

BOOK REVIEW: MICHAEL BROGAN AND DAVID SPENCER *SURVIVING LAW SCHOOL*

*Mark Bennett**

Michael Brogan and David Spencer Surviving Law School (Oxford University Press, Melbourne, 2004) (294 + ix pages).

Surviving Law School, written for Australian law students, is best evaluated by measuring it against its stated aims, "[to] provide students studying law... with an idea of what to expect, and suggestions on how to avoid succumbing to the inevitable hardships of law school". The next step is to weigh that against the availability of the advice in other forms than this \$50 book, for many books and persons fulfil the function of helping students survive law school. Ultimately, while *Surviving Law School* does achieve its avowed and implicit aims, the alternative means of gaining similar survival knowledge, and its Australian focus, weigh against its claim of being a "must-have book" for a New Zealand student.

I WHAT IS A LAW SCHOOL LIKE?

Surviving Law School delivers on their promise to help law students think about what law school is all about. The first few chapters consider what a lawyer does and why one might want to study law, the way university law programmes work, and how law study differs from other study. However, the usefulness of these sections is relatively limited. People trying to survive law school usually know why they are there. The best way to find out about how a law faculty works is through experience, and the same may be said for the (often obvious) differences between studying law and other studies.

II HOW DOES LEARNING HAPPEN IN LAW SCHOOL?

The sections on class types and learning and teaching in law school are quite useful in describing what usually happens in (most) law schools. They give good advice about approaching lectures and different types of learning environments, what to focus on when revising legal content,

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the different content and skills that any law course helps a student to develop, and how to approach courses. *Surviving Law School* also provides tips for what can be a stressful aspect of law school: approaching the lecturer for help. Other aspects of seeking help are also suggested. There is no doubt that understanding how the learning process is supposed to work, and understanding how to seek help when you need it, are valuable survival tools.

III *GENERIC UNIVERSITY LEARNING ADVICE*

What is perhaps less helpful, or at least less unique, is the generic university studying advice that is given. Students are given advice on formulating a study plan, balancing study with other commitments, handling different types of assignments, avoiding plagiarism, and sitting exams. This study advice is obviously very useful to law students, but there many superior guides to general university study, including Hay et al's very good university study guide *Making the Grade*.¹

IV *LEGAL SUBSTANCE*

The section on legal problem-solving provides a good foundation for making legal arguments, which can be confusing the first time a student sits down to write an opinion. However, other aspects of legal problem-solving suffer from the Australian focus and content, which is one of the major downfalls of this book in a New Zealand context. The chapters discussing core legal concepts and sources of law have enough Australian content to make them relatively unhelpful. Moreover, their discussion of more relevant content, such as source of law, legal history, jurisprudence and how to read statutes and cases is not as useful or comprehensive as the treatment of this topic in McDowell and Webb's *The New Zealand Legal System*.² Questions of style are also examined, but are best answered by examining the style guide of the relevant institution, since styles can differ very markedly.

V *UNDERSTANDING LAW SCHOOL*

Students looking to understand what law school is all about, whether prospective or relatively new, are ultimately trying to gain experience vicariously from experienced others. In lieu of finding that advice in one source, students will have to consult a few different resources to glean this experience-based advice. But that should not be a problem, for isn't some of surviving law school about developing skills that draw together information from disparate sources? Students will want to test their research skills by finding their own examples, but below are a few to start with.

1 Iain Hay, Dianne Bochner and Carol Dungey *Making the Grade: A Guide to Successful Communication and Study* (Oxford University Press, Melbourne, 1997).

2 Morag McDowell and Duncan Webb *The New Zealand Legal System: Structure, Processes and Legal Theory* (3 ed, Butterworths, Wellington, 2002).

William Twining's "Reading Law Cookbook" directs such students to view legal texts in ways that helps them to understand what the law is, and how best to read it to make sense of it.³ The recent University of Detroit Mercy Symposium "Advice to Prospective Law Students"⁴ contains successful law students' reflections on what advice they would give prospective and new law students. In addition, Scott Turow's *One L*⁵ is a lively documentation of a tumultuous first year at Harvard law school, and Jim Gordon's "How Not to Succeed in Law School"⁶ takes a jovial look at that topic. The Anglo-American focus of these commentaries does not detract from them – their experience travels well. This experience is the key to understanding law school, and understanding law school is the first step to surviving it.

VI CONCLUSION

Australian law students will undoubtedly find that *Surviving Law School* does live up to its claims and warrant its purchase price, for it collects experience-based advice into one concise source. However, given its Australian focus and the ready availability of alternative sources of the relevant information in New Zealand, I personally wouldn't have bought it as an aid to surviving law school, although I might have read parts of it if it were in the library. Revised for a New Zealand context, however, it would be of much use to New Zealand students seeking a concise guide to a more pleasant and less perplexing law school experience.

3 William Twining "Reading Law Cookbook" in William Twining *Law in Context: Enlarging a Discipline* (Oxford University Press, New York, 1997).

4 "Advice to Prospective Law Students" (2003) 80 U Det Mercy L Rev 475.

5 Scott Turow *One L: The Turbulent True Story of a First Year at Harvard Law School* (Warner Books, New York, 1979).

6 Jim Gordon "How Not to Succeed in Law School" (1991) 100 Yale LJ 1679.

