

AN INTRODUCTION TO  
LAW,  
LAW STUDY,  
AND THE  
LAWYER'S ROLE



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SECOND EDITION

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*Dedications*

*To Professor Moliterno's family  
and*

*To Caryn Cecelia Lederer, who chose this path, and to Alyssa Mira  
Lederer, who may yet do so, women of valor, intellect, and heart.*



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# PREFACE

Lawyers perform and fill many roles in our society; some of those are regarded as socially valuable and others are not. Even among those favorable roles there is wide variety. Lawyers are business people; learned, intellectual professionals; helping professionals; professional writers; people of moral influence; producers of justice; advocates; and counselors. The lives of many lawyers are a complex mesh of all these roles; others have chosen to emphasize one or several of these roles to the point of nearly extinguishing the others. In part, this book is meant to introduce you to some of these roles and their interrelationships, and to help you begin, should you so desire, the difficult process of weaving your own unique cloth.

This book is intended primarily for those who are interested in learning what law is and how law students become lawyers. However they see themselves or are seen by others, nearly all lawyers do have one thing in common: they were all once beginning law students. For those who plan to attend law school this book is meant to make that potentially horrifying time much less so. In doing so, we will introduce you to a number of skills that are critical to law students, such as opinion reading and briefing, classroom participation, writing, and interpersonal relations. If there is any efficacy to legal education as a preparation for the practice of law, as we think there is, you would expect that these same skills would be as useful to lawyers as to law students. Happily that is the case. As a result, what you learn today as a student of the law will be valuable to you as a lawyer as well.

Our fundamental goal is to provide you with some early insight into what law is. Thinking early about the nature of law itself should help those of you who are or will be law students better understand your law school course work and enrich your life as a lawyer.

Although changing, legal education remains primarily a study of appellate court opinions. Those opinions, rendered by judges who have never seen the parties to the disputes being resolved, are distant from the facts that underlie the dispute, the parties' original interests, and the early lawyering functions that began the process of dispute resolution. Because the study of appellate

opinions all too often occurs in academic isolation, students may fail to see or appreciate the legal and pragmatic consequences that flow from the lawyer's representation of the client. We hope that this book will aid your study and understanding of the law and those appellate court opinions by providing you with a perspective on the beginnings of the process that is not apparent from reading opinions alone.

Finally, though not unimportantly, this book may provide special insights into the law school world that are valuable for anyone considering entry into the field. We hope that an undergraduate student, knowing what to expect from the law school experience, will be better positioned to make informed career choices.

We believe that any given piece of writing must be written with both its intent and its audience in mind. As a result, in writing this introductory book we have, quite consciously, attempted to make it easy reading. To accomplish this goal, we have chosen an informal prose style without the multitude of citations and footnotes customary to formal legal writing. We hope that you will not be disappointed with their absence.

This book is an outgrowth of the Introductory Week of the Marshall-Wythe Legal Skills Program which the authors helped develop. As such, it is impossible to individually thank all the people who have contributed directly and indirectly to this text. At the risk of omission, we would like to particularly note John Levy, Patty Roberts, Allen Black, Laura Dahl, Lizbeth Jackson, Paula Sinozich and Jane Taylor.

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