges in Legal Writing for Law Students Who Learn Differently	127
I. Checking Your Structure	128
J. When the TREAC Structure Is Missing	132
<b>Chapter 11 · Tips for Organizing Your Legal Research</b>	137
A. Organizing Your Legal Research: Using a Research Log	137
B. Final Tips for Legal Research	141
1. The Biggest Challenge: Knowing When to Stop!	141
2. You Cannot Write about 50 Cases!	141
3. Organization Is Key	142
4. Begin to Write — Soon!	143
<b>Chapter 12 · Outlining: It's So Much <i>More</i> Than Simply Creating     a <i>Really</i> Long Document on Your Computer</b>	145
A. What Is the Purpose of Outlining in Law School?	145
B. Should You Make Your Own Outline or Use a Commercial Outline — or Both?	146
C. How Do You Begin?	146
D. How Early Should I Start Creating My Outline?	149
E. Specific Outlining Strategies for Law Students Who Learn Differently	149
1. Use Summaries and Roadmaps	152
2. Visual Strategies: Changing Fonts and Contrast (Bold/Regular Text)	153
3. Add “Trigger Facts” and Examples into Your Outline	154

<b>Chapter 13 · The Law School Essay Exam</b>	157
A. The First Step: Issue Spotting	158
B. The All-Important Analysis in the Essay Exam: A Mini-IRAC for Each and Every Issue	161
1. Short Answer Questions	162
Question A: Short Answer Example	162
Question A: Student Example Answer 1	163
Question A: Student Example Answer 2	164
Question B: Short Answer Example	165
Question B: Student Example Answer 1	165
Question B: Student Example Answer 2	166
2. Long Essay Exam Questions	167
Example C: Longer Essay Question	168
Example C: Answer Example 1	168
Example C: Student Example Answer 2	170
Example D: Long Form Essay Question	172
3. How Do We Grade?	175
<b>Chapter 14 · Taking the Multiple-Choice Law School Exam</b>	177
A. The Terminology of Multiple-Choice Questions	178
B. What Are the Different Forms of Multiple-Choice Questions?	180
1. The Simple Fact Pattern	180
2. The Complex Fact Pattern	181
3. The Two-Tiered Option	182
4. Overlapping Answer Choices	183
5. The Question Series	184
C. What Are the Different “Calls” to a Law School Multiple- Choice Question?	185
1. One Correct Answer	185
2. One Incorrect Answer	186
3. One Best Answer	187
4. Best Reasoning Supporting a Stated Position	189
C. Pay Attention to the Role That the Question Asks You to Play	190
1. The Judge	191
2. The Lawyer	191
3. The Scholar	191
D. Answer Choices: Recognizing Distractors	192
1. Watch Out For Incomplete Definitions and Arguments	192
2. Deal Only with the Facts Given: Don’t Add Facts and Don’t Ignore Facts!	193
3. Don’t Overlook the Obvious	193
4. Watch Out for Unfamiliar Phrases	193



E. Final Strategies to Enhance Your Performance on the Law School Multiple-Choice Exams	194
1. Control Your Test-Anxiety (As Much as Possible)	195
2. Spaced Practice Is Better Than All-at-Once Practice	195
3. Budget Your Time for Each Test Question and Stick to It!	196
4. Develop a Plan for Attacking the Factual Hypothetical of Each Question	196
5. Reword the “Call” of the Question	197
6. IRAC Your Answer Before Looking at the Choices	197
7. Eliminate Incorrect Responses	197
8. Choosing Between Two Possible Answers	198
9. Okay, Sometimes You Gotta Guess!	198
10. Final Tips	198
<b>Conclusion</b>	<b>199</b>
<b>Appendix A · In the Matter of Thonert</b>	<b>201</b>
<b>Appendix B · Advocacy Template</b>	<b>205</b>
<b>Appendix C · Sample Psychoeducational Evaluation</b>	<b>209</b>
<b>Index</b>	<b>217</b>



# Introduction

There are a number of excellent books that give law students advice about how to navigate through the first year of law school. This book strives to be something slightly different. It is meant to help the law student who learns differently. What do I mean by the phrase “law student who learns differently?” I use this phrase broadly to mean any law student who may have a learning disability, a reading disability, ADD, ADHD, Asperger’s syndrome or any other diagnosed or undiagnosed learning disability that affects the way in which they learn.<sup>1</sup> I *also* mean any student who might simply process information differently than the norm—or even someone who might just need a new approach to law school to maximize their success.<sup>2</sup> If you are a smart, creative student who tends to think “outside the box” more often than ‘in the box,’ law school may initially be challenging for you.

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1. “Learning disability” is a general term that describes specific kinds of learning problems. A learning disability can cause a person to have trouble learning and using certain skills. The skills most often affected are: reading, writing, listening, speaking, reasoning, and doing math. Learning disabilities (LD) vary from person to person. Researchers think that learning disabilities are caused by differences in how a person’s brain works and how it processes information. The formal definition of “learning disability” comes from the Individuals with Disabilities Education Act (IDEA). The IDEA defines a learning disability as:

“... a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia,” 20 U.S.C.A. § 1400 (2005).

2. I use the phrases “law students who learn differently,” “non-traditional learners,” and “traditional learners” very broadly throughout this book. We all learn differently. However, some of us tend to process information in a way that lends itself more easily to success in law school. By “traditionally learning” law students, I mean those law students who tend to meet the traditional law school demographic, i.e., 22 to 25 years old, no learning disabilities, auditory learners (learns by listening), processes information easily and quickly, etc. I use this phrase broadly because the idea of a “traditionally learning” law student is rapidly changing in our society for the reasons I discuss in Chapter 2. I believe that everyone in law school can benefit from the learning strategies in this book, but I do tailor the learning strategies more specifically to those law students who tend to process information differently than their peers.

The purpose of this book is to provide research-based learning strategies for law students who learn differently. In my experience, it is precisely those students who learn differently that make the most successful lawyers. But sometimes students who learn differently need a more proactive way of approaching the study of law.

More law students than ever before are diagnosed with learning disabilities during their first year of law school. Why? Law school requires a large volume of complex reading and analysis, and you may have been able to compensate for any learning differences up until this point in your education. Perhaps in undergraduate courses you could keep up with your schoolwork by studying more than your peers, doing more drafts on papers or taking additional time to prepare for exams, etc. In law school, the volume of reading coupled with its inherent complexity makes “taking more time” almost impossible. Therefore, if you learn differently, you will need to develop different reading and study strategies to get you through your first year. You may need to outline differently, read cases differently, and approach law school in a more active, engaged and efficient manner. If you come to law school with a learning disability (or if you simply approach learning differently), you *can* learn the skills to help you succeed in law school. The key to success in law school, however, is to develop a proactive learning plan as soon as possible.

As a law professor, I have been very interested in how law students learn. I have had the opportunity to research what the most successful law students do differently than the less successful law students. I have also researched how law students with ADD approach law school. The good news is that law students with ADD, ADHD or any other learning disability can be very successful in law school. But in order to achieve your goals, you may need to work differently than you have in the past.

The purpose of this book is to focus on the reading, studying and testing strategies that are particularly helpful to law students who learn differently. This book is more than advice—it is a learning guide based upon empirical research and statistical correlations between learning strategies and law school GPAs. Although these cognitive techniques will help any law student, these suggestions are particularly relevant to law students who learn differently. Further, I attempt to *show* you what the most successful law students do by using interviews and examples from actual students. It is one thing to *read* about how to read a judicial opinion—it’s another thing entirely to *see* how a first year law student accomplishes this task. This book is full of examples of how students read, write, outline, and take exams. In addition, it will guide you through the disability accommodations process if you find that you need classroom or testing accommodations during law school.

There are two main parts to this book. Part I helps you get acclimated to the new world of law school. Part I explains why law school is so different—particularly for students who learn differently. Part I also ad-

dresses learning styles, legal reading, case briefing, class preparation, and how to apply for disability accommodations.

Part II of the book focuses specifically on the details of maximizing your potential in law school. Part II addresses specific learning strategies to master legal writing, legal research, outlining, and essay and multiple-choice exams. Part II is full of examples of actual student exam answers and my critiques of those exam answers. Further, there are example research logs and legal memoranda written by real law students.

I believe that with drive and determination, *every* student can get through law school. I also believe that law students who learn differently are extremely important to legal education and to the practice of law. Our world needs lawyers who think “outside the box.” In my experience, non-traditional lawyers tend to have more empathy for their clients and are able to think of creative solutions to problems in new and important ways. Law students who learn differently become exceptional lawyers! This book is meant to help you navigate through law school so that you can achieve your maximum potential as both a law student—and a lawyer.