
Chapter 2: Becoming a Lawyer

A legal education is both challenging and rewarding. You will develop your analytical, synthesizing, creative, and logical thinking skills, and you will strengthen your reading and debating abilities. A legal education is necessary to become a lawyer in the United States, but it is also excellent preparation

for many other careers, both because of the framework for organizing knowledge it provides and the analytical approach it brings to problems. Many teachers, businesspeople, and writers first obtained a legal education before pursuing careers other than law.

■ Preparing for Law School

Statement on Prelaw Preparation

Prepared by the Pre-Law Committee of the ABA Section of Legal Education and Admissions to the Bar

No Single Path

There is no single path that will prepare you for a legal education. Students who are successful in law school, and who become accomplished professionals, come from many walks of life and educational backgrounds. Some law students enter law school directly from their undergraduate studies without having had any postbaccalaureate work experience. Others begin their legal education significantly later in life, and they bring to their law school education the insights and perspectives gained from their life experiences. Legal education welcomes and values diversity, and you will benefit from the exchange of ideas and different points of view that your colleagues will bring to the classroom.

Undergraduate Education

The ABA does not recommend any undergraduate majors or group of courses to prepare for a legal education. Students are admitted to law school from almost every academic discipline. You may choose to major in subjects that are considered to be traditional preparation for law school, such as history, English, philosophy, political science, economics, or business, or you may focus your undergraduate studies in areas as diverse as art, music, science, mathematics, computer science, engineering, nursing, or education. Whatever major you select, you are encouraged to pursue an area of study that interests and challenges you, while taking advantage of opportunities to develop your research and writing skills. Taking a broad range of difficult courses from demanding instructors is excellent preparation for legal education.

A sound legal education will build upon and further refine the skills, values, and knowledge that you already possess. The student who comes to law school lacking a broad range of basic skills and knowledge will face a difficult challenge.

Prelaw Advisor

Undergraduate institutions often assign a person to act as an advisor to current and former students who are interested in pursuing a legal education. That individual can help you with researching and identifying law schools to which you may want to apply. If you are still attending undergraduate school, your prelaw advisor can be helpful in selecting courses that can help you achieve your goal.

Core Skills and Values*

There are important skills and values, and significant bodies of knowledge that you can acquire prior to law school and that will provide a sound foundation for a legal education. These include analytic and problem-solving skills, critical reading

abilities, writing skills, oral communication and listening abilities, general research skills, task organization and management skills, and the values of serving faithfully the interests of others while also promoting justice. If you wish to prepare adequately for a legal education, and for a career in law or for other professional services that involve the use of lawyering skills, you should seek educational, extracurricular, and life experiences that will assist you in developing those attributes. Some brief comments about each of the listed skills and values follow.

Analytic/Problem-solving Skills

You should seek courses and other experiences that will engage you in critical thinking about important issues, challenge your beliefs, and improve your tolerance for uncertainty. Your legal education will demand that you structure and evaluate arguments for and against propositions that are susceptible to reasoned debate. Good legal education will teach you to “think like a lawyer,” but the analytic and problem-solving skills required of lawyers are not fundamentally different from those employed by other professionals. Your law school experience will develop and refine those crucial skills, but you must enter law school with a reasonably well-developed set of analytic and problem-solving abilities.

Critical Reading Abilities

Preparation for legal education should include substantial experience at close reading and critical analysis of complex textual material, for much of what you will do as a law student and lawyer involves careful reading and comprehension of judicial opinions, statutes, documents, and other written materials. As with the other skills discussed in this Statement, you can develop your critical reading ability in a wide range of experiences, including the close reading of complex material in literature, political or economic theory, philosophy, or history. The particular nature of the materials examined is not crucial; what is important is that law school should not be the first time that you are rigorously engaged in the enterprise of carefully reading and understanding, and critically analyzing, complex written material of substantial length.

Writing Skills

As you seek to prepare for a legal education, you should develop a high degree of skill at written communication. Language is the most important tool of a lawyer, and lawyers must learn to express themselves clearly and concisely.

Legal education will provide you with good training in writing, and particularly in the specific techniques and forms of written expression that are common in the law. Fundamental writing skills, however, *must* be acquired and refined before you enter law school. You should seek rigorous and analytical writing opportunities, including preparing

original pieces of substantial length and revising written work in response to constructive criticism.

Oral Communication and Listening Abilities

The ability to speak clearly and persuasively is another skill that is essential to your success in law school and the practice of law. You must also have excellent listening skills if you are to understand your clients and others with whom you will interact daily. As with writing skills, legal education provides excellent opportunities for refining oral communication skills, and particularly for practicing the forms and techniques of oral expression that are most common in the practice of law. Before coming to law school, however, you should seek to develop your basic speaking and listening skills, by engaging in debate; making formal presentations in class; or speaking before groups in school, the community, or the workplace.

General Research Skills

Although there are many research sources and techniques that are specific to the law, you do not have to have developed any familiarity with these specific skills or materials before entering law school. However, it would be to your advantage to come to law school having had the experience of undertaking a project that requires significant library research and the analysis of large amounts of information obtained from that research. The ability to use a personal computer is also necessary for law students, both for word processing and for computerized legal research.

Task Organization and Management Skills

To study and practice law, you are going to need to be able to organize large amounts of information, identify objectives, and create a structure for applying that information in an efficient way in order to achieve desired results. Many law school courses, for example, are graded primarily on the basis of one examination at the end of the course, and many projects in the practice of law require the compilation of large amounts of information from a wide variety of sources. You are going to need to be able to prepare and assimilate large amounts of information in an effective and efficient manner. Some of the requisite experience can be obtained through undertaking school projects that require substantial research and writing, or through the preparation of major reports for an employer, a school, or a civic organization.

The Values of Serving Others and Promoting Justice

Each member of the legal profession should be dedicated both to the objectives of serving others honestly, competently, and responsibly, and to the goals of improving fairness and the quality of justice in the legal system. If you are thinking of entering the legal profession, you should seek some significant experience, before coming to law school, in which you may devote substantial effort toward assisting others. Participation in public service projects or similar efforts at

achieving objectives established for common purposes can be particularly helpful.

General Knowledge

In addition to the fundamental skills and values listed above, there are some basic areas of knowledge that are helpful to a legal education and to the development of a competent lawyer. Some of the types of knowledge that would maximize your ability to benefit from a legal education include:

- A **broad understanding of history**, including the various factors (social, political, economic, and cultural) that have influenced the development of our society in the United States.
- A **fundamental understanding of political thought** and of the contemporary American political system.
- Some **basic mathematical and financial skills**, such as an understanding of basic precalculus mathematics and an ability to analyze financial data.
- A **basic understanding of human behavior** and social interaction.
- An **understanding of diverse cultures** within and beyond the United States, of international institutions and issues, of world events, and of the increasing interdependence of the nations and communities within our world.

Conclusion

The skills, values, and knowledge discussed in this Statement may be acquired in a wide variety of ways. You may take undergraduate, graduate, or even high school courses that can assist you in acquiring much of this information. You may also gain much of this background through self-learning by reading, in the workplace, or through various other life experiences. Moreover, it is not essential that you come to law school having fully developed all of the skills, values, and knowledge suggested in this Statement. Some of that foundation can be acquired during the initial years of law school. However, if you begin law school having already acquired many of the skills, values, and knowledge listed in this Statement, you will have a significant advantage and will be well prepared to benefit fully from a challenging legal education.

*These core skill and value areas are drawn, in substantial part, from the Statement of Skills and Values contained in the 1992 Report of the American Bar Association Task Force on Law Schools and the Profession, *Legal Education and Professional Development—An Educational Continuum*.

■ Other Resources

For a selected list of books, audiocassettes, and video programs pertaining to legal education and the legal profession, go to LSAC's website, LSAC.org. Under Choosing

■ The Juris Doctor Degree

ABA-approved law schools generally require three years of full-time study to earn the Juris Doctor (JD) degree. Most schools with part-time programs require four years of part-time study to earn the JD degree. Most law schools share a common approach to training lawyers. However, they differ in the emphasis they give to certain subjects and teaching methods, such as opportunities for independent study, legal internships, participation in clinical programs, and involvement with governmental affairs.

Law school can be an intense, competitive environment. Students have little time for other interests, especially during the first year of law school. The ABA requires that no full-time student hold an outside job for more than 20 hours a week. Most schools encourage their students to become totally immersed in reading, discussing, and thinking about the law.

The First Year

The newness of the first year of law school is exciting for many and anxiety-provoking for almost all. Professors expect you to be prepared in class, but in most courses, grades will be determined primarily from examinations administered at the end of the semester or, at some schools, the end of the year. The professor may give little feedback until the final examination.

The Case Method Approach

The "case method" is what first-year law students are likely to find least familiar. By focusing on the underlying principles that shape the law's approach to different situations, you will learn to distinguish among subtly different legal results and to identify the critical factors that determine a particular outcome. Once these distinctions are mastered, you should be able to apply this knowledge to new situations.

The case method involves the detailed examination of a number of related judicial opinions that describe an area of law. You will also learn to apply the same critical analysis to legislative materials and scholarly articles. The role of the law professor is to provoke and stimulate. For a particular case, he or she may ask questions designed to explore the facts presented, to determine the legal principles applied in reaching a decision, and to analyze the method of reasoning used. In this way, the professor encourages you to relate the case to others and to distinguish it from those with similar but inapplicable precedents. In order to encourage you to learn to defend your reasoning, the professor may adopt a position contrary to the holding of the case.

Because this process places much of the burden of learning on the student, classroom discussions can be exciting. They are also demanding. However uninformed, unprepared, or puzzled you may be, you will be expected to participate in these discussions.

a Law School, you will see Resources for the Prelaw Candidate listed on the full menu. Also included in the list are biographies and books on jurisprudence and legal issues.

The Ability to Think

The case method reflects the general belief that the primary purpose of law school is not to teach substantive law but to teach you to think like a lawyer. Teachers of law are less concerned about rules and technicalities than are their counterparts in many other disciplines. Although the memorization of specifics may be useful to you, the ability to be analytical and literate is considerably more important than the power of total recall. One reason for this approach to legal education is that in our common-law tradition, the law is constantly evolving and changing; thus, specific rules may quickly lose their relevance.

Law is more an art than a science. The reality lawyers seek in analyzing a case is not always well-defined. Legal study, therefore, requires an attentive mind and a tolerance for ambiguity. Because many people believe incorrectly that the study of law involves the memorization of rules in books and principles dictated by learned professors, law schools often attract those people who especially value structure, authority, and order. The study of law does not involve this kind of certainty, however; complex legal questions do not have simple legal solutions.

The Curriculum

As a first-year law student, you will follow a designated course of study that may cover many of the following subjects:

- **Civil procedure**—the process of adjudication in the United States; i.e., jurisdiction and standing to sue, motions and pleadings, pretrial procedure, the structure of a lawsuit, and appellate review of trial results.
- **Constitutional law**—the legislative powers of the federal and state governments, and questions of civil liberties and constitutional history, including detailed study of the Bill of Rights and constitutional freedoms.
- **Contracts**—the nature of enforceable promises and rules for determining appropriate remedies in case of nonperformance.
- **Criminal law and criminal procedure**—bases of criminal responsibility, the rules and policies for enforcing sanctions against individuals accused of committing offenses against the public order and well-being, and the rights guaranteed to those charged with criminal violations.

- **Legal method**—students' introduction to the organization of the American legal system and its processes.
- **Legal writing**—research and writing component of most first-year programs; requires students to research and write memoranda dealing with various legal problems.
- **Property law**—concepts, uses, and historical developments in the treatment of land, buildings, natural resources, and personal objects.
- **Torts**—private wrongs, such as acts of negligence, assault, and defamation, that violate obligations of the law.

In addition to attending classes, you may be required to participate in a moot court exercise in which you take responsibility for arguing a hypothetical court case.

After the first year, you will probably have the opportunity to select from a broad range of courses. Generally, you will take courses in administrative law, civil litigation, commercial law, corporations, evidence, family law, professional responsibility, taxation, and wills and trusts before completing your degree. These universal courses are basic to legal education. Every law school supplements this basic curriculum with additional courses, such as international law, environmental law, conflict of laws, labor law, criminal procedure, and jurisprudence.

■ Admission to the Bar

The Bar Examination*

In order to obtain a license to practice law, law school graduates must apply for bar admission through a state board of bar examiners. Most often this board is an agency of the highest state court in the jurisdiction, but occasionally the board is connected more closely to the state's bar association. The criteria for eligibility to take the bar examination or to otherwise qualify for bar admission are set by each state, not by the ABA or the Council of the Section of Legal Education and Admissions to the Bar.

Licensing involves a demonstration of worthiness in two distinct areas. The first is **competence**. For initial licensure, competence is ordinarily established by a showing that the applicant holds an acceptable educational credential (with some exceptions, a JD degree) from a law school that meets educational standards, and by achieving a passing score on the bar examination.

The most common testing configuration consists of a two-day bar examination, one day of which is devoted to the Multistate Bar Examination (MBE), a standardized 200-item test covering six areas (Constitutional Law, Contracts, Criminal Law, Evidence, Real Property, and Torts). The second day of testing is typically comprised of locally crafted essays from a broader range of subject matters. However, in a growing number of states, two nationally developed tests, the Multistate Essay Examination (MEE) and the Multistate Performance Test (MPT) may be used to round out the test.

In addition, almost all jurisdictions require that the applicant present an acceptable score on the Multistate Professional

Opportunities to Practice What Is Learned

Legal education is primarily academic, in that students devote most of their time to mastering general concepts and principles that shape the law. Most schools offer a variety of professional skills courses as well. Through clinical programs, law schools offer students direct experience in legal practice. These programs allow second- and third-year students to render counseling, undertake legislative drafting, participate in court trials and appeals, and do other legal work for academic credit. Schools differ in the range and variety of practical education they offer, but the benefits of integrating this experience with theoretical study are well established.

Extracurricular Activities

Student organizations greatly supplement classroom learning. Typically, these organizations are dedicated to advancing the interests of particular groups of law students, such as black, women, or Hispanic students; or to promoting greater understanding of specific legal fields, such as environmental or international law; or to providing opportunities for involvement in professional, social, and sports activities.

A unique feature of American law schools is that law students manage and edit most of the legal profession's principal scholarly journals. Membership on the editorial staffs of these journals is considered a mark of academic distinction. Selection is ordinarily based on outstanding academic performance, writing ability, or both, as discussed on page 18 of this book.

Responsibility Examination (MPRE), which is separately administered three times a year.

The second area of inquiry by bar examiners involves the **character and fitness** of applicants for a law license. In this regard, bar examiners seek background information concerning each applicant that is relevant to the appropriateness of granting a professional credential. Because law is a public profession, and because the degree of harm a lawyer, once licensed, can inflict is substantial, decisions about who should be admitted to practice law are made carefully by bar examining boards.

Boards of bar examiners in most jurisdictions expect to hear from prospective candidates during the final year of law school. Bar examinations are administered at the end of February and July, with considerably more applicants taking the summer test because it falls after graduation from law school.

Some boards offer or require law student registration at an earlier point in law school. This preliminary processing, where available, permits the board to review character and fitness issues in advance.

As state-specific information is so important (and so variable) in the lawyer-licensing process, law students should contact the board of bar examiners in the jurisdiction(s) in which they are most likely to practice law. Links to state boards are available through the National Conference of Bar Examiners website (www.ncbex.org).

*This section was written by Erica Moeser, President of the National Conference of Bar Examiners (NCBE).

General Information

Lawyers may practice only in the state or states where they are members of the bar in good standing. However, many states will admit a lawyer to its bar if the lawyer has been admitted to the bar of another state and has practiced law actively for a certain number of years. This is known as “admission on motion.” Courts often grant temporary bar admission to out-of-state lawyers for the duration of a specific case.

Many states have student practice rules that, in conjunction with students’ academic programs, admit advanced law students who are under the close supervision of an admitted lawyer. A few states require law students to register with the board of bar examiners before graduation or, in some cases, soon after they are enrolled in law school, if they intend to practice in those states. So, if you’re planning to attend law school, you should check the bar admission requirements for those states in which you may wish to practice after graduation.

Federal courts set their own standards for admission. It is a common requirement for federal district court admission that the lawyer be admitted to the bar in the state in which the federal district is located or, for the applicant to have one valid state court admission.

Some state bar associations inquire about the law school admission records of those seeking admission to the bar. You should keep and maintain complete copies of all law school application records throughout the admission cycle and your law school career.

All states accept graduation from an ABA-approved law school as meeting the state’s education requirement for eligibility to sit for the bar examination. A number of states have special rules that accept other forms of legal education as sufficient. A good source of information regarding bar admission requirements is the latest edition of the *NCBE/ABA’s Comprehensive Guide to Bar Admission Requirements*, which is available online at abanet.org/legaled. It should also be available in any law school library or can be ordered through the ABA Service Center at 1.800.285.2221. If you would like additional information relating to bar admissions about a specific state, please contact the appropriate authority in that state. Also, you may want to visit the websites for NCBE (ncbex.org), the ABA (abanet.org/legaled), and LSAC (LSAC.org).

Distance Education

Educating a student for a Juris Doctor degree is a professional education of a most distinct variety. During a law school education, a student is expected to participate in a learning community to develop skills and knowledge that will advance the legal system, society, and the student’s career. This law school experience involves interaction with faculty and fellow students outside the classroom as well as in class. Students also learn from each other by inquiry and challenge, review, and study groups.

ABA-approved law schools may not offer a JD degree program that is online or done through correspondence study. ABA-approved law schools may grant credit hours for distance education courses, but no more than 4-credit hours in any term, and no more than 12-credit hours toward the JD degree. Students should be aware that studying law by correspondence or other distance education programs would limit the ability to sit for the bar in many states.

Bar Associations

Bar associations are membership organizations designed to raise the standards of the legal profession and to encourage professionalism. Each state has its own bar association. In the majority of states, membership in the bar association is mandatory. There are also a variety of national, local, and special-interest bar associations. Many bar associations sponsor programs intended to broaden the availability of legal services and to familiarize the public with the legal profession. They also conduct extensive continuing legal education programs to help members update their skills and their knowledge of the law.

With nearly 400,000 members, the American Bar Association is the largest professional membership organization in the world. The ABA sponsors a number of programs dealing with legal education, law reform, judicial selection, and professional responsibility. The ABA also promulgates the “Model Rules of Professional Conduct” as an example to the states of the ethics standards that they should enact and enforce in regulating the practice of law in their jurisdiction.

Additionally, there are local and national chapters of bar associations for lawyers from minority groups. Among them are the National Bar Association (nationalbar.org), Hispanic National Bar Association (hnba.com), National Asian Pacific American Bar Association (napaba.org), and the National Native American Bar Association (nationalnativeamericanbarassociation.org).