



## ARTICLE

# When Students Don't Know What They Don't Know

**Nancy Vettorello**

*Clinical Professor of Law  
University of Michigan Law School*

Published: December 2023

Many of us have counseled students experiencing imposter syndrome in law school, especially if we primarily teach 1Ls. Although students from all backgrounds experience imposter syndrome, it is especially concerning among first-generation college/law students and minorities, both of whom are more likely to experience imposter syndrome.<sup>1</sup>

Students experiencing imposter syndrome often equate their lack of knowledge on a particular subject with a lack of qualification.<sup>2</sup> One thing we can do as law professors and mentors is to try to bridge the knowledge gap for students who know little about law school. Encouraging questions from students and making clear that one is available to answer questions is undoubtedly useful.

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<sup>1</sup> Lawlor, Leila, *Building Belonging: Proven Methods to Decrease Attrition and Best Serve Law Students*, available at SSRN: <https://ssrn.com/abstract=4449018> (forthcoming in 91 Tenn. L. Rev. 2024).

<sup>2</sup> Grenardo, David, *The Phantom Menace to Professional Identity Formation and Law School Success: Imposter Syndrome*, 47 Univ. of Dayton L. Rev. 369, (August 4, 2021). University of Dayton Law Review, Vol. 47 U. Dayton L. Rev. 369, 372 (2022), available at SSRN: <https://ssrn.com/abstract=3899332> or <http://dx.doi.org/10.2139/ssrn.3899332>. This article provides a succinct and solid overview of imposter syndrome in general and among law students.

But relying on that solution puts the onus on already hesitant students to ask questions. And more importantly, they don't know *what* to ask.

To address that dilemma, I compiled over the years a list of topics that students have asked me about or that I thought they might not know about.<sup>3</sup> This list is somewhat particular to law school at which I taught, but it can easily be customized and expanded. In fact, the best list is one that changes over time as the law school experience changes, and one that grows from input from students and other professors. I found that preparing for the school year over the summer is the perfect time to revisit this list.

Some provisos to keep in mind: First, this list includes topics that I do not directly address in class, or at least in little detail. It is intended to collect topics that students may hear about in passing, but that are not addressed in a formal way by the law school. Second, I tell students that I will not be able to answer all of these questions, but that I will point them in the right direction if I cannot. I also make clear that they don't need to come to *me* for answers, only that these are questions that they should not hesitate asking, that they are entitled to answers, and that no one will expect them to already be familiar with the topics on this list. Finally, I make clear that many of these topics are not things that they need to think about right away. More on that last point below.

### *Questions to ask sooner rather than later:*

1. Class Preparation. What is a case brief? Do I have to complete one for every case I read? How long should it take for me to read a case? How can I increase the speed at which I read?
2. Supplemental Readings/Study Resources (e.g., hornbooks, nutshells, commercial outlines). What are they? Are they necessary? Which ones are best? Where do I get them (hint: the library is a starting point).
3. Technology. What is Canvas? Do professors use it? How do I manage lawopen?
4. Study Groups. Does everyone belong to one? How do you form one? What do students do in a study group? How do I best utilize a study group? What if I don't know anyone? What if I don't like to study with others?

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<sup>3</sup> Although I started this list many years ago, I shared it with my colleagues when Covid hit and the administration at The University of Michigan Law School encouraged professors to work together more than ever to provide optimal resources to students. This list benefitted from terrific ideas provided by other faculty at Michigan Law.

5. Office Hours. Does everyone go? Do I have to go? What do I ask? What if I don't like asking questions in front of others? Will the professor be irritated with me? Which questions are too stupid to ask? What if I'm just confused and don't even know what to ask?
6. Extracurriculars & Student Organizations. Should I do them? How many should I do, and which ones? What are the activities like and how much of my time will they take?

*Questions that may arise closer to the end of the first term:*

7. Outlining. What does it mean to outline? When should I start outlining? Do I have to outline? What if I have someone else's outline? How do I get started outlining? How long and detailed should my outline be? Should I share my outline or work on outlining with someone else?
8. Summer Jobs. What should I be looking for in a summer job as a 1L? Where should I look? What factors should I keep in mind in finding one and selecting one? What looks "best" on my resume?
9. Class Registration. Do I get to choose any of my classes during 1L? How many do I get to choose? Do I get to choose my classes after 1L? How do I pick these classes? What classes should I take? Do I need to think about the bar exam when choosing classes? Are there classes that look better for employers? Can I take non-law classes?

*Questions that often arise in the second term:*

10. Law Review and Other Journals. What are legal journals and when and how do I become involved? Do I have to join a journal? What do people do once they join a journal? Which one is best? What if I'm not interested?
11. Moot Court & Other Competitions. What is a "moot" court? Can 1Ls be involved? What is the advantage of doing a competition? Are they just for future litigators?
12. RA (research assistant) positions. What are they? Should I try to get one? How do I approach a professor to let them know I am interested?
13. Classes Outside of the Law School. Can I take classes outside of the law school? What and how many non-law classes can I take? When can I take these classes? How do I sign up for these classes? How are these classes graded?

14. Paid Jobs During Law School. Should I get one? What jobs can I get within the law school? What is a Graduate Student Instructor (“GSI”)? How do I apply to be a GSI in the broader university?

*Career-Related questions to ask as the year progresses:*

15. Clerkships. What is a clerkship? Should I pursue a clerkship? When does one apply or work in a clerkship? How does one put themselves in the best position to get a clerkship? Who are clerkships open to? How do I put myself in the position to get a clerkship?
16. Networking and Making Connections. What are good ways for me to start reaching out to people in practice and how do I approach them? How important are these efforts; how important are the law firm “mixer” events?
17. Jobs in Academia. How do people find jobs as law school professors? Are there certain activities I should be doing as a law student to increase my chances for that sort of job?
18. Practice Area. Do I need to know what kind of law I want to practice? How do I even know the various practice areas or what I would be good at? When do I need to decide what practice area I want to pursue? What do I tell employers in interviews if I really don’t know what area I want to practice?

One downside of a list like this is that the list itself can make students think that they are already behind. Here are a few techniques I utilized to counter that effect:

First, as I did above, consider subdividing a list by the academic calendar year; some of these things are nice to know as the year begins and some can wait. Second, consider not providing the list as a whole but “releasing” two or three items each week. When I taught, I would enter my classroom about 5 minutes early and display a slide that provided information extraneous to class. In the first few classes, that information would include places to visit or eat in Ann Arbor. Eventually, the slide would move toward law school information that was not directly relevant to the class that day, but that would reflect some of the broader questions and answers from this list.

Third, create a poll with a list of three of these topics and ask students which one is most unfamiliar, or which they would like to know more about. In my experience, students love a good poll to start the class and it’s a great way to engage more quiet students. Then cover that topic in 2 minutes at the beginning of

the next class with a promise that they can follow up with you or with information about how to follow up with a better authority. This last technique works especially well when some of the other professors who teach your same students are willing to do the same.

Relatedly, I also provided to students a list of common terms and acronyms that they may run across. While I encourage students to “research” unknown terms via dictionaries or other sources, I give them a head start on common terms in an attempt to level the playing field. I explained that many of these were terms that I did not know in law school and was too embarrassed to ask about. I also asked them to send me terms that they think will help next year’s class. This list becomes less useful if it becomes too long, so I often meted out these terms, too, to help students absorb new information in a more manageable way.

SCOTUS: Supreme Court of the United States

OCI: On-campus interviewing, which usually takes place right before one’s 2L year. The employers who come to campus for this are mostly law firms. The week is also known as EIW (early interview week, early referring to the fact that it occurs before classes start).

T14: The top 14 law schools (as determined by US News & World Report)

CALR: Computer-aided legal research. Westlaw and Lexis are the two largest CALR platforms, but there are plenty of others, like Bloomberg, Fastcase, and Casemaker

K: Contract

Socratic Method: A method used in many law school classes to encourage students to better think through, defend or revise their answer to a set of questions. Students are called upon to explain their thinking and to defend their answers, sometimes by referencing specific text in a case. The student may also be invited to critique the court’s decision or reasoning ; don’t assume the court has come to a well-reasoned and correct conclusion in each case. When professors use the Socratic Method to discuss cases in class, the professor will often engage in a back-and-forth with a single student for 20 minutes or more.

Cold-calling = Professor chooses a student to answer questions (usually via the Socratic method) as opposed to asking for volunteers. Cold-calling may feel intimidating but some students take comfort in the fact that all students will eventually be called upon. It also insures that a handful of students do not dominate class discussion.

**Circuit-split:** A disagreement as to a legal rule, definition or interpretation among the federal circuit courts.

**Transactional law (vs. Litigation):** Transactional law includes the rules that govern the planning, negotiation and documentation of business transactions, as well as the law of the legal instruments (e.g., contracts, by-laws, offer letters, etc.) that guide those transactions. Attorneys practicing transactional law may focus on the formation, negotiation and documentation of business deals. Transactional law is forward-thinking in that attorneys engaged in it are anticipating deals and conditions that will occur in the future. Litigators, by contrast, engage in civil or criminal matters that are on their way to or end up in court. In that sense, litigators deal with facts and circumstances that already largely exist, and their problem-solving skills are more focused on addressing wrongs that have already happened.

**Common Law:** Law that is derived from custom and judicial precedent rather than statutes. The United States is one of few jurisdictions that extensively relies on common law.

**Statutory law:** Written law passed by a legislature. Most jurisdictions in the world are civil law countries, meaning that the law in the country is derived primarily from statute and case law has no binding effect.

**International Law:** A set of norms or standards agreed to among nations. Treaties and conventions are the most common examples.

**Foreign Law:** The law of a single country other than the law of the country in which the court sits.