

Reading Like a Lawyer

Reading Like a Lawyer

*Mastering the Art of Reading Law
Like an Expert*

THIRD EDITION

Ruth Ann McKinney



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To my parents, who taught me to love reading;
To the students, faculty, and staff of the University of North Carolina
School of Law, where I learned to love reading law;
and
To Ray, who reminds me to play.

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INTRODUCTION

Exceptional law students, and exceptional lawyers, are expert readers. From the first semester of law school, fledgling lawyers commonly read hundreds of pages of dense, challenging law in a week, and thousands of pages in a semester. Later, in practice, lawyers read statutes, cases, and administrative regulations every day, decoding the words in the texts and reaching behind the words to the many possible meanings that could be attributed to the law they're reading.

Law students—and lawyers—who read law well are getting something from their reading that is not shared by those who read law less proficiently. Starting with the first days of class, what law students understand about the reading process itself has a major impact on how they read their assignments. How they read their assignments determines what they are able to get from those cases and statutes, what they are able to bring to class discussions and take from class discussions, and—ultimately—what they are able to learn for exams. How they read in law school, in turn, directs the path of their reading in the profession.

Practicing lawyers who have developed sound reading practices in law school approach their analytical work with confidence, secure in the knowledge that they can read the law powerfully, passionately, and accurately. Put succinctly, these lawyers read with conviction, knowing they are reading like an expert.

The good news is that the ability to read law like an expert is not a gift that you're either born with or lack from birth. Students and practitioners have not been separated into the sheep and the goats prior to entering law school, relegated forever to green pastures or rocky cliffs. Rather, reading law like an expert is a skill that can be acquired by everyone with the curiosity, determination, and flexibility to adapt their prior reading skills to this new setting—and these skills can be acquired *at any time*. Once acquired and whenever acquired, the skill of reading law like an expert brings cascading rewards, enriching the reader's understanding of existing law and enhancing the reader's ability to create new paths to the law of the future.

The purpose of this book is to teach you what the experts already know: how to read law-related material as efficiently, effectively, and powerfully as possible. **Each chapter includes Practice Exercises at the end** so that you can apply what you are learning. After you've tried your hand at those exercises, you can **check the accompanying website (caplaw.com/rll)** to see some of the ideas I had as I wrote those questions.

The book is divided into three parts:

Part I (Building a Strong Foundation) introduces you to background information you need to know about the study and practice of law to get in the reading game. If you are confident that you already understand the fundamentals of legal logic and the structure of law school, you may choose to go directly to Part II.

Part II (Mastering Reading in a Law School Casebook) focuses on casebook reading, the kind of reading that dominates the first years of law school. This second section introduces seven specific reading strategies, captured in the acronym E.M.P.O.W.E.R., that are common to all expert reading, and explores how law students can apply these strategies in the context of their casebook reading.

Part III (Moving Beyond the Casebook) explores how students and practitioners can read statutes and unedited cases accurately, confidently, and efficiently. This third section also explores how expert readers process

important information when reading on a screen, including tips for how not to get distracted when reading complex legal material online.

At the end of the book, there are four appendices: Appendix A gives you a chance to test your baseline reading speed; Appendix B introduces a case-reading checklist that beginning students can use to develop healthy casebook reading habits; Appendix C introduces an advanced case-reading checklist to help successful students speed up their reading once they've developed sound habits. Appendix D offers a reading list for those who would like to explore the topic of legal reading in greater depth.

At their core, both law study and law practice are dependent on reading. If you learn to read law efficiently and effectively, you will be well on your way to achieving excellence in the study and practice of law. It is my hope that what you learn from this book will help get you started on the right page.

