



Alison Monahan: Welcome back to the Law School Toolbox podcast. Today, we're doing a recap of our top 10 academic episodes, plus a few bonus ones. Your Law School Toolbox host today is Alison Monahan, and I'm here with Lee Burgess. We're here to demystify the law school and early legal career experience, so that you'll be the best law student and lawyer you can be.

Together, we're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career-related website, [CareerDicta](#). I also run [The Girl's Guide to Law School](#). If you enjoy the show, please leave a review or rating on your favorite listening app, and if you have any questions, don't hesitate to reach out to us. You can always reach us via the [contact form](#) on LawSchoolToolbox.com, and we would love to hear from you. With that, let's get started.

Lee Burgess: Welcome back to the Law School Toolbox podcast. Today, we are doing a recap of our top 10 academic episodes. Not necessarily the most popular, but the ones we think are the most useful. For a full list, go to [LawSchoolToolbox.com/podcast](#), and there's a link to different types of archives, both [by topic](#) and [by date](#). So, Alison, let's get started. You and I love a good top 10 list.

Alison Monahan: We do. I mean, I was making this list and I was like, "Wow. We have got so much great stuff on this topic." So, if you don't hear something you're interested in, go check the archives, because probably, we've talked about it. We've done a lot at this point.

Lee Burgess: We definitely have.

Alison Monahan: All right, so let's get started. I've tried to organize this really kind of in terms of understanding the law school process, and the pieces that you're kind of going to go through in time. First up, I want to recommend to you [podcast episode number 13](#), which is all about what lawyers argue about. Lee, why do you think we started off with this one? Guess what I'm thinking?

Lee Burgess: I know. Well, I think this is one of those fundamental questions that a lot of times, students don't think about when they're starting law school. Because what you're really studying in law school is how to debate both sides. That's really what you're doing. What we tried to do is kind of give examples of the types of arguments you will find in law school so you can start to recognize them, and start to argue yourself like a lawyer. Because it's less about what's the right answer, really, and about how to be an advocate for both sides, and see both sides of the argument. That's really what legal analysis, and thinking like a lawyer that the school is looking for.

Alison Monahan: Yeah, absolutely. I mean I think before you can possibly think about doing well on an exam, you need to understand what law school's asking you to do, and



really what legal reasoning, which is a very specific type of reasoning, is asking you to do. In a lot of cases, this might be really different from what people have experienced before, you know? If you were, say for example, if you'd done art before or something, it's going to be a really different experience going into law school, because legal argument is very precise. You have to be really specific. You have to talk about what rules you're applying. You have to really be able to apply those rules in different factual scenarios, and really play with this ambiguity.

So, this episode really covers all of these things. It talks about ambiguity, talks about why we're reading cases. It talks about what law students really struggle with, typically. Some stuff about policy. All these different kinds of arguments you're going to see on exams, you're going to do in class. And really, it's some strategies for mastering them. If you're just starting off in law school, or maybe if you're later on and you're like, "I have no idea what I'm supposed to be doing here," check out episode number 13, What Do Lawyers Argue About?

Lee Burgess: Yep, I think that's a really good point. You made an interesting point, before we move on, about someone who comes from a different academic background, like art. But I think I've also noticed that a lot of science majors, or engineering majors, or folks who come to the law from a place that results are very black and white, often struggle with the gray, which law school's all about the gray.

Alison Monahan: For sure.

Lee Burgess: So, if you've come with that background, I think you just want to be very aware that you need to shift your thinking.

Alison Monahan: Yeah. That was one of the most frustrating things for me, starting out in law school, is I had been working as a programmer for a few years, and there at some point, you had an answer. You know? Either this worked or it didn't work. Maybe your solution wasn't the most elegant solution, but if it solved the problem, then you could basically move on with your life and be like, "Okay, that's done. Check." But you never really get to check off arguments in law school.

Lee Burgess: No.

Alison Monahan: Somebody could always think of another way to revisit this, and another argument that you can make, and it doesn't have that kind of closure that I think people are used to having in a more scientific type of background, or other things like that.

Lee Burgess: Yeah, I think that's really true. It can be an adjustment.



- Alison Monahan: Definitely.
- Lee Burgess: All right, so then this next one on our top 10 list is podcast episode number 102. We skipped ahead from 13 to 102, how to read-
- Alison Monahan: Realizing we had never covered this.
- Lee Burgess: [How To Read Cases and Prepare For Class in Law School](#). Alison, this is one of the fundamental things that students are spending most of their time doing in law school.
- Alison Monahan: Right, so it's kind of surprising we waited 100 plus episodes to talk about this.
- Lee Burgess: Yeah, sorry, guys.
- Alison Monahan: But hey. Yeah, now you can recap it and listen to it whenever you like. Right, because cases are really ... I mean, in a common law system, cases really are the basis of the law. So, it can be I think frustrating for people and confusing at the start, particularly, with why are we doing this this way? Why am I being taught this way? Because it's not the most efficient way to learn the law.
- Lee Burgess: No.
- Alison Monahan: If you go and study for the bar exam, you're like, "Oh, these people just tell me what the law is. This is amazing. I should have done this as a 1L." But, it is important, because this is how the law is being developed, and you have to be competent at reading cases and understanding them, and extracting legal concepts from them, or you're not going to be very successful as an actual lawyer.
- Lee Burgess: Right. Because that's one of your jobs as a lawyer. Legal research is all about reading cases and extracting the law from them, and looking at the arguments made by both sides, and seeing what swayed the judge to come out in a specific outcome. There are lots of things that you are looking for, and reading cases in law school is where you learn how to identify all of that stuff. When you get to practice, it doesn't seem odd that you're searching for these things in these cases.
- Alison Monahan: Right. And you know, cases have a structure. They're not just pulled out of the air.
- Lee Burgess: Right.



Alison Monahan: So the more of them you read, the faster you're going to get an understanding what that structure is. You're going to get better at seeing what's important. Where are they probably giving me the good stuff?

Lee Burgess: Yeah.

Alison Monahan: You know, it's going to be pretty consistent. This episode 102 is really about reading cases, preparing for class, making sure that you're making the most of your study time. We talked through the elements of different case opinions, stuff that you should really ... you want to be able to identify, because if you don't know what the holding means, you're going to be very confused in law school. If you're not sure what a concurrence is, or what a dissent is, things like that. If you're listening to this and you've never gone to law school, this might be a good episode to at least listen to, so you have some idea of what you're getting into.

Lee Burgess: Yep. I think that's very true. We also talk about the dos and don'ts of case briefing, which I think for incoming 1Ls, and really anyone who's in law school, it's good to refresh your recollection of how you're supposed to be spending your time when you're briefing, and what makes a brief helpful, and what makes it a bit of a waste of time. So, it's important to be evaluating how you're spending your time preparing for class, because if you're wasting time doing briefs, that's just time you could be spending doing something else.

Alison Monahan: Yeah, absolutely, and that's one of those areas where people can get super into the busy work of law school without really evaluating how helpful it is.

Lee Burgess: Yeah.

Alison Monahan: Particularly because a lot of people at your school, professors or whatever, will tell you, "Oh, you have to brief all of your cases." If that works for you, great. But you don't have to do it. I didn't do it. It was fine.

Lee Burgess: Right.

Alison Monahan: So there definitely are benefits, but you want to make sure you're considering the trade-offs, too. There are other things you could be spending time on, and if writing out really elaborate case briefs means that you never do your outline, or you never do any practice exams, I'm going to guess that's not a good trade-off.

Lee Burgess: Yeah. I agree. It's good to just, you know, even if you're a 2L and you're coming back to school. I was just talking to somebody who's getting ready to start their 2L year today, and we were talking about the importance of going back and giving yourself some feedback on how you're preparing for class, to see if you can trim things down, be more efficient, make sure that you're wisely using your



time. I think this exercise of constantly evaluating what's working for you is something good to just work into these milestones throughout law school.

Alison Monahan: Yeah, absolutely, because also, like we said earlier, you're building on this for your career. So however you brief a case by the end of law school is probably basically the same thing you're going to do when you sit down and do legal research in your actual job.

Lee Burgess: Probably true.

Alison Monahan: So you got to figure out what works for you, so that when somebody hands you a question and says, "I need an answer to this," you know how to get that answer.

Lee Burgess: Yeah. I also think the other thing that is often under-discussed, that I know that we talk about in this podcast is that it's okay to struggle with material, and that you're not supposed to necessarily get everything on the first try. And I think we're so type A, most of us who go to law school, that that's a really hard thing to be okay with.

Alison Monahan: Yeah, absolutely. I mean, law is difficult. You know what I mean?

Lee Burgess: Right.

Alison Monahan: If this is difficult for you to start with, particularly, or really any time. You're going to continue being confused and encountering difficult situations, and places where maybe you can't really reconcile the cases, because that's just what this is.

Lee Burgess: Yeah.

Alison Monahan: So don't freak out.

Lee Burgess: Exactly.

Alison Monahan: All right, so next up, building on the case reading and briefing, is really about surviving the Socratic method. This is [podcast episode 62](#). Lee, talk about this for a little bit. What is the Socratic method? Why are people using it? Why are people afraid of it?

Lee Burgess: The Socratic method is the method that, if you've ever watched a movie or read a book about law school, if you've never been to law school, is where they cold call on you, and it's really the professor using student interaction to drive the class discussion. It is not the most linear, or I guess logical way to teach an assignment, because you're having to pull information out of students instead



of just the teacher lecturing to the class, and the class taking notes. But it's a time honored method of teaching in the legal education sphere, and it can be done really well, or it can be done really poorly. But you do have to get used to this method of teaching.

I think that it isn't all awful, but it can be very intimidating for people, because they are so worried about being called on in class, and just frankly feeling like they're going to make an ass out of themselves, which almost everybody does.

Alison Monahan: Yeah, it definitely has a lot of intimidation factor with it. I mean, it's kind of set up that way. So you have the professor who seems to be all-knowing, who in reality probably reviewed the cases the night before class and was like, "Oh yeah, that's what that was about. Okay, great." You know? "I can wing it tomorrow."

Yeah, so this episode is really about the Socratic method. We dig into a lot of specific questions about what you can do if you're not prepared for class and you get called on, maybe what you can do to avoid being called on if you really don't want to be, and also, I think a key point which is under-considered by a lot of people as really what you should be paying attention to, and what you should be writing down.

Lee Burgess: That's true.

Alison Monahan: I think that's one of the downsides of the Socratic method, is it can be really confusing to figure out, what am I supposed to be taking away here? I'm sitting in this class for an hour and a half, and there are all these crazy hypos, and people are giving these answers that I'm not sure if they're right or not, and the professor's not really telling us. What am I supposed to be writing? So we talk about that.

Lee Burgess: Yeah. Here's a Cliff Notes version; don't write down the crazy stuff someone else in class is saying.

Alison Monahan: Yeah. Pretty much, when somebody raises their hand as a student and says, "I just had a question about blah blah," you're like, "Okay, whatever."

Lee Burgess: Yeah, that's not what you're supposed to be paying attention to.

Alison Monahan: When I was on the hill, we had a situation ... Okay, great, you can tune out for a couple minutes there.

Lee Burgess: Yeah, exactly.



- Alison Monahan: But if your professor's like, "Well, as Miss Burgess said, the elements of manslaughter are blah blah blah," that, you want to write down.
- Lee Burgess: Exactly. That, you're like, this should be like, ding ding ding. That's something to go in my notes.
- Alison Monahan: Ding ding ding, my professor just told me the law. I should write that down.
- Lee Burgess: Yeah. Yeah, I think that it can be very hard in the beginning to distinguish between what's noise coming out of the class discussion, and what is important that your professor is saying. But usually, they will repeat the most important stuff. They will either say, "Mrs. Burgess said this," or they'll repeat an answer, or they'll say, "That's true; the court did decide this on three different points of legal reasoning." And then you should be like, "And they were?" You know?
- Alison Monahan: Yes, exactly. Number one, number two...
- Lee Burgess: Number ... Right, exactly.
- Alison Monahan: Where is my gold highlighter?
- Lee Burgess: And I think the other thing we touch on in this episode is, it's okay to get called on. It's just part of the experience, and it's actually good practice for the fact that you're going to have to talk in front of other people in your job later on.
- Alison Monahan: Right, and everyone has their bad experiences.
- Lee Burgess: Oh, yeah.
- Alison Monahan: We can and probably do in this episode tell stories about when we got called on and things went south pretty quickly. It just happens.
- Lee Burgess: It just happens.
- Alison Monahan: It's okay.
- Lee Burgess: You are the only person who will really, truly remember that experience.
- Alison Monahan: True. That's very true. I don't remember anyone else bombing, but I definitely remember me.
- Lee Burgess: Yeah, exactly, and no one ... I can honestly tell you other people bombed in my class, and I couldn't tell you who or when, or about what. No.
- Alison Monahan: Yeah. Probably daily, let's face it.



Lee Burgess: Yeah. All right, so that's a really great episode, especially if you're starting law school, to understand how class is set up, and what you need to take away from it. After you go to class, we touch on something in the next podcast episode, [episode number 106, How To Go To Office Hours and Make It Worth Your Time](#). Because we really believe that you're paying a lot of money to be in law school, and these professors, actually, most of them like students and like students to visit them, and you should get as much time and exposure to your professors as you can. And that is usually through office hours.

Alison Monahan: Yeah. I think office hours are a massively underutilized resource for most students, particularly early in the semester. You'll go and you'll be the only person there, or maybe there'll be a couple of other people there in several hours. So your professor's kind of bored, probably. So, early in the semester, particularly, it can be a great opportunity just to start developing that relationship. And you can really make sure you're getting your questions answered, which is the whole point here. You can sit through class and be like, "Yeah, I kind of get that." But you probably don't understand 100% of everything, or you can probably think of a new hypo where you're not quite sure how this law might apply. That is a great thing to go talk to your professor about in office hours.

Lee Burgess: Yep, exactly. And-

Alison Monahan: So ... Go ahead.

Lee Burgess: ... sometimes professors, even if they're intimidating in class, are really nice and kind in office hours. So don't assume that just because a professor has a certain persona in class, that you need to hide from them around campus.

Alison Monahan: Right. Sometimes that might be true.

Lee Burgess: Sometimes.

Alison Monahan: Often times, you'll find out that when you're talking to them one-on-one, the reality is they might be shy. They might have to put on their professor hat when they go into class to be that person who seems all-knowing. But when you talk to them one-on-one, they might be funny. You never know. They might be nice. They might be sympathetic. They might even almost tell you what they're going to test. It happens.

Lee Burgess: Yeah. So you should talk to these people. That's one of the things that you are paying for in law school, so ...

Alison Monahan: Yeah. You're paying a lot of money for them to talk to you, so ... And they have space reserved in their schedule to do just that. So, listen to this episode, 106, if



you're not going to office hours or you're afraid that you might not go. Just go. It's really, I think ... There's almost no downside. I mean, if you go and someone's just a total jerk to you, well, you never have to go back. Go talk to someone else.

Lee Burgess: Yep. Just worth it to give it a try.

Alison Monahan: Yeah, why not? You're paying for it.

Lee Burgess: Exactly. The other thing we think is important to talk about, kind of in academics and how people are spending their time, is something we cover in [episode number 18](#), which is using supplements effectively in law school. This is really something we've seen students misuse, waste time and money on. Isn't that true, Alison?

Alison Monahan: Oh, for sure. By the way, probably don't bring your supplements to office hours.

Lee Burgess: Oh yeah.

Alison Monahan: So, listen to both of these before you go.

Lee Burgess: Totally. Good point.

Alison Monahan: Yeah, there basically are supplements to help you do everything, and I think it's easy to over-rely on them. I mean, if your theory is, "Well, I don't need to read the cases. I don't need to bother going to class; I'll just pick up a outline at the end of the semester and I'll learn that, and I'll ace the exam," well, that could happen, but I don't think it's all that likely.

Lee Burgess: Yeah.

Alison Monahan: But, on the other hand, I think for most people, it's just very difficult and probably not totally realistic to think that you're going to be able to assemble, particularly your first semester, everything you need to know just from reading the cases and going to class. Maybe it could happen, but it's probably not going to be the most efficient thing to do. Suit yourself. If you want to try to do that, go for it. Certainly people do, but I think you're going to be better off having a reliable supplement that you can reference if you're just not quite clear on something, or you need to know the structure. Of course, you don't use that exclusively. But this is really what this episode is about, is finding that balance.

Lee Burgess: Yeah. And it's not to say that we don't like a good supplement, because we even talk about some of our favorites. We just have to-

Alison Monahan: Yeah. I mean, I think they're very valuable.



- Lee Burgess: Yeah.
- Alison Monahan: You just have to use them carefully.
- Lee Burgess: Exactly. That's what we really want you to do, is figure out the role that the supplements will have in helping you get ready for exams, and just making sure they don't become another time waster, time suck, confusion machine. You can name a lot of things that can happen with supplements.
- Alison Monahan: Yeah. We talked to students who were struggling, and we're like, "Okay, what kind of supplements are you using?" "Oh, I'm using this, and this, and this, and this, and this." I'm like, "For one class? Why?"
- Lee Burgess: Yeah.
- Alison Monahan: You know? That's not ... How do you have time to do anything if you've got seven supplements that you're trying to read before you go to class? That is not effective.
- Lee Burgess: Yeah.
- Alison Monahan: Anyway, we talk about how to avoid that.
- Lee Burgess: Yep. All right, what's next on our list, Alison?
- Alison Monahan: Well, next up in our sequence, now that we have read some cases, gone to class, talked to our professors, started using some supplements, you've got to put it all together. On [episode number 65](#), is really about how to make a useful law school outline. And by outline, I don't just mean a huge, typed-up, 100 page document that you've spent hours formatting. I really mean any type of study aid.
- Lee Burgess: Yeah. I think that's true. And I think that's one of the points we make in this podcast episode, is to maybe think outside the box a little bit more than what is just discussed as a typical outline at school. Because not everyone's brains work that way.
- Alison Monahan: Yeah. For me, there was no way ... I just couldn't process information really in that way, so I was much better off spending my time doing flow charts and things like that. Which is totally valid. It worked for me. It might not work for someone else. So, this episode is really about the purpose ... What are we trying to do here? What are our goals? There may be different goals of an outline as you move through the semester. If you're curious about what those are, listen to this episode.



- Lee Burgess: Exactly.
- Alison Monahan: I'm not going to go into it right now. Basic stuff about how can you start outlining, what materials you need, what you want to be including, and a really key point which I think is often missed is, you've got to test your outline. Right?
- Lee Burgess: Yeah, by doing a practice that nobody wants to do.
- Alison Monahan: Practice.
- Lee Burgess: That's what you got to do to make sure that outline is working for you.
- Alison Monahan: Yeah. I think often times, people have this concept, "Oh, well, I'll start outlining towards the end of the semester, when we've covered all the material. And if I just get it perfect before the exam, I'll be good to go." So they focus all their time and energy on making this perfect document that may or may not even help them. And then find out too late that actually, they don't really know how to use this outline. It is not actually helpful, and it doesn't help them solve the problems they're asked to solve, which is not, "What are the elements of negligence?" It's, "Someone fell down a ski slope and all these crazy things happened. Who's liable?" You know?
- Lee Burgess: Right.
- Alison Monahan: So, we talk through all these things. About how to get help if you're having problems, common issues, and another really key point; back to the cases, how do we handle cases in our study aids?
- Lee Burgess: Oh yeah.
- Alison Monahan: That is always, always a fun one for 1Ls. So if you're curious, listen to this episode.
- Lee Burgess: Yep. And then once we've got you fully prepped to work on your outlines, then it is time to listen to episode 139, which is [How to Issue Spot an Exam Question](#). Because what's ... you're really trying to do is be able to answer an exam with. That's what all this work is leading to.
- Alison Monahan: Yeah. I think both of these next two episodes are really fantastic if you're not 100% clear on how to do an exam. You're like, "Okay, I kind of understand the law. I'm cool with that, but how do I use this?" So episode 139, and then the next one we'll talk about, which is one of our favorites; [episode 22 where we actually take an exam](#). But in these, we actually sit down with exam questions, and work through them in real-time.



Lee Burgess: Yeah. I think this is something that is really hard to get in law school, is someone to walk through a question with you. Your professors probably don't have time to do this. Maybe your TAs will do it, or someone in academic support. But just-

Alison Monahan: Or maybe in office hours.

Lee Burgess: Maybe in office hours. But it can be hard to understand what the process is of reading these fact patterns, because as I think you mentioned earlier when we were discussing the hypos and things like that, they're not asking you a direct question on the exam. They're giving you a fact pattern to solicit a very specific response, and your job is to be able to be comfortable enough with the facts. And the fact pattern needs to be able to give them that response. So, hearing somebody else go through that process, I think is a good way to just become more familiar with what your job is on an exam.

Alison Monahan: Right, because we're kind of experts on doing this.

Lee Burgess: Yeah. We read a lot of exam questions.

Alison Monahan: I don't want to brag about it, but we have seen a lot of exam questions in our day. So, for us, we just sit down and we're like, "Oh, yeah, of course. The fact that it's 8:00 PM triggers this discussion, okay, next." But you, if you've never done this, are probably not going to immediately pick up on that. So, I think watching someone do it can be really interesting, and really showing you, "Okay, here is the fact that made me think of this legal issue, and here's why I thought about that."

So, I think episode 139 is a great place to start, even if you have never taken an exam, just to kind of say, "Okay, what are these people even trying to do here?" And we give you the question, and you can kind of read through it yourself. I think that would be great, to read through it in advance, sometimes see what issues you might pick out. And then you can listen to us actually go through it.

Lee Burgess: Yeah. Even if you haven't started law school yet, you can still read the question and start to think about what you think might be the most important facts. And just go with your gut. You might not know all the law, but you can still start to think critically about things that happened, and maybe why certain things happened in a fact pattern.

Alison Monahan: Right. Some of this is just frankly common sense.

Lee Burgess: Exactly.

Alison Monahan: Or being aware of, "That's a weird thing for them to say. I wonder if that has any significance."



- Lee Burgess: Yeah, "I wonder if there's a reason for that."
- Alison Monahan: Yeah, "I wonder why that person's living in a garage. That sounds kind of odd."
- Lee Burgess: Yeah. "Does seem kind of weird."
- Alison Monahan: "I don't know. Well, it probably doesn't matter."
- Lee Burgess: Yep. Exactly. And then after you've listened to podcast episode 139, you can move on to [podcast episode 22](#), where we do another exam, where we talk about attack plans and how we organize information. In the hypos, we kind of discuss what we look for when we're reading a question. So this is another way that you can get some more insight into how people who are more thoughtful about exam questions because we've been doing it for a long time, we've even written exam questions, are able to approach this exercise, which may be different from how you've been approaching it through your practice.
- Alison Monahan: Right. I think this is a great episode. It's probably our most under-appreciated one. It's kind of the red-headed stepchild. We did have actually one person write and say it was the most useful thing he listened to ever, which I completely could see how that would be. Because again, to see somebody walk through the exact details of what you need to do is only going to help you understand better what you need to be doing.
- Lee Burgess: Yep. Exactly.
- Alison Monahan: So, check those two out if you're just a little unclear on what you're going to be asked to do on an essay exam.
- Lee Burgess: One of the things that we're seeing come up more and more on law school exams that we really wanted to discuss, and we did so in [episode 136, is how to attack multiple choice questions on law school exams](#). The multiple choice portion of the bar is in just about every jurisdiction, and people continue to struggle with that portion of the bar. I think that's one of the reasons why the schools are starting to include more multiple choice on their exams. They're also really easy to grade, which is a bonus-
- Alison Monahan: Exam bonus...
- Lee Burgess: ... for professors. But they're challenging. They're challenging, whether or not you have struggled with multiple choice in the past. And so, it's good to set aside some time to think about what is a multiple choice question? They're not going to be questions like, "List which one of these options is not one of the rules in negligence." That's not what the multiple choice question's going to be like.



- Alison Monahan: Like, "Duty, breach, causation, or puppies?"
- Lee Burgess: Exactly.
- Alison Monahan: "I'm going to go with puppies." No. That's not what we're talking about here.
- Lee Burgess: Yep. We walk through an example multiple choice question so you can see typically how legal multiple choice is tested, and we talk about different ways that you can study and find more practice questions. So if multiple choice is something that gives you anxiety, I would really recommend listening to this episode so you can understand how it might be used in an exam situation and what you could do to prepare for it.
- Alison Monahan: Yeah, and I think there's another one where we literally walk through an actual question similar to an MBE question that you'd find on the bar. So again, how are we approaching this? We have some general tips, and then obviously the specifics of the question. But this is something you're going to see more and more. I mean, a lot of people we talk to, they're having certain classes are literally all multiple choice. So it's probably something you're not going to get away without seeing in law school at some point, so you want to be sure you're ready for it.
- Lee Burgess: Yep. I completely agree. Something else that we covered in the early days of the podcast, which is something that every 1L will see, is legal writing and how to be successful in your legal writing class. It's called, [Legal Writing 101](#).
- Alison Monahan: Right, podcast episode 11. Definitely, we could not leave our academic recap without this, because legal writing and legal research are very important classes in law school. They're going to be important to your future career, they're important to passing the bar exam, and you need to be good at this, basically. So, this episode is really all about why people struggle sometimes, particularly when they're starting off with legal writing, and about how your academic background, which we touched on earlier, can affect your success in legal writing.
- We also talk a bit about how to handle legal writing if English is not your first language. This is something a lot of people struggle with. Maybe they're not entirely comfortable with formal writing in a second or third language, but you still have to do it. We talk about how you can handle that.
- Lee Burgess: And I think a lot of folks just discredit that you're shifting your writing style, even if you have always considered yourself a good writer. Maybe you wrote for your job. Maybe you were receiving accolades about your writing in undergrad. It's a different style. It's a different format. It's going to feel very different, and there's going to be an adjustment period, and you need to be very aware of how



you need to adjust your writing, because if you refuse to do it, your grades will reflect that.

Alison Monahan: Yeah, absolutely. And I think one of the challenges, too, is really how to stay organized, particularly when you have to do legal research. This covers some tools and some of our tricks and favorite applications, and that kind of thing for staying organized, which I think is a real struggle for a lot of people when you're dealing with a bunch of cases, and you've got a bunch of other stuff that you found; law review articles, maybe some sort of statutes. You've got to keep all the stuff organized, and the more organized you are and the more of a plan you have from the very start, the easier it's going to be to put all this together at the end.

Lee Burgess: Yeah. A very solid episode, especially for incoming 1Ls, or those who are in the midst of their first semester about your legal writing class.

Alison Monahan: Absolutely. Well, that is our top 10 recap. But there were a couple of other episodes I just could not resist putting in, so we have a few bonus episodes for you. Number one, which I think is a really important topic for a lot of people, which is [podcast 39](#), which is about test anxiety in law school, and on the bar exam. Because we see so many people who struggle with this, and it can be really heartbreaking if they don't have any strategies for overcoming it.

Lee Burgess: That's so true. And if you've ever struggled with any sort of anxiety, law school's going to make it worse, usually.

Alison Monahan: True.

Lee Burgess: It seems to be the norm, and so you want to identify that this is happening early, and work on coping mechanisms. Because these physiological response during exam preparation and the exam can really prevent you from doing your best work, and then you won't get the grades you've worked so hard for, and that's just heartbreaking. So there's this balance between enough stress to make sure you're doing your work, so you're not a slacker, but you don't want so much stress that you cause the fight or flight response, and then you can't function. So, what you're trying to do is figure out how to keep your body in that balance and know what you can do to calm yourself if you start going over the edge.

Alison Monahan: Right. A lot of this episode is about very practical strategies and tools that you can use. What are the coping mechanisms that ideally you've practiced beforehand if you start blanking on a test? There are things you can do. And this isn't just crazy hippie west coast talk. We talk about snipers are doing this, and elite athletes, and soldiers. So, you're going to be in good company if you



develop some breathing techniques or something that physically calms you down and allows you to focus. That's work worth doing.

Lee Burgess: Oh, yeah. And newsflash, often times, work in the legal field is very stressful, and so you're going to want to have these tools. Not only for a bar exam, but also in work, because when you're getting ready to go stand in front of a judge and talk about something that is anxiety inducing for you, or that you're not used to doing, you're going to need to be able to calm your nerves, so you can perform your breaths then too.

Alison Monahan: Right. If you think a law school exam, where you're just sitting in a classroom, it's tough; try to do an oral argument.

Lee Burgess: Right, exactly.

Alison Monahan: So these are skills that you can use throughout your career and probably throughout your life. And I think they're worth thinking about early.

Lee Burgess: Yes. Our next bonus episode is [episode number 17](#), which is Where To Get Help in Law School? Because although you may feel like your law school doesn't have a lot of resources, it's actually possible that they do; you're just not sure where to look.

Alison Monahan: Yeah, absolutely. I mean, we're not going to belabor the point. You can listen to the episode. But probably, your law school has a lot of resources with whatever you're struggling with, whether it's you think you might have a learning disability that you need accommodations for, whether you think you might have some mental health things going on that you need to get help for, whether it's really specific academic stuff. You're probably not the first person who's experienced this issue in law school. So they probably have some sort of process to go through or people to talk to or whatever it is, and I think sometimes people are just so reluctant to reach out for help until things get really, really bad. And then it's a lot harder to solve your problem than if you went early in the semester, when you started thinking, "You know, I really feel like it's taking me way too long to read cases. Maybe there's some help I can get." And there probably is.

Lee Burgess: Yeah. That's very true. Just like we were talking about with office hours, it's worth it to try and go. I think a lot of times, folks are like, "I don't want to go to academic support." Well, just go. Find out what resources are available. You might find-

Alison Monahan: They're probably pretty nice, and that's why they work there.



- Lee Burgess: Yeah, they're usually nice people who want to help people. They often have office hours that you can go to. They often times have a lot of different recommendations for things. So, I think it is a really good idea to just go and check it out, and make sure you understand what resources are available to you at your school for free. Of course, we believe in tutoring resources, because we provide them. But we always want you to milk the school's resources as much as you can, because you've paid a lot of money to be there.
- Alison Monahan: Yeah, absolutely. I think anything you can take advantage of that you've already paid for, go for it.
- Lee Burgess: Yeah. Exactly.
- Alison Monahan: All right, and then our final bonus episode, could not leave this one out in our academic recap, is number 28, which is [Dealing With Bad Law School Grades](#).
- Lee Burgess: Oh, yeah. Hopefully, nobody listening to this has to deal with this reality. But-
- Alison Monahan: But you probably will.
- Lee Burgess: At some point, there will be some sort of disappointing grade.
- Alison Monahan: At least once or twice.
- Lee Burgess: Yeah.
- Alison Monahan: I mean, very rarely does anyone get through law school without at least one disappointing grade.
- Lee Burgess: Exactly. We talk about our experiences with that. We talk about understanding the curve. I was actually just talking to a law student on the phone today who was chatting about trying to raise grades, and how frustrating it can be, trying to do your best but then still not getting as high a grade as you want. And part of that is because of the curve. You need to understand that it's not just about your own performance. It's your performance compared to other students' performances.
- Alison Monahan: Well, and I think just being realistic, you know?
- Lee Burgess: Yeah.
- Alison Monahan: There's people who come to us as incoming 1Ls and they're like, "I want to ensure that I get straight As." It's like, "That's not going to happen." Like, I don't care who you are, I don't care what school you're going to. Your odds of getting



every grade an A when your school might be curving to a B minus is highly unlikely.

Lee Burgess: Yeah. Exactly. Other things to think about is what you do when you get your grades, and how to kind of move through disappointments to be able to regroup and evaluate your study process and think about how you can do better next semester.

Alison Monahan: Yeah, I think that's the key here. I mean, also, let's face it. There are bad grades, and then there are actually really bad grades. You know? There may be a lot of people who'd feel disappointed that maybe you're seeing grades they haven't really seen before. But that doesn't mean you're doing that badly. Just means there's a curve. But sometimes, you've got really bad grades, and in any case, you always want to evaluate what could you be doing differently to do better? Because I think that's the goal, right?

Lee Burgess: Yep. You're trying to be able to perform at your best and get the best results possible, so you can get out of law school with the best GPA possible and get a job. That's what most people are trying to do.

Alison Monahan: Well, and we also talk about how to explain away a couple of bad grades in interviews, if you happen to get one. Everybody has that moment of, "Hm, so what happened in class X?" And we talk about how to handle that.

Lee Burgess: Yep. Exactly. Because if you are nervous about them asking you about something like that in an interview, they probably will.

Alison Monahan: I'm sure, yes.

Lee Burgess: Yes, especially if you want to do litigation. Because litigators will ask you anything, basically, to try and make you uncomfortable.

Alison Monahan: Exactly. So, you know, this episode can help you sort of evaluate, are my grades really bad, or are they something I need to be concerned about? Or is it something I just want to try to see where I can do better, and need to explain occasionally?

Lee Burgess: Yeah.

Alison Monahan: All right. Well, with that, unfortunately we are out of time. Thanks so much for joining us for this top 10 plus academic episodes. You can find all of our episodes, including archives [by episode number](#) and [by topic](#), at LawSchoolToolbox.com/podcast. If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review or rating on your



favorite listening app. We would really appreciate it. And be sure to [subscribe](#), so you don't miss anything.

If you have any questions or comments, don't hesitate to reach out to Lee or Alison at Lee@LawSchoolToolbox.com, or Alison@LawSchoolToolbox.com. Or, you can always contact us via our website [contact form](#) at LawSchoolToolbox.com. Thanks for listening, and we'll talk soon.

RESOURCES:

- [Podcast Episode 13: What do Lawyers Argue about?](#)
- [Podcast Episode 102: How to Read Cases and Prepare for Class in Law School](#)
- [Podcast Episode 62: Surviving the Socratic Method in Law School Classes](#)
- [Podcast Episode 106: How to Go to Office Hours and Make it Worth Your Time](#)
- [Podcast Episode 18: Using Supplements Effectively in Law School](#)
- [Podcast Episode 65: How to Make a Useful Law School Outline](#)
- [Podcast Episode 139: How to Issue Spot an Exam Question \(w/Live Example\)](#)
- [Podcast Episode 22: Take an Exam with Us](#)
- [Podcast Episode 136: How to Attack Multiple Choice Questions on Law School Exams](#)
- [Podcast Episode 11: Legal Writing 101](#)
- [Podcast Episode 39: Battling Test Anxiety in Law School and on the Bar Exam](#)
- [Podcast Episode 17: Where to Get Help in Law School](#)
- [Podcast Episode 28: Dealing with Bad Law School Grades](#)