

Frequently Asked Questions: Going to Law School

I'm thinking about going to law school...should I?

Depends. As a general rule of thumb, you should ONLY go to law school if you can correctly answer the following two questions:

1. Do I want to be a practicing attorney?
2. Do I know what being a practicing attorney means?

Regarding Question (1) . . .

you need to know that American law schools are strictly in the business of training future lawyers. Period. That's it. They are not about teaching "the law," or exploring questions about law and public policy. They are about equipping potential attorneys with the tools they will use in law practice – how to think compartmentally, how to write a good legal argument. Think of them as trade schools for lawyers.

Perhaps you think you want to go to law school because you want to study law . . . or because you have always been fascinated by constitutional issues . . . or because "you can do a lot of things with a law degree" . . . or because your parents want you to go . . . or because you really like watching "Law and Order" or "Boston Legal."

Reconsider. Now.

These are not good reasons to invest three years of your life – and upwards of \$100,000 of your money – in law school. If you are thinking about going to law school so that you can think about law, but have determined that there is no way you want to be a practicing attorney, don't bother. Go for a graduate degree instead (in political science, history, sociology, etc.).

This is a very simple equation. You go to law school to train to become a lawyer. If you are dead set against becoming a lawyer, you do not go to law school.

(There is one – but only one – exception to this rule. If you have determined which profession you wish to enter, and someone in that profession has advised you that you really need to have a law degree on your resume—students who wish to become lobbyists hear this often—then you should go to law school. Especially if this someone has assured you that a job will be waiting for you when you graduate. And even more especially if this someone is offering to help underwrite your legal education.)

As for Question (2) ... well, that's how you answer Question (1).

You may think you want to be a practicing attorney, but how do you really know? Watching Sam Waterston's character will not exactly give you the insight you really need. Finding a job or

an internship in a law office, on the other hand, will. So will talking to practicing attorneys about what their job is like and what their life is like.

And that's where the political science department's pre-law advising comes in. We are not only going to help you decide whether law school is an appropriate destination, we are going to try and put you in contact with other people – active professionals – who can contribute to this process for you. What you're really doing here is embarking on a kind of a research project. Your question is whether or not to go to law school. In order to answer that question, you need to gather data . . . data on what law school is like, what being an attorney is like. We can help you gather this data, but you have to be committed to the research project. If you do a half-baked job of finding and considering this data, you could end making a careless and uninformed decision to go to law school, which could cost you a lot of money, time, and happiness.

“Why wouldn't I go to law school if I'm interested in law?”

Because, odd as it may sound, you don't go to law school to study law. You go to law school to train to be a lawyer. Those two things are not interchangeable.

When we say “study law,” we are referencing things like broad inquiries about the Constitution, examinations of the intersection of law and public policy, or ruminations on judging and judicial behavior. None of these topics are really part of the basic law school curriculum, because they don't really have anything to do with “How to be a Lawyer.” So don't expect to cover them in a law school classroom.

What this means is that if you are the kind of person who likes to consider these kinds of interesting theoretical questions, law school will either bore you to tears or drive you nuts (or both).

Here's an illustration. Let's say you are taking your Torts final exam, and you are presented with the following hypothetical scenario:

A homeowner owns a swimming pool, around which they have built a fence to keep out trespassers (and they have hung a sign on the fence that says “NO TRESPASSING – PRIVATE PROPERTY” in big red letters). One cold November day, while the pool's owner is at work, the towheaded eleven-year-old boy who lives down the block comes towards the pool. The boy has wandered out of his own house while his parents were home, but since his parents were busy smoking crack, they didn't notice him slipping out the back door. The boy sees the sign by the pool, reads it out loud (and is heard doing so by another neighbor), but then goes towards the diving board anyway. The boy then executes a lovely jackknife dive into the pool, which, since it is a cold November day, has been drained of water. The boy hits the bottom of the pool headfirst, breaks his neck, and is paralyzed.

You are then asked to determine what will happen—what lawsuits will be brought, and who will win?

Now, you make think that these potential lawsuits raise interesting questions, and you may want to explore them. Why should the pool's owner be liable, given that the child was trespassing and that his parents were getting high instead of watching him? Is this a good way for society to apportion risk? Would it be a good policy to force the boy's parents to have to foot the bill for his medical care? Is it a better policy to pass those costs on to the pool owner's insurers, since they would then compensate by raising their premiums so as to pass the costs on to the general public?

These are all intriguing questions. And at no point should you bring them up on a law school exam.

It is often surmised that the moment you raise a public policy question on a law school exam, the professor will think that you are trying to bullcrap your way through the test and will downgrade you. This may be an overly-harsh assessment, but it is not inaccurate.

Your job on the exam is to prove to the professor that you know about the doctrine of "Attractive Nuisance," and that you know what will happen when it is applied in this case. Your job is not to offer a treatise detailing the flaws in the doctrine of Attractive Nuisance, identify how the doctrine marginalizes certain segments of society, and propose an alternative method of allocating risk. That's a broad policy question which is not at all germane to the exam. If you like broad policy questions, go to graduate school. Or try to get a job somewhere where such questions are tackled.

"Should I apply to law school based on the city in which I want to practice?"

Here, also, it depends. If you attend one of the "elite law schools," you should be able to go basically anywhere in the country. But if you are not attending one of the "elite law schools," this means that your school will have a good reputation locally or perhaps even regionally, but no further. In such cases, your job prospects will invariably be confined to the general locale. For example, you can go to Harvard Law School even if you don't want to settle in the Boston area; a Harvard J.D. (that stands for Juris Doctor, by the way) will enable you to land a job anywhere. But you should not go to Suffolk Law School unless you are willing to live in Boston after you graduate. (FYI, if you do want to live in Boston, Suffolk is a fine place to get your J.D.; Suffolk grads can easily get jobs in private firms, the District Attorney's office, etc.)

What this ultimately means is that you will have to realistically assess your credentials during the application process. If you have a stellar GPA and an LSAT score in the mid-170's, you can go anywhere for law school and for law practice. But if you have a so-so GPA and LSAT score, you must tailor your applications according to where you might want to eventually live. Don't waste your application fee on a second-tier law school in a city you know you would not consider living in full-time (and of course, you should absolutely not matriculate at a law school in a city you wouldn't want to call home).

A related question: Is it better to place in the top of your class at a second-tier law school, or to place in the middle of your class in a top-tier law school? Yet again, it depends on whether you want to live and work in the same place you get your J.D. According to a mid-1990's graduate of an elite law school who has worked in private law firms and in government, "10th in your class at University of Baltimore law school will get you a great job in Baltimore, but not in New York or Washington." If the second-tier law school is in a city you are happy with, you will have no problem finding a job in that city if you do well in law school. But you will have many problems finding a job outside of that city, even if you do well in law school.

"What courses will I take in law school?"

American legal education is a fairly standardized process. There is a stock set of courses that are just about universally required of all first-year students at all law schools: Civil Procedure, Constitutional Law, Contracts, Criminal Law, Property, and Torts. In addition to these six substantive courses, all first-year law students must take a course on Legal Writing (sometimes called "Legal Methods," or "Lawyering"), and there is also a required course in legal ethics (usually called "Professional Responsibility"). These courses are all part of the first-year curriculum, except that law students typically take only three courses per semester. This means that part of the "first-year" curriculum has to be held aside until the second year (and law school is only a three-year process).

There may be some variance in the scheduling of these required courses; some law schools hold aside Constitutional Law until the second year, others may postpone Property, for example. In addition, some courses may be taught as a full-year course spread over two semesters (Civil Procedure is often taught like this). And some courses may be offered as a full-year workload, but crammed into a labor-intensive one-semester course that students would take four days a week instead of three (and one of those days might be a double-length session; two hours instead of only one).

While there may be variety in the way the first-year curriculum is scheduled, there is no discretion—at least not for the law student. The first-year course load is assigned by the law school, and there are no electives. You will take Torts when your law school tells you to take Torts.

Nor is there any real variety in what is taught in a given course. You may have a friend at a different law school, perhaps they are even clear across the country. If you were to ask your friend what courses they were taking at that moment, they would probably recite a list similar to your own. Furthermore, if you were to ask them what color their Contracts textbook was, and if it matched the color of your textbook, you would probably be able to guess what case they covered in class that day.

However, this set of required courses is not the end of your course requirements. In addition to this boilerplate "first-year" curriculum, there is a series of other courses that you essentially "have to" take, even though they may not be official requirements—a failure to take them will

look very odd to prospective employers. For example, if you were to interview for a job in a prosecutor's office, you would need to have taken (or be taking) courses such as Evidence, Criminal Procedure, and Federal Courts. Or, if you were to interview for a job in a private firm, you would need to have taken (or be taking) courses such as Corporations, Tax, Secured Transactions and Bankruptcy. In fact, certain law schools formally require some of these courses; Evidence and Corporations are the most prevalent examples.

Outside of the “first-year” curriculum, you do have some flexibility. If your law school doesn't formally require you to take Corporations, for example, you can opt to take it in your second or third year, in the fall or the spring (subject, of course, to the professor's schedule). You will also have some opportunities to take non-standardized seminars. But these opportunities will be limited, simply because once you have satisfied all of your official and de facto requirements, there just aren't that many remaining “slots” in your three-year schedule.

“What are law school classes like?”

Law classes have a pair of distinguishing features. First, when you are a first-year student (also known as a “1L”), you will be taking all of your first-year classes with the same people. The typical law school entering class is divided up into “sections” – you will be placed in a section, and you will take all of your initial classes together. In addition, all of your first-year classes will be large lectures (except for Legal Writing, which is usually offered as a smaller workshop, in which your classmates will be a subset of the same people with whom you are taking those large lecture classes).

The second distinguishing feature, which is hardly universal, is something called the Socratic Method. Professors who employ the Socratic Method teach by announcing that the class will cover a particular assigned case and will randomly call on a student, who is then supposed to recite what happened – the facts, the legal issues presented, the eventual ruling, etc. Invariably, the student will be interrupted by the professor, who will proceed to pose questions that the student is expected to answer.

The Socratic Method is the source of countless horror stories by law students who were unmercifully grilled by professors who seemed to delight in making students squirm, purportedly to train them to “think on their feet,” but more likely out of overt malevolence. Many law students also grouse about unofficial Socratic techniques such as “Hide the Ball” in which the professor withholds a key fact from their target, but expects the target to anticipate certain arguments anyway.

While these accounts are more than urban legends, it must be pointed out that the Socratic Method has fallen into happy disuse in recent times. Very few professors actually employ it, and those who do often use a kinder, gentler version of it; they will alert a student in advance that they should come to the next class “prepared” to be “on call” for a given case. You may well get through your entire law school career without encountering a single professor who

utilizes the Socratic Method. If, however, you do end up with a professor who does utilize it, just make sure you are caught up in your reading, at all times.

You should be able to take some smaller classes as a 2L and a 3L, especially “boutique” subjects that you may consider pursuing in your law practice, such as Environmental Law. You may even be able to take a seminar that focuses on theoretical legal questions. But classes like that are not the bread-and-butter of your law school experience; indeed, they are much more the exception than the rule.

“How are my grades determined?”

In most cases (especially among the required courses), your grade in a given class will be determined by your performance on a single final exam. Sometimes, you may have a midterm. But the days of having your final grade be the result of several papers and/or exams assigned over the course of the semester are over. That era ended when you graduated from college.

So, you should not expect to have the chance to “make up for” one paper that you bombed. Nor should you expect to get a progress report about how you are doing in a class. If there's only a final exam, there won't be any indicia of progress during the semester. Generally, you will get one shot, and if you don't do well on that one shot, you're stuck.

“What is a clinical program, and should I pursue one at law school?”

A clinical program is a program that allows law students to represent actual clients (typically indigent and/or criminal clients), under close supervision by attorneys. Students do everything attorneys do (except bill for their time), including drafting pleadings, negotiating and court appearances.

Why do it? Most law school classes are geared toward teaching you broad legal concepts, and how to “think like a lawyer.” That's important stuff to know, but it also helps to learn some practical information and skills. Clinical programs teach you How To Be A Lawyer – including how to deal with clients, how to deal with opposing attorneys, how to prepare for and conduct a trial, how to resolve ethical issues. Also, if you are in the jurisdiction where you ultimately plan to practice, you learn local process – the steps in a divorce case, eviction procedures, etc.

“How do law students get jobs?”

At a lot of law schools, the employers come looking for the students, but that's not to say that merely being a law student makes you an in-demand commodity. Most law schools will organize a sort-of job fair, inviting dozens of prospective employers to set up a table and conduct preliminary interviews with their students. This enables law firms and government offices to get a head-start in cherry-picking the top students, but it also lets the students learn a few things about the law firms, as well as get some trial-by-fire experience in being interviewed.

These job fairs usually take place right at the start of the academic year. Importantly, they serve as the prelude for the formal interviewing process that will occur later in the semester. Students sit for “early interviews” so as to get themselves in the hopper for the real interview cycle.

The early interviews generally last around 15-20 minutes. Most schools will devote a couple of days at the start of the fall term for their early interviewing program; many schools devote an entire week. Students should expect to sit for several interviews a day, for several days. It's like speed-dating, only you're trying to get your first job, not get to first base.

Is it a definite that you will find your ultimate employer during the early interview program? No – some employers don't send a representative to every law school, although just about all of the “major” firms and governmental agencies do. But if a firm did send a representative to your school's program, it is harder to ultimately get a job with that firm if you didn't sit for them during for an early interview.

After this early interview period, job-hunting is done in conjunction with the law school's placement office. The placement office is both a clearinghouse for job listings (law offices send notices of their openings here), as well as a resource for job hunting advice.

The best thing that you can do for your career once you get to law school is to get to know the people in your school's placement office, and to do so right away. Even if you just walk in to introduce yourself to a counselor, and ask them what you need to be doing, that's a good start. In fact, don't be afraid to ask them if there are any questions that they think you should be asking. Remember, you are entering a brand-new environment, and you really don't know how things work, or what is considered important. Finding out what you need to ask is just as important as finding out the answers.

What should I do with my summer 'vacation' while I'm in law school?"

Work.

And not as a camp counselor, or waiting tables, or on your novel (or your tan). You need to get a job in a law office, either as a “summer associate” in a law firm, or as an intern in a governmental agency, or as a legal staffer in an advocacy organization.

You need to work for two reasons. First, you have to get some experience. Not only do you need to start developing your skill set as an attorney, but you also need to decide if (for example) private practice is the work environment you want to ultimately pursue.

The second reason you need to work is that in many cases, these summer jobs are your entry into full-time post-graduation employment. Not everyone ends up working permanently in one of the offices they summered at, but a lot of people do. So your summer jobs are both learning

experiences and foot-in-the-door experiences. In each case, they are overwhelmingly important.

“Why is Vermont Law School 70 miles away from here?”

Because Vermont Law is not affiliated with the University of Vermont. It is a private institution which was established in the early 1970's. Vermont Law School is widely considered to be the best law school in the country if you want to practice environmental law.