

Florida State University College of Law

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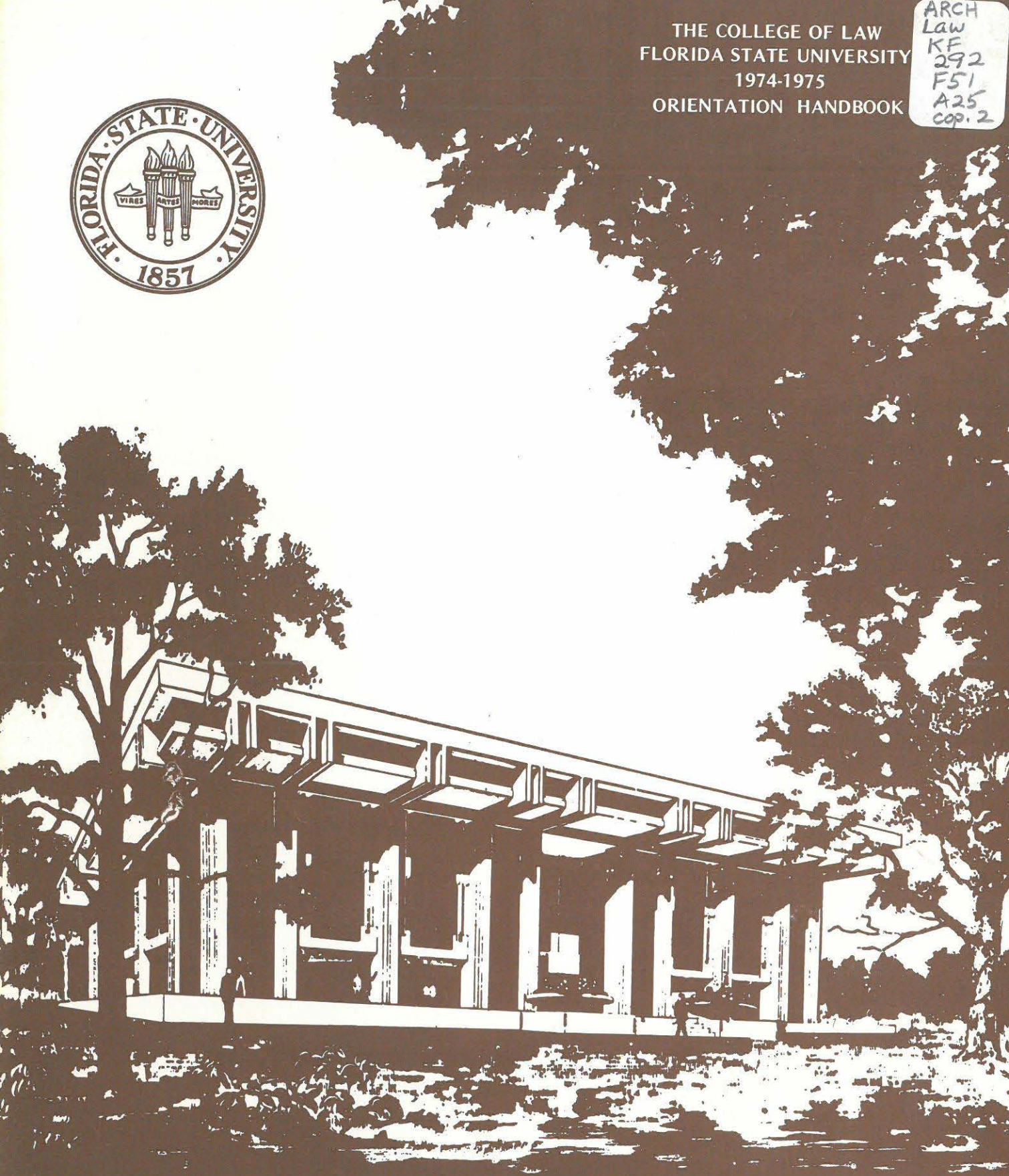
Student Handbook (1974-75)

Florida State University College of Law

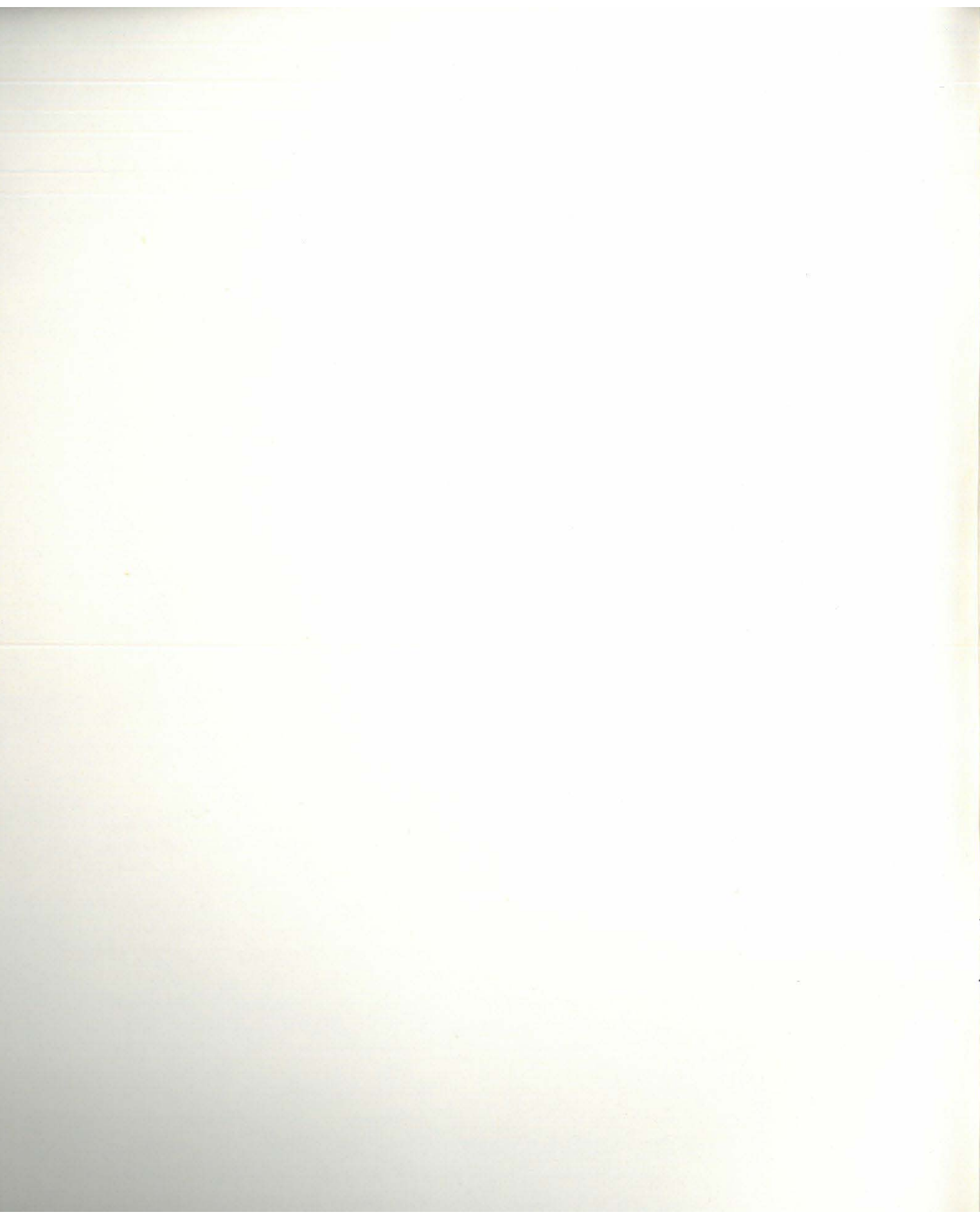
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THE COLLEGE OF LAW
FLORIDA STATE UNIVERSITY
1974-1975
ORIENTATION HANDBOOK

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COLLEGE OF LAW BUILDING . . .





September, 1974

Dear Entering Student:

Getting the proper start in law study is most important to success. Some suggestions may be helpful at the beginning. You are undertaking a new discipline developed over centuries of time. It is not expected that you will obtain at once the knowledge, understanding and skills of an experienced lawyer. This is not easy and requires patience and devotion. The rewards are worth the effort and most law students become so engrossed in their work that it becomes a real pleasure. In a sense, they catch fire in their law study and experience an intellectual growth previously unknown to them.

Consider the following ideas which are more fully developed in other parts of the bulletin.

1. Do not get overwhelmed or discouraged when you find that it is difficult to discover the real issues and to determine the right answers in your daily preparation. Other students are facing the same problem. You must learn to read so as to understand, to analyze and to evaluate competing rationalizations. This requires persistent and thoughtful effort. Beginning law students are always confused, but after more experience all that you have studied will begin to fit into place.

2. Be prepared for each class. How long does it take? Study until you understand; that is the test. Blind reading for long periods of time is worthless. Read to see first what is the exact problem, then to discover the solution given and the reasons sustaining it, and finally to consider ideas testing the validity of the decision. Law is not learned but is acquired through thinking out problems and understanding them.

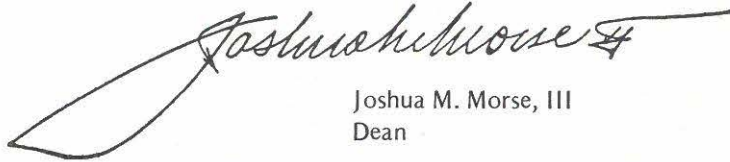
3. Prepare careful briefs of cases and materials. Read each case at least three times. Take extensive notes in class. Enlarge them soon after class to reflect ideas about every problem considered. If working over notes is postponed, there will be nothing later to revive your dormant memory. Your notes must be meaningful if they are to be helpful in the critical days of examination time.

4. Become acquainted with members of the faculty. They are glad to visit with you to become acquainted or to discuss problems. They are anxious to have you do well. A close relationship between faculty and students builds a strong law college. This friendship and association continues long after graduation.

5. Live a day at a time, but plan your time to include some recreation, major events in the law school and University life, some regular exercise, and some association with your fellow students. Your law school friends last a lifetime; further, time used in discussing and arguing legal problems with other law students is time well spent.

Read this handbook carefully. It gives important information to a student beginning law study at Florida State University.

Sincerely,

A handwritten signature in cursive script that reads "Joshua M. Morse, III". The signature is written in black ink and includes a long, sweeping horizontal line extending to the right.

Joshua M. Morse, III
Dean

P.S. The law is a jealous mistress. J.M.M.

ORIENTATION PROGRAM

There will be an orientation program on Thursday, September 19, 1974, from 9:00 A.M. to 12:00 Noon, Room 101 of the College of Law Building, for all new students. This program will include a review of various policies and procedures which affect law students in their pursuit of a law degree. Other orientation events will be announced by the Student Bar Association.

Each new law student must file an application for registration with the Florida Board of Bar Examiners within 150 days following the commencement of the study of law. To aid our new students in this registration, a representative of the Board of Bar Examiners will visit the law school early in the Fall. At this time, each student will receive the materials necessary to complete his registration and will be provided with other necessary information.

To register for the Bars of other states, students should make their own arrangements. The Office of the Dean will assist.

The first class will be held Monday, September 23, 1974. A schedule of classes will be posted well in advance at the College of Law.

REGISTRATION PROCEDURE - READ CAREFULLY

All students should receive registration appointments from the Registrar. These appointments will include day and time for registration at Tully Gym. However, all law students will register at the College of Law.

Every student should bring to registration the Registration Ticket, the *trial schedule* and the *Certificate of Admission* to the College of Law. The *Certificate of Admission* should already have been forwarded to you by the College of Law Admissions Office. Notify the Student Records Office secretary (644-3400) if you do not receive these items prior to registration time.

Detailed registration instructions will be available at the College of Law. All students with automobiles must register them with Campus Security. Outstanding delinquent accounts of all kinds (library, traffic, etc.) should be settled in advance of registration.

CASEBOOKS

Casebooks used in the law school may be purchased at the University Bookstore or off-campus bookstores. Ordinarily, the bookstores will know the title, editions, and authors of the books which will be needed each quarter. The University Bookstore and off-campus bookstores have used books, when available, as well as new. Notebooks and other materials are also available at the University Bookstore and off-campus bookstores.

Supplementary books and study aids for law courses are sold at the bookstores. Many of these are of limited value and should not be purchased until one can judge which are helpful. Several copies of books desirable for collateral reading for each course will be available in the law library. The purchase of supplementary materials should be deferred until one's needs are determined and the availability of the books in the law library is known.

Students should obtain their casebooks before registration if possible. Professors may require that reading be done before the first class. *Assignments for the first classes are posted on the main bulletin board.* Note the sectioning of courses.

PRE-LAW READING

The faculty of the College of Law has selected the following books as being desirable pre-law reading. At a minimum, it is expected that each entering student will read one of these books.

Cardozo, Benjamin N. *The Nature of the Judicial Process* (New Haven: Yale University Press, 1960) 180 pp. (available in paperback, Yale Y-21)

Levi, Edward H. *An Introduction to Legal Reasoning* (Chicago: University of Chicago Press, 1969) 104 pp. (available in paperback, Phoenix P84)

Llewellyn, Karl N. *The Bramble Bush: On Our Law and Its Study* (New York: Simon and Schuster, 1942) 160 pp. (available in hardback only)

The law faculty believes that entering students should have some acquaintanceship with political philosophies and assumes that each student is acquainted with at least one philosopher's political theory. This knowledge should provide the students with a unified overview of society and afford a better perspective for evaluating law school course readings and class discussions.

LIBRARY

The Law Library and its facilities are open according to the following schedule:

Monday - Friday	7:30 A.M. - 12:00 Midnight
Saturday	9:00 A.M. - 10:00 P.M.
Sunday	1:00 P.M. - 12:00 Midnight

Schedule changes are posted in advance; additional information concerning the Law Library may be found in the Law Library's Reader's Guide, distributed to all students in September.

SUGGESTIONS FOR LAW STUDY

Reading and Briefing A Case

First, a case must be read carefully in order to understand it as a whole and in every part. Beginning students should always read each case at least three times.

The purposes of the briefing process are: (1) to insure that you really understand the case; (2) to serve as a refresher when the case is discussed in class; and (3) to act as a memorandum for purposes of review for examination, when a knowledge of the cases and what they stand for will be indispensable. The following are offered as suggestions:

1. Divide your brief into at least three parts, the facts, the issue, and the holding. Sometimes it is preferable to divide into facts, exact issue or issues before the court, holding, rule, and reasons. Other subdivisions may be more appropriate for certain cases.

2. Brief the case in the chronological order of procedural events. In briefing an appellate decision, note particularly the ruling of the lower court which is being reviewed in the higher court and include data leading up to this matter. Always state who won in the court below, who carried the case to the appellate court and which appellate procedural device was used. It is helpful to note the procedural devices by which the issue arose and how the case reached the appellate court. Particularly at the outset, a law dictionary is helpful.

3. Adopt a system of abbreviations. For example, "p" or "pl" for plaintiff, "D" or "def" for defendant, "decl" for declaration, "V" for verdict, "J" for judgment, "K" for contract, and so forth. Whatever system you adopt, utilize it in briefing and in taking class notes.

4. The main things to be winnowed from the procedural background of the case are the issue, the holding and the underlying policy. Consider—what was before the court for decision? Then—how was this matter decided and why? Did the court finally dispose of the case or just send it back to the lower court to complete the record? There may be two or more holdings in the case; if so, all should be stated, perhaps setting them off separately. Remember, however, the court does not hold everything which it declares is the law. For example, if A sues B in connection with a business deal and the court says on the facts B is not liable but that C (not a party to the case) is, the first statement is a holding, but the liability of C was not before the court so that statement is mere dictum. The dictum may be correct but the case cannot be cited as authority for the liability of C. Note an important dictum in your brief, but indicate that it is not a holding.

5. State the rule of law upon which the holding is based. This is usually found in the opinion, but when it is not, you should construct the rule upon which the decision is based. Often the reason for the rule is stated and if so you should include it. If no reason is stated, include what you think the reason should be. What underlying policy questions prompted the court to decide as it did?

6. Note the final disposition of the case - thus, if the opinion is an appellate one, was the judgment below affirmed, reversed, remanded or modified?

7. While it is not a necessary part of a brief, each case in a series should be appraised in relation to other cases you read. How does it compare with the case before and the case following? How does it relate to cases in other courses? Are they consistent, inconsistent or distinguishable? Can you account for the differences of viewpoint and which do you prefer? How do you evaluate competing reasons and policies influencing a decision? In short, why did the compiler put this case in the casebook? What is its contribution?

Illustrative Case Brief

Dickinson v. Dodds, 2 Ch. Div. 463 (1876), p._____(page in casebook)

On June 10 Dodds delivered to Dickinson a memorandum agreeing to sell Dickinson certain premises for £800, to which he attached a postscript stating "this offer" to be open until June 12, 9

a.m. In the morning of June 11, Dickinson decided to accept, but did not communicate his acceptance to Dodds. The same afternoon Dickinson learned that Dodds had agreed to sell the premises to one Allan. Thereafter and before 9 a.m., June 12, Dickinson gave Dodds his acceptance in writing. Dodds refused to convey. Dickinson brought suit in equity against Dodds and Allan for specific performance of the alleged agreement.

The cause was tried before Vice-Chancellor Bacon, who decreed specific performance. The defendants appealed.

Issue: Is knowledge of sale to another without formal notice a valid revocation of a prior offer?

On appeal the plaintiff's bill was finally dismissed. Dickinson was not entitled to recover because:

1. The memorandum contained a mere offer, which was revocable at any time before acceptance.
2. The revocation of an offer is effective as soon as the offeree knows that the offer has been revoked, even though the offeror has given him no notice thereof.
3. Sale to another is a revocation of a prior offer.

Methods of Taking Class Notes

Taking careful notes in class and expanding them after class is a very important part of law study. There is not just *one* way to take class notes or to prepare your notebook, but it is important that you find *a* way to develop good notes. There is no substitute for day-by-day careful preparation of your cases, assigned reading and class notes. This gives you the greatest assurance of success in law study. The problems presented in the class materials will be discussed at length with many additional associated problems. Issues will be raised by the professor conducting the class through the questioning of students, an interchange of discussion with them, or through his own analysis of the subject matter. Your class notes should reflect your understanding and constitute a textbook of your own covering each subject taken in law school. Your notebook should be so complete that you can use it alone for final examination review.

Often in class you will be unable to complete notes on every point. These should be completed during the same day while your memory is fresh. If you do not understand problems, this is the time to clarify and develop the issues and possible solutions with articulate care in your notes. Working out a careful statement in writing is a useful study aid. If you cannot state a matter, you do not understand it. You must learn to communicate your thinking accurately.

Working over your notes will also help you to learn to communicate your ideas in writing. The effort to make comprehensive notes is most valuable in a sound legal education. If you take pride in your notes and make good notebooks they will refresh your recollection in reviewing for law school tests and later for your State Bar examinations. Some lawyers even keep and use their notes for reference when in law practice.

Use any type of notebook you like but keep notes for each course in a separate book. For law students who will use handwriting in all their notes, permanently bound law school notebooks with wide margins are recommended. Students who type easily or who plan to rewrite their notes may prefer looseleaf notebooks.

You may be asked to show your notebooks to your faculty adviser. This will be done to help you because good notes personally made by you are your best assurance of success in writing. Your notebook is much more than an outline and should contain completed sentences having an articulate meaning. It is not until you attempt to write what you feel you know that you discover the need for further study and more exact thinking.

In modern legal education, much emphasis is placed upon the ability to communicate both orally and in writing. This is accomplished not only through classes devoted to research and writing but should be a part of everything you do, including the taking of careful notes and revising them after class.

Frequently you will leave the classroom confused over some problems. You will obtain a great deal of benefit from discussing these problems with your fellow students in an effort to clarify your thinking. In fact, one of the best parts of legal education is the discussion students have with each other in which they argue various points until they have ironed out the difficulties. But again, sometime fairly soon after these discussions take place you should write into your notes supplemental statements of your thinking. This helps you to be articulate and brings to light errors in your thinking. The effort to communicate in writing the ideas which you have may show the need for further study.

Suggestions on Content for Class Notes

1. **Questions raised in class.** Write down questions asked by the professor. These will raise the pertinent issues and help identify the problems. Until you understand the precise problem and grasp its meaning, you are unable to appreciate the legal issues surrounding it. Students will ask questions, and often good ones. Include these questions also because they suggest the trouble points and present various ramifications of the problem. Stating valid questions helps to indicate your comprehension of the problem. The questions are often as important as the answers. Some questions will not be answered in class to your satisfaction; these suggest the course for further study and are guides to your thinking upon the legal solutions.

2. **Other fact situations developed in class.** Hypothetical illustrations presented in class fill the gaps between cases, bring out distinctions, and integrate the particular problem to its expanded application. Put these in your notebook and study their meaning. In the study of law, you examine factual situations to which the law applies. Law study requires imagination to see how basic concepts and principles fit into the solution of problems. Law study is a thinking process in which understanding is a basic objective. The concepts and principles developed in one case are important in the solution of analogous situations. Look for the connections and the applications and include them in your notes.

3. **Changing concepts and conflicts.** Dean Roscoe Pound stated, "The law must be stable but it cannot stand still."

There should be no change just to have change, and many basic legal principles seem to be everlasting. Precedents are important for certainty and security of transactions and acquisitions. They serve as guides to conduct and assure equal treatment of the same problems. Nevertheless, nothing is more constant than change. Law is in a process of growth to meet new demands of civilization. Some decisions, very desirable at the time rendered, need revision to fulfill needs of the present and future. Some decisions may be historically significant but outdated. Consider the reasons underlying decisions and weigh them to see how they fulfill present needs. Many decisions are in conflict. Conflicts often appear in a single decision, as when a court considers both sides of the problem and selects the position believed most desirable. Casebooks frequently contain two cases each taking the opposite view. Reference is frequently made to the Restatements of the Law which state the Institute's idea of the most desirable view. These have significantly influenced American law. Reference to the restatement may be helpful in study. Law reviews give critical consideration of legal problems and are valuable references for better understanding. You must study both sides of conflicts, the rationale involved, and also policy considerations which are so important in the law. Your notes should include statements on those factors which have influenced the growth of the law.

4. **Non-case materials.** Leave room after each case for a summary of your additional reading. Where a case seems unsolved or is particularly difficult, do some further reading to straighten out your understanding of the problem. Most cases will have footnote references to various reference material. Either before or after class, read these where you feel the need for additional background. Include in your notes further comments in respect to them.

5. **Legislation and rules of court.** Much important law is found in state and federal statutes. They are controlling and involve statutory interpretation when the statutes are applied to the various factual situations under their control. Statutes must be examined in the light of the purpose which they seek to serve and the historical background giving rise to their enactment. Whole fields of the law are covered by statutes such as the recent Uniform Commercial Code. Statutory law is now prominent as a means of improving the law and accomplishing change. In the practice of law the first source of inquiry is whether there is a statute covering the subject matter. Statutes are annotated in the various states, showing their application and interpretation through judicial decision. A student must always be aware of the possibility of statutes as the primary source of applicable law. More emphasis is being given to the study of legislation in law school and in certain courses the study of legislation is a primary objective. This section seeks to create an awareness of the great importance of legislation in American law. Somewhat different techniques may be involved in the study of statutes although the analytical process involves similar skills to the study of all law. In your notes, where statutory matters are involved, they should be clearly indicated as such. In procedural matters, rules of court will have all of the significance of statutes as a source for application and interpretation.

This lengthy statement on note-taking is designed to help you appreciate the importance of the note-taking process. Quite apart from what is learned by the process, it helps to develop the capacity to communicate ideas, so important in law school and in law practice.

LEGAL RESEARCH AND LEGAL ARGUMENTS, Law 500 A, B, C D

Satisfactory completion of the Law 500 course series is required for graduation. In the Fall Quarter all freshmen will take Law 500A (Legal Research) which will be devoted to the use of the law library and legal research techniques, and Law 500B (Legal Writing 1) in the Fall Quarter. In the Winter Quarter

approximately half of the freshman class will register for Law 500C (Legal Writing 2). In the Spring Quarter the remaining half of the freshman class will take Law 500C. Law 500C (Moot Court) will be required of all students during the Fall Quarter of their second year of law school.

In conjunction with Law 500, individual advisee groups meet with faculty advisers several times throughout the year at times to be announced. These meetings usually will not deal directly with formal coursework. Rather, they will involve analysis of problems common to all law students and lawyers. Emphasis will be on broadening understanding of the interrelation between law and society and the ways in which the legal profession continually seeks to adjust the rule of law in our dynamic modern society.

RULES AND CHANGES TO RULES

The faculty of the College of Law provides rules concerning the academic work and conduct of law students. Because of the high moral and ethical responsibility of those entering the legal profession, these rules are a necessity. The faculty reserves the privilege to modify or revoke rules and to exercise complete discretion in providing or changing rules in the interest of the College of Law. This handbook contains the major current rules of the College of Law. Students are charged with notice of these rules.

In addition, the Florida State University reserves the right to exclude at any time, under established procedures, a student whose conduct is deemed improper or prejudicial to the College of Law or to the University community.

DETERMINATION OF CLASS AND CLASS STANDING

Students are considered second-year (junior) students when they complete forty hours of work and third-year (senior) students when they complete eighty-five hours of work. All students graduating at any time between September and the following August are considered members of the same class. Class standing is computed at least once annually for each class. This information is not posted, nor is it normally released without authorization from the student.

BULLETIN BOARDS - NOTICES

The locked bulletin board in the College of Law building contains official notices concerning curriculum matters. Emergency telephone messages and miscellaneous notes to individual students, placement information, the Florida Bar matters, and other matters are placed on other bulletin boards. For some programs or courses (Public Defender, Trial Practice), instructors post special information. The Student Bar Association and fraternal organizations have bulletin board space in the building.

Students should check these boards regularly and are specifically charged with notice of all matters posted on the official bulletin board. Students are requested not to post material on the walls.

STUDENT ACTIVITIES

Statement by Student Bar Association

A law student must develop extremely complex professional skills, a task involving difficult intellectual concentration. At first glance it might appear that mastering the basics of law and then

augmenting his knowledge should be his only activities, but the very nature of the legal profession places other responsibilities on the student. The lawyer is a leader in most communities, and further, his profession brings him in contact with people of all socioeconomic levels. As community leader, responsible citizen, advocate and counselor, the lawyer must possess social as well as professional attributes essential for interaction with clients, professional associates and others.

The Student Bar Association helps to facilitate development of such skills. Student Bar Association programs provide an opportunity to meet distinguished members of Bench and Bar both academically and socially, and to benefit from the visits of others to community and campus. These programs also make available intraschool services necessary to equip the student for law study; assist the faculty in developing academic and social affairs; and provide liaison between the student body, the University, and the community, with specific concentration on maintaining beneficial contacts with the Florida Supreme Court, the Florida Bar and the legal community in general.

The Student Bar Association is involved in Freshman Orientation, Homecoming, Law Day, Moot Court, and various social events. Speakers of national prominence are involved in the major events of the year.

The new law student will have an opportunity to meet the executive officers of the Association at Freshman Orientation and will participate in the election of the Freshman Class Vice President, late in the Fall Quarter. The structure and purposes of the Student Bar Association will be explained in greater detail at Freshman Orientation and throughout the first year.

Fraternities

Two legal fraternities (coed) are in existence at the College of Law. These groups perform useful educational functions while also performing the normal fraternal activities. Many lawyers remain active in their legal fraternities through their professional careers. The College of Law encourages legal fraternities; however, membership is optional. The beginning first-year student should consider his primary function that of getting his academic work in order prior to becoming seriously interested in fraternal activities. Each fraternity sets certain academic requirements for membership. The fraternities with chapters at the College of Law are Phi Alpha Delta and Phi Delta Phi.

FSU Law Wives

The College of Law considers the Law Wives organization a valuable adjunct to the academic and social functions of the College of Law. In addition to sponsoring numerous social activities, the Law Wives also serve as a service organization for the College of Law. This past year their activities included several social functions, lectures and panel discussions relating to the law and the life of a law student's wife, and coffee bars during examinations.

Alumni Activities

As the College of Law builds up alumni, it is expected that in addition to participating in the activities of the Alumni Association of Florida State University, the law school alumni will develop their own programs and meetings. Some of the friendships made in law school last throughout a lifetime and these meetings are a way to maintain friendships developed during the attorney's law school career. The College of Law will attempt to maintain alumni records in cooperation with the University Alumni Association so that notices of alumni activities and information concerning the school, in general, can be provided to our alumni.

Other Events

During the year there will be several events and meetings featuring prominent speakers and guests from the Bar and the Bench, and many university events which will interest law students. These add to the cultural development of law students and to the breadth of vision expected of men in the legal profession. They all help to provide the special opportunity for legal education offered at Florida State University through its location at the seat of state government. From time to time there will be important events of government, hearings in courts, and affairs of the bar associations made available to law students. These will help to enrich your experience and associations as you pursue your legal education at Florida State University. Students will be informed of these events as they arise.

NOTES



