

## **Preparation for Legal Education**

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

- Skills & Values
- Analytical & Problem Solving Skills
- Critical Reading Abilities
- Writing Skills
- Oral Communication & Listening Skills
- General Research Skills
- Task Organization & Management Skills
- The Values of Serving Others and Promoting Justice
- Knowledge
- Conclusion

Students who are successful in law school, and who become accomplished lawyers or use their legal education successfully in other areas of professional life, come to their legal education from widely differing educational and experiential backgrounds. As undergraduate students, some have majored in subjects that are traditionally considered paths to law school, such as history, English, philosophy, political science, economics or business. Other successful law students, however, have focused their undergraduate studies in areas as diverse as art, music theory, computer science, engineering, nursing or education. Many law students enter law school directly from their undergraduate studies and without having had any substantial 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 those life experiences.

Thus, the ABA does not recommend any particular group of undergraduate majors, or courses, that should be taken by those wishing to prepare for legal education; developing such a list is neither possible nor desirable. The law is too multifaceted, and the human mind too adaptable, to permit such a linear approach to preparing for law school or the practice of law. Nonetheless, there are important skills and values, and significant bodies of knowledge, that can be acquired prior to law school and that will provide a sound foundation for a sophisticated legal education. This

Statement presents the recommendations of the American Bar Association Section of Legal Education and Admissions to the Bar concerning preparation for a good law school experience.

Prospective law students should also consult closely with the prelaw advisor at their undergraduate institution. That individual may be able to assist current students in selecting courses or professors that will particularly assist in developing the skills and knowledge foundation that is emphasized in this Statement. Taking difficult courses from demanding instructors is the best generic preparation for legal education. The prelaw advisor can also assist current and former students in choosing law schools to which to apply that are appropriate in light of a prospective student's interests and credentials. Finally, prospective law students should also consult the publications and admissions personnel of the schools to which they are considering applying for any specific recommendations that individual schools may have concerning preparation for law school.

There are numerous skills and values that are essential to success in law school and to competent lawyering. There also is a large body of information that law students, and attorneys, should possess. The three or four years that a student spends in obtaining a quality legal education can and do provide much of the information that a lawyer needs. Good legal education also aids in developing the many skills and values essential to competent lawyering. Sound legal education, however, must build upon and further refine skills, values and knowledge that the student already possesses. Even though a student may well be able to acquire in law school some specific fundamental skills and knowledge that the student's pre-law school experience has not provided, the student who comes to law school lacking a broad range of basic skills and knowledge will face an extremely difficult task.

### **Skills and Values**

The core skills and values that are essential for competent lawyering 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. Thus, individuals who wish to prepare adequately for legal education, and for a career in law or for other professional service that involves the use of lawyering skills, should seek educational, extra-curricular and life experiences that will assist them in developing those attributes. Some brief comments about each of the listed skills and values follow.

#### Analytic and Problem Solving Skills:

Students should seek courses and other experiences that will engage them in critical thinking about important issues, that will engender in them tolerance for uncertainty, and that will give them experience in structuring and evaluating arguments for and against propositions that are susceptible to reasoned debate. Students also should seek courses and other experiences that require them to apply previously developed principles or theories to new situations, and that demand that they develop solutions to new problems. Good legal education teaches students 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. The law school experience will develop and refine those crucial skills, but one 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 law students and lawyers do involves careful reading and sophisticated comprehension of judicial opinions, statutes, documents, and other written materials. As with the other skills discussed in this Statement, the requisite critical reading abilities may be acquired 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 not be the first time that a student has been rigorously engaged in the enterprise of carefully reading and understanding, and critically analyzing, complex written material of substantial length. Potential law students should also be aware that the study

and practice of law require the ability to read and assimilate large amounts of material, often in a short period of time.

#### Writing Skills:

Those seeking to prepare for legal education 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 provides 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, should be acquired and refined before one enters law school. Those preparing for legal education should seek as many experiences as possible that will require rigorous and analytical writing, 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 success in law school and the practice of law. Lawyers also must have excellent listening skills if they are to understand their clients and others with whom they must 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, individuals should seek to develop their basic speaking and listening skills, such as 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, an individual need not have developed any familiarity with these specific skills or materials before entering law school. However, the individual who comes to law school without ever having undertaken a project that requires significant library research and the analysis of large amounts of information obtained from that research will be at a severe disadvantage. Those wishing

to prepare for legal education should select courses and seek experiences that will require them to plan a research strategy, to undertake substantial library research, and to analyze, organize and present a reasonably large amount of material. A basic ability to use a personal computer is also increasingly important for law students, both for word processing and for computerized legal research.

#### Task Organization and Management Skills:

The study and practice of law require the ability to organize large amounts of information, to identify objectives, and to 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, frequently over relatively brief periods of time. Thus, those entering law school must be prepared to organize and assimilate large amounts of information in a manner that facilitates the recall and application of that 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. Those thinking of entering this profession would be well served by having some significant experience, before coming to law school, in which they devoted substantial effort toward assisting others. Participation in public service projects or similar efforts at achieving objectives established for common purposes can be particularly helpful.

## **Knowledge**

In addition to these fundamental skills and values, there are some basic areas of knowledge that are important to a sophisticated legal education and to the development of a competent lawyer. As law becomes more pervasive in our society, an increasingly broad range of knowledge and information from other disciplines become relevant to lawyering and to any full understanding of the legal system. Some of that knowledge, particularly that most directly relevant to particular areas of the law, can be acquired in law school or when necessary for a particular project.

There are, however, generic types of knowledge that one should possess in order to have a full appreciation of the legal system in general, to understand how disputes might be resolved, to understand and apply various legal principles and standards, and to appreciate the context in which a legal problem or dispute arises. Some of the types of knowledge that are most useful, and that would most pervasively affect one's ability to derive the maximum benefit from legal education, include the following:

- + A broad understanding of history, particularly American history, and the various factors (social, political, economic, and cultural) that have influenced the development of the pluralistic society that presently exists in the United States;
- + A fundamental understanding of political thought and theory, and of the contemporary American political system;
- + A basic understanding of ethical theory and theories of justice;
- + A grounding in economics, particularly elementary micro-economic theory, and an understanding of the interaction between economic theory and public policy;
- + Some basic mathematical and financial skills, such as an understanding of basic pre-calculus 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, and of the increasing interdependence of the nations and communities within our world.
- + As law has become more woven into the fabric of our society, and as that society is increasingly influenced by disparate national and global forces, a broad knowledge base is essential for success in law school and for competence in the legal profession. Knowledge of specific areas of law can and will be acquired during a good legal education, but students must come to law school with much fundamental knowledge upon which legal education can build. Thus, those considering law school should focus their substantive preparation on acquiring the broad knowledge and perspectives outlined above.

## **Conclusion**

The skills, values and knowledge discussed in this Statement may be acquired in a wide variety of ways.

One may take undergraduate, graduate, or even high school courses that can assist an individual in acquiring much of the requisite information, skills and perspectives.

One may also gain much of this essential background through self-learning (another essential lawyering skill), by reading, in the workplace, or through various other life experiences.

Moreover, it is not essential that everyone 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, one who begins law school having already acquired most of the skills, values and knowledge listed in this Statement will have a significant advantage and will be well prepared to benefit fully from a sophisticated and challenging legal education.