Surviving Law School, Especially the First Year

Law school is no picnic, but, as an author aptly points out, it, like a picnic, can be to a large extent what you make it. Attorney Carolyn Ahrens shares a personal and humorous perspective on the challenges and ordeals of three years spent in law school.

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There is a saying about law school that goes something like this:

The first year of law school scares you to death;

The second year works you to death; and

The third year bores you to death!

To be repeated so often, the saying must have a great deal of truth in it; nevertheless, there is more to the story. Your law school experience, to a large extent, is what you make of it. Each year in the usual three-year law degree program is distinctly different. To survive law school, take one year at a time.

First Year (What was so great about Socrates anyway?)

Law school begins with a formal orientation during which administration and faculty thank you for your investment, tell you what they are going to do to you for the next three years, and then try to comfort you. You can learn a great deal about your law school's philosophy at orientation. You may hear that only the best and brightest made it through the admissions process, so that every new student is expected to graduate. Or you may hear that one out of every three or four students will flunk out after the first year, and even more after the second year. While one school may emphasize teaching practical legal skills, another may emphasize legal theory. Whether intended or not, first-year orientation can scare you to death.

Informal research leads one to believe that certain experiences are common from school to school. Depending on the size of the school you attend, you may see 600 or more fellow first-year law students at orientation. Your entering class may be split into sections of 120 students. Each section takes all of its classes together during the first year. The sections can be split further into mentor groups, called "TQ" groups after Teaching Quizmasters who led them. Teaching Quizmasters are third-year law students who teach oral advocacy and legal research and writing on a basis that is more informal than regular classes. Their duties include helping their first-year students keep a healthy perspective about law school. We called our TQ "Dad."

The people you take first-year classes with are people you will come to know very well. They will share the pressures as well as the momentary reliefs with you for one very long year. Even at a school where the first-year environment is not purposefully competitive, you will realize that those in your classes are the people whose grades will be computed on a bell curve right along with yours. Some of these people will be your best friends or your study companions. All of them will be with you at the bookstore trying to make essential purchases at the same time.

Forget those happy undergraduate days when you sauntered into class on the first day of any given semester to hear the teacher introduce herself, ask if this was really the class you intended to take, and tell you that you would meet at the same time next week for the first lecture. Law school first-year course schedules are prearranged, generally consisting of property law, torts, contract law, civil procedure, and constitutional law or some other configuration of legal basics. Assignments have been posted or mailed out ahead of time. You are expected to have completed an assignment before the first class.

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Many attorneys remember their first law school class very clearly.

The textbooks used by first-year-course professors are a compilation of written opinions rendered by courts in actual cases, with a little bit of explanation to tie the cases together. Clear-cut rules of law in the subjects studied are seldom revealed, if they even exist. Knowledge comes from studying old rulings as well as new, from studying cases decided on conflicting theories of law, and even from studying opinions that have been overruled. Legal theories begin to surface only after reading many such cases. In some classes,
comprehensible rules of law will appear only at the end of the semester, if at all.

Law students prepare for classes by reading the cases that will be covered by the professor the next day and "briefing" them. Briefing a case means summarizing the pertinent facts, identifying the primary legal questions involved and the court's ruling, and outlining the major legal points the court considered in making its decision. Some students outline their case briefs, while others prefer to "book brief" by making notes in their texts. Briefs are not turned in to your

Ask second-year law students what it was about the first year that most unnerved them, and their answers will likely include being called on in class to explain a case or to answer questions. A popular method of legal instruction takes its name from the ancient Greek philosopher and teacher Socrates. A law professor using the Socratic Method poses problems rather than offers solutions and asks questions rather than lectures.

There are two bits of advice given to law students for the first year: to keep your mouth shut and to invest in your future by buying the best course outline you could find. The advice about your mouth shut may seem pretty good; however, except for a few people who quickly earn reputations as "gunners," everyone else must have gotten the same tip. When no one volunteers, the professor will call on someone to answer his questions. Even if a student does volunteer, the professor will ask someone else to agree or disagree and to explain why. Some professors do not like volunteers, preferring to examine the expressions of the students and to call the name that matches the most apprehensive among them. Being on the receiving end of Socratic inquiry is like playing a game you just can't win. Even if you have an answer, follow-up questions will get you every time. Law school professors have been doing this for years, giving them a decidedly unfair advantage.

One of the few things worse than being called on in class is being called on when you are unprepared. The embarrassment is easier to get over than the way your grades may suffer. In one class, my professor allowed three unprepared days, except that to enjoy such protection you had to turn in your written "pass" before class started. If you turned in your pass, he would not call on you. If he called on you and you were unprepared but had not turned in a pass, it meant automatic points off your final grade. Skipping class when you have not studied usually won't help, because missed classes can also mean lost grade points.

Preparation, preparation, and more preparation is what first-year law academia is all about. Preparing for class ultimately is preparing for exams. This is when an outline becomes important. Although easier said than done, it's a good idea to keep exam preparation in out the year and to develop your own outline as you go. A commercial course outline can help you bring together the concepts you will be given in bits and pieces by those professors who take Socrates too seriously, but commercial outlines cannot replace your own hard work and should be used more like security blankets. Synthesize your class notes and the cases you studied and incorporate these with the commercial outlines. The process of creating your own outline is as helpful as the finished product when exam time comes. A personal computer is very handy for composing outlines, as well as for doing research papers. Some students find that forming study groups early in the year allows them to share the outlining burden and makes preparing for classes more enjoyable. For others, the group approach may be a waste of time.

Despite what you have read so far, pressure, hard work, and tedium need not overtake your life. Continuing to hold a job during the first year of full-time law school can be a problem and is generally discouraged. Maintaining other familiar activities, particularly if those activities include marriage and a family, however, is a good idea. There is no doubt that law school puts a strain on personal relationships. There is considerable danger of becoming so focused on school that you become isolated. As they say, forewarned is forearmed. An associate who was married during law school offered the following bit of wisdom. When you go through school with a family, your studies must become a family effort.

The law school social scene can help to ease some tensions. Your class or section will likely organize a party or two. You may find that those in your mentor group, or in my case the TQ group, become happy-hour companions. There are law school fraternities and other student associations organized on most campuses. There are local bar association affiliates and student governments. There are the all-law campus activities.

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