

# THE LAW SCHOOL DILEMMA — STUDENT OR LAWYER IN TRAINING\*

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## INTRODUCTION

I would like to clear up an often-misquoted passage from Shakespeare. “The first thing we do, let's kill all the lawyers”<sup>1</sup> was yelled out by a guy named Dick the Butcher supporting an ignominious in overthrowing the King. That is one way to change the system, albeit drastic. Another way to affect the system is to be a participant. Lawyers have long been active participants in maintaining organized society. But the road to participation as a lawyer begins with law school. When I entered law school, I was faced with two choices, both of which would lead to a J.D. degree. One choice was to be merely a law student; the other was to learn how to become a lawyer.

### Choice #1

To be a law student, I could grumble my way through orientation, do my reading assignments, come to campus only to go to class, attend class occasionally, gripe about my professors, take my exams, wait impatiently for my grades, and then repeat this process each semester until graduation or until I was taken away in a straightjacket, whichever came first. This choice seemed unattractive to me.

### Choice #2

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1. William Shakespeare, *Henry VI*, part 2, Act 4, scene ii. The thought behind that statement was that by eliminating lawyers, who were associated with ordered society, there could be enough chaos to create a new society. I believe this is an off-handed compliment to lawyers by Shakespeare in that he associates lawyers with a civilized society.

Learning how to be a lawyer is an involved process that lasts much longer than your short tenure at law school. While it may come as a surprise to many of you, there is more to learn than what is contained in books or heard in class. Your undergraduate experience may have taught you how to study; law school will teach you how to learn.

My first decision in law school was not a difficult one to make — I was here to learn how to become a lawyer. Even though my study skills were, and remain, a bit rusty, my work experience guided me in becoming an active participant in law school. Utilizing your study skills will be the necessary foundation upon which you will learn about the law in law school. It is not my intent to preach, but to share experiences that I found to be beneficial in learning to become a lawyer. I hope that the following guide will help to make your law school experience both enjoyable and successful.

#### *ACCLIMATING TO YOUR NEW SURROUNDINGS*

The boilerplate stuff: take time out for yourself; don't change too many of your habits (unless procrastination is one); get plenty of rest; eat healthy foods; and stay physically fit (I did not follow a few of these directives). Before law school, I spent my free time getting involved in community groups and socializing with business associates and friends. I incorporated these personal diversions into my law school regime by joining several student groups, mentoring new students, and attending several of the school's "social" events.

Familiarize yourself with the campus. When class schedules are due and you wait until the last minute, it will alleviate some pressure if you know where the registrar's office is located. The registrar's office has information on classes offered. You may also find a list of recommended classes to take for specific areas of law. You can find calendars for the school year and get your transcripts from the registrar's office.

There are several other offices that you cannot afford to pass by without stopping in. When you first visited campus, someone from the admissions office probably gave you a tour; return the favor and volunteer to give tours. It gives you a chance to become better acquainted with campus. The dean of students' office is also a fountain of information from tutor availability to pro bono opportunities. As you advance in years, the career services office publishes clerking

positions and job openings. You should start working on your resumé your first year and this is an office that can assist you.

The Reference Librarians are a very necessary part of your law school experience. They know everything (well, almost everything). Even though you may get a library introduction in a legal writing class, most librarians are always willing to give you a tour. Get to know them because you will also need them after you graduate.

You will hear more from the Alumni Affairs/College Relations office after you graduate. Were it not for this office, alumni involvement in your school would be non-existent and tuition would be considerably higher. Participating in the annual phonathon not only helps to raise money for the school, but it is a great way to make some contacts and get job leads.

### *SUPPORT GROUPS*

My family played a big role in my law school experience. Actually, I was fortunate to have several families looking after me. First, my wife, who did not make me feel guilty about being 1000 miles away from her (I attended school in a different state while she was pursuing a doctorate degree in education). Next, my parents, who lived nearby and often would surprise me with dinner at my apartment or an invitation out. I was also fortunate to have my wife's family who looked out for her. By keeping a positive attitude about the workload or lack of free time, I found many people were happy to help out. However, it was not until my wife and newborn daughter joined me at school that I fully experienced life as a student with a family at home.

I returned to school to benefit my family, not to ignore them. Based on my experience and those of classmates with families, I highly recommend a routine that gives you plenty of time at home. Treating law school like a job works for most students. Get to school early regardless of class schedule. Find a quiet place in the library or an empty classroom and study at school. Plan to prepare for the following day's classes. If you think you can prepare on the same day as your class, think again because "stuff" happens.

Except for the occasional evening class, you should be home for supper. Since you have already prepared for the next day, you may not have to spend all evening with your nose in a book. Take the evening time for tasks requiring little concentration, such as tabbing

books and organizing class notes. After the first year, weekends generally offer significant free time. You will need to spend some time on weekends either preparing or reviewing class work. Coordinate your study needs with family plans and vice versa. Preparing for class is important and, as a result, you may have to rearrange family/personal plans. Most students, myself included, find that they stay better organized with family at home or when they keep a regular routine. Single students without children may not have these same obligations at home, but it is in their best interest to recognize the need for diversion.

A discussion about support groups would be incomplete without mentioning my classmates. I have never been so moved by the outpouring of support that my classmates offered to each other — from birthdays to deaths. Many students that I have known have embraced their classmates as their closest family. If your family is not geographically or emotionally close, you may want to look to the people near you in law school as your daily support.

#### *GETTING INVOLVED*

Start cultivating those referrals now. The friends you make in law school will be your colleagues in a few years. This includes both professors and students who are not in your class. Law school affords you the opportunity to introduce yourself to many people. By being involved with the student government or a club or school team (Moot Court, Law Review, Trial Team), others will get to see the real you. So shape up now! In addition, judicial internships and clinics not only give you practical experience for after graduation, they allow practicing attorneys and judges to get to know you.

Many law students have not had the opportunity to meet or work with professionals. If you fit into this category, then take advantage of the student membership in the local bar association. Also, attend lectures by and receptions for local, as well as world-renowned, speakers. Along with possibly meeting these speakers, you will mingle with professors and administrators from your school. You will need several reference letters during your career; professors and administrators are great references, but only if they know you.

There should be plenty of opportunities to be either a research assistant, teaching assistant, or tutor. There are several reasons for

doing so. Again, you get to know professors and administrators better, thus enhancing your law school experience. Better still, they get to know you (don't forget those reference letters). By serving as a research assistant, you will also get the opportunity to work on topics that are generally on the cutting edge. In researching current issues in law, you may find an area of interest that may lead you to a career. You may also find networking opportunities from these positions.

If your school offers a joint degree program, consider getting both degrees. I was fortunate enough to get both a J.D. and an M.B.A. in two and one-half years. Having multiple degrees not only shows potential employers that you are a hard worker, but most students start at higher salaries with dual degrees. Joint degrees are very good investments in yourself for the future.

#### *DON'T TAKE YOURSELF TOO SERIOUSLY*

As I stated above, many of your future business contacts are sitting next to you in class. So keep this simple fact in mind: Don't be a jerk — not to your classmates, your professors, or the school staff. Not only will you enjoy walking through the halls and hearing someone say, “Good morning [insert your name here]!,” but it is great practice for the work world.

Another step in learning how to be a lawyer is to share. You should share reference books and outlines with your classmates. As you sow, so will you reap. One semester, I received over twenty reference materials for a class because I had shared some enlightenment given to me by a graduating student for a previous class.

#### *HOW TO ACT IN CLASS*

Law school is not as directed as most students are accustomed. You are not lectured to in your first year; you must participate in class. Instead of sitting in class with sweaty palms and a knot in your gut waiting to be called on, try this guaranteed relaxation technique: first, make eye contact with your professor; second, slowly contract the muscles in either shoulder (not both at the same time) causing your arm to rise over your head; and third, speak loudly about the topic being covered in class. Volunteering an answer or making a point in class will get you past that initial fear of being called upon. Speaking in class will also let you know if you really

understand the material and, more important, will let the professor get to know who you are.

But don't talk just to hear yourself talk, brown-nose, or score brownie points; those days are gone. While humorous statements and your personal opinions are generally welcome in class, make sure that you have something constructive to add to the class discussion before speaking.

If you cannot voluntarily participate in class, write down your thoughts from class and take them to your professor's office. At Stetson University College of Law, professors have an open door policy — this alone is worth the price of tuition. You should be prepared when you go to see these learned individuals. Explain the topic as you understand it and have a dialogue with the professor to see if you are on the right track. If you show some effort, you will be better received and your grades will so reflect.

#### *IN THE BEGINNING THERE WAS CASE LAW*

Here is the truth on study aids: they do serve a purpose in law school. They can help build your biceps or steady an uneven table. While many students have passed their classes by reading only the study aids, they could not read a case if they had to. Homework assignments appear overwhelming only because cases are a different style of reading and reasoning than most students are used to. You may learn the black-letter law from the study aids, but you will not learn how to find the law in a case. I suggest reading your assignment for class. The general facts of the case should be obvious after reading the case. While some facts get confusing, try to make it through the case. As a last resort, and only to calm any anxious feelings, pick up a study aid or canned brief of the case and scan it over. Then, go back and re-read the case, skeptically using your new-found knowledge (editors do not always pick up mistakes). Nothing can substitute for reading a case and your textbook.

#### *BRIEFING MAY NOT RESULT IN BREVITY*

When you read a case, you will want to write a summary of what happened. This is called briefing a case. A brief generally includes a fact summary, the issues addressed, and how the court applied rules of law in arriving at its holding. It will take several weeks in law school before your fact summary is less than five

pages. Try to write your fact summary based upon what your professor wants. You will need to wait for the first day of class to see which facts the professor expects you to know. So, in preparing for the first day of class, make a relatively detailed description of the facts AND a three-sentence summary. As the semester progresses, you will become more adept at quickly picking up the facts and presenting them in class. The key will be spotting the issues and the rules of law applied in the case. While the facts will change from case to case, the same issues and rules of law will recur. The goal is to become familiar with the rules of law and apply them to different fact patterns. It is the application of the rules that determines the holding of the court for specific issues.

If your school offers a program to learn how to brief a case, you should take it. I participated in the Academic Enrichment Series offered at Stetson and learned several techniques in reading cases and briefing them.

#### *UNDERSTANDING IT ALL*

Sometimes it took me until the end of a semester to get the “big picture” in a class. For example, if you know that you need an offer, an acceptance, and consideration to create a contract, then you already have an outline for your Contracts course. The ideal way to learn and understand a law school course is to first get an overview of the topic. Your law school professors will test your ability to analyze fact patterns and apply black-letter law and case law. Coincidentally, the bar also tests your legal knowledge.

There are several bar review courses that offer comprehensive outlines of legal topics and direct you to hot topics on the bar. BAR/BRI, one such course, allows you to lock in a lower price your first year of school. I recommend taking advantage of this. Your school representative will have bar review books for your first-year classes when you make your deposit. The summary will help to give you a big picture of your first-year classes but they will probably not be in the same order as presented by your professors. BAR/BRI offers a reduced fee to retake their review class. If you can afford the time and money, take BAR/BRI sometime while you are in law school and again right before taking the Bar. PMBR, the Preliminary Multistate Bar Review course, offers a “dry run” test with no charge for retaking and also offers students comprehensive outlines

for law classes.

### TEST TAKING

Writing a final exam in law school was a different experience for me. Obviously, I tend to be wordy and try to be humorous. Do not write like this on a law school exam. Usually, the straightforward approach is best for writing law finals. You will be taught to IRAC a given set of facts: that is, to express the *Issue*, determine which *Rule* of law to use, *Analyze* the facts as applied to the rule, and make a *Conclusion*. We were offered a semester long Academic Skills Workshop in which we practiced writing final exam answers. Not only did we review the answers in class, but also several of my professors were willing to read and critique my answers.

Take as many sample exams as possible before your first set of final exams. You can remove some exam anxiety by getting used to writing a law school final. If your professor does not have old exams on reserve in the library, consult older students who may have copies, check with clubs that may have exam files, or go out on the Internet and look for exams from other schools. When possible, take your answers to your professor to confirm that you are spotting the issues and applying the appropriate law. I reserved a classroom for several weekend mornings before finals. I would come to school at the same time that the final was to be given and take a practice final. When finals rolled around, it was just like taking another practice exam. Also, do yourself and your classmates a favor and do not discuss the exams afterwards: right or wrong, you will hear answers that you did not even consider.

One final thought: pay attention to footnotes in your textbook and cases. Some professors use the information in footnotes to formulate test questions.

### PLACES TO GO, PEOPLE TO SEE, THINGS TO DO

The following are some random thoughts that you may not become aware of until later in law school. Go to the bookstore. The one at Stetson carries software that can be bought up to 70% less than in most stores (students get an educational discount). Look in the bookstore for other reference books.

Go to the library. Nearly all of the hornbooks are on reserve there. Supplemental materials and study aids are generally on re-



serve or available for check out.

As a student, take advantage of the Continuing Legal Education classes offered by your school and local bar association. Students can generally attend conferences and seminars at reduced fees or for free. Also, legal publications and other materials can be purchased from the bar association or the publisher at significant discounts.

The Internet holds more information than you will ever need. But there are at least three sites that I would recommend you browse; they are <[www.lawschool.westlaw.com](http://www.lawschool.westlaw.com)>, <[www.lawschool.lexis.com](http://www.lawschool.lexis.com)>, and <[www.findlaw.com](http://www.findlaw.com)>. The sites speak for themselves, but you can find information on career opportunities, survival suggestions, and course outlines.

Get to know your professors' secretaries. You will probably need to see them for handouts. Also, though professors may have open door policies, it never hurts to check with the secretary first.

If you are planning to take a bar exam, apply early. Depending on your state, you may be able to pay a lower application fee by applying early. For the more mature students (i.e., older), you may need the extra time to track down information that the bar requests from you. So again, start early.

Some states allow students to take the MPRE while still in school. This is a portion of the bar exam on professional responsibility. Most schools require you to take a course on professional responsibility, so I would recommend taking the MPRE during the semester following that class.

#### *CONCLUSION — IS THAT YOUR FINAL ANSWER?*

The most common answer to any question asked in law school is, "It depends." Should you follow my suggestions made above? It depends. It depends on who you are and what it takes for you to focus on the task ahead of you. Obviously you need to learn the law before you can practice it; so make sure you study first, party second. Successful people never stop learning; they are consummate students. The successful lawyer not only knows and applies the law but is also personable and an active member of their local bar association and other civic groups. You can get into the habit of balancing your life while in law school if you recognize the importance of the people around you. From your peers to your family, the ability to interact with others complements your academic knowledge. Other

people are the ones who will hire you; I have yet to receive a check that did not bear the signature of another human being.

Hopefully, you will continue to improve the perception of the legal field. This profession is, at its foundation, based upon controversy that leads to distaste for its process — I like sausage, just don't tell me how it's made. Maybe you will be the lawyer who a “Dick-the-Butcher-type” meets causing him to utter a revised cry to the masses of, “The first thing we do, let's recognize the importance of lawyers.”