

# 1. Mastering the Vocabulary of Law

## 2. Using Supplemental Materials

Academic Support  
Washington and Lee Law School  
2016

# Law is Largely Words

- Law is largely about talking and writing
- Can hardly imagine what a “wordless” world of law would be
- That’s not to say that there are not concepts behind the words—but words are really the way that we as humans generally communicate/express concepts

# Legal Exclusionism

- As with any profession, lawyers develop a specialized vocabulary that to some extent signals admission to the law “club”
- So one of the things that you have to do is develop a sense of the legal meaning of words
- And often, word that you might expect to have a somewhat general and amorphous meaning from the perspective of a layperson (i.e., a non-lawyer) has a much more specific meaning to a lawyer

# A few examples

- Petition for certiorari
- Standard of review
- Motion for summary judgment
- Specific Intent
- Battery
- Consideration
- Unconscionability
- Contribution Among Joint Tortfeasors
- Res Ipsa Loquitur
- Attorney Work Product

# Importance to Both Exams and Practice

- Often knowing the right word to use is crucial to creating the impression that you know what you are talking about on the exam (or in talking to a judge)
- Plus you might not even understand a question if you don't know the term: “e.g., “Inadvertent disclosure”

# How do you figure out which words to learn??

- Strange words in your cases, especially if they come up repeatedly
- Words your professor uses in class
  - Ask your professor for a list??
- Words frequently used in the supplemental materials
- Do the words relate to the substance of your doctrinal course?

# How do you figure out what they mean?

- Develop your own definition from context and use
- Listen to your professor
- Ask questions
- Black's Law Dictionary

# Then What?

- I would make a running list of vocab terms for each class
- Review the words from time to time
- Practice using the words in things you say and write

# Supplemental materials: Should I use them?

- Some professors will say no
- Some professors will say yes
- I go with a qualified yes, but it depends

# Upsides and Downsides

## Upsides

- They often present the material in a much more easily understood form than casebooks
- They provide a nice check for you to determine whether you have actually understood the material
- Often they are even keyed to your textbook and discuss the same cases as your book

## Downsides

- By providing an easier path, they might tempt you to skimp on powering through your assigned reading (the Cliff Notes or Sparks Notes Effect)
- You won't retain stuff as well (possibly) if it's just laid out for you and you haven't had to work at extracting it from the cases
- They take extra time if you are doing both your assigned reading and supplements
- You get less practice developing the skill of extracting meaning from caselaw

# Come to Your Own Happy Place

- 1. One approach is to not use them your first semester and just see how you do working just with your casebook.
  - I would not recommend if you feel you are having any problem at all grasping the material
- 2. Focus primarily on doing and understanding the assigned reading but use the supplemental materials as a back-up to quickly glance at (either before or after class) to make sure you are grasping the essential points

# What Kinds of Supplements

- Short Summaries—The “Acing” series, Happy Books, Nutshells,
- Examples and Explanations: in my view the best
- Sum and Substance; Emmanuels’, Gilberts, et al : May be worth a glance (or not)
- Case Briefs: Useless
- Hornbooks (probably too extensive to use all the time, but useful for an area that you’re just not getting sometimes – or for a specific question that is troubling you)
- Restatements– sometimes good for a particular area, especially if your professor has emphasized the Restatement in that area