

Bridging the Gap
Between College and Law School
Strategies for Success

THIRD EDITION

Ruta K. Stropus & Charlotte D. Taylor



CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2001, 2009, 2014
Ruta K. Stropus & Charlotte D. Taylor
All Rights Reserved

Library of Congress Cataloging-in-Publication Data

Stropus, Ruta K.

Bridging the gap between college and law school : strategies for success / Ruta K. Stropus & Charlotte D. Taylor. -- Third Edition.

pages cm

Includes bibliographical references and index.

ISBN 978-1-61163-224-8 (alk. paper)

1. Law--Study and teaching--United States. 2. Law students--United States--Handbooks, manuals, etc. I. Taylor, Charlotte D. II. Title.

KF283.S77 2014

340.071'173--dc23

2013044620

Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

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

Contents

Acknowledgments	xiii
About the Authors	xv
Preface	xvii
Introduction	xix
Chapter 1 · The Law School Experience	3
The History	3
The Customs	4
Packing for Your Trip	6
What to Bring	7
Preparing for Rough Terrain	10
Getting Around	11
Avoiding Tourist Traps	12
Traveler’s Advisory	13
Endnotes	13
Chapter 2 · What Is Your Learning Style? Travel Style?	17
What Are the Different Learning Styles?	17
Visual	18
Auditory	19
Kinesthetic	20
What Is Your Learning Style?	20
Exam Evaluation — Personal	21
Endnotes	24
Chapter 3 · Learning to Read and Brief Law School Cases	25
Reading in College	25
Reading in Law School	26
Things You Need to Know before Reading Your First Case	27
The Dual Court System	27
Divisions of Courts within Each Court System	28
The Trial Court	28

The Appellate Court	28
What Can the Appellate Court Do with the Trial Court Decision?	29
Learning the Language	30
Reading Tips and Techniques	31
Step 1—Anchor yourself.	31
Step 2—Read the case—focus on your anchor.	33
Step 3—Brief the case.	33
Briefing Tips and Techniques—FIRAC	34
Sample Case and Case Brief	39
Sample Case Brief	40
Exercise	41
Exercise 3-1 Reading and Briefing Cases	41
Answer to Exercise 3-1 Sample Case Brief	42
Endnotes	43
Chapter 4 · Effective Notetaking in Law School	45
Difference Between Notes in College and Notes in Law School	45
Dos and Don'ts for Taking Notes	46
Edit Your Brief	46
Write Down All Hypotheticals	47
Note How the “Other Stuff” Relates to FIRAC	47
Sample Class Discussion	48
Torts Class Discussion	48
Sample Notes	52
Sample Case Brief	53
Chapter 5 · Putting It Together, Part One: Synthesis	55
Synthesis in College	55
Synthesis in Law School	56
Why Hide the Directions?	57
What Is Synthesis?	57
Tips on Synthesis	57
Step 1—Gather all of the cases you have read on a particular issue.	58
Step 2— Divide the cases into elements—does each case seem to represent a different element of the rule?	58
Step 3— If, and only if, two or more cases illustrate the same element, you should divide the cases by result.	59
Synthesis Exercises	62
Exercise 5-1 Synthesis: Statutory Interpretation	62
Answer to Exercise 5-1 Synthesis: Statutory Construction	62
Exercise 5-2 Synthesis: Criminal Law	63
Answer to Exercise 5-2 Synthesis: Criminal Law	63
Exercise 5-3 Synthesis: Contracts	64
Answer to Exercise 5-3 Synthesis: Contracts	65
Endnotes	66

Chapter 6 · Putting It Together, Part Two: The Role of the Law School Outline	67
What Is an Outline?	67
What Are the Different Kinds of Outlines?	68
What Kind of Outline Should I Use—Commercial or Homemade?	69
What Should a Good Outline Include?	70
How to Make Your Own Outline	70
Step 1—Get the big picture.	71
Step 2—Insert the rules.	71
Step 3—Insert cases and hypotheticals.	72
Step 4—Insert the reasons/rationale for the rules (policy).	74
Additional Tips on Outlining: Open Book v. Closed Book Exams	75
Additional Tips on Outlining: Outlining Software	76
Outlining Exercises	77
Exercise 6-1 Outlining: Contracts	77
Answer to Exercise 6-1 Step 1	78
Answer to Exercise 6-1 Step 2	79
Exercise 6-2 Outlining: Criminal Law	80
Answer to Exercise 6-2 Step 1	80
Answer to Exercise 6-2 Step 2	81
Endnotes	83
Chapter 7 · Putting It Together, Part Three: Flowcharting	85
What Is a Flowchart?	85
Do I Have to Create Both a Flowchart and an Outline?	85
How Do I Know If a Flowchart Will Help Me?	86
What Are the Different Types of Flowcharts?	86
What Should a Good Flowchart Include?	88
How to Make Your Own Flowchart	88
Step 1—Brainstorm: create a list of all the key words, phrases, and rules that come to mind.	89
Step 2—Organize: separate these terms into different sections/categories.	90
Step 3—Go with the flow: decipher the relationship between the rules and turn these into issues and questions.	91
Other Alternatives	93
Final Thoughts	95
Sample Flowcharts	95
Constitutional Law—Equal Protection	95
Step 1—Brainstorm.	95
Step 2—Organize.	95
Step 3—Go with the flow.	97
Civil Procedure—Pleadings	98
Step 1—Brainstorm.	98
Step 2—Organize.	98
Step 3—Go with the flow.	99

Criminal Law	99
Step 1—Brainstorm	99
Step 2—Organize	100
Step 3—Go with the flow	101
Chapter 8 · Law School Examinations	103
What Should I Expect on My Law School Exams?	103
Why Am I Being Tested This Way?	104
How Does the Exam Relate to Class Discussion?	105
Different Types of Law School Exams	105
Issue-Spotting	106
Analysis	106
Policy-Oriented	107
Chapter 9 · Tips on Exam Preparation	109
Process of Problem Solving	109
IRAC for Examinations	109
I—Identify the Issues	110
R—Articulate the Rules	111
A—Apply the Rules to the Facts	111
C—Conclusion	112
Tips for Different Exam Formats	115
Essay Exams	115
Closed Book	115
Open Book	116
Take Home	116
Multiple Choice	117
What to Do During an Essay Examination	118
Step 1—Prioritize.	118
Step 2—Brain dump.	119
Step 3—Issue spot.	119
Step 4—Organize.	121
Step 5—Write using IRAC.	124
Exam Exercises	125
Exercise 9-1 Exam Question: Torts—Intentional Torts	125
Answer to Exercise 9-1	126
Exercise 9-2 Advanced Exam Question: Contracts	127
Answer to Exercise 9-2	128
Exercise 9-3 Exam Question: Civil Procedure—Personal Jurisdiction	129
Answer to Exercise 9-3	130
Exercise 9-4 Exam Question: Criminal Law—Actus Reus	131
Answer to Exercise 9-4	132
Exercise 9-5 Exam Question: Criminal Law—Burglary	133
Answer to Exercise 9-5	134
Exercise 9-6 Exam Question: Torts—Policy Question	136

Answer to Exercise 9-6	136
Exercise 9-7 Exam Question: Constitutional Law—Due Process	138
Answer to Exercise 9-7	139
Endnotes	140
Chapter 10 · Time Management	141
What Works for You?	141
How Do You Study?	141
When Do You Study Best?	142
Where Do You Study Best?	142
Organizing Your Study Schedule	143
Semester Schedule	143
Weekly Schedule	144
Using Technology to Help with Scheduling	147
Scheduling Tips for Part-Time Students	147
Setting Realistic Goals	148
Endnote	148
Chapter 11 · Additional Strategies for Success	149
What to Do When Life Gets in the Way of Law School	149
Where to Go for Help	150
Academic Support/Academic Assistance/Academic	
Achievement Office	150
Admissions Office	151
Career Center	151
Counseling Center	151
Dean of Academic Services	152
Dean of Students/Student Services	152
Disability Services	152
Financial Aid Office	152
Registrar	153
Student Affairs	153
Website	153
What's the Problem?	153
Before Law School	153
During Law School	155
The First Few Weeks	155
Preparing for Class	156
Mid-Semester	159
Before Final Exams	160
During Final Exams	161
After Final Exams	162
Endnotes	164

Chapter 12 · Bridging the Gap as a 2L or 3L:	
What Else Can I Expect in Law School?	165
Life after First Year—What Should I Expect Next?	165
Academic Opportunities	166
Law Reviews and Journals	166
Moot Court	167
Clinics	167
Externship/Field Placement	168
Guided Research/Independent Study	168
Non-Academic Opportunities	169
Student Organizations	169
Local and National Bar Associations	170
Chapter 13 · The Importance of Gaining Legal Experience	171
Externships, Clerkships and Other Legal Work Externships—	
Why, When and Where	171
Judicial Clerkships	172
Research Assistant	172
Internships/Summer Clerkships at Private/Public Entities	172
Writing a Good Cover Letter	173
Writing a Good Résumé	177
Tales from the Front or One Recruiter’s True Confessions	178
Other Tips	179
The Interview	180
Endnotes	181
Last Words of Advice	183
Dictionary of Common Legal Terms	185
Index	189

Acknowledgments

This book would not be possible without the help, love, and dedication of many wonderful people, including Cathaleen A. Roach, who served as a role model and a mentor to both of us.

We would also like to thank the following people who made this book possible:

Our colleagues:

Stephanie Juliano

Andrea Kaufman

Kenneth A. Rosenblum

Susan Thrower

Thanks for your many suggestions and comments and for reading our draft and returning it on such short notice.

Dan Ursini

For inspiring us to keep our dream of publishing this book alive.

Our research assistants:

You have helped us in more ways than we can recall and kept us working, even when we did not want to.

Francis Cermak, DePaul University College of Law Class of 2000

James Derry, DePaul University College of Law Class of 2001

Tracy Hamm, DePaul University College of Law Class of 2000

Mike Isroff, DePaul University College of Law Class of 2001

Moira Murphy, DePaul University College of Law Class of 2008

Robert Sabetto, DePaul University College of Law Class of 2002

Shannon Verner, DePaul University College of Law Class of 1999

We would also like to express our thanks to the former Dean of DePaul University College of Law, Teree E. Foster, for her support of the Academic Support Program and of our research for this book.

About the Authors

Ruta Stropus is the Director of Attorney Recruitment and Professional Development at the Illinois Attorney General's Office and a former Assistant Dean and Professor. She previously served as director of the Academic Support Programs at both DePaul University College of Law and at Northern Illinois University College of Law. She received both her undergraduate degree (summa cum laude, 1986) and her law degree (1989) from Loyola University of Chicago. After graduating law school, she practiced in litigation with McDermott, Will and Emery, and Sachnoff & Weaver, Ltd, two prestigious law firms in Chicago. She has previously published a law review article addressing concerns about the current trends in legal education titled *Mend It, Bend It, and Extend It: The Fate of Traditional Law School Methodology in the 21st Century*. 27 Loy. L.J. 449 (1996).

Charlotte Taylor is the Assistant Dean for Student Services at the Touro College Jacob D. Fuchsberg Law Center. She previously served as the Assistant Director of the Academic Support Program and then as the Assistant Dean for Multicultural Affairs and Student Support Services at DePaul University College of Law. She received her undergraduate degree (1992) from Bradley University in Peoria, Illinois, and her law degree (1996) from DePaul University College of Law. After graduating law school, she practiced insurance defense with the law firm of Greene & Letts in Chicago.

Preface

Travel Advisory

Quite a bit has changed since we embarked on the journey of writing this travel guide, of sorts, for law school. Most significantly, the legal market has turned upside down, leaving many new graduates without promising economic prospects. Indeed, going to law school is no longer a guarantee of financial security; rather, saddled with six figures of debt, many students question whether they should have taken the journey at all.

Therefore, we add this preface to the third edition. Like all travelers, you need to ask some pretty basic questions before setting off on a journey.

Do I really want to go here?

Do I think this will be a trip of a lifetime? How will it change my life? What are my expectations?

It is a very expensive journey. How will I pay for it? What will a large educational debt mean to my other goals, such as homeownership and family?

Even if I expect to do very well in law school and land a high-paying job, what if those expectations aren't met? What if that doesn't happen?

Have I spoken to others who have taken this journey lately? What were their impressions? Would they do it again?

One of my former students recently remarked: "I went to law school thinking I would be Abraham Lincoln; instead, I'm doing document review." Despite media depictions, the practice of law is not glamorous. The work is often tedious, the hours long and the costs to service law school loans immense. The very practice of law is changing, as clients are moving away from billable hour arrangements and demanding that attorneys provide a more competitive price for their services. In some environments, the supply of attorneys exceeds demand, thus substantially driving up competition.

So, let us caution you before you begin. Seek advice. Listen to contrary opinions. Crunch the numbers. Question your motives. Set realistic expectations. Above all, make sure you know the answer to this question: "Why are you going to law school?"

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 the 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>
Provides summary of law in certain area		✓	
Provides practice problems		may offer one or two	✓
Provides general information about law school	✓		✓
Provides a process for how to respond to law school exams			✓
Provides information on reading cases, briefing, and outlining	✓		✓
Provides general exam taking tips	✓		✓
Provides a 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 resulted from the injury. 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.