

Welcome!

Congratulations on your acceptance to law school!



Incoming 1L Resource Document

We hope this document provides you with some orientation and background information regarding what to expect during your 1L year (first year of law school). Please enjoy this compiled set of knowledge created by fellow first-gen law students who have already completed their first year of law school.

Feel free to reach out to us at firstgen@scu.edu.

What classes will I be taking?

Full-Time Students

Fall (total: 15 units)

- Legal Analysis, Research and Writing (LARAW) – 2 units, 2 semesters
- Civil Procedure I (CivPro) – 3 units, 2 semesters
- Contracts I (K) – 3 units, 2 semesters
- Criminal Law (Crim) – 3 units, 1 semester
- Torts – 4 units, 1 semester

Spring (total: 13 units)

- Legal Analysis, Research and Writing (LARAW) – 2 units, 2 semesters
- Civil Procedure II (CivPro) – 3 units, 2 semesters
- Contracts II (K) – 3 units, 2 semesters
- Property – 4 units, 1 semester
- Critical Lawyering Skills Seminar (CLS) – 1 unit, 1 semester

Part-Time Students

Fall (total: 9 units)

- Legal Analysis, Research and Writing (LARAW) – 2 units, 2 semesters
- Contracts I (K) – 3 units, 2 semesters
- Torts – 4 units, 1 semester

Spring (total: 12 units)

- Legal Analysis, Research and Writing (LARAW) – 2 units, 2 semesters
- Contracts II (K) – 3 units, 2 semesters
- Property – 4 units, 1 semester
- Criminal Law (Crim) – 3 units, 1 semester

Course Brief Descriptions

Legal Analysis, Research and Writing (LARAW): LARAW teaches you how to transition into writing a legal document. Here you will be introduced to IRAC (issue, rule, analysis, conclusion), which is essential to all your other classes. In particular, during the Fall you will learn how to compose an internal memorandum (memo) which is a summary of your research you would submit to your supervising attorney regarding a particular case. Additionally, you will learn the guidelines of how to properly cite authorities (legal statutes, cases, etc. that support your legal reasoning and conclusion).

Civil Procedure (CivPro): Civil Procedure teaches you the rules related to civil complaints (civil complaints include torts, contracts, etc. - basically anything that is not criminal). When someone files a lawsuit, they have to adhere to certain rules in order to be able to move forward with the lawsuit and so the court can issue a valid judgment. For example, the plaintiff (filing party) needs to give notice to the party they are suing within a certain number of days. If you file in state court, you follow the state's rules of court. If you file in federal court, then the Federal Rules of Civil Procedure govern. State rules and federals may be similar - or not. This course is more rules-based than case-law based than the other classes. Depending on your professor, you will probably need to memorize various rules from the Federal Rules of Civil Procedure and statutes from the U.S. Code (U.S.C.).

Contracts (K): Contracts cover the basis of contract formation, enforcement, remedies, and warranties. Contracts is a two-semester class with the first semester traditionally focused heavily on contract formation and whether there is a valid contract. In contrast, the second semester focuses on enforcement of the contract, available remedies, and whether or not there are available warranties. Professors who teach this class utilize the Uniform Commercial Code (UCC) and the Restatement of Contracts as the basis for the rules taught in class and tested on the exam. Exams in this class typically focus on a fact pattern. The first-semester exam usually asks you to determine whether or not there is a valid contract. The second-semester exam often asks you to determine

whether or not there was a breach and the available remedies and warranties (unless your professor teaches the material in a different order).

Criminal Law (Crim): Criminal Law teaches you how to look at specific statutes (laws) that apply to actions considered to be criminal. Essentially, you will be asked to analyze and apply the laws to different hypothetical stories or situations and come up with what you think someone could be charged with or not. You will learn how to break down statutes into elements that must be fulfilled in order to properly charge someone under that statute. There are many heavy topics covered in this class and it is important to understand that answers are never clear, but rather usually live in a grey area that ends up creating more questions than answers. Professors who teach this class focus on interpretation of statutes heavily. For this reason, professors pass out a list of statutes that are to be applied on their exams ahead of time. Also, the Model Penal Code will become a go-to for in-class hypos.

Torts: civil wrongdoings. There are various different torts each with their own rules and elements. They boil down to intentional torts and unintentional torts (negligence). Because torts are wrongdoings, these cases present personal or physical injuries. This class will present a lot of information, a lot of rules, elements, tests with factors, etc. Make sure to take careful note of all the material as you go so that you can gather all your important information as the semester progresses (otherwise this class will be overwhelming to catch up on).

Commonly Used Terms & Acronyms

Academics

Doctrinal/ Bar Classes: These are the courses will be tested on the bar exam. These are law and rule heavy and will teach you “black letter law.” In your first year all of your classes (with the exception of LARAW and CLS in the Spring are doctrinal courses). There are certain Bar courses that are mandatory to graduate and others that are not mandatory but recommended.

Brief(s): A brief is a written legal document that lays out the argument in a case. It typically is set out by sections that typically follow the IRAC method. It contains a fact, issue, rule, application of the rule, and the holding.

Outline(s): compilation of the course legal rules, cases, etc. Outlining basically involves you (yourself) creating a study guide of a class. An outline can include case summaries, important legal terminology, etc. that will help you conceptually frame what the organization of a class is. Outlines tend to vary from person to person because everyone has a different way of organizing their thoughts. Although outlining is important, it is not always the best way to learn for many students. Some students, for example, prefer creating flashcards. Ultimately, it is most important to understand what study strategies work best for you.

Outline Bank: An outline bank is an accumulation of outlines from different students. LSO’s might have access to outline banks where you can look at outlines that have been created by students who already took your class.

Hypos/Fact Patterns: a set of facts/ story you are given to apply the law. They are alternative examples where the fact pattern of a case is similar but there are alternative facts that will test the rule that you are trying to apply. You will go over hypotheticals in your class and they are very useful to write down! You can also find hypos in supplements, ASP, OABS etc. For your exams you will basically have a bunch of hypos where you are asked to apply the law.

IRAC: IRAC is an acronym which stands for *issue, rule, analysis* and *conclusion*. IRAC is a common structure of writing used in memos and other legal writings. Every class uses some variation of the IRAC format for writing. Throughout your first year, you will learn how to write in IRAC formation, especially in your LARAW classes.

CRAC: Is essentially the same thing as IRAC, but instead of discussing your issue, you start with your conclusion. The order it follows is *conclusion, rule, analysis*, and a reiteration of the *conclusion*. This will be another very popular way to structure your writing and briefs.

Supplement(s): Additional mini books that are not required readings but condense, explain and connect class concepts in a way that makes more sense. Commonly used ones include: Short & Happy, Examples and Explanations (E&Es), etc. Some professors may have “preferences” as to which best fits with their particular class/teaching style

Quimbee: commonly used external online resource that is a subscription study aid for law students with access to case briefs, video lessons, outlines and practice questions. Highly recommended! Team up with one other classmate and share the subscription price.

Barbri/Kaplan/Themis: all three of these resources are bar prep study guides, they help you with understanding the overview topics in your doctrinal classes. These are all really amazing study resources because even though they prep you for the bar exam they give out PDF outlines that help you organize your own! Some even have video lectures, practice questions, and other study aids. These online resources are typically free up until 1L material, then you can pay for a subscription.

LARAW Weekend: the weekend in which all first semester 1Ls receive and complete their final legal writing assignment for the Fall semester. The first semester you will have a weekend to complete your final assignment. During the second semester the students are given two weeks to complete the assignment there is independent research involved.

Reading Period: the period of time after formal class sessions have ended and which students are then given the opportunity to focus solely on preparing for finals.

Westlaw: legal database used to research case-law, statutes, and/or other legal precedent useful for writing assignments. You won't really use it until Spring semester.

LexisNexis: an alternative legal database to Westlaw. Again, mainly used in Spring semester.

Legal Terminology

Plaintiff (π)/ Petitioner: the person who presents the petition to the court, basically the person who is suing. In more technical terms, the plaintiff is the person who filed the complaint that commenced the legal proceedings. There can be more than one plaintiff. Two parties can file together as co-plaintiffs (which you will learn more about in Civil Procedure). For criminal cases the party that opens the case is known as the “**Prosecutor**” and can be the State, the People, United States, etc.

Defendant (Δ)/ Respondent: the person being sued or the person who the plaintiff has filed a claim against. There can be more than one defendant. This is the party responding to the petitioner

Appellant: the person appealing a case because the court made a legal error when deciding the case (the court made a decision and appellant is requesting the higher court to take a look at it again, review and revise the decision)

Appellee/ Respondent: the party against whom an appeal is sought.

Statutory Law: law which is not derived from prior cases, but derived from a legislative body. This is an actual legal code written out as law (“codified”).

Common Law: law that arises not from statutes but from prior cases (see Case Law). Collection of precedent cases whose decisions help define terms used in statutory law, establish “tests” to determine outcomes of elements or factors, etc.

Case Law: what a court rules in a case becomes “law” or “precedent” that is binding on courts from a lower level. When another similar case arises, courts from a lower level generally must follow what the court from a higher level ruled in the other case.

Precedent: refers to a court decision that is considered authority (case law) for deciding subsequent cases involving identical or similar facts, or similar legal issues.

Test(s) arising from cases: tests are either a set of factors or elements that are required in order for a certain rule of law to be applied to a case. Cases will specify which tests they used to get to the legal conclusion. Tests can change overtime and can become either more lenient or stricter depending on how the court views the legal standard.

Elements: if a rule involves elements, all elements are required to satisfy the rule. Generally, if one element is lacking, the entire argument fails.

Factors: contrary to elements, factors do not require that all factors be satisfied to “pass the test.” Courts will create tests that involve factors that help them weigh one way or another.

Prima Facie: (Latin meaning “on its face”) a prima facie case means something that is proven or assumed to be true unless there is evidence presented to the contrary (commonly used in torts, i.e. – prima facie negligence = person’s conduct was sufficient to show negligence, unless evidence is shown otherwise).

Adjudicate: the act of picking up the case, hearing/reviewing the case, and coming to a decision on the case (ex. courts adjudicate cases)

Jurisdiction (jx): the power of the court to hear a case. Jurisdiction can refer to subject matter jurisdiction, personal jurisdiction, or the jurisdiction to render a specific decision (you’ll learn about the ins and outs of jurisdiction in your Civil Procedure class).

In rem: refers to a case where the jurisdiction is established through property not through the person.

Federal Court: the federal court system is made up of district courts, circuits, and the Supreme Court of the United States. This system will hear any case arising under federal statutes, the Constitution, or treaties. Federal courts are courts of limited jurisdiction, meaning they can only hear cases authorized by the United States Constitution or federal statutes.

State Court: state courts are courts of general jurisdiction. They hear all the cases not specifically selected for federal courts. Just as the federal courts interpret federal laws, state courts interpret state laws. Each state gets to make and interpret its own laws.

Superior Court: superior court is a court of general competence which typically has unlimited jurisdiction with regard to civil and criminal legal cases. Also known as the “trial court” this is where a state court case will start.

Court of Appeals: intermediate court; when the trial court case decision is appealed, it will be kicked up to this court where a panel of appellate judges will review the case

District Court: a federal trial court serving a federal judicial district. This is the lowest level court for the federal court system. (in some states) a court having general jurisdiction in a state judicial district.

Circuit Court: the “court of appeals” of the federal court system. When a district court case decision is appealed, it will be kicked up to the circuit court for review by a panel of judges

Supreme Court: the state's highest court. It can review cases decided by the Courts of Appeal. Also, certain kinds of cases go directly to the Supreme Court and are not heard first in the Court of Appeal. Each state has their Supreme Court (state court system)

Supreme Court of the United States (SCOTUS): serves as the last appellate level for the federal court system. Some state Supreme Court cases may be appealed to SCOTUS but only when there is certain type of jurisdiction

Opinion (judge-written): the written piece that judges write after hearing and deciding a case. This opinion is what you read in class which outlines the facts, procedural history, legal reasoning, and decisions. The prevailing opinion outlines the judge(s) decision. There are also dissenting opinions (see dissent) and concurring opinions (see concurring).

Dissent: an opinion of non-agreement in opposition to the majority opinion.

Concurring: opinion that also agrees with the majority opinion but may differ in reasoning why

Affirm (case affirmed; uphold decision): to declare a prior judgment valid and to concur in that opinion.

Remand (case remanded): to send the case back to the lower court. When an appellate court reverses the decision of a lower court, the written decision often contains an instruction to remand the case to the lower court to be reconsidered in light of the appellate court's ruling.

Reverse (case reversed; overturn decision): the decision of a court of appeals ruling that the judgment of a lower court was incorrect. The result is that the lower court which tried the case is instructed to dismiss the original action, retry the case, or is ordered to change its judgment

Pleadings: pleadings are documents filed on a pleading paper (has numbers lined down the side) in which someone is asking the court to do something (such as award damages, etc.). Pleading paper is the paper with the numbers down the left-hand margin (the numbers are used for citation purposes).

Restatement(s): a collection of rules that arise from common law. Each area of law will have their own Restatement set. The restatement is mostly used in your Contracts class, sometimes for Torts and other classes. Restatements themselves are not codified law but are drawn from precedents. Every now and then a group of law professors/professionals that are experts in certain areas gather and update their area of law's restatement.

Model Penal Code (MPC): for Criminal Law class! Since every jurisdiction has their own set of criminal statutes, this set of statutes was created and is referenced a lot in criminal law class. You will hear a lot about “in MPC land.” Although there are states that have adopted laws that mirror (or are identical) to that of the MPC, these set of statutes are theoretically created.

Others (Resources, Work-Related, Student Life, etc.)

OABS (Office of Academic & Bar Success): office of academic advisors for law students. You can ask them questions about scheduling, what the best supplements are for a class, advice on how to write in IRAC style, and also just general problems you might have academically as a student. The OABS room also has access to supplements for different classes that you can check out and then bring back a couple of days later.

OCM (Office of Career Management): the Office of Career Management helps students prepare from employment opportunities. They can help you update your resume, help you figure out how to write a cover letter, or give you other advice about how to manage interviews.

Externship: a substantive work experience performed outside of law school taken during the academic session for units.

Internship: a substantive work experience performed outside of law school (paid or unpaid) not during the academic session and not for units.

OCI (On-campus interviews): some employers will conduct interviews on campus during a specific period (over the summer, fall semester, etc.) that aligns with their hiring period. If you are interested, you must sign up on time. A great resource for this is OCM. Employers that traditionally conduct these interviews are big law and government organizations.

PI/PS Day (Public Interest/Public Sector Day): an event that usually occurs in the early Spring. On this day a law school (typically UC Hastings) will host multiple different government agencies, legal aid organizations, and non-profit organizations. Some employing agencies will allow you to sign up for an interview in advance to have the day of the event. Other participating agencies table for students to speak with their representative about job opportunities. It is a great way to network and also a great way to get job interviews for employment during the summer.

LSOs (Law Student Organizations): law school student clubs. There are many clubs at Santa Clara Law that deal with social justice causes, the tech world, entertainment law, and clubs that aim to support specific minority groups. LSO's also tend to have many resources that they can give students access to if a student decides to join the organization. LSO's can provide access to outline banks, scholarships, job opportunities, networking, and study materials.

SBA (Student Bar Association): the law student government, all members are elected in. All LSOs are overseen by SBA.