

Nova Law Review

Volume 17, Issue 2

1993

Article 23

Concise Guide to Surviving the First Year of Law School

Oren S. Tasini*

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Abstract

You're already behind. Don't worry.

Concise Guide to Surviving the First Year of Law School

Oren S. Tasini*

WEEK ONE

You're already behind. Don't worry. The objective is to demoralize you in the first week. Don't let it happen. Don't bother to outline the cases. Instead make friends with second year students and borrow their outlines. They have already done the work for you. (Don't bother with third year students. They want you to suffer like they did. The second year students lack the cynicism learned in the second year of law school.) If a professor tells you not to buy commercial outlines, buy them. It's a sure bet that she steals exam questions from them.

WEEK TWO

Your classmates have started to form study groups. This is a very dangerous moment for you. Pick the wrong study group and your life will be a living hell. Find a study group where the other people will do the work. If they look to you for guidance it means big trouble. The concept of admitting that other law students may be brighter or more hardworking is a difficult concept for most first year students. Therefore, you have an advantage. Use it to your benefit.

WEEK THREE

If your property professor pretends that he understands the Rule Against Perpetuities you know he is a fraud. Show him how smart you are by reminding him that most states have adopted statutes with savings clauses where the Rule is inapplicable so why bother to learn the Rule. This will

* © 1993 Oren S. Tasini. Oren Tasini is an Associate (a fancy name for indentured servant) with the law firm of Fleming, Haile, Shaw & Gundlach, P.A. in Palm Beach, Florida. He is a graduate (by the grace of God and through religious adherence to the principles set forth in the *Concise Guide to Surviving the First Year of Law School*) of Georgetown University Law Center. He is currently working on a concise guide to surviving the modern practice of law, tentatively entitled: *Early Retirement*.

not only impress him but will put fear and loathing into your classmates that you know so much.

WEEK FOUR

One month gone, only eight more to go. Prayer is advisable.

WEEK FIVE

Remember the golden rule . . . Perspective. Never let a fellow student intimidate you by telling you how much he studies. Tell him that it took you half the time because it is sooooo easy!!! Read the newspaper in front of your fellow students while they madly prepare for class. Never, ever volunteer unless you know the answer without a doubt, (e.g. What is today's date?). A wrong answer will undo all previous attempts to show up your fellow students. On the other hand, a carefully planned incorrect answer can assist you in fulfilling the objectives of Week Two re: study groups. Use your judgment. (Sorry, I forgot. You decided to go to law school. You have no judgment.)

WEEK TEN

We skipped weeks six through ten because nothing much happens in these weeks, or for that matter any part of the first year. It only exists because the lawyers before you did it and they want you to suffer like they did. This is also a good moment to reflect on the fact that law school has nothing to do with practicing law. Of course it's unclear whether that is a good or bad thing. Decide for yourself.

WEEK TWELVE

WARNING!!!! Final exams for first semester will be here soon. If you failed to follow the advice of "Week One" it's not too late . . . but time is running out. Track down those second year students and use all means within your disposal to get those outlines! Your study group is probably on the verge of panic. Again, we hope you followed the advice in "Week Two" re: study groups. If so, now is the time to play dumb and force the

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other members of your group to carry the load. This is a delicate moment. Too much dumb act and the other members of your group will become resentful and seek to dump you from the group. Too little and the plan will go awry.

EXAM WEEK

Separate yourself from the law school and your fellow students. Fear is in the air. Find old exam questions. Law professors are too lazy to think up original questions. That's why they are law professors and not practicing lawyers. Get a good night sleep. Hallucinogens are not recommended, but a stiff drink might do the trick.

Learn a lot of buzz words and key phrases. Professors have to read hundreds of exams. They look for key phrases and ideas. Originality definitely does not count. Write as messy as possible. The professor will assume you know what you're talking about.

After the exam be sure to boast to your fellow students about how easy it was.

Go home. Forget about it.

CHRISTMAS VACATION

After your first semester your mind is probably mush. Your friends at home look at you strangely due to your inability to speak like a normal person. "Joe, one more beer and you might end up as the proximate cause of a serious accident." Take the following test to determine if there is any hope for you:

You are walking down the street with the aforementioned Joe, when you spot a speeding automobile that in an attempt to avoid a mother and baby, has veered sharply in Joe's direction and is about to run him down. Do you:

A: Hurl yourself at Joe, knocking him out of the way and thus saving his life.

B: Yell a warning to Joe, not wanting to risk injury to yourself and possibly miss a part of the second semester and fall behind in law school.

C: Do nothing, but instead ponder whether the mother and baby are a superseding intervening cause and thus the proximate cause of the death of Joe.

D: Do nothing, but instead calculate the wrongful death award available to Joe's family and your 1/3 contingent fee.

If you answer A, be thankful, you are still a part of the human race. Answer B is acceptable, but be careful; you are close to the edge of humanity. Answer C indicates no hope for you as a human being, but makes you a definite law review candidate. Answer D is a trick. Only lawyers admitted to the bar may make this selection.

SECOND SEMESTER

Fresh from a sobering vacation you are ready to plunge into the second half of your first year. Your first test of wills is not far off . . . first semester grades. Most law schools have a sadistic system of posting all the grades on a bulletin board with each student assigned a secret number. This has the effect of forcing a student to learn his grades in the presence of his fellow classmates. The hoped effect is the Darwinian system of survival of the fittest. (I told you from the beginning that the purpose was to wear you down.) An undergraduate degree in drama is most helpful in this instance. Approach the board in full view of as many of your classmates as possible. Slowly scan the board with no hint of apprehension. No matter what the grade is smile with deep satisfaction. NEVER, EVER reveal your grade to anyone even if it is the highest grade in the class. A sense of superiority and confidence is much more effective in intimidating your fellow students than boasting and gloating.

WEEK TWO

All of the lessons from first semester are applicable, but of course there are always new tricks to be learned. To liven up your classes organize a game or two. In criminal proceedings, when the professor mentions the *Miranda* case, have someone ask whether Mr. Miranda was Carmen's brother. A pizza delivery does wonders in breaking up the monotony of property class.

WEEK FOUR

The more ambitious students have probably started looking for summer jobs in the legal field. You would be better served with a job as a lifeguard. If you doubt me, construct the following mental images and then decide: 1) A summer in a law firm, working long hours, reading even more cases, writing even more briefs and taking orders from lawyers who make Caligula seem like a benevolent tyrant; or, 2) a summer as a lifeguard, where you get a good tan, work reasonable hours and meet interesting *and* good looking people. Future employers will not give a hoot what you did after your first year. All they care about is grades, so why not have some fun. It will be in short supply for the next few years.

WEEK SIX

Moot court competition is on the horizon. First, you have to write a brief on a topic chosen by your legal writing instructor. If you have guts, use the Shepard's Roulette shortcut, i.e. don't bother to Shepardize the cases cited in your brief. How many cases have you seen that have been overruled? Not many. Countless hours can be saved this way.

Once the brief is finished, you will have to give an oral argument in front of a panel of "judges." These judges are usually local lawyers who want to show how scholarly and regal they are. They will ask obscure and meaningless questions so give obscure and meaningless answers. It is not what you say, it is how you say it. Be prepared for your opponent to have Shepardized your cases and point out to the "court" that your leading case has been overruled by the state supreme court and the United States Supreme Court. The old adage "know thine enemy" comes to mind when deciding whether to play Shepard's Roulette.

WEEK EIGHT

Rent the movie "The Paper Chase" with Timothy Bottoms, Lindsay Wagner and John Houseman as Professor Kingsfield. A must see for all first year law students. Practice your Professor Kingsfield imitation and use it when you get called on unprepared in class . . . "excuse me but I have to call my mother and tell her I won't be graduating from law school." In the alternative, if caught unprepared when your name is called pull a "Foxhall." The story, as passed down from generation to generation, is that Jimmy

Foxhall, when called upon, would sit brazenly in class and pretend he was not present. Use this maneuver judiciously. It reveals weakness to your fellow classmates and goes against the principles you learned in the first semester. You can avoid this problem by volunteering for the easy no-brainer questions, see week five. That way, when the professor sees or calls your name he will likely pass you by for some other "less involved" student.

WEEK TEN

Except for the purposes of fulfilling the objectives of Week Two, obtaining outlines, do not date a law student, ESPECIALLY a first year law student. Your life is already jam packed full of legalese. Can you imagine pillow talk about federal diversity jurisdiction. It's enough to make one limp. On the other hand non-law students, i.e. normal people, find the law and law students interesting and attractive. (Why do you think they make so many television shows about it?) More scientific study is needed on this phenomenon. Until then, tote your law books to every singles bar in town.

WEEK TWELVE

There is a light at the end of the tunnel. Unfortunately, the light is on the front of a freight train called final exams that is steaming down the tracks. As always keep your wits about you. If you have carefully and religiously followed my advice you are well positioned to breeze through final exams. If you've missed a step or two, don't fret. Fear of the unknown is the biggest problem. You survived first semester exams, and even managed to avoid flunking out. You've read thousands of pages of cases, and even remember one or two. Try to forget that you are 500 pages behind in the reading. You can't know everything, so be selective. Do you really believe that knowing the Rule in Shelly's Case will be the difference in passing or failing?

You've been humiliated, harassed and oppressed, but you are still here. Why? Who knows. Keep your head up and plow ahead. Before you know it you'll be a lawyer. On second thought . . .