Lee Burgess: Welcome back to the Law School Toolbox podcast. Today, we're excited to share the third episode of our new "Start Law School Right" series. In this episode, we will be discussing the much-feared Socratic method. Your Law School Toolbox hosts are Alison Monahan and Lee Burgess, that's me. We're here to demystify the law school and early legal career experience, so you'll be the best law student and lawyer you can be. We're the co-creators of the Law School Toolbox, the Bar Exam Toolbox, and the career-related website CareerDicta. Alison also runs 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 reach us via the contact form on LawSchoolToolBox.com, and we'd love to hear from you. And with that, let's get started.

Lee Burgess: Welcome back! What's the number one thing law students worry about? You guessed it — being called on in class! Sure, being cold called is no fun, but it's not the end of the world. We'll give you some tips for surviving the Socratic method, but only if you promise to focus on what really matters in class — the content. Deal? Okay, here you go.

Lee Burgess: Let's get one thing out of the way before we really get into this section: What if you get called on in class and you don't know the answer? How can you avoid feeling completely awful?

Alison Monahan: Hi, it's Alison. I'm here to share some thoughts on a bad Socratic method experience. Accept it; it's going to happen. It doesn't matter how well prepared you are, one day you'll be called on – or possibly volunteer – and you won't know the answer. What happens then? Well, you can react as if it's the end of the world and get really embarrassed. Generally, this leads to a gradual decline in voluntarily speaking up in class, with a corresponding drop in class participation points and a decrease in confidence and engagement. Not good.

Alison Monahan: Or, you can treat it as the learning experience it is. Think about it. Would you rather make a mistake in class, or on an exam? Even if it's mortifying at the time – and it will feel that way – it's far better to realize you don't know something before showing up to the exam and making the same mistake.

Alison Monahan: Trust me, I know it sucks to get something totally, completely wrong in front of 150 of your classmates. I did it once in Civ Pro, and I was so incredibly embarrassed that I didn't speak again for weeks (in any class, not just that one). But you know what? I eventually got over it, and that ended up being my best first-semester grade, and I was asked to be a TA the next year.

Alison Monahan: What can you learn from my experience?

1. Getting something totally wrong can be a valuable learning experience, which can lead to higher grades later on, which after all is the point, right?
2. Getting something totally wrong does not cause your professor to think you're an idiot. This same professor wrote me very nice letters of recommendation and clearly thought I was an intelligent person, despite this mistake.
3. Frankly, your classmates probably aren't really paying attention anyway. Do you think everyone stopped their Solitaire games to pay attention at the exact moment that you stumbled? Pretty unlikely. And if anyone does make fun of you over a mistake, that person is a jerk. Just note that fact, and move on with your life – preferably without them in it.

Alison Monahan: In the end, you can only make your best effort. Maybe your professor's having a bad day and wants you to feel stupid. Maybe your professor is a lousy teacher, and is being mean because he feels bad about it. Maybe your professor is just difficult and unpleasant. You can't let someone else's behavior ruin your law school experience, or your grades, so try not to internalize or personalize things if you're not perfect in class. There's a huge difference between "I made a mistake" and, "I'm too stupid to ever speak again." Don't let the nay-sayers win! Just pick yourself up and try again.

Alison Monahan: And, if you want a more theoretical approach, check out the TED video that Brené Brown did, talking about shame, because that's really what this whole "I'm so stupid!" thing is about, fundamentally.

Lee Burgess: I have to agree 100% with Alison's thoughts on this topic. Over and over again students come to me and tell me that their main motivation for preparing for class is simply to prevent being called on and not knowing the answer. Now, is this an unfortunate experience if it happens to you? Of course. But it's not the end of the world.

Lee Burgess: Did it happen to me? Of course! Criminal Law, first year, third week of class. The professor asked me a question and I just started restating the facts of the case. When I was done talking, for what felt like 15 minutes, he said, "Well, thank you, Lee, for that restatement of the facts, but that doesn't really answer my question." I was mortified. I was sure that the professor in my favorite class was going to think I was a moron.

Lee Burgess: Well, you know what? He doesn't think I'm a moron, and over the years I have had lunch with him periodically, just to make sure. In fact, he became my mentor during law school and really helped me get the most out of my experience. A year after that horrible in-class incident I told him that I was sure he hated me because I didn't know the answer in class. Well, you know what?

He didn't have any idea what I was talking about! I was the only person who remembered that story. What wasted energy I spent feeling like I had made a huge life-altering mistake!

Lee Burgess: Do you want to prepare for class so you can answer questions if you're called on? Sure. But that shouldn't be your primary motivation. Your primary motivation is to learn as much as you can from class. Your preparation should not be based on fear of embarrassment, but instead on your desire to understand the law, and of course, get good grades at the end of the semester).

Lee Burgess: It is essential to keep perspective and remember what is really important about going to class. And probably at some point in your law school career you will get called out in class and feel like an idiot. And probably at some point in your legal career you may even be called out in court and feel like an idiot. Oh, don't worry – that happened to me, too. But the important thing to do is dust yourself off, learn from the experience, and move on. If nothing else, consider it a rite of passage. Almost no one makes it through law school entirely unscathed. We survived a class flameout, and you can, too!

Lee Burgess: Now, one of the most critical things you can do to improve your law school grades is simple. Pay attention in class. If you have to, turn off your Internet connection, or leave your laptop at home and take notes by hand. Whatever it takes, do it. This is your time to gather critical insight into how your professor wants you to learn the law.

Lee Burgess: So, why is class so important?

1. It gives you a chance to double-check your understanding. If you've read the assigned cases carefully, class can be pretty boring. You probably already understand much of what's going to be discussed. However, you need to double-check your understanding. If you're going to get something wrong, far better to do it in class – even if it's only in your own head – than on the exam. Particularly when you think you understand the topic and you're most likely to look for distractions – try to stay focused. The devil is in the details, and it's easy to get arrogant and miss something important.

Lee Burgess: 2. Class gives you critical information about what your professor thinks is important. If you want great law school grades, it's important to hone in on what your particular professor thinks is important. The easiest way to find this out is to pay attention to what he or she spends class time talking about. Are there particular topics that come up over and over again? Does your professor have a unique point of view about the course content? Even if you disagree with this point of view, it's important to understand what it is.

Lee Burgess: 3. Also, listen to how your professor talks about the material. Are there particular words or descriptions of concepts that are frequently mentioned? Did she write something on the board? If so, you'll want to keep an eye out for ways to include these phrases – sometimes called "terms of art" – in your exam answers. You don't have to agree with every word your professor says, but you do want to talk his or her language, whenever possible.

Lee Burgess: 4. Class helps you learn how to think about the law. We'll talk about this more in another podcast, but class, in the ideal, is a chance for you to learn to think about the law. Not every professor does a great job with the Socratic method, unfortunately, but when well used, you're getting a daily tutorial in how to convert all the material you've read into usable black letter law. All of these crazy questions? Yeah, you should be asking yourself similar ones as you read the assigned cases, and later, when you prepare for exams. They're critical indicators of areas of ambiguity, which are disproportionately likely to be tested on the final.

Lee Burgess: Hopefully you're convinced that class is important. Soon we'll drill down now into the details: What do you need to pay attention to and what should you be writing down? But first, let's talk a bit more about a topic that strikes fear into law students around the country – the Socratic method.

Lee Burgess: Most law students spend inordinate amounts of time worrying about class. Why? Because of the Socratic method. If you've read or watched anything about law school – particularly "classics" such as *The Paper Chase* – you've no doubt encountered the very scary Socratic method. But it doesn't have to be so terrifying! We'll demystify the experience and provide some survival tips, then we will link to a podcast episode where we have an actual dialogue mimicking what you will hear in class.

Lee Burgess: So, what is the Socratic method? In its purest form, the Socratic method involves a professor randomly selecting an unlucky student victim to be "on call" that day. Without warning, you could find yourself on the spot, being grilled about the fine details of cases you read several days before, and may not have fully understood to begin with.

Lee Burgess: Certain more enlightened professors try to tone things down – by having assigned panels for specific days, or by notifying you in advance when you'll be on call. But they'll still put you on the spot when it comes right down to it. Some professors also take volunteers, but relatively few first-year classes will be solely volunteer-based, because the point is to ensure everyone eventually participates.

Lee Burgess: Frankly, the game is rigged, since the professor's the one asking the questions. It doesn't matter how prepared you are, you'll still probably end up in a corner, unable to come up with a good answer. And that's normal.

Lee Burgess: So, what's the best way to handle the Socratic method? Very few law students find the Socratic method enjoyable, but there's also a lot of needless angst that builds up around it. The best approach is to see it for what it is – a somewhat useful tool to engage a large group of people who are trying to learn how to engage in legal reasoning.

Lee Burgess: Would it be more efficient for your professor to lecture on the law? Probably, but then you wouldn't develop the skills you'll need to figure the substantive law out on your own later, when you've graduated from law school and don't have a professor around to help you. Would it be easier if you only had to speak in front of a small group? Maybe, but then you wouldn't get the experience and practice you need to feel comfortable speaking publicly in high-pressure situations – which you'll have to do routinely as a lawyer.

Lee Burgess: Just remember, it's a learning experience. If you view your time on call as a learning experience, and just try to play along and do your best, you'll learn more and experience less anxiety, than if you demand perfection of yourself. Think about it: Where would you rather get something wrong? In class, or on the exam? One option is to try and regard it as a good thing if you make a mistake in class. Why? Because it means you won't make the same mistake later, when it really counts. That's not to say that anyone enjoys getting things wrong. It's not a good feeling, let's be honest. But it's survivable. Even if it feels like it at the time, saying something incorrect in class really won't kill you. What will kill your grades, however, is giving up the first time you get something wrong. Although it's tempting to just lay low after that, don't do it. Pick yourself back up and get back in the game. That's the only way you'll get better – which is the ultimate goal, right?

Lee Burgess: So, here are some tips for surviving the Socratic method:

1. Listen carefully to the question. Sometimes students get so flustered when they're called on that they make things harder than they need to be. If the professor asks you to state the facts of the case, or what the procedural posture is, those are softball questions. Just read from your notes or the casebook, and move on.

Lee Burgess: 2. Be a good sport. If you think the Socratic method is hard for you, have some sympathy for your professor. He's facing a sea of terrified students who desperately don't want to be called on, and he has to call on someone, or nothing happens. So, when you're called on, try to be a good sport about it. If

you really don't know something, or don't understand a question, just say, "I'm sorry, I'm really not following your question. Would you mind asking it again?" Unless your professor is a complete jerk – and jerky professors do exist, but are less frequent than you'd expect – he'll try to rephrase it in a way you can understand.

Lee Burgess: 3. Take a moment if you need one. It's fine to take a second to look over your notes or the case when you're on the spot. If you vaguely recall something being in the opinion, stall and look for it. So, "That's a good question. I recall that the court talked about that basic concept. Ah, yes, here it is."

Lee Burgess: 4. Try to be helpful and open-minded. Your professor doesn't actually expect you to have all the answers. But it's very helpful if you're willing to take her questions seriously. So, if your professor gives you a new hypothetical, really engage with it. Rather than just offering "yes" or "no" answers, give a reason: "Well, I don't think the court would have found the defendant liable in the situation you're describing, because of X, Y, and Z" is a great answer, even if your professor totally disagrees with your conclusion. "No, I don't think so" isn't so helpful to the flow of the discussion, because there's nothing there to work with. Aim to explain your reasoning, even when you're not totally sure about it. This is great practice for exam writing, too.

Lee Burgess: 5. What if you're not prepared? What keeps law students awake at night? The fear of being called on when you haven't done the reading. Now, there's a fairly obvious way to avoid this problem – just do your reading! – but sometimes things happen. Some professors will allow you to email them before class asking not to be called on, if something major prevented you from doing the reading (as in you had severe food poisoning, not you had a writing assignment due in another class). Others will just let you off the hook if you say you need to "pass". But if you're caught totally off guard and can't pass, you'll have to muddle through. If you have friends in the class, they might pass you answers in a chat window or with notes if they're nearby. But it's probably going to be fairly obvious to everyone that you're unprepared. Oh well, learning experience! And a strong motivator to do the reading – or at least skim a case brief before class.

Lee Burgess: 6. Finally, keep in mind that people aren't really paying attention to you. Even though it feels like you're the center of attention when you're on call, most of your classmates will be too distracted by all the other stuff they're looking at to really pay much attention to what you're saying. The odds of anyone even remembering what you perceive as a huge mistake are slim. They're simply not paying that much attention! Also, remember that even if you do disappoint the professor, it is unlikely to taint your reputation forever. For example, I felt like I made a complete fool of myself in my 1L Criminal Law class, and I was mortified

that I had ruined my relationship with that professor forever. The following year I asked him about it and he had no idea what I was talking about. Similarly, Alison's most embarrassing gaffe was in the class she ended up TA-ing the next year. So, don't take this stuff too seriously! Having a bad day on call is not the end of your legal career. It's only a permanent problem if you make it one.

Lee Burgess: And remember, if you want to listen to a Socratic lecture, we will link to a previous podcast episode, where Alison and I record a lecture like you will hear in your classes. You can check that out in the show notes.

Lee Burgess: And with that, we're out of time. Stay tuned and join us next time when we will talk about making the most of your class time. If you're starting law school soon and want some personalized help to feel confident on day one, check out StartLawSchoolRight.com for details of our "Start Law School Right" course. If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review and rating on your favorite listening app. We'd really appreciate it. And be sure to subscribe so you don't miss anything. If you have any questions or comments, please don't hesitate to reach out to myself 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!

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The Paper Chase, by John Joy Osborn Jr.
Podcast Episode 62: Surviving the Socratic Method in Law School Classes
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Be Prepared and Speak Up! A Different Approach to the Socratic Method
How to Deal with a "Bad" Cold Call
Strategies for Surviving Cold Calls