

2014

The Ol' Perfesser's Guide for the First-Year Law Student

Douglas Heidenreich

Mitchell Hamline School of Law, douglas.heidenreich@mitchellhamline.edu

Follow this and additional works at: <http://open.mitchellhamline.edu/wmlr>



Part of the [Legal Education Commons](#)

Recommended Citation

Heidenreich, Douglas (2014) "The Ol' Perfesser's Guide for the First-Year Law Student," *William Mitchell Law Review*: Vol. 40 : Iss. 5 , Article 1.

Available at: <http://open.mitchellhamline.edu/wmlr/vol40/iss5/1>

This Article is brought to you for free and open access by the Law Reviews and Journals at Mitchell Hamline Open Access. It has been accepted for inclusion in William Mitchell Law Review by an authorized administrator of Mitchell Hamline Open Access. For more information, please contact sean.felhofer@mitchellhamline.edu.

© Mitchell Hamline School of Law

THE OL' PERFESSER'S GUIDE FOR THE FIRST-YEAR LAW STUDENT

Douglas R. Heidenreich[†]

Introduction

This is a guide for the first-year law student at William Mitchell College of Law (WMCL) who has the fortune or misfortune to be assigned to a section for which I am the Contracts professor. It is not meant to speak for any other professor at this law school or elsewhere; it reflects my personal quirks and peccadillos. Much of this may seem strange to some of you, but I assure you that it is serious in that you should follow the advice that I give in this monograph.

When you are in a class that I am teaching, writing an exam paper for me, or dealing with me in person or by any other form of communication, remember this stuff and follow the advice. On the other hand, don't assume that other professors prefer that you act or talk in a way that might be appropriate when dealing with me. Here is my first bit of advice.

Advice: Follow the instructions and take the advice of each professor; tailor your approach accordingly. Each of us has a different idea about what is the best way to do things. When you are dealing with Professor A, as far as you are concerned, what she has said is correct; if that differs from what Professor B has told you, for purposes of dealing with Professor A, Professor B is wrong—and vice versa. Note, however, the occasional exception mentioned below.

[†] Professor Doug Heidenreich, a native of St. Paul, Minnesota, received a BA from the University of Minnesota in 1953. After service in the U.S. Army and some desultory employment, he graduated from William Mitchell College of Law in 1961. Following a brief, undistinguished period in practice, he returned to his alma mater where he has spent the last fifty-one years as a member of the full-time faculty, eleven of these years (1964–1975) being as dean of the institution. On June 30, 2014, he will become a Professor Manqué.

The First Days

You will be bombarded with advice from the administration,¹ faculty members, fellow first-year law students,² upper-class law students,³ and family members and friends who wouldn't know a law school if they bumped into it. One of the things that you will hear from somebody at the orientation session, if not before, is that "law school isn't everything; you can attend law school and still have a life." **This is a lie.**

Advice: Pay no attention when these people tell you that. From your standpoint, from now on, law school is, if not everything, way ahead of whatever is in second place. This does not mean that you should ignore your family. For example, at home say, "Hello," politely when you enter a room on your way through to the place where you will be studying alone for the next four hours. If you don't plan to make law school your number one priority and to let your friends, lovers, and family members know that from the beginning, you are starting with the wrong attitude. Can you continue to attend Saturday football games? No. Can you continue to make the weekly trip to spend a day with the in-laws in Hackensack? No. If you are not ready to make such a commitment, get out while the getting is good.

*General Advice About Studying and "Study Aids"*⁴

In your first year, you need the books that are assigned for each class. You also need a couple of other resources, some of which you will already have. You do not need and should not buy commercial outlines, "canned briefs," and other "study aids" that

1. When I refer to the administration, I mean the dean, any of the associate deans or vice deans or other kinds of deans, of which there are many, plus the various secretaries, assistants, and other fine college employees with whom you will deal during your time here. These are splendid people and valuable sources of *factual information*. Their *advice* may or may not be sound; don't immediately reject it, but consider it suspiciously.

2. These first-year students will be a source of rumors based on what they have heard from Uncle Phil, who, in the late 1950s, attended a law school, which, alas, no longer exists, in Texas, which, alas, does.

3. The upper-class law students who will give you the secret to success are the same ones who, a short year ago, couldn't find the restroom with a map and a guide dog. They now purport to know everything about everything. They don't.

4. I resist the temptation to make an invidious comparison to other kinds of aids, advertisements for which one sometimes encounters on one's computer.

are displayed seductively in the bookstore and touted by posters that appear on notice-boards in various places in the building.

What you do need. You must have the casebooks and other stuff that the professor has assigned for the course.⁵ You also will need a good law dictionary such as Black's.⁶ You will also need, and you should already have, a good general dictionary⁷ and some sort of good grammar book that you can consult when you are writing anything that someone else is going to read. By a general dictionary I mean a hard-copy dictionary that you can hold in your hand—not the “dictionary” that you have as part of a computer program. The grammar book you must choose for yourself. If you do not have one, go to a bookstore such as a Barnes and Noble or Common Good Books, an excellent independent bookstore on Snelling Avenue just north of Grand Avenue, only a mile or so from the law school, and browse the section of books about writing. Choose one that seems helpful for you—but choose one.⁸

What you do not need: As noted above, you will be told about the easy path to enlightenment through various commercial publications that purport to give you the straight stuff about your courses. *Avoid these.* You may convince yourself that these outlines or short texts with clever names, some written by law professors who want to pick up a bit of easy extra money, will be good resources and that you will use them only in case you become confused or find it difficult to understand some aspect of a course. This doesn't work.⁹

5. This may include statutory supplements, Xeroxed material prepared or pirated by the professor, etc. You will find much of this stuff obscenely expensive; get used to it. You may be able to get from booksellers online the standard books for less than you would pay at the bookstore.

6. There are other good law dictionaries as well; this is not meant to be an endorsement of a particular publication, though Black's is probably the best.

7. If you do not already have at least one good general dictionary of relatively recent vintage, you perhaps have chosen the wrong profession. The lawyer's tools are words. You must know the meaning of the words that you encounter and use, and you must understand how to use those words properly and effectively.

8. One of my personal favorites is *The Deluxe Transitive Vampire*, but there are many good ones. Barzun's *Simple and Direct* can be somewhat difficult going, but it is excellent. For quick assistance, something such as *The Oxford Essential Guide to Writing* is helpful.

9. As the old saying goes, “Everybody wants to go to heaven, but nobody wants to die to get there.”

Advice: Don't buy this crap. It is a waste of money, and, worse yet, sometimes these things give you incorrect information about a rule or principle.

You probably will become confused; you probably will puzzle over some concept that you don't understand. When that happens, this is what you do: Reread the material and your class notes¹⁰ on the subject. Think. Law students seem to believe that nothing they do for themselves is as good as what someone else has done. This is wrong. You are in school not so much to learn rules and principles, important as those things are, but to learn how to deal with problems and work out a solution using the material that you are reading and studying about. You do this by practicing thinking and wrestling with the problems of a course. You may wish to consult a real treatise on the subject, such as Farnsworth's treatise on Contracts. These are generally too expensive to buy, but you can consult them in the library. If, having done this, you are still uncertain, talk to me or send me an e-mail.¹¹ I will do my best to clear up the problem, but I want you to have worked on it yourself first.

Advice: Take responsibility for trying to work out your own problems; consult me after you have tried and have not succeeded or remain unsure.

Early Days in Class

If you feel that you must miss a class because of a family emergency, an illness, etc., you don't have to tell me about it. If, however, you are having health problems or other personal problems that make it difficult for you to attend on a regular basis, talk to the Dean of Students or discuss it with me. There are no "excused absences." The laws of physics, the movies and TV notwithstanding, prevent a person from being in two places at one time. If you are elsewhere, you are not in class, and I can't wave a magic wand over you and change that.

10. More about class notes below.

11. I do not post "office hours." I am always willing to arrange a convenient time to meet with you. Usually, however, e-mail works better than a person-to-person discussion because it makes you formulate your problem clearly and enables me to think about it and respond in a careful way.

I try to start every class right on time. Try to be punctual. Your fellow students and I will appreciate it if you don't come straggling in after the class is underway.

I don't assign seats or use a seating chart. Sit where you wish. I do pass out an attendance sheet. When it comes to you, initial it in the proper place and pass it along promptly. If you should miss it for some reason, track it down during the break or at the end of class and initial it before you leave.

Advice: Attend every class. Show up on time for every class. Always sign the attendance sheet.

Most of you will use laptops in class. Remember that other students can see your screen. Please consider your fellow students, and use your laptop only for class-related work during the class. If you feel that it is important to check e-mail or if you are bored and feel like playing a game of solitaire, resist the temptation until the break or the end of class. If you find the class so dismal that you can't pay attention, leave the class at the next break and go somewhere to consider where you went wrong in your choice of professions.

Advice: Pay attention in class and don't distract fellow students by putting non-class-related material on your laptop screen.

Class Activity

It is not enough simply to attend classes and to be on time. You have an obligation to prepare for each class and to participate in each class. Here is what I mean.

Preparation. I will distribute a syllabus¹² at the beginning of each semester. I will follow that syllabus, though I probably will fall behind during the course of the semester. You must read the assignment for the day and brief the cases¹³ that are in the casebook before class even if we seem to be behind. If, during the course of the semester, you are called on to recite on a case that was assigned for a previous week, do not fumble around and announce that "it is a long time since I read this case." I do not like

12. In fact, I don't distribute the syllabus. It, like most other material that I want you to consider, will appear on the Blackboard system, about which you have already learned.

13. Briefing cases properly takes practice. You will be told how to do this, but only hard work will make you good at it. Some comments about briefing appear below.

this. You should be able to recite from your brief even if you first studied the case a week or two earlier. In any case, you should refresh your memory about the assigned cases before class. You must also read the other material, including the problems in the book. Think about those problems and consider how you might respond if you are called on in class to discuss any problem.

Advice: Always prepare for each class by reading the material, thinking about it, and briefing the cases. Should you ignore this advice and fail to brief the cases, if you are called on to discuss a case, say “unprepared.” I will then ask why and expect some sort of rational answer. It may be an embarrassing experience. Do not say, “Pass.” If you do so, I will think of you as a loser. You do not want this. Do not try to fake it. This too will create in my mind a negative impression of you, your commitment to law school, your ability, or all of these things.

The typical class will consist of discussion of some of the cases assigned for the session. The cases as they appear in the book are edited copies of opinions of common-law appellate courts, most often American courts, with a sprinkling of British courts plus, rarely, a case from another country such as Canada or Australia. These cases are grouped in the book in what the editor feels is a logical way in order to show how the court has applied or fashioned a rule or principle in order to resolve a dispute that has been presented to the court. In order to discuss these cases properly you must have *briefed* each case.

Briefing. You will receive a lot of advice about how to brief a case.¹⁴ You will get that advice in your WRAP class and from other professors. You will also get a lot of bad advice from people who tell you that this rather laborious process isn’t really necessary, and that you can “brief” a case by making a few notes in the margin of your casebook or by highlighting, underlining, or otherwise emphasizing words or phrases in the book. This is probably the worst advice (and that is saying a lot) that you will get during your entire law school career. *Do not believe this; do not follow this advice.* That way results in disgrace, heartache, and failure.

14. You should ultimately develop your own technique that is effective and comfortable for you. There is no one “right” way to do this, but your technique should involve noting the important aspects of the case so that you can readily address the questions that I mention as examples in the following paragraph and follow the class discussion of the case.

The briefing process requires that you make notes about each case. These notes must reflect the salient facts of the dispute¹⁵ that gives rise to the case; the procedural history¹⁶ of the matter; the issue—that is, the generic legal question that is presented; the rule of law that the court announces or applies; and the ultimate outcome of the dispute. I will often ask you in class a simple question such as, “Who won in the lower court?” You should be able to answer that question without hesitation. I may ask, “Why did the plaintiff think that she was entitled to any relief?” or, “What relief did the plaintiff seek?” or “What defense did the defendant raise?” or “How did the plaintiff respond to that argument?” or “For what rule does this case stand?” Your brief should enable you to answer these questions and a hundred more.

Advice: Brief every case by writing the brief in longhand or typing it. Use your own words except when you want to quote the court for a particular reason. Be ready to read from your brief if necessary. Never ever try to fake it.

Definitions. You will come across many new words and terms, and you will find that words that you are accustomed to using in a normal way are used with a special meaning in some legal contexts.¹⁷ Learn the definitions of these words and phrases. Use your legal dictionary to find out what Latin phrases¹⁸ mean or what some unusual word¹⁹ means. If a word seems not to make sense in the context, look it up and find out what it means as used in the text that you are reading. Be prepared to explain the meaning of technical words or phrases when you speak in class or when you

15. Every case involves a dispute of some sort. One person (the plaintiff) asks a court to give some sort of relief (usually involving the payment of money) for harm that the plaintiff claims to have suffered because of some sort of wrongful or inappropriate conduct by another person (the defendant). In this class, the plaintiff's basic legal theory is almost always breach of contract; there are, however, cases in which the plaintiff asserts another sort of claim and the defendant seeks to enforce a contract as part of her defense.

16. You will learn and become comfortable with the designations of the various courts. You will be asked to describe what happened at each point in the process that the courts use in dealing with disputes.

17. Everybody knows what an offer is. The special definition of that term in a contract sense, however, will occupy a bit of our time in class, and you will be expected to know it and explain it in your exam paper.

18. *Nisi prius??*

19. The first time we see the word *assumpsit*, I will ask someone what it means. Don't disappoint me and embarrass yourself.

write an exam paper. A definition is not an example, nor is it a vague statement about how something occurs. *Under no circumstances* ever define a word or term by saying something such as, “A contract is when two people”²⁰ The word “contract” is a noun; in defining a noun, use another noun. A contract is a legal relationship or a contract is a set of promises or it is something else.

Advice: Learn the definitions of new words and other words that are used in a special way. Be ready to explain the meaning of these words in class or elsewhere.

Participation: Class Discussion. Much of a class will involve my asking a series of questions of one student. This student will at some time be you. Your job is to give the best explanation or argument that you can in response to these questions. I may keep at you for what seems like a long time; get used to it. If you are speaking, whether asking a question, making a comment, or responding to my questions, *speak up*. Every student in the room should be able to hear you. Do not make me ask you to speak up. I quickly grow impatient when this happens. If you cannot be heard from your seat, I may ask you to stand.

Advice: Learn to speak so that all can hear you. Not only is this required for good class discussion, but it will be important throughout your legal career.

When you respond to a question, answer the question that is asked. I may say, “Who won in the lower court?” Your answer will be perhaps, “The plaintiff.” It should not begin with, “The defendant was a Minnesota corporation doing business in Colorado.” If I ask you to state the rule of law that you believe the case stands for, don’t begin by reciting the facts or stating the procedural history.

When you speak, you need not use perfect language, but do your best to avoid ungrammatical sentences or, worse yet, sentence fragments. Do not make horrible grammatical blunders. I will correct you or call you on bad usage or poor grammar.²¹ This may

20. You should have learned somewhere around the fifth grade, if not before, that this is not an acceptable way to define something. If you do this, I will begin to wonder whether you are a clever but uneducated con artist who has obtained admission to law school with a fake but convincing set of admission credentials. You do not want this.

21. If you say something such as, “He should have went,” I will try to make you as uncomfortable as I can. If you say, “That was prepared by Sally and I,” I will consider you beyond redemption. Do not use “unique” as if it has a comparative

be embarrassing. Better that you are embarrassed in this class than before a judge or other decision-maker, opposing lawyer, or client later in your career. Never let it be said of you in modern English what Thomas More (of whom you will hear more a bit later on) supposedly said in the sixteenth century of his enemy, William Tyndale.²²

Furthermore, pay attention to substantive rules and principles. State them carefully and precisely. I will tell you never to say certain things. Never say or write those things again.²³

Advice: Answer questions directly and without embellishment. Speak in proper English. Don't be careless in your statements of law or policy.

Your job as a student, however, is not simply to be prepared and to respond when called on. Each class is a joint enterprise. You have an obligation to listen and think when other students are talking. You have a further obligation to ask questions or comment on what is being said. If you disagree with what a fellow student says about a case, or if you think that we are missing a point, speak up. Always think of how you would react and what you would say if I were asking a question of you rather than another student.

Advice: Listen thoughtfully to everything that goes on in class, whether I am saying it or a fellow student is saying it. Think of how you would respond to my questions. Try to avoid letting your mind drift to other matters during a class.

Note-taking. While all of this discussion is going on, you should be taking notes. If you have not already perfected a technique for taking notes, you must do so soon. This requires that you keep listening while writing a few words or phrases that encapsulate the important things that are being discussed. While there is said to be the rare student who can remember everything without taking notes, I have never met her. If such a person in fact exists, *you are not that student*. Through practice you must learn to filter from the

sense; never ever say that something is "very unique" or "more unique" than something else.

22. More, in his sixteenth century English, on Tyndale: "I would have him write true one way or other, that though I cannot make him by no mean to write true matter, I would have him yet at the leastwise write true English." LOUIS L. MARTZ, THOMAS MORE: THE SEARCH FOR THE INNER MAN 36 (1990).

23. The most dramatic example of this is the horrendous phrase, "unilateral offer." Never ever say or write this. Similarly, never ever say or write, "meeting of the minds."

conversation between me and other students what is significant and what is dross, noting the significant stuff.

The same thing is true for the occasions when I give a five-minute lecture on some subject. If I am ranting about the pathetic state of American society or the human race in general or excoriating some politician, don't try to include that in your notes; if I am giving some information or explaining a principle, do include that. Learn to be selective, but at first err if you must on the side of over-inclusion.

If you don't understand or if you miss some of what is being said, ask the speaker to repeat or explain. Once I have given information, I expect that you will have noted it. If during the initial class I tell you where my office is, do not ask me later in the semester where my office is. I am likely to respond that it is in the same place that it was when I told you about it on the first day of class. If you have forgotten, look back at your first class notes.

What to do with these notes? Ideally, soon after class you should go over the class notes and condense them or make them more readable. Keep them for later study. They will form the basis of your preparation for the final exam.²⁴

Advice: Take careful and thorough class notes. Condense or revise them soon after the class. Use them as the basis for exam preparation.

Non-Classroom Activity

Activity outside of class. During breaks and between classes you will probably begin to discuss with your fellow students the material on which we have been working in class. This is often a useful and interesting way to spend this time. Listen to your fellow students, but think independently. Don't be afraid to challenge a statement from someone else if you think it is wrong.

Studying. Organize your time. Set aside specific times for studying your course material. Adhere to your schedule as closely as possible. If you find that you have extra time because a class has been cancelled, use that time to brush up or read ahead. Study in a quiet place at home, in the law school library, or at some other similar facility. Don't think that you are studying by sitting around reading a page or two during lags in conversations with fellow students about what a jerk the Contracts professor is. The process

24. More on preparation for exams below.

of studying involves careful reading, thinking, and occasionally making a note in the book or elsewhere about a new word or term. Don't hope to achieve much during lunch hour at work or try to wedge in a half hour here and there. It is OK to do this, but it is not a substitute for concentrated studying.

Your study for a class like Contracts will be pretty much limited to the book and other assigned material. Don't spend time looking at commercial outlines or, God forbid, flashcards. At some point your studying will include editing your notes to make them more easily understandable and thorough.

Advice: Starting now, study. Study hard.

Study Groups. Some people will tell you that you should form a study group early in your law school career. They are wrong. *Don't do this.* Study groups are useful only if all of the members of the group are compatible and share a common commitment to doing the best job possible. This means that it will take a while for you to learn who might be a good study partner or group member. Don't form a group based solely on convenience or friendship. Some of the more successful groups have formed almost accidentally halfway through the semester. Do not form or join a group with the idea of parceling out the work to the group members, each person having the responsibility to prepare an outline²⁵ for one course which then will be shared with all group members. Each person must do her own work *on every course*.

If you do find three or four other like-minded students and you believe that you will all profit from periodic meetings to discuss the subject matter of your courses, make those meetings productive. It's good to have a laugh now and then, but avoid turning the meetings into gossip sessions or complaint forums. Save those things for informal gatherings in the lounge before class begins.

Advice: Be chary of forming a study group. If you do form such a group, do so only after you get to know the other potential members pretty well. Make the meetings productive. Do not rely on other group members to do your studying for you.

25. I don't like to use the word "outline." It connotes the use of phrases or single words rather than full sentences. More on this below.

The Exam

Exam Preparation. Your final exam²⁶ will determine what your grade will be in this course. There are no quizzes or papers. Your class performance is not a factor in your grade. Sometimes students say that during the semester they have no way of knowing how they are doing. If you understand the material and the class discussion, and if you are able to maintain pace with the reading and preparation, you are doing OK. If you are behind in your reading or if you don't understand what is being discussed in class, you are not doing OK. This does not mean that everything will immediately be crystal clear. Remember the advice above about working through problems on your own.

At some point in the semester, you will begin to prepare some material about the subjects that we have been studying. People often talk about making outlines. I prefer to urge you to prepare a miniature treatise on the subject. Don't make a list of words or phrases. State the definitions, legal rules, principles, and policies²⁷ in full sentences. This serves two functions: It makes you think about the substance of the rule, and it makes you formulate a statement that should stick in your mind so that you can recall and use it when you write an exam. The phrase "preexisting duty rule" means nothing. If you write a sentence or two explaining what the preexisting duty rule is and how it works, your time has been well spent.

Begin to do this when we have covered a subject and moved on to another matter. At the beginning of the semester we will talk about how a contract is created. We will talk a lot about the rules of offer and acceptance. When we have finished that discussion and are moving on to the subject of consideration, you should begin to rewrite your class notes in full-sentence form so that anyone looking at your work could read and understand it.

You must do this for yourself. I sometimes have said that if you do this properly you can throw the product away because it is the process of doing it that helps you to understand the material and prepares you for the exam. This is a bit hyperbolic, but it is true that reading what someone else has written about the subject is not

26. At the end of the semester you will take a three-hour, in-class, closed-book exam that will determine your final course grade.

27. I will sometimes use "rules" as shorthand to mean definitions, rules, principles, and policies.

nearly as effective as writing the rules out in your own words. Your class notes form the basis for your treatise. You should rewrite your condensed notes, referring occasionally to the book or to some other good source²⁸ if you are unsure about a point. As you approach the exam, review and, if necessary, touch up this treatise.

Advice: Prepare your own miniature treatise on the subjects of contract law that we cover. Write out the rules in full sentences. Use your class notes as the basis for this. Review and revise your treatise as you approach exam time.

All of this means that you must work on this throughout the semester. Do not get behind in your reading or preparation. In law school in general and in this course in particular, concepts and principles build on one another. If you fail to grasp ideas that we cover early in the course, you will likely be lost later on. Do not hope to make up for lack of consistent study through pernoctation just before the exam. This doesn't work. In fact, the best thing that you can do the night before an exam is to quit studying in the late afternoon or early evening and clear your mind. Relaxing will help you more at that point than "cramming" would.

Advice: Prepare throughout the semester. Prepare a miniature treatise on the subject based on your class notes and other study. Relax on the night before the exam.

Practice Exam. I may give you a one-hour practice exam after we complete the offer-and-acceptance material about halfway through the semester. This is only for practice. If I do that, I will grade the exam as much as possible as if it were part of a real exam, but the "grade" will not count for anything; I will not know who got any particular grade, and I will not keep any record of the results except for a summary of the number of people who got particular grades. I will write comments on your exam papers and prepare a general set of comments to let you know what the common problems were and where people seemed to do well. This should give you an idea of what I am looking for and what you might need to do to deal with any weakness in your exam technique.

Advice: Take the comments on the practice exam seriously and do whatever you can to address the weaknesses in your exam technique.

28. Remember the advice about eschewing commercial outlines, etc.

The Real Exam. A bit later in the semester I will give you a separate short monograph on how to prepare for and write a law-school exam. It has more detail about what I think you need to do to write a good exam paper. Follow the advice that I give there.

On the day of the exam, don't waste a lot of time doing last-minute review of the subject. Relax and do the best that you can on the exam. When you have finished, don't get sucked in to doing an autopsy of the exam. Some of your colleagues will want to discuss an issue that they believe was important in the exam but that in fact was not there. Others will tell you about the detail in which they discussed an issue that you thought only worth a couple of sentences. Stay away from these people. They will drive you crazy.

Advice: Do the best that you can. Then forget about the exam and concentrate on what comes next (usually another exam).

The Grade. As surely as night follows the day, you will receive a grade on the exam.²⁹ That grade will reflect my best judgment about the quality of the exam paper that you write. I will be as honest as I can. If you do well, you will know that by the grade that you earn and the comments that I make on the exam paper. If you do poorly, that will be reflected in the same way.

I look upon myself as a measuring device—a thermometer or a scale. If you do well with your diet, the scale reflects the loss of weight; if the weather is mild, the thermometer shows a pleasing temperature. Don't make the mistake of blaming the scale if you have cheated on your diet or the thermometer if the weather is not to your liking. I do not "give" grades. You earn them.³⁰

After the grades are posted, you can pick up your exam paper and do with it what you will; you may wish to preserve it among your treasured souvenirs—or not. When you get your paper, look at the written comments and the grade that is written on the paper.³¹ Look also at the general comments that will be posted on Blackboard. Consider where you were strong and where you were

29. Because the law school has adopted a grade normalization process, the grade on your exam paper may not be the same grade that is reported on your transcript. The grade on the paper and the comments that I provide are your best indication of how I believe you really did.

30. As noted above, there is, of course, a subjective element in the grading process. What I consider a poor paper may be looked upon in a more kindly fashion by another professor and vice versa. I try here and elsewhere to let you know what in my judgment makes a good exam paper.

31. See *supra* note 29.

weak, and think about how you can address the weaknesses to improve the quality of the next exam.

Advice: Use the exam experience as a way of learning. Review your exam paper and the comments and consider where you went wrong substantively or otherwise. Then figure out how to improve.

Winding Down

When the First Year Is Over. You will have a chance around the middle of the year to register for one or two summer classes. While there may be good reasons to take a summer course, try to resist the temptation. Use the summer to recharge your intellectual batteries and catch up on your novel reading, baseball watching, cooking, or whatever else you have been neglecting in favor of law school. If you can afford it, you may wish to attend a foreign program sponsored by WMCL or some other law school. This can be a worthwhile experience.

You may want to try your hand at law review, which may require the writing of a paper during the summer. If this seems important to you, do it but don't let it eat up the summer.

What Next? If you hated the first year of law school or if you do not find the study of law the least bit interesting or rewarding, stop wasting your time and money. Cut your losses. Drop out and do something else.³² There are few enough people in the world who spend their professional lives doing something that they like to do. Don't think that you have to do this if you find it unpleasant.

If, on the other hand, you enjoyed most of what you have experienced, keep at it, and when you return for your second year in the fall, you can pretend for the benefit of the incoming first-year students³³ to know everything about everything.³⁴ Some of you

32. You may have decided even before the end of your first year that this is not for you. Don't, however, be discouraged by a few temporary setbacks. A number of years ago, a wonderful old Minnesota Supreme Court Justice used to tell the story of the young lad from an isolated farm who set off one day with the announced intention of attending law school. Two weeks later, he trudged back up the road, suitcase in hand, looking crestfallen. "What's the matter," asked his father. "Didn't you like the law?" "No," the lad replied. "I didn't like it at all. I'm sorry that I ever learned it." Don't be like that.

33. Oh, yes—I don't like the term "IL" as applied to our students. This is a law school and only a law school. Perhaps at a university that boasts a school of mortuary science as well as a law school the term is appropriate. William Mitchell is not such a place. Resist the temptation to use that term.

eventually will become skilled transactional lawyers, some will be wise counselors, some will be superb trial lawyers, some will be judges. And it all starts here.

34. *See supra* note 3.