

Considering Law

Undergraduates Should Contemplate This Advice

By Prof. Michael L. Fox and Joel B. Strauss

Attorneys are of vital importance to the survival of our republic and, together with judges, have been the stewards of our democratic ideals and the rule of law for centuries – from the founding of the nation. The bench and bar further exist not to advance the interests of only the powerful or the majority, but to protect the rights and privileges of all – including the minority and those with unpopular views. The U.S. Constitution itself was designed to protect both the majority and the minority – for those interested in originalist readings of the founding documents. Look no further than at how the Founders, in their wisdom, constructed a representative legislature that ensured representation of the populous states (in the House) and equal representation of the small and large states (in the Senate), together with a checks-and-balances system among the Three Branches.



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Those who are considering a career in law must recognize this proud history and ongoing commitment – and that as a result, law does not lend itself to a 9-5 schedule. Nor is law just a job. It is a profession and vocation.

That said, we are all familiar with the recent issues and the numbers. During the Great Recession, the number of applicants to law schools plummeted by 11 percent from fall 2012 to fall 2013, and 24 percent over the period from 2010-2013.¹ In fact, in the fall of 2013, the nationwide entering class was 39,675, the lowest level since the 1970s, as reported by the *Boston Globe*.² Interestingly, it took time for the Great Recession to impact the legal profession in a negative way. First, there was a seemingly positive bump – in October 2009, for example, the number of Law School Admission Test (LSAT) takers rose by 20 percent from October 2008, to a then all-time high number of 60,746.³ According to *The New York Times* (quoting the director of communications for the Law School Admission Council), there is lag time between worry over the economy and increases in the numbers of those considering graduate degrees.⁴ However, there was a countervailing force during the Great Recession – the availability of jobs requiring a *juris doctor* degree contracted. The class of 2015 from the nation's law schools did have an 86.7 percent employment rate, but that was 5 percent lower than the class of 2007 (pre-Great Recession).⁵ To put this in perspective:

About two-thirds of 2015 graduates landed jobs that actually required passing a bar exam, down sharply from more than three-fourths in 2007.

And compared to just one year earlier, the number of jobs that 2015 graduates found was down by more than 3,000, compared with a year earlier. Since the number of graduates was also down – 39,984 in 2015 vs. 43,832 in 2014 – the employment rate remained basically unchanged.⁶

Additionally, according to the American Bar Association, for the classes of 2016 and 2017, 26,923 and 26,293, respectively, had long-term, full-time jobs requiring doctorates in law or in what are called “JD-advantage” positions, 10 months after graduation.⁷ That was a drop of 630 available jobs, and the decrease was across the board – from law firms, to academia, to clerkships, to business, to government employment.⁸ However, the

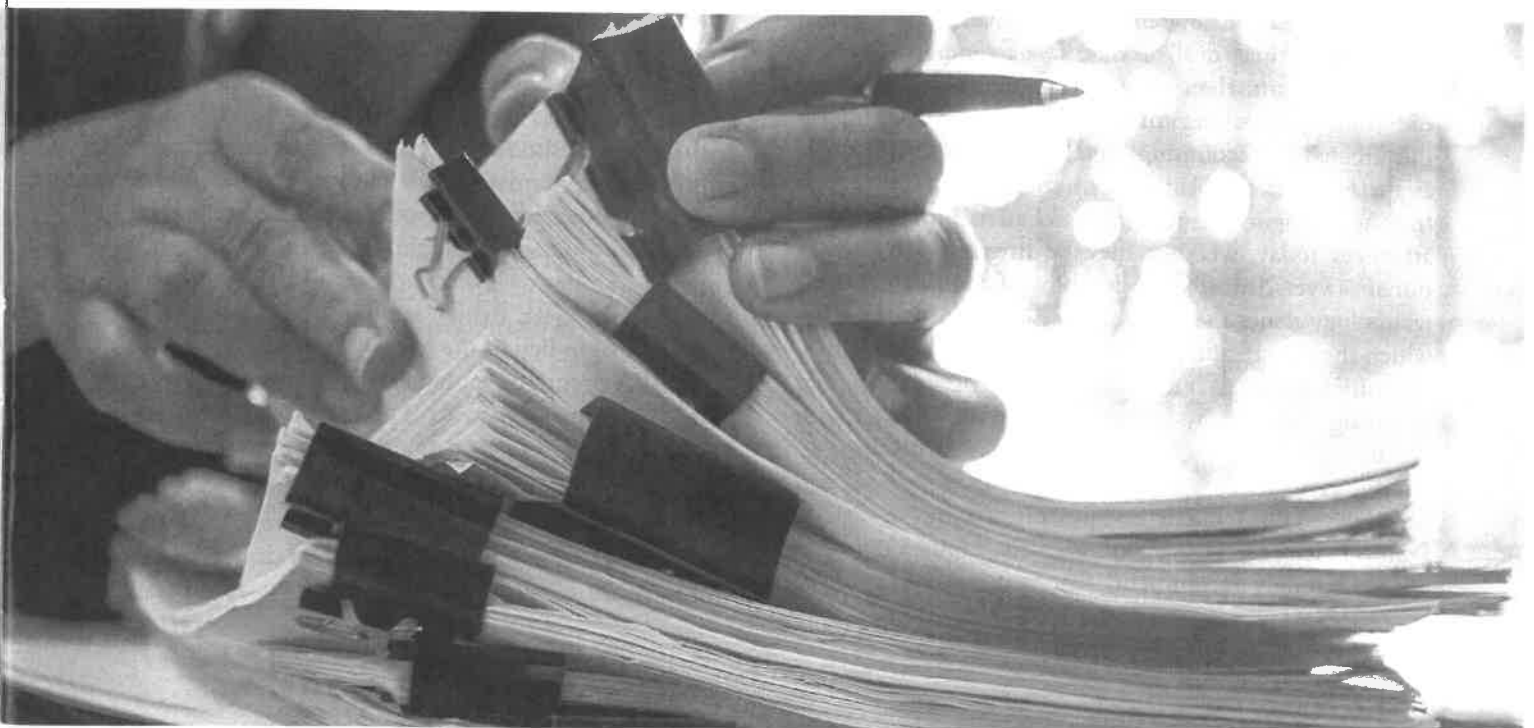
School?

From Pre-Law Advisors

data is not always clear, and different numbers can and should be examined for more information. For example, if one looks at the *percentage* of those in the class of 2017 obtaining full-time jobs requiring doctorates in law or in “JD-advantage” positions, there was an increase from 72.6 percent to 75.3 percent, but only because of a 6 percent drop in the number of graduates from 2016 to 2017.⁹ Further, with regard to the number of long-term, full-time, J.D.-requiring positions for the class of 2017, there was an increase of 1.2 percent over 2016.¹⁰ “A total of 24,008 members of the class of 2017, or 68.7 percent, had jobs that require bar passage, including jobs that are not long-term or full-time. . . . Comparatively, out of the class of 2016, a total of 23,928 members, or 64.5 percent, had jobs that required law degrees.”¹¹ What about the category of “JD-advantage” jobs? There was a decrease in 2017 graduates obtaining those, from 14.1 percent to 11.8 percent, and the actual number of all entry-level positions in that category declined 21.7 percent (1,100 jobs) from just 2016 to 2017.¹²

However, even in light of that news, let’s take the analysis one step further. Per the United States Department of Labor, Bureau of Labor Statistics: “Employment of lawyers is projected to grow 8 percent from 2016 to 2026, about as fast as the average for all occupations.

Nevertheless, *competition* for jobs over the next 10 years is expected to be strong because more students graduate from law school each year than there are jobs available.”¹³ Great competition for jobs in the legal profession is also expected because firms may be restructuring how they staff cases and assignments,¹⁴ and law jobs might be lost due to technological advances such as the growing use of artificial intelligence in the area of litigation discovery. Another factor is the rising cost for obtaining a doctor of law degree: “[t]he average tuition and fees at private law schools in the 2017-2018 academic year – \$47,112 – was around \$6,800 higher than the average *out-of-state* tuition and fees at public law schools. The difference between average tuition and fees at private schools and average *in-state* tuition and fees at public schools was enormous: around \$20,000.”¹⁵ Thus, private law school tuition is, on average, more expensive than tuition at a public law school – even compared to students who attend a public school without the benefit of in-state tuition. The difference is larger for those who are residents and qualify for in-state tuition at a public law school as compared to out-of-state public or private school tuition rates. But, that is just the average cost. The tuition and fees for some law schools exceed \$60,000 per year as of 2018.¹⁶



As mentioned by the ABA's article, despite any so-called "Trump Bump"¹⁷ in the market for attorneys, there are those in the field who state that the

job market for entry-level lawyers is 25 percent smaller than it was 10 years ago, and we are in the midst of a very strong economy. There is no reason to believe that the number of entry-level law jobs will increase any faster than the economy grows, which is roughly 2 percent a year. . . . Anybody who tells you that the job market for entry-level lawyers is good or is getting much better is wrong.¹⁸

The difficult job market for entry-level lawyers provided the impetus for this article; we aim to provide guidance for those thinking about law school, or for those advising potential law students. The following sections will provide thoughts concisely on a number of matters that should be considered before one embarks on the path toward law school, and beyond.

MAJORING OR MINORING IN ACCOUNTING, FINANCE, COMPUTERS OR STEM

Unlike, for example, medical school, which requires applicants to have completed certain course prerequisites, there are generally no prerequisite courses (or majors) students need to complete in order to apply to law school. That said, students considering law school have often gravitated toward majors in subjects such as Political Science, History, English, Philosophy or Economics. The common refrain of such students being that "math and science are not my strong suits, so I'll avoid those subjects and go to law school." This type of thinking is, for lack of a better term, old school.

Today, more than ever before, successful lawyers need to be able to understand and be at least minimally conversant in the language of business and technology. In *today's* world, many clients will refuse to pay hundreds of dollars an hour for a junior associate to learn the difference between an income statement and balance sheet while working on their deal. Today, law firm partners and, more important, their clients, expect and demand that the attorneys working for them can immediately grasp the financial, accounting and/or technological issues at the heart of the litigation or transaction with which they are being asked to assist. Like it or not, successful attorneys today, whether they be litigators or transactional lawyers, must also be comfortable dealing with technology issues that will be the subject of matters for which they are retained to assist. That is no doubt why a majority number of states have implemented ethics rules requiring attorneys "to become and remain familiar with technologies that affect their practices."¹⁹ To be clear, we are not saying that if you want to go to law school and be a lawyer don't major in humanities subjects such as Political Science, History or English. However, if you do, we strongly recommend that you consider double-

or co-majoring in, or at least minoring in, accounting, finance, computers or a STEM subject. Not only will this likely enhance your law school application, but, perhaps more important, it will likely give you a leg up in the increasingly competitive legal job market. And, if you ultimately decide not to go to law school, you should be comforted to know that according to at least one recent study, STEM college majors tend to earn more than non-STEM college majors.²⁰

STRONGLY CONSIDER JOINT OR DUAL DEGREE PROGRAMS SUCH AS A J.D./MBA OR MANY OTHER J.D./MASTER'S PROGRAMS

As noted above, the legal job market today is extraordinarily competitive. And, just as undergraduate studies in subjects such as accounting, finance and STEM may give you an extra edge in landing that law job, joint or dual J.D./Master's degree programs will certainly help open many doors and opportunities, as well as increase your network of friends, business connections and colleagues with interests similar to yours. Traditionally, the most common joint J.D. program considered by law students has been the J.D./MBA. The most obvious benefit of adding an MBA is that the student will gain a solid grounding in business and finance applicable to many areas of legal practice, especially in the corporate and transactional arena. It can also open doors to many career paths outside of law, including in various aspects of business administration, the not-for-profit world and "Wall Street." Moreover, there has always been the added benefit that most J.D./MBA programs can be completed in four years, rather than the five years the degrees would take to complete separately, thus saving students a year of time and tuition.

Further, although not widely known, a growing number of universities are now offering a three-year J.D./MBA option. But beware, many of these J.D./MBA programs require attending school at least one summer; thus one would lose the opportunity to work at an internship that summer. Students considering applying to a joint J.D./MBA program should also be aware that most programs require students to apply separately to both the law school and business school, and be accepted to each. The application process should get a little easier, though, as a growing number of law schools (as discussed below) are accepting the GRE (which is typically accepted by business schools) in lieu of the LSAT. Those considering joint J.D./MBA programs should also keep in mind that most MBA programs will expect, if not require, that applicants have a minimum of one or more years of some type of work experience.

In addition to the J.D./MBA, numerous universities are offering a plethora of joint or dual degree programs where students can pursue a specialized area of study

through a master's program while in law school. So, if you are interested in public health, consider a J.D./MPH program. If international affairs is where your ultimate career ambitions lie, consider a J.D./M.A. in International Relations. From Biotech to Human Resources, Data Privacy to Government Affairs, chances are there is a master's program in a particular area that excites you. In a world where "specialization" is more and more common, completion of one of these joint or dual degree programs will also certainly give you a leg up careerwise. As with the J.D./MBA, some schools will allow for completion of these joint programs in just three years instead of the traditional four. And, unlike most MBA programs, there is usually not a "work experience" requirement to apply.

WORKING FOR A YEAR, OBTAINING ANOTHER DEGREE, INTERNING, WORKING AS A PARALEGAL – TAKING A "GAP YEAR"

There is no "usual" path to law school. Some may think that going straight through from undergraduate school to law school is the correct way. Others believe that working for a year or two, or taking a year to travel and determine career goals, is best. The truth is, both may be fine – because it depends on the applicant and the person. Some applicants know they want a career in law. They have a goal, a desire, or an area of practice they wish to pursue. Perhaps they have family members already engaged in the legal profession, or they have had an experience early in life that inspired them toward a career in law or to assist those in need of legal services. Whatever their reason, there are applicants to law school who are successful applying directly from their senior year of college.

There are also those undergraduate schools that have articulation agreements with law schools, where students apply at some point during their college careers and are accepted into law programs before their senior year – assuming they meet established grade point average (GPA) and LSAT scores. If enrolled in such a program at a participating institution, the student may spend either three or four years in a college program before advancing directly to a doctor of law program. This is ideal for the candidate who knows that he or she wishes to pursue an advanced degree in law and who knows that the law schools linked with his or her college are the ones for him or her.

There are also students who are not sure about a career in law but have it on their radar. As the numbers and career prospects discussed earlier in this article make clear, gone are the days when those who wished to have a doctorate useful for many career options, but unsure of what to pursue, obtained a law degree because they did not want a degree in medicine, dentistry, education or philosophy. So what advice do we have for these students? Well, frankly, speaking directly to them the advice is: "do not apply to law school until you are sure that is the path for you." And,

in response to the question: "how will I know?" "Take a year, or two, off between undergraduate school and law school." Obtain a master's degree in a field of interest to you – but, as with a law degree, make sure the master's is in a field that will contribute to professional achievement and growth, one that you believe will complement or further your future goals. Additionally, do not assume that your GPA in the master's program will assist in raising your GPA profile on a law school application if your undergraduate GPA was lackluster, because it may not.²¹

Want another option? Work in a field related to the area of law you think you might be interested in. Work in another field altogether, and make yourself a well-rounded person. Travel. Whatever you do, be sure you are analyzing how and whether what you are doing will assist in determining if applying to law school will help to further your career goals and will make you a happy person and a productive citizen.

Some may tell prospective law school applicants that working as a paralegal is the best course. That is not, however, necessarily the case. Commentators and experts warn that if one does not work as a paralegal for a firm or attorney in an area of practice of interest to the prospective law student, the experience may simply not be enough to help achieve career goals.²² We will say this: working as a paralegal is not a terrible idea, but much like anything else in life, do not just do it to do it. Or because you think it will "check off a box." Work as a paralegal because you want to, because you believe it will enhance your experience in an area of interest and will help to confirm your desire to be an attorney. Otherwise, explore different options, such as working for Teach for America or the Peace Corps, look for an internship in the chambers of a state or federal judge or for a court staff position, work for a political campaign or elected official, obtain an internship at a business related to the area of law in which you think you may be interested.²³ Indeed, according to *U.S. News*, "[i]n some years, more than 90 percent of [Northwestern University Law's – to name one] entering J.D. class has had work experience."²⁴ The maturity you gain, and the insight you obtain, may be just as important, or more important, than what you actually do. This is the ultimate goal – to make you an informed "consumer," a qualified law school applicant, and an educated aspiring law student.

SITTING-IN ON OR AUDITING FIRST-YEAR CLASSES

Speaking of informed consumers, how many people would buy a car without having taken it for at least a short test drive? Given that law school might be one of the costliest investments you'll ever make in terms of time and money, why wouldn't you sit in on some first-year law school classes before making the commitment to attend? Maybe you'll love it. Maybe you'll hate it. We suggest that you visit and sit in on classes at several of the law schools

you are seriously considering attending, and to which you believe you have a strong chance of getting accepted. Most law schools are open to allowing prospective students to sit in on classes; some even have formal programs for prospective students to visit their campus, visit classes and meet with current students. Not only will doing this give you a better grasp of what you might be getting yourself into, but it might also help your application for admission. Indeed, several law school admissions counselors we spoke with confirmed that some schools actually keep track of which prospective students visited their school. Moreover, referencing aspects of your visit to a specific school in your application to that school will likely only enhance your chances of acceptance.

THE LSAT AND THE GRE

Once you have decided that law school is the correct next move for you, you must consider the application process itself. Not just visiting schools and deciding which may be the right fit, but the actual mechanics of applying. The Law School Admission Council maintains the Credential Assembly Service (CAS) – the online database where your application, transcript, letters of recommendation, LSAT (or GRE) scores, and other materials for application are collected for electronic application to your chosen law schools. Most law schools now make use of the CAS.²⁵

We have mentioned the LSAT and GRE above. The American Bar Association and the Council and Accreditation Committee of its Section of Legal Education and Admissions to the Bar are recognized by the U.S. Department of Education as the national accrediting agency for all J.D. law programs.²⁶ As part of the ABA's standards, law schools must use a "valid and reliable" test for admission of candidates – and the LSAT is the only such test recognized by the ABA.²⁷ Thus, until recently, only the LSAT was used for admissions by most law schools in the United States. That is now changing. So far, at the time of the writing of this article, 21 law schools have publicly announced they will accept Graduate Record Examinations (GRE) scores (administered by the Educational Testing Service (ETS)) in lieu of the LSAT's LSAT scores as part of the application process, with the three most recent being Columbia University School of Law, Wake Forest University School of Law, and Washington University School of Law, stating they will begin accepting GRE scores in the fall of 2018.²⁸

In addition, both Cornell and University of Pennsylvania are accepting the GMAT or GRE in lieu of the LSAT – and Cornell's program is a pilot program, involving no more than 20 students/applicants.²⁹ On May 11, 2018, the Council of the Section of Legal Education and Admissions to the Bar proposed that the ABA eliminate the LSAT requirement from Standard 503 (although schools

would likely still have to use a valid and reliable test of some kind).³⁰ However, the proposal was withdrawn prior to a debate or vote in the ABA House of Delegates at its Annual Meeting in Chicago on August 6-7, 2018. Instead, the House of Delegates considered and passed resolutions overhauling the law school accreditation process, and accreditation standards.³¹ Thus, at this time, law schools that allow applicants to utilize the LSAT or GRE (or GMAT), must "perform validity studies to prove that the test is a good predictor of law school grades. And it falls on the ABA to police use of alternative tests."³² No doubt, additional law schools may continue to accept the GRE in lieu of the LSAT – especially if those that have already acted find, and can prove, that the GRE is a "valid and reliable" test, accurately predicting first-year success. Indeed, it has been reported that 25 percent of law schools have plans to accept the LSAT or GRE, and that report was prior to the most recent events in the ABA House (although the same article mentioned that 73 percent of applicants may still take the LSAT, believing it will provide an advantage to them on their application).³³

Therefore, law school applicants must decide *which* entrance examination to take. If they are interested in only pursuing a J.D. degree, then taking the LSAT may be the better option, providing them with a greater range of law schools to which they may apply. If, however, the student is considering another graduate degree at some point (or, as discussed above, concurrent with the J.D. degree), then they may wish to examine whether their law schools of interest accept a GRE score. Should they be applying to only those schools, if their GPAs and high GRE test score suggests they are likely to get admitted to law school too, or the student's primary focus is business and the MBA, they might not feel the need to take the LSAT as well.

One final thought: do not sit for one administration of the LSAT as a "practice run." Because the LSAT Score Report will include not only the most recent score, but also up to 12 previous scores going back up to six years,³⁴ some schools will look at prior scores received on the LSAT as part of the application process – i.e., you will not be able to choose your best score to include with an application. Because your GPA and LSAT (GRE) score will usually be the two highest metrics in an admission decision³⁵ (followed by extracurriculars, letters of recommendation, graduate work, any work or internship experience, and other factors³⁶), you will want to present the best possible score. Thus, make use of self-administered practice examinations, or test preparation services, to gauge your score results *before* taking the LSAT for an official attempt. This, of course, is a best practice, and if your score (on the scale of 120-180) is too low for you to be competitive at the schools you desire to attend, then taking the examination a second, or third, time may be unavoidable.

CONCLUSION

We have attempted in this relatively short space to provide what we believe is some important advice to consider in your pursuit of an education in the law. It is not nearly all of the information or advice available. As always, circumstances matter, and some or all of the advice above may not be pertinent or applicable to your situation. We do hope, though, that we have provided food for thought and some guidance for evaluating career decisions. Whatever you decide, we wish you much success.

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3. R. Ruiz, *Recession Spurs Interest in Graduate, Law Schools*, The New York Times, Jan. 9, 2010, <https://www.nytimes.com/2010/01/10/education/10grad.html> (it was further reported that Graduate Record Exam (GRE) takers increased by 13 percent to a then-record 670,000, from 2008 to 2009).
4. *Id.*
5. G. Toppo, *Why You Might Want to Think Twice Before Going to Law School*, USA Today, June 28, 2017, <https://www.usatoday.com/story/news/2017/06/28/law-schools-hunkering-down-enrollment-slips/430213001/>.
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7. S. Ward, *Fewer Entry-Level Positions in Most Job Categories for 2017 Law Grads*, *New ABA Data Shows*, ABA Journal, Apr. 20, 2018, http://www.abajournal.com/news/article/fewer_entry_level_positions_in_most_job_categories_for_2017_law_grads_new_a.
8. *Id.*
9. *Id.* See also K. Sloan, *Law Grad Employment Rate Improves Thanks to Smaller Class*, N.Y. L.J., at 2 (Apr. 24, 2018).
10. See S. Ward, *supra* note 7, *Fewer Entry-Level Positions in Most Job Categories for 2017 Law Grads*.
11. *Id.*
12. *Id.* See also K. Sloan, *Law Grad Employment Rate Improves Thanks to Smaller Class*. Furthermore, according to an article in *The Washington Post*, full-time employment for law graduates dropped to a low of less than 54 percent in 2011; D. Hawkins, *Did Law School Applications Get a "Trump Bump"? Maybe*, The Washington Post, <https://www.washingtonpost.com/news/morning-mix/wp/2018/02/23/did-law-school-applications-get-a-trump-bump-maybe/>.
13. U.S. D.O.L., Bureau of Labor Statistics, <https://www.bls.gov/ooh/legal/lawyers.htm>.
14. *Id.* See also U.S. D.O.L., Bureau of Labor Statistics, Job Outlook; <https://www.bls.gov/ooh/legal/lawyers.htm#tab-6>.
15. I. Kowarski, *See the Price, Payoff of Law School Before Enrolling*, U.S. News & World Report, Mar. 21, 2018, <https://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2018-03-21/understand-the-cost-payoff-of-law-school-before-getting-a-jd>.
16. *Best Law Schools Rankings 2019*, U.S. News & World Report, <https://www.usnews.com/best-graduate-schools/top-law-schools/law-rankings?int=9c0f08>.
17. The "Trump Bump" is the term given to a rise in applications to law schools since the fall of 2016, which some have claimed resulted from the victory of Donald Trump over Hillary Clinton in the 2016 U.S. presidential race. See D. Hawkins, *supra* note 12, *Did Law School Applications Get a "Trump Bump"?*
18. S. Ward, *supra* note 7, *Fewer Entry-Level Positions*.
19. See S. Andropoulos, *Most States Now Require Tech Competence for Lawyers. What Does That Mean for You?*, Justia, Feb. 9, 2017, <https://onward.justia.com/2017/02/09/states-now-require-tech-competence-lawyers-mean/>.
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23. *Id.*
24. *Id.*

25. See LSAC website, at <https://www.lsac.org/jd/applying-to-law-school/cas>.
26. See ABA's *Law School Accreditation Process*, Sept. 2016, https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/2016_accreditation_brochure_final.authcheckdam.pdf. See also Tide 34, Chapter VI, § 602 of the Code of Federal Regulations.
27. See K. Sloan, *ABA Considers Tossing LSAT Requirement, Disagreement Ensues*, Law.com, Apr. 9, 2018, <https://www.law.com/2018/04/09/aba-considers-tossing-lsat-requirement-and-disagreement-ensues/>.
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31. See K. Sloan, *ABA Holds Off on Removing LSAT Requirement for Law Schools* (Aug. 6, 2018), available at <https://www.law.com/2018/08/06/aba-holds-off-on-removing-lsat-requirement-for-law-schools/> (last visited Aug. 8, 2018).
32. *Id.*
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34. See LSAC website (LSAT), <https://www.lsac.org/jd/lSAT/your-score>.
35. See S. O'Connor, *Learn the 5 Deciding Factors in Law School Admissions*, U.S. News & World Report, Nov. 12, 2012, <https://www.usnews.com/education/blogs/law-admissions-lowdown/2012/11/12/learn-the-5-deciding-factors-in-law-school-admissions>; see also LSAC website ("UGPA & LSAT Score Search"), at <https://officialguide.lsac.org/release/ugpsat/ugpsat.aspx>.
36. See LSAC website ("Applying to Law School"), at <https://www.lsac.org/jd/applying-to-law-school/whom-to-admit>.



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