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Academic Success

Avoiding the “Middle”: How Academic Support Can Help Every Student

Contributed by Danielle Bifulci Kocal, Director of Academic Support, Pace Law School

In law school, there are usually three types of students: those who “get it,” those who “get it enough to get by,” and those who are struggling and don’t get it at all. More simply, the top of the class, the middle and the bottom. In Academic Support, we frequently meet with students in two of those categories: students at the top, and students at the bottom. The students who are doing well usually come to us because it is in their nature to constantly feel like they can and should be doing more to keep their GPA high. Sometimes we can give them assistance, and sometimes they discover they really are already doing everything they should be doing. The students who are struggling come to us for help – hopefully voluntarily when they recognize their weaknesses, but sometimes as part of a mandated Academic Support program for students with low GPAs. But whatever their reason for initially contacting our department, we are usually able to help these students tremendously. A student who is really struggling after one or two semesters in law school is usually not grasping fundamental components of being a law student – how to brief a case, how to apply case holdings to new hypotheticals, how to write a law school exam essay, etc. It is imperative that these students come to us as soon as they realize they are not “getting it” so that we can teach them these basic skills before they dig themselves too deeply into an academic hole.

But what about those students in the middle? The ones with the B/B- grades, who, due to the nature of a law school curve, often make up the majority of the class. Unfortunately, we consistently find that these are the students we never get to know – the majority of the class who usually fail to utilize the services of Academic Support.

Why don’t all students utilize Academic Support?

When speaking to students who fit into this category, I have found that there are usually several different reasons why they don’t come to Academic Support. First, many of these students think that they are doing fine. And it is true – they *are* doing fine. But in law school, your goal should be to separate yourself from the pack, which means that you want your GPA to be above the curve – out of that B/B- range and into the A’s. “Fine” is OK – but “above average” is always better (a high class ranking is a *great* thing to be able to put on a resume). Secondly, these students mistakenly believe that Academic Support is only for people who are struggling. Of course, we do devote many of our resources in Academic Support to helping those who are having difficulties in law school. But we also have an interest in seeing all students succeed, and have methods and resources to help not only those who are struggling, but those who could use just a little extra assistance, as well.

Perhaps the most unfortunate and frustrating reaction we get

from students is that they think they are imposing when they come and ask us for help. Please remember that, as Academic Support Professionals, it is our *job* to help students – all students, not just those with low GPAs. You will never be “bothering” an Academic Support professional – or any Professor, for that matter – by coming and asking for help.

How can Academic Support help even a “good” student?

If a student is consistently getting grades in the middle of the curve, it is likely that he or she has a good understanding of the material and has an understanding of how to apply that material to the questions on an exam. So at that point, it is not about learning how to take a law school exam – instead, the student should focus on adding the “extras” that will make him or her stand out from the rest. How can a student distinguish himself from the rest of his classmates, to break away from the “middle” and get an A on an exam? For many students, it is a matter of expanding their analysis – in effect, giving the professors *more* to grade. Introducing counter arguments, discussing possible defenses, and examining the merits of both sides, are all ways of increasing analysis for additional points.

Let’s look at an example of how students in each group would answer a basic question on battery. If a torts exam question asks whether or not a certain action constitutes a battery, the “below the curve” answer would state the elements for battery and then conclude that there was or was not a battery. This would be below the curve because, while the student may have memorized the elements for this tort, the answer is completely lacking in analysis – *how* do the facts of this hypothetical *apply* to the law. Remember, by the time you get to law school, your professor expects you to be able to memorize and will not give you points for pure memorization. The “average” answer will state the elements for battery, and then illustrate how the facts of the hypothetical do or do not satisfy these elements. The student with this answer has demonstrated an understanding of the law, and shown an ability to apply law to facts to arrive at a conclusion. But this student has stopped short of a great answer, an “A” answer.

The student above the curve – the “A” answer – will give the elements of battery, apply the law to the facts of the hypothetical to decide whether or not there was a battery, and then take it one step further. This student will then discuss whether or not there is an applicable defense to the battery claim. Maybe the facts of the hypothetical suggest a possible consent to the battery – even if the likely answer is that there was no defense, this student will notice that it is at least something that should be discussed. So, in effect, the “A” student does what an actual lawyer would do when evaluating a client’s situation – look at the merits of the client’s claim, anticipate any defenses or counter-arguments, and conclude whether or not the client has a viable case.

Of course, this example is an extreme oversimplification of a real-life exam question (if only torts exams were that easy!). But these principles can be applied on any exam, and it is usually this type of “extra” information that will push a student

above the curve. Most students who write the “average” exams do not even realize that there is more they could be writing. This is where Academic Support can help – Academic Support professionals can evaluate a student’s writing and suggest small changes and additions that will lead to big grade improvements.

Another way Academic Support can help all students is with study methods. Many students do not realize that there is more than one way to study in law school. From the first day of orientation, outlines are touted as the be-all and end-all to doing well on a law school exam, but outlines may not work for everyone. Students need to find out their individual learning styles (are you a visual learner? auditory? kinesthetic?). A student may be doing well in law school but has been studying in a way that is not completely effective for him or her. Thriving in law school is about studying *smarter*, not studying *harder*. A meeting with an Academic Support professional can help a student evaluate his or her learning style and determine if there is a better, more efficient and effective way to study than what the student has previously been doing. We often hear from students that they do not think they will ever be able to get an “A” because they already study so much, they cannot possibly do anymore. This is a great indication that the student most likely needs to reevaluate *how* they are studying, to determine if they can maximize their learning potential in the same amount of time. *Every* student can benefit from knowing their best learning style.

How should students use Academic Support?

One of the most helpful things a student can do is review his or her old exams. There is no better way to find out how you can improve than by looking at what you have already done right and what you have done wrong. Professors’ comments (or, if the option is available, actually meeting with the professor) are an invaluable tool for determining what is needed to improve your grade – it is first-hand insight into what the answer was lacking and where extra points could have been earned. We suggest that our students bring their old exams to us to review as well; a professor can explain the basis for determining the student’s grade and what the student was missing, and Academic Support can use that information to help the student practice and improve for the next semester. As opportunities for feedback in law school are few and far between, students should not miss the chance to review their final exams with their professors and work with Academic Support on those areas that professors have identified for improvement.

Students should also do practice exams throughout the semester and bring them to Academic Support for review. A student might learn that there is a simple change to the organization or format of his or her exam writing that can make the difference between being in the middle of the curve and being at the top. Academic Support professionals have much experience teaching students how to write a better exam, and students should avail themselves of this resource. It is important to remember that a professor may be reading up to 100 exam answers per class each semester.

Therefore, an exam answer must be easy to read and understand so that the professor can quickly see what he or she needs to give you the points and move on.

Finally, students should bring their outlines to an Academic Support professional for feedback. Most students do not think about getting feedback on their outlines, but it is a wonderful tool for learning how to study smarter. Often, we see outlines that are not at all helpful to the students because they contain too much irrelevant information or are organized in a way that is not conducive to analytical learning (e.g., an outline organized by cases, rather than by concepts with cases added as illustration). Having a trained eye review an outline can often eliminate extraneous and unhelpful information, which will streamline study time, and make the study process less about memorization and more about application.

For most law students, the Academic Support department is one of the most underutilized tools in the students’ academic arsenal. From orientation to graduation, the Academic Support staff is there to help the students – all students – do the best they can. Students should take advantage of that assistance, so that they can learn and practice the tools and methods they need to break free from the middle of the curve and earn the “A” grades they are capable of.

Danielle Bifulci Kocal joined Pace Law School as an adjunct professor in the Spring of 2009, when she taught the Advanced Analytical Skills course to third-year students preparing for the Bar Exam. In August 2009, she became the Associate Director of the Academic Support Program, and was involved in all aspects of academic support at the law school. She is now the Director of Academic Support, and is thrilled to be able to use her experiences, both as a student at Pace and as a professor, to continue to expand and improve the Academic Support Program. Danielle graduated magna cum laude from Pace Law School in 2006. While a student at Pace, she received her certificate in environmental law, participated in the Environmental Litigation Clinic, served as an articles editor for the Pace Environmental Law Review, and worked as a Dean’s Scholar for two semesters. Prior to joining the Academic Support Program at Pace, Danielle was an associate at the law office of Elizabeth Swire Falker, Esq., PC, where she practiced in the areas of reproductive and adoption law.

Careers

Litigation

Who Will Try the Civil Jury Cases of the Future?

Contributed by Donald Chance Mark, Jr., Fafinski Mark & Johnson, P.A.

Over the course of the last century, the landscape of civil litigation in the United States changed fairly dramatically. Fewer cases go to trial compared to the number of disputes that arise, and one consequence is that there are fewer opportunities for young lawyers to develop trial skills.

As we begin the second decade of the new century, how has