

How to Use Law School to Help You Become a Lawyer

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It may seem odd to single out the goal of “becoming a lawyer” as one to pursue through law school. It’s obvious, isn’t it? Yet, remarkably, law school is the only professional school that fails to incorporate routinely what you will do as a professional into its required curriculum. Dentists, doctors, clergy, teachers, social workers – all at some point in their professional training are supervised in the activity of integrating their classroom-taught skills of analysis and their acquisition of substantive knowledge into serving the needs of clients/patients/congregants. It’s understood that the classroom work culminates in the hands-on experience of learning the practice of (fill in the blank.)

Yet observers of legal education have noted that law schools do a great job of teaching students “how to think like a lawyer,” and less of a great job of teaching students how to act like one. WCL works harder than most institutions at integrating your awareness of the ethics, skills, and values of the profession into your first year and upper level classroom experiences. Our offerings in the “experiential learning” curriculum – our Clinical Program in which you represent clients in-house, our extensive Externship Program in which you work in various legal practice settings on site – exist to give you the chance to focus your classroom knowledge and lifetime smarts on the intellectually rigorous and emotionally satisfying process of practicing law. Indeed, experiential learning is not required to graduate from WCL. But we devote resources to enabling everyone who wants to avail herself of this opportunity to do so.

I am a clinical teacher (which means that I supervise our students’ cases in the clinic and teach classes in and outside the clinical program) but that does not make me necessarily a cheerleader for taking clinic. Instead, I suggest approaching your choices of courses in law school not so much from the perspective of “what to take,” but “what to learn;” again, from the perspective of what you will need to advance your goal of becoming a practicing lawyer. (Note that by “practicing lawyer” I mean any of many types of legal practices, in and outside of business law, including and excluding litigation. The skills to succeed in all are the same.) So here are my urgings on “what to learn,” with some suggestions on how to do it: (and of course, clinic figures loudly in my suggestions):

→ Learn to write. Sorry, but most law students can’t. It’s not your fault. Rarely has anyone taken the time to scrutinize your writing at the micro-level of sentence and paragraph. This is my number one priority for any law student. No matter what you have heard, there is no distinct category of “good legal writing:” good writing is universal, with characteristics that span professions and purposes. You can recognize good writing by several characteristics: reliance on simple sentences with identifiable subjects and active verbs; logical progression of sentences within a paragraph from topic sentence through exposition through conclusion; and logical structure of those paragraphs within the entire document.

•Places to learn to write (generally):

- Your upper level writing requirement. Consider it an opportunity, not a pain. I urge you to select a venue for your upper level writing requirement that will put you in close contact with a professor – an experienced writer - who will force you to submit and will comment extensively on an outline, a bibliography, and at least a first draft. A seminar through which you can fulfill your requirement is absolutely the best place in which to do so. A closely supervised independent study may also suffice, but you will miss the additional feedback that other students in a seminar can and often do provide. As attractive as writing for a law review may be, if it does not offer that kind of scrutiny, it will not help you improve your writing.
- Any clinical program (see below.)

→ Learn to write for an audience. Your upper level will solidify your skills in researching with primary and secondary source research, and in analysis and expository writing. Other settings for “good writing” consist of advocacy opportunities you will encounter in the practice of law. These opportunities focus on sensitizing you to what your audience will find most persuasive, and to how to deliver that persuasive message in writing. The opportunities include advocacy on behalf of clients to persuade a trial judge, administrative agency adjudicator or appellate panel. Other, non-litigative advocacy settings include those transactional settings in which you draft contracts for clients (your audience is your client and the other, contracting party, and perhaps some future adjudicator if things go wrong;) and legislative drafting.

•Places to learn to write for an audience:

- Trial practice seminars with drafting components (as distinct from trial advocacy courses, which provide definite skills but do not focus on writing;)
- Courses in appellate advocacy (as distinguished from moot court competitions, which do not focus expert attention on your writing. Peer review of advocacy writing is fine, but don't let moot court provide your sole opportunity for review.)
- Courses which require extensive contract or document drafting, outside the litigation context (see “planning and problem-solving,” below.)
- Most externship placements will require you to provide targeted writing that your externship supervisor can use in court or in some other advocacy activity on behalf of the law office's clients.
- Any clinical program (see below).

→ Learn to speak to an audience. Lawyers speak to audiences on behalf of clients all the time: in courts and administrative agencies, of course, but also at public

hearings, and in presentations to their clients and to the community. The appellate advocacy courses and trial advocacy courses mentioned above offer structured venues within which to learn techniques of presentation on behalf of a client to a defined audience. As does any clinical program (see below.)

→ Learn to (refine your skills in) reading codes. Your first year focuses on reading appellate cases. These are important, but most lawyers spend most of their time reading statutes and regulations. Many of our non-required, but credit heavy courses – Administrative Law, Federal Personal Income Tax – will expose you not only to close reading of legislative or regulatory text, but to the policies underlying these critical structures. While of course I must recommend to students interested in Business Law that they take Business Associations, I urge you not to neglect the skills as well substantive knowledge that these code courses can provide. (And we read a lot of codes in our clinical programs.)(see below.)

→ Learn to exercise the skills of planning and problem-solving/goal definition. The skill of defining a client's problem or goals and collaborating with a client on finding solutions transcends every practice of law. It is particularly important in transactional law, in which the goal is often to avoid crises through careful advance planning. WCL offers several excellent, intensive seminars based on complicated simulated problems drawn from "real life," in which students collaborate in teams (another critical skill!) to produce extensive portfolios and and project proposals for particular projects. Our land use seminars come to mind as a good example. As does any clinical program (see below.)

→ Learn to exercise the skill of listening, absorbing, and reflecting back what you have heard. This seems basic. Yet the best lawyers are those who truly listen to and absorb what whoever is on the opposite end of the conversation has to say. It could be a client, an opposing counsel, an adjudicator of any kind, a witness, a grantor – the list is endless. It's not about you and how impressive you may sound. It's about how much you can get the other person(s) to say, and about how you use the explicit and implicit information from that communication to advance your client's goals.

- Places to learn: of course, any of your classes! But particularly, any simulation course which hones in on the skills of interviewing and counseling, or of lawyer bargaining, which highlight the importance of listening. As will any clinical program (see below.)

→ Places to learn to acquire all these skills: here is where I stop pretending. Of course, I believe that the place in the law school curriculum that integrates all these basic "lawyering skills" is the experiential learning program, which includes our externship placements, our "live client" clinical programs, and our "live client" advocacy offerings outside our Office of Clinical Programs. You may navigate your entire WCL career without choosing some client-focused offering, and receive excellent exposure to training in all of the skills I have

described. But externship and clinical seminars, which integrate rigorous classroom work with fieldwork, offer a laboratory within which to acquire and practice all these skills.

Clinic seminars use readings and simulations to train you in core lawyers' skills such as interviewing, counseling and negotiation, which you carry over into your work with your clients. Virtually all clinical experiences shine a laser light on your writing. Whether you write research memos, contracts, interrogatories, briefs or motions in your clients' cases, you can be sure that they will return over and over again with questions about your choice of words, of sentence structure, and of argument. All clinics will put you in situations in which you will make oral presentation of some type, for which your clinic supervisors and peers will moot you. Rather than provide an escape from the classroom, clinics offer a classroom context within which to assess your goals for your practice of law.

I hope this essay has not violated one of my first principles: always consider your audience. I apologize for the excessive length. You have an exciting breadth of choices ahead of you – and we are available to help you luxuriate in them.