July 24, 2012

Welcome to the Law School. I am looking forward to working with you during orientation and in our Torts class. Orientation is an important time. I will be trying to introduce you to the rudiments of legal analysis and reasoning (much of which, as you'll see in our first meeting, you're already familiar with), how to brief a case, court structure, the anatomy of a case and working collaboratively with your colleagues. That's a tall order for three days, but I think we can manage to do at least some of it and enjoy it in the process.

We will be working in part with the WHOSE MONEY? materials that John Humbach put together, and it will help if you have read all the way through that book before you come to our first class. Now, with one exception that I'll get to in a moment, I want you to take that just as I said it: you should read through the materials. That does not mean memorize them; it does not mean outline them, and it does not mean that you're going to be tested on them. I often think orientation is more stressful than need be, not least because you get so much stuff thrown at you outside of the classes themselves from the various talking heads whom we inflict upon you. Try to relax a bit, particularly with all the administrative stuff you'll be hearing about. You don't need to remember it all. (I've long suspected that you don't even need to hear about much of it, but the Dean would probably disapprove my saying that.)

Do remember, however, that you are encountering legal materials for the first time. They are difficult to read, and if you find them so, that does not mean you are doing something wrong. Be a little patient with yourself. If you find something baffling, do the best you reasonably can with it, and then come to class so we can sort it out together. Chances are the rest of the class found it baffling, too. It's just that you don't feel their uncertainty, and you do feel yours.

I maintain a web page, and you will always be able to find the current assignments, the syllabus, and extra materials there. The URL is www.law.pace.edu/dld, and you can also find it through the Law School's main site if you go into Faculty. I will post all assignments there, and that reminds me of something. We proceed at a very measured pace (so to speak) throughout the course. If you ever see an assignment that just looks crazy to you, check with me before dying in the attempt to complete it. I will rarely ask you to read more than thirty pages or so of case materials for one class.

I'm going to ask you to do a writing assignment before you even come to school. I have posted on the web some thoughts on working with cases, under the heading Case Analysis. Please read them thoroughly, especially the subsections on briefing a case. Then go into the Monet materials to page 134, and try your hand at briefing O'Keeffe v. Snyder. I suspect that you will find this difficult, and that's all right. It's your first time. Do the best you can, and don't worry about it. Please type your briefs. I'll collect them at the end of the first class and then hand them back as rapidly as I can with some comments and a sample brief of the case.
The purpose of this exercise is distinctly not to evaluate you; it is instead to give you some feedback on one of the most important techniques that you will learn during your first year. I don’t expect the briefs to be perfect; you should not either. This is just a chance to get your feet wet in what I hope is a non-threatening, supportive atmosphere.

I used to do a second writing exercise during orientation also, but this year orientation is so compressed, and regular classes come so hard on its heels, that I think it would do more harm than good. Whatever it is that you do need on beginning law school, it certainly is not more anxiety. Instead, we’ll try to accomplish the same thing in a collaborative exercise in class. In our first class, we will view and discuss a series of vignettes that has a lot to teach us about how the law develops. It is set in the context of a mother’s relationship with her teenage daughter and deals with issues that all of us, as teenagers of either sex, confronted. It is not at all “law-like.” But it is. Through these materials, we are going to begin getting an idea of how the law develops and how we as lawyers try to understand it and predict where it is likely to go next. We’re going to do a synthesis exercise. Synthesizing is a critical skill for law study, because it is the process of pulling together rules in isolated cases and weaving them into a coherent whole.

Toward the end of class, I will hand out two additional fact patterns that spin off from the film you have seen and a transcript of the conversations between mother and daughter in the film (so you need not try to take notes on it). This is actually related to much of what lawyers do. Each case you encounter as a lawyer presents a new set of facts, similar perhaps to other cases, but not identical. Our job in this exercise is to figure out how our four-vignette “precedent universe” is likely to affect Mom’s (Carmen’s) decision on each of the two new patterns. The purpose of this exercise is to get you started on working through problems with your colleagues, a critical skill for lawyers and a very useful study skill while in law school. My hope (and experience from past years) is that that will help you understand the kinds of things we are looking for on examinations. I tell you now that I don’t think there are clear answers to either new fact pattern based on the information that we have at the end of the film. The exercise is to see what arguments are available for coming out one way or the other.

Orientation is so short that we cannot even begin to cover all of the Monet materials in depth, and we’re not even going to try. In our first meeting, rather than dive into the WHOSE MONET materials, we will do a couple of exercises (including the film I mentioned above) that will help you see how much of legal argument and reasoning you have already mastered. For the remainder of our orientation classes, I have chosen to focus on some of the materials that I think are the most illustrative of things you will need to grasp during your first year.

The coming few days are the beginning of your entry into our profession. I hope you will find them exciting, challenging, fulfilling and not too daunting or exhausting. Please let me know if I can do anything to help make them so. My office is Room 320 Preston Hall, and I encourage you to stop by any time you feel like it, both during orientation and during the semester. Working with students is the very best part of my job. (If the door is closed when you come up, that’s to keep out noise, not students. Please knock and come in.)

Enjoy the remainder of the summer. I look forward to seeing you on August 21.

Sincerely,

[Signature]

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