

## Attending Law School in the United States

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### INTRODUCTION

This article discusses the operations of law schools in the United States, including admissions requirements, law school curricula, and post-graduation employment options and requirements. Its information is general in nature and persons wishing to gain further information should understand that schools differ slightly from one another. Those interested in information regarding specific schools should consult them either through direct contact with schools or the Internet, where most schools have web-pages.

### GAINING ADMISSION TO LAW SCHOOL

In the United States, the law degree is a graduate degree. Thus, in order to attend law school, a student must have received an undergraduate degree from an educational institution. The typical undergraduate degree involves a four-year program of study which students usually embark upon after secondary school. After receiving that degree, or just prior to their receipt of the degree, students interested in law will apply for admission to one or more law schools. Other than the requirement that students have an undergraduate degree, there are no substantive curricular requirements for applying to law school. In fact, the backgrounds of students applying to law schools is quite diverse, with areas of emphasis ranging through English Literature, Political Science, History, Psychology, Chemistry, and Engineering.

Because, there are no substantive curricular requirements, however, most law schools require that students take an entrance exam in addition to obtaining an undergraduate degree. That examination is called the „Law School Admissions Test“ or „LSAT“ and is administered on a nationwide basis. The LSAT is de-

signed to test students' critical thinking skills. Consequently, it does not test students on simple knowledge of facts. Rather, it tests them on their abilities to think logically, solve problems, and communicate. It is not necessary to obtain a certain score in order to „pass“ the LSAT. Instead, it works on a sliding scale and depends upon the schools to which a student applies. A student who does very well on the LSAT and who has excellent grades will probably be accepted at most schools to which she applies, including the most elite law schools such as Harvard, Yale, University of Chicago, Columbia, and Michigan. That student will then choose which school she will attend. Students who score well but who do not obtain the highest marks still may gain admission to one of the many other law schools in the United States. Again, many students will have several options and will choose the law school they think best fits their needs.

### THE LAW SCHOOL CURRICULUM

The law school curriculum varies widely depending upon which year the student is in. The first year curriculum is markedly different from the curriculum in the second and third years. This section will discuss the curricular requirements and teaching styles associated with the various stages of law school.

*The First Year.* In the first year of law school, the students primarily take required courses which, at most schools, include Contracts, Property, Torts, Criminal Law, and Civil Procedure. These courses are important because they establish common law and statutory principles that are foundational to all of American law. Typically, first year students will attend these classes with the same group of students. That is, entering first year students are split into subsets of two or three groups. They then attend all of their clas-

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ses with that subset of students. This set-up allows students to become acquainted with one another and their professors, and to achieve a certain comfort level in the classroom. This comfort level is especially important because most first year classes are taught using the „Socratic Method,“ a basic tool of American legal education.

The Socratic Method is a teaching style that eschews lecturing in favor of a dialogue between the professor and student. The method assumes that students have studied or briefed a series of assigned judicial decisions before coming to class. The decisions are excerpts from judicial opinions, which provide a summary of facts associated with the case as well as statements of law. The professor calls upon students to engage in a question-and-answer exchange, which often involves several class members, and which covers topics ranging through the state of the law, the policy reasons underlying the law, and potential criticism of the judge's reasoning and/or outcome of the case. The dialogue often includes more questions than answers. The learning experience occurs in the interchange between teacher and student as well as among the students themselves. Use of the Socratic Method hones students' minds, develops their respect for the many factual variations and constant evolution of the law, and creates a sensitivity to essential differences among issues, policies, reasons and arguments.

In these required courses, the professor will generally administer a written final examination consisting of several hypothetical factual situations at the end of the semester. The students are asked to explain and support the likely outcome of this situation given the principles they have learned throughout the class. As with the Socratic Method discussed above, the exam is designed to hone the student's ability to think critically and to solve problems even though they may not have faced the exact problem in the past.

In addition to the required courses listed above, most students are also required to take a legal writing course. This course prepares students to engage in the technical writing that is a large part of a lawyer's duties. The course is generally taught by giving students hypothetical factual situations and asking them to write documents similar to what a lawyer would write in the same circumstances. Thus, students in a legal writing class will often draft opinion letters to clients, memoranda to supervising attorneys summarizing the law of a particular issue, and briefs to be filed in the trial or appellate courts regarding a particular legal issue. Typically, these courses do not involve one draft of such documents. Rather, most writing instructors require their students to rewrite their documents so that the students are better able to identify and avoid mistakes in the future.

*The Second/Third Years.* In the second and third years, students generally take classes according to their interests. A wide variety of courses are avail-

able to students in these years, including courses in constitutional and civil rights law, employment and labor law, business law, international law, administrative law, criminal law, taxation law, and a wide variety of litigation and business skills courses.

The format and teaching methods of these classes varies dramatically. Some courses, especially large courses surveying an area of the law, tend to rely on the teaching methods used in the first year – that is, they often use a Socratic teaching style. Other courses, especially small, specialized seminars, rely primarily on voluntary discussions between students and the professor. In such courses, students often have a primary role in carrying on the conversation about a particular topic. Litigation and business skills courses provide a very different opportunity for students. Such courses involve mock legal situations from which students learn by „doing.“ Thus, students in a „Trial Practice“ course are given mock lawsuits. They will spend most of the semester performing the tasks necessary to prepare for a trial, such as interviewing witnesses, asking for civil discovery, taking depositions, and filing pleadings and motions. The course culminates in a mock trial for which there will be judges and jurors.

Finally, many schools have „live“ clinics. These clinics provide students with actual legal experience in real-life situations. Students are often required to obtain a special certificate from the State allowing them to practice law prior to graduation. Their work in school-run clinics usually involves representation of impoverished individuals in cases ranging from landlord-tenant cases to domestic violence situations. The University of Missouri-Columbia, at which I work, has two such clinics. The Domestic Violence clinic allows students the chance to represent women and children who are the victims of familial violence. The Criminal Clinic gives students the chance to assist the local prosecutor in pursuing criminal convictions.

The testing methods in the second and third year courses varies as dramatically as does the format of the classes. In typical survey courses, most students take a three hour written examination similar to those administered in the first year. In seminar courses, most students are required to write a scholarly paper on a topic related to the course. These papers are anywhere from 20-50 pages in length, depending on the Professor's requirements, and involve substantial research and writing, including multiple drafts of the paper. Many professors teaching seminars also require students to orally present their papers to the class and submit to questions about their papers. In the skills courses, students are graded on the quality of their written and oral work product. Most clinical students are graded simply on a pass/fail basis, depending upon their participation during the semester.

*Non-Curricular or Non-traditional Curricular Activities.* Most schools provide students with opportunities outside of the tradition classes listed

above. The brightest students are usually asked to participate in the school's „Law Review.“ This is a written journal, usually published four times a year, that is run entirely by the students. They act as authors and editors of their own pieces as well as editors of pieces written and submitted by law professors. Law Review is usually considered to be the most prestigious of all non-traditional curricular activities. Many students also participate in a series of oral competitions. Such competitions include moot court, negotiation, arbitration and mock trial competitions. Most such competitions provide students with an opportunity to compete with other law students from around the country for the coveted position of being the best oral advocates in the nation.

Depending upon the school, students may receive curricular credit for Law Review and oral advocacy competitions

### POST-LAW SCHOOL

*The Juris Doctor Degree.* A student who successfully completes the three years of law school graduates with a juris doctor degree (J.D.). A student graduating with a J.D. degree, however, will not necessarily practice law. Many students will instead work in the business and finance areas, using the knowledge gained in law school to aid their performance. In addition to attaining the J.D., graduates who want to practice law must take a comprehensive examination called the Bar Examination. The Bar Examination is administered over a 2-3 day period and involves a series of questions regarding various legal topics. Each state administers its own examination and anyone desiring to practice law in that state must pass that examination. Part of the examination is administered uniformly throughout the nation via multiple choice questions on basic areas of law. The other portion of the examination is left to each State's preference and consists of essay questions on more specialized, state-specific areas of law. A student who fails the Bar Examination may take it again until she passes. The examination is generally given twice a year.

*The LLM Degree.* Many schools offer a Master of Laws („LLM“) degree in addition to the J.D. degree. LLM degree programs usually involve a 1-2 year course of study in a specialty area, such as taxation, dispute resolution, or international law. Students seeking an LLM degree must have a J.D. If the program admits international students, they must have attained a degree equivalent to the J.D. The LLM does not entitle its holder to take the bar examination or to practice law. It is simply a masters degree as in other academic disciplines. This poses few problems for students from the United States who already have J.D. degrees. International students, however, should

be aware that, in order to practice law in the United States, they usually must receive a J.D. degree from a school within the country.

### WHO TEACHES IN LAW SCHOOLS?

The vast majority of teachers in law schools are full-time professors who are either tenured or on the tenure track. Almost all professors have J.D. degrees and many of them practiced law prior to join the law faculty. Increasing numbers of professors also have doctorates in a different subject, such as sociology or political science, in addition to their J.D. Most law school professors join the faculty as assistant professors without tenure. Over the course of 4-8 years, those assistant professors will engage in a combination of teaching and scholarly writing in an attempt to gain „tenure“ which gives them substantial job security. The tenure system in American universities is designed to give successful candidates a measure of academic freedom to teach, study and write about issues without fear of retaliation from university officials or others who find those ideas repugnant. A grant of tenure signifies that an assistant professor has successfully demonstrated an ability to teach and to engage in scholarly debate. Assistant professors are generally promoted to associate professors after they receive tenure. After an additional period of time, in which an associate professor tries to enhance her scholarly reputation with additional teaching and scholarly works, she may be promoted to full professor. An award of full professor signifies that a scholar is a national, or even worldwide, authority in their chosen area of expertise.

A smaller number of professors on the faculty are not on the tenure track. Such professors are usually on what is called a „clinical“ track. They are primarily responsible for teaching writing and skills course or for running the live clinics discussed above. Clinical professors have titles similar to tenure track professors although there is usual a „clinical“ designation in the title - i.e., „Assistant Clinical Professor“ or „Associate Clinical Professor.“ Due to their heavy teaching loads, most clinical professors are not responsible for writing the same types of scholarly articles as are tenure-track professors. As a result, they are not eligible for tenure but are instead given renewable long-term contracts.

Law schools may also occasionally employ a few part-time or adjunct teachers. Such teachers are usually practitioners of law in a particular field who are hired to teach one class in their specialty area. Many adjunct professors teach skills or drafting courses although some teach substantive courses such as administrative law or patent law. The area in which adjuncts teach depends upon the curricular needs of a given school.

### *CLASSROOM AND OTHER ACADEMIC MATERIALS*

As discussed above, the law school classroom involves substantial interaction between professor and student. Most professors rely on materials quite different from an ordinary textbook. Instead professors typically use a „casebook“ which contains excerpts of judicial decisions for discussion. The decisions are arranged in an order to facilitate discussion regarding the evolution of the law and related policy issues. Casebooks also often contain excerpts of scholarly writings and specific questions or problems designed to aid the student in thinking about particular topics. In seminars especially, professors will rely more heavily on scholarly and extralegal material, such as sociological, psychological, or philosophical readings, to supplement discussion of particular legal issues. Many professors write their own casebooks for themselves and for sale to others.

The law school classroom is becoming increasingly electronic as we move into the twenty-first century. A few schools are entirely electronic, equipping all of their students with laptop computers and using only digital versions of casebooks. The bulk of schools do

not go quite this far but they usually have electronics in the classroom. At the University of Missouri, we have computer/projectors in almost every classroom, which allows professors to use such programs as Microsoft PowerPoint and to access the Internet in the classroom. Many professors require that students use the Internet in some form as part of the class requirements. Such use occurs in the establishment of web-based discussion groups in which students are required to participate or in the requirement that students perform a research project using only Internet materials. Long-distance learning is also becoming popular at some law schools as the Internet allows professors to teach and communicate with students all over the country.

In order to ensure adequate access to computers and the Internet, most law schools maintain large computer laboratories for student use. Most are associated with the law library which is usually attached to the law school facilities. The library also contains a vast number of monographs, reporters of legal decisions, statutory and regulatory compilations, legal journals and other scholarly materials available for both student and faculty research.