

1L PLAYBOOK
SPRING J-SECTION SEMESTER
DEAN JACKSON

INTRODUCTION — WELCOME TO YOUR 1L YEAR

Welcome to your First Year at Washburn University School of Law. This Playbook will help to take you through the year and advise you regarding what you should be doing as you progress through your journey in learning the law. If you follow the advice of your professors and consult this book, you'll find that the journey becomes much easier, because you'll know the steps you should be taking to make sure that you are keeping up not only with your day-to-day classwork, but also with your preparations for final exams.

You have a special consideration, because you are starting as a “J-Section” student. That means your first semester will include many classes that mix you with students who have already had one semester of law school under their belts. However, while you might think this a handicap, it generally isn't. (I was a J-Section student, so . . .) Your chance of success will be every bit as good as those who started last semester, providing that you do the right things in school.

Before we start talking about what you need to be doing, however, there's one thing you need to keep in mind regarding law school here at Washburn:

DON'T PANIC

Let me say that again: Don't Panic. You deserve to be here. We didn't make a huge mistake in letting you in. If you are here now, it's because we think you've got the ability and intelligence to succeed in law school. We don't let people in with the idea that they will fail. We don't take people who aren't ready and then “cull the herd.” If we let you in, it's because your credentials and achievements have told us that you can be successful in law school. Therefore, if you stick to the plan and do what you are supposed to do, everything will be just fine.

Now, of course, it is true that not everyone who starts law school is successful. There are people who decide that law school is not something they want to do, or who find themselves academically dismissed. However, almost always this is the result of not following the plan, or of having something in their lives intervene to disrupt the plan. There are a number of things that can do this, and you should be aware of them and seek to minimize their influence on your legal education. Not so coincidentally, these are the same factors that will interfere with your ability to perform well on the Bar Exam after you graduate from law school. The good news is that if you learn to handle them here as a law student, you'll be able to avoid these problems for the Bar Exam as well.

FACTORS THAT IMPEDE SUCCESS:

1. Too Many Outside Commitments

Life happens. Not all seasons of a person's life are compatible with law study. Someone who has the fundamental ability most of the time may not have the right blend of time and energy while dealing with other human things like caring for aging parents or loved ones with chronic/potentially terminal conditions (or their own cancer treatment). Many JD students are also entering a season of life where nearly 1 in 4 people have their first experience with mental illness. The years 21-25 can be rough, developmentally speaking.

2. Suboptimal Study Habits

Some educational paths are not terribly taxing, and our students are smart enough they may have not really had to study before law school or could get away with cramming the day before the exam or staying up and pulling an all-nighter to get a paper written. Unfortunately, that's really not possible in law school. The American Bar Association (our accrediting agency) expects students to study a *minimum* of 2 hours per credit hour each week. It also expects that students will attend classes. Law school is not just a graduate school, as if you were getting your PhD in English. It is also a professional school, like medical school. Class attendance and regular study is taken very seriously, because otherwise future clients are put at risk. It's important to understand that your professors will not be thinking of

just you these three years. They will also be thinking of your future clients.

3. Undiagnosed learning disability or diagnosed but not properly accommodated disability

Law students are smart. (You must be smart, or you wouldn't have gotten in here.) One problem that surfaces, however, is that students often have undiagnosed learning disabilities that have been covered up and compensated for by their natural intelligence. However, law school is heavy on learning-through-reading and any learning disability that affects reading comprehension or executive function is going to make itself known now.

Some people with known disabilities and learning differences chose to forgo their accommodations in high school and undergrad, but the work required in law school reaches the level where those accommodations are needed. Be honest with yourself regarding what accommodations may be needed to help you perform to the best of your abilities. Keep in mind that requesting an accommodation isn't trying to gain an advantage; rather, it's eliminating a disadvantage.

4. Lack of experience with deep, thoughtful reading and writing

Many students who come to law school are great at projects and standardized tests but have never had to teach themselves using primary sources and never had to write papers longer than 5 pages. They have raw ability but lack experience with some of the key skills and it becomes a heavy lift to build fluency and endurance in those skills at the same time as learning all the content and procedural parts of law. However, the first year of law school is set up to allow you to build those skills with the right amount of effort, and the learning curve is quick. Don't be surprised at first if you have to reread the assignments multiple times to understand them, or if you have to go through a number of drafts in order to produce something presentable. It may take a while, but the skills will come. You just have to work to develop them.

5. Misperception of testing processes and why certain features of the acculturation process (such as attendance requirements) exist

Some students just have a big "Oops" and don't pay attention to the context clues given about how law school summative assessment works. While in most classes the bulk of the grade is earned as the result of performance on a final exam or paper, there are often other assignments that carry some weight, and those can add up to make a big difference in the final outcome. You should not ignore them. Moreover, most of the work necessary to learn the material occurs throughout the semester. There is no "cramming" in law, and you won't be able to learn the course in the time you have available at the end of the semester. You'll study hard for finals, but that study should be devoted to fine-tuning your knowledge and its application, not trying to learn new concepts from scratch. If you don't put in the work during the semester, you won't be able to make it up at the end.

That's the reason that we take attendance in law school. (Well, that, and the ABA makes us). That's because showing up, and showing up prepared, is really half of the battle. There's a method to the way we teach law here at Washburn. If you show up and do the work, you can't help but learn. Note: you may have heard of those law students who, despite not going to class regularly, nevertheless get good grades, either through their natural intelligence or their ability to "teach themselves the law." These people don't actually exist. At least, I've never met them. In law, the way to succeed is to show up and do the work.

As stated above, these factors are not listed because we're trying to scare you. They are listed so that you can do a self-assessment of things that might pose a problem to your study of law. The overwhelming majority of people who start law school finish it and go on to be successful practitioners. You just need to be aware of where and how things can go awry.

The following guide should help you navigate through your first year of law school and provide you with resources to help deal with problems that might come up. You'll find the information here, along with the guidance from your professors, professionalism mentors, and academic fellows, to be invaluable as you go through your legal studies.

Welcome to law school. Don't Panic.

CHAPTER 1

FIRST WEEK: January 14-17

Welcome to your First Week. Classes haven't actually started yet, but your journey toward becoming a lawyer certainly has. This is the week where you learn all about how to navigate law school, so buckle in! Here are some things you need to know, and some helpful information and links:

Law School Orientation

“First Week” is NOT something that is OK to miss: you will receive information in your first two days about legal culture and professional expectations that are crucial to keep you from stumbling out of the starting gate. The two days after that are dedicated to you learning basic fundamentals of legal analysis that will enable you to start your first week of regular courses much more prepared than you would otherwise be. Make sure you are aware of the first week schedule. You'll find it at:

<https://www.washburnlaw.edu/admissions/admitted/first-week-orientation.html>

Professionalism Groups

You'll meet with your upper-class professionalism mentor during First Week and with your small group. Your mentor will be an important resource for you throughout your first semester. The purpose of the small group meetings is to get to know a few other students right away and to have a mentor of whom you can ask any question, including questions about the Honor Code, email handout, and professionalism guidance the faculty will expect everyone to understand and demonstrate early their first semester. See more about the program at:

<https://www.washburnlaw.edu/academics/support.html>

Law School Building Access

Your Washburn ID card gives you access to the law school 24/7/365. Your mentor will give you a short tour of the campus and the law school building so that you can feel at ease when regular classes start. Your mentors will also show you where your mail file will be.

Once they are set up for you during the regular semester, this is where you can find written messages or articles and leave the same for friends. There is also a Lost & Found—just ask at the Circulation Desk at the law library.

Law Library Access

Your Washburn ID card also gives you access to the law library 24/7/365.

Parking

Parking is free on campus and you (and any other student, graduate or undergraduate) may park anywhere on campus that does not have a sign stating you may not. For more on parking regulations, see:

<https://www.washburn.edu/student-life/health-safety/police/parking-regulations.html>.

Realistic Time Expectations

As mentioned in the Introduction, the American Bar Association (our accrediting agency) expects students to study a *minimum* of 2 hours per credit hour each week.

Unless you have already made other arrangements, you have been automatically enrolled in the standard course load for entering fall students of 14 hours. That means that your work week immediately is at least 42 hours. If you are a single parent, travel a long distance to school, have to keep a part-time job, or have any other circumstance that makes you unlikely to be able to handle a 42-hour job, you should VERY STRONGLY consider what needs to be jettisoned.

- Take a hard look at your reality versus law school expectations, and discuss with your family, your Professionalism Group Mentor, and Dean Dempsey-Swopes if you should resign from a part-time job, find child-care help, move to Topeka, etc., or take a reduced load of courses. If possible, for financial reasons, you should decide whether to take a reduced load no later than **January 31**, the last date at which you can receive a full refund. See

<https://washburn.edu/student-life/business-office/tuition-refunds.html>.

- 100% refund: through January 31
- 40% refund: through February 7
- 20% refund: through February 14
- 0% refund: after February 14

- LARW is not a course that can be dropped (unless you withdraw from the entire semester). See <https://washburnmail.sharepoint.com/sites/WashburnLaw/Lists/Policies/DispForm.aspx?ID=26>

1Ls are strongly encouraged NOT to work their first year, and all students are prohibited from working more than 20 hours a week *if* they are taking over 12 hours during a semester. See [Rules for Law Student Employment](#)

- Students can still graduate in three years after taking a lighter load their first year by taking intersession courses or summer courses. Also, if needed, students sometimes take longer than three years to graduate. The ABA allows seven years to finish law school, and the law school considers nine hours a full-time load (and students can receive full financial aid with nine hours). See [Minimum Credit Hours Permitted](#)

- J.D. students should review the J.D. Graduation Checklist to get an idea of what will be expected of you during your time at law school: [Graduation Checklist for JD Degree](#)

- LL.M students should be sure to discuss their customized graduation checklist with Professor McMillan, the Chair of the LL.M Committee: lori.mcmillan@washburn.edu. M.S.L. students and Transfer students should be sure to discuss their customized checklist with Dean Grant, the Associate Dean for Academic Affairs: emily.grant@washburn.edu

- Dropping a course after the refund date: Law students are allowed to drop a course at any time before noon on the business day before the final exam or project. See <https://washburnmail.sharepoint.com/sites/WashburnLaw/Lists/Policies/DispForm.aspx?ID=26>

It is sometimes better to do this than to go ahead with an exam you know you are not prepared for. A student must have at least a cumulative GPA of 2.0 by the end of spring grades. A student will be academically dismissed if they do not maintain a 2.0 GPA, unless they file a successful petition showing good cause why they should not be dismissed. See <https://washburnmail.sharepoint.com/sites/WashburnLaw/Lists/Policies/DispForm.aspx?ID=70>

A student should not assume that such a petition will be granted. The law school does not want to waste a student's time and money by allowing them to attempt to continue if it isn't in the student's long-term best interests—or in the best interests of potential future clients.

- Withdrawing from law school while in good academic standing: Sometimes a student needs to take a break from law school to attend to health, business, or family matters. As long as a student has not been academically dismissed, the student may take a break up to two years without needing to reapply. See <https://washburnlaw.edu/policies/academic.html#goodstanding>.

Students should discuss their situation with Dean Dempsey-Swopes for advice.

FINANCIAL CONSIDERATIONS:

Law School Financial Aid

You've probably already discovered that financial aid is different for graduate students, with limitations and restrictions that weren't

there for you as an undergraduate student. If you have any particularly tricky financial aid questions, you should email them to financialaid@washburn.edu

Cost of Attendance Budget Adjustment Request

Your financial aid is limited to the Financial Aid Office's estimation of Cost of Attendance. If possible, you should borrow as little as you can. If you have unique circumstances that require more financial aid, however, you may be able to obtain it by filing a Cost of Attendance Budget Adjustment Request:

<https://www.washburn.edu/admissions/paying-for-college/financial-aid/forms.html>

Emergency Grants

A one-time emergency grant may be available for direct payment up to \$599 to creditors such as landlords.

<https://washburnmail.sharepoint.com/sites/WashburnLaw/SitePages/Emergency-Grants.aspx>

Emergency Loans

A 90-day interest-free emergency loan may be available. See <https://washburnmail.sharepoint.com/sites/WashburnLaw/Lists/Policies/DispForm.aspx?ID=79>

Food Pantry

Free food and household and hygiene items are available Monday through Saturday from 3:00-5:00 p.m. when regular classes are in session. If you need assistance at other times, please contact (785) 670-1950. See

<https://www.washburn.edu/student-life/services/bods-feeding-bods/index.html>

PREPARING for ACADEMIC SUCCESS:

Just because you haven't really started classes yet doesn't mean that you can't start to internalize the things that you'll need to do to be successful, and to take stock of all of the resources that will be available to help you.

Show up and ask questions

As mentioned before, it's extremely important that law students attend all classes. See

<https://washburnmail.sharepoint.com/sites/WashburnLaw/Lists/Policies/DispForm.aspx?ID=3>

If you are forced to miss any classes because of illness or quarantine, email your professor and ask if your class may be recorded. Attend professors' office hours and ask questions about anything you don't understand. Your professors really want you to succeed!

Academic Support and Academic Fellows

Professor Chelsea Baldwin, Director of Academic Enrichment and Bar Passage, will be sending out an email early in the semester introducing you to this year's Academic Fellows, upper-class students who can help with academic tutoring, course outlines, and exam practice sessions. See

<https://www.washburnlaw.edu/academics/support.html>

Faculty Advisor

Dean Grant will send you an email telling you who your Faculty Advisor is. Remember that you are by no means limited to seeking advice from this professor. All professors are happy to meet with you.

Disability Accommodations

See information at

<https://washburnmail.sharepoint.com/sites/WashburnLaw/Lists/Policies/DispForm.aspx?ID=31>

PROFESSIONALISM:

Why do we emphasize professionalism so much?

Faculty members understand that many students have been in professional positions before choosing to attend law school, so the professionalism training you receive here is NOT meant to come off as disrespectful or condescending. It is instead intended to make sure that everyone is at the same starting point on this issue early their first semester and has the best chance possible in obtaining references, jobs, and other opportunities. It is unfair to make a student who did not have the advantages of being in a culture of professionalism slowly figure it out over the course of years when many of the possible problems can be prevented by straightforward training their first month. If you feel impatient with the emphasis on some things you already know, remember that we are a team at Washburn Law: we don't want anyone left behind. Besides, NOBODY comes in understanding everything about professionalism expectations in the legal culture, even if their parents are lawyers and they have worked as a paralegal at their law firm!

Other reasons for the training are to make sure it's fair if someone is held to the Honor Code; to make sure students don't have trouble obtaining a bar license later on because they didn't understand the Character & Fitness requirements and to make it fair if a faculty member holds everyone to the same standard of professionalism in course expectations. Prospective employers have told us that they have seen a positive difference in Washburn Law candidates since we started direct professionalism training, especially in emailing skills.

Examples of some of the comments we have received:

- “[Washburn student] responded to my email right away—I'd already hired him by the time [student from another school] finally responded three days later.”
- “[Washburn student] stood up when our senior partner came into the room, introduced himself, shook her hand, and looked her in the eyes. [Student from another school] stayed seated and stayed passive.”

- “Neither candidate had anything scandalous when we did a social media check, but [student from another school] just had terrible spelling and grammar. We want someone who would find it painful to use poor English anywhere.”
- “[Washburn student] followed up immediately with a thank you email to everyone she interviewed with, and each one was a bit different, tailored to the partner she was writing to. We never did get anything from [student from another school], which always makes us feel like we made the right hiring decision.”
- And, a common comment: “Our Washburn interns always seem to be above the norm in getting the work done and working well with people. We always try to hire Washburn.”

Email

You have received the “Email Like a Lawyer” handout in your First Week Schedule. It is important to address any questions about the handout with your mentor or Dean Dempsey-Swopes. It may seem silly to you that we are making such a big deal about email, but email is actually an extremely serious issue in the legal field. *Scholarships, references, jobs, promotions, cases, clients, and even law licenses are lost every year due to poor handling of email.*

Social media

You should go through any social media accounts and make sure that you don’t have inappropriate content, including poor spelling and grammar. I’m sure you’ve heard all the horror stories about jobs lost and careers ruined by the careless use of social media. If you haven’t, Google it and you’ll soon be convinced. Almost all lawyers personally know someone who has been disciplined, disbarred, fired, or otherwise derailed due to unprofessional communication through social media.

Professional relationships

It’s important to understand that you are building your professional reputation on the very first day of First Week. Your classmates will be your legal colleagues, and your professors will (or will not) be your references. The legal community is relatively small, and memories are long - word gets around. Treat everyone with respect.

Live up to your responsibilities, including meeting deadlines and keeping promises.

Openness to feedback

One of the most important qualities that professors and prospective employers look for in a law student is openness to feedback. In our busy profession, someone taking the time to let you know that you need to correct course on something is actually doing you a big favor. Take it as such, learn from it, and you will become a better lawyer for your clients.

Legal hierarchy

The legal culture can be quite hierarchical. Appellate judges outrank trial judges, partners outrank associates, professors outrank students. Use titles and use them correctly. For example, in most jurisdictions, the members of the highest court are addressed as “Justice” whereas the members of the lower courts are addressed as “Judge.” Law school professors are addressed as “Professor” instead of “Dr.” as you may have done in undergraduate school. Double-check name spellings.

When in doubt

When in doubt about proper legal etiquette, ask your mentor, Dean King of the Professional Development Office (PDO), Dean Dempsey-Swopes, or anyone else with experience. That person will often be a staff member or assistant of the person you are asking about. Be sure to treat staff members with the highest respect. Not only do they deserve it, but many a potential hiring or recommendation has gone down the tubes because the staff member let the partner or judge know that they have been treated disrespectfully or have witnessed unprofessional behavior (such as, for example, not replying in a timely fashion to the staff member’s email or talking on their cell phone in the waiting room).

Asking for references

Some legal jobs are extremely competitive, and a professor who thinks a student is wonderful may still refuse to recommend them for certain jobs because to do so would hurt the professor’s credibility with

the employer and make the professor less useful to future students. For example, many appellate judges will not consider an applicant for a post-graduation clerkship unless the applicant has stellar grades and is on law journal. It is a painful fact of legal life that a professor or other lawyer is not going to be willing to hurt their credibility with such judges by recommending a student who doesn't have a realistic shot at the job. If you have such an experience, try not to take it personally, and realize that the same professor may be delighted to recommend you for another position.

You should be fairly formal in asking for a reference, as you are indeed asking that person to put their reputation and credibility on the line for you. Ask for the reference via email, attach your resume, and remind the professor of anything that makes you well-suited for the position. Be clear about what the job entails, to whom the reference should be addressed, and how it should be sent (directly to the prospective employer at a certain address or back to you so that you can include it in an application packet). Give a MINIMUM of two weeks' advance notice of the request. Don't make the professor dig for any information—make it as easy on them as possible to write you a good reference.

HONOR CODE and CHARACTER & FITNESS INVESTIGATION for the BAR

You have already been assigned the Honor Code to read before First Week, in “Assignments: Readings to Be Completed Before August 15, 2024” at <https://www.washburnlaw.edu/admissions/admitted/first-week-orientation.html>.

You will hear a lot about the Honor Code and Character and Fitness Investigations for the Bar during First Week. You will also receive more information during your Professionalism Group meetings and will take an Honor Code quiz that your mentor will review with you and return to Dean Dempsey-Swopes. For more information, please see <https://www.washburnlaw.edu/admissions/admitted/honor-code.html>

HEALTH and SAFETY RESOURCES:

At Washburn, we're committed to helping you to succeed. Here are the various Health and Safety resources at your disposal, as well as where to find information on them.

Health Services

All students have access to free health services. See details at <https://www.washburn.edu/student-life/services/health-services/index.html>.

iAlert

You will be automatically alerted via email if there is a campus emergency such as a tornado. If you want phone or text notification as well, see <http://washburn.edu/current-students/services/ialert/index.html>. Please note that the Appellate Courtroom (and restroom) is the designated tornado shelter in the law building.

Student Recreation and Wellness Center

It will be important to schedule time for healthy meals, exercise, and sleep: law school is a marathon, not a sprint. You have free access to the university Recreation and Wellness Center. See <https://www.washburn.edu/student-life/recreation-wellness/index.html>.

For more information on wellness for law students, please see <https://washburnlaw.edu/wellness>.

MENTAL HEALTH RESOURCES:

Law school is stressful for all students, and some students come to law school already bearing heavy burdens. Students may be assigned cases or encounter classroom discussions that can trigger trauma. Please know that you don't have to deal with trauma or stress all alone. You can find someone to help in the resources below.

If the resource is *italicized*, it indicates that these people are specifically experienced in helping law students. Resources in CAPS are available 24/7. Resources that are **bolded** guarantee

confidentiality by law. Resources not bolded may be required to report certain events to the Equal Opportunity Office.

Associate Dean for Student Affairs Danielle Dempsey-Swopes,
(785) 670-1662 (line to make appointments) (785) 670-1672 (direct line),
danielle.dempsey-swopes@washburn.edu

WASHBURN UNIVERSITY COUNSELING SERVICES

See <https://washburn.edu/student-life/services/counseling/>.

Kuehne Hall, Suite 200

785-670-3100

Hours: Monday-Friday, 8:00 a.m.-5:00 p.m.

Counseling by phone available 24 hours a day: 785-670-3100

select option 2

(Counseling by phone provides translation services in over 200 languages)

Campus Advocate: Molly Steffes-Herman

Office location: Kuehne Hall, Suite 200 (Henderson 111 during construction)

Phone: 785-670-3100

Email: molly.herman@washburn.edu

- Emotional Support
- Providing Information on Victim Rights
- Providing Referrals to Campus and Community

Resources

- Providing Information about Reporting Options
- Navigating the Criminal Justice System
- Going with Clients to Legal Proceedings
- Going with Clients who want to get Medical

Assistance

- Safety Planning

All discussions are confidential, and referrals for more comprehensive assistance may be suggested when appropriate.

KANSAS LAWYERS ASSISTANCE PROGRAM (KALAP)

(available 24/7 via 1-888-342-9080), regular hours (785) 368-8275. See <https://www.kalap.com>.

**NATIONAL SUICIDE PREVENTION HOTLINE Just call 3
digits: 988.**

See <https://suicidepreventionlifeline.org>.

STORMONT-VAIL HOSPITAL (785) 354-6000 or 911

VALEO HEALTH CARE See <https://www.valeotopeka.org>.

Crisis Line: (785) 234-3300 | Detox Line: (785) 234-3448

YWCA CENTER FOR SAFETY & EMPOWERMENT 1-888-
822-2983

See <https://www.ywcaneks.org/what-we-do/cse/>

CHAPTER 2

Actual First Week of Classes: January 22- January 24

Okay, so now the actual process of going to classes starts. The good news is that you've been given a good foundation for learning because of orientation. Now it's time to get down to it.

This Chapter is short by design. That's because the First Week of Classes in Law School is a curious beastie. It's the first time you actually engage with the material in a substantive sense, and also the first time that you engage in the law school learning experience. Your instructions for the first week are simple: Do the assignments and go to class. Do the assignments. Go to class. Did I mention that you'll want to do the assignments? And that you need to go to class?

Let's break this down a bit. Start with:

Assignments

The assignments for your first class periods are posted on each class's D2L page. Unlike most undergraduate classes, you need to actually read the assignments BEFORE the first day of class and come to the first day ready to discuss them. There is none of this "all we're doing today is talking about the syllabus and schedule." (Although you will often ALSO talk about the syllabus and schedule. It just won't be all you do. You won't get out early or anything.) We do full days at the law school, and we do them from the start.

I should mention that this is the most overused trope in law school fiction, books and movies. (Think Elle Woods being thrown out of class in *Legally Blonde* because she didn't know she had an assignment for the first day.) That's because it's the easiest way for the writer to show that law school is tough. There is no way that this should be a surprise to you. That said, it always catches someone off guard. I don't know what the youth of today are watching . . .

The trick here is to read your assignments and try to figure out what it is that you are doing. Often, the readings will be cases,

although sometimes they'll be other things instead, or in addition to, cases. You need to read the cases, and to make sure that you understand them, you might want to read them again. You should brief them so that you'll be able to talk about them in class.

Go to Class

This is pretty self-explanatory. Law School isn't one of those places where you can skip class. You need to go to class, where you can't help but learn a little bit just by being there. You also need to be prepared to participate. The degree to which you get called on will vary according to the specific professor and also the material. Pretty much no one does the "straight Socratic" method that shows up in law school books and movies. However, pretty much everyone will question you to some extent, so you need to have read the assignment and you need to be able to answer questions about it.

In class, you will be nervous. There's no real help for that. You don't get to hide in the Law School classroom. You have to engage with the material. For many people, this will be an experience they find new and unsettling.

Here's the thing. Don't be afraid to make mistakes. A lot of people get terrified that they will say something wrong and be humiliated. First, you will say something wrong. It's pretty inevitable. However, you shouldn't feel humiliated. Getting things wrong is often the first step to learning how to get things right. And really, that's what the first week of law school is all about. It's learning how to learn. In learning how to learn, a wrong answer is (almost) as good as a right one, because it exposes the wrong paths that people can take and emphasizes the reasoning that gets everyone in the class to the right one. That's what all this questioning and answering is about. Eventually, everyone gets to the "right" answer. (I put "right" in quotation marks because it may not be the actual right answer, but rather just the answer the court came to, which might be right or wrong depending on the circumstances. Trust me, you'll understand this later . . .)

In going to class, here are some other things to keep in mind. First, no one has ever “won” first week. What I mean by that is that even if you do something amazing in class and answer a question wonderfully, that doesn’t mean you’ve arrived. This has never actually happened:

Student: The answer is that promissory estoppel applies because the statements of the defendant led the plaintiff into believing a contract existed.

Professor: That’s correct. And amazing! It’s the smartest thing I’ve ever heard a first-year student say! I’m going to go ahead and give you an “A” in the class. I’m also going to call up my friend at a huge firm in New York and tell him to offer you a job at the earliest opportunity. Kid, you’re going somewhere!

Most likely what will happen, even in such circumstances, is this:

Student: The answer is that promissory estoppel applies because the statements of the defendant led the plaintiff into believing a contract existed.

Professor: That’s correct. Now let’s explore exactly what the defendant said that led to that result . . .

There’s another reason that you shouldn’t feel bad about making mistakes. Everyone will in fact make them. Just as nobody wins first week, nobody “gets it” right out of the gate. At best, everyone gets glimpses of what it is like to “get it.” Actually “getting it” requires a lot of exposure to the law, careful study, and time to think about things. None of these things can come in a week. It truly is a marathon, not a sprint, and you need to settle down for it.

There will be people in the first week that seem to “get it.” There will be people who seem like they just instinctively know the right answer. Understand that they don’t really “get it” either. What they are doing is having their glimpse of what it’s like. Everyone will have

those moments, and everyone will also crash to earth at times. The only thing that makes you successful is hard work over the long haul.

This reminds me of a story from my 1L first week. There was a student who came from a prestigious institution, and who informed all of us during that first week that his background and education at this prestigious institution had made him supremely prepared for law school. He answered some questions well the first week. He then earned the ire of everyone in the class when he said to another student at the end of the first week: “Do you ever feel like you are the only one who really gets how this works?”

Well, of course you know what happened. That student – well, actually, he graduated in the middle of the class, got a pretty decent job and has had a fulfilling legal career. The point is that he didn’t really “get it” right away and had just as much trouble as everyone else. (He also lost the attitude fairly early on). You can’t tell anything from your performance in class the first week.

So, that’s it. For this week, you’ve really got one job. You need to prepare for class by doing your assignments. You need to show up for class having prepared for class, and you need to participate to the best of your abilities, without worry that you’ll negatively impact your career if you mess up. Lather, rinse, repeat. That’s really all you can do for the first week of classes. You’ll be busy learning how to learn.

The second week, on the other hand . . .

CHAPTER 3

Second and Third Weeks of Classes: January 27-February 7

Now we're getting into it. This may seem strange to say, because, for the most part, the second and third weeks of classes will proceed pretty much in the same way the first week did. You'll continue to read the assignments, brief cases as warranted, and still be confused about much of what is going on. However, there are some substantial changes afoot. The main changes that you'll encounter are, first, that things are beginning to make a little more sense to you, and two, that you need to start thinking about how you are going to organize all of this new information that you are learning. You may have heard of these things called outlines. Well, that's what they are for, and they are what you should be starting to think about during the second week.

What is an Outline?

An outline is the document that you'll be using to organize the course and study for exams. If the final exam in a particular course is open book, it's the thing that you'll actually use during the exam. (You may note that the way the information is presented in a case book doesn't make it ideal for this). If the exam is closed-book, it's the outline that you'll be memorizing and working from as you study for the exam.

In order to understand what goes in an outline, you need to understand the makeup of law school exams. The law school exam tests your knowledge and application of the law by asking you to apply it to new situations. You aren't going to see a question that asks you: What did the court say in *Pierson v. Post*? (It's about a fox.) You may be asked to opine on whether someone has taken possession of a particular natural resource, and *Pierson v. Post* may in fact be relevant to this question, but just knowing everything there is to know about the case probably won't be helpful. Instead, what you need to know is: 1) what is the general rule regarding ownership of natural resources, and 2) how has that rule been applied by courts? What exceptions to the rule are there? What facts bear on the application of the rule? These are the things that go into the outline.

By now you've probably realized that all of the cases that you are reading aren't just randomly thrown in there. Rather, they're arranged around a particular topic. In most case books, the cases show the development of the general rule and the different factors and facts that affect how it is applied to particular situations. That's the thing that you've been extrapolating from all of the reading and the class discussion.

Why don't the professors just tell you the rule and list the way it applies? Part of what you are doing in law school is learning how to figure out the rule for yourself from the cases. The standard explanation you might hear is that the law may change, so just trying to just teach you the law wouldn't help a lot. This is only partially true, as the whole point of the American legal system is that the law doesn't just change suddenly. Really, what's going on is that you are learning two different things: what the law actually is on a topic, and how to find that out from the sources and apply it going forward. The point is that you need to be able to read cases and statutes and to figure out what the law is from them, because the facts you are dealing with may involve new situations, and you'll need to figure out where your case fits in the puzzle that is the topic.

All of the stuff about the law and how it works with regard to a particular topic will go in the outline.

How do you make an Outline?

Well, the easiest place to start is to look at the table of contents for your casebook, which will generally be divided into topics. (Go figure.) For instance, the pesky fox case comes in Property in a section entitled "Acquisition by Capture." Thus, "Acquisition by Capture" becomes one of the topics in your outline. Under that topic, you'll put: 1) The general rule regarding Capture; 2) to what types of property Capture applies; 3) how you effect Capture; 4) what exceptions might apply; and 5) examples of what this might look like. (There may be more things – consult your notes. I am pretty sure that you'll want to have something about these things.)

Should you include cases? Well, it might be handy to show where you got each of the examples. However, you don't want to throw a whole case brief in the outline. That's not the point. The point is to understand what the case is saying about the topic. That's the thing that goes in the outline.

When should I start the Outline?

Well, there's a reason that I'm including it in this particular section . . . You should really start the Outline in the second week, and you should add to it as you go. By the second week, you should have at least one topic fairly well-covered, and can do that part of the outline. If you haven't gotten a topic completely done yet, then you can outline the topic as far as you know. The trick here is that you'll want to keep working on the Outline throughout the semester. Don't let yourself fall behind, because it's hard to catch up. I don't mean that it's impossible, and you should give up, but that it's difficult and will be painful. The better avenue is not to fall behind in the first place.

Here's another trick. Set aside some time at the end of the week to read and study your Outline from the beginning before adding to it. Not only will this allow you to see how the different concepts fit together, but it will also allow you to start internalizing the law. By the time that you get to the end of the Outline for the class, the stuff in the front of the Outline should be committed to memory, which will make studying for the exam much easier.

Why should I make an Outline like a chump when there are so many other sources available?

So, I'm not going to lie here. There are numerous commercial outlines that cover the topics in the First Year curriculum. They claim to outline the course, but, okay, well, they do. That is, they are generally keyed to the casebooks, including probably the one you are using for the course, and they basically set out the rule and its application in much the same way that I've told you to do in your Outline. Even if you think they might not capture everything your

particular professor thinks is important, you've no doubt heard of some "magic" outlines from an "A" student in the class that are available. (I've heard some organizations touting access to these sorts of things as a good reason to join them.)

To be clear, there's nothing particularly wrong with either of these things, except that they aren't as useful as you'd think. That's because the value of an Outline isn't in **having** the Outline. The value of the Outline is in the **making** of the Outline. The act of making the Outline is the thing that requires you to exercise your reasoning, and it's the thing that instills the knowledge in your head. Simply having access to an Outline that isn't yours doesn't do any of that. To use a cooking analogy, the difference is between a homemade pie crust and a store-bought ready-made pie crust. Making a pie crust is hard. It takes work and repetition. Your first few attempts might flop, and you'll find that it's taking up a lot of your time. You could just substitute a ready-made pie crust, make the rest of the pie yourself, and have something that is reasonably close to a homemade pie. Except that it isn't. It won't taste as good. It may be okay, as most commercial pie crusts are decent – but it won't be as good. And further, you still won't know how to make an actual pie crust. That's kind of like using a commercial or upper-level student's outline. There is some value in having it, and you can get some value in studying it, but you won't get the true value, which is actually creating it from the notes that you've taken and from class discussion. You'll be missing out on one of the big lessons that law school has to teach you, and you won't ever learn it as well. I can't emphasize this enough. The value in an Outline isn't the **having**; it's the **making**.

Okay, you say. I'll make my own Outline. However, what's wrong with having a commercial or other Outline also, so that I can look at it to make sure I haven't missed anything. That way, I can look at it after I've finished a topic, and I can put in anything that I'm missing.

To this I say, well, okay. There's nothing wrong with that. However, you need to be sure you actually know yourself well enough to pull that off. Because, like with croquet mallets, the temptation to misuse these sorts of things is pretty high. It will hit you when it's time

to add a new section to your Outline, but it's the end of the week, you are tired, and you've got something to do this weekend that you'd really like to do. At that point, you'll be tempted to just copy down the section from the "other" outline. It's the same information, after all, and you are typing it, and it's just this once, and you'll never do it again . . .

You see where I'm going here. If you can resist temptation, then I don't see an issue. The key is that your Outline is your Outline, and you really need to do it yourself, and keep doing it yourself.

Now, in addition to starting on the Outline, you need to keep up with classes. The good news is that some of this stuff will start getting easier for you. Note, I didn't say it will start getting easier in general. It won't. It will, however, start getting easier for you, because you are learning how to learn. Trust the process.

CHAPTER 4

Fourth and Fifth Weeks of Classes: February 10 – February 21

Essentially, these two weeks of classes are an extension of the previous weeks. You should still be going to class, and you should still be reading your assignments and briefing as needed. If you haven't started your Outlines yet, well, you should. There's still time to catch up on that. If you've been doing your Outlines all along, then you should certainly continue to do that. Yay you!

However, there is one new thing. You've got LARW, and more importantly, you've got a Midterm Memo assignment that you've been assigned. This is just the beginning of the "two assignments that will eat your life." (The other is the Final Memo.)

With regard to these assignments, it doesn't really matter who your LARW Professor is. (I've been one for 18 years. Associate Dean Grant has been one for almost as long. We know how it goes.) You've got an assignment, and you need to figure out how to do it. Here's a tip: You really can't wait until the last minute. I don't care if you were the person in undergrad who could write a 20-page paper the night before it was due and still get an "A". Trust me when I tell you that you can't do this here. It cannot be done. Many have tried. They have all done poorly. I've seen them. (On the plus side, it allowed me to get a curve, so, well, there's that.)

On the other hand, it's also not possible to do it all on the first weekend, or even the first week. I had one student who once told me after getting the assignment that she "would have a draft to me by Monday." I said, "No, no you won't. I haven't taught you how to do this yet." The point here is that LARW is a process. You probably don't know enough to produce the final product yet, and you'll be learning it in the weeks before the memo is due. However, you do know enough to start the process. You know enough to read the cases, and you know enough to start seeing how they fit together. You need to be doing that. It's essential that you keep on pace so that you can fit everything together by the end, and then save some time to revise, revise again,

and refine. So, in addition to all of your other classes, you need to be keeping up with doing the things with your memo assignment that you know how to do. This will make doing the things you don't know how to do yet easier when you finally learn how to do them.

Another thing you need to think about with regard to your Midterm Memo assignment. It's a not insignificant part of your grade. It's possible to rebound from a bad grade on the Midterm Memo. I've seen people do it. It's possible. It's just really hard. It's so much easier to just work hard on the Midterm Memo in the first place. And don't give either your professor (or yourself) the "well, this is only X percent of my grade, so I'll just sort of do this and then I'll really work hard on the Final Memo. That way, I can still concentrate on my other classes. Look at me, making priorities." This is not correct. This is you fooling yourself. You will not, in fact, do any of those things. Even if by some miracle you summon the will to work amazingly hard on the Final Memo, it probably won't make up for the lackadaisical work on the Midterm Memo. Also, to do that will absolutely kill your ability to do the things necessary in your other classes. Don't fool yourself. I've had a few students through the years hand me that line. I've never seen one of them actually be successful with this plan. Try your best in everything you have to do. You'll be in much better shape that way.

(As an aside, one example of this thinking was someone who tried to hand me the line that I identified above. Her Midterm Memo was, well, not good. When we talked about it, she said "I didn't really have enough time to work on it. But don't worry. I'll really work hard to make up for it on the Final, which is worth much more. I'll be working really hard on it. Just as soon as I get back from Las Vegas next week from my friend's bachelorette party." At first, I was appalled. Then I realized that the student was just making one of those choices regarding priorities. And it wasn't even a bad choice. There was a chance that student would win money in Vegas. There was almost no chance she would do well enough to pass my class! As it turned out, she didn't do either. . .)

You may think this sounds like a lot. It is. However, it shouldn't be too much. You also shouldn't be afraid to ask your professors for

help if it seems like it is too much. There's a significant amount of struggling with the material that you need to do, but on the other hand, you shouldn't be struggling to the extent that you hate your life. We don't want that. We try hard not to break our students. We'll help where we can. The thing to remember with this memo you are writing is that the first one should take you slightly less than forever. The second one will be much faster. By the third or fourth one, you'll be amazed the first one took you as long as it did. There really is a wicked learning curve here.

Good luck.

CHAPTER 5

Sixth, Seventh, and Eighth Weeks of Classes: February 24 – March 14

Welcome to the Sixth, Seventh, and Eighth weeks. Or, really, no, they aren't welcome. They're bad. If you're feeling as though you are in the middle of an existential crisis right now, I assure you that you probably aren't alone. These are really hard weeks in the life of a 1L. The weird thing about them is that they are weird for what seem to be two almost contradictory reasons: The **midterms**, and the **doldrums**.

Midterms

By now, you may have already had a midterm. If not, you've got at least one midterm coming up. As you prepare (or recover from) a midterm, here is something to keep in mind:

No one aces a midterm!

I really mean this. You may get a pretty good score. You may get a pretty bad score. You may get a score that you think is pretty bad, until you start talking to people and you realize that the score is actually not bad at all. You won't get a score that you think is really good until you talk to someone. That just doesn't happen.

Here's the deal. The midterm score almost doesn't matter, at least in terms of your final grade. The midterm score might be a big shock to your system, mostly because not one of you got here by being the kind of person who doesn't care about numerical grades. However, no one does perfectly on a midterm. They aren't really designed for that. And although they do factor into your final score, they aren't worth so much of it that you can't come back from a bad score.

So, why do we even have midterms? Well, it's because they are pedagogically useful. They provide an opportunity for feedback on how you are working with and understanding the material, and how well you are expressing that understanding. They provide an opportunity for you to figure out where you need to make course corrections in the

way that you are studying, or where you have some places of weakness that you need to focus on. If you didn't do well on an essay question, it may be that you didn't know the material well enough. Or, it may be that you knew the material and got the right answer, but you didn't actually show how you got the answer in sufficient detail. (Why do you need to show your work? Well, I'm pretty sure you wouldn't go to court and tell the judge "Here's the issue, and I win." Actually explaining your analysis is a big part of being a lawyer.) It may just be that you didn't allocate your time efficiently, and therefore weren't able to do the job you knew you needed to do. The midterm can help you figure out these things. On a multiple-choice exam, you might not have read the question carefully enough. Or, you might have known the right answer, but talked yourself out of it. It's important to know where the weaknesses are, so that you can make needed corrections as you go.

If you didn't get the score you wanted on the midterm, or even if you did, you need to look at the things you can do better. If you can't figure out what you did wrong, or are unsure how to correct things, well, that's what you pay the faculty for. You should meet with your professor, who will be very willing to help you. (First, because it's part of the job, and something that we take very seriously here at Washburn. Second, we really don't like reading bad exams, and would much rather read good ones.) You also have those Academic Fellows that you can lean on.

Trust me. You'd rather get a course correction now. This is a relatively new thing in law schools. The 1970-80's Harvard had Torts as a year-long course, and you only had one exam in June with no actual feedback until that point! (Spoiler Alert: That's not a good pedagogical practice.) Even when I went to law school, we didn't really have midterms, except in LARW. You are all so lucky!

The point is that you've had some feedback, and now you can use it to make things better. So, don't despair – instead repair.

This leads me to the second existential issue you are (or will) be dealing with . . .

The Doldrums are Real!

In nautical terms, the doldrums are a belt of water near the equator where the wind sometimes didn't blow. (Its technical name is the Inter-Tropical Convergence Zone, and the problem is that the two air masses in the northern and southern hemispheres collide and the warmth of the ocean forces the air upward, thereby . . . Never mind. That's not the point.) Sailing ships that were in the doldrums were stuck, and not going anywhere.

That's sort of like what is metaphorically happening at this time during the 1L first semester. You started out bright-eyed and bushy-tailed with excitement. (Or fear. It could have been fear.) You learned new things daily, and everything you learned was shiny. You were running on pure adrenaline most of the time. You don't know whether you liked it or not, but boy, were you living. Sometime around now is when all that adrenaline wears off. Suddenly, your tank seems empty. The newness has worn off, and it's hard to bring the same motivation to the task of learning and studying that you had at the beginning of the semester. And here's the thing: **The work doesn't stop!** If anything, it seems to be ramping up, because you've got midterms to take, and a big memo that will be due soon. And you don't have energy. **And the work doesn't stop . . .**

Take a breath. This feeling isn't unique to you. It's a feeling that has happened to about a million or so law students before you. They lived. You'll live. That doesn't mean that this time of the semester isn't hard. It is hard. But it's just the doldrums. It will pass.

So, how do you make it through the doldrums? First, cut yourself a little slack. It's okay to take a little time off to do something, you know, that you used to think was fun. Take time to hang out with loved ones, or friends, or watch a movie. (But don't try to binge-watch one of those new series. You don't really have that kind of time.) You need to take a little time to rest, or you won't be able to make it through.

It's okay to rest, as long as you make sure that you are keeping up with things. Continue to read your assignments, and to do the work. Keep working on your memo so that you aren't faced with trying to do it

at the last minute. (Because you can't. See my previous chapter!) Keep doing your outlines. Even if it seems really hard, you need to keep working.

Wait, how can you follow both of the previous paragraphs? Well, hopefully, you've gotten a little better at reading the assignments. You've probably also gotten a little better at figuring out how to manage your time. This should give you a little bit of time to, you know, make sure that your loved ones still remember your face. Take in a Lunch and Learn sponsored by the school. You need to eat, you know. And you might get excited hearing about different aspects of the law that aren't your Torts assignment. Also, take care of yourself mentally. It's a tough time. Really, I thought that this was the toughest time I had in law school. Forgive yourself for not always being on it. And, again, make use of the support systems we offer if you need them.

Keep pushing on through while you are spending your time in the doldrums. And know that you won't be there forever. Pretty soon, the winds will shift, and the breeze will come, and everything will suddenly be a race towards the end of the semester. That has its own issues, but you'll be well-prepared to meet them.

We've got faith in you. (And Spring Break is on the way . . .)

CHAPTER 6

Spring Break: March 17 – March 21

Congratulations! You've made it to Spring Break. And right now, you need a break like you need oxygen.

The problem is whether you can afford to take that break. By now, you might have heard conflicting views on this issue. There are those who claim that the best strategy is to take the whole week off to “decompress” and prepare for the race to the end of the semester. At the other extreme are those that argue you should use the time to study even harder to gain an advantage.

As usual, I'm advising a middle path. You can't really spend the whole week studying; at least, not effectively. You'll burn yourself into a little cinder, and you'll probably be less effective the week after the break. On the other hand, this is probably not the time to completely leave law school behind.

In order to figure out how to navigate the break, you need to be brutally honest with yourself. Where are you with your preparation for finals and with your LARW assignments? I mean, truly, where are you?

If you are caught up on your outlines, and you feel good about the work that you put in on your mid-term memo, then you are in a great position. You get to take the bulk of the week and do, you know, the “normal” things that you used to do before law school. You'll benefit from rest and recovery. Just make sure that you've done the reading for the beginning of the week after. By the Saturday or at least the Sunday, you'll want to engage in some re-immersion in the law school study environment. Hopefully, you'll be refreshed.

If, on the other hand, you are behind in your prep, this week will give you the perfect opportunity to catch up. The important thing is not to try to do it all at once. Instead, focus on spending 3-4 hours a day on getting your outlines in order or on working on your memo. This will leave you some time to gain the benefits of the break. I'd work out a study plan that allows you to take one whole day off. I think you'll need

that. Just make sure that you actually do the work in the allotted time. It doesn't do you any good to spend the whole break "attempting" to work while feeling distracted and overwhelmed. Just break it into bite size pieces so that at the end of the week you'll feel rested.

'Cause here comes the rest of the semester.

CHAPTER 7

Ninth and Tenth Weeks of Classes: March 24 – April 4

These two weeks are a bit of the old and a bit of the new. You may or may not have more midterms to take. You may be feeling bad about the midterms you've already taken. You may just be relieved to be done with midterms, and now struggling with motivation in their wake.

Well, snap out of it, because now is the time to make sure that you are in the best possible position to perform well on your finals. After the weeks covered in this chapter, there will only be **FOUR WEEKS** of classes left. So, you need to start developing your plans for how you are going to get ready to do your best.

Step 1: Midterm Review

Last time I mentioned that you should be grateful for midterm exams because they provide feedback that can help you make needed course corrections. Now you actually have to make those corrections. You probably did some things well on the midterms, and some things not as well. (Nobody really did everything perfectly.) The key now is to understand why. One person who can really help you in this regard is, not surprisingly, the professor who gave you the midterm in the first place.

Really, professors are an important resource. They can help you decode what happened, and they can help you to figure out how to do better next time. You do, however, have to go see them to make that work. This is something that many 1Ls haven't mastered yet.

One of the big reasons that you probably chose Washburn in the first place was that someone (it might have been me) convinced you that your professors would be easily accessible. Here's the thing. They actually are! It wasn't just something that we said to get you in the door. We want you to take advantage of that accessibility. It's something that you paid for!

What's that, you say? You know your professors are busy people, and you don't want to impose? That's sweet. It's also wrong. Your professors are paid to be available to you. All of them would rather you stop in and get things squared away now than have you keep silent and not correct anything. There's a bit of selfishness here too. Professors don't like reading bad exams. It tends to make them sad and can make them question whether they are in fact effective teachers. And this happens right before Christmas! Really, if you can get yourself squared away and ready for finals, you'll help to make their holidays that much brighter.

So: go to office hours. Ask questions about things that you don't understand. Figure out what you did wrong and how to correct it. Figure out what you did right and do your best to replicate it. Now's the time to make your move.

Step 2: Incorporating Hypotheticals in Your Study

At this point in the semester, you've likely learned enough in each of your classes that you can test your knowledge on hypothetical questions of the type that will arise on your final exams. What you'll want to do here is more than simply take a look at those problems and think about them. You really want to take the time to try writing them out in the same way that you did for your midterm exams. It's a great way to figure out how much you know, and it will also uncover where you think you know things, but really don't understand how they apply in a new situation. There is, after all, a big distinction between knowing what the rule is (although that is important) and knowing how the rule works! It's the working with the rule that helps prepare you for your final exams.

How will you find these problems? Well, the Law Library has some previous exams on file, along with sample answers. Beyond that, you have access to the BARBRI First Year Mastery series, which has practice questions. Also, the Lexis Examples and Explanations is a good resource to find questions and answers for your subject. Everyone in the school has access to this resource electronically through the Law Library. (It's an example of your tuition dollars at work!) There are

also a number of study aids out there that provide sample problems and answers.

Once you've taken a swing at answering them, you should get in touch with your professor, or even one of the academic fellows, to get feedback on how you answered and how you can improve. As I said above, you've got a lot of resources that you've paid for, and it would be a shame if you didn't use them. During the next few weeks, there will also be some programming set up to get you thinking about exams. You need to take advantage of that as well. There's no such thing as preparing too much as we head toward the home stretch.

Step 3: Preparing for Your Future

At this point of the semester, it's also time to begin thinking about what the future will hold. The good news is that you don't need to worry about what classes you'll take next semester, as we've helpfully provided them for you! You do, however, want to think about what you are planning for the summer. Law School is a little weird in that many of the job interviews for summer employment will occur right before classes start next semester. Therefore, although you haven't even finished your first semester yet, you do need to set aside a little time to begin thinking about what you are planning to do.

That means that you'll want to be getting your resume together and learning how to write a good cover letter. Fortunately, the Professional Development Office has resources and programming that will help you do that, so it shouldn't be too much of a stressor for you. (We try to make it as easy as possible.) You'll have had your mandatory resume and cover letter session with PDO, and after that session, you should be able to whip up a legal resume in no time, and be prepared for producing cover letters when needed.

The only other PDO session that you will be required to attend this semester is the session with your small group that your Professionalism Mentor is scheduling for you. That's all you need now, because at this point in law school, it's still more important that you are

going to class, doing the reading, paying attention, and working on your outlines. There will be worlds enough and time to do the career stuff.

A final thought. I really mean it when I say that you need to take advantage of your professors. We are here for you. You paid to have this level of support. Don't feel bad about using it.

CHAPTER 8

Eleventh Week of Classes, April 7-11

So, now we come to the beginning of the end. What you've got left are basically four weeks of class. The good news is that by now you've got most of your classes down. The bad news is that it seems like all of the classes speed up, 'cause, well, they do.

If you remember back to the first few weeks of class, you were still learning how to learn. As a result, your class's coverage of the subject matter you were learning was probably slow, because the professors were trying to impart not only the content of the subject matter, but also the way to analyze the subject matter. Now always seems to be the time that everyone looks up and realizes that, well, you have to also get through all of the subject matter in the class. The last four weeks of the classes are more of a sprint to the finish line, and information will be coming at you quickly.

The other big thing that is happening in these last few weeks is that you will be working on your open memo in LARW, and it will be due before finals start. It's a big darn deal. It will take time. You need to give it the time it deserves. On the other hand, you also need to make sure that you keep up with your other classes, and your outline. And cloning doesn't actually exist yet. So how can you do this?

Well, this is where my advice on the Outline comes home to roost. Hopefully, for each of your classes, you'll already have an outline that is pretty well-developed. This allows you to read for class, attend class, and then just plug the new stuff in the outline. You can then spend the rest of the time working on your open memo. Because you've been working hard, the next few weeks should be manageable.

But what if, unfortunately, you haven't really, uh, done your outlines? Well, there's really no good way to sugarcoat it. You've got some problems ahead. At this stage of the game, it's going to be very difficult for you to get everything done. It's not impossible, but it's highly unlikely that you'll be in a good position come finals. You've upped your degree of difficulty by, well, a lot.

So, what do you do. Well first, let me tell you what you shouldn't do. Don't skip class. You need to go to class and take notes so that you will at least have the information that you'll need for finals. Often, students will let the memo deadline cause them to skip class. Surprisingly, this rarely results in a better memo. The truth is, the hours that you spend in a class during the week are an insignificant part of the fifty or so hours you'll spend on your memo these next few weeks. While the memo should be your primary focus, it shouldn't be your only focus. Your other classes are important too.

What about my outlines, you say? Well, you'll want to set aside about three hours this week that you would have spent updating your outlines to actually begin your outlines instead. It won't be an easy process, and you won't learn the material as well as you would if you started earlier. That's why you should really not put this off.

CHAPTER 9
**Twelfth, Thirteenth, and Fourteenth Weeks of Classes,
April 14 – May 2**

There's a reason these three weeks are lumped together. They are a slog. My advice for you is basically the same as I gave you in the last chapter. Prepare for class. Go to class. Keep up with the outlines. In the copious time left, work on the memo. Again, if you've done this right and followed my previous advice, you don't have to do any of those heroic working-through-the-night type of gestures. (Those rarely work in law school anyway.)

Here, it's even more important that you actually go to class. As I said before, the information starts coming at you fast and furiously, and you need to be in class to avoid missing something that you'll need on the exam. You've got to see this through to the end.

And trust me, the end will come. Because when these last few weeks are over, you'll get Finals.

CHAPTER 10

Exams

May 5 – May 16

Well, it's time. These are an incredibly important two weeks in your law school career. The good news is, once again, that if you've been following this guide and keeping up with the work, you are in a pretty good spot. You just need to have a plan to survive the next two weeks, which will only seem to last for two to three years, maximum.

Really, for 1Ls, the exam period, although frightening, is pretty easy to navigate. We helpfully schedule your exams for you, which means you won't suddenly be faced with the "two exams in two days" problem that you can stick yourself with as a 2L or 3L. Instead, you've got a ready-made schedule that will guide your studying.

Constitutional Law 1 is on Wednesday, May 7, followed by Civil Procedure on Monday, May 12, and then Contracts on Friday, May 16. So, how do you prepare for these?

Well, let's start by focusing on what not to do. Basically, that's don't do any of the things that you see on TV or read about in popular fiction. We in the legal education world have been extremely lucky that *Legally Blonde* didn't include any "studying for finals" sort of montage, and that popular fiction hasn't really addressed it much in recent times. We don't have students who try to emulate *The Paper Chase* or even the Harvard of the 1970s study environment in the book *One L*. At the risk of putting ideas in your head, I'll speak a little about them just so you can get a laugh at how extremely stupid they are.

In the book, and later the movie, *The Paper Chase*, the main character and his friend leave their dorm room and check into a hotel so that they can study uninterrupted. And I do mean uninterrupted: In both movie and book they refuse to open the door for the maid and simply keep stacking room service leftovers in the hallway. They don't emerge from the room until it's time for the exam. Don't do this. For one thing, getting clean, fresh sheets and some general tidying is one of the many small pleasures of a hotel stay. More importantly, however,

you'll die. Or you'll kill the person you are studying with. What you won't do is effectively study.

The Paper Chase can be forgiven for this impression. It's a work of fiction that's only loosely based on law school reality. It's trying to up the stakes by showing just how important this studying is. But doing it this way is stupid.

So, what should you do instead? Well, by the end of the semester – that is, by Friday, May 2, you should have your outlines for all of your classes substantially done. That means it's time to get started in studying for the first exam. Here's how:

1. **Focus on one exam at a time.**

The reason that we space out these exams is that the spacing gives you the ability to focus on one subject at a time. You should do that. Don't do anything else. This is your chance to fill your brain with one, and only one, subject at a time.

2. **Understand that, realistically, you will only be able to study for 10 quality hours in a day.**

What, you say? Study for only ten hours? But I should be doing much more than that! I can study for 24 hours straight if I have to!

Notice, I didn't say you couldn't study for more than 10 hours. Realistically, however, all that studying won't result in more than 10 quality hours of study. Studying for exams is mentally taxing. You really can't do much more than that, no matter how many "actual" hours you spend. You'll also need to figure in around eight hours of sleep a night if you want to survive the two-week exam period. So, 8 hours of sleep and 10 hours of studying gives you six hours of "life" per day to do things like shower, dress, eat breakfast, lunch and dinner, take a coffee break with friends, talk about how unfair law school is, and other stuff. What you should try to hit per day is 10 "billable" hours of study; that is, time when you are actually studying (rather than, say, discussing Taylor Swift). That's going to be a lot, and it's going to be enough.

3. Your Outline is going to be your main study resource.

Unlike some classes you might have had, trying to reread the case book is, well, unhelpful. Instead, the thing that you need to be studying is your Outline, which you've painstakingly crafted this whole semester. The first thing you need to do is compare it against your class notes to make sure for one final time that you haven't left anything out. Once you've done that, you're ready to start hammering it into your brain.

4. Your Studying will depend on the type of test, but some things will be the same no matter what type it is.

In all of your exams, whether "classic" essay, multiple-choice, short answer, open-book, or closed-book, you'll be expected to be able to spot the issue, know what rule the court will use to determine it, and know how the court will apply the rule to the specific facts in the question. That means you'll want to be very familiar with the rule, the situations the rule applies to, the elements or factors that make up the rule, and have a good idea of what types of facts satisfy each of those factors and what types of facts don't. For a closed-book exam, you'll want to have the outline pretty much memorized so that you can answer the questions. For an open-book exam, well, you'll sort of want the same thing, and also have a well-tabbed outline, because you'll still need to have time to write everything, and you can bet your professor is expecting an even more thorough analysis.

Beyond that, focus on what your professor wants you to do on an exam. How do you figure that out? Well, first the professor will probably tell you. Second, you'll be able to find out from prior exams. If your professor is new, there may not be a prior exam on file, but you'll no doubt have talked about what an exam will look like.

5. Taking the Exam is going to be stressful, so be prepared.

On the night before the exam, you want to shut down everything so that you can get a decent night's sleep. Resist the urge to try to cram in one more thing. (It really won't help at this point.) Also, don't do what the author of *One L*, Scott Turow did. At 10:00 he took a sleeping

pill, followed by some Valium (I mean, it was the Seventies . . .) followed by a glass of wine, followed by another glass of wine, followed by three fitful hours of sleep, followed by six cups of coffee. This is not a recipe for exam success.

6. Don't try to study for the next exam the same day as your previous exam.

Okay, so this isn't a hard and fast rule. It's just one I use. Exams take a lot out of you. Once you've finished one, you need a little time to decompress. You'll have four days between Con Law I and Civil Procedure, and three days between Civil Procedure and Contracts. That should be enough if you are working hard. Cut yourself a little slack. Hit the new subject fresh the following day. That gives you the best opportunity to make it through the whole exam period.

7. When you come to the end, stop.

After the last exam, go home. Celebrate. You've done it.

CHAPTER 10

Summer Break: Looking back on the First Semester

Well, that was fun. I know that you're probably enjoying some much-needed time off, but are also a little apprehensive about what just happened to you. For some of you, the first semester hit you hard, and you didn't post the results that you expected or anticipated. For others, you ended up quite successful, perhaps even better than you dreamed. Either way, there are some things that you need to know and to think about before the new semester begins.

1. We Can Never Do That to You Again

You've now lived through your first set of law school finals. Congratulations. You should know that what you've just been through is actually the hardest thing that you will do for the rest of your law school career. You have now seen the elephant, and nothing else will ever be as hard and stressful.

I really mean that. It's not that the finals get easier substantively from here on out. They don't. But you will be able to handle them better because they are no longer new to you. No round of finals from here on out will terrify you in quite the same way. You are now a grizzled veteran of the law school experience.

2. Your First Semester Grades Are Not Your Life

I don't mean that your first semester grades aren't important. They are. They can serve as a validation for your study habits, or a goad to improve those habits. They can clue you in to what you learned to do well, or expose some issues that you need to address. They can do all of these things. What they can't do is foretell the future. They don't predict how well you'll do in the practice of law, and they certainly aren't a comment on your strength of character. They are a measurement. We're very fond of measurements in the law. But they aren't definitive. Rather, your grades are a snapshot of how you did in your very first semester of law school. You've got at least five more of these to go.

3. You Do Need to Learn Lessons from Your Grades

This advice applies whether you did well or whether you did poorly. If you did well, then you'll want to be able to figure out why that was, and make sure that you can replicate what you did. If you did not-so-well, you'll need to figure out where you came up short, why you came up short, and how to fix that going forward. It's okay to have a bad semester, but you don't want to have two of them. There's still time to turn the boat around, but you need to start now.

If you didn't do as well as you expected or hoped, there are some concrete steps that you can take. One of them is to make an honest self-assessment of your study habits. Did you actually read the assignments, or did that fall by the wayside during the press of all of the other activities? Did you actually prepare your outline for the class in the way that I mentioned earlier, or did you engage in a shortcut or two? Did you start your memo on time and then keep working diligently, or did you get a later start than you wanted to and thus were forced to rush at the end? These are all things that happen. You need to be honest with yourself as to whether they happened to you.

Another thing to look at is your life. (Boy, that was heavy.) What I mean by that is, did you structure your life in a way that gave you the best chance for success, and did you make the right life choices to maximize that chance. Sometimes, this is not something that you can really control. For all of us, life happens. We have a loved one get sick. We get sick. Our previously stable relationships hit the rocks. We grapple with issues of physical or mental well-being. We realize we've undertaken way more responsibility than was wise for us. As I said, life happens. Sometimes these things are unavoidable. Sometimes, they could have been avoided, but weren't. This is another time when you really need to be honest with yourself.

If life interfered with your first semester of law school because you let it – well, don't do that again. Figure out how you can avoid life from smacking you around in the future. Understand that you aren't a helpless bystander here. Get control over what you can control. Make

better choices. If you want to do this law thing, you need to take a hard look at how you are spending your time, and make sure you are giving enough of it to the study of law.

If what you had was an unavoidable “life situation,” then you need to ask yourself if that situation has been resolved. If it has, and you can now buckle down and get back to work, then you should be okay. If it hasn’t, but there’s a resolution in sight, then you need to get that under control. We’re here to help if we can. It may be that you might need to take a slightly lighter load for a semester, or even take a semester off. That can be done. It’s far better to cut back so that you can deal with the important things that are happening to you or your loved ones or your relationship than to try to push through everything all at once. Like I said above, one bad semester is survivable. Two in a row are tougher to overcome.

But what if your unavoidable life situation isn’t likely to be resolved anytime soon? That happens. We’ve had students who have received a cancer diagnosis, or who are locked in a fierce (and totally justified) custody battle. All of these things are very important life-altering events and can take a while to sort through. Well, this is when you need to honestly look at stepping away for a bit to get these things under control. Talk to Dean Dempsey-Swopes about the best way to take the time you need. Come back when you can be at your best. You aren’t doing yourself any favors by trying to go through law school while you are in the middle of chaos. It doesn’t work. You don’t get points for degree of difficulty.

If you didn’t fall victim to the “life” issues that get so many law students, then you need to see if there are other things that you will need to work on. It may be that you were studying, but not really studying effectively. For instance, maybe you knew the black letter law, but didn’t work enough on how to apply it to the situations presented to you during the test. Or you knew the law and how to apply it, but failed miserably in showing your work in a way that would let your professor know these things. That’s a thing about law school: you can get the right answer, but the right answer alone is worth little without you actually laying out the answer in a way that would show

why it was the right answer. (If you think about it, it makes sense – It's not like you can go before a judge and say "I win because the answer is X" without explaining why.)

How do you find out this info? You ask the professor. That's one of the perks of coming to law school here. Make an appointment with your professors to go over your exam. They'll help you identify the places where you could have done better in the exam, and that will often be very illuminating. Once you've got a better handle on why you didn't score as well as you wanted, you can then address the how. A great ally in that is our Academic Enrichment office. Professor Baldwin is an expert in learning how to learn. Talk to her. She and the academic fellows can help.

What if you did very well? Congratulations. Take some time to be happy about that. Okay, that's enough time. Now make sure that you can replicate that effort. Do the same things that made you successful last semester and continue to improve. Otherwise, you might end up like a certain law student who got the top grade in one class with a certain professor, and then decided that he had that professor's teaching style and preferences down, and therefore didn't need to put in the same amount of effort. This led to a much poorer performance in the next class from that professor, much to that student's dismay. (On the bright side, he ended up doing okay. I mean, he became Dean, after all . . .)

One of the biggest challenges in law school is getting out of your own way. Maybe you've always been successful in school before, probably because you are smart and worked hard. Well, everybody is smart here. That's how they got in. What this means is that a large number of very smart people will get grades that aren't what they are used to. That's okay. The key here is that you need to put yourself in the best possible position to succeed. Everybody can improve if they are working on the right things. Remember, law school is a specific type of learned skill. It may take a little longer to get the skill down than you first expected. You might even need some help from others to do it. I promise it will be worth the attempt.