

THE ACADEMIC ACHIEVEMENT PROGRAM

Seminar Series

LET THE STRUGGLE BEGIN: UNDERSTANDING THE LAW SCHOOL LEARNING PROCESS

“You learn law by struggling with it, not by memorizing it . . . ”¹

THIS ISN'T COLLEGE . . . Remember how successful you were in college? Remember how you knew just how many days you needed before the final exam to get reasonably up to speed on the material and get a good grade? Weren't those days great? Unfortunately, they are now over. The sooner you understand that law school is a whole new ball game, the better off you will be.

Key differences between college and law school that you must understand include:

1. You must be an **active, independent learner**. That is, you must attend class regularly (studies have consistently shown that class attendance correlates with higher grades), actively try to relate what is going on in class with your case brief and readings, and take notes on class discussions and review them with an eye toward how that day's class fits in with the bigger picture. Get comfortable with the fact that ***you are responsible for teaching yourself much of the material that is being covered by your professors.***
2. You must understand how you learn best. If you have difficulty understanding material delivered in a lecture format, try to create visual aids (charts or other visual images) of the material. If you learn best by talking things out, find an effective study partner and reserve time to talk through the material.
3. You must **keep up** with class preparation, and consistently be preparing for the final examination. This does not mean to get caught up on your readings and prepare for the exam in the last few days before the exam. Exam preparation takes all semester -- you **cannot** do it all at the end.
4. You must understand that you are not expected to simply **memorize** rules or the “right answers.” You are being taught to think critically and analytically, or “like a lawyer.” Your classes likely will not be straight lecture – you will be active participants, and questions will be open-ended.
5. Your textbooks are not descriptive, as they probably were in college. That is, they do not simply describe what the law is. Instead, law school uses the case book method, where you will read edited appellate opinions which highlight the legal analysis of an issue. You must work to understand the rule and holding of each case and how cases fit together – it will not be spelled out for you.

¹ Kenney Hegland, *Introduction to the Study and Practice of Law* 85 (2d ed. 1995).

6. You have to work *hard*. Doing the minimum is not good enough anymore.

PREPARING FOR CLASS IS MORE THAN DECIDING WHAT YOU WILL WEAR . . .

Preparing for class is part of the active learning process that separates successful law students from those who struggle. Do not make the mistake of thinking that the professor will tell you everything you need to know about the materials you were assigned to read for class. More likely, he or she will use the materials as a starting point for more complex discussion. You must prepare for class so that you can understand the discussion and maximize your classroom experience. *The better you prepare, the more you will get out of class.*

1. **Be an Effective Reader.** Strong reading skills are crucial to your success in law school and law practice. Your professors will not tell you how to read a case – you must develop this skill on your own. Here are a few things to keep in mind:

- a. Preview the case you are going to read, skimming it to understand the structure and determine what the court’s decision was before you begin to read, so that what you read is put into context.
- b. Reread the case, with a close eye on key portions. Far from wasting time, rereading helps save you time and energy because it will help you focus on what is important in the case, and what is not. Remember, time you invest now will pay dividends as you prepare for exams.
- c. Think about what you are reading, and as you go along try to synthesize the material and put it into your own words. If you cannot put what you read into a succinct statement of your own, you do not clearly understand it – reread!
- d. Assume an active role as you read – evaluate the arguments the parties made, whether the court’s reasoning is strong, what policy arguments might be made in support of or against the court’s decision.
- e. Make notes in the margins, noting important parts of the decision in your own words. Underline selectively, making sure you understand the importance of what you are underlining.
- f. Finally – look up any words you do not know. Do not skip over them. Likewise, do not skip over footnotes.

2. **Prepare a Good Case Brief, and Don’t Be Afraid to Alter It.** Your case brief is an important tool in your class preparation and, ultimately, your exam preparation. Do not assume that the only purpose of the brief is to keep you from embarrassing yourself if you are called on in class. It should be a key part of your class notes – build on it and change it as necessary during and after class.

3. **Get Back on Track.** Do not let a mistake like falling behind in your reading derail you. If you fall behind, skip the cases that already have been covered in class, and start reading what *will* be covered in class. This way, you can get back into what is going on in class. Catch up on the cases you missed by doing extra reading on the weekend.

WHAT GOES ON IN CLASS IS NOT SIMPLY A RESTATEMENT OF WHAT YOU READ IN YOUR CASEBOOK . . . Unlike college, where, if you slept through class, you could read the text and be caught up, in law school you will be lost and at a great disadvantage if you skip classes. This is because law school classes build on what you read for class, teaching you the analytical skills that you will need on your exam – in addition to the rules of the cases. The Socratic Method, among other things, helps you develop these skills.

1. The Socratic Method really is your friend. Try not to fear being called on and asked questions about a case. Although you may feel that the professor's questions are confusing you and keeping you from learning the material, they actually are helping you learn how to think like a lawyer. Instead of feeling that you leave class "without any answers," recognize that the process of asking and attempting to answer questions is what lawyering is all about. ***The emphasis in law school and in law is less on memorizing what the rules are (although you must know them) than on how to use the rules to analyze and solve problems.*** Therefore, keep in mind that the Socratic Method is not meant to torture you, humiliate you, or alienate you. While it is understandable to be nervous, think of the classroom experience as practice for your final exam. If your final exam were a tennis match, you would not be well prepared if you simply read about tennis. You need to hit the ball a few times, and the classroom experience is meant to facilitate that. To take the tennis metaphor a bit farther – we only admitted those people who had a racquet in their hand. Rather than fear the classroom, swing away.

2. You must take effective notes. For the most part, professors test you on what they teach. Each professor has his or her own area of emphasis and "take" on the subject you are studying. Do not take a lazy approach to note-taking thinking you will make it up with a commercial outline. Your notes are one of the most important exam study aids that you will have.

Create a learning tool, not a transcript. Take your notes with an eye towards understanding the problem-solving process that takes place in each case you read, so that you can apply that process to a new fact pattern on an exam. As a starting point, you should:

- a. Think before you write. Think about what is being said, and try to put it into your own words before you write it down;
- b. Edit your case briefs with information that you learn in class;
- c. Write down all hypotheticals and examples;

d. Write down other relevant information such as public policy considerations, dissents, or other theories highlighted by the professor.

e. Write down anything the professor says is a theme, goal, or overarching principle of the course – this will help you put it all together when you are outlining and reviewing for the exam.

f. ***Finally, take a few minutes after class to review and clarify your notes, and synthesize the material. Again, look at this as part of your exam preparation.***

3. You must be engaged in class discussion. Year after year, nearly all of the students who finish in the bottom of the class after first semester report that they spent significant amounts of time during class on the internet and checking e-mail.

KNOW THYSELF . . . To succeed in law school, you must understand your personal learning style. For example, if you are a visual learner, make a point of drawing flowcharts, graphs, or other illustrations to help you understand what is going on in a particular case or with a particular class discussion. Know whether you study best in the morning or at night, and commit to doing your most rigorous study at those times. Understand whether you study more effectively in a quiet place, or require background noise, etc. Having a clear understanding of what you need to do to learn the material you are working with will greatly improve your law school performance.

FINALLY...STAY CENTERED. Your biggest allies in learning to think like a lawyer and grasp the concepts that will make you a successful law student are other students. Likewise, your biggest enemies in carving out your path to success in law school are other students. This is not a misprint. While working together with other students on the material you are covering in class is an essential part of the law school learning process, the law school rumor mill can also cause unnecessary stress and generate a lot of false information. Do not listen to everything you hear. Do not let other students convince you that you need to highlight your outline in three different colors to be successful. Finally, do not assume that the person in class who talks all the time is brilliant and you are not.

The Academic Achievement Program: We Are Committed to Your Success

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