

Starting Off Right in Law School

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SECOND EDITION

Carolyn J. Nygren

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Introduction to the First Edition

Why I Wrote This Book

1. To provide information about the legal system

Law schools do not require that their entering students have any specific knowledge of the law. Unfortunately, in order to understand their assignments for the first day of law school, students need to be familiar with fundamental legal principles and legal terminology as well as know information about the court systems and the trial and appellate processes. Students at most law schools must spend a great deal of time during the first semester trying to fill in the gaps in their basic knowledge at the same time that they are trying to cope with their course work. No wonder that most are exhausted and discouraged.

Students do not need in-depth knowledge of the legal system to be ready for the first day of law school. There are three years to learn the details. They just need the basics. The first reason I wrote this book is to provide those essential basics.

2. To provide information about the study skills necessary for success

When I first started working at law schools, I was hired to work in the Spring with students who had not done well on first semester exams. I soon realized that most of the students had worked very hard and had learned enough law to do well. What they hadn't learned was that law school exams are different from any other exams they had taken and doing well requires some specific study and exam preparation techniques. Unless told otherwise, students who have had success in other academic settings have no reason to believe that they

need to study differently in law school. Sometimes it is not until they do poorly on first semester exams that they understand that they need help.

Most students can be successful if they know what preparation is required. Therefore, the second reason for writing this book is to tell students about study and exam preparation techniques before their first exams. All students should know how to demonstrate what they have learned.

Why You Should Read This Book

First year success is more important to law students than to students in any other graduate program. Selection for law review is often dependent on grades. Law firms are usually conservative and often rely almost exclusively on grades to determine to whom to make an offer. Therefore, some very promising students are cut off from opportunities simply because they do not know how to succeed in law school. This book contains what you need to know so that you can do well enough in law school to achieve your goals.

What You Should Know About the Book

The “Voices”

This book is based on a course I taught for many years. The chapters that contain basic law related information rarely include the word “I.” However, the chapters that contain study and exam preparation techniques are based on my experience in teaching and working with individual students. In these chapters I often refer to suggestions that have worked for me and others, and I also include samples from the course.

The Topic

When you read the book, you may be surprised by the fact that the events that resulted in the cases being tried are rather mundane. All of the cases you will read are about people who have been injured by something in food, either in their restaurant meals or in processed food. You will read about people who have been injured by a bone in fish chowder, a bone in a fish fillet, and even a pearl in canned oysters. The injured parties are all suing the merchants who sold them the food under one legal theory found in the Uniform Commercial Code called the implied warranty of merchantability.

You should know that the case at the heart of this book (*Webster v. Blue Ship Tea Room, Inc.*) created problems for generations of Massachusetts lawyers as you will see in Chapter One. In 1989 the Supreme Judicial Court decided a case which clarified the unresolved issues in *Webster*. However, this action by the court did not decrease the effectiveness of *Webster* as a teaching tool nor its appeal to law school teachers and students.

The reason I have chosen such an easy subject is that I want you to be able to concentrate on learning about the law. All of us have eaten in restaurants and consumed canned or frozen food from the supermarket. Although the subject matter is easy, the legal concepts in the cases are not, and there are many scholarly articles written about what one such article calls “chicken bone law.”

The Simplified Explanations

Some legal concepts may seem clear in this book because they are introduced in only one area. In your first year courses, you may find that they are quite complex. However, it is impossible to understand the complexities at the beginning of your law school experience. Now you need a basic understanding of legal concepts and vocabulary so that you can have the foundation upon which to build a more sophisticated understanding. This book is meant to give you enough of an introduction to the law and law school so that you can begin speaking and writing like a member of the legal community immediately.

Introduction to the Second Edition

There was little from the first edition of this book that I wanted to change. There was, however, much that I wanted to add. Since the first edition was published, I have been a full time faculty member at three different law schools, teaching doctrinal courses and legal writing in addition to conducting academic support sessions. It became clear to me that first year law students often didn't realize that the case reading to prepare for exams is different from the case reading to prepare for writing a legal memo or brief. Many students used the same technique for both, but the technique served neither purpose well.

This book is about 50% longer than the first edition because I have tried to prepare students for legal writing as well as exams. There are now chapters on trial courts, juries, appellate courts and courts of last resort to help students understand the role each tier of the court system plays. This is very important in a legal writing course, but it is often irrelevant in a doctrinal course. I hope this new edition will give students the background they need to start off right in law school.

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