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Before They Even Start: Hope and Incoming 1Ls

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Before They Even Start: Hope and Incoming 1Ls

Barbara J. Brunner*

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I. INTRODUCTION

Newly-accepted law school 1Ls often express interest in how they should spend the summer before starting their fall courses in order to be best prepared for success in their first semester. This desire to have a "leg up" on law school success leads those of us teaching first-year courses to think more deeply about what constitutes "good preparation" for the unique experiences that new law students will face, and what skills are really necessary to increase their possibilities of success, especially in the first semester.

Of course, some kind of legal-related summer job or internship can prove invaluable to an incoming first-year law student, particularly if they are well mentored. Not every incoming law student has such opportunity, however, and even those who do likely are not immersed in the types of activities that will prepare them for engaging in Socratic dialogue with their professors, analyzing both sides of an issue, understanding judicial opinions, focusing on material facts, or writing with the clarity and concision required of attorneys' memos and briefs. In addition, doing some law-related reading over the summer can "gear up" an incoming student for thinking along law school topic lines. It has become clear to me, however, that it is neither the students who come to law school having spent their summer reading volumes of American social, political, or legal history, nor those who work in a legal environment, who truly have the "leg up" in the first semester. In fact, those students may be the ones who have the hardest time adjusting initially, as they may be more surprised that the law school experience does not meet their expectations, and that their extra
preparations did not truly prepare them for what their professors ask of them.

Legal writing professors in particular are known to lament the seemingly increasing lack of refinement in even the highest-ranked novice law students' expressive skills. As a result, the first semester of law school can often prove frustrating—and full of dashed hopes—not only for well-intentioned and motivated students, but also for their equally well-intentioned and motivated professors.

Our law school recently sent incoming 1Ls a reading list and assignments to complete before their arrival for orientation, covering topics such as case briefing and the structure of the American legal system. This was done, of course, with the hope that the students would have absorbed those readings and carefully completed the accompanying exercises on their own. However, those introductory materials were not sent to the students until July, and so, while these kinds of activities are designed to help accustom either all incoming 1Ls or selected groups of them to pedagogical approaches and academic challenges that may otherwise feel overwhelmingly strange to them in the first few weeks of law school, they likely come too late in the summer to allow incoming 1L students to spend that time truly preparing for their imminent immersion into their first-year law courses. That is, they do not allow students the opportunity to truly begin developing what are perhaps the most important skills they will be asked to master in law school—understanding, writing, speaking, and thinking in "the language of the law."

If formal orientation and pre-orientation programs do not fully accomplish this goal early enough for freshly-graduated college seniors filled with the hope of success in law school, what kinds of activities would prepare such students so that they suffer less trauma in (and even, perhaps, enjoy) their first few semesters in

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law school, and continue to succeed throughout their three-year program? Over the past few years, I have compiled a list of activities which I have periodically recommended piecemeal to students at all levels who ask me for advice on how to improve their writing skills during the first year of law studies or prior to that first year. I distributed a preliminary version of this list to my students in our pre-orientation Early Start Program in June of 2008 and again to a small group of potential 1Ls the Admissions office had asked me to contact in the early summer of 2009. In both cases, the suggestions met with a very positive response; indeed, some students have told me that many of the tasks are actually fun. I have also given a version of this list at the end of the spring semester to my 1L legal writing students who are about to start their first "real" legal jobs as summer associates or interns, and who wish to continue to improve their writing and general law school skills in some meaningful way over the summer. I have called this list alternately: What Your Law Professors Really Wish You Would Do In the Summer Before Law School, Painless Ways to Improve Your Law School Skills Over the Summer, and various other related titles depending upon the nature of the group receiving it. The list is constantly growing and changing, and this fall I have, for the first time, added several items suggested by former students.

The current version of the complete list contains twenty-two suggestions. For the purpose of this presentation, however, I have elected to discuss, with a few exceptions, only those suggestions focusing on preparation for legal reasoning or—especially—writing, explaining not only how each activity might assist in preparing for the first year of law school, but also how students following a specific suggestion might also increase law professors' hope for a good semester and a strong new generation of attorneys.

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2. See infra app.
3. See discussions of Suggestions nine and ten, below.
II. **Suggestions to Improve Skills for Law School**

1. Rest and have some fun. Don’t feel like you need to spend a lot of your summer preparing for law school in a formal way. Most of what you’ll find challenging in your first semesters of law school you really can’t prepare for ahead of time, anyway!

As a result of undoubtedly well-intentioned information from undergraduate advisers, other law students, or lawyer friends, some newly accepted law students seem to feel the pressure to succeed too early—i.e., months before they even arrive on campus. Also, sometimes high-achieving undergraduates (or those who have had successful professional careers prior to applying for law school) feel the need to get an early “leg up” on their law studies. As a result, we hear anecdotes about such eager incoming 1Ls spending their last summer before law school reading treatises on the Constitution, buying and studying commercial law school prep materials, and inquiring at the law school in June as to how to buy their textbooks.

The problem with these kinds of stereotypical pre-law school preparations is that most of them don’t actually prepare students for what they will actually be expected to do during their first year in law school; nor do they prepare them for the methodologies traditionally employed by law school professors. In fact, too much of this kind of “background” reading or strategic preparation may actually end up being detrimental to incoming law students as they discover with dismay in the first few weeks of their classes that their professors don’t want them to recite previously learned substantive knowledge, or that some of the “strategies” they may have practiced (particularly in legal writing) are not as applicable or useful as promised by the resource and may actually have to be unlearned. Finally, two of the principal skills a first-year law student will acquire through experience are time management and comfort with ambiguity, neither of which can likely be pre-learned outside of their proper context or in a formal way.

While reading a few books on “How to Succeed in Law School” may indeed prove beneficial in explaining to incoming 1Ls what kinds of demands they will soon face, and while reading a “History of American Law” or something similar might in fact even be advisable, particularly for those who have had little exposure to the world of law during their undergraduate or professional experiences, I suggest that incoming law students refrain from trying to
cram too much new substantive information into their last pre-law school summer and from trying to adopt new learning strategies just prior to taking their first law classes. It is most unlikely that those students who manage to obtain a required 1L casebook list early in the summer will ultimately be glad that they read through them.

Rather, it is likely that, with the exception of some general reading on topics where there are obvious gaps in training,\textsuperscript{4} in-depth substantive legal reading will generally not help prepare a new law student to succeed in the first year. Indeed, incoming 1Ls are probably better off dedicating their summer to some of the other activities suggested in this article, and just relaxing or, perhaps, working at a non-legal job to save a little money. Because many law students spend the summers \textit{during} law school working full-time in some legal capacity, and because those hired during 3L may be expected to begin working immediately or shortly after taking the bar exam, the summer before students begin law school may very well be their very last long span of time without a law-related job. As a result, it may prove useful for them emotionally to spend at least part of that summer away from the law: to rest, to enjoy the accomplishment of having completed a bachelor’s degree or a successful career in another field, to travel, and to spend quality time with loved ones. These are not trivial or purposeless activities, as we all know, especially considering that there will be much less time for them in the upcoming few—or perhaps many—years. First-year students who arrive fresh and emotionally ready to move on to the new challenge of studying law are often better law students, especially at first, than those who have prepared for months for what may well have been a misconceived notion of what it means to be learning the law.

2. Read. Lots. Not just books about law or law school. Read novels, editorials in the newspapers, essays, biographies, etc. Look for how each piece is structured, and try to verbalize how writing styles differ. Pay attention to the way things are said.

Suggestion one notwithstanding, incoming 1Ls \textit{can} prepare for their new experience in part by spending their last “free” summer intellectually engaged with the written words of others. Particu-

\textsuperscript{4} A “light” history of the U.S. Supreme Court or some of its landmark decisions, for example, may be appropriate.
larly with regard to legal writing, it is no surprise that the best new 1L students are usually those who read whatever they can get their hands on and have, at least at a gut level, some understanding of why some writers are more effective than others beyond their ability to invent interesting plots or create interesting characters. For example, while it is clearly of little advantage to new law students to be able to explain that Steinbeck's novels are works of genius because of his terse yet poetic prose, it is to their advantage to be able to recognize that when Steinbeck describes the Dust Bowl, his purpose and narrative style are different than those of a newspaper article, a textbook chapter, or a personal memoire on the same topic.

As instructors of the "Millennium Generation," we cannot assume that our students are arriving at law school having already internalized this concept. My legal writing students, for example, are usually bewildered at first when I instruct them not to quote long segments of judicial opinions in their memos, at least partly because they seem to think that if the court said it that way, that must be the way it should be said. Sometimes, too, they are initially frustrated with the task of writing a summary of facts that includes only sufficient background and material facts to accomplish the specific purpose of the specific document. It is often those who have read widely and in a wide variety of genres who most quickly understand the concepts of audience, tone, and organization when they are presented in legal writing courses, and they can more readily sift through complicated (or even poorly written) judicial opinions to identify the significant segments for their immediate purposes. It may even be that students who spend their pre-1L summer reading mystery novels become the most adept at spotting issues and material facts in the cases they read in their first few months of torts and criminal law!

In addition to benefitting from others' writings, incoming law students can enhance their preparation for first-year law classes by producing writings of their own at various levels of formality and complexity. Suggestions three through five, below, propose three ways this can be accomplished without adding a great deal of academic stress to the last summer before law school and without focusing on any particular subject of study.
3. Practice writing a summary in your own words of a novel, a movie, or a story. Then write out a paragraph about why someone else should or shouldn’t bother to read the text or see the movie. Read your writing out loud, record it, and listen carefully, without looking at the written text. Does what you’ve written really say what you wanted to say?

Being able to narrate an organized and attention-holding story is a critical skill in legal advocacy that is often overlooked by advisers who assist students in planning a pre-law undergraduate curriculum. New law students are often surprised that in substantive law courses such as torts, one of the first things (if not the first thing) they are asked to do in class is relate the facts of a case. Similarly, in first-year legal writing we practice composing a “Summary of Facts” or a “Statement of the Case” early in the course for memos and again when we introduce brief writing. Performing well at these tasks involves not only selecting legally significant facts from a broader scenario, but also organizing the “story” coherently and narrating in a clear, concise, and complete fashion—all skills in which many incoming 1Ls have had very little experience in their undergraduate years. Some may have had no experience at all in this type of activity since the book report days of their early education. Telling a good story is not a skill that is generally practiced or emphasized in many undergraduate courses, even in a typical liberal arts curriculum.

As a result, some incoming 1Ls may be unsure of their ability in their early legal writing classes to write a satisfactory objective fact statement for a memo and may be even more unsure when they are later asked to write a persuasive fact summary for a brief. Common questions I hear from such students are, “Do I need to include the fact that . . .?” and, even less hopefully, “Do you want me to include the fact that . . .?”

Polishing narrative skills in preparation for law school does not need to be an unpleasant or even formal task. In suggestion two, above, I recommended reading various types of works, including fiction and non-fiction narration, as one of the best summer preparations for pre-1Ls; the activities in the present suggestion can easily be done as follow-ups to each of those readings. For those who already feel comfortable with doing plot summaries, an interesting preparation activity could be to do a few of them while imposing a word-count limitation to begin the practice of writing with concision. For those who find fact summaries less familiar,
repeated practice is the recommendation, even if some summaries consist of only a sentence or two that answer the question, "What happened in this book/movie/etc.?”

I also suggest that students go two steps further by writing a subjective review of the film or book (leading to a “thumbs up” or a “thumbs down,” for example) and then recording an oral reading of it. While writing a plot summary primarily practices objective writing skills, writing a review paragraph switches the writer’s style to persuasive, which is, of course, great practice for brief writing. Even if nothing else is accomplished, repeated short exercises like this accustom an incoming 1L to story telling and opinion forming as well as helping them simply to develop the habit of writing.5

Further, by reading their written text out loud, recording it, and then listening to it without reference to the written page, students can test their work for proper sequencing and coherence, as well as check for clarity in vocabulary and structure in individual sentences. It is often much easier to identify a sentence fragment or a run-on when it is heard. This is the kind of self-editing and proofreading exercise I always recommend for my 1L legal writing students, and many of them are surprised at what they hear when I ask them to read out loud something they have written or when I read it to them without allowing them to look at the text. As an added benefit, hearing their own voices in a recording may also help acclimate some shyer students to public speaking merely by increasing the frequency of this kind of private speaking. As a consequence, they may respond more comfortably and confidently to the fact-based questions posed very early in the semester by their 1L substantive professors.

Along with recording and listening to an out-loud reading of the written text, I would suggest going even one step further after students have heard themselves in the recording: they should set aside the written text completely and re-record themselves summarizing and reviewing the work spontaneously. This can be good preparation for responding to Socratic method questioning, especially when reference to a written text, even a case brief, is discouraged by the professor or is otherwise impossible. In addition, practicing the skill of restating an idea while maintaining clarity and precision can be great preparation for oral argument, which usually is part of the 1L experience, as well as for any later law

5. See also Suggestion four, below.
school course or professional experience where the student is expected to think on his or her feet.

At the least, this last kind of exercise demonstrates to students who do it conscientiously that even after extensive preparation and deep familiarity with a subject, extemporaneously speaking about it is in itself a skill that needs to be practiced, even in the simplest of contexts such as summarizing an episode of their favorite television show! At best, this exercise can serve as a confidence booster and an eye-opener to one's particular strengths and needs, in a non-threatening, hope-for-success-building way.

4. Begin to keep a journal, and write in it every day. If you like, you can theme the journal to verbalize private emotional events, keep a log of summer readings, memorialize experiences on a summer job or a vacation trip, or just do a daily account of your activities and feelings, even if you don't have much exciting to say. If you can't think of anything at all to write on a given day, try describing the room you're in, what you miss about an out-of-town friend or family member, or what you want your life to be like in five or ten years. Try to focus on detail and description. Rather than reporting that you bought a shirt at the mall, specify that you bought a light blue, long-sleeved, V-necked cotton shirt to wear with your gray torn jeans. If you played video games all day, describe the premise of each game, what the exact results were for you that day, exactly what the next steps are and how you plan to accomplish them, and why you like the games. What you write (or how well you write) isn't important in this exercise. What counts is that you write at least one paragraph every day.

I once read in an old edition of a legal writing textbook that if a student doesn't like to write, he or she should look for a profession other than the law. While this is somewhat of an overstatement,
it is nevertheless not cliché to remind law students repeatedly that the tools of their new trade are words, and that in order to be successful in the practice of law and properly serve their clients, they will have no choice but to use those tools effectively every single day.

Not all of the things lawyers have to write on a daily basis are thrilling, however, and certainly not all of the things first-year law students have to write are, at least at that moment, especially intriguing to them. Nonetheless, most lawyers write (or perhaps dictate) something every day, and quite often that something is a text that the attorney has less fun writing than he or she would with a pleading or a brief. Even filling out forms and keeping track of billable hours involves some writing, even if only a sentence fragment describing an activity accompanied by a client number. Law students at all levels should therefore also become accustomed to writing something legally-focused every day, even when not a complete or coherent text, or when the topic seems less than interesting, and even when not specifically assigned to do so. Such daily professional writing can include summaries of class notes, case briefs, lists of questions, answers to practices in casebooks and auxiliary materials, as well as resumes, full e-mails (rather than just text messages or tweets), application letters, personal statements, and, of course, drafts and outlines.

For incoming 1Ls who may not have done a lot of writing in their undergraduate courses or as part of their previous professional responsibilities, just getting into the habit of writing can be as important as learning to produce a polished product. Because most incoming 1Ls will have little opportunity to practice much daily professional legal writing during the summer before their first year in law school, keeping a personal journal is one way they can train themselves to write daily even when what they have to say seems mundane. While it is true that having something to say is critical, good legal writing can (and often must) also occur when the writer feels he or she has very little interesting to say. Journal writing when nothing happens can force a writer to focus on details that seem of minimal importance (the color of a sweater or jeans combination, for example) and recognize their significance (why the color mattered when the purchase of the sweater was
made). For students undertaking this kind of project for the first time before beginning law school, it may help to imagine that they are keeping the journal because they are documenting their activities in preparation for giving witness testimony or for writing their life story someday.

The primary goal of this suggestion is to emphasize that one very helpful law school habit incoming students can begin to develop over the pre-1L summer is just writing—physically getting words on a page, all formalities, and even all content concerns, aside. That is not to say, however, that practicing informal journal writing can’t also be used to help develop polish in more formal writing when combined with editing practice. For example, journal writers could go back a few days in their entries once in a while and take a stab at editing them, adding more substantive content or formalizing their style. This might also be an appropriate time for them to work on identifying problematic personal grammar issues, such as the correct use of commas, and take a few minutes to actually look up the answers to questions like, “Do I need a comma after ‘today’ in, ‘Today nothing much happened.’”

5. Find your region or county’s law library (or go to the law library at the law school in your home area) and spend a few hours browsing around just to see what’s there. Open books and skim through them. Ask yourself (or better yet, the librarian) what attorneys use those materials for. Skim through some periodicals you find on the shelves, or read through the latest ABA Journal. Find a topic you’d like to know more about, and look for materials in the library that might help you do that. Watch or chat with attorneys or other patrons in the library (especially a non-law school law library). Find out why they are there or what do they do there.

“Millennium Generation” undergraduates are indisputably becoming more and more dependent upon electronic sources for conducting research. As a result, many are now arriving at law school having spent very little time physically browsing through the hard-copy collections of any library. Nonetheless, most 1L curricula include some kind formal introduction to legal research, and, while many of the legal research methods that are taught in

9. See also Suggestion seven, below.
law school today do center on electronic resources, many, if not most, legal research programs still also include at least some book research in order to prepare students adequately for real-world practice. Further, the fact that many legal employers simply cannot make electronic database access widely available to their attorneys sometimes causes distress for students in their first work experience between their 1L and 2L years, especially when they realize the real impact of having their Lexis and Westlaw access restricted to "educational purposes" only.

Prior to arriving at law school, incoming 1Ls can begin to prepare themselves for book research in what will perhaps be their first intense relationship with a physical library setting by simply spending a few hours in a law library near them, exploring the collection, looking not only at the shelves but also at the physical layout of the facility—including the location of microfilm/microfiche readers, computers, copy machines, special resource rooms, help desks, etc.—and the people using the materials and working there. Sometimes even just entering a law library can be an interesting lesson in law and legal research, as students may discover that only holders of certain kinds of identification are permitted to enter and/or use the facility as a whole, or certain parts of it. Students who live close to major universities with law schools may also find it an interesting experience simply to see and feel the difference between the law library and the usually enormous general-purposes library intended for use by the entire academic community.

Many law libraries have a comfortable and informally laid-out reading area that is accessible to the general public and is located near the library's collection of current issues of bar journals, legal newspapers, and law reviews. This is a perfect setting for new law students to strike up conversations and start the networking process (it's never really too early!) as well as the educational one. Depending on the location of the library, students may find themselves talking not only to current law students, but also to clerks, paralegals, attorneys of all kinds, and judges, as well as interesting (and interested) members of the public.

Simply gaining awareness of a law library's availability, accessibility, proximity, broad utility, and heavy use by a wide spectrum of patrons, may in itself be one of the most eye-opening lessons of the summer for an incoming 1L. Beyond this, however, there are more concrete gains, particularly related to a 1L's upcoming required performance expectations in their first-year legal writing and research courses. For example, just by browsing
through a few of a law library's resources, a novice law student can gain valuable insight into how those in the profession write—indeed, a quick skim through any law review gives an immediate indication of the importance of documenting authority through footnotes. Similarly, a quick scan of any judicial opinion in a reporter or an entry in a legal encyclopedia will quickly show the pattern of legal citation, and a quick page-through of a state statute book reveals the organization of statutory compendia and the kinds of annotations that typically appear in those collections.

In sum, those 1Ls who have spent even just an afternoon or two in a law library before beginning law school have a “leg up”, if on nothing else, on feeling comfortable with the environment in which they will probably have to perform at some time during their first year, as well as in seminars before they graduate, and quite possibly again as a clerk, a young associate, or even as an experienced practitioner. They may even feel inspired by the highly professional ambience of the law library and by watching their soon-to-be colleagues work there. Seemingly small reinforcements like this can, as many of us know, go a long way to increasing or sustaining a new student’s enthusiasm for doing well in law school and his or her hope for succeeding as new members of the profession. If nothing else, discovering that they like the feel of a law library can increase new law students’ hopes of success simply by reinforcing their belief that they chose the right career path.

6. Skim the Oxford Companion to American Law\textsuperscript{10} (or any similar layman’s book about American law in general), and read sections that sound interesting or that describe things you’ve read or heard in the news that you’re not quite sure you really understand. For instance, on exactly what basis did some people try to claim that Barack Obama was not eligible to become President because he is not a “native-born” American citizen?

When I taught a three-week experimental pre-1L prep course in the summer of 2008, I asked my students to purchase the Oxford Companion to American Law, in the hope that it would be useful to them not only in that pre-first-year course but also throughout their law careers. The Oxford Companion is clearly not a law

\textsuperscript{10} THE OXFORD COMPANION TO AMERICAN LAW (Kermit L. Hall ed., 2002) [hereinafter OXFORD].
school text; rather, it is an encyclopedia for non-lawyers that provides simple introductions to and synopses of very broad legal topics. For example, entries currently listed under “P” range from brief explanations of *Palsgraf v. Long Island R.R. Co.*,\(^{11}\) through “plea bargaining,”\(^ {12}\) “privileges and immunities,”\(^ {13}\) “property rights,”\(^ {14}\) and “Prosser, William.”\(^ {15}\) Students skimming this resource can also find introductory entries on “Environmental Law,”\(^ {16}\) “Health Law,”\(^ {17}\) “Personal Injury Law Practice,”\(^ {18}\) “Family Law,”\(^ {19}\) and “Corporate Law Practice,”\(^ {20}\) as well as terminology such as “secession,”\(^ {21}\) “bailment,”\(^ {22}\) and “citizenship,”\(^ {23}\) the last of these being where they might find at least part of the answer to the question about Mr. Obama’s eligibility to serve as President.

By no means am I suggesting incoming 1Ls should become familiar with the *Oxford Companion* as a replacement for learning to do research in, or relying in other ways on, more authoritative references with regard to any legal topic; rather, the *Oxford Companion* can be a resource for new law students who would like to do some light summer studying of a few isolated legal topics—perhaps in an initial attempt to find out what kinds of practice might interest them, or perhaps as a supplement to one of the broader exercises I suggest. During the 2008 summer prep course, for example, I had my students use the *Oxford Companion* as a way to figure out—many for the first time—what it might actually have meant to impeach\(^ {24}\) President George W. Bush, as was at that time being discussed in the news media. The exercise was an eye-opener for some who thought they knew the definition and implications of “impeachment,” and served as an introduction to a discussion of how the general public’s interpretation of a legal concept often differs from the actual legal meaning, as well as how lawyers must be very precise with their terminology—a concept 1Ls in early legal writing classes sometimes find frustrating (or

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\(^{11}\) *Id.* at 599 (explaining *Palsgraf v. Long Island R.R. Co.*, 162 N.E. 99 (N.Y. 1928)).

\(^{12}\) *Id.* at 604.

\(^{13}\) *Id.* at 639.

\(^{14}\) *Id.* at 672.

\(^{15}\) *Oxford*, *supra* note 10, at 677.

\(^{16}\) *Id.* at 258.

\(^{17}\) *Id.* at 355.

\(^{18}\) *Id.* at 603.

\(^{19}\) *Id.* at 293.

\(^{20}\) *Oxford*, *supra* note 10, at 164.

\(^{21}\) *Id.* at 724.

\(^{22}\) *Id.* at 52, 664-65.

\(^{23}\) *Id.* at 101.

\(^{24}\) *Id.* at 412.
needlessly nitpicky on the part of their professors). In my summer
course, those students who became truly interested in the im-
peachment process through the brief Oxford Companion reading
were able to take advantage, during the remainder of their sum-
mer, of a few more authoritative references, including studies by
William Rehnquist and Richard Posner, listed at the end of the
Oxford Companion’s entry on impeachment. Just looking at the
list of those references could increase a new law student’s confi-
dence when those scholars’ names inevitably come up in a sub-
stantive course early in the 1L year.

7. Study a grammar book or other reliable English grammar
source. Focus on things you’re unsure of, like punctua-
tion, capitalization, and passive voice, and really learn
them once and for all. Do the exercises if there is a work-
book or other kind of practice available, check your an-
swers, figure out why you went wrong, and write out the
rule.

A recent survey has noted that grammar and usage are among
the most notable writing problems partners in major law firms see
in associate work product.25 The article in which that survey ap-
ppears also acknowledges what legal writing professors have sus-
ppected for years: “With increasing regularity, students . . . leave
high school without having mastered the fundamentals of . . . writ-
ing, forcing undergraduate professors to spend a substantial
amount of time on remedial lessons before teaching the students
any advanced techniques for refining their work.”26 And as a re-
sult, “[p]rofessors who teach first-year legal writing courses often
end up with unprepared but overconfident students and must
make up for the lessons that should have been learned at the un-
dergraduate level.”27

Regardless of where we can place the blame for this phenome-
non, I think most legal writing professors would agree that many,
if not most, of our students come to law school without a good un-
derstanding of how to punctuate correctly, without having mas-
tered other orthographic techniques such as capitalization, and
without being able to identify and correct syntactic problems.

25. Abigail Salisbury, Skills Without Stigma: Using the JURIST Method to Teach
Legal Research and Writing. 59 J. LEGAL EDUC. 173, 173-74 (2009)
26. Id. at 177.
27. Id.
Perhaps more importantly, many also appear to lack an appreciation of why these kinds of subtleties even matter, as they may not have been graded on them before or shown their effect on not only the communication of what is written but also the impression the reader receives of the writer. While I have not met any 1L legal writing student who couldn’t write a reasonably correct sentence, I have been consistently struggling to impress upon my students the meanings that commas can communicate, the respect that can be conveyed by a capital letter, the drama a dash can add to a text, and the sarcasm or authority quotation marks can imply. If we could concentrate on such nuances, what fun it would be to teach legal writing! But until there is a certain level of technical mastery, the art of such details is usually lost on our students, and they sometimes see us not as artisans perfecting a craft, but rather as “grammar geeks” obsessed with commas or (in my case) apostrophes.

There are lots of self-teaching resources available for students to improve their grammar skills over the summer. Just mastering the use of one or two punctuation marks or learning to identify the passive voice in a sentence will undoubtedly increase a 1L’s confidence when his or her legal writing professor mentions these things in class either in passing or as the focus of a full lesson. Hope for success will also increase when, in a first-semester individual conference or in written critique, the professor notes that the student has strong grammar skills, or consistently shows a mastery of punctuation or usage. In the second semester, where persuasive writing is traditionally the focus, those students will also be the most engaged in learning and applying the subtle persuasive uses of such tools and will, as a result, likely feel more confident in their ability to succeed in producing a highly persuasive brief.

8. Become intimately familiar with your computer and the nuances of the software you plan to use for word processing in law school, learn procedures for remedying tech problems quickly, and devise a back-up plan for “worst case scenarios” of total tech breakdown.

This little tip could end up being a lifesaver in the final countdown hours before handing in the closed memo in a legal writing course, which typically is the first big assignment 1Ls have to turn in to a professor for a grade in law school.
The computer has, of course, revolutionized teaching in the past twenty-five years or so and, among many other consequences, has forced us as educators to adjust our thinking about the kinds of physical product we can expect (and demand) from our students. As an interesting corollary, the computer age has also brought with it a whole new set of excuses for a student’s inability to produce any physical product at all. We have gone from “my dog ate it” to “my computer crashed” and “the printer went down,” implying that technology “eats” work and refuses to spit it out in paper form or transmit it electronically to its intended destination.

I personally have seen students—as recently as this past fall semester—open up their brand new laptops (often college graduation gifts) on the first day of their 1L year, filled with hope of storing every morsel of their first-year experience therein and producing flawless manuscripts with the help of Spell Check and Grammar Check. And, as recently as a few months into this past semester, I have experienced with some of those same students the moment of panic as they realize their computers can quickly become “the enemy.” For example, the drafting rules for recent closed and open memos included a requirement of one-inch margins all around. Some students discovered for the first time, just days before their first final product was due in paper form, that their default margins on the top and bottom were set at one-and-a-quarter inches, and that even when they attempted to re-set them, the paper copy didn’t reflect the change. One student blamed it on her printer, and when I told her as gently as possible that she nonetheless needed to comply with the drafting rules, she nearly cried, asking me, “Does that mean I can never use my printer again for this course?” Her frustration was palpable, and her loss of hope for being able to comply with what she then decided were arbitrary technical rules hung in the air between us until she consulted with one of our ITT staff. On the day she handed in her paper—with the correct margins—she came to see me to tell me cheerfully that it was actually easy to do the re-set. Her hope was restored, and she ended up with an A- on the piece. Those few moments of hopelessness could have been easily avoided, however, with just a little summer preparation.

We also put into our legal writing course rules each semester the caveat that technological failure is to be anticipated and is not an acceptable excuse for handing work in late. The lesson in professionalism imbedded in this rule is obvious, especially as we prepare young lawyers to enter a world where they may sometimes be able to file court documents electronically, conduct hear-
ings via teleconference, and communicate instantaneously around the world through a tiny, hand-held apparatus. It is vital that we also teach our students that all hope is not lost when the technology fails us, which, of course, it tends to do always at just the wrong moment. Students who are born into our electronic and computer-focused world very much need to know how to respond when their marvelous machines are momentarily not at their disposal. Practicing over the summer before their first year how to send information to various kinds of printers, how to adjust for the resulting formatting changes, how to recover erased or otherwise lost data, and how to store information in various places, on various gadgets or in various ways, can save a student a great deal of frustration and last-minute panic, and can avoid that one moment of lost hope that accompanies a technological glitch or failure.

The remaining suggestions are not focused specifically on preparing a 1L for success in legal writing courses. Each of them, however, relates to a skill or a behavior that can be applied to the process of increasing a student's possibilities for success in substantive courses, in legal writing and clinical experiences, and in "general life" over the course of the student's experience in law school.

9. Get your life in order as much as possible before moving to wherever you'll be living. Talk to your family and/or significant other and agree to be selfish with your time. Try to avoid major personal commitments (like being a bridesmaid in Hawaii in October or planning your own wedding for the day after fall semester finals) for the entire academic year.

It is of note that this suggestion includes, where applicable, making as many child care arrangements and contingency arrangements as possible. While non-traditional (i.e., older) law students often enter with the undeniable advantages of life experience, maturity, and focus, it is also true that many of them enter with the added responsibilities of mortgages, aging parents, spousal schedules to be accommodated, and the unpredictable needs of young children. Recently, one of my married-with-children students missed an important deadline for handing in a paper because of his child's sudden illness, and another missed three days of our 8 a.m. class at the beginning of the semester because she had not properly calculated the time the school bus would arrive to pick up her daughter. While we of course sympa-
thize and know that these kinds of family emergencies are extremely unpredictable and usually unavoidable, at least some of the stress they cause for incoming 1Ls, who must adjust to them, could be avoided by careful pre-planning over the summer: organizing schedules, meeting the neighbors, finding reliable contingency child care, becoming involved in support groups, finding out what local organizations are available for assistance, etc. Entering law school with such a plan, even if that plan eventually must be adjusted, scrapped, and/or re-worked completely, can work wonders to increase a "mature" 1Ls' feeling of hopefulness for a successful first semester.

In addition to pre-existing life circumstances that can complicate the first year of a new law student's schedule, there are often other big events—a pregnancy or a spouse losing a job, for example—that come up during the student's time in law school. To the extent that these situations are at all foreseeable, it is invaluable to plan as much as possible for the law school consequences of such events.

As a corollary to this suggestion, some incoming 1Ls arrive with a different kind of trouble on their minds—legal trouble. A very talented student of mine from a few years ago, for example, left the law school after his first semester because he had previously worked as an intern in a government office that was being investigated for misconduct. Without legal representation and knowing that the law school was aware of his circumstances, he was so worried that he would be either indicted himself or called to testify against his employer (neither actually occurred in the long run) that he had talked himself into believing he would be dismissed from the law school and would never be admitted to practice anywhere. Some solid information about his own legal options would have benefitted this student tremendously before he arrived.

In the same vein and as a final sub-suggestion in this category, it is vital that incoming 1Ls understand that while a good portion of the summer before law school should be reserved for fun and relaxation, they should also be aware that they must take care during that summer not to get arrested, become involved in serious civil disputes, or be cited for serious driving offenses. Further, they should be very careful not to post any potentially future-damaging texts or photos on YouTube, blogs, or any social networking sites. And lastly, they should take care where they surf on the Internet and what kind of information they retain on the computers they intend to bring with them to law school.
10. Talk to attorneys, politicians, judges, or court clerks if you have a chance and ask them what their jobs are really like. Find out what a typical day/week/month is like for them, ask them what kinds of cases they've worked on lately. Ask them what they would expect from a summer intern who has just completed the first year of law school, and what they wish they had paid more attention to in law school!

Once 1Ls have completed their open memo at the end of the first semester and they are concentrating on the curve that will apply to final exams in their substantive courses and subsequently to their class rank, they are also, many for the first time, thinking about getting their first summer job in legal practice. As they visit me in my office during that period, I can physically see some of them look as if they are losing hope—the hope they came to law school with just a few months previously—of snagging a great-paying position at a big civil firm, or a high-powered criminal defense firm, or other desired position. It is the students who see law practice only in these terms who, right before my eyes, begin to question their choice to attend law school simply because they are starting to believe that their grades, especially in a weak economy, will prevent them from obtaining “good” employment.

To those students I have found myself telling my own story of finding a really “good” job right out of law school with a full-service civil firm, being eager to focus on developing its business immigration practice as we had discussed in my interviews, being taken very much by surprise when one of my first assignments involved a land use issue centering on a sewage treatment plant, including calculations in milliliters the discharge into a small nearby waterway, and ultimately discovering that that kind of work can indeed be satisfying, interesting, and even almost fun. Knowing this kind of thing—i.e., seeing the very broad picture of what lawyers do—before arriving at law school not only can lower a 1L’s very practical job search anxiety but can also provide a new law student with a wider perspective of the kinds of services the profession provides. It can also provide them with a more solidified hope of making a real contribution through the practice of law, regardless of the place or the type of their employment. Further, it can provide them with perspective when it comes to the real purpose of bar exam courses, such as trusts and estates, or when they consider a previously dismal-sounding semester of courses such as Municipal Law and Land Use Controls.
Finally, knowing the details of what practicing lawyers now consider to have been their most important law school courses and what they expect from first-year summer associates can be invaluable to an incoming 1L. While producing an excellent memo and a possessing strong understanding of the requirements of a motion to dismiss may not seem critical to a 1L who hasn’t had such conversations with practitioners, the student who has done this kind of preparation has a “leg up” if only in the area of motivation. Legal writing and civil procedure are typically not high on an incoming student’s list of subjects they want to dive into in their law studies, and traditionally these courses don’t rank high on their list of favorite courses by the end of their first semester. However, understanding the daily applications of such courses in a lawyer’s practice can go a long way to improving a 1L’s motivation to do well in them and, consequently, can improve not only the student’s GPA at the end of the first semester but also their opportunities in the following semester’s job search.

III. CONCLUSION

In conclusion, I am by no means proposing that incoming 1Ls should follow all of my suggestions, or even most of them, or even many of them during the summer before law school. Instead, I recommend that newly accepted law students follow through on perhaps two to four of the suggestions (including, ideally, at least one from the “legal writing” category) according to their personal preferences, time constraints, motivation, and perceived skills-polishing needs. The theory behind this list is that doing even one of these activities will benefit a new law student as a truly meaningful preparation for the kinds of skills that help guarantee success in law school, preparation that is much more practical than spending the summer attempting to get a “leg up” on substantive study.

It is my hope that in the wide variety of activities presented in these suggestions there is something for everyone. Indeed, I hope that the most self-confident and most substantively prepared incoming 1Ls will find challenging activities on this list that will increase their hope for engaging in law studies in a way that will prove truly enjoyable for them, and that the less self-confident and less substantively prepared students will also find things on this list that will allow them to increase their skills in a way that will, very early in their first semester, show them that their hope of succeeding in law school was also well justified.
APPENDIX

1. Rest and have some fun. Don’t feel like you need to spend a lot of your summer “preparing” for law school in a formal way. Most of what you’ll find challenging in your first semesters of law school you really can’t prepare for ahead of time, anyway!

2. Read. Lots. Not just books about law or law school. Read novels, editorials in the newspapers, essays, biographies, etc. Look for how each piece is structured, and try to verbalize how writing styles differ. Pay attention to the way things are said.

3. Practice writing a summary in your own words of a novel, a movie, or a story. Then write out a paragraph about why someone else should or shouldn’t bother to read the text or see the movie. Read your writing out loud, record it, and listen carefully, without looking at the written text. Does what you’ve written really say what you wanted to say?

4. Begin to keep a journal, and write in it every day. If you like, you can theme the journal to verbalize private emotional events, keep a log of summer readings, memorialize experiences on a summer job or a vacation trip, or just do a daily account of your activities and feelings, even if you don’t have much exciting to say. If you can’t think of anything at all to write on a given day, try describing the room you’re in, what you miss about an out-of-town friend or family member, or what you want your life to be like in five or ten years. Try to focus on detail and description—rather than reporting that you bought a shirt at the mall, specify that you bought a light blue, long-sleeved, V-necked cotton shirt to wear with your gray torn jeans? If you played video games all day, describe the premise of each game, what the exact results were for you that day, exactly what the next steps are and how you plan to accomplish them, and why you like the games. What you write (or how well you write) isn’t important in this exercise—what counts is that you write at least one paragraph every day.
5. Find your region or county’s law library (or go to the law library at the law school in your home area) and spend a few hours browsing around just to see what’s there. Open books and skim through them. Ask yourself (or better yet, the librarian) what attorneys use those materials for. Skim through some periodicals you find on the shelves, or read through the latest ABA Journal. Find a topic you’d like to know more about, and look for materials in the library that might help you do that. Watch or chat with attorneys or other patrons in the library (especially a non-law school law library). Find out why they are there or what do they do there.

6. Skim the Oxford Companion to American Law (or any similar layman’s book about American law in general), and read sections that sound interesting or that describe things you’ve read or heard in the news that you’re not quite sure you really understand. For instance, on exactly what basis did some people try to claim that Barack Obama was not eligible to become President because he is not a “native-born” American citizen?

7. Study a grammar book or other reliable English grammar source. Focus on things you’re unsure of, like punctuation, capitalization, and passive voice, and really learn them once and for all. Do the exercises if there is a workbook or other kind of practice available, check your answers, figure out why you went wrong, and write out the rule.

8. Become intimately familiar with your computer and the nuances of the software you plan to use for word processing in law school, learn procedures for remedying tech problems quickly, and devise a back-up plan for “worst case scenarios” of total tech breakdown.

9. Get your life in order as much as possible before moving to wherever you’ll be living. Talk to your family and/or significant other and agree to be selfish with your time. Try to avoid major personal commitments (like being a bridesmaid in Hawaii in October or planning your own wedding for the day after fall semester finals) for the entire academic year.
10. Talk to attorneys, politicians, judges, or court clerks if you have a chance and ask them what their jobs are really like. Find out what a typical day/week/month is like for them, ask them what kinds of cases they've worked on lately. Ask them what they would expect from a summer intern who has just completed the first year of law school, and what they wish they had paid more attention to in law school!

11. If your family is asking you what you would like them to buy for you, ask for one really good suit and all the “trimmings” (shoes, conservative accessories, etc.), in part just to make you feel like a lawyer, and in part to prepare for summer job interviews (which come up earlier in your first year than you might think!). If you’re hoping to work at a law firm next summer, think about adding to your wardrobe little by little throughout the year, so you don’t have to spend a lot for “work clothes” all at once when you start your job.

12. Find your class notes and textbook from a course you took as an undergraduate. Make a full outline for that course, in as much detail as possible (for a fourteen-week course, you probably should have at least ten to fifteen pages worth of really detailed information). Then narrow the outline down to about five pages, and then down to one page, as if you were being permitted to bring one page of notes into a final exam. This is realistic practice for the way you will condense a semester’s worth of information for your law school exams.

13. Pay attention to the news (look for interesting legal issues, pending cases, political discussions) and do research to learn exactly what they’re talking about. Form and figure out how to defend your own opinions about these issues based on what your research has taught you about the actual law involved. Follow up, if you’re so inclined, by engaging willing friends and family in friendly informal debates, practice articulating your views logically and making your point (as well as “shooting down” the other side) without getting overly emotional.

14. Pick a current law-related topic in your community, research it, and follow it closely, with the eye of a lawyer.
(Should the new Giant supermarket be given a zoning variance for parking spaces? Should Creationism be taught in the local high school science curriculum? What would it actually mean, from a legal point of view, if Pennsylvania were to recognize gay marriage?). Find out who the “players” are in the issue (your local congressman, for example, or the president of the school board, or the chair of the zoning board). Attend a meeting (school board, zoning board, township supervisors, city council, etc.) just to watch the interactions and listen to how people explain their views on the subject. Follow the decision-making process.

15. Skim your textbooks if you can get them ahead of time (look for themes, big topics, “the big picture”). Don’t bother reading individual cases or substantive explanations. Get a feel for the course. Look at the table of contents to see the parts into which the course is organized, maybe looking up a term or two in a legal dictionary. Figure out how you might answer if a “layman” asks, “What’s that course about?”

16. Read your law school’s website thoroughly. Read the Student Handbook and the Honor Code rules. Look at the administrators and get a feel for who does what and where they are located. Read the professors’ credentials and specialty areas. Look for organizations and activities you want to check out when you arrive in the fall. Learn how the Law School fits into the overall university system, administration-wise and publicity-wise.

17. Skim your local Yellow Pages or browse through Martindale-Hubble and look at the kinds of specialized practices lawyers have in the region where you think you want to practice.

18. Think of one area of the law that interests you right now and do a little Web-surfing on the topic. Read up on what lawyers in those fields are concerned with right now. If you’re interested in Corporate Law, for example, find out exactly what happened in the “Enron scandal” and how corporate law has developed as a result. If you’re interested in gun control, clarify for yourself exactly why the U.S. Supreme Court reached the decision to strike down
the D.C. ordinance prohibiting the possession of handguns in the District.

19. If you have more time and enjoy Internet-surfing, look up a legal topic that does not particularly interest you, and see if there's a sub-topic that does. For example, if you're not interested in domestic abuse law, read up on it anyway; perhaps you'll find interesting the effect a domestic abuse conviction could have on an alien with a legitimate visa, or on an adoption in progress, or on one's ability to get a license to teach in a public school, or on one's ability to sit for a bar exam. This kind of exercise will help you enjoy 1L law courses you might not find quite your cup of tea at first, and it will help you not only to choose elective courses later on but also to be more comfortable exploring previously-unconsidered summer job possibilities or internships during your second and third years as a law student.

20. While you're looking at Internet sites, check out the ABA site and just nose around. Do the same for your state and local bar associations. Check out some of the fun and community-oriented things these organizations do, especially at the local level. Also check out national and regional practice area conferences. And while you're at it, check out PBI/CLE and related sites to see what kinds of topics practicing lawyers are studying and talking about these days.

21. Make sure you really understand your financial obligations for the coming years and think clearly about what that realistically implies in the short- and long-run.

22. Watch Law and Order, Cops, Judge Judy, and/or other legal-based TV shows, or rent Philadelphia, Rules of Engagement, The Accused, Cape Fear, A Civil Action, or other legal-based movies. Watch them now with a lawyer's eye! For example, pay attention to how the police do the pat-downs, legal warnings, and searches and seizures. What kinds of things do you think are significant about the way these are done? Try to figure out why Judge Judy declares that something was a "gift" and not a "loan," regardless of what the witnesses say.