

September 2016

Lex | Brevis

WESTERN NEW ENGLAND UNIVERSITY SCHOOL OF LAW



FOCUS

On the road ahead.



AMARA RIDLEY
LEX BREVIS Editor-In-Chief

**“IF YOU ARE
ABSOLUTELY
DETERMINED TO
MAKE A LAWYER OF
YOURSELF, THE
THING IS MORE
THAN HALF DONE
ALREADY.”** Abraham Lincoln

WELCOME BACK!

Welcome back! I hope everyone had relaxing and hopefully productive summers. To our 1Ls and transfer students, I hope you find Western New England University School of Law to be the supportive, hard-working and stimulating education experience that I and others have experienced. To returning students, I hope you continue making strides toward the path of graduating. There are so many diverse and interesting opportunities here at the Law School and I look forward to showcasing many of them in the coming issues of Lex Brevis.

Lex Brevis has a strong history at the Law School and while the style and direction has expanded in the last year, I hope to continue showcasing what our student body and the legal community is about. Our content varies from social justice to legal history to windows into different areas of law and everything in between.

Our students are incredibly diverse, in background as well as in life experiences and future goals. That is one of our strongest assets— that everyone brings something unique to the table.

While we have a very strong staff, we always welcome articles and feedback from students and the legal community. Lex Brevis is for students and by students. I see my role and Lex Brevis as a tool to showcase what our students are about and what we care about. Lex Brevis is a means of expressing independent thought, separate from the administration and operating freely. Ideas expressed in Lex Brevis are those of the writers of those articles. Whether popular opinion or not, we have a policy to print what is submitted to us, with very few exceptions.

With that said, I hope you enjoy the September issue and I look forward to the coming months.

With Warm Regards,

Amara Ridley
Editor-In-Chief

Lex|Brevis

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We, at Lex Brevis, are always looking for ways to improve. We would love feedback to better serve our law school community. Enjoy the issue.

Email Amara at LexBrevis@gmail.com

The Profession of Law



by **ERIC J. GOUVIN**
DEAN, Professor of Law
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Welcome back to the School of Law! I hope you all had great experiences this summer that allowed you to learn more about the role of lawyers in our legal system. Of course, lawyers play all kinds of roles – as judges, administrators, prosecutors, defenders, advocates – but there is one aspect of lawyering that is particularly misunderstood, and that is the private bar.

Many people do not really understand the role of lawyers in the private bar – including some lawyers. They think that the practice of law is just a business or trade, but it is much more than that. Don't get me wrong – running a law practice is an exercise in running a business and you really ought to learn the basics of the business of law practice if you want to be successful (that's a plug for our law practice management courses), but the practice of law itself is a profession, not a trade.

Professions are different from trades. We need both lawyers and plumbers, but one is a profession and the other is a trade. How can you tell the difference? While there is no absolute definition of a profession, most people who have written about professionalism focus on the following five factors: (1) professions require their practitioners to possess specialized knowledge and skills; (2) professionals must pass licensing examinations in order to practice their profession; (3) professionals subscribe to aspirational goals to make society better; (4) professionals enjoy a measure of autonomy and a culture of self-regulation; and (5) professionals adhere to a Code of Conduct.

Certainly not all of these attributes are unique to professions – both plumbers and lawyers possess specialized knowledge and skills, and must pass licensing exams – but the combination of all of these attributes distinguishes a profession from a trade. Items three through five on the list especially address the question of what makes professions different from trades.

It's that Code of Conduct I want to draw your attention to. There are rules, written and unwritten, that define a true professional. You learn many of those when you enter the profession, but you are laying the foundation for them while you are in law school. You will, of course, have to take a course in professional responsibility before you graduate from law school. In that course you will be exposed to the Model Rules of Professional Conduct, which probably look similar to the ethical code in the jurisdiction where you will practice.

There are a number of lessons in professionalism you can work on as you proceed through law school. First, take your obligations seriously, be prepared, and be on time. Most ethical complaints deal in one way or another with Rule 1.3, which requires diligence in representing clients. The work habits you hone in law school will pay dividends in practice.

Second, take responsibility for your learning and master your subjects. Rule 1.1, which deals with competence, is the first rule for a reason – you cannot take on matters where you do not know what you are doing. The habits of mind you pick up in law school will also pay dividends in practice.

Third, embrace your pro bono service and try to make the legal system better. If you do so, you will get a jump on Rule 6.1, which creates an aspirational goal of pro bono service for members of the legal profession.

“Treating others with respect, even if you disagree with them and even if you do not like them, is the hallmark of a professional. “

Finally, the mark of a real professional is how you treat others. Many professional rules deal with this point and you will be judged throughout your career – by judges, by court personnel, by government agents, by counsel and by clients – on how well you carry off this professional obligation. Treating others with respect, even if you disagree with them and even if you do not like them, is the hallmark of a professional. Your life will be much easier if you have a reputation for being respectful.

In law school there will be some people with whom you disagree and maybe even some you do not like. Nevertheless, these folks are going to be in your life for at least the next three or four years. Treat them right because you'll be seeing them for a long time – perhaps for the rest of your career.

I look forward to seeing you all in and around the Blake law Center. Best wishes for a successful year!

Preparation



by **MICHAEL JOHNSON**

ASSOCIATE DEAN,

Student Affairs and Enrollment Planning

Michael.Johnson@law.wne.edu

This time of year is always an exciting time for faculty and staff. Not only do we welcome back our returning students but we also welcome our incoming first year and transfer students. We look forward to working and learning with each of you. Whether you are getting to know the area for the first time or trying to adjust to another year of law school, now is a good time to think about how you will make this year a successful one. Preparation is the key to your success.

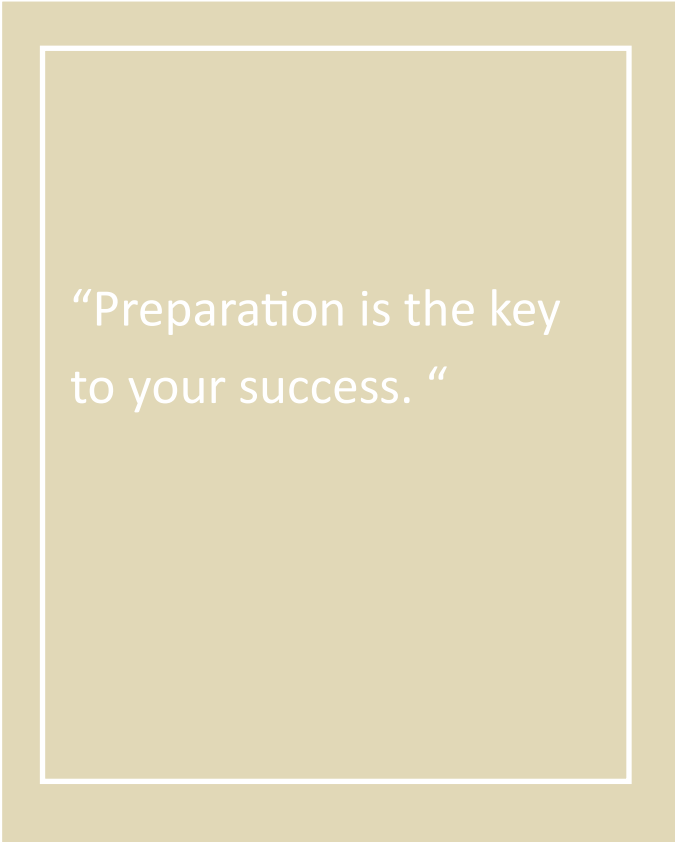
I would like to suggest three things that may help you during the school year and beyond.

First, try to address how you will manage your time. Between your classes, studying outside of class, extracurricular activities, work or externships, family commitments, exercise, eating and sleeping, time can become a valuable commodity. For example, it is not uncommon for fulltime students to study a minimum of 35 hours a week outside of class; for part-time 20 hours is not unheard of. One suggestion is to keep a weekly calendar to help manage your activities. This may seem time consuming at first, but it will help keep you keep organized and better prepared. You want to avoid falling behind or missing an important assignment or meeting. As busy as you will be, a weekly calendar is a nice visual aid and helpful reminder of all the important goals you need to accomplish. It may also be an excellent way to share with your family and friends when you are available.

Second, now is a good time to figure out a tentative budget for the semester. You want money woes to be one less distraction as you prepare for class and exams. Fiscal responsibility is an important character and fitness issue that you can address now. For most of you that all important refund check will come twice a year. Knowing how to budget your money for the entire semester will be essential to your mental well-being. You have better things to do than to worry about where your next meal is coming from or can my car run on fumes. However, we all know there will be unexpected expenses such as car repairs, unanticipated bills, child care emergencies and computer crashes. Your budget plan may help mitigate some of these unexpected issues. Don't spend the rainy day fund the first week of school and remember we do have emergency loans for active students.

Finally, I hope you have found or already know that we are here for you. This is a welcoming and supportive community and your well-being is a major priority. On the law school website (wne.edu/law) under the **CURRENT STUDENTS** tab, you will find a link to the Office of Student Affairs webpage. The Student Affairs webpage has important resources that may answer many of your questions. If you have any questions or concerns, please do not hesitate to stop by my office or set up an appointment to meet with me. I have an open door policy and if I am available I will be happy to meet with you. Please remember I can't help if I don't know.

I sincerely welcome you to Western New England University School of Law and hope you have a wonderful year.



“Preparation is the key to your success. “

Immersion



by **BETH COHEN**
ASSOCIATE DEAN, Academic Affairs
Beth.Cohen@law.wne.edu

I would like to join in welcoming new 1L students to law school, to Western New England University, and to the start of your legal career. To returning students - welcome back! Law school is an exciting and challenging time and, as Associate Dean for Academic Affairs, I am here to help and support you.

First, I congratulate you. I congratulate you on your achievements and I congratulate you on your desire to become a lawyer. Despite advances in society, there are also many serious challenges and problems. These issues range from local to global, from individual to societal. Lawyers are problem-solvers, and we need more talented and compassionate problem-solvers. The opportunities available to you at Western New England University Law School will help you acquire the skills and experience you need to be successful.

When you learn the law, it's like learning a new language. And the best way to learn a new language is to immerse yourself in the language and the culture. So I encourage you to take charge of your education and to take full advantage of the opportunities. Professional development opportunities beyond the classroom include clinics, externships, moot court teams, law review, mentor programs, career services programs, student bar association groups, bar association memberships, and pro bono projects. This year we are also launching the new student advising program. We are committed to your success and professional development and to helping you make the most of these opportunities, so please contact me if you have any questions or if I can be of any assistance.

Second, remember the big picture.

Although you have probably been incredibly busy since you arrived, I suggest that you take a moment to pause and reflect, and write down why you decided to attend law school. Refer to this note when you need some encouragement and to remind yourself of the bigger picture and of what is important to you.

Third, practice with professionalism.

The preamble to the Model Rules of Professional Conduct includes that, "[a] lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice." As a law student, you are building your professional identity and reputation. Be mindful of our special responsibilities as you approach your work. "Work hard and be kind." I serve on the Supreme Judicial Court Professionalism Committee and I cannot overstate the importance of professionalism and civility. Approach your work with diligence and passion and a desire for excellence. There are no secrets to success. Law school, like lawyering, requires a great deal of work and commitment. Take advantage of the opportunities to learn and improve and the many resources available to help you succeed.

Remember that you are not alone. We are a collaborative community, and you are part of that community. Faculty, staff, and administrators are all dedicated to helping you succeed. Personal connections provide support, both personally and professionally. With that in mind, I look forward to working with you.

“Remember that you are not alone. We are a collaborative community, and you are part of that community.”



by **ANTHONY HUNTLEY**
PRESIDENT, SBA

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To our first year law students, we want to take the time to congratulate you on your admission to Western New England University School of Law! To our returning students, welcome back for yet another great year! My name is Anthony Huntley, and I will serve as your Student Bar Association President for the 2016-2017 academic year. On behalf of the entire SBA Board, we are excited that you are part of our community.

The SBA acts as the primary bridge between the students, faculty and administration. As the student governing body, we are committed to advocating for the students in order to enhance your law school experience. We meet regularly to manage the affairs of the law school community, to discuss important issues facing students, and to help our many student organizations succeed. We have great plans and ideas for the year ahead of us. Our board has worked tirelessly over this past summer to ensure an exciting and successful year. We encourage you all to get involved! Whether you find fit to join a group/committee, or even if you just want to know what is going on, we invite you to join us for SBA meetings, which are always open to all students, so that you can get a better idea of how each of our offices operate.

I would like to introduce the SBA executive board members. The executive board is a team made up

of extremely talented students who enjoy working for the student body. This year's Vice President is Egzon Beha. Egzon will act as a liaison between the different factions of our student body. Egzon will bridge the SBA to clubs, organizations, and committees. Caroline Montiel will serve as SBA Treasurer. Caroline will oversee the budgetary needs of all clubs, committees, and organizations. Our SBA Secretary will be Dakota Garilli. Dakota will manage the calendar, meeting minutes, motions, installments, and other various administrative demands involved in the SBA. Finally, Arielle Aikens will serve the SBA as our Parliamentarian. The Parliamentarian's job is to run our meetings and liaise to the Judicial Appeals Board. Finally, as SBA president it is my duty to act as a formal liaison between the students and the University at large.

On behalf of the SBA, we hope you'll join us and be an active participant in making our student bar association fun, transparent, and student centered. Our meetings are every other Wednesday at 9:55 pm in room C. If you can't make our meetings, remember to join our TWEN page and our various Facebook groups to stay as up-to-date as possible on what's happening at school. Please stop by our office located on the first floor in the hall entrance to the library, any time. Remember, we are here for you and look forward to working hard to make this year SBA's best year!

Student Organizations

- ALTERNATIVE SPRING BREAK CLUB
- AMERICAN BAR ASSOCIATION
- BLACK LAW STUDENTS ASSOCIATION
- CHRISTIAN LEGAL SOCIETY
- ENVIRONMENTAL LAW COALITION
- HEALTH LAW ASSOCIATION
- INTELLECTUAL PROPERTY LAW ASSOCIATION
- LATINO/LATINA LAW STUDENT ASSOCIATION
- LEX BREVIS
- NATIONAL LAWYERS GUILD
- OUTLAW
- PHI ALPHA DELTA LAW FRATERNITY
- PUBLIC INTEREST LAW ASSOCIATION
- SPORTS AND ENTERTAINMENT LAW SOCIETY
- STUDENT BAR ASSOCIATION
- WOMEN'S LAW ASSOCIATION

Opportunities for on-campus involvement are abundant at the School of Law. Because of the close-knit community here at Western New England University, you will be able to step up as a leader and gain valuable experience from our school-sponsored organizations.





Meeting

Wednesday, September 28, 2016
5:00 - 6:00 PM

Room A

Dean Gouvin invites the Law Community to gather together to share your thoughts on issues that matter to you.

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Here is your opportunity to speak to the Dean and Administrators on issues and matters of importance to you! Can't make this one? Then plan to attend the next Town Hall Meeting on Wednesday, November 16, 5:00-6:00 pm. Room B. Remember it takes a village...

ON THE PARADOX OF LEGISLATING SOCIAL ISSUES

How Radical Liberalism Enabled Trump's Campaign



by **CHRIS MUTCHLER**
LEX BREVIS Staff Writer
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“I disapprove of what you say, but will defend to the death your right to say it.”

-Voltaire

Policy is the intersect of law and politics. As such, the two are integrally intertwined. This concept seems to be frequently overlooked by the average voter, many of whom tend to regard each political action as independent from every other. This is simply not so. When a politically divisive law is enacted, it is likely to be challenged. In the course of each challenge, the power of government to act is reshaped via judicial interpretation. It is here that foresight becomes important so that powers conceded with beneficent intent are not later used in other contexts. This is particularly relevant in the current election, where political speech has reached new extremes. In the words of a wise friend, “it’s not you I don’t trust, it’s the guy who comes after you.”

I have long maintained that the second a social issue becomes a political issue, any potential for an effective solution is immediately eliminated. In no

specific instance is this more flagrantly demonstrable than in the success of Republican candidate Donald Trump’s presidential campaign. Regardless of one’s personal opinion of Trump’s “political stance,” it is undeniable that much the publicity he has managed to amass is due in large part to the shock value of many of his public statements. In our current election system – where, practically speaking, the race is between the candidates whose names make the ballot – and in view of the societal trend to embrace the (believably) known over the unknown, this amount of attention is campaign changing. Ironically, that attention is facilitated by precisely the legislation intended to curb the proliferation of the general sentiment for which Trump has come to be known.

The media exists to profit (regardless of its medium of transmission), and profit is made primarily through the sale of third party advertisements. While as in any market, the value of a commodity (i.e., ad space) is subjective (“what a consumer is willing to pay”), that subjective determination of value is influenced heavily by objective evidence of what others have paid for similar goods or services. The value of an advertisement opportunity is based primarily on the size of the audience. Super Bowl advertisements, for example, are widely known to cost upwards of several million dollars. However, as anyone annoyed with “clickbait” on social media will be quick to tell you, the average person sees so many advertisements in the course of their day that they do not remember any of the products advertised. Enter business savvy.

Following with the above Super Bowl example, companies with the amount of liquid capital required to purchase an ad during the Super Bowl generally invest substantial thought in their advertisement strategy. It is a generally accepted principle in marketing that consumers are more likely to choose a product with which they are familiar than one with which they are not (this is the philosophical basis of statutory trademark rights). When a market becomes inundated by similar products, the most distinct of these products tend generally to enjoy the most success. Be that distinctiveness aesthetic (e.g., Apple’s “graphic interface”) or functional (e.g., Microsoft’s “Microsoft Word”), it is the public’s association of a distinctly memorable quality of a good with its manufacturer that promotes the product’s popularity.

Super Bowl ads commonly contain humor for precisely that reason: to create distinct memorableness. By the most basic tenets of human psychology, a person is more likely to remember something that they found to be humorous. Many advertisers use this principle to create memorable dis-

tinctiveness for their brand. Many of the more successfully humorous Super Bowl advertisements receive mainstream media attention after their initial airing. So too, however, do controversial ads.

The Federal Communications Committee (“FCC”) prevents overtly “inappropriate” material from airing publicly, and imposes steep fines for noncompliance. While what constitutes “inappropriate” material as opposed to what is protected by the First Amendment is now fairly well settled, this was not always so. Without unnecessarily veering into an overview of the (ambiguous) current state of the First Amendment but simultaneously regaining focus, suffice it to say that commercial speech is subject to much less protection than is political speech.

Political speech is afforded very strong protections. However, the basic tenets of human psychology do not distinguish between political speech and commercial speech. Thus, when controversial political speech garners media attention, the same benefit gleaned by companies who create controversial ads is similarly bestowed upon such makers of political speech. The media is for-profit, but controversy sells – at least to an extent. If the attention is overwhelmingly negative, the media outlet will likely cease reporting on it, as airing things people do not want to watch will lower the size of their audience and decrease the value of their ad space. Conversely (but perhaps counterintuitively), if the attention is overwhelmingly positive, the media outlet will similarly cease reporting, as viewers quickly lose interest (controversy sells). Where, however, attention is neither overwhelmingly positive nor negative but instead at a “happy medium,” the media outlet stands to profit most substantially. The scale of public opinion follows a bell curve, and right around the peak is where money is made. Trump’s campaign lies around that peak.

Particularly interesting here is the emphasis on speech that in practice is simultaneously commercial *and* political, if only vicariously. If in the context of a purely commercial advertisement for one of his many businesses, Trump were to make the statements for which he has come publicly to be known, his speech would very likely be restricted by existing federal legislation. However, when those same statements are made in the arena of politics – in alleged “direct criticism” of existing policy – that speech is (and inarguably should be) protected.

It is apparent that the problem here is not the existing law protecting a person’s right to political free speech, but the vast and unintended expanse of what constitutes political speech. Many social issues that could better be resolved on the local (if not individual) scale are instead federally regulated. It is important to remember that mainstream social issues become mainstream because of the attention they receive, and that both positive and negative attention have the same effect in this regard. However, politics is much more complex than are celebrity scandals, and the public’s ephemeral interest does more harm than good. Due to the time limit imposed by the inherent non-continuity of widespread interest in these types of issues, any correctively-aimed legislation is necessarily reactionary. Reactionary legislation has proven time and time again to be inadequate to remedy broader issues of which the event of interest is normally a subset.

As partisanship precludes substantive refinement of existing non-efficacious policy and instead allows only either complete rescission or defensible inaction, it is in practice sufficient for a politician to merely criticize the existence of a particular policy to obtain the protections of political speech.

A defining construct of liberalism is *legislating* precisely these issues. However, as social issues are unique to the individual, the difficulty in so doing is striking a balance between efficiency and effectiveness. Anything short of utopian can be improved, and is thus subject to criticism (“economically” regarding efficiency and “socially” regarding effectiveness). As the subject matter of the issues attempted to be resolved legislatively expands, the room for blind criticism increases concomitantly.

If the current state of federal law were perfect, there would be no room for improvement and thus criticism would be unwarranted. But as we are far from such a state, and as politics – like being a lawyer – is much less interesting than it seems on T.V., these imperfections only open the door for brazen and overbroad attack on these policies’ *existence*. In a world as resistant to complete structural overhaul as our own, macroscopic improvement is made not through drastic action, but through microscopic refinement. The solution to social issues lies in the individual; legislating them leads only to more problems down the line. As William Kurelek said, “The ones who yell the loudest for liberty are the biggest oppressors when they succeed in overthrowing the current conservative system.” Rigid idealism leads to the indiscriminate application of one’s own convictions, which is exactly the problem these types of laws seek to address.

Changes to policy should be structural, not substantive. Substantive changes are only effective when complied with on the individual level. As cliché as it sounds, the social changes you want to see in the world start with you. Steve Jobs told early naysayers that “things don’t have to change the world to be important,” and we all know what happened there.

MA Bar Examiners Visit

**Tuesday, September 6, 2016
4:00 - 5:00 PM**

Room B

Light refreshments and snacks will be served

Demystifying the Bar Admissions Process - 2016

A special discussion with Marilyn Wellington, Executive Director of the Massachusetts Board of Bar Examiners. The focus of this discussion will be:

Admission to the Bar

•The BBE's Mission

•The Bar Application Process

Character and Fitness Defined

Presented by **Bar Admissions Programs**

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CT Bar Examiners Visit

**Monday, September 19, 2016
10:30 AM - 11:30 AM**

Room C

ALL WELCOME

**Please join us for a discussion with Judge Dranginis,
Chairperson of the Connecticut Bar Examining Committee.
Her honor will discuss the CT Bar examination, application
process and address character and fitness questions.**

All are welcome!

Presented by **Bar Admissions Programs**

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Career Services: The Gov't and Public Interest Recruiting Fair Info Session, 12:00 noon-1:00 p.m., Room 3, 9/06

Each year public interest and government employers take advantage of the Government and Public Interest Recruitment Program to interview students from the eight ABA-accredited Massachusetts law schools for summer and permanent positions. This information session will explain the program and how to apply for interviews through it. We will also cover use of the *Government Honors and Internship Handbook* to find full time and summer positions. **Event Contact: Amy Feliciano at afeliciano@law.wne.edu.**

MA Bar Examiner visit

Tuesday, 9/6, 4p.m.-5p.m., Room B (Light refreshments and snacks)

CT Bar Examiner visit

Monday, 9/19, 10:30a.m.-11:30a.m., Room C

ELSKA the Therapy dog visits

Thursday, 9/8, and Thursday, 9/22, 4:45 p.m. - 6:00 p.m.
The Library's therapy dog, Elska, will be visiting in the first floor Library Lobby.

ILGA Fall 2016: All Events are free and open to the general public

Special presentation for Constitution Day and Citizenship Day
Friday, 9/16, 12:00 noon, Law Common
Professor Setty will speak on "U.S. Constitutionalism in a global context." Light lunch will be served.

Homecoming 2016: Law Events:

Friday, 9/23, 11a.m.-1:00p.m., School of Law Tent, Football Field
Friday, 9/23, 6:00 p.m., Lyman and Merry Wood Museum of Springfield History, Downtown Springfield Quadrangle

School of Law Alumni Recognition Reception

Lyman and Merry Wood Museum of Springfield History
Distinguished Alumnus of the Year Richard K. Sullivan Jr. L'84 will be honored. There will also be special recognition for the reunion years of 1976, 1981, 1986, 1991, 1996, 2001, 2006, and 2011.

Saturday, 9/24, 10a.m. - 12 noon, Blake Law Center, Moot Court Room

21st Annual Supreme Court Review (Legislative Institute event)

Featured Speakers: Professor Bruce Miller, Professor Art Wolf, and other members of the Faculty will review important decisions of the Supreme Court's last term, 2015-2016.

School of Law Alumni and Students of Color Dinner

Saturday, 9/24, 6:00p.m., Springfield La Quinta Inn and Suites

Sunday	Monday
4	5
11	12
18	19 CT Bar Examiners 10:00-11:30 Room C
25	26

SEPTEMBER EVENTS

	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3
6		7	8	9	10
Gov't/Public Interest Fair 12:00-1:00, Room 3 MA Bar Examiners 4:00-5:00 Room B			Elska Therapy Dog 4:45-6:00		
13		14	15	16	17
				Constitution Day and Citizenship Day events	
20		21	22	23	24
				Homecoming 11:00-1:00	Alumni Recognition 10:00-12:00 Dinner for Students and Alumni of Color
27		28	29	30	

Balance

Juggling full-time work and law school.



by **ULYSSES WHITEHEAD**
LEX BREVIS Staff Writer

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Congratulations. You've made it! All of the hard work, time and effort have paid off and you've earned your seat in law school.

Over the next few weeks, you will have to become even more disciplined with respect to your scheduling now that you are a law student. The first year of law school is historically the toughest and you will face many challenges along the way.

Nonetheless, with the right amount of organization and determination, you can successfully manage your commitments along with your law school workload. Keep in mind that you are joining an elite group of people who share the same challenges, mindset and goals. It is essential to talk amongst your peers about what obstacles they are facing and vice versa. Communication is an integral part of the law school experience. Communication with your classmates and professors will go a long way in helping to forge friendships and relationships that



can be networked into mutual advocacy and/or opportunities in the future.

In regard to preparation for class, you will need to spend at least three to four hours of reading and briefing cases for each class. This correlates to about 20 to 30 hours a week just in preparation. I highly recommend finding a schedule that works for you and consistently abide by it. If you fall behind, try and make up the work as soon as possible before the case load becomes overwhelming. Everyone has their own style relative to the

way they prepare. Don't get bogged down in trying to figure out the perfect method of study. Come up with something that fits your work-life balance and go for it. However, understand that law school will, in fact, come with a sacrifice. Quickly learning to adapt to your new schedule will lead to a happier and less stressful law school experience. For example, I would leave Friday nights and Sundays open to spend with my family.

In my first law school semester, I had class on Monday, Wednesday and Thursday nights so I would read on Monday night (after class), Tuesday night (after work), Thursday night (after class) and all day on Saturday. Additionally, I would read on my lunch break during work. In total, this gave me enough study time to be prepared for class during the week. Sounds like fun right? Well, it can be. Having dreams, goals and aspirations has always been a big driver for me as I'm sure it is for many of you. My experience in law school, although challenging, has been the most fulfilling time of my life.

In law school, most professors use the Socratic Method when lecturing. With the Socratic Method, the teacher and the student discuss a topic vetting theories, perceptions and beliefs to try to determine what truth, if any, may be discovered or what theory may be proved or disproved. In the end, it is an exercise in critical thinking that many law students may be seeing for the first time. Preparation is ultimately the best way to experience the full vitality of your experience and better yet...your potential.

As you may have heard, law school exams are tough and adequate preparation is required and essential to performing well. Law school exams will test your knowledge of the law and how you can apply the law to a specific set of facts. Generally, the exams will consist mostly of essay questions although some exams will contain some short answer and/or multiple choice questions. It's likely that you have become accustomed to getting excellent grades as you matriculated through both high school and undergrad and the potential to keep the ball rolling is certainly viable. Nevertheless, you will note that the competition in law school is fierce and all of your peers are highly intellectual and some are just plain brilliant. The bar is set higher than you've been accustomed to in un-

dergrad, therefore, you must ramp up the intensity to compete academically. I'll just say it...A's are hard to come by but they are certainly obtainable with the right amount of focus, study and preparation. Many of my peers who have excelled have constantly gone beyond the borders of expectation to achieve their fullest potential and the same shall be required of you.

Study groups work. This is an excellent idea in terms of providing you with a collaborative nexus of theory and thought process that will give you a more inclusive insight into both case law and legal theory. Additionally, start your outlines early. Right after midterm exams is a good time to start seriously preparing for the final examinations. You must take adequate time to prepare your course outlines which will be a combination of notes, case briefs and other materials that you have researched throughout the semester. It should be well organized and encompass not only the rules, regulations and statutes but also the underlying legal theories and analysis. This will better prepare you to apply the law when you are spotting facts that are "on-point" with legal analysis that you have read and researched throughout the semester.

Get into the habit of reading. Think about substituting those Netflix hours and social media time for case law. I know it sounds uplifting but once you embrace the reading, I promise it gets better. Everyone has different preferences in what types of law and cases they like to read; however, the analysis is all the same. Concentrate on the legal issues and work through the analysis along with the court. Understand both arguments and don't forget about the dissent. Once your brain begins to think like a lawyer, you will begin to gain a better comprehension of the legal theories and begin to apply your own set of analysis...just as a good lawyer should. Good luck.



RICH HERBERT, Esq.
FACCHINI LAW FIRM, Springfield, MA
Alum, Class of 2015

1. What kind of work you do?

General practice, just no specialized stuff like bankruptcy or securities.

2. During law school, what kind of work did you do that helped enhance your skills?

Looking cases up on Westlaw and Lexis rather than using the book. These engines tend to group relevant information so if you're looking up a case regarding, let's say, *Brady* obligations for prosecutors, you'll find everything you need on the same page as whatever case you happen to be on, which will lead you to even more information to help you understand the concept.

I'll add to this by saying I did a lot of internships with general practitioners that really helped me a lot by showing me what everything looks like in practice. It's difficult to get that sense of practical application in the classroom.

3. What was the most difficult aspect of school and how did you overcome that obstacle/experience?

The most difficult aspect of law school is how boring it is – combat the boredom with other activities, I went to the gym a lot, learned how to make old school video games,

etc. Just always keep in mind that you need to be able to buckle down for finals season. What I mean to say is that the legal principles are not interesting in and of themselves without seeing what they mean in the actual world. Reading about a missing ship in 1849 is fine but it's just very different when someone walks into your office crying and the decisions you make in contemplating their legal position have an effect on someone's actual life. Then, it gets much more interesting.

4. Are there any specific programs, committees, clubs that you suggest current students to join?

Networking is probably the most overrated word nowadays. Find a group with your friends in it or maybe some objective you enjoy doing, there's not a lot of advice to give here.

Networking doesn't become useful until people and lawyers know that you're competent. That's when you start generating clients and getting referrals.

5. How did you network or if you didn't how do you wish you had? How can students benefit from meeting other attorneys and others within the legal profession?

I'll just refer to my above answer – focus on getting experience and being employable on your merits, that's a lasting strategy.

6. What is something you did or advice you were given that has helped you now?

There's not really a lot of advice or secrets for this stuff, just the stuff that's always worked. Focus, do your work and talk to your professors a lot. The only thing I can think of is that you should always have multiple sources for your classes (for me, it was the Nutshell series). Having something explained in a different manner is always helpful. Getting another perspective on the same material will give you a sort of intellectual depth perception, a huge advantage. If I have to give advice, I would say to download the MCLE and Mass. Practice publications in subject areas that interest you, and even the ones that don't. They're invaluable resources and can give you powerful insights very quickly. They do a lot of the work for you. I had a case recently where I needed to know the procedure when trying to kick out unauthorized occupants from an apartment. It's very tricky stuff and easy to mess up, and I just went on to Westlaw and learned in about an hour exactly what to do.

7. Was there a class or area of law you studied that has proven particularly helpful now?

Anything that was on the bar exam – take those classes.

8. What class(es) if you recall, helped you the most on the Bar exam and what states Bar did you sit for? And do you have any advice for those about to take the Bar?

Well, the obvious answer here is any of the classes that appeared on the exam, so the core 1L classes and all the rest that are listed on the mass.gov website (look them up and take those courses).

9. What was your favorite part by attending Western New England University School of Law?

Academic discussions with my professors – I like idea pong. The professors are mostly expert practitioners and they're top level resources. I still go to my old professors with questions.

10. Overall, how well did the skills that you learned in law school transition into the legal profession

upon graduating?

Basically zero – that's why it's important to take as many internships as possible. I can see some classes being useful, like Trial Methods, since they never really teach you that stuff otherwise.

I've changed my mind on this. I didn't learn zero, I actually learned how to be fluent in the legal language, which is crucial. That's why lawyers exist, it's partly because of a mastery of the legal language. People without formal legal education generally struggle with the court system for that reason, I actually don't like that aspect of the profession, but it's the truth.

11. What surprised you most about Practicing?

Good question... what surprised me most about practicing is how different district and superior court are. They're like ... different worlds. In the district court, if you try to carefully explain the nuances of sovereign immunity to the judge, you'll get the legal equivalent of "being booed off stage" because they just don't have time for that, with a hundred other pending cases, it's just a different game. In Superior Court, it's like school. The judges read every page you submit to them and have a more manageable caseload than the arena of district court. So, being mindful of that strategy and learning how to adapt was a big shocker.

12. What has been your favorite part of being an attorney?

When a client jumps up and down with happiness and can't stop thanking you.

13. If there was anything that you could tell current students today as advice for school, what would that be?

Do as many internships as possible and don't get caught up in any nonsense drama in school, it's all totally irrelevant, usually the product of insecurity and self-actualization and stress. Just focus on the only thing that matters: being employable in a field where there are 4x as many potential employees as there are jobs.

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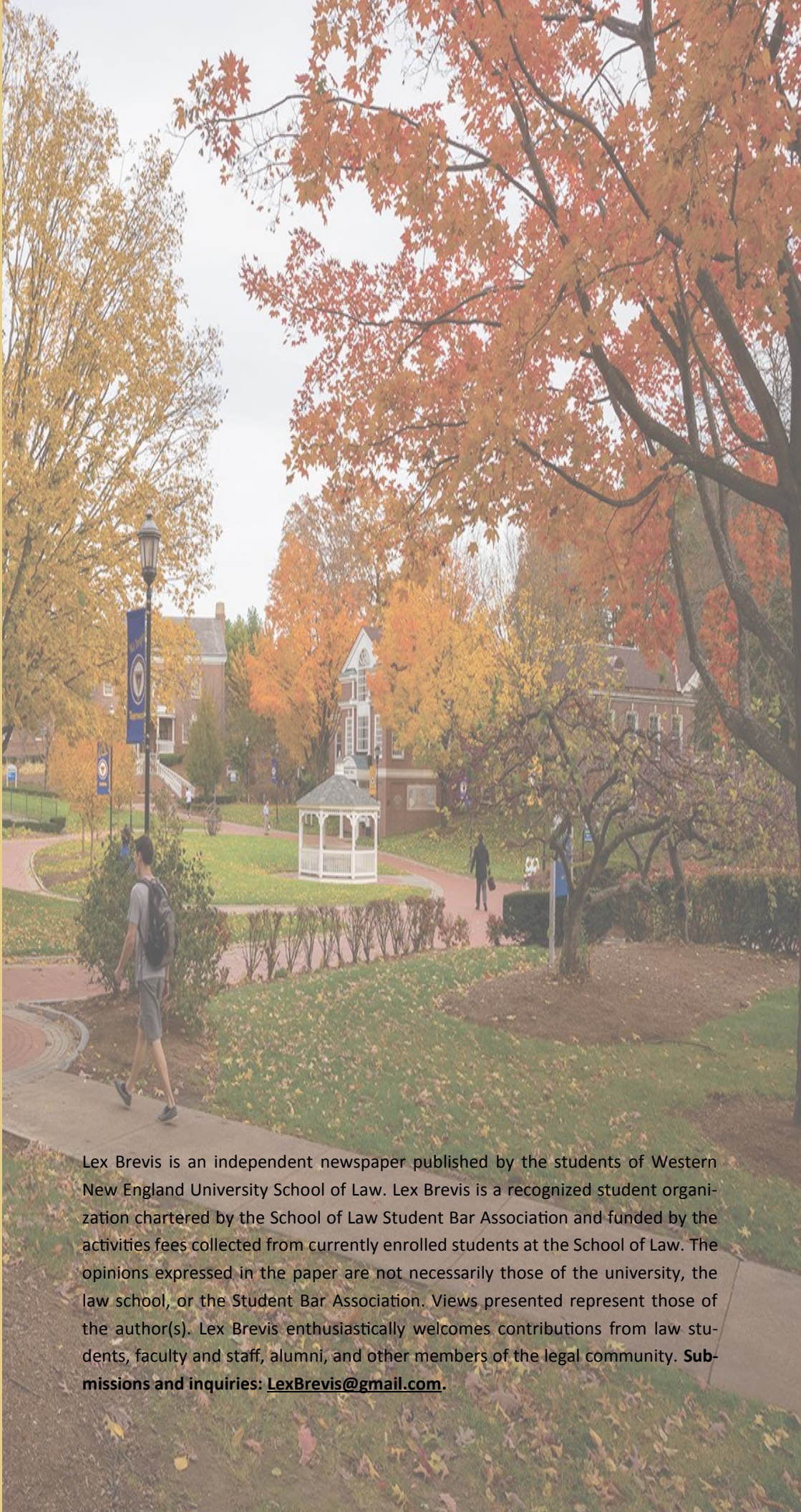
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