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## “Toto, I’ve A Feeling We’re Not In Kansas Anymore.”

(A Handbook For The Incoming Law Student)

by Jeffrey Kluger

So you’ve finally been accepted to law school. Fine. Let’s discuss Maalox for a moment. I’ve found that one teaspoonful immediately preceding each class is usually a good rule of thumb. You, of course, may choose to use a bit more or less depending upon your own needs. You may also wish to experiment with any one of a number of other over-the-counter brands. Regardless of what you finally select, however, don’t allow yourself to be swayed by partisan friends. You are making a choice upon which you will rely time and again throughout the next three years. Make sure you’re happy with it.

The other crossroads you are destined to encounter will, unfortunately, not be as clearcut as this. Naturally, nobody can remove all of the confusion for you, but perhaps a few suggestions can lighten your load just a bit. You’re beginning a course of study which will at times push you to the point of utter exhaustion and then, just as quickly, excite your intellect as never before. The former situation is easy to handle. We all know how to suffer. Regardless of whether your technique takes the form of the bullet-biting stoic on the one hand, or the self-righteous heretic railing against the system on the other, the sense of martyrdom will nevertheless be delightful. The real difficulty will arise when you experience the more pleasant end of the spectrum; the excitement of at last grasping concepts which you once would have found incomprehensible. You’ll be flushed with wonderment over your insight, enthralled with your ability to analyze and reason. And you’ll need to discuss the point you’ve just mastered with somebody. Anybody.

Other law students will not do. Those who have just conquered the same issue will be as excited as you, and you’ll both begin chattering senselessly to one another, usually in unison, before moving on to collar another potential listener. Those who have yet to understand the same point will *not*, believe me, be enthused at your success. This leaves family and outside friends.

The question of discussing the finer points of the law with persons other than law students is a delicate one indeed. The natural impulse is to assume that an issue which excites you so tremendously must be, at the very least, mildly interesting to a person not familiar with the field. So at the earliest opportunity, you will seize the most readily available non-legalite and begin explaining your studies in wildly adrenal fashion. As invariably happens, however, just as you begin to wind down, you will notice a dull glaze form over the eyes of your listener. Almost imperceptibly at first, but soon unmistakably. It is at this point that you will ask yourself: “Am I boring this person?” Regardless of how politely your audience seemed to be listening, the answer is inevitably: “Yes, beyond words.”

My initial experience with this kind of disillusionment was more striking than most. Sometime during my first semester, I was home alone studying Contracts. Having completed the night’s assignment, I excitedly phoned my brother to explain one of the finer points of promissory estoppel. Before I had progressed very far however, he interrupted to say that he was watching an “absolutely fascinating” television program and would I please call again tomorrow. Reluctantly, I agreed. I later discovered that the show he had been watching was a panel discussion of *Blind Ambition*. The host was David Susskind.

Do I make myself clear?

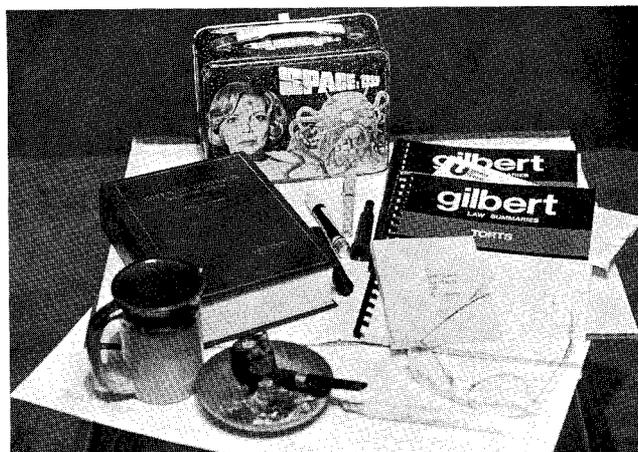


Photo by Robert C. Becker

Remember, your family and friends love you, but even love has its limits. In a pinch, call your mother, she’ll always listen.

Once you’ve reached the point where the material you’re tackling is affecting you this significantly, you must learn to remove yourself from the legal atmosphere for brief recuperative periods each day. If you spend your evenings studying, it is never a good idea to close your books, go right to bed, and get up for class the first thing in the morning. You will find yourself on a stifling treadmill, rapidly losing perspective. Always allow yourself a few free, post-studying hours in which to do whatever you please before turning in. No matter what form of relaxation you select, make sure it is right for you. If you’re particularly keyed up, choose something which will be nicely cathartic and not too taxing. Read a novel, watch television, make love, whatever. I found vomiting especially gratifying at times like these, but you, of course, will have to discover your own favorites.

Home preparation of this kind is, however, only part of the law school struggle. The other, more complex aspect arises in the classroom. This is the real testing ground of your ability to analyze instantaneously, to shift gears deftly in the middle of a thought, to express your views fearlessly before fifty or sixty other people. Techniques such as these take a great deal of time and preparation. However, the first time you feel you’re ready to assert yourself in class is an indescribably exciting moment. You’ll wait anxiously for the class to begin, your argument perched primly on your desk like a tin soldier. Finally, chance will nod in your direction and you will begin. Under ideal circumstances, your opinion will parade proudly about the room, deftly sidestepping the feeble counterthrusts of opposing convictions, negotiating impossible rhetorical twists with effortless agility, and finally gliding to its conclusion, eliciting envious whispers all around. This, however, will never happen. Never. Keep that in mind at all times. Throughout history, certain dreams have never been worth even the effort of the search; Xanadu, unicorns, Oz, the perpetual motion machine. Add to this list the perfect legal argument. Even the most convincing diatribes have never survived close scrutiny completely unscathed. There is always a toehold, a small frayed spot that can be discovered and exploited. It’s a great deal of fun to be on the attacking end of such an arrangement, but far less so when your argument—by now your offspring—is being mercilessly dissected by strangers. You conceived it, you nurtured it, you bought it braces and saddle shoes, and now look at it.

There are two approaches you can take in a situation of this nature. The one you choose should depend upon the defensibility of your position. If you feel that your argument is truly meritorious, that the charges being levelled against it are not salient, or not responsive to the thrust, then go with your impulse. Defend yourself! The truly strong position is the one that can answer equally fervent points of view with its syllogisms still intact. If, however, it is you who have missed the point, if your position is genuinely untenable, riddled with glaring inconsistencies, and these have been stripped open and laid bare, then you have nothing to gain but ridicule by pursuing a dead end. It's admittedly difficult to see your once proud thesis lying in the street, bleeding helplessly from its wounds, a bottle of cheap rot-gut clenched in its grimy fist, and know that somewhere in the steaming city is the low-life snake that gunned it down. But you've got to let it go. Doesn't something so dear to you deserve to pass on with at least a shred of dignity? It's not an easy piece of advice to hear. Believe me, I know. But someday you'll thank me for it.

Your written work—appellate briefs, memos, final exams—will engender in you a similar sense of attachment, perhaps even more so. This is probably due, more than anything else, to the tremendous sense of achievement you'll experience upon completing so complex a task. There is a distinct fascination in being presented with a fact situation and knowing that the route you take to solve it is your own. The sensation is one of navigating. You'll consult volume after volume, each a bit clearer in light of the one that preceded it. Out of this montage you'll select a case here, a paragraph there, perhaps only a well-turned phrase somewhere else. Then a tedious process of trimming will begin. Countless pages of notes must be distilled until only their most significant kernels are left. Out of these you will slowly construct your argument. The result is a series of premises and precedents leading inevitably to a researched conclusion.

Creative analysis alone, however, is not sufficient for acceptable legal writing. Of equal importance is a clear, simple writing style. The most persuasive reasoning will be wholly ineffective if not expressed in concise, understandable terms. Each time you write a sentence, scrutinize every word and ask what purpose it serves. If it's superfluous, delete it. There is a thin line between interesting legal writing and excess flourish which merely conceals holes in your reasoning, and law professors are notorious for knowing the difference. Most can sniff out a pointless analogy at twenty paces. As for allegories and cleverly dry double entendres? Forget them. They wouldn't have a prayer. The most you can hope for is an occasional, simple metaphor. University bookstores usually carry a small supply of these, and while they're generally of rather good quality, the price is often prohibitively high. It's a good idea to watch for sales.

After your first few brushes with legal writing, class discussion and home preparation, some of your early, neophyte panic will begin to ebb away. The law school experience will lose some of its looming awesomeness and retreat to more manageable proportions. No one is quite sure of the exact point at which this begins to happen, but one day you'll go to class and won't really care if you're summoned to speak or not. You'll brief only the most confusing cases, if any. You'll swim through the day with baffling ease, wondering what all of the pre-matriculation fuss was about.

These feelings, rest assured, are delusions. They will last until about four weeks before the end of the semester. Then one day you'll arrive at school and notice something strangely different. Suddenly, there will be fidgety lines at coffee machines, classes that had been attended regularly by only the

most studious will be full to bursting, the library will be teeming with people. A kind of tribal finals panic will have taken hold. Something roughly approximating post-war Berlin. And your earlier sensations of confidence—your deutschmarks—will be worth precious little.

Since the first moment you considered a legal career, you've probably heard countless horror stories about law school finals. Increased alcohol consumption, nervous breakdowns and ulcers are among the most prominent. The list of tales is endless. And exaggerated. Contrary to popular myth, there *are* some things worse. I had a thumbnail removed once. Then, of course, there's Newark. And disco. And Shana Alexander.

The key to surviving finals, then, is to maintain perspective. Most of the hideous fantasies you will have are without merit. Nobody wants you to fail. The mountain of material you will have to learn is not insurmountable. And if you blow an answer, or two, or even an entire exam, your legal career will not come tumbling about you like a house of cards. You may wake up the next day to find the prospect of breakfast mildly revolting, but that's all.

In order to help you avoid even that much discomfort, however, a few suggestions on the process of taking an exam might be appropriate. Most significantly in this regard, remember to pace yourself carefully. If you're given three hours in which to complete a final, it's a safe bet that it's designed to take roughly that long. You therefore will not want to spend too much time on any one part. Generally, there will be one or two major issues per question and perhaps some lesser, tangential issues. You may find it wise to respond to each in order of descending importance. That way, if you find yourself running out of time, you'll know you've covered at least the most significant points. Once again, write succinctly. Of course, you don't want your answer to read like a shorthand outline, but with time at such a premium, there will be absolutely no room for flourish. State the issues, the law, your reasoning, and your conclusions and move on.

Once you've finished all of your exams, do your best to forget about them. There is nothing, absolutely nothing, you will be able to do at that point to improve the prospective outcome. If you allow yourself to brood about your performance, you will find yourself growing more and more pessimistic as the days wear on. While this is not an unnatural phenomenon, it is nevertheless quite uncomfortable. After I completed my first semester, I spent close to a week believing that I would live to see the answers I had written publicly lauded as monuments to legal education. Within several more days, however, the inevitable process of attrition had begun to set in. By the end of a three week period I had become convinced that only with the help of a Slavic interpreter would my professors be able to untangle the maze of nonsense I had presented them and, in a fit of generosity, grant me passing grades. Predictably, the actual results fell somewhere between these two extremes.

Basically, you should try to enjoy your post finals break and let your grades take care of themselves. Understandably, however, no amount of self control will eliminate the queasy moment you'll experience each morning as you check your mail for the harsh verdict. Every day it doesn't arrive you're likely to feel a mixture of relief at the stay of execution and anger at the prolonged torment. Of course, one day you'll peer into your mailbox and the wait will have ended. It will be there. A small, innocuous looking envelope, almost bursting with its news. Feeling lightheaded with excitement, you'll snatch it up furiously, rip it carelessly open, and hungrily pore over its contents. Here at last are the ultimate results of your super-human efforts. The struggle has ended, if only for a moment. Now then, a further word on Maalox. . .