

CHAPTER 11

The T-Minus-One-Month Checkpoint: How to Arrive Ahead of the Competition

In fair weather, prepare for foul.

—FULLER

THE MOST IMPORTANT THING that you can do in law school on a day-to-day basis is to maintain your focus. With thousands of pages of reading to complete during a semester, and four months to get through before you're held accountable for any of it, it's easy to spin your wheels. At one point or another, you'll find yourself overreading and overanalyzing individual cases, spending more time on the subjects you like at the expense of the ones you don't like, and excusing frequent lapses in your studies by deluding yourself with the thought that you have plenty of time to catch up. In law school, there's no such thing as plenty of time. Let this chapter be your wake-up call—the last checkpoint separating you from disappointment on exam day.

In most schools, November 1 is the target date—putting you about five weeks away from your first set of exams in December. If you attend a school that schedules exams after winter break or only at the end of the year, this chapter is no less applicable to you. You can use this chapter now as a measure of how well you've maintained your focus and kept up-to-date during the first two months of the semester, then come back to it again when you're five weeks away from your first set of exams.

So how are you doing? Starting to feel the pressure mounting? Have you noticed that the library is getting more and more crowded? Have you fallen behind? Are you feeling overwhelmed?

Don't worry. All of those feelings are par for the course during your

first year of law school. Everyone is feeling the same way, even though they're not admitting it openly. Let's see where you are, though, so we can evaluate what you need to do during the next five weeks to prepare you for those exams!

Remember, your goal is to arrive in your last week of classes with up-to-the-minute class outlines. If you're like most students (I'd say about 98 percent), you're not up-to-date today. You've tried your best, but the pace we set for you in chapter 9 was tough. Some days your reading took longer than expected . . . days after you broke up with your significant other when you were too distracted to stay focused on your work . . . and some days you were just too tired and fed up to outline. That's okay. The key now is to start fresh from here. You have a month until exams, and you know what your goal is. You must get those outlines finished, and it's time to decide how you're going to get there from here. Find the heading below that is most appropriate for you and follow its directions.

**I've missed a couple of classes, a couple of
reading assignments, and I'm two weeks or less
behind in outlining for each class**

Good news! Compared to the rest of your classmates, you're in pretty good shape! Most of your classmates are further behind than this, and many of them aren't ever going to catch up. Don't get complacent, though.

The first thing you need to do—this weekend—is get those missing class notes from a friend and make up your reading assignments. Stay in Friday night and Saturday until you get that done. As for your outlining, it's time to do some simple math. Figure out exactly how many classes behind you are on each outline, and budgeting one hour per class, figure out how much time it's going to take you to make it up. You have four weekends left with Friday nights and Saturdays unscheduled. Plan your makeup time on these days, and force yourself to stay disciplined so you don't slide farther behind. You're almost there! Come finals, you're going to be in a relatively painless position with plenty of time to take sample exams, taper your studying, and rest up properly to be in optimal condition when your exams arrive. You may even get Thanksgiving weekend off if you really focus! Have that as your target, and if you're caught up by Thanksgiving, take the four days off to relax knowing that you're in perfect position as you approach your endgame strategy.

I've fallen way behind in my outlining—what do I do?

Listen closely. All the reading and color-coded briefing that you've been doing isn't going to do a thing for you if you don't actively engage in the process of structuring it. Law school isn't like college—just doing the reading isn't going to be enough. There's too much of it, and the distinctions tested are too subtle to rely on the memory of what you read twelve hundred pages ago to carry you through. It's time to take some fairly drastic measures to ensure that you arrive on December 1 with four complete outlines of your own creation. Creating your own outlines is the best way to struggle through the material and get it organized in a way that you can understand. If circumstances warrant it (and they're beginning to in your position), you might have to cut back on everything else that you're doing to ensure that you get the outlines done—and that includes actually reading all the cases.

Yes, you read that correctly.

I'm not endorsing your cutting corners regularly, and I'm not suggesting that you'll learn as much from the experience (you won't), but if it comes down to a choice of skipping reading or not finishing your outlines, my recommendation is to finish your outlines, regardless of what your professors or anyone else may tell you. You must have a sense of the big picture—how all the law fits together—at the end of the semester, or you're just not going to perform the way you want to on your exams. It is that simple. Here's how to extricate yourself from the hole you've put yourself into to still be in decent shape come exam time.

You have to realize that the key to being successful is not necessarily being prepared for class, but rather focusing on your outlines and on learning the black-letter law in preparation for your exams. Don't worry about being prepared for class.

—Pat

The first thing you need to do is to figure out exactly how far behind you are. Remember, plan for one hour of outlining per class for each day behind you are in that class. How many hours will it take you to catch up? If you're three weeks behind in your outlining for each class—that's four classes times three days a week for each class times three weeks times one hour per class to outline, or thirty-six hours total. At nine hours a day of outlining on top of the rest of your workload, that backlog will consume the final four Saturdays of your semester—including the one during Thanksgiving break.

I think you can see that if you're any farther behind than this,

something's going to have to give for you to stay on schedule. If you are, pick a class to jettison. Make it one of the classes for which you have a good commercial outline that can pull you through on its own. If I were in your position (and I was), I'd probably pick Torts and rely on Gilbert's to carry me through the rest of the semester. Stop reading for that course and use the extra two hours you gain three times a week during the month of November (two hours times three times a week times four weeks, or twenty-four hours) to catch up on your outlining. Those hours will buy you two weeks of outlining in each of your four classes. Add to that the hours from the Saturdays you have left (four Saturdays times nine hours a day, or thirty-six hours), and you have three more weeks of outlining for each of your four classes. That's five weeks of outlining—nearly half the semester—for each class. If you're farther behind than that, you really need to be reading the next section.

Panic button

I'm sure you have your reasons for being in this position, but you need to realize the dire nature of your circumstances. This far behind in your preparation, you're in considerable danger of registering a potentially irreparable semester, unless you take some affirmative steps, now, to right your course.

First, you need to figure out whether whatever has been distracting you is still a distraction. If you've been troubled by family problems, illness, financial issues, or other personal matters that continue to plague you, it's probably time to schedule an appointment with your dean of student affairs. He may offer to postpone your exams or suggest that you take a voluntary leave of absence, straighten out your problems, and start fresh in the spring term. Yeah, you might have to graduate a semester later than your classmates, but that's a hell of a lot better than taking four horrendous grades on your first-semester exams and paying the price in lost opportunities for the rest of your legal career. Too much rides on your first-year grades. Don't gamble with them.

If your distractions have been resolved and you don't want to talk to the dean about getting a postponement (or if he denies your request), you need to decide today what method of damage control to adopt to try to salvage the semester. It's too late for you to start writing your own outlines, so you're going to have to proceed on faith. The following method should be enough to earn you some form of B in your

classes, and while B's aren't exactly going to wow employers, earn you a seat on the law review, or qualify you for a judicial clerkship, they will keep you in the middle of the pack and prevent your law school career from falling into an irreparable shambles. Let me hasten to add that this method is for emergency use only. I do not endorse its use for routine study.

Read Legalines to catch up, and find four good student outlines for your courses

Something has to go, and if you're trying to save your grades this semester, it has to be your daily reading assignments. There is a set of commercial outlines called Legalines, which are essentially Cliff's Notes for law casebooks. They boil down the long cases into simple, one- or two-page briefs that you can easily skim in a couple of minutes. Get the edition of Legalines specific to each of your textbooks and read the cases you've missed. At least you'll get the most important facts, the holding, and some basic reasoning from this.

Next, try to find someone in your class who sympathizes enough with your predicament to be willing to give you copies of the four outlines he or she has prepared for the classes. If your reasons are compelling enough, someone might be compassionate enough to bail you out. In that case, simply take over, starting today, where those outlines leave off and force yourself to stay current for the rest of the semester.

More likely, though, you'll have to settle for copies of last year's (or older) outlines circulating among the 1Ls in your class. Upperclassmen are usually willing to allow you to photocopy their old outlines, so find a 2L you know and ask. Be sure that the person you ask had the same professor and used the same casebook that you're using.

Assuming that you do find appropriate outlines, spend several days reading each one carefully. Note the different sections each is broken up into and study the sections separately, examining the holdings of the individual cases and how they "flow" together to create the governing law in a particular area. If it helps you to focus, highlight the relevant parts of the outlines in the appropriate colors as if you were reading the cases directly.

This method will not provide you with the same depth of knowledge and understanding of the material, but this late in the game, you don't really have time for depth. What you're looking for is a basic knowledge of how the material fits together so you'll be able to apply the law you've learned to a new set of facts with a slight distinguishing

twist or wrinkle. On your exams, the professor will be evaluating how you analyze those facts based on the law and underlying social policy you learned during the semester. Shoot for the basics.

"Focus on learning the material in an outline—not on catching up with your reading," John-Mark counseled. "Commercial materials can be very helpful; they present the doctrine in a clear, straightforward way. Use the outlines to get the big picture."

You're not likely to get many A's using this method—you simply won't have enough knowledge of the policy and reasoning underlying and driving the holdings—but you will probably be able to avert disaster. Given your situation, expect to get B's, and feel fortunate to have escaped your predicament without irreparable damage.

"If you had not gotten behind, you could spend time on subtle nuances, but when you are behind, you don't have time for such luxuries. Weed out the minor rules of law and focus on the big-ticket items," Yvette smartly advises.

Regardless of your situation, you now know what you must do during the next month to get ready for exams. Remember, the goal is to arrive on December 1 (or a week prior to the end of the semester if your school uses a different exam schedule) with four complete outlines of your own creation—one for each of your classes. In chapter 13, we'll discuss the fifth and final step of outlining "my way"—how to turn your outlines into concise, one-page visual "maps" of the law that will help you to spot issues, red herrings, and take you step-by-step through your first-semester exams in the most painless way possible. To be ready to map, however, your outlines must be finished—so get to it!

WHAT ELSE DO I HAVE TO DO BETWEEN NOW AND EXAMS?

Acquire old exams

Spend the dead time between classes this week in the law library making photocopies of at least three old exams, and model answers in each of your subjects. Do the best you can to find the actual exams that your professor has administered in the past, as every professor has a different exam-writing style, and different preferred areas of focus. If your professor is a visiting professor or new to your school, use your ingenuity, the Internet, and/or the telephone to find copies of the exams she administered at her prior law school. If you do this, you might even catch an unsuspecting professor administering an identical exam

in her new law school. This has happened in the past, and the advantage of having worked through the exam and reviewed the model answer in advance is immense.

Resist the urge to work any of the exams, or even to read any of the model answers, until you've finished outlining. Much about your success in law school turns on confidence, and you don't want to undermine your confidence by prematurely addressing an old exam before you've learned all the material it covers. You'll only scare yourself. Wait until chapter 13. You've budgeted adequate time to practice sample exams there.

Clarify exam rules with each of your professors

No later than the first week in November (or a month before your exams), talk to each of your professors before class and ask them to address their exam restrictions with specificity. Will it be an in-class exam or a take-home? How many hours will you have to complete it? Will the format be multiple-choice, short answer, essay, or some combination? Will the individual sections be timed, or will you be responsible for your own pacing? And most important, what materials will you be allowed to bring with you into the exam?

Force your professor to be extremely specific in this area—will commercial outlines be permitted in the exam? What about hornbooks or outlines written by other students? Can you bring in a copy of the UCC, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, or the Model Penal Code? Can those materials be tabbed and annotated by you? Is it okay if you've scribbled notes in the margins?

Forcing your professor to specify exactly what is allowed and what isn't accomplishes several things. First, it prevents your professor from surprising you at the end of the semester by telling you that your exam is closed book. Second, it alerts you to the materials you'll be allowed to bring into the exam room so that you can prepare them adequately (see chapter 13). Third, it puts everyone in the class on a level playing field and prevents the confusing and patently unfair scenario on exam day in which some students bring no supporting materials into the exam, while others bring an entire library of resources. Finally, it establishes, beyond doubt, the ground rules for purposes of the honor code. If the professor specifically says "no commercial outlines," and in the middle of the exam you notice that the guy next to you is using an outline composed of photocopied pages from a commercial outline, he's clearly and unquestionably cheating—and you

have an ethical obligation to report him to the administration. As I've said before, if the ethical obligation doesn't grab you (though it should), maybe the utilitarian argument will. With the aid of that commercial outline, that guy is likely to kick your butt on the exam, force you down the curve, and cost you many hard-earned opportunities that you've worked for legitimately.

Send query letters to potential employers

Yes, now.

Recruiting season for 1Ls begins on November 1, and many firms make hiring decisions in December immediately after they've completed their 2L recruiting season and have a better sense of what their needs are. If you wait until winter break to get your letters out, the pool of scarce opportunities for 1Ls with law firms may be significantly reduced.

Thus, on the first weekend in November, you need to compile a mail merge and get your query letters out. Remember that résumé you worked up during the summer? It's in your filing system. Pull it out, and you are ready for the next chapter.