Law School

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Getting In, Getting Out, Getting On

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For Stephanie, Caitlin and John

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Introduction

This book takes you from the decision to take the LSAT (Law School Admission Test) through law school, the bar exam and getting the most out of your first job. It is a User's Guide to the law school experience, and so is divided into three sections: 1) Getting In to law school; 2) Getting Out of law school; and 3) Getting On with your life in the practice of law or in other work.

As of 2009, the American Bar Association (ABA) has approved 199 law schools offering a first degree in law, ordinarily called the juris doctor (J.D.). A few additional law schools will likely receive ABA approval in the next several years. Including part-time students, enrollment of first year law students in 2008–09 exceeded 49,000 persons at ABA-approved law schools. A person who obtains a J.D. from an ABA-approved law school is eligible to take the bar examination in any state. In all but a few states (California is the most notable exception to this rule), no person is eligible to take the bar examination without obtaining a J.D. from an ABA-approved law school. Nearly 100 law schools also offer advanced degrees in law, which are not required to practice law, but which may be helpful in obtaining expertise in specialized areas of law. The most popular advanced law degree is the LL.M. (Master of Laws) degree, which a full-time student can usually complete in one academic year. As already noted, most persons who take an advanced degree in law will specialize in an area of law (for example, tax law), although some students obtain an LL.M. in order to enter law teaching. A few law schools offer the equivalent of a Ph.D. in law, usually listed as an S.J.D., a degree rarely taken by American lawyers.

The business of educating lawyers is a big business. The average (and median) tuition at private ABA-approved law schools in 2008 is approximately $34,000 per year, with tuition increases likely to rise at least 3–5% annually. At state-supported law schools, the average yearly tuition is just under $17,000 for state residents and over $28,000 for nonresidents. Total annual revenue received by law schools exceeds $3 billion. Law schools awarded nearly $800 million in internal grants and scholarships in 2008, and external grants were also available to some students. This aid amount was more than double the value of grants and scholarships awarded in 2001–2002, as law schools both recog-

nized the impact of the growing cost of legal education on students and as they competed more fiercely for the most desirable students. Even so, the average debt of law school graduates continues to rise. In 2007–2008, students at state-supported law schools borrowed an average of over $59,000, and students attending private law schools borrowed an average of over $91,000.

The most recent report of the Bureau of Labor Statistics (BLS) states that $110,590 is the median (that is, half made more and half made less) wage for all *employed* practicing lawyers as of mid-2008. The Great Recession of 2008, which began to affect the legal profession after this BLS report was issued, has likely led to a reduction in the median wage of lawyers. Even before the Great Recession, the BLS reported widely varying wage ranges for lawyers. The wages of lawyers ranged from $54,460 for the lowest 10% to $163,320 for lawyers in the 75th percentile in wages. Lawyers earn vastly different incomes depending on the lawyer's type of practice, experience and ability, and interests. One additional reason to look somewhat skeptically at the data reported by the BLS is that it does not include income for sole practitioners, a group that makes up roughly one-third of the legal profession.

Competition in the practice of law has intensified greatly in the last thirty years, requiring lawyers to spend much more time and effort marketing their skills and expertise to those in need of legal services than in previous eras. Thus, even though the future demand for lawyers will probably expand at a rate consonant with economic growth, you are forewarned that financial success is not guaranteed to all or even most lawyers.

If you have given any thought to law school, you have undoubtedly looked at the *U.S. News & World Report's Annual Guide to Law Schools.* The *Annual Guide* offers a ranking of ABA-approved law schools, numerically listing the top 100 law schools and dividing all law schools into four tiers. A number of commentators have noted both the manipulability of the methodology used by *U.S. News* and the lack of any substantial movement in the rankings over time, particularly in the first tier, both of which limit the value of the *Annual Guide*. The deans of many law schools have over the past decade jointly signed several letters rejecting the methodology used in the *Annual Guide* to rank law schools, and the annually produced *ABA/LSAC Official Guide to ABA-Approved Law Schools* argues against rankings. Because many prospective law school applicants pay attention to the *Annual Guide*, a number of law schools covertly (and a few overtly) try to take advantage of the methodology to improve their rankings in the *Annual Guide*. The *Annual Guide* is a tremendous revenue generator for *U.S. News*, and it is not likely to disappear any time soon. As I will discuss more fully in Chapter 3, for most prospective law students, the *Annual Guide* is irrelevant. Whether you should attend law school at Boston Univer-

sity (tied for 22nd), the College of William and Mary (tied for 28th), the University of Alabama (tied for 38th), or Southern Methodist University (tied for 48th) in the 2010 edition of the *Annual Guide* (which means that *U.S. News* has concluded that each of the above-named law schools is in the first tier of law schools), depends much more on financial, familial and geographic considerations than on some perceived competitive advantage found in one school rather than another. All of the schools listed above are strong schools offering a very good legal education. Each may have some comparative advantage over the others, but attempting to compare the strengths of Boston University with those of the University of Alabama will more likely result in confusion than enlightenment. A person who decides to attend the American University (tied for 48th), located in Washington, D.C., with the intention of moving to San Francisco (where the University of California Hastings College of the Law, tied for 42nd, is located) to find work, or attends the College of William and Mary in Williamsburg, Virginia in order to practice law in Dallas (where Southern Methodist University is located) should reconsider his or her decision. That is because legal employment remains, for all but those who graduate in the top 5% of all law schools or who graduate from a relatively few national law schools, a largely local and regional phenomenon. The *Annual Guide* is helpful to those considering law school not because it tells you how to compare the University of Iowa (26th) with Southern Methodist University, but because it simply confirms what you will find on any number of internet-based sites: what are consensually agreed as the top fourteen or so law schools. (For example, the very flawed website "The Best 100 Law Schools in the United States-Based on Qualitative, Rather Than Quantitative, Criteria," found at http://lawschool100.com and the much more trenchant (though still imperfect) site created by University of Chicago Law School Prof. Brian Leiter, *Law School Rankings*, found at http://www.leiterrankings.com, both offer very similar rankings of the top schools.) Even within the top fourteen law schools, the "national" value of the law school varies tremendously. A huge gulf still exists in the minds of many employers between Harvard Law School, which has a brand value recognized throughout the United States, and say, the Cornell University brand in the Southeast or the Duke University brand in the far West. Whether one in fact receives a better education at Harvard than Cornell or Duke (or many other law schools) is highly doubtful. And whether the graduates of Harvard will make better lawyers than graduates of Cornell or Duke is also highly doubtful. Because many schools can offer an excellent legal education and open doors to varied kinds of legal practice in a particular state or city, and because the costs of attending different law schools may vary widely, a law school applicant should think long and hard about what law school to attend.

One source of information prospective law school applicants may peruse for comparative purposes is the aforementioned *ABA/LSAC Official Guide to ABA-Approved Law Schools*. The *Official Guide* is a joint publication of the ABA and the Law School Admission Council (LSAC), a non-profit organization that owns the LSAT. The *Official Guide* publishes a profile for each ABA-approved law school. That profile begins with a two page presentation, in graphic form, of officially reported data on application deadlines and fees, admissions (number of applicants, admits, enrollees, and GPA and LSAT data for the 75th and 25th percentile of enrollees), enrollment (and attrition) figures, course offerings, tuition (including amounts for grants and scholarships) and living costs, faculty and library information, bar passage rates, and employment figures. The numbers for each school are presented in the same way, allowing a prospective applicant readily to compare different schools. Those two pages are followed by two pages consisting of a narrative written by the law school emphasizing its strengths, from its faculty/student ratio to its special programs to its location. Because the graduate of any ABA-approved law school can take the bar exam in any state, and the graduates of law schools not approved by the ABA can take the bar in just a few states, no law school will voluntarily cede its ABA approved status. Because ABA-approved law schools are required annually to give the ABA accurate data as a condition of continued ABA approval, the data found in graphic form in the *Official Guide* are less amenable to manipulation or obfuscation than the data voluntarily given by law schools to *U.S. News* for its *Annual Guide*.

One problem with the *Official Guide* is the difficulty a prospective law student will have in understanding the data in context. For example, the information regarding "Employment" offers the reader something of a breakdown of where graduates work nine months after graduation. Of those whose employment is known, the chart will state how many (and what percent) are working in law firms, in government, in business and industry, in public interest jobs, as judicial clerks and in academia. What the chart does not explain is the type of law firm graduates are working in. Are graduates largely employed in large law firms (colloquially called "BigLaw"), medium sized firms or small firms? Are the graduates self-employed as sole practitioners? Are the graduates employed by government working as municipal lawyers, assistant district attorneys, for state administrative agencies, working for the federal government in the Department of Justice or as an Assistant United States Attorney for the Southern District of New York? What kind of business and industry jobs are graduates engaged in? Are they law jobs in the business setting (known as corporate counsel positions), or jobs for which law is a helpful but not necessary condition of employment, such as labor or contract negotiators?

A similar problem arises in attempting to understanding the chart describing the curriculum of the law school. The *Official Guide* offers some numbers concerning the size of first year and upper level classes, but any explanation of the extent to which the school offers a coherent curriculum is lacking. And though the *Official Guide* notes the number of student slots for clinical courses, information about what the student does in any particular clinic may or may not be adequately explained in the two-page narrative written by representatives of the law school.

The *Official Guide* is a good place to start once you decide to attend law school. It is available in all law school libraries and in the undergraduate libraries of many universities, and can be viewed online at http://officialguide.lsac.org/. I encourage you to take a look at the *Official Guide* when making initial decisions about which law schools you might apply to. However, law schools vary considerably in their emphases, and to understand more completely whether a law school is right for you, you must go to the school's website and learn more about what the school offers both academically and professionally. Even better, if you have the opportunity, visit the school, attend a class, and see if it fits your educational needs.

This book will look at both the available data on the legal profession and go beyond those data to assist you in choosing the right school, in succeeding while in law school, and in obtaining your law license and thinking about your first job.