



# THE LEGAL BRIEF



## Law School

by John D. Whitaker

There is an old saying about law school that I think is pretty accurate. The first year they scare you to death, the second year they work you to death, and the third year they bore you to death. As an undergraduate you go to class and listen to the professor spoon-feed you information about one topic or another. Law school does not work that way, because the law does not work that way.

Law schools follow the "Socratic" method of teaching. This process consists of the professors asking the students questions and rarely, if ever, answering them. When I was in law school we used to call this playing "hide the ball." Some teachers were better at it than others, but my third year Secured Transactions teacher was as close to diabolical as you can get. We affectionately referred to him as the "prince of darkness."

Law school takes three years. The first year all students must take the required courses including contract law, torts, criminal law, property law and legal writing. The students are given casebooks which consist of a series of written court opinions which discuss a specific area of the law. The students must learn to read and understand the cases so that they can talk about them when they are called on in class. Generally, the case is discussed in terms of the facts of the specific case and then the student is expected to divine which of the sometimes many rules in the case is the critical one because the professor won't tell you. Knowing the rule is helpful when the professor starts changing the facts of the case in class for purposes of discussion. The student is expected to know the important facts and the rationale supporting the rule so that he can discuss how the rule would be applied in a different factual situation. These fact changes are called hypotheticals, and the process is called legal reasoning. The professors don't tell you when you are right, but when you are wrong, they delight in sometimes asking question after question to demonstrate that you are clearly wrong. The student is expected to figure out how things fit together so that when the exam at the end of the semester comes they can apply the rules they have learned to the exam questions. The exam questions usually consist of a factual scenario and the student is expected to evaluate the legal arguments



raised by these facts and provide legal opinions about the likely result. In law school they don't have pop quizzes throughout the semester so that the student can get a sense of how they are doing. You take one test at the end of the year and if you blow it you flunk. If you pass, it's on to year two. This is a very scary process, and for a variety of reasons, first years think the people they are competing with in their class are a lot smarter than they are. You just don't know where you are on the food chain until they post the grades.

The second year includes the study of the rules of evidence, civil procedure, constitutional law and some of the business law classes. This is a lot of work because there is a lot of information to read and understand. By the second year the students know what to

look for and so it's no big deal. Just do the work and you will be fine

The third and final year the students take mostly electives, including classes on topics like water law or oil and gas law. By the third year you know what to look for, and you know the things the professor is likely to put in the test. The third year is usually much easier than the first two years. This actually works out pretty well because by the third year you begin to stress out about the Bar exam.

The Bar exam is the test you must pass to be admitted to practice law in any given state. The Wyoming Bar exam consists of three parts. The first part is the Multistate Professional Responsibility Examination, which covers legal ethics. This is a national multiple choice test that is usually taken in the third year of law school. The second part is the Multistate Bar Examination. This is also a multiple choice test which covers basic legal knowledge. The third part of the examination is the Wyoming Essay Examination. This examination consists of 11 essay questions and the student must provide satisfactory answers to at least 10 questions using Wyoming law.

If the student passes the Bar exams and they meet all the other requirements they are sworn in as members of the Bar. Once you get all that finished they throw you into the pit and your real legal education begins.

My first-year property law teacher had a saying that I think sums up the law school experience. He said, "The study of law is a lot like my first kiss. It was stumbling, bumbling and ill executed, but replete with the promise of a brave new world." I couldn't agree more.

**The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer's credentials and ability, and not rely upon advertisements or self-proclaimed expertise. This informative column is brought to you by John Whitaker who practices personal injury and criminal law throughout Wyoming. He can be reached at JDWTL@aol.com or by calling his office in Casper at 265-6204.**