

**The Intellectual Property Student Organization (IPSO)  
&  
The Institute for Intellectual Property & Information Law**

present

Law School Course & Exam Preparation  
(particularly for the 1L year)



by

**Greg R. Vetter**

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INSTITUTE FOR INTELLECTUAL PROPERTY & INFORMATION LAW  
University of Houston Law Center  
Houston, Texas 77204-6391

Friday, September 5, 2008  
noon – 1:30 p.m.  
209 BLB

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## Approach

1. Law School as a professional development step
2. The need for a feedback loop
3. Class time
4. Study time
5. Closing the feedback loop
6. For persons of an Engineering, Scientific and Technology (ES&T) background
  - A. (potentially) inaccurate assumptions
  - B. common pitfalls
  - C. using your assets
7. Conclusion & group discussion

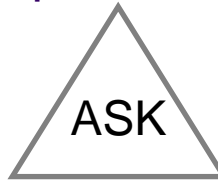


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# 1. Law School as a professional development step

NORTHWESTERN UNIVERSITY SCHOOL OF LAW		STUDENT INFORMATION	
NAME: JEFFREY, JESSICA		ID Number: 12345678	
PREVIOUS UNIVERSITY			
ROCKWELL COLLEGE			
UNIVERSITY OF MISSOURI-KANSAS			
1998-2000 DEGREE(S): BA in NEP			
NORTHWESTERN UNIVERSITY Degree Granted: Juris Doctor			
GENERAL NOTES: (Optional) Graduated in 2007, magna cum laude			
Honors: Summa Cum Laude, Phi Kappa Phi			
Completed: One and Three Credit Court's Draft of Law Review, Member, American Bar Association			
Credits Applied toward Degree:			
0011	LOCAL WRITING	WRIE	3
0022	LEGAL REASONING	WRIE	3
0033	CONTRACTS	WRIE	3
0044	TORTS	WRIE	3
0055	PROPERTY	WRIE	3
Total:			
Year: 2007 Term: Fall			
Term Number: 00000110			
Course: 00000110			
Instructor:			
Section:			
Grade:			
Status:			

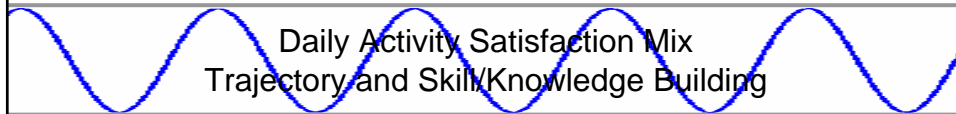


Attitude  
Skills  
Knowledge

Only factor

Dominant factor

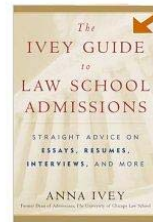
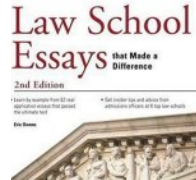
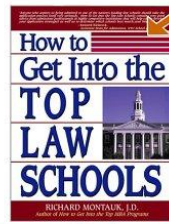
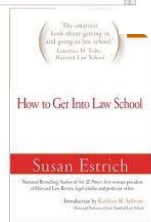
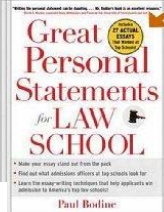
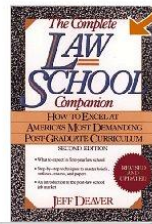
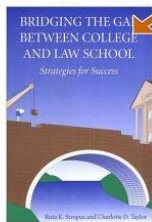
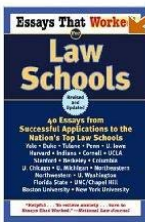
Many factors



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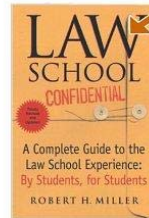
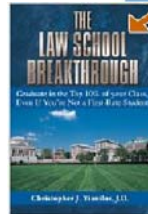
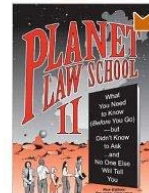
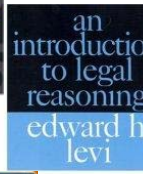
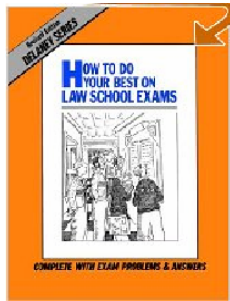
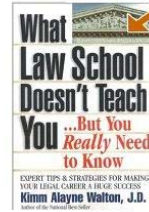
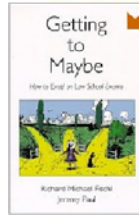
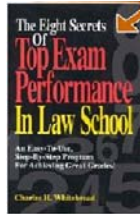
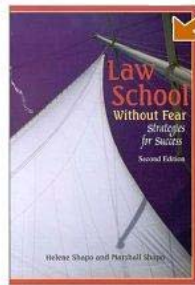
# Getting in . . .



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## Resources for once you are in



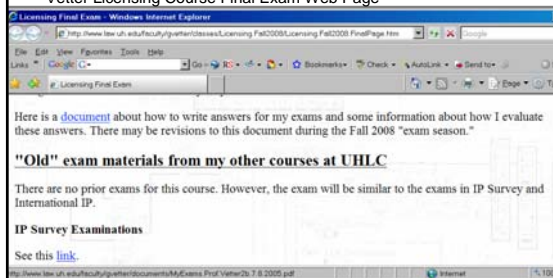
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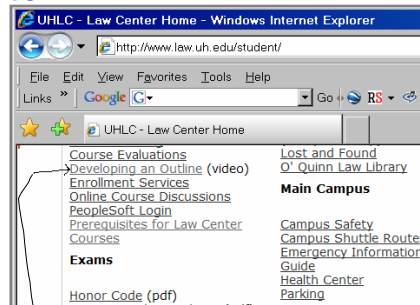
## Resources from the Law Center



Vetter Licensing Course Final Exam Web Page



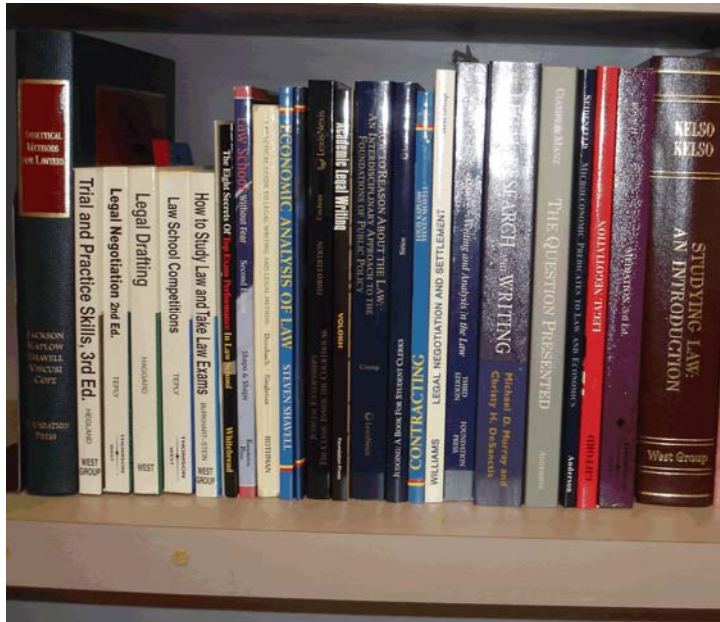
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## More resources . . .



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## Lawyering . . . litigation & transactions & . . .

No. 00-2028  
**In the Supreme Court of the United States**  
 DISTRICT MERCHANTS COMPANY, INC.,  
 PETITIONER  
 v.  
 AUTOMATIC EQUIPMENT MANUFACTURING COMPANY  
 ON PETITION FOR A WRIT OF HABEAS CORPUS  
 FOR THE FEDERAL CIRCUIT  
**BRIEF FOR THE UNITED STATES  
 AS AMICUS CURIAE**

STEPHEN D. EGAN  
 District Counsel  
 District of Columbia  
 JAMES A. THAYER  
 Counsel Counsel  
 JOHN M. WHELAN  
 Counsel  
 WILLIAM C. JONES  
 Associate Counsel  
 Arlington, VA 22202

STEPHEN D. EGAN  
 District Counsel  
 District of Columbia  
 ROBERT D. McALLISTER, III  
 District Attorney General  
 JOHN A. SCHMIDT  
 District Attorney General  
 JAMES C. WILSON  
 Attorney  
 Department of Justice  
 Washington, DC 20530  
 (202) 512-2027

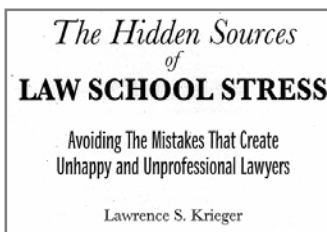
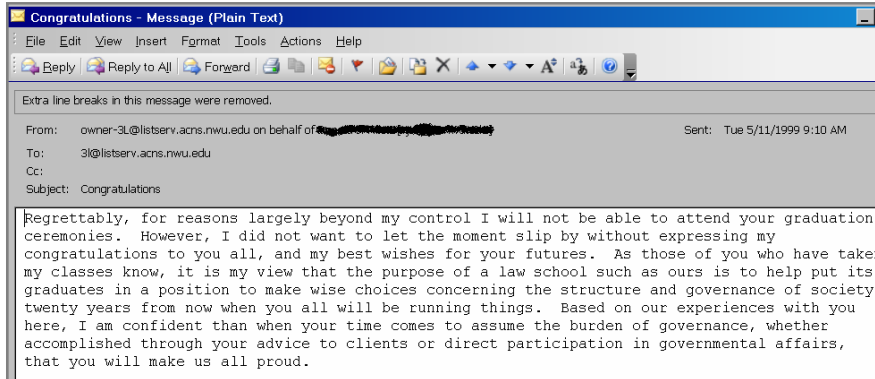
**Largest US Web 2.0 Deals in 2007**  
 Equity Deals in U.S. Venture-Backed Companies, 2007

EntityName	RaiseUSD M
Facebook	\$240.00
Facebook	\$64.00
Ning	\$44.00
Meiaweb Technologies	\$42.50
Zillow	\$30.00
Mezcalife	\$30.00
r2N Commerce	\$30.00
Neon Networks	\$25.00
MyStrands	\$25.00
Reunion.com	\$25.00
Fabrik	\$24.90
MyStrands	\$24.25
Eons	\$22.00
HIS Networks	\$20.00
Multiply	\$18.60

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## Law school and the developing professional



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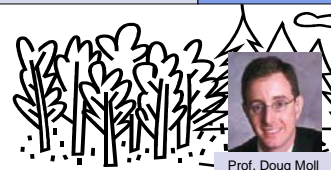
## 2. The need for a feedback loop



course

exam

- Commonly advised techniques predominately focus on Knowledge
- How do you build the Skills for the exam event itself?



Prof. Doug Moll

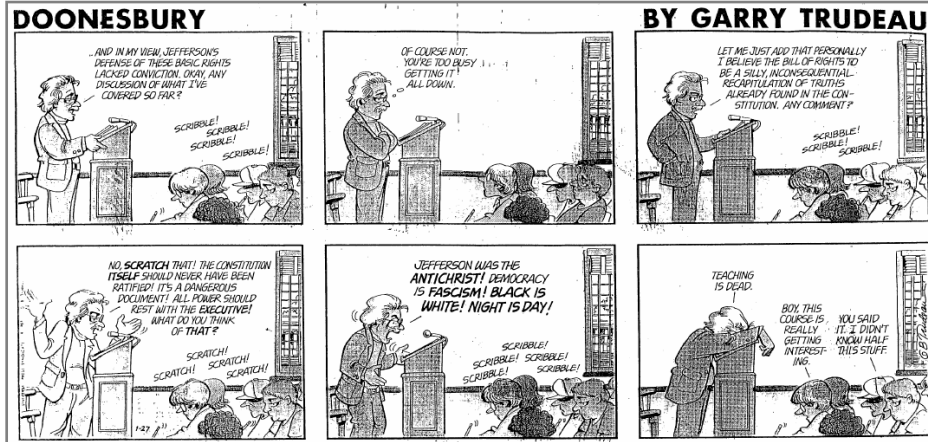
**Disrupting Class: How Disruptive Innovation Will Change the Way the World Learns**  
by Clayton M. Christensen, Curtis W. Johnson, Michael B. Horn, McGraw Hill, 2008

According to recent studies in neuroscience, the way we learn doesn't always match up with the way we are taught. If we hope to stay competitive-academically, economically, and technologically—we need to rethink our understanding of intelligence, reevaluate our educational system, and reinvigorate our commitment to learning. In other words, we need "disruptive innovation."

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### 3. Class Time



### Class Time

- Value of class time depends on efficacy of pre-class preparations
- It is unlikely one will do really well (as to grades) without nearly full attendance
- Highest use is to gain increasingly nuanced understanding of:
  - Intricacies of the doctrine in different contexts and fact situations; and
  - overall (layered) structure of the doctrine (and underlying policy when that will be tested)

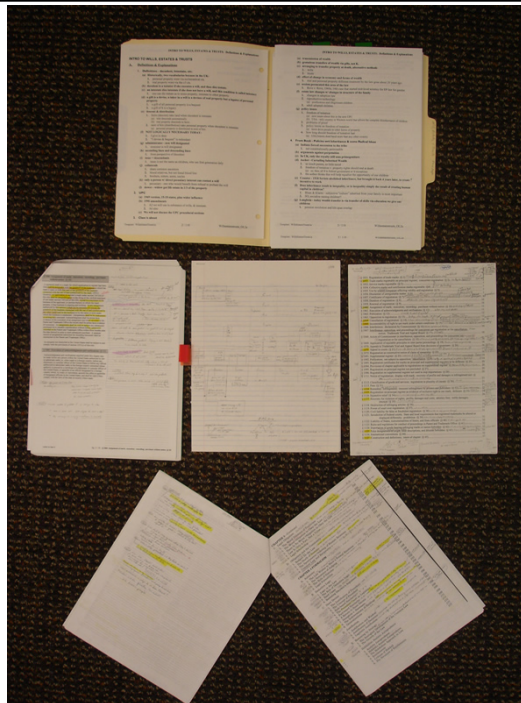


## 4. Study Time



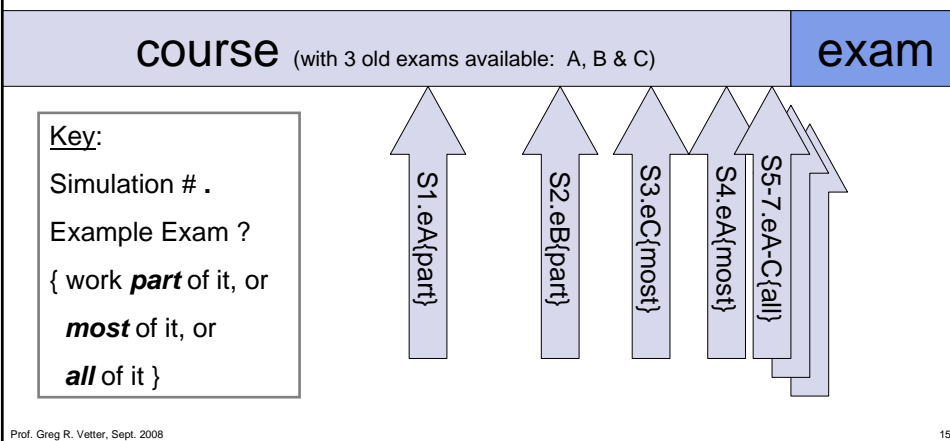
- Pre-Class
  - Briefing (as long as necessary to learn new “reading” skills; may apply in 2L or 3L year for statutes)
  - Outlining (see Moll video)
  - Other possibilities, if they bring value in closing the feedback loop
    - Study group discussion
    - Cross-checking in commercial outlines
    - Supplements such as treatises, restatements, or summary works
    - (typically disfavored) Law Review Articles, i.e., article-length legal scholarship treatment of topics
- Post-Class
  - Outlining (see Moll video)
  - Other possibilities as you find them valuable (see above)
  - Immediate post-class notes review, perhaps begin aggregation/summary process
  - Closing the feedback loop

## Outlining alternatives



## 5. Closing the feedback loop: generally

- Scout out the exam answer-writing experience with multiple, increasingly nearly-complete simulations
  - “complete” means complete in every possible way as to time, place, manner and environs



## Using the feedback : writing the exam answer

As I graded my ~~exams~~ exams for the past semester, I noticed that a troubling number of students wrote very sparse, single-path essay answers that did not consider alternative analyses, show foundational connections, or recognize and explain why one principle and not another applied. This was particularly distressing because their low-scoring answers often offered a sparse, but reasonable solution to the fact situation presented in the exam. **It was clear that some students knew the material, but fell far short of building an answer from accepted contract doctrine, identifying alternatives, and discussing multiple analyses of the question that would display the thought processes by which their single-path answer was produced.**

When I discussed last semester's results with several students, I learned that they had been advised that they should spend 1/3 of the allotted time reading the question, 1/3 of the time outlining an answer, and 1/3 of the time writing.

This may be good advice if one is writing for a professor who views law as a black letter or Restatement exercise, with simple analyses and answers. It is probably quite good advice for someone with a cognitive deficiency who requires additional time to process and organize information. We allow additional time for such students who identify themselves. Whatever the limited value of the 1/3-1/3-1/3 formula for some students, **it was disastrous when applied to my exam.** My essay questions can be read and reasonably understood in five or ten minutes. A student who spent twenty minutes out of an hour reading and re-reading the question would waste valuable time that could otherwise be spent putting points down on a paper that would produce a top grade. Jotting down a few points on the first reading of the essay question is probably useful to provide a check list to be sure the points are covered in the essay answer. But spending another twenty minutes of exam time outlining before starting to write both wastes an enormous amount of time and tends to make the answer too sparse. While making a complete outline, a student is likely to mentally screen out alternatives that would best be identified, discussed, and then eliminated in the exam answer itself, on paper so I can see the analysis. The student who creates a detailed outline is likely to screen out point-getting alternatives, and the final answer now has to be hastily drafted from the outline, and it will be likewise deficient. The product of a fully outlined answer is likely to be just what I got on several papers—an answer that works like an electrical circuit in lighting up a bulb, but that offers only one way to solve the problem. But what could you expect from only twenty minutes of writing out of an allotted hour? Coif is not a likely reward.

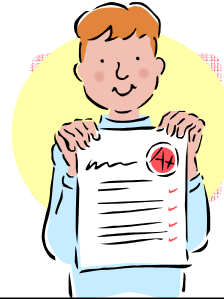
(continued next slide)

## Using the feedback : writing the exam answer



(continued from prior slide)

I think the best essay is one that addresses points that are presented in the question, and it is likely to be written by a student who uses his or her brain and writing hand as a unified processing devise that applies the doctrine, policies, and approaches covered in class, identifies and distinguishes different ways of treating the issue, and displays that very process of thought on the paper so we can trace the reasoning process itself. Conclusions and single path analyses are not worth much when compared with exams that provide explicit responses to the varied law, fact, and policy issues, **along with the contradictions that I put into the question to be identified and dealt with.** I recognize the danger of too much parenting of capable, intelligent students, so I seldom offer much advice on exam writing. If I do, I am likely to advise that students **use whatever method they find most natural.** This advice isn't worth much to a student who has yet to take a law exam, but most understand when I tell them that one way many have found effective is to record their stream of consciousness as they work through the exam question's statement of facts and produce appropriate legal analysis from their own brains. The very process of writing on an issue is likely to create additional ideas that add to the quality of an exam answer, so too much outlining is positively dangerous. I think none of us grades on word count or length alone. But the top essay in my fall semester class ran fourteen typed and tightly reasoned pages in answering 120 minutes worth of questions. It takes more than forty minutes for most of us write fourteen pages.



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## Using the feedback : writing the exam answer



- What to do depends on the scouting trips
- Adjust your Study Time activity based on feedback from scouting trips

Apply the facts from the examination question. Don't spend time merely telling the story back to the professor. This has an opportunity cost and is unnecessary. In essence, one can "merge" one's communication of the proper law and the relevant facts into an integrated sequence that demonstrates mastery over both. For example:

*The prior art reference to Smith raises a novelty/anticipation issue for claim 1 because Smith probably has all the elements of claim 1, depending on whether the elongated member in Smith meets the "axially supporting" element in claim 1. The other elements of claim 1 clearly all read on Smith, the only close question being the means for rotating. As to the "axially supporting" element, . . . As to the means for rotating element . . .*

This formulation communicates the key facts on which the issue turns, and also communicates the essence of the novelty/anticipation test. Another sentence or two may be necessary to round out the law and/or facts, but a surprising number of points can be earned with a small number of words using the approach in this example.

Vetter Licensing Course Final Exam Web Page

Here is a document about how to write answers for my exams and some information about how I these answers. There may be revisions to this document during the Fall 2008 "exam season."

**"Old" exam materials from my other courses at UHLC**

There are no prior exams for this course. However, the exam will be similar to the exams in IP Survey International IP.

**IP Survey Examinations**

See this link.

I also tabulated all the assigned grades for students in the curve from the ten courses I taught during my first three years as a law professor. The table below shows how the grades awarded breakout into handwritten and typed exam answers.

Grade	Handwritten	Typed	Total
A	10	26	36
A-	30	30	60
B+	48	51	99
B	54	48	102
B-	32	29	61
C+	24	12	36
C	7	10	17
D+	2		2
Total	207	206	413

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## 6. For ES&T persons

- (potentially) inaccurate assumptions
  - My writing isn't good enough
  - Lack of liberal arts background is a disadvantage
- common pitfalls
  - Failure to recognize the "looseness" of the logic within the system of law
  - No "common knowledge"; contextual vocabulary; contextual system of rules
  - No one right answer ("Getting to Maybe")
  - Importance (for understanding) and lack of importance of procedural knowledge in particular situations
  - Overfocus on details at the wrong time or of the wrong type
- using your assets
  - Learning to apply analytic skills to the comparatively loose logic of the law
  - Analogies to whatever system of structure you learned as ES&T person to the system of law
  - Leverage your learning style

### Spring 2005 Graded Courses Grade Distribution

A:	8.0%	(403)
A-:	12.2%	(616)
B+:	18.4%	(924)
B:	23.4%	(1178)
B-:	13.1%	(661)
C+:	6.2%	(314)
C:	3.3%	(168)
C-:	1.1%	(59)
D+:	0.2%	(11)
D:	0.3%	(17)
D-:	0%	(3)
F:	0%	(4)

## 7. Conclusion

- Questions . . .

and

- Discussion . . .

