

# LAW AND EDUCATION



# Law School admissions



# Characteristics

- Uniform
- Numbers game: LSAT and GPA.
- Tough to get in.
  - More than 5000 applicants in Ontario. Only 1500 got in.
  - 3 out of 10 applicants get in.
- Inconsistency (contradiction) between what they say and what they do.
  - E.g., why you want to study law.
- Elitist (discriminatory against minorities).
- Expensive (4 years of undergraduate education plus application, fees, LSAT prep course, etc.).

# Requirements

## **The hard factors**

- LSAT
- GPA (undergraduate degree)

## **The soft factors**

- Essay/personal statement
- Letters of recommendation
- Interview (optional)

## **Diversity**

# Requirements: LSAT

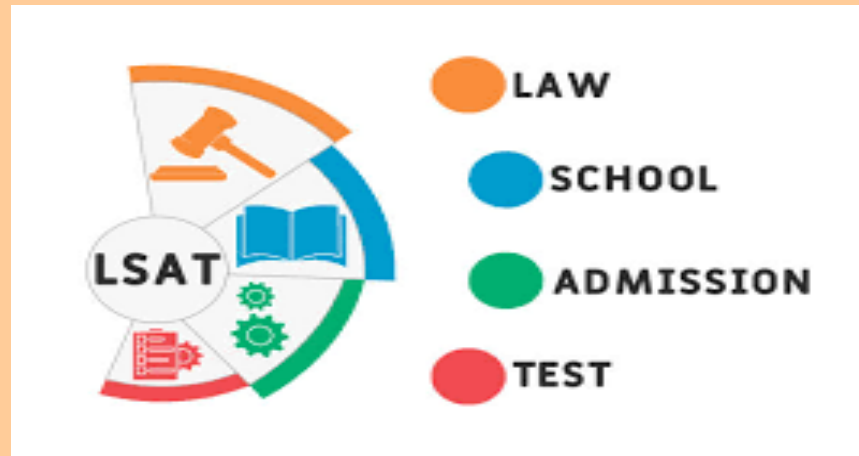
- Five 35-minute sections of multiple-choice questions.
- Four of the five sections are scored.
- The unscored section is used to pretest new test questions.
- A 35-minute writing sample is administered at the end of the test. The writing sample is not scored. Law schools receive a copy of the writing sample.
- A total of 100-101 questions

# Requirements: LSAT

- Reading Comprehension Questions
  - Goal: to measure the ability to read, with understanding and insight.
  - 4 sets of reading questions.
- Analytical Reasoning Questions (Games)
  - Goal: to measure the ability to understand a structure of relationships and to draw logical conclusions about that structure.
  - Skills: deductive reasoning from a set of statements and rules or principles that describe relationships among persons, things, or events.
- 2 sets of Logical Reasoning Questions (Arguments)
  - Goal: to analyze, critically evaluate, and complete arguments.
  - Read and comprehend a short passage, then answer a question about it.
  - Skills: to drawing conclusions, reasoning by analogy, applying principles or rules, and identifying argument flaws.

# Requirements: LSAT

- One experimental section, which can be any of the above; it is not scored, but merely used by the LSAT authorities to test new questions for future tests. The student is not told which section of the exam is experimental.
- One writing sample, which is not scored but is provided to the law school. There are two possible writing samples: A Decision prompt and an Argument prompt. In the Decision prompt, the student is given an argument as well as two positions, and then asked to present an essay in favor of one position. In the Argument prompt, the student is given an argument and then asked to critique that argument. The time limit for either prompt is 35 minutes.





# Requirements: LSAT

- Raw score: the number of questions answered correctly.
- No deduction for incorrect answers.
- All individual questions have the same weight.
- Raw scores are converted to an LSAT scale that ranges from 120 to 180 (equating; i.e., a method that adjusts for minor differences in difficulty between test forms).
- Reports: Score, average score (if taken more than once), band (estimate of proficiency level), percentile rank (the percentage of candidates scoring below the reported test score).



# LSAT: Criticism

- No connection between a high LSAT score and high intellectual skills.
- No connection between doing well on the LSAT and between doing well on Law School.
- No connection between doing well on the LSAT and a successful professional practice.
- Culturally biased.
  - E.g., for African American students the mean score students is 17% lower than for whites.
- Only in English. Not in French or Spanish (except for Puerto Rico).
- Why used so widely? It guarantees that those who subject to all the arbitrariness of the test will also subject to the arbitrariness of law school and legal practice.

# Undergraduate degree

## Skills

- Problem Solving Skills
- Preparing arguments
- Logical reasoning
- Critical Reading
- Critical and analytical thinking
- Writing Skills
- Oral Communication / Listening Abilities
- General Research Skills
- Task Organization / Management Skills
- Public Service and Promotion of Justice
- General knowledge (history, math, human behaviour, social interaction, political thought, diverse cultures)

# Essay

- Why they wish to attend law school.
- What qualities they think they will bring.
- Achievements in extracurricular, community, and employment activities
- Candidates who, despite economic, cultural, racial, or ethnic disadvantages, have made exceptional contributions to the community or who have shown exceptional capacity (academic) to respond to challenges, may be given special consideration.
- Applicants have to tell their story, with an eye to the opportunity they are seeking.
- Applicants have to explain how the specific opportunity for which they are applying will connect their past achievements with their future goals.
- **Ultimate test:** We welcome applications from individuals who have demonstrated, through the length and quality of their nonacademic experience, **an ability to successfully complete the JD program.**

# Essay

- The goal of the statement is to show that you have the (academic and non-academic skills) to succeed in Law School, i.e., that you are prepared to do well in law school.
- This preparation for law school must come mainly (but not exclusively) from university. For example, do not say that you learned a lot in your job or in an internship. The admissions committee will not like this. They need to make sure that you learned at school.
- Your extra-curricular activities must support your academic preparation for law school.
- You need to tell them why you want to attend the law school you are applying to. There must be a connection between your background and something about the law school, ideally something that is not obvious, i.e., that no one else can claim.

# Essay

- The first paragraph must clearly show the message of the personal statement (i.e., you are prepared to succeed in Law School). Ideally, you should tell this through an engaging story. But if you can't then, it is not a must.
- Never start by saying that you always wanted to be a lawyer or a variation of this. Everybody else does so.
- Don't write about the type of practice you intend to pursue after you graduate. Remember, the admissions committee wants to see if you are prepared to succeed in Law School, not whether you will be a successful lawyer.
- Be authentic. It is easy to spot inauthenticity. Be careful about your online profile and social media activity if they do not coincide with your story.

# Essay

- Show that you have unique and special abilities that are relevant for studying at law school. Show that what you bring to law school is unique.
- Don't rehash your resume or transcripts.
- Show passion. When you talk about your dreams and hopes, it is easier to be authentic and passionate. But only talk about your dreams and hopes if they are relevant to the study of law and if they help advance your message to the law school, i.e., that you have the (academic and non-academic skills) to succeed in Law School.

# Letters of recommendation

- Academics. Tenured or tenured track professors with Ph.Ds.
- Letters have to tell the same story.
- But at the same time, they should provide information that isn't found elsewhere and that complements the story.
- The best letters are written by faculty who know you, from whom you have taken multiple classes and/or have completed substantial projects and/or have received very positive evaluations.
- Professors provide insight into your academic competencies and aptitude as well as personality characteristics that may contribute to your potential to succeed in Law School, such as motivation, conscientiousness, and timeliness.



# Diversity

- Gender.
- Ethnic, racial, cultural, and socio-economic backgrounds.
- Different regions.
- International students.
- Languages.
- A range of academic disciplines, careers, and extracurricular experiences.

# Law School Interview Strategies



- Preparation: Know your questions and your answers. You can be asked standard questions and questions about your entire application.
- Remember the main message your file conveys. When asked a tough question, do as politicians do: stay on message.
- Make them feel special without being obvious about it. Make sure you know why you want to go to that particular law school.
- Ask smart questions. Preparation is key. Don't ask about information that is posted on the school's website. Do your research.
- Send your interviewers a thank-you email.

Hi Dr. Hermida:

I did a bad interview for several reasons:

I did research prior to the interview to get to know something about everyone that was going to interview me and about the university so I could casually mention it during the interview to show that I did my homework--such a books or accomplishments they had done in the past--however, they were angry because it interrupted their plan, the flow, and speed of the interview. I also think they thought it was rude and that I took control and made everything go all over the place without control or order--the head speaker actually said these things

I had trouble hearing the names of some of the interviewers due to heavy accents and them turning their face away while they spoke causing me an inability to understand what their name was and me asking them to repeat their name two or three times--I should have simply moved on without really knowing what they said

I tried to acknowledge that the university was the first in Canada to start the mature student entry program in 1968 but they did not like my preventing the interview from proceeding and thought they had bad thoughts about me taking control of the interview--they just wanted me to sit there and let them control everything and answer questions in a relaxed and personable manner and to make them like me. The anger and bad feelings from these three incidents contaminated the entire interview

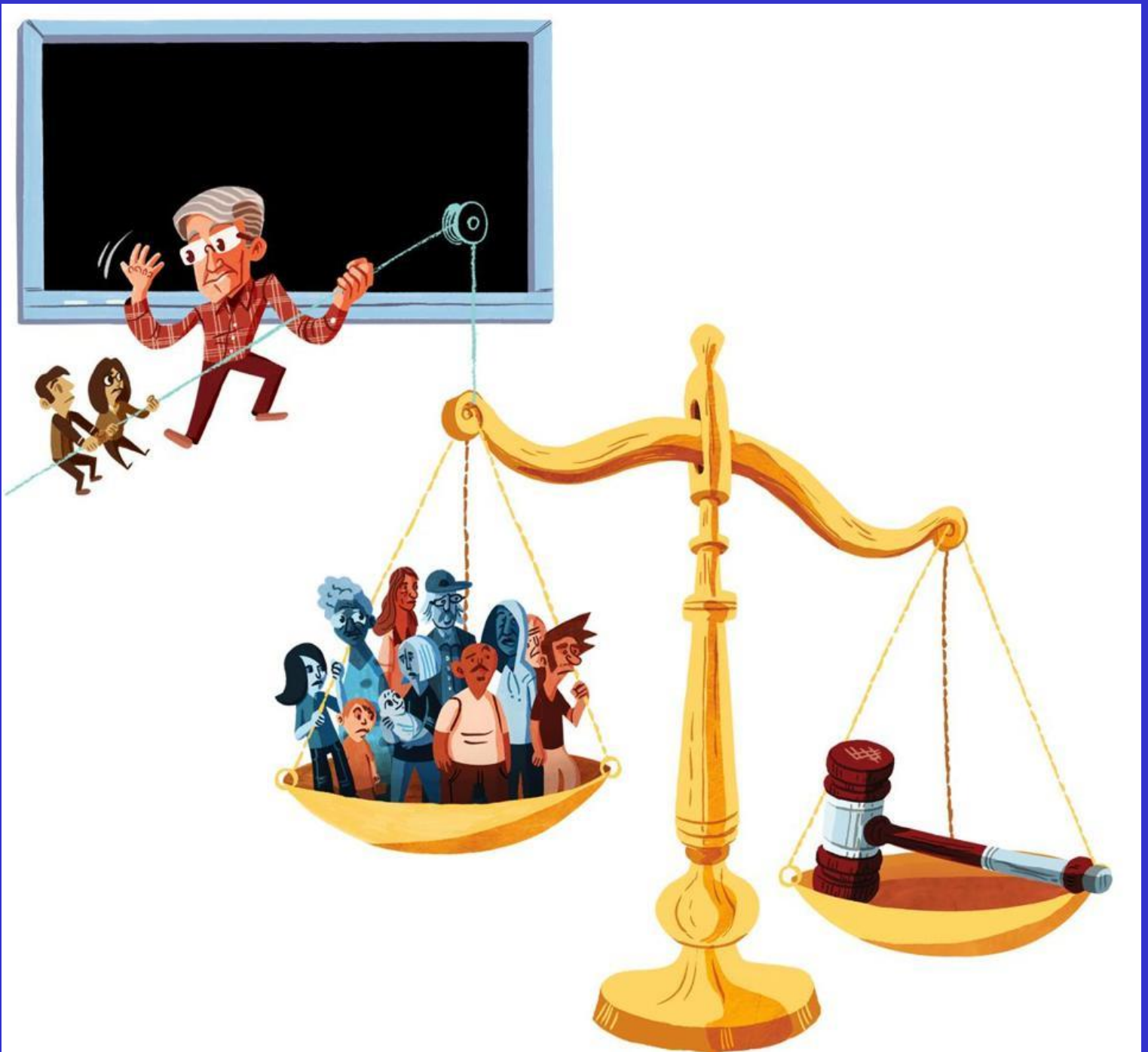
My interview plan was poorly structured due to a misconception. Can you please help me to better structure my interview plan for the other schools? You are the only person that I can talk to about this --Thank you for all of your help.

# Law School Interview Questions

- Tell us about yourself and what would make you a good fit for our Law School?
- In respect to diversity, what could you bring to the table with your background?
- You mention your extracurricular activities and how they have contributed to your growth, how could this be transferable to being in law school?
- We notice when you had started your undergrad program your marks were lower and then there was an improvement in your grades, could you explain this to us?
- Looking back on your undergrad career, how did you stay organized?
- Where do you see yourself in the next five years?
- How do you handle stress?
- If we made you the King/Queen of Canada for the day, what law would you change and why?

# Law School Interview Questions

- Upon completing the JD program, how would you use your degree/education obtained?
- What kind of law are you wishing to pursue?
- Can you tell us about a time where you had to work as part of a team/group, and if there were any struggles how were they resolved and what was the final outcome?
- What made you choose our school as one of your choices for law school?
- Why not pursue a career in medicine or another profession completely different from law, why choose law as your career choice?



# Nature of Law School education

- 3-year curriculum
- Uniform curriculum across all Canadian and US law schools.
- 1<sup>st</sup> year: courses required by Law Societies for the practice of law.
- Undergraduate nature of legal education:
  - No thesis.
  - No research (except for search of cases).
  - Minimum writing required.
  - Exams consist of solving cases (called essays).
- Divorce between classes and final exams worth 100% of final mark.



# Nature of Law School education

- Evaluation: Grading by the curve.
  - Closed book.
  - Blind grading.
  - Competitive atmosphere.
  - Professors don't talk to students in their offices before the exam.
  - Median grade:
    - A=20%
    - B= 30%
    - C=30%
    - D & F=20%

# Nature of Law School education

- Divorce between Law School curriculum and practice.
- Main learning outcome: to think like a lawyer.
  - Isolate legal issues, identify applicable rules, analyze the facts of the case, and reach conclusion.
  - To argue both ways.
  - Dysfunction: lawyers do not commit to any cause
  - Dysfunction: to ignore the experiences of marginalization and exclusion and to ignore the influence of social locations and social identities.
  - All courses have the same goal. No teaching on Criminal Law or Contracts, for example. Students never see a contract or learn Criminal Law.

# Nature of Law School education

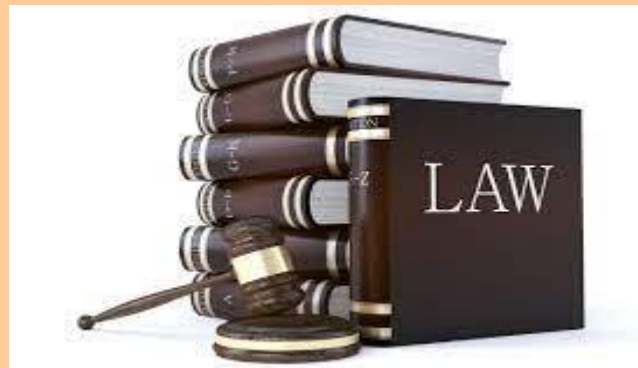
- Real purpose of law school education: to socialize students in the profession.
  - Instruction is limited to the analysis of edited appellate opinions.
  - Substantive content is considered irrelevant.
- Signature pedagogy: the Socratic method and the case method (Christopher Columbus Langdell)
  - This resulted in learning an ability, i.e., a skill, which is quite irrelevant for legal practice, e.g., no contract drafting, no selecting evidence, no cross-examination practice, no client counseling, etc.
- Law and Social Sciences
  - 1980's: pressure to connect legal rules to a wider social context. Emergence of Law and Social Sciences.
  - Result: Law and Social Sciences is meaningless for legal practice.

# Nature of Law School education

- Law and Social Sciences
  - 1980's: pressure to connect legal rules to a wider social context. Emergence of Law and Social Sciences.
  - Result: Law and Social Sciences is meaningless for legal practice.
  - Clinical legal education at the margins.
  - Now pressure from Law Societies to go back to basics (black letter law).
- University undergraduate programs in law
  - Prelaw or mini law. Teaches black letter laws. In Canada, it is relegated to colleges.
  - Legal studies (Sarat). Distinct discipline. Very few universities (Carleton University and some unknown, marginal universities, such as Algoma, Laurentian, Athabasca University, Univ of Ontario Institute of Technology, Nippising, etc.).

# Nature of Law School education

- University undergraduate programs in law
  - Prelaw or mini law. Teaches black letter laws. In Canada, it is relegated to colleges.
  - Legal studies (Sarat). Distinct discipline. Very few universities (Carleton University and some unknown, marginal universities, such as Algoma, Laurentian, Athabasca University, Univ of Ontario Institute of Technology, Nippising, etc.).
  - Law and Society. Interdisciplinary study of law. (York).
  - Criminal Justice.



# Law School: career paths

- 1L grades
- Summer internship
- Law Review
- 2<sup>nd</sup> year Summer internship
  - Recruiting occurs at the beginning of the 2L year (1L grades).
- 3<sup>rd</sup> year recruitment
- Law clerkship
- Big Law firm
  - Most major law firms hire students who participated in the firm's summer associate program after their 2L year. Recruiting occurs at the beginning of the 2L year, leaving 1L grades as the sole metric of academic achievement. Many prestigious law firms have “hard” GPA cutoffs for hiring law students for their summer positions: the most elite firms like to hire students with a 3.7 or higher (A- or 90).

# Admission to the bar





# Admission to the bar

- Educational prerequisites (credentials)
- Licensing process
- Licensing examination

# Admission to the bar: Credentials

- Graduation from an approved Canadian Law School (20 + 2 UdeM and Sherbrooke)
  - Graduates of International Law Schools (NCA certificate)
  - Lawyers from other Canadian provinces

# Admission to the bar: Licensing process

- Two licensing examinations
  - The barrister and solicitor examinations are self-study and open book examinations comprised of multiple-choice questions.
- Hands-on experiential training
  - Articling
  - Law Practice Program (8-month program at TMU or U of Ottawa).
- A good character requirement
- Licensure.

# Admission to the bar: Bar exam

- The barrister licensing examination assesses competencies in the following categories: Ethical and Professional Responsibilities; Knowledge of the Law (Ontario and Federal Legislation and Case Law); Establishing and Maintaining the Barrister-Client Relationship; Problem/Issue Identification, Analysis, and Assessment; Alternative Dispute Resolution; Litigation Process; and Practice Management Issues.
- The solicitor licensing examination assesses competencies in the following categories: Ethical and Professional Responsibilities; Knowledge of the Law (Ontario and Federal Legislation, Case Law, Policy, Procedures, and Forms); Establishing and Maintaining the Solicitor-Client Relationship; Fulfilling the Retainer; and Practice Management Issues.

# Admission to the bar: Bar exam

1. Terri, a lawyer, returns from vacation. When reviewing the trust account for her firm, she discovers that her partner has withdrawn money from the trust account to pay his personal taxes and then redeposited the amount into the trust account. What is Terri required to do to meet her professional responsibility obligations?
  - a. Report the incident to the Law Society of Ontario.
  - b. Report the incident to the firm's insurer.
  - c. Nothing, because the money has been returned.
  - d. Change office procedures to prevent a reoccurrence of this behaviour.

# NCA

- Institutional requirements
  - Recognized in the foreign jurisdiction.
- Substantive legal knowledge requirements
  - 5 mandatory courses (**only NCA exams or Canadian Law Schools**)
    - Canadian Administrative Law;
    - Canadian Constitutional Law;
    - Canadian Criminal Law;
    - Foundations of Canadian Law;
    - Canadian Professional Responsibility.
    - Legal research and writing

# NCA

- The remaining four Core Subjects are (only in a Common Law Jurisdiction, if not approved Canadian Common Law Program (J.D. or LL.B) or an LL.M. in substantive Canadian law).
  - Contracts
  - Property;
  - Torts; and
  - Business Organizations
- Length of academic program
- 3 years if not additional subjects **only through NCA exams or Canadian Law Schools**):
  - Civil Procedure
  - Commercial Law
  - Evidence



# NCA

- Length of academic program

3 years if not additional subjects **only through NCA exams or Canadian Law Schools**):

- Civil Procedure
- Commercial Law
- Evidence
- Family Law
- Remedies
- Tax Law
- Trusts

# NCA

- Mode of study
  - In person.
  - If not, 2 years of Canadian Law School. If unable, maybe NCA exams.
- Academic performance
  - Acceptable overall academic performance
  - Acceptable academic performance in core subjects (More than 5% over passing grade, e.g., 53/100).
- Age of degree
  - Graduated from law school within 5 years of application or practised law within the 5 years prior to application.
  - If not, for each 5 year period, up to 15 years: 1 additional subject from the Core Subject list will be assigned.

# NCA

- **Skills Competencies**
- Problem solving
- Legal research
- Oral and written communications
  - Language of instruction English (or French) in jurisdiction where official language is also English (or French).
  - If not, IELTS exam.

# NCA decisions

- Common Law
  - US: 5 courses plus other courses depending on their program of study.
  - England, Wales, Australia, New Zealand, Hong Kong: 1 to 2 years (some cases even 3 years).
  - India and Pakistan: 2 years
  - Bond students who have maintained an average of 65%+ and have no marks below 55%: no NCA exams.
- Civil Law and rest of the world
  - No recognition of foreign legal credentials

# NCA decisions

- **Assessment factor as a barrier to legal practice**
  - Most immigrant lawyers trained in developing countries do not apply for assessment of their foreign legal credentials.
  - No recognition for foreign legal credentials obtained in developing countries (civil law jurisdictions).
- **Other issues**
  - Similar grounds for denying foreigners as for denying women access to legal profession
  - Factors to be considered: language, marks, standing.
  - Courses: tax law, wills and estates, real estate law, aboriginal law and charter.
  - Canada: Only in 1960 requirement to attend law school to practice law.

# Big Law Firm careers: Path

- 1<sup>st</sup> year grades
- 1<sup>st</sup> summer job (wine and dine, not real work).
  - In Canada, only 5% of students get a summer job.
- Law review (top grades or essay competition)
- 2<sup>nd</sup> summer job
- Clerkship (4<sup>th</sup> year of Law School)
- Large law firm
  - On campus-Recruit interview
  - Limited lateral hiring
  - Prestige
  - 14% of lawyers work in large law firms (100+ lawyers)
  - Learn complex and sophisticated areas of law.

# Big Law Firm careers: Path

- Traditional career path: associates and partners.
- Salaries: \$130K to \$160 first year (Toronto), \$235 (New York)
- Only 16% of graduates are hired by big law firms. But 83% Columbia law school graduates get jobs in big law firms, and maybe 1% or less of graduates of other less prestigious law schools get hired.
- Work for large multinational corporations.
- Work for 8 years and become partner if you do a good job.

# Big Law Firm careers: Path

CLASS	SALARY	ANNUAL BONUS	TOTAL
1st Year	\$215,000	\$20,000	\$235,000
2nd Year	\$225,000	\$30,000	\$255,000
3rd Year	\$250,000	\$57,500	\$307,500
4th Year	\$295,000	\$75,000	\$370,000
5th Year	\$345,000	\$90,000	\$435,000
6th Year	\$370,000	\$105,000	\$475,000
7th Year	\$400,000	\$115,000	\$515,000
8th Year	\$415,000	\$115,000	\$530,000



# Big Law Firm careers: Path

- Billable hours: 2000 is the absolute minimum. 2400 hours expected (non-billable hours: 3000).
  - Quantity vs. quality
  - Repetition vs. creativity
  - Corporatization of law practice.
- Work both Saturdays and Sundays.
  - 60 hours a week.

# Big Law Firm careers: Path

- New divorce: You will make partner if you can bring in clients not if you are a good lawyer.
  - Bring in clients (rainmaker)
  - Create practices
  - Almost anyone can practice law, but only a few develop law practices
- Types of partners
  - Rainmaker: spends all (or most) of his or her time networking, having lunches, meeting people, and bringing in business.
  - Service partners: adds value to the firm by providing niche expertise in a specialized area of law.
  - Hybrid partners: brings good leadership skills, strong connections to the firm and within the local community, and the ability to supervise projects and associates with aplomb.

# Big Law Firm careers: Path

- New career path
  - Equity vs. income partners
- Female vs. male partners (17% of partners are women).
- Few partners from minority groups



# Legal education outside North America: Europe



# Legal education outside North America:

## Europe

- Undergraduate university education
- Lectures and alternative pedagogies
- Rigorous intellectual academic endeavour
- Focus on the laws of the nation-state (closed system).
- New tendency to focus on European law.
- Focus on codes, laws, and principles.
- Limited studies of case law.
- Study of other disciplines, such as history, sociology, economy, political science.
- Diversity of legal education in Europe (by country).

# Legal education outside North America:

## Europe

- The Bologna Declaration process. Erasmus.
- Law professors have prestige, but are not recruited from the same few universities.
- Chair system.
- Student T.A.s; some student researchers.
- Competition vs. tenure.
- Evaluation: 2 midterms (closed book), average
- Oral final exams.
- Final exam not always taken right after the end of the course. Sometimes taken after several years of finishing the course.
- Final exams taken without having taken the course (self-study).

# Law School professors



# Law School professors

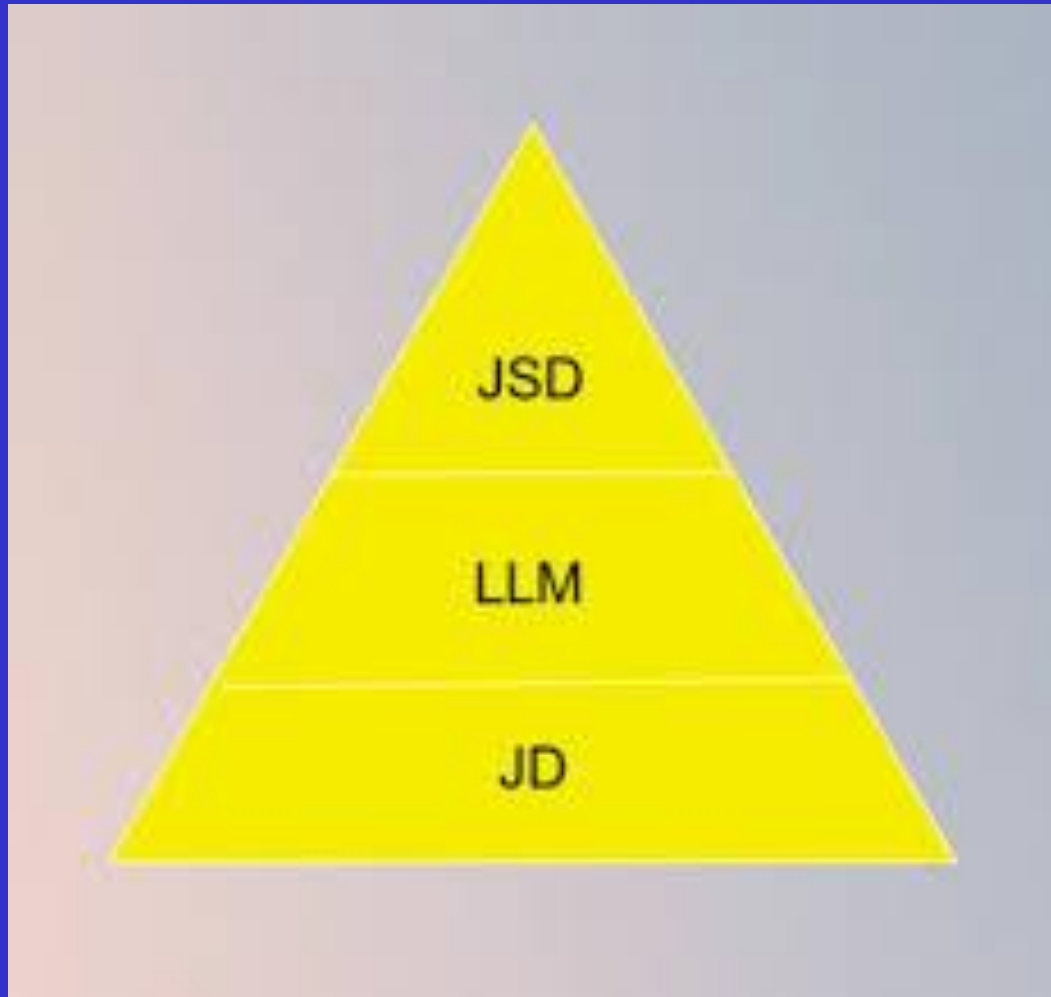
- Law School professors are practically the only ones who are not required to have a graduate degree or graduate education, i.e., they have never carried out research in their studies and have never written a thesis. The recruitment process of law professors is strongly influenced by the AALS in the United States and law schools invariably recruit professors from relatively recent graduates of a handful of Ivy League law schools. As a result, there is not much diversity in the faculty.



# Law School professors

- J.D. from Ivy League Law Schools, mainly Yale, Harvard, and Stanford, and then Chicago and Columbia.
- Most have around 2 to 3 years of legal practice (article and law firm or government organization).
- The AALS recruitment process: interview, campus invitation, job talk, interviews, meeting, dinner.
- Pressure to do research and publish, which they have never done, except for the publication of one or two law journal articles as students or recent graduates. Published articles are very important for the recruitment process.
- Pressure to base research on Social Science theories.
- No background on teaching and learning.
- In Canada, graduate degree in Law (LL.M. or JSD), preferably from US Ivy League Law Schools, or Ph.D. in a Social Science.
- Tenure and promotion system.
- Clinical legal education (non-tenure system).

# Law School professors



# Law School professors

